Rel: October 2, 2026

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# SUPREME COURT OF ALABAMA

**SPECIAL TERM, 2026**

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**SC-2026-0278**

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**Ex parte Corey Wallace**

**PETITION FOR WRIT OF MANDAMUS**

**(In re: Antavis Dewayne Thornton**

**v.**

**Corey Wallace)**

**(Montgomery Circuit Court: CV-24-900471)**

PER CURIAM.

On May 12, 2022, Antavis Dewayne Thornton, an inmate at Staton

Correctional Facility ("Staton") in Elmore, was attacked by two other inmates while in his prison cell. At the time of the attack, Corey Wallace, a correctional officer at Staton, was tasked with patrolling the area near Thornton's cell as well as manning a cubicle command center that controlled the doorways leading into and out of the dormitory where Thornton's cell was located.

Thornton sued Officer Wallace in his individual capacity in the Montgomery Circuit Court. In his second amended complaint, Thornton alleged that Officer Wallace had negligently, willfully, maliciously, fraudulently, or in bad faith allowed the inmates who attacked him to obtain entrance to his prison cell.

Officer Wallace eventually moved for a summary judgment in his favor on Thornton's claims against him, arguing that he was entitled to State-agent immunity because those claims arose from acts performed within the line and scope of his duties as a correctional officer. After the trial court denied his motion, Officer Wallace petitioned this Court for mandamus relief.

As explained below, the materials before us show that Officer Wallace demonstrated that no genuine issue of material fact existed as

to whether he was entitled to State-agent immunity in this case. Because we conclude that Officer Wallace has established a clear legal right to the relief he is seeking, we grant the petition and issue the writ.

## Facts and Procedural History

### I. The Attack on Thornton

In September 2021, Officer Wallace was assigned to Staton as a "Basic Correctional Officer," also known as a "Correctional Security Guard." As part of his duties, Officer Wallace served as a "rover" in F Dorm at Staton.

According to Staton's "Standard Operating Procedures" ("SOPs"), that meant that Officer Wallace was responsible for patrolling the dorm, "walk[ing] through the dormitory and watch[ing] for any unusual circumstances," "ensur[ing] that only those inmates authorized to be there are present," inspecting areas for maintenance needs, reporting any "unusual incidents," monitoring inmate behavior, conducting counts of inmates, upholding order and cleanliness, and other similar responsibilities. In addition, as with all correctional officers at Staton, Officer Wallace was responsible for visually inspecting the color-coded armbands worn by inmates to ensure that "inmates do not enter

unauthorized dorms."

The materials before us indicate that it takes "four officers" to "properly supervise F Dorm," but, because of staffing shortages when Officer Wallace was there, "there were never multiple correctional officers assigned to a dormitory." Instead, there was just one officer assigned per dormitory. That meant that, during his shift, Officer Wallace had to serve as both the cubicle[1] operator and the "rover" for F Dorm. According to Staton's SOPs, that meant that, in addition to his responsibilities as a rover, Officer Wallace also had to maintain the logs of all dorm activity and use the controls in "the cube" to open and close doors.

Officer Wallace testified that he was aware that Staton could be a dangerous place because, he said, "anybody could be assaulted" and fights occasionally broke out. He further testified that he broke up fights and "sometimes recovered knives that had been used in the fights." He also stated that the armband system, which was "intended to provide a security measure and track which prisoners belong to which

[1]According to the materials before us, this appears to be the command center for the F Dorm where Thornton's cell was located.

dormitories," did not always work.

On May 12, 2022, Officer Wallace was working in F Dorm, performing the duties of both a rover and a cubicle operator. It is undisputed that he was the only officer in the dorm at that time.

He yelled "chow call," signaling that inmates could leave the dormitory to eat. He then "entered the [cube] to open the doors to the dormitory and also document in the log that chow was called." Although Officer Wallace claims that it was his normal practice to then "stand by the opening door or stand in the middle so people could walk past [him]," Thornton claims that, when he opened the door from "the cube" and yelled "chow call," Officer Wallace remained inside "the cube" with his back to the open door.

Shortly after Officer Wallace yelled "chow call," Thornton says, two inmates from another dormitory entered F Dorm and began threatening him. One of them then stabbed Thornton in the back. As Thornton tried to defend himself, another inmate broke up the fight.

Thornton then made his way to "the cube" and told Officer Wallace that he had just been stabbed. Officer Wallace immediately "got on the radio," and the shift commander and a couple of other correctional officers

responded. They then helped Thornton walk to the healthcare unit where he received staples and sutures. He was later transferred to another correctional facility to ensure that he would not be near the inmates who had attacked him.

II. Thornton's Lawsuit Against Officer Wallace and Officer Wallace's Subsequent Motion for a Summary Judgment

As stated previously, following that incident, Thornton filed suit against Officer Wallace. In his second amended complaint, Thornton alleged that Officer Wallace had negligently, willfully, maliciously, fraudulently, or in bad faith allowed the inmates who attacked him to enter his jail cell by staying in "the cube" after yelling "chow call" rather than patrolling F Dorm.[2] In particular, Thornton alleged that Officer Wallace had been negligent by (1) failing to adequately patrol F Dorm to prevent the assault and (2) failing to check the armbands of inmates entering F Dorm after he said "chow call."

Following additional filings and discovery, Officer Wallace filed a motion for a summary judgment in which he argued, among other things,

[2]We note that Thornton did not allege a claim for relief under the United States Constitution -- that is, there is no claim alleged under 42 U.S.C. § 1983.

that he was entitled to State-agent immunity under Ex parte Cranman, 792 So. 2d 392, 405 (Ala. 2000).[3] Specifically, Officer Wallace argued that he was entitled to State-agent immunity because, he said, all of Thornton's allegations arose out of his position as a "Correctional Security Guard" and "the entirety of [Thornton's] case seems to rest on [his] allegations that [Officer Wallace] did not adhere to the procedures and regulations related to his position." According to Officer Wallace, no evidence exists that indicates that he willfully acted in a way that was contrary to Staton's SOPs or that he acted beyond the authority given to him under those SOPs. Rather, he said, the evidence obtained through discovery showed that he had made "every effort to perform his job duties" by (1) roving F Dorm and other dorms, (2) monitoring inmates' armbands, (3) controlling inmate movements with the controls in "the cube," and (4) maintaining a log of the events occurring in F Dorm at the time that Thornton was attacked. In support of his motion, Officer Wallace submitted, among other evidence, (1) a copy of Staton's SOPs for staff assigned to the F Dorm and the verification of inmate armbands, (2)

[3]Ex parte Cranman was a plurality decision; the restatement of State-agent immunity set forth in Ex parte Cranman was adopted by a majority of this Court in Ex parte Butts, 775 So. 2d 173 (Ala. 2000).

medical records and incident reports related to Thornton's assault, and (3) the parties' deposition transcripts.

In his response opposing Officer Wallace's summary-judgment motion, Thornton argued that the two exceptions to State-agent immunity applied in this case; specifically, he argued (1) that Officer Wallace had acted beyond the scope of his authority and (2) that Officer Wallace had been deliberately indifferent to a substantial risk of harm to Thornton and, thus, had violated Thornton's right under the Eighth Amendment to the United States Constitution to be free from cruel and unusual punishment.

As to the first exception, Thornton argued that State-agent immunity does not apply when an officer "'fail[s] to discharge duties pursuant to detailed rules or regulations, such as those stated on a checklist.'" (Quoting Giambrone v. Douglas, 874 So. 2d 1046, 1053 (Ala. 2003).) According to Thornton, the provisions in Staton's SOPs outlining Officer Wallace's duties as a rover and a cubicle operator constituted such a "checklist" and made clear that he was required to "continuously patrol the dormitory" and "visually inspect" armbands "to [ensure] that inmates do not enter unauthorized dorms." Because the evidence showed that, at

the time Thornton was attacked, Officer Wallace had done neither of those things, Thornton argued that Officer Wallace was not entitled to State-agent immunity.

As to the second exception, Thornton argued that Officer Wallace's conduct rose to the level of a constitutional violation in the form of "deliberate indifference to a known substantial risk of serious harm in violation of the Eighth Amendment." Specifically, Thornton argued that (1) Officer Wallace "knew that his failure to check prisoners' wristbands [and] monitor F Dorm posed a substantial risk of serious harm to prisoners in F Dorm"; (2) Officer Wallace "was deliberately indifferent to that risk [by] remaining in the control cubicle, failing to check wristbands, and failing to monitor F Dorm, allowing two unauthorized inmates to enter"; and (3) if Officer Wallace "had checked wristbands, he would have identified [the assailants] as unauthorized and prevented their entry." In support of his response, Thornton attached his own "statement of material facts."

In his reply to Thornton's response opposing his summary-judgment motion, Officer Wallace disputed that either Ex parte Cranman exception applied in this case. First, he argued that the SOPs were not

"so specific" that they removed all discretion in how he managed the "litany of duties that a rover and a cubicle officer are to perform while on duty." Second, Officer Wallace explained that Thornton could not show that he was actually, subjectively aware that his own conduct caused a substantial risk of serious harm to Thornton or that, even if he "actually knew of a substantial risk to inmate health or safety," he failed to reasonably respond to the risk.

Following a hearing, the trial court issued a two-sentence order denying Officer Wallace's summary-judgment motion. He then petitioned this Court for a writ of mandamus, and we ordered answers and briefs.

Standard of Review

We will grant a mandamus petition only when there is "'1) a clear legal right in the petitioner to the order sought; 2) an imperative duty upon the respondent to perform, accompanied by a refusal to do so; 3) the lack of another adequate remedy; and 4) properly invoked jurisdiction of the court.'" Ex parte U.S. Bank Nat'l Ass'n, 148 So. 3d 1060, 1065 (Ala. 2014) (citation omitted). While orders denying a summary-judgment motion are not typically reviewable by a mandamus petition, our Court has acknowledged an exception when the motion is "grounded on a claim

of immunity." Ex parte Ruffin, 160 So. 3d 750, 753 (Ala. 2014).

We review an order denying a summary-judgment motion de novo. See Nettles v. Pettway, 306 So. 3d 873, 875 (Ala. 2020). First, the movant must make a prima facie showing that no genuine issue of material fact exists and that the movant is entitled to a judgment as matter of law. See Blue Cross & Blue Shield of Alabama v. Hodurski, 899, So. 2d 949, 952-53 (Ala. 2004). If the movant does so, then the burden shifts to the nonmovant to present substantial evidence demonstrating that there is a genuine issue of material fact. See Powers v. Chadwell Homes, LLC, 413 So. 3d 707, 709-10 (Ala. 2024). When making our evaluation, we view the evidence in the light most favorable to the nonmovant. See Jefferson Cnty. Comm'n v. ECO Preservation Servs., L.L.C., 788 So. 2d 121, 127 (Ala. 2000).

Discussion

In his petition for a writ of mandamus, Officer Wallace argues that he is entitled to a summary judgment in his favor based on State-agent immunity because, he says, no genuine issue of material fact exists as to whether he was "discharging duties imposed" on him by Staton's SOPs at the time Thornton was attacked. According to Officer Wallace, because

Thornton failed to produce substantial evidence showing that either exception to State-agent immunity applies here, he is entitled to mandamus relief.

In reviewing similar cases, this Court has previously stated:

> "The restatement of State-agent immunity as set out in Ex parte Cranman, 792 So. 2d 392 (Ala. 2000), governs the determination of whether a State agent is entitled to immunity. This Court, in Cranman, stated the test for State-agent immunity as follows:
>
> > "'A State agent shall be immune from civil liability in his or her personal capacity when the conduct made the basis of the claim against the agent is based upon the agent's
> >
> > "'....
> >
> > "'(3) discharging duties imposed on a department or agency by statute, rule, or regulation, insofar as the statute, rule, or regulation prescribes the manner for performing the duties and the State agent performs the duties in that manner; or
> >
> > "'....
> >
> > "'Notwithstanding anything to the contrary in the foregoing statement of the rule, a State agent shall not be immune from civil liability in his or her personal capacity
> >
> > "'(1) when the Constitution or laws of the United States, or the Constitution of this State, or laws, rules, or regulations of this State enacted or

> promulgated for the purpose of regulating the activities of a governmental agency require otherwise; or
>
> "'(2) when the State agent acts willfully, maliciously, fraudulently, in bad faith, beyond his or her authority, or under a mistaken interpretation of the law.'

"Cranman, 792 So. 2d at 405. This Court has also stated:

> "'"This Court has established a 'burden-shifting' process when a party raises the defense of State-agent immunity." Ex parte Estate of Reynolds, 946 So. 2d 450, 452 (Ala. 2006). A State agent asserting State-agent immunity "bears the burden of demonstrating that the plaintiff's claims arise from a function that would entitle the State agent to immunity." 946 So. 2d at 452. Should the State agent make such a showing, the burden then shifts to the plaintiff to show that one of the two categories of exceptions to State-agent immunity recognized in Cranman is applicable. The exception being argued here is that "the State agent acted willfully, maliciously, fraudulently, in bad faith, or beyond his or her authority." 946 So. 2d at 452. One of the ways in which a plaintiff can show that a State agent acted beyond his or her authority is by proffering evidence that the State agent failed "'to discharge duties pursuant to detailed rules or regulations, such as those stated on a checklist.'" Giambrone v. Douglas, 874 So. 2d 1046, 1052 (Ala. 2003) (quoting Ex parte Butts, 775 So. 2d [173,] 178 [(Ala. 2000)]).'"

Ex parte Ruffin, 160 So. 3d at 753-54 (quoting Ex parte Kennedy, 992 So. 2d 1276, 1282-83 (Ala. 2008)) (footnote omitted; some emphasis added).

It is undisputed that Officer Wallace is a State agent who, at the time Thornton was attacked, was managing the confinement of prisoners in F Dorm pursuant to Staton's SOPs while serving as a rover and a cubicle operator. Neither party disputes that this is a function that would have entitled Officer Wallace to State-agent immunity. See Howard v. City of Atmore, 887 So. 2d 201, 206 (Ala. 2003) ("Categor[y] (3) … of [the Cranman] restatement [is] clearly broad enough to contemplate the confinement of prisoners, which is the conduct in controversy here." (emphasis omitted)). The burden thus shifted to Thornton to demonstrate that "'one of the two categories of exceptions to State-agent immunity recognized in Cranman is applicable.'" Ex parte Ruffin, 160 So. 3d at 754 (quoting Ex parte Kennedy, 992 So. 2d at 1282).

In his response to Officer Wallace's summary-judgment motion, Thornton argued that both exceptions to State-agent immunity applied in this case. Specifically, he argued (1) that Officer Wallace had acted beyond his authority by failing to discharge his duties pursuant to Staton's SOPs and (2) that his conduct rose to the level of a constitutional violation under the Eighth Amendment. We will address each exception in turn.

I. Whether Officer Wallace Acted Beyond His Authority By Failing to Discharge His Duties Pursuant to Staton's SOPs

As to the first exception, we note that "a plaintiff can show that a State agent acted beyond his or her authority … by proffering evidence that the State agent failed '"to discharge duties pursuant to detailed rules or regulations …."'" Ex parte Kennedy, 992 So. 2d at 1282 (quoting Giambrone, 874 So. 2d at 1052, quoting in turn Ex parte Butts, 775 So. 2d 173 at 178 (Ala. 2000)). Importantly, "[t]he rules and/or regulations must be sufficiently detailed so as to '"remove a State agent's judgment in the performance of required acts."'" Burton v. Hawkins, 364 So. 3d 962, 972 (Ala. 2022) (quoting Giambrone, 874 So. 2d at 1055, quoting in turn Ex parte Spivey, 846 So. 2d 322, 333 (Ala. 2002)).

According to Thornton, he presented the trial court with evidence showing that Officer Wallace had acted beyond his authority by failing to discharge duties imposed by Staton's SOPs governing (1) correctional officers serving as rovers when there is no assigned cubicle operator for F Dorm and (2) the inspection of inmate armbands.

In analyzing whether Thornton met his burden of showing that Officer Wallace had acted beyond his authority, the threshold question is whether those SOPs "set forth a sufficiently specific, mandatory duty

governing [Officer Wallace's] conduct … at issue in this case." Ex parte Herring, 391 So. 3d 865, 872 (Ala. 2023). If we determine that the SOPs did impose a sufficiently specific, mandatory duty on Officer Wallace, we must then ask whether Thornton presented substantial evidence demonstrating that Officer Wallace violated that duty. See id.

A. Whether the SOPs at Issue Set Forth Sufficiently Specific, Mandatory Duties

Before the trial court, Thornton argued that Officer Wallace had acted beyond his authority by failing to comply with the following specific provisions of SOP C-08-F -- the SOP that governs correctional officers serving as rovers when there is no assigned cubicle operator for F Dorm:

- "Rovers are to continuously patrol the dormitory during your tour of duty."
- "Rovers assigned to the dormitory will not be allowed to sit down during their tour of duty."
- "Rovers are to ensure they are making a Security Check of the entire dorm at least every (30) minutes (irregular times, not exactly every thirty minutes) and that this is documented in the log."
- "If there is no Cubicle Operator assigned, then the first Rover assigned will be responsible for keeping the log of all activities. They will continue with this added responsibility while having to adhere to the remainder of the Rover responsibilities (this means they won't just sit in the Cubicle doing the log, they are to patrol and control the

dormitory)."

(Emphasis added).

He also argued that Officer Wallace had acted beyond his authority by failing to comply with the following specific provisions of SOP E-49 -- the SOP that governs inmate armbands -- which states, in relevant part:

- "All Officers will be responsible [for] visually inspect[ing] these armbands to insure that inmates do not enter unauthorized dorms. All Officers will be expected to enforce this policy."

- "All Officers will be responsible for ensuring that inmates wear the armbands at all times."

- "Each inmate is expected to have his arm-band on for visible inspection at all times. Inmates will not be allowed to enter the dining facility or other areas without the arm-band being in place on the RIGHT wrist."

(Capitalization in original.)

As stated previously in this opinion, it is undisputed that Officer Wallace was acting as both a rover and a cubicle operator on the day that Thornton was attacked. As indicated above, SOP C-08-F requires "rovers" to (1) "continuously patrol" F Dorm, (2) conduct a security check of the dormitory at irregular, 30-minute intervals, and (3) act as a cubicle operator when one is not assigned to a dorm, which includes keeping a log of all activities and "adher[ing] to the remainder of the Rover

responsibilities."

We note, however, that that SOP does not detail how, when, and under what circumstances those duties must be performed, especially when the officer is performing multiple roles, as was the case here. See Shell v. Butcher, 339 So. 3d 226, 233 (Ala. 2021) (concluding that municipal-jail policy requiring that "a jail nurse must be notified" was not a sufficiently detailed rule "because the policy [did] not specify 'when, who or under what conditions a jail nurse must be notified'"). Similarly, SOP E-49 appears to provide even less guidance on how, when, and under what circumstances a correctional officer must visually inspect inmate armbands when the officer is performing multiple roles at one time.

In other words, both SOPs appear to leave room for the exercise of some discretion on the part of the correctional officer on duty, especially when the correctional officer is expressly required to perform multiple roles at one time. See Howard, 887 So. 2d at 208-09 (recognizing that the "beyond-authority" exception to State-agent immunity applies only when the "detailed rules or regulations" leave "no room for the exercise of judgment"). For instance, the language of SOP C-08-F expressly leaves discretion with the correctional officer when he or she is serving in

multiple roles, stating that when there is no cubicle operator, the rover must perform that duty but "won't just sit in the Cubicle doing the log." (Emphasis added.) This indicates that correctional officers like Officer Wallace are expected to sit in "the cube" for at least some of the time during their shift to log activity throughout the day.

Based on the foregoing, SOP C-08-F and SOP E-49 are not sufficiently detailed to qualify as a basis for applying the "beyond-authority" exception to State-agent immunity in this case. See Ex parte Ingram, 229 So. 3d 220, 229 (Ala. 2017) (recognizing that the "beyond-authority" exception does not apply when the "relevant guideline leaves room for the exercise of any discretion or professional judgment by the employee in relation to the particular circumstances with which the employee may be presented").

B. Whether Thornton Presented Substantial Evidence that A Fact Issue Existed as to Whether Officer Wallace's Conduct Violated SOP C-08-F and SOP E-49

Even assuming that the provisions in SOP C-08-F and SOP E-49 on which Thornton relied adequately detailed a particular course of action that Officer Wallace needed to take in monitoring and preventing unauthorized inmates from gaining access to other inmates in F Dorm,

Thornton did not present the trial court with substantial evidence demonstrating that Officer Wallace violated those SOPs.

Thornton contends that the above SOPs imposed two specific, mandatory duties on Officer Wallace while he was acting as both a rover and a cubicle operator on the day he was attacked. First, he contends that the SOPs for rovers specifically required that Officer Wallace not remain in "the cube" at chow call. Second, he contends that the SOPs specifically required Officer Wallace to check the armband of every prisoner entering F Dorm.

According to Thornton, Officer Wallace was inside "the cube" every time he saw Officer Wallace during his shift, and, he says, after opening the F Dorm door for chow call, Officer Wallace remained in "the cube" with his back to the open doorway instead of checking inmates' armbands as they exited the dormitory. Within seven minutes, Thornton alleges, two unauthorized inmates entered F Dorm and attacked him. Thornton contends that State-agent immunity "does not protect a guard who violates policies so specific that they remove his discretion and place him 'on notice that certain, specific acts are unacceptable.'" Thornton's answer at 18 (quoting Odom v. Helms, 314 So. 3d 220, 229 (Ala. 2020)).

Because Officer Wallace's conduct violated the above provisions of SOP C-08-F and SOP E-49, Thornton contends, Officer Wallace was not entitled to a summary judgment in his favor based on State-agent immunity.

Despite asserting that Officer Wallace was inside "the cube" every time he saw him, we note that Thornton also admitted during his deposition that he was not always watching Officer Wallace during his shift that day or at all times during the chow call. In fact, his testimony is that he saw Officer Wallace only intermittently. See Exhibit 15 to Officer Wallace's petition, p. 25 ("I wasn't constantly watching him, but from the beginning of his shift, every hour or so, I saw him in the cube.").

In contrast, Officer Wallace presented testimony from his deposition that, after he gave the chow call, he had to go into "the cube" to use the controls to release the inmates in F Dorm, including Thornton, from the dormitory. When asked where he would have physically been located when he gave the chow call, Officer Wallace testified as follows:

> "'A. I would step out of the cube, and I would go to this side (indicating) and this side (indicating) and start calling chow. And then stand by the opening door or stand kind of near it so -- I mean, in the middle so people could walk past me without running over me. Because there's a lot of people.

"'Q. And so normally -- were you told to stand outside the cube while chow was being called?

"'A. Not specifically, but it was assumed because ... that's how they could hear me.

"'....

"'Q. Do you know if you stood outside the cubicle on May 12, 2022, after you called chow?

"'A. I most likely stood outside the cubicle. I don't remember just staying in a cubicle calling for chow. That would be very difficult.

"'Q. Right. But after you called for chow and prisoners were exiting the housing dorm to go to chow, did you stand outside the cubicle?

"'A. Yes, sir, I usually always stayed outside the cubicle after calling chow.

"'Q. And do you recall that after calling for chow on May 12, 2022, did you stand outside the cubicle or stay inside the cubicle?

"'....

"'A. I stood outside the cubicle. I was walking around.'"

Exhibit 16 to Officer Wallace's petition, p. 61-63 (emphasis added). Officer Wallace then testified that, after he reentered "the cube," he began logging the activity for the day, another of his specified responsibilities.

Contrary to Thornton's assertions, none of those actions are beyond the scope of the authority granted to Officer Wallace under SOP C-08-F. If anything, Officer Wallace's actions were consistent with that SOP. Thornton's testimony did not rebut Officer Wallace's testimony that he "stood outside the cubicle" and "was walking around" at the time Thornton was attacked. (Emphasis added.)

With regard to Thornton's assertion that Officer Wallace's conduct violated SOP E-49 because, Thornton says, Officer Wallace failed to inspect the armband of every inmate in F Dorm, the only evidence that Thornton points to in support of his assertion is that Officer Wallace was allegedly in "the cube" when Thornton was attacked. Thornton contends that if Officer Wallace had been inspecting inmate armbands as the SOP requires, he could have prevented the inmates who attacked him from entering F Dorm.

We note, however, that SOP E-49 requires corrections officers only to "visually inspect" inmate armbands. When asked during his deposition how the inmates who attacked Thornton could have gained access to F Dorm, Officer Wallace responded that he believed that the inmates that attacked Thornton "either had [a armband] on" or "slid past [him] when

[he] was telling someone else not to enter." Exhibit 16 to Officer Wallace's petition, p. 58. He continued: "I can keep a bunch of them out, but one may slip. There's a lot of men and one guy patrolling one dorm." Id. (emphasis added). He further testified: "[W]hen I called for chow, only my dorm should have been in the yard. All the other dorms should have been put so how -- like -- I wouldn't expect that anybody else would be on the yard. They should have been already put up in another dorm." Id. Officer Wallace also testified that it was not uncommon for inmates to either remove their armbands entirely or switch them with other inmates in order to gain access to another dormitory. Thus, while SOP E-49 makes a correctional officer "responsible [for] visually inspect[ing]" armbands, it does not state that a particular correctional officer must personally check the armband of every inmate in the dorm. This makes sense because such a reading would be inconsistent with the provisions of SOP C-08-F governing the assignment of multiple roles to correctional officers like Officer Wallace.

Based on the foregoing, Thornton did not provide substantial evidence that a genuine issue of material fact existed as to whether Officer Wallace, who was working alone when Thornton was attacked,

"failed '"to discharge duties pursuant to detailed rules or regulations,"'" Ex parte Kennedy, 992 So. 2d at 1282 (citations omitted), or acted beyond his authority. We therefore conclude that this exception to State-agent immunity does not apply here.

II. Whether Officer Wallace's Conduct Rose to the Level of a Constitutional Violation Under the Eighth Amendment

Although Thornton failed to establish that a genuine issue of material fact existed as to whether Officer Wallace had acted beyond his authority, he also argues that a genuine issue of material fact existed as to whether the other exception to State-agent immunity applied here. In particular, Thornton argues that a genuine issue of material fact exists as to whether Officer Wallace's conduct rose to the level of a constitutional violation under the Eighth Amendment.

Before addressing the merits of Thornton's argument, we note that the United States Supreme Court has previously recognized that the Eighth Amendment "imposes [a] dut[y] on [prison] officials" to "'take reasonable measures to guarantee the safety of the inmates.'" Farmer v. Brennan, 511 U.S. 825, 832 (1994) (citation omitted). In particular, under the Eighth Amendment, prison officials have certain duties to protect prisoners from violence at the hands of other prisoners. See id. at 833.

However, a "'prison custodian is not the guarantor of a prisoner's safety,'" Purcell v. Toombs Cnty., 400 F.3d 1313, 1321 (11th Cir. 2005) (citation omitted), and "[i]t is not … every injury suffered by one prisoner at the hands of another that translates into constitutional liability for prison officials responsible for the victim's safety." Farmer, 511 U.S. at 834. It is a prison official's "deliberate[] indifferen[ce] to a substantial risk of serious harm to an inmate who suffers injury" that gives rise to an Eighth Amendment violation. Lane v. Philbin, 835 F.3d 1302, 1307 (11th Cir. 2016). Thus, to survive summary judgment on this type of claim, a plaintiff must produce substantial evidence of "'"(1) a substantial risk of serious harm; (2) the defendants' deliberate indifference to that risk; and (3) causation."'" Marbury v. Warden III, 180 F.4th 1349, 1356 (11th Cir. 2026) (citations omitted).

It does not appear that our Court has ever directly addressed these elements in the context of State-agent immunity. We note, however, that the United States Court of Appeals for the Eleventh Circuit has addressed these elements many times in the context of federal Eighth Amendment claims brought under 42 U.S.C. § 1983 against prison officials acting under the color of state law. While those decisions are not

binding on this Court, we certainly find them persuasive in addressing Thornton's arguments regarding why this exception to State-agent immunity applies in this case.

A. Substantial Risk of Serious Harm to Thornton

Thornton argues that he faced a substantial risk of serious harm at Staton because the facility had a well-documented history of inmate-on-inmate violence. He does not contend that there was a substantial risk of serious harm from a specific threat to him personally but, instead, rests his argument in support of this element on the fact that there was a risk of generalized prison violence at Staton. In support of his assertions, Thornton points to the collection of incident reports that he submitted with his response to Officer Wallace's summary-judgment motion, which detailed the inmate-on-inmate violence at Staton, as well as his own enumerated list of material facts that highlighted Staton's reputation for violence, severe staffing shortages, dorm overcrowding, dorm operational procedures, and the events that occurred on the day of his attack.

The Eleventh Circuit Court of Appeals has previously explained that, for the substantial-risk-of-serious-harm element to be met based on a generalized risk of violence, a plaintiff must demonstrate that such

violence is "'the norm or something close to it.'" Marbury v. Warden, 936 F.3d 1227, 1234 (11th Cir. 2019) (quoting Purcell, 400 F.3d at 1322). Although "'occasional isolated attacks by one prisoner on another may not constitute cruel and unusual punishment, …. confinement in a prison where violence and terror reign is actionable.'" Id. (citation omitted). When "inmate-on-inmate violence occur[s] regularly" and "the violence [is] severe enough to require medical attention and even hospitalization on occasion," the Eleventh Circuit Court of Appeals has said that there is a question of fact as to whether a substantial risk of serious harm exists. Hale v. Tallapoosa Cnty., 50 F.3d 1579, 1583 (11th Cir. 1995).

Although there is no clear threshold for what constitutes "regular" violence, see id., a plaintiff can point to "specific features of a facility or its population rendering it particularly violent." Marbury, 936 F.3d at 1235. Those specific features include pervasive staffing and logistical issues that render prison officials unable to address near-constant violence, tensions between different subsets of a prison population, and unique risks posed by individual prisoners or groups of prisoners because of characteristics like mental illness. See id.

By way of example, we note that, in Harrison v. Culliver, 746 F.3d

1288 (11th Cir. 2014), the plaintiff provided evidence of 33 incidents of inmate-on-inmate violence involving weapons over the span of 3 1/2 years, 4 of which occurred in the same hallway where the plaintiff was assaulted, in a prison that housed between 830 and 990 inmates. In concluding that the plaintiff's evidence was insufficient to satisfy the substantial-risk-of-serious-harm element, the Eleventh Circuit Court of Appeals explained:

> "Although assaults did occur throughout [the facility], and some did involve weapons fashioned out of a utility knife, box cutter, or razor, the evidence of inmate-on-inmate assault involving weapons does not … indicate that inmates were 'exposed to something even approaching the constant threat of violence.' See [Purcell v. Toombs Cnty., 400 F.3d 1313,] 1321 [(11th Cir. 2005)] (internal quotation marks omitted). [The facility] is a large institution … and the thirty-three incidents involving weapons, only four of which occurred on the back hallway, are hardly sufficient to demonstrate that [the facility] was a prison 'where violence and terror reign.' See id. at 1320 (quoting Woodhous v. Virginia, 487 F.2d 889, 890 (4th Cir.1973))."

746 F.3d at 1299-1300 (footnote omitted; emphasis added).

Similarly, in Marbury v. Warden, supra, the plaintiff asserted that, before he was stabbed, he had personally witnessed 15 apparently gang-related inmate stabbings and had sent a written request to the warden asking to be moved to another dorm because, he said, his dorm was an

"'over-rated gang affiliated block.'" 936 F.3d at 1231. Noting its prior decision in Harrison, supra, the Eleventh Circuit Court of Appeals found that the plaintiff had "presented far less evidence about the level of violence than the evidence presented in Harrison that [the court had] found 'hardly sufficient' to establish deliberate indifference to a substantial risk of serious harm." Id. at 1234-35. Specifically, the court found that the plaintiff had "failed to produce evidence that he was in an environment so beset by violence that confinement, by its nature, threatened him with the substantial risk of serious harm." Id. at 1235 (emphasis added).

Based upon this Eleventh Circuit precedent, the parties disagree about whether there is a genuine issue of material fact that the substantial-risk-of-serious-harm element can be met based on a generalized risk of violence in this case.[4] However, for purposes of this

[4]For instance, Thornton presented undisputed evidence of Staton's well-documented history of inmate-on-inmate violence, including in the time leading up to the attack on him. However, Thornton does not explain how the nature of any of the referenced incidents shows that there is a generalized risk of violence at Staton or elaborate on how any of those incidents indicate a particularized concern or problem regarding the safety of F Dorm. Thornton also did not present any evidence of violence or threats of violence toward himself, toward any particular group to which he belonged, or toward F Dorm residents. Although

opinion, we need not decide this question and will assume, without deciding, that Thornton has met this element.

B. Deliberate Indifference by Officer Wallace

Assuming that Thornton has established that a generalized risk of prison violence at Staton posed a substantial risk of harm to him, he still must demonstrate that Officer Wallace was aware of and acted with deliberate indifference toward such a risk of serious harm from inmate-on-inmate violence.

The United States Supreme Court has previously explained that an officer acts with deliberate indifference when the officer "knows of and disregards an excessive risk to inmate health or safety." Farmer, 511 U.S. at 837. The Eleventh Circuit Court of Appeals has also explained that the deliberate-indifference standard "has two components: one subjective and one objective." Caldwell v. Warden, FCI Talladega, 748 F.3d 1090,

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Thornton did present evidence indicating that Staton had been experiencing staffing shortages during the time that Thornton was attacked, it is not clear that he produced evidence of (1) pervasive staffing and logistical issues that rendered prison officials, including Officer Wallace, unable to address the violence at Staton; (2) tensions between different subsets of the prison population; or (3) unique risks posed by individual prisoners or groups of prisoners because of characteristics like mental illness.

1099 (11th Cir. 2014).

i. The Subjective Component

First, "[t]o satisfy the subjective component, a plaintiff must produce evidence that the defendant 'actually (subjectively) knew that an inmate faced a substantial risk of serious harm.'" Caldwell, 748 F.3d at 1099 (citations omitted). In other words, the defendant official "must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference." Farmer, 511 U.S. at 837.

"'Whether a prison official had the requisite knowledge of a substantial risk is a question of fact subject to demonstration in the usual ways, including inference from circumstantial evidence.'" Hale, 50 F.3d at 1583 (quoting Farmer, 511 U.S. at 842); see also Lane, 835 F.3d at 1308 ("Inferences from circumstantial evidence ... can be used to show that a prison official possessed the necessary knowledge." (citing Caldwell, 748 F.3d at 1099)). "Thus, 'a [court] may conclude that a prison official knew of a substantial risk from the very fact that the risk was obvious.'" Hale, 50 F.3d at 1583 (quoting Farmer, 511 U.S. at 842).

Thornton argues that Officer Wallace knew that Staton was a

dangerous place that had a history of inmate-on-inmate violence. He further argues that, "based on the SOPs and commonsense, [Officer Wallace knew] that leaving an open dormitory doorway unmonitored in a prison replete with violence would allow for inmate assaults." Thornton's answer at 33.

However, the law in this area is clear: "To satisfy the subjective component, a plaintiff must produce evidence that the defendant 'actually (subjectively) kn[ew] that an inmate [faced] a substantial risk of serious harm.'" Caldwell, 748 F.3d at 1099 (citation omitted). Although Officer Wallace testified that he was aware that Staton could be a dangerous place because, he said, "anybody could be assaulted" and fights occasionally broke out, he argues that he did not possess facts that would reasonably indicate that he knew that Thornton or any other inmate in F Dorm was in danger by any inmate or group of inmates before the incident underlying this case. We need not resolve this dispute for purposes of this opinion and will assume, without deciding, that Thornton has met this component.

ii. The Objective Component

Next, to meet the objective component, a plaintiff must produce

evidence indicating that the defendant disregarded the known substantial risk by failing to respond to it in an objectively reasonable manner, see Caldwell, 748 F.3d at 1099, meaning that he or she "'knew of ways to reduce the harm'" but knowingly or recklessly declined to act, Marbury, 936 F.3d at 1233 (citation omitted). "The known risk of injury must be '"a strong likelihood, rather than a mere possibility"' before a [prison official's] failure to act can constitute deliberate indifference." Brown v. Hughes, 894 F.2d 1533, 1537 (11th Cir. 1990) (citations omitted). "Merely negligent failure to protect an inmate from attack does not justify liability …." Id.

Moreover, a defendant cannot be deliberately indifferent to an excessive risk of inmate violence unless he or she had the capability -- that is, the means -- to provide adequate security and did not do so. See LaMarca v. Turner, 995 F.2d 1526, 1536 (11th Cir. 1993) ("[T]o demonstrate an official's deliberate indifference, a plaintiff must prove that the official possessed ... the means to cure that condition."). Therefore, in examining whether Thornton presented sufficient evidence showing that a genuine issue of material fact existed as to whether Officer Wallace was deliberately indifferent to the

excessive risk of inmate violence at Staton, we must also assess the power, authority, discretion, and means held by Officer Wallace to take steps to remedy the risk of inmate-on-inmate violence in F Dorm at Staton. See id.

Thornton contends that Officer Wallace had the means to alleviate the substantial risk of serious harm to inmates like him in F Dorm by inspecting inmate armbands after he opened the doors to F Dorm for chow call. Instead of standing outside the cubicle and "inspecting" those armbands, however, Thornton contends that Officer Wallace remained inside "the cube." This conduct, Thornton says, constituted a deliberate indifference to the substantial risk posed by inmates gaining unauthorized access to F Dorm.

In support of his assertions, Thornton relies on the Eleventh Circuit Court of Appeals' decision in Cottone v. Jenne, 326 F.3d 1352, 1359 (11th Cir. 2003), overruled in part on other grounds by Pearson v. Callahan, 555 U.S. 223 (2009), in which that court held that two guards' playing a computer game and failing to monitor inmates while a pretrial detainee was killed constituted an objective deliberate indifference to the substantial risk of harm that existed at the correctional facility in that

case.

Thornton also relies on the United States District Court for the Northern District of Alabama's decision in Boykins v. Dunn, 696 F. Supp. 3d 1061, 1070 (N.D. Ala. 2023), in which that court found that a prison guard who fell asleep in a cubicle while an inmate was attacked was deliberately indifferent.

According to Thornton, like in those cases, here, "[a] jury could easily conclude that [Officer] Wallace acted with deliberate indifference in failing to take basic security measures outlined in the SOPs," and, thus, he asserts, this objective component of the deliberate-indifference element is satisfied here. Thornton's answer at 34.

Contrary to Thornton's assertions, however, Officer Wallace's actions are easily distinguishable from the actions of the corrections officers in Cottone and Boykins. For example, there is no evidence indicating that Officer Wallace was playing video games or that he was asleep around the time that Thornton was attacked. Additionally, unlike in those cases, Officer Wallace's conduct was consistent with the SOPs governing his roles as both a rover and a cubicle operator. As explained in detail above, on the day that Thornton was attacked, Officer Wallace

was performing multiple roles at the same time. Each of those roles had their own set of responsibilities, as set forth in the SOPs. Officer Wallace testified that, after he gave the chow call, he had to go into "the cube" to use the controls to release the inmates in F Dorm, including Thornton, from the dormitory so that they could eat their evening meal. Because he was the only officer on duty in F Dorm that day, Officer Wallace testified, he had to reenter the cubicle to control the doorways in F Dorm. He then began logging the activity for the day.

When asked how the inmates who attacked Thornton could have gained access to F Dorm, Officer Wallace responded that he believed that the inmates who attacked Thornton "either had [a armband] on" or "slid past [him] when [he] was telling someone else not to enter." Exhibit 16 to Officer Wallace's petition, p. 58. He continued: "I can keep a bunch of them out, but one may slip. There's a lot of men and one guy patrolling one dorm." Id. (emphasis added). He further testified: "[W]hen I called for chow, only my dorm should have been in the yard. All the other dorms should have been put so how -- like -- I wouldn't expect that anybody else would be on the yard. They should have been already put up in another dorm." Id. And, as explained above, there is not a genuine issue of

material fact as to whether Officer Wallace remained in the cubicle at all relevant times. In fact, Officer Wallace directly refuted this claim, and Thornton could not rebut that testimony because he admitted that he saw Officer Wallace only intermittently before he was attacked. Compare Exhibit 15 to Officer Wallace's petition, p. 25 (Thornton's testimony: "I wasn't constantly watching him, but from the beginning of his shift, every hour or so, I saw him in the cube.") with Exhibit 16 to Officer Wallace's petition, p. 63 (Officer Wallace testifying that he "stood outside the cubicle" and "was walking around" (emphasis added)).

Contrary to Thornton's assertions, none of those actions indicate that Officer Wallace "'knew of ways to reduce the harm'" but knowingly or recklessly declined to act. Marbury, 936 F.3d at 1233 (citation omitted). Thus, Thornton has failed to show that Officer Wallace was deliberately indifferent to a substantial risk of serious harm to Thornton.[5]

Because Thornton has failed to establish that a genuine issue of material fact existed as to whether Officer Wallace's conduct rose to the

[5]Given that Thornton has failed to produce substantial evidence of the first two elements, we see no reason to address the third element -- causation.

level of a constitutional violation under the Eighth Amendment, that exception to State-agent immunity does not apply here.

Conclusion

For the foregoing reasons, Officer Wallace has demonstrated that he has a clear legal right to State-agent immunity. We therefore grant the petition, issue the writ, and direct the trial court to enter a summary judgment in his favor.

PETITION GRANTED; WRIT ISSUED.

Stewart, C.J., and Shaw, Wise, Bryan, Cook, and McCool, JJ., concur.

Mendheim, J., concurs in part and concurs in the result, with opinion.

Parker, J., concurs in part and concurs in the result, with opinion, which Sellers, J., joins.

MENDHEIM, Justice (concurring in part and concurring in the result).

I concur in the rationale of Part I of the "Discussion" section of the main opinion, but not in the rationale of Part II. Therefore, I concur in part and concur in the result.

PARKER, Justice (concurring in part and concurring in the result).

Having acknowledged that state-agent immunity presumptively shields Officer Wallace from liability, Inmate Thornton focuses his argument on two potential ways around this immunity: (1) the possibility that Officer Wallace acted "beyond his authority" by violating specific and detailed regulations, Ex parte Lawley, 38 So. 3d 41, 48 (Ala. 2009), and (2) the possibility that Officer Wallace violated the Eighth Amendment to the United States Constitution, see Ex parte Cranman, 792 So. 2d 392, 405 (Ala. 2000) (plurality opinion). In my view, Thornton faces numerous obstacles on either route. But two of those obstacles prove insurmountable and allow us to decide this case without further discussion.

First, the main opinion correctly holds that the relevant SOPs "leave room for the exercise of some discretion" by a correctional officer in Officer Wallace's circumstances and thus are "not sufficiently detailed to qualify as a basis for applying the 'beyond-authority' exception to [s]tate-agent immunity." ___ So. 3d at ___. I therefore join Part I.A. of the main opinion's discussion section in full but see no need to reach the issue of whether Officer Wallace's conduct violated the SOPs. Any factual

dispute about Officer Wallace's specific conduct, if there is one, cannot possibly be material.

Second, the Eighth Amendment issue can be resolved simply by applying the correct standard to determine whether Officer Wallace acted with deliberate indifference to a substantial risk of serious harm facing Thornton. See Farmer v. Brennan, 511 U.S. 825, 837-38 (1994). To exhibit deliberate indifference, it is not enough for a correctional officer to be generally aware of dangerous conditions existing within a prison. See Wade v. McDade, 106 F.4th 1251, 1257-58 (11th Cir. 2024) (en banc). Instead, the officer must subjectively know that "his own conduct -- again, his own actions or inactions -- put the [inmate] at substantial risk of serious harm." Id. at 1258 (emphasis added). Here, Thornton presented no evidence of this kind of subjective knowledge. "The Eighth Amendment does not outlaw cruel and unusual 'conditions'; it outlaws cruel and unusual 'punishments.'" Farmer, 511 U.S. at 837.

I would conclude that there was no genuine dispute of material fact as to whether Officer Wallace was subjectively aware of any relevant risk facing Thornton. Officer Wallace therefore could not possibly have been inflicting cruel and unusual punishment in violation of the Eighth

Amendment. I would not reach any other component of the Eighth Amendment analysis.

For the foregoing reasons, Officer Wallace is entitled to summary judgment on the ground of state-agent immunity. I therefore concur in part with the main opinion and concur in the result.

Sellers, J., concurs.