

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

EVAN ROLLINS,

Plaintiff,

v.

No. 3:21-cv-767

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

Defendants.

**Complaint for Damages**

**Introduction**

1. Evan Rollins was placed in a restrictive housing cell at Miami Correctional Facility in November 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 cell was therefore constantly dark, and he was forced to remain in the cell for approximately four months. The conditions of his confinement represent cruel and unusual punishment and caused Mr. Rollins 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. Evan Rollins 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. Defendant Hyatte and Payne were aware that prisoners were being placed into cells without lights and with windows covered by metal plates.
17. On November 5, 2020, Mr. Rollins was placed into a cell in the restrictive housing unit at Miami Correctional Facility.
18. The cell had no working light, and its window was covered with a metal plate.
19. Mr. Rollins had no role in breaking the light or window.
20. It was extremely dark in the cell.
21. The only light source available to Mr. Rollins was a tablet, which gave off little light. The tablet had to be charged outside of his cell by correctional staff daily.

22. Although there was a small window in his otherwise solid cell door the light coming through it was dim and the cell remained extremely dark at all times.

23. Mr. Rollins was released from the cell approximately 5 days a week for an hour each time for a shower and/or recreation. Other than that, he remained in the cell at all times. He had no cellmate.

24. Given how dark the cell was, Mr. Rollins walked into his steel toilet/sink unit and concrete bed many times. Mr. Rollins had previously injured his knee at a prior prison. He reinjures his knee because of repeatedly hitting it on objects in the dark cell. This was extremely painful and required him to seek medical attention.

25. The continuous darkness caused Mr. Rollins stress, anxiety, and other ill effects on his mental health. His preexisting mental health issues were aggravated and he suffered hallucinations in the dark.

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

27. While he was in the dark cell, Mr. Rollins filed approximately 15 grievances concerning the lack of a window and light in this cell and how it was negatively affecting him.

37. Although he put the grievances outside of his cell to be picked up by correctional officers, he only received a response to one grievance. Once he received this one response,

he immediately marked on the document that he wished to appeal the response but heard nothing further.

38. Inasmuch as he never received any responses to his grievances, he could not file appeals. He therefore exhausted all grievance remedies that were available to him.

39. In February of 2021 he finally received a working light in the cell and in April a window as put into the cell.

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

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**

42. The actions of defendant Hyatte and Payne in allowing plaintiff to be held in a cell with a blocked window and no light 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.

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