

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

JEFFREY W. WAGNER,

Plaintiff,

v.

No. 3:21-cv-479

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

Defendants.

**Complaint for Damages**

**Introduction**

1. Jeffrey W. Wagner was placed in a restrictive housing cell at Miami Correctional Facility from September 3, 2020, through November 3, 2020, 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. Wagner in complete darkness in his cell. Live electrical wires hung from the ceiling and on a number of occasions he received painful shocks as he tried to navigate in his dark cell. Defendants were aware of the conditions under which Mr. Wagner suffered, yet allowed him to remain in total, painful, and dangerous darkness. This represented cruel and unusual punishment and caused

Mr. Wagner 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. Jeffrey W. Wagner 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 September 3, 2020, Jeffrey W. Wagner 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. Wagner 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. Wagner's cell, there was very little light that came through into his cell.
22. Mr. Wagner had no light source in his cell and the cell was extremely dark. He could not see anything in the cell.
23. On at least five occasions, as he tried to navigate the cell, Mr. Wagner ran into the exposed wires that draped from the ceiling. He received very painful shocks.
24. 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.
25. Mr. Wagner complained about being put into the cell and after a month the broken light fixture was removed, but no light source was provided, and the window remained sealed with sheet metal.
26. He remained in the dark.
27. He was removed from the cell approximately once every 5 days for a shower. He received no recreation.
28. Mr. Wagner has a diagnosis of bi-polar disorder and has anxiety problems.
29. While in the dark for the two months he suffered increased depression and anxiety. He also suffered from auditory hallucinations urging him to harm himself.

30. On a number of occasions his mental health providers pulled him out of the cell to try to assist him in overcoming the damage being caused by being sealed into a dark cell.

31. He believes that his mental health providers attempted have him moved to another cell.

32. When he finally was removed from the cell in November, he had to go on new medicine for anxiety for the first time.

33. Mr. Wagner filed a grievance complaining about his "pitch black cell." (Exhibit 1, attached).

34. The grievance response from Miami Correctional Facility stated, among other things, that "[w]indows are being replaced with steel due to the cost of replacing them. Light fixtures are being replaced as quickly as possible." (Exhibit 2, attached).

35. The grievance response is dated November 24, 2020. (*Id.*). This was a Tuesday.

36. The Indiana Department of Correction's Offender Grievance Process provides that a prisoner disagreeing with the grievance response at the facility response may file an appeal within 5 business days.

37. Mr. Wagner's appeal of the grievance response (*id.*), is dated Sunday November 29, 2020, which is 5 calendar days after November 24 and only one business day after November 24 as both November 26 and November 27, 2020, were holidays for Indiana state employees.

38. Nevertheless, the appeal was denied, without explanation, aa being "late."  
(Exhibit 3, attached.

39. The appeal was not late.

40. Mr. Wagner has fully exhausted all grievance remedies available to him.

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

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

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

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

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

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

#### **Claim for relief**

47. 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.

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