

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JEREMY BLANCHARD,

Plaintiff,

v.

No. 3:21-160

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

Defendants.

Complaint for Damages

Introduction

1. Jeremy Blanchard was placed in a restrictive housing cell from September 3, 2020 to October 5, 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. Blanchard in darkness except for the short period of time that he was let out for a shower every few days. Defendants were aware of the conditions under which Mr. Blanchard suffered, yet allowed him to remain in near-total darkness for more than a month. This represented cruel and unusual punishment and caused Mr. Blanchard damages for which defendants are liable.

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 Blanchard 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 for one-prisoner only.
10. Prisoners in restrictive housing spend all the 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 several 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. On August 18, 2020, Jeremy Blanchard was placed into a restrictive housing cell at Miami Correctional Facility that had a broken window and a broken, non-operational, overhead light. It also had a call button that was broken. Mr. Blanchard had no role in the breaking of the window, light, or call button.
16. With the window being broken Mr. Blanchard could extend his hands through the window area to the outside.
17. Many of the cells on the restrictive housing unit had broken windows.
18. Many of the cells on the restrictive housing unit had inoperable lights.
19. Defendants' response to the broken windows in restrictive housing was not to replace the windows, but to place solid steel plates over the window, which served to completely block the window.

20. Therefore, on September 3, 2020, defendants had steel plates placed over the broken windows in restrictive housing, including the window in Mr. Blanchard's cell.

21. This, combined with the fact that Mr. Blanchard's cell had no operable light, plunged the cell into near total darkness.

22. Although the electrical outlet in Mr. Blanchard's cell was still operable, he did not have another light. The only light source in his cell was the extremely dim light from his DOC-issued tablet. This provided very little light other than to see the tablet.

23. The only light that filtered into his cell was through the small window in his cell door. However, lights in the day room area outside of his cell were not on brightly during much of the day and even when they were, little light came into his cell.

24. Mr. Blanchard immediately filed a grievance concerning this.

25. Mr. Blanchard fully exhausted his grievances concerning this and his grievance history is attached as Exhibit 1.

26. As noted on Exhibit 1, the grievance response indicates that Deputy Warden Payne was contacted and indicated that Mr. Blanchard was placed in the cell with a steel plate over the window because a previous prisoner had broken the window and the facility had no other cell available for Mr. Blanchard and had no money to put in a stronger window.

27. The Department of Correction maintenance worker who installed the steel plate in Mr. Blanchard's cell indicated to plaintiff that defendant Hyatte authorized placing steel plates over Mr. Blanchard and other prisoners' windows.

28. Mr. Blanchard was not moved from the cell until October 5, 2020.

29. From September 3, 2020 until October 5, 2020, Mr. Blanchard was not provided any recreation.

30. During this period, he was provided a shower approximately every 4-5 days for approximately 15 minutes.

31. He completed his grievance documents during the brief period when he was out of his cell for his shower as he then had light with which he could see the documents. He could not see them in this cell.

32. Therefore, from September 3, 2020 until October 5, 2020, he remained in near-complete darkness except for the brief periods he was let out of his cell for his shower.

33. Because of the darkness, Mr. Blanchard lost all sense of time and had difficulty in sleeping.

34. Mr. Blanchard began to hallucinate, something he did not do when he was in a cell with light. He began to hear voices and he had the sensation of things crawling on him and at times thought he saw things crawl on him as he tried to sleep.

35. He spent time pacing back and forth and suffered severe anxiety.

36. While walking back and forth in his cell he frequently bumped into the stool attached to the floor in the cell. He did this so often and with sufficient force that he developed bruises and bloody scrapes on his legs. This was painful.

37. He is hypoglycemic. The darkness caused his internal clock to get confused and his appetite was altered and he ate irregularly. Because of his hypoglycemia he developed painful headaches and suffered from nausea and a lack of energy.

38. His mental health suffered as well because of his placement in the dark for an extended period.

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

40. Defendants denied Mr. Blanchard the minimal civilized measures of life's necessities by subjecting him to near-continuous darkness for more than a month.

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

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

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

Claim for relief

44. Defendants' actions and inactions in allowing plaintiff to be held in near-continuous darkness for more than a month 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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