

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

TREVOR O'NEAL,

Plaintiff,

v.

No. 3:21-cv-560

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

Defendants.

Complaint for Damages

Introduction

1. Trevor O'Neal was placed in a restrictive housing cell at Miami Correctional Facility from January 11, 2021, to February 22, 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. On February 22, 2021, to March 3, 2021, he was placed in a different restrictive housing cell that had no overhead light and that had a broken window with no window covering at all, leaving his cell exposed to the elements and extremely cold. On March 3, 2021, a metal sheet was placed over the window opening, leaving the cell

without any light and in darkness. On March 18, 2021, he was moved to a cell that had no working light, but that had a window. However, in this cell the toilet was clogged with a former occupant's feces. For five days he had to remain in the cell with the clogged and grossly unhygienic toilet and was required to urinate and defecate in a plastic bag. At one point during his ordeals Mr. O'Neal received a painful shock from the live wires in his cell and he suffered other physical and other injuries. The conditions of his confinement represented cruel and unusual punishment and caused Mr. O'Neal 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. Trevor O'Neal is an adult who is currently confined to the Branchville Correctional Facility in Perry County, Indiana, following conviction of criminal offenses. However, at the time of the events that gave rise to this litigation he was confined to the Miami Correctional Facility in Miami County, Indiana.
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.

8. At all relevant times Terry Beane was a correctional sergeant employed by the Indiana Department of Correction at Miami Correctional Facility.

Facts

9. The Miami Correctional Facility contains a restrictive housing unit where prisoners are placed as the result of disciplinary sanctions or for administrative purposes.

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 Hyatte and Payne 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. Defendant Hyatte and Payne's solution to the broken windows was not to replace the windows, but in some cells to cover the windows with sheet metal so that no light came through the windows.

16. In other cells, defendant Hyatte and Payne did nothing to replace the broken windows, instead allowing the cells to have no window coverings at all so that the cells were exposed to the elements.

17. Many of the cells in the restrictive housing unit did not have operational lights and had windows covered with sheet metal.

18. Although the cells did not have operational lights, the wiring remained "live," so that anyone coming into contact with the wires would be shocked

19. Defendant Hyatte and Payne were aware that prisoners were being placed into cells without lights and with windows covered by metal plates or windows without glass or any covering at all.

20. On January 11, 2021, Mr. O'Neal was placed into cell A-415 in the restrictive housing unit at Miami Correctional Facility.

21. The cell had no working light, and its window was covered with a metal plate.

22. Mr. O'Neal had no role in breaking the light or window.

23. It was extremely dark in the cell.

24. Mr. O'Neal had a tablet, but it frequently did not work, and it gave off very little light. The cell was dark.

25. Although there was a small window in his otherwise solid cell door, it let in very little light from outside of his cell. The cell remained extremely dark at all times.

26. Because it was so dark, and the cell is so small, Mr. O'Neal injured himself walking into the toilet and his bunk as he could not see them in the dark.

27. On February 22, 2021, he was moved to cell A-204 or A-203 in restrictive housing. It also did not have a working light.

28. It also had a window that had its window glass broken out.

29. Mr. O'Neal had no role in breaking the light or window.

30. There was no covering at all over the space where the window had been. Instead, there was just an open space.

31. As a result, rain and snow could and did enter the cell.

32. It was extremely and painfully cold in the cell as it was exposed to the elements.

33. It was so cold that Mr. O'Neal could not sleep.

34. On March 3, 2021, prison employees entered the cell and covered the window with a metal sheet.

35. No attempt was made to repair the light.

36. Therefore, once again, Mr. O'Neal was forced to remain in an extremely dark cell.

37. Again, although there was a small window in his otherwise solid cell door, it let in very little light from outside of his cell. The cell was dark.

38. While in the dark cell Mr. O'Neal came in contact with the live wires that dangled from the ceiling where the light fixture had been. The shock threw him into his bunk, and he painfully cracked his head.

39. The shock caused him pain and injury and he filed a medical slip, seeking medical attention.

40. For 4-5 hours after he was shocked, his hand that had touched the live wires was painful and shaking and he felt the ill effects of the shock for a couple of days thereafter.

41. On March 18, 2021, Mr. O'Neal was moved to cell A-221 in the restrictive housing unit at Miami Correctional Facility.

42. This cell had a glass window, but no working light.

43. It also had a toilet that was not operational because it was clogged.

44. It was filled with another prisoner's feces and could not flush.

45. The smell was overpowering and revolting.

46. Mr. O'Neal immediately complained to a number of persons about the toilet, including to Correctional Sergeant Beane who refused to take the steps necessary to fix the toilet and who refused to allow him to be placed into a cell with a toilet that worked, although Sgt. Beane had the power to do order the toilet fixed or to have Mr. Beane placed into another cell.

47. Instead, Sgt. Beane had Mr. O'Neal provided with a plastic bag into which Mr. O'Neal was required to both urinate and defecate.

48. Sgt. Beane made Mr. O'Neal keep the plastic bag in the cell for the five days until maintenance was finally called and quickly fixed the toilet.

49. While in the restrictive housing cells Mr. O'Neal was let out only sporadically for showers.

50. From February 22, 2021, until March 8, 2021, Mr. O'Neal had one cellmate in his restrictive housing cell as two different prisoners were moved in with him at separate times.

51. Having a cellmate in the dark was extremely problematic. Mr. O'Neal and his cellmate could not see each other and bumped into each other frequently. This caused injuries and an enormous amount of tension and anxiety.

52. When he was in the dark cells, he lost track of time and was not able to sleep.

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

54. Mr. O'Neal timely filed grievances complaining of the conditions in each of the cells where he was confined, including the lack of lights, windows, and the condition of his toilet in cell A-221.

55. A number of the grievances were never responded to at all.

56. At least two of the grievances were denied at the facility level and he properly appealed, but he never received responses to his appeals.

57. Although appeals must be on the form that is provided when the grievance is denied, on one occasion Mr. O'Neal just wrote out an appeal on regular paper concerning a grievance for which he had not received a response, but he did not hear back.

58. Mr. O'Neal has exhausted all grievances available to him.

59. Defendants Hyatte and Payne denied Mr. O'Neal the minimal civilized measures of life's necessities by subjecting him to darkness in the cells.

60. Defendants Hyatte and Payne denied Mr. O'Neal the minimal civilized measures of life's necessities by subjecting him to extreme cold in a cell that had no barrier to the outside elements.

61. Defendants Hyatte and Payne denied Mr. O'Neal the minimal civilized measures of life's necessities by placing him into a cell where he was shocked by exposed electrical wires.

62. Defendant Beane denied Mr. O'Neal the minimal civilized measures of life's necessities by placing him into a cell where there was not a working toilet for five days and where feces remained in the toilet for those five days and Mr. Wagner was required to urinate and defecate in a plastic bag.

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

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

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

Claim for relief

66. The actions of defendant Hyatte and Payne in allowing plaintiff to be held in cells where there was no light and the window was covered by metal, where there was no covering of any kind over the window so that the cell was exposed to the elements, and where there were exposed and live electrical wires, violated plaintiff's Eighth Amendment rights.

67. The actions of defendant Beane in requiring Mr. O'Neal to be held for five days in a cell where the toilet was clogged with feces and where Mr. O'Neal was required to urinate and defecate in a plastic bag that he was required to keep with him, 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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