

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

BRIAN MAST, MICHAEL WOODS, EUGENE)	
WELLS, on their own behalf and on behalf of a class)	
of those similarly situated,)	
)	
Plaintiffs,)	
)	
v.)	No.
)	
J. DAVID DONAHUE, in his official capacity)	
as Commissioner of the Indiana Department of)	
Correction;)	
CRAIG HANKS, in his official capacity as)	
Superintendent of the Wabash Valley)	Complaint-Class Action
Correctional Facility,)	
)	
Defendants.)	

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Introduction

1. The Indiana Department of Correction (“DOC”) maintains within the Wabash Valley Correctional Facility the Secured Housing Unit (“SHU”), a super-maximum penal facility which functions as a disciplinary segregation unit for DOC prisoners who have received at least two years of disciplinary segregation time and are deemed to be inappropriate to house elsewhere within the DOC. A significant number of prisoners in the SHU are mentally ill, and confining these prisoners in the conditions of extreme social isolation and sensory deprivation that exist in the SHU violates the Eighth Amendment to the United States Constitution. Injunctive and declaratory relief is sought for the prisoners bringing this action as well as for a class of those similarly situated.

Jurisdiction, Venue, and Cause of Action

- 2. This Court has jurisdiction of this case pursuant to 28 U.S.C. § 1331 inasmuch as it arises under the Constitution of the United States and pursuant to 28 U.S.C. § 1343(a)(3) because this action seeks to redress the deprivation, under color of state law, of civil rights.
- 3. Venue is proper in this district pursuant to 28 U.S.C. § 1391.
- 4. Declaratory relief is authorized pursuant to Rule 57 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 2201, 2202.
- 5. Plaintiffs bring this action 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

- 6. Brian Mast is an adult resident of Indiana who is a DOC prisoner confined within the SHU.
- 7. Michael Woods is an adult resident of Indiana who is a DOC prisoner confined within the SHU.
- 8. Eugene Wells is an adult resident of Indiana who is a DOC prisoner confined within the SHU.
- 9. J. David Donahue is the duly appointed Commissioner of the Indiana Department of Correction. He is sued in his official capacity.
- 10. Craig Hanks is the duly appointed Superintendent of the Wabash Valley Correctional Facility within which is located the SHU. He is sued in his official capacity.

Class Action Allegations

- 11. Brian Mast, Michael Woods and Eugene Wells bring this action on their own behalf and on behalf of a class of those similarly situated pursuant to Rule 23(a) and (b)(2) of the Federal

Rules of Civil Procedure.

12. The class is defined as:
 - all prisoners currently, and in the future, confined within the Secured Housing Unit at the Wabash Valley Correctional Facility who are mentally ill.
13. The requirements of Rule 23(a) are met with regard to the putative class. Specifically:
 - a. The SHU has a maximum capacity of 288 prisoners, many of whom are mentally ill. The specific persons in the class will change as new prisoners are brought into the SHU and other prisoners are discharged.
 - b. There are questions of law and fact common to the class, specifically whether confinement of mentally ill prisoners in the SHU violates the Eighth Amendment to the United States Constitution.
 - c. The claims of the representative parties are typical of those of the class.
 - d. The representative parties will fairly and adequately represent the class.
14. The further requirements of Rule 23(b)(2) are met in this cause in that at all times defendants have acted, and have refused to act, on grounds generally applicable to the class, thereby making appropriate final injunctive relief and corresponding declaratory relief with respect to the class as a whole.

Statement of Facts

15. The SHU opened in 1993. It is located within the Wabash Valley Correctional Facility in Carlisle, Indiana.
16. The SHU functions primarily as a disciplinary segregation unit for the entire DOC. A small part of the SHU functions as the disciplinary segregation unit for the Wabash Valley Correctional Facility and there are a small number of Administrative Segregation prisoners from Wabash Valley Correctional Facility who are also housed there.