

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

CHARLES LYONS,

Plaintiff,

v.

No. 3:21-cv-477

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

Defendants.

Complaint for Damages

Introduction

1. Charles Lyons was placed in a restrictive housing cell at Miami Correctional Facility from May 2, 2021, through June 17, 2021, even though the only window in the cell was completely obstructed by a sheet of metal and even though the electrical service in the cell was intermittent, frequently plunging the cell into darkness for lengthy period of time. Additionally, the interior pane of glass in the small double-paned window in Mr. Lyons's otherwise solid cell door was broken, leaving sharp shards of glass that caused Mr. Lyons frequent painful cuts. Defendants were aware of the conditions under which Mr. Lyons suffered, yet allowed him to remain in the cell. This represented cruel and

unusual punishment and caused Mr. Lyons 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 Lyons 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. The window has two panes of glass in it.

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. From May 2, 2021, through June 17, 2021, Mr. Lyons was placed in a cell in the restrictive housing unit that did not have a window. Instead, it had a piece of sheet metal over the window opening. It did not let in light.

17. When the metal was affixed to the window area, there was no attempt made to caulk or seal the window. There were therefore large gaps between the metal and the window frame. As a result, wind, rain, and insects freely entered the cell.

18. Mr. Lyons suffered a painful insect bite while in the cell.

19. And, at least in early May, it was quite cold at night. Because there was no attempt to seal the sheet metal covering, it got very cold in the cell. In fact, the low temperatures for May were in the upper 30°s. That is how cold the cell became. It was painfully cold at night.

20. Although many of the cells in the restrictive housing unit did not have operational lights as well as windows covered with sheet metal, Mr. Lyons's light was operational.

21. However, the electricity to Mr. Lyons's cell would frequently be interrupted, on a daily basis. At times, the electricity would be off for hours.

22. This continued for the entirety of the time that Mr. Lyons remained in restrictive housing.

23. When the electricity was cut off, the cell would be extremely dark. Because of the sheet metal covering the window Mr. Lyons was not able to see anything.

24. Mr. Lyons was frequently in a dark cell.

25. Mr. Lyons frequently collided with his toilet as he attempted to navigate his cell when it was dark. This caused painful bruises on his legs.

26. Additionally, the interior pane of glass on the small window on his otherwise solid cell door had been broken before he was placed in the cell. There were shards of jagged glass in the window and Mr. Lyons frequently cut himself when he went to the window to attempt to see anything, although frequently the area outside of his cell was also dark.

27. The broken glass caused painful physical injuries.

28. While in the restrictive housing cell, Mr. Lyons was released for a shower approximately once every six days. He was also released periodically for out-of-cell time that was no more than an hour each time.

29. Mr. Lyons filed numerous grievances complaining about the conditions of his cell.

30. He handed these grievances to staff and never received a response.

31. A prisoner is not able to appeal the failure to respond to a grievance because the prisoner must appeal on the form supplied by the DOC when a grievance is denied.

32. As Mr. Lyons never received a written response, he could not appeal the failure to respond to his grievances and he has therefore exhausted all grievance remedies available to him.

33. Defendants were aware of the conditions of Mr. Lyons's cell. In fact, he specifically mentioned the lack of a window and the frequent lack of electricity in his cell to defendant Payne in a note that he wrote to him.

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

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

36. Defendants denied Mr. Lyons the minimal civilized measures of life's necessities by placing him into a cell where he was frequently cut by broken glass.

37. Defendants denied Mr. Lyons the minimal civilized measures of life's necessities by placing him into a cell that was exposed to the elements and was, at times, extremely cold.

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

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

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

Claim for relief

41. Defendants' actions and inactions in allowing plaintiff to be held in darkness in a cell exposed to the elements and with broken glass 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