

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

BRANDON D. OWEN,

Plaintiff,

v.

No. 3:21-765

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

Defendants.

Complaint for Damages

**Introduction**

1. On January 5, 2021, Brandon Owen was placed into a cell in the restrictive housing unit at Miami Correctional Facility that had a window covered by metal, so no light came through, and had no light fixture. Live wires hung from the ceiling that shocked him. The live wires caused a fire in his cell. He was eventually moved later that day to another restrictive housing cell that had no operable lights and that had a window covered with metal so that it was always dark. Defendants were aware of the conditions under which Mr. Own was forced to suffer. This represented cruel and unusual punishment and

caused Mr. Owen 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. Brandon D. Owen 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. On January 5, 2021, Mr. Owen was placed into cell A-209 in the restrictive housing unit.
19. The cell had a broken window and its light fixture had been removed.

20. Mr. Owen had no role in the breaking of the window or removing the light fixture.
21. Although the light fixture had been removed, the wires that powered the light were still live and hung down.
22. Although there was a small window in the otherwise solid door to Mr. Owen's cell, there was very little light that came through into his cell.
23. Mr. Owen had/did not have any other light source. He had no tablet or television.
24. As Mr. Owen wandered in the dark cell he accidentally came into contact with the live wires and received a painful shock.
25. Contacting the wires caused them to spark and the sparks ignited clothing and trash on the cell floor.
26. A smoky fire ensued that Mr. Owen had to put out himself.
27. Mr. Owen was accused of setting the fire on purpose and was eventually found guilty of the offense of arson.
28. Mr. Owen was removed from the cell after the fire and then placed back into the cell for a brief period.
29. He was moved the same day to another cell in restrictive housing, A-225, which also had no working light and had a broken window completely obstructed by a piece of metal. The light fixture was present, but no bulbs were in it. The fixture appeared broken.
30. Again, although the otherwise solid cell door contained a small window, very little light came through the window and the cell was extremely dark.

31. Mr. Owen received his television after a week in the cell. The television gave off very little light and the cell remained dark at all times.

32. Mr. Owen remained in this dark cell for approximately 60 days.

33. Mr. Owen was released from the cell for recreation and showers for approximately one hour, five days a week.

34. Other than that, Mr. Owen remained in the cell.

35. Because the cell was dark, Mr. Owen frequently walked into the toilet and other objects in his cell. This caused painful bruises. The darkness also caused anxiety and psychological distress.

36. Mr. Owen submitted grievances concerning the conditions in his cell on January 12, 2021; April 7, 2021; and June 30, 2021. He never received a response to any of the grievances.

37. He also sent several requests to the grievance coordinator requesting information concerning the grievances. He never received responses to these either.

38. Mr. Owen 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.

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

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

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

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

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

Claim for relief

44. 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 attorney's fees pursuant to 42 U.S.C. § 1988.
5. award all other proper relief.

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