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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RODERICK WALKER, AMIN HABEEB ULLAH,  
A/K/A FRANKLIN NEAL, ROMANDO VALEROSO,  
FLOYD W. ZEROS, RONALD E. THELEN,  
MARVIN MAYBERRY, DONALD SULLIVAN,  
DENNIS SPAULDING, JOHN T. CROWN,  
JERRY GONYEA, DAVID W. LYTAL,  
LEWIS ROBINSON, and TIMOTHY SPYTMA,  
On Behalf of Themselves and All  
Others Similarly Situated,

Plaintiffs,

-v-

Civil Action No. 81-71998

Judge Stewart Newblatt

PERRY JOHNSON, Director, Michigan  
Department of Corrections; BARRY  
MINTZES, Warden, State Prison of  
Southern Michigan; DALE FOLTZ,  
Warden, Michigan Reformatory at  
Ionia; THEODORE KOEHLER, Warden,  
Marquette Branch Prison; Individ-  
ually and in Their Official Capac-  
ities, State of Michigan, through the  
Michigan Department of Corrections,

Defendants.

AMENDED COMPLAINT

PRELIMINARY STATEMENT

1. In this proceeding, Plaintiffs are inmates in the cor-  
rectional facilities operated under Defendants' control, and  
located in Jackson, the Michigan Reformatory at Ionia, and Mar-  
quette, Michigan. They are challenging the current "lock-down"  
condition of confinement at these prisons, in which any movement  
out of the cell is almost completely prohibited, and in which cer-  
tain rights guaranteed to inmates under the United States Constitu-  
tion are being violated.

For more than forty days, Plaintiffs have suffered many  
specific deprivations, among which are access to basic human neces-  
sities, such as showers, clean sheets, and fresh air. Most meals

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are eaten in the cells, with food trays being shoved under bars, which are filthy because inmates are denied materials for cleaning. At Jackson Prison, visitation with family, friends, and even attorneys has almost come to a halt because of the lengthy wait, up to four hours, just to gain entry to the prison. Religious services, adequate medical care, and recreational activities are non-existent. There is virtually no access to legal materials or jailhouse lawyers. All that remains for Plaintiffs is an existence filled with isolation, frustration, and despair, all of which are elements which have and will continue to cause a deterioration of the mental and physical wellbeing of Plaintiffs.

2. This action is brought on behalf of Plaintiffs and all others similarly situated. It arises under the United States Constitution, more particularly, the First Eighth, and Fourteenth Amendments, and under federal law, more particularly 42 U.S.C. 1983, and 28 U.S.C. 2201 and 2202. Jurisdiction is conferred upon this Court by 28 U.S.C. 1343(3) and 28 U.S.C. 1331.

#### PARTIES

3. Plaintiffs Roderick Walker, Amin Habeeb Ullah, a/k/a Franklin Neal, Romando Valeroso, Floyd W. Zeros, Ronald E. Thelen, Marvin Mayberry, Donald Sullivan, and Dennis Spaulding are all inmates currently incarcerated at the State Prison of Southern Michigan (hereinafter referred to as Jackson).

4. Plaintiffs John T. Crown, Jerry Gonyea, David W. Lytal, and Lewis Robinson are all inmates currently incarcerated at Marquette Branch Prison.

5. Plaintiff Timothy Spytma is currently incarcerated at the Michigan Reformatory, in Ionia.

6. Defendant Perry Johnson is the duly-appointed Director of the Department of Corrections for the State of Michigan. As Director, he is responsible for all state prison facilities.

7. Defendant State of Michigan, through the Michigan Department of Corrections, has control and is responsible for the incarceration and conditions thereof, for all the Plaintiffs.

8. Defendant Barry Mintzes is the Warden of the State Prison of Southern Michigan.

9. Defendant Dale Foltz is the Warden of the Michigan Reformatory at Ionia.

10. Defendant Theodore Koehler is the Warden of the Marquette Branch Prison.

11. Defendants are being sued jointly and severally, and individually and in their official capacities.

#### CLASS ACTION ALLEGATIONS

12. The individual named Plaintiffs bring this action on behalf of themselves and all other inmates incarcerated at the prisons referred to in Paragraphs 3-5, who are currently being "locked-down," pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure.

13. The class is so numerous that joinder of all members is impracticable; there are questions of law and fact common to the class; and the representative parties will fairly and adequately protect the interests of the class. The Defendants have acted or failed to act on grounds generally applicable to the class, thereby making appropriate final injunctive and declaratory relief with respect to the class as a whole.

#### CAUSE OF ACTION

14. On or about May 26, 1981, Defendants instituted a general lock-down at the aforementioned facilities.

15. As a result of the lock-down, inmates have been confined to their cells almost 24 hours a day for over forty days, except for serious medical emergencies and court appearances.

16. As a result of the lock-down, the following conditions exist:

a. Health hazards and unsanitary conditions caused by inmates eating all or most of their meals in their cells. For example, at Jackson Prison, all meals are in the cells, and at Marquette, two of the three meals are in the cells.

b. Health hazards and unsanitary conditions caused by the inability to shower daily or on a regular basis. Both at Jackson and at Ionia, showers had previously been available on a daily basis. Presently, inmates can take showers only once a week. Despite the fact that weekly showers are the stated policy of the Department of Corrections, inmates are routinely denied even this minimal amount of access to showers.

c. Health hazards and unsanitary conditions caused by a lack of fresh and clean linens being provided to the inmates.

d. Health hazards and unsanitary conditions caused by Defendants failing to provide or refusing to provide implements and materials to inmates with which to clean their cells.

e. Inmates have no access to law libraries. Access to such libraries are necessary for appeals, retrials, hearings, and other legal proceedings. In certain instances books are brought to the cells of the inmates, but this provides inadequate access to legal materials.

f. Inmates have been denied access to medical staff and facilities creating a lack of access to adequate medical and dental care.

g. Visits have been severely curtailed. For example, at Jackson, the number of visits permitted have been reduced to 100 per day. There is a four hour wait for any visitor to see any prisoner and the eleven hours per day previously available for visiting have been reduced to eight hours. Furthermore, visits by

attorneys are treated like any other visit. The reduction in the number of hours available for visiting as well as the four hour wait required before a visit, have resulted in attorneys curtailing visits to the prisons.

h. Inmates have been denied both indoor and outdoor recreation.

i. Inmates have been denied the opportunity to work and earn income in prison industries and other such programs.

j. Inmates have been denied the right to participate in or attend religious services and, further have been denied the right to engage in any social groups or activities.

k. Inmates are denied the opportunity to make phone calls. Previously inmates would make daily phone calls. The stated policy of the Department of Corrections is that phone calls are to be available to inmates on a once a week basis. Even this stated policy is now routinely flouted and violated.

l. Inmates have been denied access to institutional records as well as records of the Department of Corrections (rights which are guaranteed by specific order of the U.S. District Court for the Eastern District of Michigan, James Anthony Sweeton, et al. v Perry Johnson, et al., Civil Action No. 77-2230) guaranteeing inmates the rights of access to such records for purposes of preparation for parole release consideration.

17. As a consequence of conditions described in Paragraph 15, Plaintiffs and all inmates are being denied the opportunity to use the period of their incarceration for purposes of self-improvement and rehabilitation, and to improve their potential as candidates for parole.

18. For example, as a result of the lock-down Plaintiff Roderick Walker has suffered the following violations:

a. On May 27, 1981, Mr. Walker blacked out in his cell and bruised his head. All requests to see a doctor or have x-rays taken have been denied.

b. Requests to take a shower were denied for two weeks, and hot water in the sink in his cell has periodically been unavailable. This lack of hygiene has caused itching, and a feeling of bugs crawling over his body.

c. Certain guards placed the letters, "K" or "X" above the cell doors, and then did not feed anyone who had a letter above the door. As a result, Mr. Walker did not eat for two days.

19. The alleged reason for the lock-down is the claim by the Defendants that the disturbances in Michigan state prisons on or around May 22, 1981, were brought about as a result of the misconduct of the inmates or of certain particular individual inmates. In fact, the disturbances in question were brought about by the misconduct and wrongful acts of the Defendants' employees and/or agents; specifically, the security staff at Jackson Prison. To conceal their inability to administer their own department and particular institutions, the Defendants are attempting to use the Plaintiffs as scapegoats. The Defendants are further punishing the Plaintiffs to appease the demands of their employees whom they cannot control otherwise. Thus, the conditions from which the Plaintiffs suffer are a substitute for an adequate and competent personnel and labor policy by the Defendants.

20. As a result of the intentional, wrongful, unlawful, and malicious acts of the Defendants, the Plaintiffs have sustained and are sustaining the following injuries and damages, among others:

a. grave mental distress and anguish brought about by the unsanitary conditions as set forth above.

b. Grave mental and emotional harm and anguish as a result of the confinement, the lack of recreation, the lack of visitation, the lack of access to the lawyers and legal material, and other factors set forth above. Furthermore, Plaintiffs are caused grave mental and emotional harm by prolonged deprivation of contact with other human beings.

c. Grave physical health hazards as a result of the unsanitary conditions set forth above as well as a denial of access to medical facilities.

d. A denial of due process rights to counsel, to a fair appeal, to the ability to make a fair presentation with regard to parole release, and to the rehabilitative process to whatever extent it is available within the institutions of the Department of Corrections.

21. Damage actions for individual injuries suffered in violation of constitutional rights will be brought in individual actions by Plaintiffs and members of Plaintiff class.

22. All Defendants are employees and agents of the State of Michigan, and acting under color of state law in all actions and omissions described in this Amended Complaint.

23. The actions and omissions of Defendants and their agents, have resulted in a denial of rights guaranteed to Plaintiffs and their class under the First, Eighth, and Fourteenth Amendments of the United States Constitution.

WHEREFORE, Plaintiffs pray the following relief be granted:

1. Declare that the lock-down confinement violates the rights of Plaintiffs under the First, Eighth and Fourteenth Amendments to the United States Constitution.

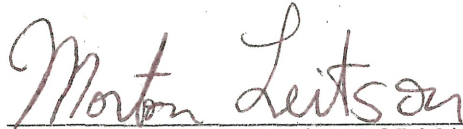
2. Preliminary and permanently enjoin Defendants, their agents, and their employees from continuing the lock-down, and

from retaliating against any member of the Plaintiff class for participation in this action.

3. Certify this action as a class action pursuant to Rule 23(a) and (b) (2) of the Federal Rules of Civil Procedure.

4. Award to Plaintiffs reasonable attorney fees and costs, and such additional and alternative relief as may be just proper.


Respectfully submitted,



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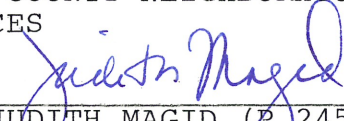
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