

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

DE'SHAY HACKNER,

Plaintiff,

v.

No. 3:21-cv- 618

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

Defendants.

Complaint for Damages

Introduction

1. De'Shay Hackner was placed in a restrictive housing cell at Miami Correctional Facility for approximately five months beginning in late August of 2020, even though in early September 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. There were exposed wires hanging from where the light had been as well as from the broken intercom in the cell. He received a painful electric shock from the intercom wires that caused him injury as did his frequent collisions in the dark with the contents of his cell. Defendants were aware of the conditions under which Mr. Hackner suffered yet allowed him to remain in total

and dangerous darkness. This represented cruel and unusual punishment and caused Mr. Hackner 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. De'Shay Hackner is an adult currently confined to the Pendleton Correctional Facility following conviction of criminal offenses. He was formerly confined at the Miami Correctional Facility.
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.

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.

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. The cells have a call box– an intercom so that prisoners in the cell may call officers. However, many of these call boxes have also been destroyed by prisoners.
20. Defendant Hyatte and Payne were aware that prisoners were being placed into cells without lights, call boxes, and with windows covered by metal plates or windows without glass or any covering at all.
21. On, or about, August 29, 2020, Mr. Hackner was placed into a restrictive housing cell at Miami Correctional Facility that had both a broken light and call box, with the wires exposed.
22. The outside window in the cell was also broken. It had no covering, so the cell was exposed to the elements.
23. Mr. Hackner was not responsible for the broken window, intercom, or light.
24. In early September, approximately September 3, 2020, staff at Miami Correctional Facility placed metal over the window opening, sealing it.
25. Mr. Hackner remained in the cell for approximately five months.
26. Mr. Hackner had no light source and after the metal was placed on the window, the cell was pitch black.
27. 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.

30. Mr. Hackner could not see anything in the cell.

31. On one occasion he received a painful and injurious electric shock from the live wires where the intercom had been located.

32. On numerous occasions he collided with the toilet and the small table in his cell. This was painful and caused him physical injuries. He had painful knots and bruises on his legs from his knees on down.

28. While in the restrictive housing cell Mr. Hackner did not receive recreation. He received a shower for approximately 15 minutes every two to three days.

29. Mr. Hackner has mental health difficulties and being placed in the dark for this extended period of time caused serious psychological problems. Among other things, he had auditory hallucinations when in the cell.

30. On September 4, 2020, after the window was covered, Mr. Hackner filed a grievance concerning the conditions of the cell and asked to be moved to a cell with working lights, a back window, and a working speaker. He received a response on October 7, that says:

While looking into this matter, Major D. Boyan was contacted. He stated, "Unfortunately, we have had many offenders that have broken many of our windows and lights on this unit. Which resulted in us putting up the metal to protect the offender housed on the unit from the elements, until the material comes in to make repairs. I ensure you our maintenance department is working diligently to repair these issues."

Warden Hyatte ordered the cell windows to be replaced with steel, due windows being damages after several replacements. The cost is extremely

high to keep replacing windows. Maintenance is waiting on budgeting for replacement lights. You can speak to Unit Team about a cell move.

31. He filed an appeal of the grievance response on October 8, 2020, but never received a response.

32. Mr. Hackner has exhausted all grievances available to him.

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

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

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 a cell with exposed electrical wires 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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