

Case Summary: *Goldey v. Fields*, No. 24-809 (U.S. June 30, 2025)

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In June 2025, the Supreme Court declined to recognize an implied right to sue for excessive force against federal prison personnel under the Eighth Amendment of the U.S. Constitution.¹ The case began in Lee County, Virginia, where the plaintiff, Andrew Fields, was placed in solitary confinement at the United States Penitentiary with periodic checks from prison staff.² According to Fields, “officials would physically abuse him . . . during their periodic checks.”³ As a result, Fields filed suit for excessive

¹ *Goldey v. Fields*, No. 24-809, slip op. at 1 (U.S. June 30, 2025) (“In *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971), this Court recognized an implied cause of action for damages against federal officers for certain alleged violations of the Fourth Amendment. The Court subsequently recognized two additional contexts where implied Bivens causes of action were permitted, neither of which was an Eighth Amendment excessive-force claim. After 1980, we have declined more than 10 times to extend Bivens to cover other constitutional violations. Those many post-1980 Bivens ‘cases have made clear that, in all but the most unusual circumstances, prescribing a cause of action is a job for Congress, not the courts.’ *Egbert v. Boule*, 596 U. S. 482, 486 (2022). Despite those precedents, the U. S. Court of Appeals for the Fourth Circuit permitted the plaintiff here to maintain an Eighth Amendment excessive-force Bivens claim for damages against federal prison officials. For the past 45 years, this Court has consistently declined to extend Bivens to new contexts. See *Egbert*, 596 U. S., at 490–491. We do the same here.”).

² *Id.* (“Lee County, Virginia, ordered that plaintiff Andrew Fields be placed in solitary confinement. Prison officials monitored Fields while he was isolated.”).

³ *Id.* (citing *Fields v. Federal Bureau of Prisons*, 109 F. 4th 264, 268 (CA4 2024)) (“Fields alleges that during their periodic checks, officials would ‘physically abuse’ him.”).

force in violation of his constitutional rights in the U.S. District Court for the Western District of Virginia. The District Court dismissed the claim, holding that *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971) did not permit a “damages remedy . . . for claims of excessive force by BOP officers against an inmate.”⁴

Fields appealed to the Fourth Circuit, which then reversed the initial dismissal of Fields’ claims by the District Court.⁵ The Fourth Circuit claimed the District Court’s use of *Bivens* had been inappropriate, and that damages for Eighth Amendment violations were available.⁶ The majority opinion was based on the court’s finding that no adequate alternative cause for damages existed.⁷ Since Fields was denied a standard grievance process within the prison,⁸ the Fourth Circuit held that

⁴ *Id.* at 2 (citing App. to Pet. for Cert. 49a; *also id.*, at 45a–54a) (“The U.S. District Court for the Western District of Virginia dismissed Fields’s complaint. As relevant here, the court determined that Fields lacked a cause of action under *Bivens*. Because ‘the Supreme Court has never ruled that a damages remedy exists for claims of excessive force by BOP officers against an inmate,’ the District Court had ‘no difficulty in concluding that these claims arise in a new context’ and that a *Bivens* remedy was unavailable.”).

⁵ *Id.* at 2 (“[T]he Fourth Circuit reversed . . .”).

⁶ *Id.* at 2 (citing *Fields v. Federal Bureau of Prisons*, 109 F. 4th 264, 270 (CA4 2024)) (“In a divided decision, the Fourth Circuit reversed in relevant part, concluding that Fields could proceed with his Eighth Amendment excessive-force claim for damages. The Court of Appeals determined that no ‘special factors counseled against extending *Bivens*’ here.”).

⁷ *Fields v. Goldey*, No. 23-6246, slip op. at 6 (4th Cir. July 25, 2024) (“‘Although § 1983 gives plaintiffs the statutory authority to sue state officials for money damages for constitutional violations, there is no statutory counterpart to sue federal officials.’ *Mays v. Smith*, 70 F.4th 198, 201 (4th Cir. 2023). If they are to proceed at all, plaintiffs suing federal-officer defendants must proceed under an implied cause of action first established by the Supreme Court in *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*[,] 403 U.S. 388 (1971).”).

⁸ *Id.* at 5 (“Following his time in the SHU, Fields attempted to utilize the Bureau of Prisons’ (BOP’s) administrative grievance procedure, but prison staff denied him

this excessive force violation, combined with the lack of alternative remedies, would support a remedy for the Eighth Amendment under *Bivens*.

Judge Julius Richardson dissented from the Fourth Circuit’s decision.⁹ He wrote that “a faithful application” of the Fourth Circuit’s precedent and “the Supreme Court’s leads squarely to the conclusion that [the Circuit Court] cannot create a new *Bivens* action here.”¹⁰ Additionally, Judge Richardson explained that the Court should defer to lawmakers to handle remedy and cause of action for constitutional violations, as opposed to engaging in judicial activism by stretching *Bivens* beyond its existing meaning to create new precedent.¹¹

Goldey appealed the Fourth Circuit’s ruling to the U.S. Supreme Court.

In a unanimous decision, the Supreme Court sided with the District Court’s opinion, rejecting the use of *Bivens* for Eighth Amendment violations and reiterating that the recognition of new causes of action through *Bivens* is disfavored.¹²

access to the necessary forms. J.A. 24, 26. He was thus unable to pursue any alternative remedies.”).

⁹ *Goldey v. Fields*, No. 24-809, slip op. at 2 (U.S. June 30, 2025) (“In a divided decision, the Fourth Circuit reversed in relevant part . . .”).

¹⁰ *Id.* at 2 (“Judge Richardson dissented and stated: ‘A faithful application of our precedent and the Supreme Court’s leads squarely to the conclusion that we cannot create a new *Bivens* action here.’”).

¹¹ *Fields v. Goldey*, No. 23-6246, slip op. at 22 (4th Cir. July 25, 2024) (“Courts must cautiously defer to the nation’s lawmakers, who enjoy the principal—perhaps sole—authority to invent new legal causes of action for constitutional violations.”).

¹² *Goldey v. Fields*, No. 24-809, slip op. at 2 (U.S. June 30, 2025) (citing *Egbert*, 596 U.S. at 491) (“This Court has repeatedly emphasized that ‘recognizing a cause of action under *Bivens* is ‘a disfavored judicial activity.’”).

The outcome of this case may significantly impact the future of *Bivens*. The Supreme Court reinforced that Congress should control the remedies for areas that are not clearly governed by *Bivens*, signaling that it is unlikely for *Bivens* to expand beyond its original purpose. Extending protections under *Bivens* for excessive force could have led to negative consequences on prison operations.¹³ Additionally, this extension could have increased litigation against federal personnel, resulting in higher financial responsibilities for the government. Therefore, the Court’s decision to prevent expansion of *Bivens* precluded these negative consequences and confirms that alternative, though less productive,¹⁴ methods must be pursued for damages,¹⁵ such as utilizing grievance processes through the Bureau of Prisons. Above all, this case demonstrates a recent shift away from judicial activism and leaves the important task of creating permanent statutory causes of action for monetary damages¹⁶ to Congress.¹⁷

¹³ *Id.* at 3 (citing *Turner v. Safley*, 482 U.S. 78, 84–85 (1987)) (“In addition, extending *Bivens* to allow an Eighth Amendment claim for excessive force could have negative systemic consequences for prison officials and the ‘inordinately difficult undertaking’ of running a prison.”).

¹⁴ *Id.* at 3 (citing *Egbert*, 596 U.S. at 498) (“The existence of such alternative remedial procedures counsels against allowing *Bivens* suits even if such ‘procedures are ‘not as effective as an individual damages remedy.’”).

¹⁵ *Id.* at 3 (citing *Ziglar v. Abbasi*, 582 U. S. 120, 137 (2017)) (“Moreover, ‘an alternative remedial structure’ already exists for aggrieved federal prisoners.”).

¹⁶ *Id.* at 3 (citing *Ziglar*, 582 U.S. at 148– 149) (“ . . . Congress has actively legislated in the area of prisoner litigation but has not enacted a statutory cause of action for money damages.”).

¹⁷ *Id.* at 1 (citing *Egbert*, 596 U.S. at 486) (“[P]rescribing a cause of action is a job for Congress, not the courts.”).