NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

FARMER *v.* BRENNAN, WARDEN, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

No. 92–7247. Argued January 12, 1994—Decided June 6, 1994

Petitioner, a preoperative transsexual who projects feminine characteristics, has been incarcerated with other males in the federal prison system, sometimes in the general prison population but more often in segregation. Petitioner claims to have been beaten and raped by another inmate after being transferred by respondent federal prison officials from a correctional institute to a penitentiary—typically a higher security facility with more troublesome prisoners—and placed in its general population. Filing an action under *Bivens* v. *Six Unknown Fed. Narcotics Agents,* 403 U. S. 388, petitioner sought damages and an injunction barring future confinement in any penitentiary, and alleged that respondents had acted with ``deliberate indifference'' to petitioner's safety in violation of the Eighth Amendment because they knew that the penitentiary had a violent environment and a history of inmate assaults and that petitioner would be particularly vulnerable to sexual attack. The District Court granted summary judgment to respondents, denying petitioner's motion under Federal Rule of Civil Procedure 56(f) to delay its ruling until respondents complied with a discovery request. It concluded that failure to prevent inmate assaults violates the Eighth Amendment only if prison officials were ``reckless in a criminal sense,'' *i.e.,* had ``actual knowledge'' of a potential danger, and that respondents lacked such knowledge because petitioner never expressed any safety concerns to them. The Court of Appeals affirmed.

Held:

1. A prison official may be held liable under the Eighth Amendment for acting with ``deliberate indifference'' to inmate health or safety only if he knows that inmates face a substantial

risk of serious harm and disregards that risk by failing to take reasonable measures to abate it. Pp. 5–21.

(a) Prison officials have a duty under the Eighth Amendment to provide humane conditions of confinement. They must ensure that inmates receive adequate food, clothing, shelter, and medical care, and must protect prisoners from violence at the hands of other prisoners. However, a constitutional violation occurs only where the deprivation alleged is, objectively, ``sufficiently serious,'' *Wilson* v. *Seiter*, 501 U. S. 294, 298, and the official has acted with ``deliberate indifference'' to inmate health or safety. Pp. 5–7.

(b) Deliberate indifference entials something more than negligence, but is satisfied by something less than acts or omis- sions for the very purpose of causing harm or with knowledge that harm will result. Thus, it is the equivalent of acting recklessly. However, this does not establish the level of culpability deliberate indifference entails, for the term recklessness is not self-defining, and can take subjective or objective forms. Pp. 7-9.

(c) Subjective recklessness, as used in the criminal law, is the appropriate test for ``deliberate indifference.'' Permitting a finding of recklessness only when a person has disregarded a risk of harm of which he was aware is a familiar and workable standard that is consistent with the Cruel and Unusual Punishments Clause as interpreted in this Court's cases. The Amendment outlaws cruel and unusual ``punishments,'' not ``conditions,'' and the failure to alleviate a significant risk that an official should have perceived but did not, while no cause for commendation, cannot be condemned as the infliction of punishment under the Court's cases. Petitioner's invitation to adopt a purely objective test for determining liability—whether the risk is known or should have been known—is rejected. This Court's cases ``mandate inquiry into a prison official's state of mind,'' *id.,* at 299, and it is no accident that the Court has repeatedly said that the Eighth Amendment has a ``subjective component.'' Pp. 10–13.

(d) The subjective test does not permit liability to be premised on obviousness or constructive notice. *Canton* v. *Harris,* 489 U. S. 378, distinguished. However, this does not mean that prison officials will be free to ignore obvious dangers to inmates. Whether an official had the requisite knowledge is a question of fact subject to demonstration in the usual ways, and a factfinder may conclude that the official knew of a substantial risk from the very fact that it was obvious. Nor may an official escape liability by showing that he knew of the risk but did not think that the complainant was especially likely to be assaulted by the prisoner who committed the act. It does not matter whether the risk came from a particular source or whether a prisoner faced the risk for reasons personal to him or

because all prisoners in his situation faced the risk. But prison officials may not be held liable if they prove that they were unaware of even an obvious risk or if they responded reasonably to a known risk, even if the harm ultimately was not averted. Pp. 13–19.

(e) Use of subjective test will not foreclose prospective injunctive relief, nor require a prisoner to suffer physical injury before obtaining prospective relief. The subjective test adopted today is consistent with the principle that ``[o]ne does not have to await the consummation of threatened injury to obtain preventive relief.'' *Pennsylvania* v. *West Virginia*, 262 U. S. 553. In a suit for prospective relief, the subjective factor, deliberate indifference, ``should be determined in light of the prison authorities' current attitudes and conduct,'' *Helling* v. *McKinney*, 509 U. S. ___, ___: their attitudes and conduct at the time suit is brought and persisting thereafter. In making the requisite showing of subjective culpability, the prisoner may rely on developments that postdate the pleadings and pretrial motions, as prison officials may rely on such developments to show that the prisoner is not entitled to an injunction. A Court that finds the Eighth Amendment's objective and subjective requirements satisfied may grant appropriate injunctive relief, though it should approach issuance of injunctions with the usual caution. A court need not ignore a prisoner's failure to take advantage of adequate prison procedures to resolve inmate grievances, and may compel a prisoner to pursue them. Pp. 19–21.

2. On remand, the District Court must reconsider its denial of petitioner's Rule 56(f) discovery motion and apply the Eighth Amendment principles explained herein. The court may have erred in placing decisive weight on petitioner's failure to notify respondents of a danger, and such error may have affected the court's ruling on the discovery motion, so that additional evidence may be available to petitioner. Neither of two of respondents' contentions—that some of the officials had no knowledge about the confinement conditions and thus were alleged to be liable only for the transfer, and that there is no present threat that petitioner will be placed in a penitentiary—is so clearly correct as to justify affirmance. Pp. 22–26.

Vacated and remanded.

SOUTER, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and BLACKMUN, STEVENS, O'CONNOR, SCALIA, KENNEDY, and GINSBURG, JJ., joined. BLACKMUN, J., and STEVENS, J., filed concurring opinions. THOMAS, J., filed an opinion concurring in the judgment.