

IN THE SUPREME COURT OF THE STATE OF DELAWARE

JOSEPH M. WALLS,	§	
	§	
Plaintiff Below-	§	No. 489, 2003
Appellant,	§	
	§	
v.	§	Court Below---Superior Court
	§	of the State of Delaware,
	§	in and for New Castle County
STANLEY TAYLOR and	§	C.A. No. 03C-08-237
ROBERT SNYDER,	§	
	§	
Defendants Below-	§	
Appellees.	§	

Submitted: March 5, 2004

Decided: April 26, 2004

Before **HOLLAND**, **BERGER** and **JACOBS**, Justices.

**ORDER**

This 26th day of April 2004, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

1) The plaintiff-appellant, Joseph M. Walls, filed an appeal from the Superior Court’s September 2, 2003 order dismissing his complaint. We find no merit to the appeal. Accordingly, we affirm.

2) Walls, an inmate at the Delaware Correctional Center (“DCC”), filed in the Superior Court an application to proceed *in forma pauperis* (“IFP”)<sup>1</sup> and a

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<sup>1</sup> Del. Code Ann. tit. 10, § 8802(b) (1999).

complaint alleging civil rights violations.<sup>2</sup> The complaint alleged that his transfer from DCC to a correctional facility in Arizona was retaliatory and, therefore, in violation of his constitutional rights.<sup>3</sup> In support of his claim of retaliation, Walls alleged, among other things, that Delaware prison officials transferred him to Arizona to thwart his investigation of prison corruption and informed “skinheads” and other extremists in the Arizona prison of his NAACP connections, resulting in his being physically assaulted. The Superior Court found that the complaint failed to allege facts supporting a constitutional violation and dismissed it as factually and legally frivolous.<sup>4</sup>

3) A prisoner has no constitutional right to be housed within any particular correctional facility.<sup>5</sup> This Court has recognized that prison officials have discretion to house inmates at the facilities they choose.<sup>6</sup>

4) Since the 1980’s, Walls has filed numerous actions in the state and federal courts in connection with his arrest, conviction, sentencing and incarceration, all of which have been unsuccessful. Even assuming that Walls is

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<sup>2</sup> 42 U.S.C § 1983 (1994).

<sup>3</sup> Walls has since been transferred back to DCC.

<sup>4</sup> Del. Code Ann. tit. 10, § 8803(b) (1999).

<sup>5</sup> *Olim v. Wakinekona*, 461 U.S. 238, 245-48 (1983).

<sup>6</sup> *Brathwaite v. State*, Del. Supr., No. 169, 2003, Holland, J. (Dec. 29, 2003).

not barred by statute from filing any further claims *in forma pauperis*,<sup>7</sup> or that his claim is not moot due to his transfer back to DCC, the Superior Court properly dismissed his complaint as factually and legally frivolous. Walls himself acknowledges that prison officials have discretion to house inmates where they choose, but argues that this principle does not apply where a transfer is retaliatory. There is no need for us to address that argument, since we do not find that Walls' allegations support a claim of retaliation.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Randy J. Holland  
Justice

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<sup>7</sup> Del. Code Ann. tit. 10, § 8804(f) (1999) (“In no event shall a prisoner file a complaint . . . in forma pauperis if the prisoner has, on 3 or more prior occasions, . . . brought an action . . . that was dismissed on the grounds that it was frivolous, malicious or failed to state a claim upon which relief may be granted unless the prisoner is under imminent danger of serious physical injury at the time that the complaint is filed.”).