

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

ANTHONY PARISH,

Plaintiff,

v.

No. 3:21-cv-475

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

Defendants.

Complaint for Damages

Introduction

1. Anthony Parish was placed in a restrictive housing cell at Miami Correctional Facility beginning on August 31, 2020, for approximately 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. This left Mr. Parish in darkness in his cell. Live electrical wires hung from the ceiling, and he received painful shocks as he tried to navigate in his dark cell. Defendants were aware of the conditions under which Mr. Parish suffered, yet allowed him to remain in total, painful, and dangerous darkness. This represented cruel

and unusual punishment and caused Mr. Parish 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. Anthony Parrish is an adult who is 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. The cells in restrictive housing are usually for one prisoner only.
10. Prisoners in restrictive housing spend all their time in their cells, except when they are released for shower or solitary 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.

11. The restrictive housing cells contain a single window to the outside and a solitary light fixture that supplies the only light in the cell.

12. The door to the cell is solid with a very small window at about eye level.

13. 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.

14. At all relevant times defendants were aware that many of the restrictive housing cells had broken windows and no operable light source. Yet, these obvious problems were not remedied.

15. Defendants' solution to the broken windows was not to replace the windows, but to cover the windows with sheet metal so that no light came through the windows.

16. Many of the cells in the restrictive housing unit did not have operational lights and had windows covered with sheet metal.

17. Defendants were aware that prisoners were being placed into cells without lights and with windows covered by metal plates.

18. On August 31, 2020, Anthony Parish was placed into a restrictive housing cell at Miami Correctional Facility that had a broken window and a broken, non-operational, overhead light although the wires that went to the broken light fixture were still live and hung from the ceiling.

19. Mr. Parish had no role in the breaking of the window or light.
20. The broken window had been covered with a piece of sheet metal so that no light came through it.
21. Although there was a small window in the otherwise solid door to Mr. Parish's cell, there was very little light that came through into his cell.
22. For the first two weeks that he was in the cell, Mr. Parish did not have a television or tablet and had nothing that could generate light. It was pitch dark.
23. After two weeks he did receive his television and tablet. But the light that they gave off was inadequate to illuminate the cell, which remained dark at all times.
24. On at least two occasions, as he tried to navigate the cell, Mr. Parish ran into the exposed wires that draped from the ceiling. He received a shock to the head that caused him pain and dizziness. On one occasion, this caused him to fall to the floor, hitting his head on the hard cell floor. On another, the shock made him fall into his bunk. Both of the falls were painful.
25. On a number of occasions, he ran into his toilet as he tried to move through his cell resulting in painful bruises on his legs.
26. He was removed from the cell approximately once every 3-5 days for a shower for 15 minutes. He received no recreation.
27. Being in the dark for that length of time caused him to have a great deal of anxiety from which he still suffers.

28. Mr. Parish filed a number of grievances that were denied and for which he appealed but received no responses. One is attached as Exhibit 1. Although he appealed, he never received an answer. He has therefore fully exhausted all grievance remedies available to him.

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

30. Defendants denied Mr. Parish the minimal civilized measures of life's necessities by subjecting him to darkness in a cell.

31. Defendants denied Mr. Parish the minimal civilized measures of life's necessities by placing him into a cell where he was shocked by exposed electrical wires.

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

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

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

Claim for relief

35. Defendants' actions and inactions in allowing plaintiff to be held in darkness in a cell with exposed electrical wires 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