

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

CHARLES RODGERS,

Plaintiff,

v.

No. 3:21-cv-552

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

Defendants.

**Complaint for Damages**

**Introduction**

1. From May of 2020 to the end of June and for two weeks in October of 2020, Mr. Rodgers was placed into restrictive housing cells in the Miami Correctional Facility that had no working lights and where the windows had been covered over with pieces of metal, obstructing all natural light. This left Mr. Rodgers in darkened cells for weeks. This represented cruel and unusual punishment and caused Mr. Rodgers 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. Charles Rodgers 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. In May of 2020, Charles Rodgers was placed into a restrictive housing cell at Miami Correctional Facility that had a broken window and a broken, non-operational, overhead light.
19. Mr. Rodgers 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. Rodgers had a small television and a tablet that both emitted some light, although the light was not sufficient for him to move around his cell, which remained dark.

23. The cells are equipped with a call button to notify correctional staff if the prisoner needs attention for medical or other emergency reasons.

24. The call button was not operational, requiring Mr. Rodgers to beat on the door to attract medical attention on a number of occasions when he suffered from shortness of breath.

25. Mr. Rodgers was released from his cell approximately every three days for 15-25 minutes so he could shower.

26. The rest of the time he spent in his darkened cell.

27. In October of 2020, he was moved to another cell in the restrictive housing unit at Miami Correctional Facility that, like the first cell, had no working light and where the window opening had been covered by sheet metal so that the cell was dark.

28. He spent two weeks in this second cell.

29. Mr. Rodgers timely filed numerous grievances concerning the conditions of his cells. He never received any responses to a number of them. Others were denied, and he filed appeals and never received responses to his appeals.

30. He has attempted to obtain copies of these grievances, but he has not been able to do so.

31. He could not appeal the non-receipt of responses to his grievances and grievance appeals.

32. Mr. Rodgers has therefore fully exhausted all grievance remedies available to him.

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

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

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

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

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

#### **Claim for relief**

38. Defendants' actions and inactions in allowing plaintiff to be held in darkness in two separate cells 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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