

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

GERALD REED,

Plaintiff,

v.

No. 3:21-cv-478

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

Defendants.

Complaint for Damages

Introduction

1. Gerald Reed was placed in a restrictive housing cell at Miami Correctional Facility from February 4, 2021, through March 25, 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. This left Mr. Reed in a dark cell for almost 50 days. The broken light fixture dangled from the ceiling. Although Mr. Reed immediately complained about the conditions of his cell, nothing was done about the cell. On March 1, 2021, as he tried to maneuver around his dark cell the fixture fell off the ceiling and struck him on the head, causing painful injuries from which he continues to suffer. After this cell, he was moved

to another cell that had a light, but also had a window blocked with metal. He was then moved for approximately two weeks to another administrative housing cell with no working light and with an obstructed window. Defendants were aware of the conditions under which Mr. Wagner suffered, yet allowed him to remain in the dark and dangerous cells. This represented cruel and unusual punishment and caused Mr. Reed 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. Gerald Reed 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 February 4, 2021, Gerald Reed was placed into a restrictive housing cell at Miami Correctional Facility that had a broken window and a broken, non-operational, overhead light which hung precariously from the ceiling.

19. Mr. Reed 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. Reed's cell, there was very little light that came through into his cell.

22. When he first was placed in the cell Mr. Reed had no light source and it was pitch black.

23. After 7-10 days in the cell, Mr. Reed received his small television that gave off a faint light, but the cell remained extremely dark.

24. There were live electrical wires from the ceiling. The metal plate over the window was not caulked so when it was windy the wires would move back and forth and when they touched, he could see sparks.

25. He attempted to avoid the dangling light fixture, but it was impossible to do so as he had to move in the cell to use the toilet and to get up from his bed and the cell was so small that the fixture was directly over him.

26. On March 1, 2021, the light fixture, which he estimates weighed more than 100 pounds, fell from the ceiling, and hit him in the head. Mr. Reed was getting up to use the toilet when the light fell.

27. Nursing staff diagnosed him with a concussion, and he continues to have pain in his back and remains on medication and continues to have blurry vision.

28. 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.

29. Mr. Reed was removed from the cell approximately once every 7-10 days for a shower. He received no recreation.

30. Immediately after being moved into the cell Mr. Reed filed a grievance about the cell conditions. It was never responded to, and he filed a subsequent grievance because the initial grievance had not been addressed. It, too, was not answered.

31. On March 1, 2021, he filed a grievance complaining of the fact that he had been moved into a cell without lights and a hanging light fixture that had fallen on his head. (Exhibit 1, attached).

32. Even though the grievance was submitted on the very day that the fixture had fallen and while he continued to be confined in the dark cell, it was returned to him as being not timely submitted. (Exhibit 2, attached).

33. There is no appeal from the return of a grievance.

34. Plaintiff has exhausted all grievance remedies available to him concerning this.

35. Plaintiff was eventually moved from this cell into another administrative housing cell that had a working light but had a window obstructed by metal. After approximately one month he was moved to yet another administrative housing cell that once again had no working light and had a window obstructed by sheet metal.

36. In this last cell he injured himself repeatedly by walking to the toilet/sink unit and by being shocked by exposed wires that hung from the ceiling. This was made worse by the fact that he had a cellmate in this last cell and the two men had to try to avoid each other in the dark without running into objects in the cell.

37. He filed grievances concerning conditions in both of the cells that he was moved to after the cell where the light fixture fell on his head, but he never received responses. He has therefore exhausted all grievance remedies available.

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

39. Defendants denied Mr. Reed the minimal civilized measures of life's necessities by subjecting him to darkness in his cells and by holding him in a cell with exposed wires that continuously shocked him.

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

43. 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 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

