

IN THE CIRCUIT COURT OF COUNTY, MISSISSIPPI

PLAINTIFF

VS. NO.

, AND JOHN DOE CORRECTIONAL OFFICIALS DEFENDANTS

AMENDED CIVIL RIGHTS COMPLAINT

THIS COMPLAINT IS FILED BY , a prisoner, challenging the conditions of his confinement in the Mississippi Department of Corrections' Central Mississippi Correctional Facility at Pearl, Mississippi.

PARTIES

1. Plaintiff, , is an A-Custody adult inmate in the custody of the Mississippi Department of Corrections' (MDOC) Central Mississippi Correctional Facility (CMCF) located at Mississippi.

2. Defendant , " ", is the Superintendent of CMCF.

3. Defendant , " ", is the Internal Affairs Investigators at CMCF.

4. Defendant James Holman, "Holman", is the Administrator of Security at CMCF.

5. , " ", is a Deputy Warden at CMCF.

6. , " ", is Administrator of the Women's Facility at CMCF.

7. , " ", is a member of the Classification Department at CMCF.

8. , " ", is a Correctional Officer at CMCF.

9. , " ", is Case Management Supervisor at CMCF.

10. , " ", is a Case Manager at CMCF.

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

JURISDICTION

12. 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

13. In April of 1993, the defendants , and interrogated Inmate and tried to encourage her to say that she ( ) had sexual contact with the plaintiff.

14. In April of 1993, the defendant summoned inmate to her office and told her ( ) that she had heard an inmate rumor that she ( ) was pregnant, and that plaintiff was the father.

15. 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.

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

17. called several other female inmates to her office and tried to encourage them to say that they had sexual contact with the plaintiff.

18. 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.

19. Shortly after Inmate had met with , the defendant summoned her ( ) to her office and escorted her ( ) to the CMCF Clinic for a pregnancy test.

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

21. In 's office, was interrogated by .

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

23. Later that same week, Inmate 's pregnancy test results came back negative.

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

25. The defendant conducted the investigation.

26. Inmate was a B Custody inmate.

27. Within days after her interview with , was not only advanced to A Custody, she was assigned to the Women's Community Work Center.

It is important to note here that:

28. is in charge of the Women's Community Work Center.

29. On or about 20 plaintiff was interviewed by .

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

31. Plaintiff stated to Mr. that he had not been involved in any form of sexual misconduct.

32. then asked plaintiff if polygraph examination.

33. Plaintiff informed Mr. to take a polygraph examination.

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

35. Nonetheless, on , 20 , plaintiff was escorted to the CMCF Support Administration Building by Sergeant to be transported to the Mississippi Highway Patrol Headquarters (MHPH) located in , Mississippi for the purpose of taking a polygraph examination.

36. The polygraph examination was scheduled by .

37. While plaintiff was waiting in the lobby of the CMCF Support Administration Building for transportation to MHPH, came into the lobby.

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

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

40. Plaintiff was then transported to MHPH by CO-i           and CO-i ; where       .

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

42. The Examiner informed plaintiff that he (plaintiff) could not be forced to take a polygraph examination. He (plaintiff) would be willing to take a           at that time that he (plaintiff) did not desire       .

43. On           , 20       , Plaintiff was issued a Rules Violation Report (RVR) which was written by       .

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

45. 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.

46. A-Custody inmates housed at CMCF are allowed three their immediate family members every two-months.

47. In           , 20       , plaintiff put in a written request his son and his mother for           , 20       to           , 20       .

48. On           , 20       , plaintiff received, from the defendant           , confirmation of his scheduled family visit in Apartment Number 2, on           , 20       at 1100 hours, until           , 20       at 1100 hours.

49. There is a \$3.00 per night fee for each Apartment.

50. This \$3.00 per night fee is supposed to be used to upgrade the Apartments.

51. On           , 20       , Plaintiff paid \$9.00 for a three-day family visit in Apartment Number 2, for           , 20       to           , 20       .

52. 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.

53. Plaintiff paid for food and other necessary items for the mentioned three-day family visit.

54. Plaintiff also paid someone to bring his family visitors from Ethel and Durant, Mississippi to the CMCF for the family visit.

55. On Friday , 20 , plaintiff's family visitors arrived to CMCF from Ethel and Durant, 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.

56. called plaintiff and informed him (plaintiff) that his family visitors were here at CMCF for a family visit, but that he called and she said that plaintiff family visit was cancelled due to his receiving an RVR. claims that her supervisor, the defendant told her to deny the mentioned family visit.

It is important to note that:

57. On , 20 , was issued an RVR; however, she was allowed to have her family visit.

58. Plaintiff is a Black inmate, and is a White inmate.

59. White inmates are often given preferential treatment compared to the treatment of Black inmates housed at CMCF.

It is also important to note that:

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

#### CLAIM I.

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

#### CLAIM II.

62. Plaintiff claims that the defendants , and 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.

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

#### CLAIM IV.

64. 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 MDOC 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.

65. Plaintiff claims that the defendants \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_'s actions and/or inactions in cancelling 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, MDOC Policy, Rules and Regulations and the Fourteenth Amendment to the United States Constitution.

#### CLAIM VI.

66. Plaintiff claims that the \$3.00 per night fee for three-day family visits at CMCF is being illegally collected by \_\_\_\_\_ from plaintiff and other inmates, and it is being misused by \_\_\_\_\_ and/or John Doe Prison Officials; thus violating State Law and plaintiff rights.

#### CLAIM VII.

67. 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.

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

CLAIM IX.

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

CLAIM X.

70. Plaintiff claims that inmates in the MDOC may not be punished except for conduct, which violates an existing Prison Rule and Regulation.

CLAIM XI.

71. Plaintiff claims that there is no State Law, MDOC Policy, Rule or Regulation which authorize to order an Inmate to take a polygraph examination.

CLAIM XII.

72. Plaintiff claims that there is no State Law, MDOC Policy, Rule or Regulation which notifies Plaintiff that it is a violation of Prison Rules for him 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.

73. 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 proceedings.

CLAIM XIV.

74. Plaintiff claims that State Law, Court's Orders and MDOC Policy, Rules and Regulations strictly prohibit any form of punishment being administered to MDQC 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.

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

CLAIM XVI.

76. State Law, Court's Order and MDOC Policy, Rules and Regulation prohibits retaliation against and harassment of MDOC inmates.

CLAIM XVII.

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

CLAIM XVIII.

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

CLAIM XIX.

79. Plaintiff claims that as direct and proximate result of the defendant's unlawful actions and/or inactions herein described, plaintiff has suffered;

A. Loss of three-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 for months.

2. denial of his due process rights.

3. harassment, retaliation and abuse.

CLAIM XX.

79. 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 .



CLAIM XXI.

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

CLAIM XXII.

81. Plaintiff claims that he is entitled to be fully compensated by the defendants for their willful, wanton, 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 unjustifiably violates Plaintiff's rights to due process, equal protections 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 and participation with them from denying plaintiff three-day family visits first providing him with the required procedural due process;

2. Enjoin the defendants, their agents, and all person in active concert 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. (\$35.00) Thirty-Five Dollars per day for the three-day visit illegally cancelled by the defendants.

2. (\$130.00) One-Hundred and Thirty Dollars for fees loss in connection with the illegally cancelled family visit.

3. (\$1000.00) One-Thousand Dollars individually from each defendant for mental and emotional pain and suffering plaintiff incurred as a result of the defendants unlawful actions and/or inactions described herein.

E. Grant punitive damages in the sum of (\$1000.00) One-Thousand Dollars individually from each defendant for their intentional and particularly outrageous unlawful actions described 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,