

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

MUSTAFA NUR,

Plaintiff,

v.

No. 3:21-cv-764

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

Defendants.

**Complaint for Damages**

**Introduction**

1. Mustafa Nur was placed in a restrictive housing cell at Miami Correctional Facility in August of 2020, 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. The small glass window in the door of the cell was broken and there was glass all over the cell. The cell was filthy with human feces throughout. He was forced to live in these inhumane conditions from August 13, 2020, to October 5, 2020. The conditions of his confinement represent cruel and unusual punishment and caused Mr. Nur 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. Mustafa Nur is an adult who is currently 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. 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.

10. The restrictive housing cells contain a single window to the outside and a solitary light fixture that supplies the only light in the cell.
11. The door to the cell is solid with a very small window.
12. 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.
13. 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.
14. 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.
15. Many of the cells in the restrictive housing unit did not have operational lights and had windows covered with sheet metal.
16. Although the cells did not have operational lights, in some cells the wiring remained "live," so that anyone coming into contact with the wires would be shocked
17. Defendants Hyatte and Payne were aware that prisoners were being placed into cells without lights and with windows covered by metal plates.
18. On August 13, 2020, Mr. Nur was placed into cell A-221 in the restrictive housing unit at Miami Correctional Facility.
19. The cell had no working light, and its window was covered with a metal plate.

20. Mr. Nur had no role in breaking the light or window.
21. It was extremely dark in the cell.
22. Mr. Nur had a tablet, but it gave off very little light. The cell was dark. And the tablet frequently did not connect for any of its services.
23. Although there was a small window in his otherwise solid cell door, the glass in it was broken and broken glass covered the darkened cell.
24. The light coming through the small cell window was extremely dim and the cell remained extremely dark at all times.
25. The room was filthy. There was feces from another prisoner smeared on the wall bed, and floor.
26. Although Mr. Nur requested cleaning supplies, they were not given to him for weeks, so he was forced to remain in the dark, grossly unhygienic cell.
27. Because it was so dark, and the cell was so small, on a number of occasions Mr. Nur injured himself walking into the toilet and his bunk as he could not see them. On one occasion he filed a medical slip after falling because he stumbled when hitting the toilet in the dark and received a painful cut on his head and hurt his wrist. The wrist is still painful.
28. Mr. Nur received no recreation during the time he was in A-221 and received showers infrequently.

29. Mr. Nur became extremely distraught and disoriented in the constant darkness. He had trouble sleeping and his thought processes were affected.
30. He began to hallucinate that there were bugs crawling on his blanket and skin.
31. To this day, Mr. Nur still has nightmares and panic attacks because of his experiences in the dark cell.
32. Placing a person in prolonged, isolated darkness for an extended period is a form of torture.
33. On August 20, 2020, Mr. Nur filed a grievance complaining of the darkness and the filthy conditions.
34. He never received a reply to this grievance and filed a subsequent grievance on September 20, 2020, complaining about the fact that he had not received a response and complaining about the conditions of his cell.
35. On October 5, 2020, Mr. Nur was moved to another cell.
36. On October 27, 2020, Mr. Nur received a response to the second grievance that indicates:

While looking into this matter, Deputy Warden G. Payne was contacted. He stated "Officer Nur #158360 was placed in a cell with no lights due to prior destruction from other offenders breaking out the light fixtures and no other cell available when he arrived to the administrative restrictive unit for an investigation. Mr. Cooper is currently looking at replacing all the light fixture in AHU. Offender Nur is being removed for this cell he currently occupies and placed in a cell with a working light as soon as another offender is moved off of the unit today 10-5-20"

Grievances are entered as long as they are timely and follow grievance guidelines. Informals are sent directly to the staff involved. You were placed into the cell because there was no other one available. Staff was working on moving you from that cell but had to wait until one opened. You were removed from AHU.

36. Mr. Nur noted on the grievance response that he disagreed with the response and sought to appeal the response, but never received a response to his appeal request.

37. Mr. Nur has therefore exhausted all grievances available to him.

38. Defendants Hyatte and Payne denied Mr. O'Neal the minimal civilized measures of life's necessities by subjecting him to darkness and dangerous and filthy conditions in the cell.

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

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

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

### **Claim for relief**

42. The actions of defendant Hyatte and Payne in allowing plaintiff to be held in a cell with a blocked window, no light, and dangerous and filthy 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 attorney's fees pursuant to 42 U.S.C. § 1988.
5. award all other proper relief.

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