

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

PLAINTIFF

VS.

NO.

, AND
CORRECTIONAL OFFICIALS, DEFENDANTS

CIVIL RIGHTS COMPLAINT

THIS COMPLAINT is filed by , a prisoner, challenging the conditions of his/her confinement in the Mississippi Department of Corrections' Correctional Facility at , Mississippi.

PARTIES

1. Plaintiff, , is a(n) -Custody adult inmate in the custody of the Mississippi Department of Corrections' (MDOC) Correctional Facility (CF) located at , Mississippi.
2. Defendant , " ", is the Superintendent of CF.
3. Defendant , " ", is the Internal Affairs Investigators at CF.
4. , " ", is a Deputy Warden at CF.
5. , " ", is Administrator of the 's Facility at CF.
6. , " ", is a member of the Classification Department at CF.
7. , " ", is a Correctional Officer at CF.
8. , " ", is Case Management Supervisor at CF.
9. , " ", is a Case Manager at CF.

The above named defendants are being sued in their individual and official capacities.

JURISDICTION

10. This Court has jurisdiction of this matter pursuant to Section 9-7-81, Mississippi Code Annotated 1972, as amended, and 42 USC Section 1983 as amended.

STATEMENT OF THE FACTS

11. In _____ of _____, the defendant _____ summoned Inmate _____ to his/her office and told her (_____) that he/she (_____) had heard an inmate rumor that she (_____) was pregnant, and that plaintiff was the father.

12. Inmate _____ informed _____ that she (_____) was not pregnant, and that if she was, plaintiff could not possibly be the father, in that she (_____) had not had any sexual contact with the plaintiff.

13. _____ continued, to no avail, to encourage Inmate _____ to say that she (_____) had been sexually involved with the plaintiff.

14. _____ also called Inmate _____ to his/her office and tried to get him/her to say that she (_____) had sexual contact with the plaintiff.

15. _____ called several other female inmates to his/her office and tried to get them to say that they had sexual contact with the plaintiff.

16. The mentioned female inmates informed _____ that they had no sexual contact with the plaintiff and that they would not lie and say that they had.

17. Shortly after Inmate _____ had met with _____, the defendant _____ summoned her (_____) to his/her office and escorted her (_____) to the _____ Clinic for a pregnancy test.

18. After the test was completed, _____ escorted _____ to the Defendant _____'s office.

19. In _____'s office, _____ was interrogated by _____.

20. Both _____ and _____ tried to no avail to encourage _____ to say that she (_____) had sexual contact with the plaintiff.

21. Later that same week Inmate _____'s pregnancy test results came back negative.

22. Nonetheless, _____ requested an internal affairs investigation into the inmate rumors of sexual misconduct by plaintiff.

23. The defendant _____ conducted the investigation.

24. Inmate _____ was interviewed by _____.

25. At that time _____ was a _____-Custody inmate.

26. Within days after her interview with _____, _____ was not only advanced to _____-Custody, she was also assigned to the _____.

27. On or about _____, _____, plaintiff was interviewed by _____.

28. asked plaintiff if he had been involved in sexual misconduct with female inmates at the , and specifically if he (plaintiff) had sexually harassed inmate .

29. Plaintiff stated to that he (plaintiff) had not been involved in any form of sexual misconduct.

30. then asked plaintiff if he (plaintiff) would be willing to take a polygraph examination.

31. Plaintiff informed , at that time that he (plaintiff) did not desire to take a polygraph examination.

32. advised plaintiff that he () could not make plaintiff take a polygraph examination.

33. Nonetheless, on , , plaintiff was escorted to the by to be transported to the () located in , Mississippi for the purpose of taking a polygraph examination.

34. The polygraph examination was scheduled by .

35. While plaintiff was waiting in the lobby of the for transport to , came into the lobby.

36. Plaintiff asked why he/she () was having him (plaintiff) transported for a polygraph examination, when plaintiff had previously informed him/her () he (plaintiff) wished to exercise his right not to take a polygraph examination.

37. replied that he/she () wanted to make sure that plaintiff had an opportunity to take a polygraph examination, because he/she () did not want plaintiff to later say that he (plaintiff) did not have the opportunity to take the examination.

38. Plaintiff was then transported to by and .

39. He (plaintiff) informed the Polygraph Examiner that he did not wish to take a polygraph examination.

40. The Examiner informed plaintiff that he (plaintiff) takes a polygraph examination.

41. On , , Plaintiff was issued a Rules Violation Report (RVR), which was written by .

42. In the RVR, accused Plaintiff of violating a prison rule by the specific act of refusing to take a polygraph examination.

43. The defendant _____, after being directly involved in the investigation, and in fact requested it, acted as Rules Violation Classification's Official, and classified the RVR as a serious violation of prison Rules.

44. A-Custody inmates housed at _____ are allowed _____ -day family visits with their immediate family members every _____ months.

45. In _____, Plaintiff put in a written request with his son/daughter and his father/mother for _____, to _____, _____.

46. On _____, _____, Plaintiff received, from the defendant confirmation _____ scheduled family visit in Apartment Number _____, on _____, _____ at _____ hours, _____, _____ at _____ hours.

47. There is a \$ _____ per night fee for each Apartment.

48. This \$ _____ per night fee is supposed to be used to upgrade the apartments.

49. On _____, _____, Plaintiff paid \$ _____ for a _____ -day family visit in Apartment Number _____, for _____, _____ to _____, _____.

50. The mentioned family visit confirmation that plaintiff received from _____ advised the plaintiff to remind his family visitors to bring with them food and anything else that may be necessary during the visit.

51. Plaintiff paid for food and other necessary items for the mentioned _____ -day family visit.

52. Plaintiff also paid someone to bring his family visitors from _____, Mississippi to the _____ for the family visits.

53. On Friday _____, _____, plaintiff's family visitors arrived to _____ from _____ and _____, Mississippi for the scheduled family visit, and they were told by the defendant that Plaintiff's family visit was cancelled because plaintiff had been issued an RVR.

54. _____ called plaintiff and informed him (plaintiff) that his family visitors were here at _____ for a family visit, but that he called _____ and he/she said that plaintiff family visit was cancelled due to his receiving an RVR.

It is important to note that:

55. On _____, _____, _____ was issued an RVR; however, he/shes was allowed to have his/her family visit.

56. Plaintiff is a _____ inmate, and _____ is a _____ inmate.

57. _____ inmates are often given preferential treatment compared to the treatment of inmates housed at _____ CF.

It is also important to note that:

58. , , and were defendants in a previous Civil Rights Complaint filed in this court by the plaintiff; wherein these defendants were found by this Court to have violated plaintiff's due process rights, and injunctive relief was granted.

CLAIM I.

59. Plaintiff claims that the Defendant has failed to supervise and train his/her subordinates, , and to follow the Court's Orders, State Laws and Policies, Rules and Regulations in their dealings with inmates, and as a result 's subordinates named above have violated plaintiff's constitutional rights.

CLAIM II.

60. Plaintiff claims that the defendants 's and 's attempts to persuade inmates to make untrue accusations of sexual misconduct against the plaintiff was improper and ill treatment and abuse of plaintiff.

CLAIM III.

61. Plaintiff claims that the investigation conducted by as described herein was improper. That violated State Law, Court's Orders and Policies, Rules, and Regulations by having plaintiff issued an RVR written by him/her () for plaintiff's exercising his right not to take a polygraph examination; thus violating plaintiff's constitutional rights.

CLAIM IV.

62. Plaintiff claims that the defendant 's request for an internal affairs investigation into inmate gossip was improper. That violated State Law, Court's Orders, and Policy, Rules, and Regulations when she acted as RVR Classification Official and classified the mentioned RVR as a serious infraction of Prison Rules; thus violating plaintiff's constitutional rights.

CLAIM V.

63. Plaintiff claims that the defendants , and 's actions and/or inactions in canceling plaintiff's family visit due to plaintiff being accused of violating a Prison Rule, without observing the required procedural due process safeguards, denies plaintiff procedural due process in violation State, and Federal Law, Policy, Rules and Regulations and the Fourteenth Amendment to the United States Constitution.

CLAIM VI.

64. Plaintiff claims that the \$ _____ per night fee for _____ -day family visits at _____ is being illegally collected by _____ from plaintiff and other inmates, and it is being misused by _____ and/or _____ Prison Officials; thus violating State Law and plaintiff rights.

CLAIM VII.

65. Plaintiff claims that _____, _____, and other Prison Officials acting in concert with them are unlawfully using their power in office to harass and intimidate the plaintiff as retaliation against the plaintiff for having won a Civil Suit against them.

CLAIM VIII.

66. Plaintiff claims that under State Law and Prison Regulations, it is the duty of the Superintendent to supervise and train his/her subordinates to follow the Laws, Rules and Regulations as it pertain to their duties as Correctional Officials.

CLAIM IX.

67. Plaintiff claims that State Law and Prison Regulation prohibit the ill treatment and abuse of _____ inmates.

CLAIM X.

68. Plaintiff claims that inmates in the _____ may not be punished except for conduct which violates an existing Prison Rule and regulation.

CLAIM XI.

69. Plaintiff claims that there is no State Law, _____ Policy, Rule or Regulation, which authorize _____ to Order an Inmate to take a polygraph examination.

CLAIM XII.

70. Plaintiff claims that there is no State Law, _____ Policy, Rule or Regulation which notifies Plaintiff that it is a violation of Prison Rules for him/her to refuse to take a polygraph examination, or that he (plaintiff) will be subjected to punishment if he refuses to submit to a polygraph examination.

CLAIM XIII.

71. Plaintiff claims that Court's Orders, State Law, and MDOC Policy, Rules and Regulations require the Rules Violation Classification Official to be impartial with no personal involvement in the incident or interest in the outcome of the disciplinary proceeding.

CLAIM XIV.

72. Plaintiff claims that State Law, Court's Orders and MDOC Policy, Rules and Regulations strictly prohibit any form of punishment being administered to _____ inmates for alleged Prison Rules Violations without first providing the inmate with the required procedural

due process rights as set out in Chapter 9 of the MDOC Inmate Handbook Rules and Regulations.

CLAIM XV.

73. State and Federal Law prohibit the illegal collection of money from inmates, and the misuse of such money.

CLAIM XVI.

74. State Law, Court's Orders and Policy, Rules and Regulations prohibits retaliation against and harassment of inmates.

CLAIM XVII.

75. Plaintiff claims that the defendants owed him a duty to obey the laws, Rules and Regulations in their dealings with him.

CLAIM XVIII.

76. Plaintiff claims that the defendants willfully, want only, recklessly and discriminatorily breached their duties by their actions and/or inactions complained of herein.

CLAIM XIX

77. Plaintiff claims that as a direct and proximate result of the defendants unlawful actions and/or inactions herein described, plaintiff has suffered;

A. Loss of -day family visit with immediate family, and fees connected to such visits.

B. Extreme mental and emotional anguish as a result of being:

1. deprived of his family visit with his family which he looks forward to every months;

2. denial of his due process rights;

3. harassment, retaliation and abuse.

CLAIM XX.

78. Plaintiff claims that the defendants actions and/or inactions herein described are shocking to the conscious considering the fact that these defendants, before entering upon their duties, have, or should have, taken an oath under State Law to obey, by observing and executing the very Laws, Rule and Regulations that plaintiff contends they have violated.

CLAIM XXI.

79. Plaintiff claims that the defendants actions, and/or inactions complained of herein are arbitrary, deliberate, malicious, capricious, retaliatory, and discriminatory.

CLAIM XXII.

80. Plaintiff claims that he is entitled to be fully compensated by the defendants for their willful, wanton and reckless actions and/or inactions described herein.

WHEREFORE, Plaintiff moves this Honorable Court to grant the following relief:

A. That proper process be issued for each Defendant requiring them to answer or to otherwise plead as provided by law;

B. Grant a Declaratory Judgment that the actions and/or inactions of the Defendants complained of herein that justifiably violates Plaintiff's rights to due process, equal protection of law, and not to be ill-treated or abused by prison officials;

C. Grant injunctive relief which:

1. Enjoin the defendants, their agents, and all other persons in active concert and participation with them from denying plaintiff -day family visits with-out first providing him with the required procedural due process;

2. Enjoin the defendants, their agents, and all persons in active concert and participation with them from punishing plaintiff for conduct which is not a violation of existing Prison Rules, specifically, refusing to take a polygraph examination.

3. Enjoin the defendants, their agents, and all person in active concert and participation with them from harassing, bothering or molesting plaintiff in the future.

4. Expunge from Plaintiff's Central File and all other records pertaining to the plaintiff any and all documents and data related to the RVR and internal affairs investigation complained of herein.

D. Grant compensatory damages in the following amounts:

1. (\$) Dollars per day for the -day visit illegally cancelled by the defendants.

2. (\$) Dollars for fees loss with the illegally cancelled family visit.

3. (\$) Dollars individually from each defendant for and emotional pain and suffering plaintiff incurred as a result of the defendants actions and/or inactions described herein.

E. Grant punitive damages in the sum of (\$) per defendant for their intentional and particularly outrageous herein:

F. Grant reasonable attorney's fees.

G. Grant such other relief (special or general) as it may appear plaintiff is entitled to under the circumstances of this case.

Respectfully submitted,

Attorney for

Of Counsel:

Telephone:
MSB #
Attorney for