

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CURTIS CARTER,

Plaintiff,

v.

No. 3:21-cv-847

WARDEN WILLIAM HYATTE, in his
individual capacity;
DEPUTY WARDEN GEORGE PAYNE, JR.,
in his individual capacity;

Defendants.

Complaint for Damages

Introduction

1. Curtis Carter was placed in a restrictive housing cell at Miami Correctional Facility for more than 60 days beginning in May of 2021, even though the only window in the cell was completely obstructed by a sheet of metal and even though the one light in the cell was broken. The cell was therefore constantly dark and was extremely hot as there was no air moving in the cell. He suffered physical injuries in the cell. The conditions of his confinement represent cruel and unusual punishment and caused Mr. Carter damages for which defendants are liable. Defendants are also liable for punitive damages.

Jurisdiction, venue, cause of action

2. This Court has jurisdiction of this matter pursuant to 28 U.S.C. § 1331.
3. Venue is proper in this district pursuant to 28 U.S.C. § 1391.
4. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States.

Parties

5. Curtis Carter is an adult who is currently confined to the Miami Correctional Facility in Miami County, Indiana, following conviction of criminal offenses.
6. William Hyatte is the duly appointed Warden of the Miami Correctional Facility and is sued in his individual capacity.
7. George Payne, Jr., is the duly appointed Deputy Warden of the Miami Correctional Facility and is sued in his individual capacity.

Facts

8. The Miami Correctional Facility contains a restrictive housing unit where prisoners are placed as the result of disciplinary sanctions or for administrative purposes.
9. Prisoners in restrictive housing spend all their time in their cells, except when they are released for shower or recreation that occurs at most for five one-hour periods each week but, in reality, frequently occurs less often. Other than that, they are isolated, alone, in their cells.

10. The restrictive housing cells contain a single window to the outside and a solitary light fixture that supplies the only light in the cell.
11. The door to the cell is solid with a very small window.
12. Prisoners at Miami Correctional Facility have, in the past, broken both the outside window and the light fixture in many of the restrictive housing cells.
13. At all relevant times, defendants Hyatte and Payne were aware that many of the restrictive housing cells had broken windows and no operable light source. Yet, these obvious problems were not remedied.
14. Defendant Hyatte and Payne's solution to the broken windows was not to replace the windows, but in some cells to cover the windows with sheet metal so that no light came through the windows.
15. Many of the cells in the restrictive housing unit did not have operational lights and had windows covered with sheet metal.
16. Defendant Hyatte and Payne were aware that prisoners were being placed into cells without lights and with windows covered by metal plates.
17. In May of 2021, Mr. Carter was placed into a cell in the restrictive housing unit at Miami Correctional Facility.
18. The cell had no working light, and its window was covered with a metal plate.
19. Mr. Carter had no role in breaking the light or window.

20. Mr. Carter had no tablet or television or other light source upon entry to the cell. After one month he received his tablet. The tablet gave off very little light.

21. Although there was a small window in his otherwise solid cell door the light coming through it was dim and the cell always remained extremely dark. This window had been shattered, and the glass, although still in the door, was like a spider web,

22. Because his cell was so dark, Mr. Carter frequently walked into his bed or toilet as he tried for navigate around the cell. The repeated collisions with objects in his cell caused him physical injury.

23. In addition to being dark, Mr. Carter's cell was extremely hot because the air conditioning was not operating.

24. The conditions in the cell aggravated a preexisting medical condition that Mr. Carter has and a number of occasions he had dizzy spells.

25. Mr. Carter was placed in the cell for approximately 60 days.

26. During the time that he was housed in the cell Mr. Carter was released approximately once a week for a shower and 3-4 times a week for recreation for about one hour each time.

27. He had no cell mate.

28. In addition to causing him physical injuries, the lack of light in the cell caused Mr. Carter extreme mental distress. He was isolated in the dark.

29. Placing a person in prolonged, isolated darkness for an extended period is a form of torture.

30. While he was confined in the dark cell Mr. Carter submitted a grievance in May. He gave it to a correctional officer. The grievance complained of the conditions in his cell. He never received a response.

31. He wrote the grievance by standing directly in front of his door so he could try to see what he was writing through the shattered glass.

37. Inasmuch as he never received any responses to his grievance, he could not file appeal. He therefore exhausted all grievance remedies that were available to him.

38. Defendants Hyatte and Payne denied Mr. Carter the minimal civilized measures of life's necessities by subjecting him to darkness and dangerous conditions in the cell.

39. Plaintiff has been damaged by defendants' actions and inactions.

40. Defendants acted maliciously or with reckless disregard of plaintiff's rights and are liable for punitive damages.

41. At all times defendants acted and failed to act under color of state law.

Claim for relief

42. The actions of defendant Hyatte and Payne in allowing plaintiff to be held in a cell with a blocked window, no light, and dangerous and filthy conditions, violated plaintiff's Eighth Amendment rights.

Request for relief

Plaintiff therefore requests that this Court:

1. accept jurisdiction of this case and set it for hearing at the earliest opportunity.
2. award plaintiff his damages.
3. award punitive damages against defendants.
4. award plaintiff his costs and reasonable attorney's fees pursuant to 42 U.S.C. § 1988.
5. award all other proper relief.

Kenneth J. Falk
No. 6777-49
Stevie J. Pactor
No. 35657-49
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202
317/635-4059
fax: 317/635-4105
kfalk@aclu-in.org
spactor@aclu-in.org

Attorneys for Plaintiff