

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

KENNETH DUCKWORTH,

Plaintiff,

v.

No. 3:21-769

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

Defendants.

Complaint for Damages

Introduction

1. After being stabbed and requesting that he be separated from the prisoner who had tried to kill him, Kenneth Duckworth was placed into a restrictive housing cell at Miami Correctional Facility that had no light and no window. He was forced to remain in darkness in the cell. He had a cellmate in this dark cell who assaulted him. After two weeks he was moved to another restrictive housing cell that had no operable light but did have a window. This latter cell was also flooded ankle deep with sewage water. Defendants were aware of the conditions under which Mr. Duckworth suffered yet allowed him to remain in darkness and filth. This represented cruel and unusual

punishment and caused Mr. Duckworth 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. Kenneth Duckworth 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, although occasionally two persons are placed in the cells.

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 frequently occurs less often. Other than that, they are isolated 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 January of 2021, while in regular population, Kenneth Duckworth was stabbed by another prisoner.

19. This attack was not provoked in any way by Mr. Duckworth, and he still does not know why he was stabbed. He did not know the prisoner who attacked him.
20. Nevertheless, he was stabbed on his head, behind his right ear, and on his right leg.
21. He was taken to a local hospital and received numerous staples to close the wounds.
22. After spending time in the prison's infirmary, he was returned to general population and asked that he be separated from the prisoner who stabbed him.
23. Nevertheless, the prisoner who stabbed him was moved into his unit and proceeded to threaten him.
24. The response of the institution was to move Mr. Duckworth into A-unit, the restrictive housing unit, in early March of this year.
25. He was initially placed in cell A-129 in early March of 2021.
26. He had a cellmate who attempted to assault him and who was moved out of the cell after approximately five days.
27. Cell A-129 had a broken window and a broken, non-operational, overhead light.
28. Mr. Duckworth had no role in the breaking of the window or light.
29. The broken window had been covered with a piece of sheet metal so that no light came through it.

30. Although there was a small window in the otherwise solid door to Mr. Duckworth's cell, there was very little light that came through into his cell.

31. Mr. Duckworth had a television and tablet, although after a short period of time the television was taken from him by staff. However, when he still had the television, he was not able to plug it in as the socket next to his bunk gave off sparks when anything was plugged into it.

32. His cellmate allowed him to use one of the plugs in the socket next to his bunk so Mr. Duckworth could periodically charge his tablet, so he was able to use his tablet.

33. However, the tablet gave off very little light and the cell was very dark.

34. Mr. Duckworth was extremely dizzy because of his head wounds and spent as much time as possible on his bed in the dark cell. The constant darkness aggravated the discomfort that he still felt from his wounds. It made his dizziness much worse.

35. After approximately 2 weeks, Mr. Duckworth was moved to another cell in restrictive housing, A-151.

36. This new cell had a window that was not covered, but it had no light.

37. Its floor was covered, ankle deep, with sewage water. This remained for a week, and he was not given adequate supplies to clean it up. In fact, he had to rip open his mattress to try to mop up the water. He was charged for destroying his mattress.

38. Because there was no light in the cell, the cell was dark for much of the time. He had his tablet, but the cell remained dark for much of the time.

39. Mr. Duckworth remained in this cell for two weeks and then was moved to a cell with a working light.

40. While in A-129 Mr. Duckworth was released for one hour each day for a shower and recreation for the first three to four days of his confinement. However, thereafter there was a prison-wide lock down and he was not removed from the cell, even for showers, for the remainder of his time in the cell.

41. While in A-151 the lockdown ended and he was allowed out of the cell for one hour a day, five days a week.

42. While in A-129 Mr. Duckworth filed grievances about the fact that there was no light and the fact that the window had been sealed with metal. He did not receive any responses to the grievances.

43. While in A-151 he filed grievances about the raw sewage in his cell and the lack of available supplies to clean the cell. He also filed grievances about the lack of a light.

44. He also did not receive responses to these grievances.

45. Mr. Duckworth could not appeal the fact that he did not receive responses to the grievances, and he has therefore exhausted all grievance remedies available to him.

46. Placing persons in prolonged darkness for an extended period is a form of torture.

47. Defendants denied Mr. Duckworth the minimal civilized measures of life's necessities by subjecting him to darkness and the other conditions in the cells.

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

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

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

Claim for relief

51. Defendants' actions and inactions in allowing plaintiff to be held in cells without light, and in cells with dangerous conditions, 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.

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