

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JAKE PRISCAL,)
)
Plaintiff,)
)
v.) No. 3:22-cv-165
)
WARDEN WILLIAM HYATTE, in his)
official capacity;)
DEPUTY WARDEN GEORGE PAYNE, in his)
individual capacity;)
)
Defendants.)

Complaint for Damages

Introduction

1. Jake Priscal was placed in a restrictive housing cell at Miami Correctional Facility in December of 2020, where he remained for 30 to 45 days, 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. Electrical wires hung from the ceiling. The cell frequently flooded with water and raw sewage. Although the window was covered by metal, it was not sealed and the cell was extremely cold. The cell repeatedly flooded with water and sewage from other cells. The conditions of his confinement represent cruel and unusual punishment and caused Mr. Priscal 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. Jake Priscal is an adult resident of Indiana. He was formerly incarcerated in the Miami Correctional Facility. He is no longer a prisoner.
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. Although the cells did not have operational lights, in some cells the wiring remained "live," so that anyone encountering the wires would be shocked
17. Defendants Hyatte and Payne were aware that prisoners were being placed into cells without lights and with windows covered by metal plates.
18. In mid-December of 2020, Mr. Priscal was placed into a restrictive housing cell, at Miami Correctional Facility.
19. The cell had no working light, and its window was covered with a metal plate.

20. Mr. Priscal had no role in breaking the light or window.
21. It was extremely dark in the cell.
22. Wires hung from the ceiling where the light had been.
23. There was supposed to be an intercom in the cell. But when he was moved into the cell the intercom was broken and wires hung from where the intercom had been.
24. It was extremely cold in the cell. Although a metal plate covered the window opening, it was not sealed, and cold air flowed into the dark cell.
25. For his first few days in the cell Mr. Priscal did not have his property. When he finally was given his property, he attempted to stop the flow of cold air into his cell by stuffing his clothing in the gaps between the metal plate and the cell. However, the cell remained extremely cold.
26. The cell was painfully cold.
27. It was so cold in the cell that Mr. Priscal had difficulty in sleeping.
28. Mr. Priscal had no television. He did have a tablet but it had to be charged outside of his cell by correctional officers and this rarely happened. So, he had no light within the cell.
29. The window in his cell door was shattered when he moved into the cell. Although the glass remained in the window, it was spider webbed and let in little light from the area outside of the cell. This area outside of his cell was frequently very dark.
30. As a result, his cell always remained extremely dark.

31. The room was filthy. Water and sewage from other cells, containing urine and feces, constantly flooded his cell.

32. Because it was so dark, and the cell was so small, on many occasions Mr. Priscal injured himself by colliding with his toilet and his bunk as he could not see them. He received painful bruises on his legs.

33. Mr. Priscal received no recreation while in the cell and was allowed out for a shower only every 5-7 days for approximately 15 minutes at most each time.

34. Mr. Priscal lost all sense of time being confined in the dark cell and his mental health was negatively affected.

35. He still suffers from night terrors and other effects from being locked in the dark for a prolonged period.

36. Shortly after Mr. Priscal was released from restrictive housing, he was transferred to an open dorm at Putnamville Correctional Facility.

37. Because of the distress he was still feeling because of his experience in the dark cell he had extreme difficulty being in this open setting and sought mental health care at Putnamville Correctional Facility because of anxiety and other concerns.

37. Mr. Priscal was released from the Department of Correction in October of 2021 and is no longer a prisoner.

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

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

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

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

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

Claim for relief

42. The actions of defendants 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 attorneys' 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