

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

LATROY MAXWELL,

Plaintiff,

v.

No. 3:21-cv-551

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

Defendants.

Complaint for Damages

Introduction

1. Latroy Maxwell was placed in a restrictive housing cell at Miami Correctional Facility from approximately January 28, 2021, through February 28, 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. Maxwell in darkness in his cell aside from the little light given off by a television and tablet. Defendants were aware of the conditions under which Mr. Maxwell suffered, yet allowed him to remain in total darkness. This represented cruel and unusual punishment and caused Mr. Maxwell

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. Latroy Maxwell 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 generally 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 or about January 28, 2021, Latroy Maxwell 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. Maxwell 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. Maxwell's cell, there was very little light that came through into his cell.
22. Mr. Maxwell had a small television and a tablet while in the cell. However, they provided little light and did not alter the fact that the cell was extremely dark.
23. Because it was so dark and because Mr. Maxwell could not safely navigate the dark cell, Mr. Maxwell basically stayed on his bed while in the cell except for when he got off his bed to take meals that were slid to him through the cuffport in the cell's door.
24. Mr. Maxwell was removed from the cell on or about February 25, 2021.
25. Mr. Maxwell was taken out of his cell for a shower and recreation approximately every three days. Other than that, he was forced to remain in the dark cell.
26. Within 2 to 3 days after he was placed into the dark cell, Mr. Maxwell filed a grievance complaining that he had been placed into a cell without lights and with blocked windows.
27. He never received any response to the grievance. While still in the dark cell he filed a second grievance complaining that the first one was not responded to. He never heard from that grievance either.

28. In order to appeal the denial of a grievance, a prisoner must receive a response to his initial complaint.

29. Inasmuch as Mr. Maxwell never received a response, he could not appeal the lack of response.

30. Mr. Maxwell has therefore fully exhausted all grievance remedies available to him.

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

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

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

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

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

Claim for relief

36. Defendants' actions and inactions in allowing plaintiff to be held in darkness in a restrictive housing cell and the conditions imposed on plaintiff in the cell 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