

*BOATMAN V. BERRETO: PRISON MAILBOX RULE APPLIES TO CIVILLY
COMMITTED PEOPLE*

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In a case of first impression, *Boatman v. Berreto*, the Eleventh Circuit Court of Appeals considered whether a civilly committed person could utilize the prison mailbox rule.¹ The original mailbox rule, stemming from contract law, is the principle that filing or service of a document occurs on the date of mailing.² Similarly, the Federal Rule of Appellate Procedure 4(c)(1), sometimes called the prison mailbox rule,³ allows an inmate's notice of appeal to be considered timely if it was "deposited in the institution's internal mail system on or before the last day for filing."⁴ In the Eleventh Circuit, a pro se inmate's notice of appeal is presumed submitted on the day he signed it, absent contrary evidence.⁵

Rayvon Boatman was a civilly committed detainee at the Florida Civil Commitment Center (FCCC) in Arcadia, Florida.⁶ In March of 2016, Boatman filed a civil rights complaint pursuant to 42 U.S.C. § 1983, claiming that he "was left to suffer in pain for over ten years" because the FCCC denied him dental treatment.⁷ While the district court called Boatman's timeline a "confused jumble," Boatman alleged the FCCC was, on multiple occasions, indifferent to his dental problems, including a broken and abscessed tooth as well as bleeding gums and pain.⁸ The district court allowed Boatman to amend his complaint three times and cautioned him to only include facts related to his medical indifference claim.⁹ Because Boatman's complaint failed to specify how each individual defendant caused him harm and included claims about FCCC's grievance procedure, in violation of the court's order, the court denied Boatman a fourth amendment and dismissed

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¹ *Boatman v. Berreto (Boatman III)*, 938 F.3d 1275, 1276 (11th Cir. 2019).

² *Mailbox Rule*, BLACK'S LAW DICTIONARY (11th ed. 2019).

³ *Boatman III*, 938 F.3d at 1276.

⁴ Fed. R. App. P 4(c)(1).

⁵ *Boatman III*, 938 F.3d at 1278 (citing *Washington v. United States*, 243 F.3d 1299, 1301 (11th Cir. 2001)).

⁶ *Boatman v. Berreto (Boatman II)*, No. 2:16-cv-209-FtM-99UAM, 2019 WL 1254760, at *1 (M.D. Fla. March 19, 2019).

⁷ *Id.*

⁸ *Boatman v. Berreto (Boatman I)*, No. 2:16-cv-209-FtM-99CM, 2018 WL 4383031, at *1 (M.D. Fla. Sept. 14, 2018).

⁹ *Boatman II*, 2019 WL 1254760, at *1.

the case.¹⁰ The judgment was entered on March 20, 2019,¹¹ which started the 30-day clock to file a notice of appeal.¹² Boatman's notice of appeal was filed in the district court April 25, 2019, clearly after the deadline unless the prison mailbox rule applied to him.¹³

The Honorable Kevin Newson, writing for the Eleventh Circuit panel, found no good reason, textual or otherwise, to restrict the prison mailbox rule to only criminal prisoners.¹⁴ The argument turns on the definition of the words "inmate" and "institution" appearing in Rule 4(c)(1).¹⁵ Because the Rule does not define "inmate" or "institution," the court stated that both words had their ordinary meanings, which included Boatman and his place of confinement.¹⁶ The court noted in a parenthetical that "[w]ords are to be understood in their ordinary, everyday meanings—unless the context indicates that they bear a technical sense."¹⁷ At the time the Rule was enacted, "inmate" was defined to mean "[a] person confined to a prison, penitentiary, or the like."¹⁸ The court noted that civil detainees, like Boatman, fit well within this definition.¹⁹ Similarly, at the time the Rule was enacted, "institution" was defined to mean "[a]n establishment, especially one of eleemosynary or public character or one affecting a community."²⁰ The current edition of Black's Legal Dictionary defines the term as "[a]n established organization, esp. one of a public character, such as a facility for the treatment of mentally disabled persons."²¹ The court noted that these definitions clearly include civil-detention facilities, such as the FCCC.²²

People confined in any institution do not have the same luxury as a free person when dealing with court proceedings or filings, especially without an attorney.²³ Criminal and civil detainees both frequently "cannot take the steps other litigants can take to monitor the processing of their notices of

¹⁰ *Id.* at *2–3.

¹¹ *Boatman III*, 938 F.3d at 1276.

¹² Fed. R. App. P. 4(a)(1)(A).

¹³ *Boatman III*, 938 F.3d at 1276.

¹⁴ *Id.* at 1277 (citing ANTONIN SCALIA & BRYAN A. GARNER, *READING LAW: THE INTERPRETATION OF LEGAL TEXTS* § 36, at 225 (2012)).

¹⁵ Fed. R. App. P. 4(c)(1).

¹⁶ *Boatman III*, 938 F.3d at 1276 (citing ANTONIN SCALIA & BRYAN A. GARNER, *READING LAW: THE INTERPRETATION OF LEGAL TEXTS* § 6, at 69 (2012)).

¹⁷ *Id.* at 1277 (quoting ANTONIN SCALIA & BRYAN A. GARNER, *READING LAW: THE INTERPRETATION OF LEGAL TEXTS* § 6, at 69 (2012)).

¹⁸ *Id.* (quoting *Inmate*, BLACK'S LAW DICTIONARY (6th ed. 1990)).

¹⁹ *Id.*

²⁰ *Id.* (quoting *Institution*, BLACK'S LAW DICTIONARY (6th ed. 1990)).

²¹ *Institution*, BLACK'S LAW DICTIONARY (11th ed. 2019).

²² *Boatman III*, 938 F.3d at 1277.

²³ *See id.* (citing *Brown v. Taylor*, 829 F.3d 365, 369 (5th Cir. 2016)).

appeal before the 30-day deadline.”²⁴ Such detainees are also less able to control the timeliness of any filings and unable to personally travel to the courthouse to ensure they meet certain deadlines.²⁵

Though this was a question of first impression in this Circuit, several other circuits have already decided the issue. The Fifth,²⁶ Ninth,²⁷ and Fourth²⁸ Circuits have all applied the prison mailbox rule to a civilly committed person. However, in *Council v. Nash*, the Third Circuit declined to apply the prison mailbox rule to a civilly committed person.²⁹ The court reached this conclusion in part due to the plaintiff’s failure to prove that the facility prevented him from making a timely filed notice of appeal as well as his failure to advance an argument that Rule 4(c)(1) should apply to his filing of his appeal.³⁰ The Eleventh Circuit’s decision in this case agrees with the majority of its sister circuits.³¹

Although the prison mailbox rule applies to Boatman the court noted there was a factual dispute regarding when he delivered his notice of appeal to the Florida Civil Commitment Center for mailing.³² Boatman signed and dated his notice of appeal on March 26, 2019, but the institution stamp on the envelope stated April 23, 2019, which was the date it was delivered for mailing.³³ The Eleventh Circuit remanded the case to the district court to resolve this factual discrepancy and to return the supplemented record for further proceedings.³⁴ This decision stands in conformity with several other circuit courts to give civilly committed people the same opportunity as prisoners to meet court deadlines despite their confinement.

²⁴ *Id.* (quoting *Houston v. Lack*, 487 U.S. 266, 270–71 (1988)) (internal quotation marks omitted).

²⁵ *Id.*

²⁶ *See Brown v. Taylor*, 829 F.3d 365, 369 (5th Cir. 2016).

²⁷ *See Jones v. Blanas*, 393 F.3d 918, 926 (9th Cir. 2004).

²⁸ *See Lanahan v Warden*, 656 F. App’x 22, 23 n.3 (4th Cir. 2016).

²⁹ *Council v. Nash*, 400 F. App’x 680, 682 (3d Cir. 2010).

³⁰ *Id.*

³¹ *Boatman III*, 938 F.3d at 1276.

³² *Id.* at 1278.

³³ *Id.*

³⁴ *Id.*