

ENTERED

August 06, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

BRADY FULLER,

Plaintiff,

VS.

CITY OF SANTA FE, TEXAS,

Defendant.

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CIVIL ACTION NO. 3:18-CV-283

ORDER

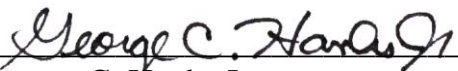
At docket call, the Court stated on the record that it would carry the parties’ cross-motions for summary judgment with the trial of this case. The parties requested rulings on two discrete legal issues raised by the summary judgment motions.

The first issue is the question of whether the City of Santa Fe violated Brady Fuller’s Sixth Amendment rights by jailing him on the basis of uncounseled convictions. On this summary judgment record, the Court finds that Fuller’s Sixth Amendment rights were violated under *Alabama v. Shelton*, 535 U.S. 654, 662 (2001).

The second issue is the identity of the relevant policymakers who need to have promulgated or ratified the challenged “Debtors’ Prison” and “Hungry Man” policies in order for municipal liability to attach to the City of Santa Fe under *Monell v. Department of Social Services*, 436 U.S. 658 (1978). Regarding the “Debtors’ Prison” policy, the Court finds that sufficient evidence exists in the summary judgment record to hold the City of Santa Fe liable if its city council is considered the relevant policymaker. However, based on the summary judgment record, the Court is expressly not foreclosing

the possibility that it will designate Judge Getty and Chief Campbell as the relevant policymakers for the “Debtors’ Prison” policy at trial. With regard to the “Hungry Man” policy, the relevant policymaker is Chief Campbell.

SIGNED at Galveston, Texas, this 5th day of August, 2019.



George C. Hanks Jr.
United States District Judge