

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

EVAN SAPP,

Plaintiff,

v.

No. 3:21-768

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

Defendants.

Complaint for Damages

Introduction

1. On January 1, 2021, Evan Sapp 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 a gutted light fixture. Live wires hung from the ceiling that shocked him. He was placed in this dark cell for more than 40 days. He was caused physical injuries while in the cell and his placement there was cruel and unusual punishment and caused Mr. Sapp 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 Sapp 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.
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 1, 2021, Mr. Sapp was placed into cell A-301 in the restrictive housing unit.
19. The cell had a broken window and its light fixture had been gutted.
20. Mr. Sapp had no role in the breaking of the window or damaging the light fixture.
21. Although the light fixture was mostly missing, 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. Sapp's cell, there was very little light that came through into his cell.
23. Mr. Sapp had a tablet. It gave off very little light.
24. As Mr. Sapp wandered in the dark in his cell he was shocked on one occasion by the wires. He shoved them back to avoid being shocked again.
25. On a number of occasions Mr. Sapp walked into the toilet and bed as he attempted to navigate his way in the cell. This caused painful bruises on his legs.
26. It was so dark that he had to feel his way to the toilet to use the toilet.
27. He was forced to eat in the darkness.
28. Mr. Sapp remained in the cell under these conditions until February 14, 2021.
29. Mr. Sapp submitted 4 grievances complaining about conditions of the cell. Specifically, he noted that there was no light because of the broken fixture and sealed window. He never received responses to 3 of the grievances. On the one that he received a response to, the grievance specialist noted that the light and window were separate issues and he had to file separate grievances. He proceeded to file separate grievances about the light and window. He heard nothing back from either.
30. Mr. Sapp 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.
31. Placing persons in prolonged darkness for an extended period is a form of torture.

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

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

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

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

Claim for relief

36. Defendants' actions and inactions in allowing plaintiff to be held in a cell without light and with live electric wires dangling from the ceiling, 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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