

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JEREMY A. WINNERS,

Plaintiff,

v.

No. 3:22-cv-135

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

Defendants.

Complaint for Damages

Introduction

1. Jeremy Winners was placed in restrictive housing cells at Miami Correctional Facility from approximately August through October of 2020. In the first cell there was a metal plate covering the window, the sole light was not working, and live electric wires hung from the broken fixture. After a short period of time he was moved to another cell that also had no light and a window that was broken so the cell was exposed to the elements. Live wires again hung from the ceiling. After approximately 2 weeks the window opening was covered with metal so that he was once again in the dark and remained that way for approximately a month. He suffered painful injuries in the cell

from colliding with objects in the dark and from being shocked by the exposed wires. The conditions of the cell severely exacerbated his preexisting mental health conditions. The conditions of his confinement represent cruel and unusual punishment and caused Mr. Winners 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. Jeremy A. Winners is an adult who is currently confined in the Westville Correctional Facility, following conviction of criminal offenses, but who was formerly confined at the Miami Correctional Facility.
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 showers or recreation. 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. Defendants Hyatte's 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. Defendants Hyatte and Payne were aware that prisoners were being placed into cells without lights and with windows covered by metal plates.

17. In August of 2020, Jeremy A. Winners was placed into cell A-111 in the restrictive

housing unit in Miami Correctional Facility.

18. The cell had no working light, and the only window was covered with a metal plate.

19. Mr. Winners had no role in breaking the light or window.

20. Live electric wires hung from the ceiling.

21. The cell was extremely dark.

22. He remained in this cell for approximately a week, during which time there were two fires in the cell.

23. Mr. Winners ran into the wires in the dark and received painful shocks.

24. The live wires gave off sparks that inadvertently started fires. Mr. Winners was found guilty of starting the fires. Although Mr. Winners disputes the guilty findings, he is not challenging the findings in this case.

25. After approximately one week he was moved to A-137, also within the administrative housing unit at Miami Correctional Facility.

26. Again, there was no working light in the cell.

27. When Mr. Winners was placed into the cell its window was broken out, but not covered.

28. Mr. Winners had no role in either breaking the window or light.

29. The cell was therefore exposed to the elements.

30. After approximately 2 weeks the broken window was covered with a piece of

metal, so that the cell was dark.

31. Mr. Winners remained in the cell for another month.

32. Live wires came from the ceiling that, again, caused Mr. Winners painful shocks when he inadvertently collided with them.

33. The live wires again caused fires in Mr. Winners' cell that he was not responsible for, although he was found guilty of starting them in prison disciplinary proceedings. He is not challenging the guilty findings in this action.

34. At one point a light was placed in the cell, but the light flashed constantly and causes plaintiff much distress. The light burnt out shortly after it was installed and he was again in darkness.

35. The electrical sockets in the cell did not work and were not repaired until approximately 2 weeks before his stay in restrictive housing ended.

36. In any event, Mr. Winners had no television that could be used as a light source.

37. Mr. Winners did have a tablet, but he did not have a charger, so he was not able to use it as a light source when the electric sockets in A-137 were repaired.

38. Although the otherwise solid cell doors in the cells each had a small window, very little light came in from outside the cells.

39. The cells were therefore extremely dark.

40. Mr. Winners has a history of severe mental health issues and being in constant darkness caused him severe emotional and psychiatric problems.

41. He was seen repeatedly while in the two cells by mental health staff who indicated that he should not be placed in the dark because of the negative effects on his mental health.

42. While in A-137 Mr. Winners became so distraught that he swallowed razor blades.

43. While in the cells he was released infrequently and only for showers for approximately 10 minutes each time.

44. Placing a person in prolonged, isolated darkness for an extended period is a form of torture. It is particularly problematic if the person has preexisting mental health issues.

45. While in the cells Mr. Winners filled out multiple grievances that complained of the conditions under which he was held.

46. He received a response to one of the grievances and appealed it. He eventually received a response from the facility and specified that he disagreed and wished to appeal the matter to the Department of Correction's Offender Grievance Manager. However, heard nothing further. He gave other grievances to the staff and received no responses.

47. Since Mr. Winners never received responses, he was not able to file any appeals.

48. Mr. Winner has therefore exhausted all available grievances.

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

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

51. Defendants acted maliciously or with reckless disregard of plaintiff's rights and

are liable for punitive damages.

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

Claim for relief

51 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 unsanitary 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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