

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

CAMERON WERDEN,

Plaintiff,

v.

No. 3:21-cv-846

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

Defendants.

**Complaint for Damages**

**Introduction**

1. Cameron Werden was placed in a restrictive housing cell at Miami Correctional Facility for more than 2 ½ months, beginning in January 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 extremely dark. Live electric wires hung from the broken light fixture. He suffered physical injuries in the cell. The conditions of his confinement represent cruel and unusual punishment and caused Mr. Werden 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. Cameron Werden 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 January of 2021, Mr. Werden was placed into cell A-209 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. Werden had no role in breaking the light or window.

20. For at least one month Mr. Werden had no television or tablet. The cell was pitch black. Even after he received the television and tablet the cell remained fer dark because these items 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.

22. The cell was always very dark.

23. The cell was so dark that he could not even see his toilet.

24. There were live electric wires that hung down from the broken light fixture and he was shocked on one occasion.

25. Because his cell was so dark, Mr. Werden, on multiple occasions, collided with his toilet and bed in the dark. This caused him physical injuries. One he tripped and hit his head on the toilet. On another occasion he hit his shin so hard on the toilet, which he could not see in the dark, that it opened up a wound and he still has the scar.

26. Mr. Werden remained in the cell for approximately 2 ½ months.

27. During the time that he was housed in the cell Mr. Werden was released approximately two to three times a week for a shower and recreation for about one hour each time.

28. For approximately 1 ½ weeks he had a cellmate. It was extremely difficult having two people in the cell in the dark.

29. In addition to causing him physical injuries, the lack of light in the cell caused Mr. Werden emotional harm. He has a history of depression and anxiety and the conditions in the cell made them worse.

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

31. While was confined in the dark cell Mr. Werden submitted a grievance stating "I have no light, or window in my cell. I cannot see anything. I cannot even see the toilet to use the restroom. Wires hang from my ceiling." He also indicated in the grievance that he would like to be switched to a cell that had a working light and that he wanted monetary relief.

32. He received a response that indicated "[s]ince your grievance that you filed on 3/8/21, you have been moved twice. Your grievance should be handled."

33. He indicated on the grievance response that he disagreed with this. He never received any more paperwork so he could appeal the matter.

34. Inasmuch as he never received further paperwork, he could not file an appeal. He therefore exhausted all grievance remedies that were available to him.

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

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

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

40. 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 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.

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