THOMAS, J., dissenting

## SUPREME COURT OF THE UNITED STATES

WILLIAM ERICKSON v. BARRY J. PARDUS ET AL.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

No. 06-7317. Decided June 4, 2007

JUSTICE THOMAS, dissenting.

I have repeatedly stated that the Eighth Amendment's prohibition on cruel and unusual punishment historically concerned only injuries relating to a criminal sentence. Farmer v. Brennan, 511 U. S. 825, 861 (1994) (opinion concurring in judgment); Helling v. McKinney, 509 U. S. 25, 42 (1993) (dissenting opinion); Hudson v. McMillian, 503 U. S. 1, 18–20 (1992) (dissenting opinion). But even applying the Court's flawed Eighth Amendment jurisprudence, "I would draw the line at actual, serious injuries and reject the claim that exposure to the risk of injury can violate the Eighth Amendment." Helling, supra, at 42 (THOMAS, J., dissenting). Consistent with these views, I would affirm the judgment of the Court of Appeals. I respectfully dissent.