

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA

PRISONER COMPLAINT  
[FOR INMATE ACTION] UNDER 42 U.S.C. § 1983

Phillip Dewayne Hill

Name under which you were convicted

# 00240562

Your prison number

CIVIL ACTION NO. 1:17-cv-305-KD-m  
(To be supplied by Clerk of Court)

vs.

Jefferson Dunn, et al.,

Name of Defendant(s)

Holman Unit 3700 Atmore, Al. 36503-3700

Place of Confinement and Address

INSTRUCTIONS - READ CAREFULLY

A. Complaint Form. You must file your original complaint and a copy for each named Defendant. Your complaint must be clearly handwritten or typewritten. Do not use the back of a page. Your complaint must be signed by you; no notary is required. Any false statement of material fact may serve as the basis for prosecution for perjury.

B. Proper Court. Your complaint can only be brought in this Court if a defendant is located in the Southern District of Alabama and the rest of the defendants are located in Alabama or if your claim arose in this district. The Southern District of Alabama is comprised of the following counties: Baldwin, Clarke, Choctaw, Conecuh, Dallas, Escambia, Hale, Marengo, Mobile, Monroe, Perry, Washington, and Wilcox.

C. Separate Case. It is necessary to file a separate complaint form for each claim unless the claims are related to the same incident or issue.

D. Defendants. The persons who are listed as defendants in section III of the complaint are deemed by the Court to be the only defendants to this action. A defendant's present address must be provided. The Court is unable to serve process without the present address being furnished. The first defendant listed in section III should be the defendant that you list in the style of your case on your complaint form and motion to proceed without prepayment of fees and costs, if applicable, and any other pleading filed with the Court.

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D. Defendants. The persons who are listed as defendants in section III of the complaint are deemed by the Court to be the only defendants to this action. A defendant's present address must be provided. The Court is unable to serve process without the present address being furnished. The first defendant listed in section III should be the defendant that you list in the style of your case on your complaint form and motion to proceed without prepayment of fees and costs, if applicable, and any other pleading filed with the Court.

E. Pleading the Complaint. Your complaint should not contain legal arguments, case law or statutory citations. You are required to provide facts. Your complaint shall be a short and plain statement of your claim and shall provide fair notice to each defendant of the claim against that defendant and of the factual grounds upon which the claim rests.

F. Fees. This complaint cannot be properly filed unless it is accompanied by the current filing fee or a motion to proceed without prepayment of fees and costs if you are unable to afford the filing fee and other costs associated with prosecuting this action.

If you are unable to pay the filing fee and service costs for this action, you may ask the Court to let you proceed without prepayment of fees and costs. A blank motion for this purpose is included.

If you wish to proceed without prepayment of fees and costs, you must complete and mail to the Clerk of the Court a copy of the "Motion to Proceed Without Prepayment of Fees and Costs" mailed to you with this complaint. This motion will be returned to you without action unless you have an authorized officer at the jail or prison complete the financial statement mailed to you with this form.

Even if the Court authorizes you to proceed without prepayment of filing fees, you are obligated to pay the full current filing fee. If you have the ability to pay a partial filing fee when your complaint is filed, you will be required to pay an amount based on your assets, of up to the greater of 20 percent of your average monthly balance in your prison account or your average monthly balance for six months immediately preceding the filing of your complaint. Thereafter, your prison account will be garnished at the rate of 20 percent of your monthly income until the filing fee is paid.

G. Form of Pleadings. All pleadings and other papers filed must be on 8½ x 11" paper, legibly handwritten or typewritten. Every document filed after the complaint must have the style of the

A. Have you filed any other lawsuits in state or federal court dealing with the same or similar facts involved in this action:

Yes ( ) No (x)

B. Have you filed other lawsuits in state or federal court relating to your imprisonment:

Yes ( ) No (x)

C. If your answer to questions A or B above is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using this same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: N/A

Defendants: \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county): \_\_\_\_\_

3. Docket Number: \_\_\_\_\_

4. Were you granted the opportunity to proceed without payment of filing fees?

Yes ( ) No ( )

5. Name of judge to whom the case was assigned: \_\_\_\_\_

6. If your case is no longer pending and has been dismissed, state the reason given by the Court as to why your case was dismissed, i.e., frivolous, malicious, failed to state a claim, defendants were immune, etc.

N/A

7. Approximate date of filing lawsuit: N/A

8. Approximate date of ruling by court: N/A

**II. YOUR PRESENT COMPLAINT.**

A. Place or institution where action complained of occurred: Holman Corr. Facility

B. Date it occurred: November 9, 2016

C. Is there a prisoner grievance procedure in this institution? NO

D. Did you present the facts relating to your complaint in the state prisoner grievance procedure?  
Yes ( ) No (  )

E. If your answer is YES:

1. What steps did you take? N/A

2. What was the result? \_\_\_\_\_

F. If your answer is NO, explain why not: No Grievance

G. Your claim (briefly explain your claim: what, when, where, who; do not cite cases; you may, without leave of Court, add up to five (5) additional pages if necessary):

See Attachment  
\_\_\_\_\_  
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ATTACHMENT TO MY 42 USC §1983 CIVIL ACTION

G. YOUR CLAIM.

On November 7, 2016, members of the Alabama Department of Corrections C.E.R.T., Correctional Officer Scarborough and other Correctional Officers assigned to Holman Correctional Facility entered Bravo Unit (B-Dorm) to conduct the institutional count, at this time Holman Correctional Facility was in a serious crisis due to the overcrowding conditions of the entire Alabama Department of Corrections and the lack of Correctional Officers to protect and control the inmates, which resulting in the inmate (s) putting up makeshift tents to gain some space from the inmate he shares the 5'x6' living area with.

Once inside Bravo Unit and instructed the inmates to remove the makeshift tents they had around their beds while the inmates was removing the tents, one of the C.E.R.T.Members aggressively broke a stick from off an inmate bed Quandarian Falkner, as he was removing the tent from around his assigned bed, the C.E.R.T. Member action in aggressively breaking the stick resulted in a reaction from the C.E.R.T.Members, Correctional Officers present and the Inmates, after a brief stillness, the count was conducted and the C.E.R.T.TEAM Members and Count Team exited the dorm.

Approximately two days later on November 9, 2016, at approximately 6:30 a.m. over 50 members of the Alabama Department of Corrections C.E.R.T.TEAM, entered Bravo Unit armed with their Riot Gear(Helmets with face Shields, Neck Collar, Body Vest, Shields, Arms and Legs Gear), and Shotguns, Knives, Mace and Sticks, while at least One-Hundred<sup>1</sup> (100) of the One-Hundred and Fourteen (114), inmates assigned to Bravo Unit was sound asleep, and immediately Assaulted the inmates like they were Animals, without provocation, because the majority of the inmates were Harmlessly asleep, after about 35 to 45 minutes of assaulting the inmates, the C.E.R.T.TEAM Members<sup>2</sup> placed Plastic Restraining Tyes on the inmates to lay face down on their beds while other C.E.R.T.TEAM members was parading up and down Bravo Unit still assaulting and Harrassing the inmates and making statements belittling the inmates and making fun of those that had Gang Affiliation, statements like:"Where the GD's, Crips and Bloods at now", "Aryan Brotherhood & Nations where yall at", on "C.E.R.T. We will beat your Ass", "Yall Bitches and Fuck Niggers stood up the other day Standup now...On C.E.R.T. we will beat your Ass", "Yall old Mutha Fuuckers in this Dorm yall better move to D & E Dorms, because when we come back, We going to beat some more of yall Ass Too".

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1. Because the Alabama Department of Corrections C.E.R.T.TEAM Members, that entered Bravo Unit that Morning had their full full Riot Gear on, with no name tags and faces partially concealed, making it impossible to identify them at that time.

" Yall Stabbed Warden Davenport and Killed Officer Bettis, pull something out now on C.E.R.T. we will beat your Ass". After the Assaults some of the inmates that were Assaulted unmercifully were taken to the infirmary, however, a lot of the injured inmates were refused a body chart and treatment by the nurses on duty, and was instructed to sign up for sick call, causing the inmates not to receive a body chart and treatment until days after the assault.

ATTACHMENT OF MY CLAIM SET OUT IN THE FACTS BELOW:

On The day of Nov. 9<sup>th</sup> I was asleep in my assign living Area when I was awoken By the C.E.R.T Team Slapping me in the face stating "Here's that Badass White Boy". I was then asked if I was someone After I stated my name and A.I.S number I was repeatedly hit with sticks in the Ribs and back then I was Drugged up the floor and throw on top of Inmate Timothy Maulet, 258356 where I kicked in the ear ~~causing~~ causing a Busted Ear Drum which I still have hearing damage because of. I was then taken to Receive medical Attention then after The cert team Became aware I wasn't the person they assumed I was released out Zip-ties Back in my Assign living Area.

Phillip Hill B.103  
#240562

III. PARTIES.

A. Plaintiff (Your name/AIS): Phillip D. Hill #240562

Your present address: Holman Unit 3700 Atmore, AL 36503

B. Defendant(s): SEE ATTACHMENT

1. Defendant (full name) \_\_\_\_\_ is employed as \_\_\_\_\_ at \_\_\_\_\_.

His/her present address is \_\_\_\_\_.

(a) Claim against this defendant: \_\_\_\_\_

(b) Supporting facts (Include date/location of incident):

See Attachment

2. Defendant (full name) See Attachment is employed as \_\_\_\_\_

at \_\_\_\_\_.

His/her present address is \_\_\_\_\_.

(a) Claim against this defendant: \_\_\_\_\_

(b) Supporting facts (Include date/location of incident):

3. Defendant (full name) \_\_\_\_\_ is employed as \_\_\_\_\_

at \_\_\_\_\_.

His/her present address is \_\_\_\_\_.

(a) Claim against this defendant: See Attachment

(b) Supporting facts (Include date/location of incident):

See Attachment

C. Additional Defendants: (If there are additional defendants, you may list them on separate pages using the same outline above). **See Attachment**

IV. A. You must answer the following questions:

1. State the conviction(s) for which you are presently incarcerated: DV III, B & E Auto  
and Rec. stolen Property

2. When were you convicted? June 2016

3. What is the term of your sentence? 15 YRS.

4. When did you start serving this sentence? June 2016

5. Do you have any other convictions which form the basis of a future sentence?  
Yes ( ) No ()

If so, complete the following:

(a) Date of conviction: N.A

(b) Term of sentence: N.A

6. What is your expected end of sentence (E.O.S.) date? 12.09.2021

B. If this present lawsuit concerns your criminal conviction or sentence, state whether your conviction has been:

	Conviction <input checked="" type="checkbox"/>	Sentence <input checked="" type="checkbox"/>
Reversed	yes( ) no( <input checked="" type="checkbox"/> )	yes( ) no( <input checked="" type="checkbox"/> )
Expunged	yes( ) no( <input checked="" type="checkbox"/> )	yes( ) no( <input checked="" type="checkbox"/> )
Invalidated	yes( ) no( <input checked="" type="checkbox"/> )	yes( ) no( <input checked="" type="checkbox"/> )



ATTACHMENTS TO 42 U.S.C. § 1983 COMPLAINT

**III. PARTIES.**

**B. DEFENDANTS**

1. Jefferson Dunn is employed as Commissioner of the Alabama Department of Corrections. Dunn address is 301 South Ripley Street Montgomery, Alabama 36130.

Dunn is responsible overseeing the operation of each of the facility within the Alabama Department of Corrections, including Holman and is responsible for the writing, implementation and enforcements of the regulations, Policies and Customs of the Alabama Department of Corrections.

**CLAIMS AGAINST DUNN.**

**I. ASSAULT & BATTERY**

**II. EXCESSIVE FORCE**

**III. Implimentation of the procedures used.**

**IV. Failure To Protect**

**SUPPORTING FACIS:**

Plaintiff re-alleges the facts of his claims as set out in Section II. G. of this Complaint, and adopts and incorporates herein. Attachment to Complaint)

2. Grant Culliver is employed as Associate Commissioner of the Alabama Department of Corrections. Culliver address is 301 Ripley St. Montgomery Alabama 36130.

Culliver is Commander and Chief of the C.E.R.T. Team, and is responsible for over seeing and Operation of Holman Prison and ensuring that the Employees and inmates are protected and provided Medical Care.

**CLAIMS AGAINST CULLIVER**

**I. Assault & Battery**

**II. Excessive Force**

**III. Implimentation of the Procedure Used**

**IV. Failure To Protect**

SUPPORTING FACTS

Plaintiff re-alleges the facts of his claims as set out in Section II. G. of the Complaint, and adopts and incorporates herein. (See Attachment to Complaint G. YOUR CLAIM)

3. Cynthia Stewart is employed as Warden III. at Holman Correctional Facility. Stewart address is Holman Unit 3700 Atmore, Al. 36503-3700.

Stewart is responsible for the day to day operation of Holman Correctional Facility and is responsible for the safety and protection of the inmates and ensuring that the inmates receive Medical Care.

CLAIMS AGAINST STEWART

- I. Assault & Battery
- II. Excessive Force
- III. Failure to Protect/Intervene
- IV. Denial of Medical Care

Supporting Facts:

Plaintiff re-alleges the facts of his claims as set out in Section II. G. of the Complaint, and adopts and incorporates herein. (See Attachment to Complaint G. YOUR CLAIM. )

4. Terry Raybon is employed as Warden II. at Holman Correctional Facility. Raybon address is Holman Unit 3700 Atmore, Al. 36503-3700.

Raybon is responsible for the Security of Holman Prison and ensuring that the Laws, Regulation & Policies are followed and that the inmates are protected and provided Medical Care.

CLAIMS AGAINST RAYBON

- I. Assault & Battery
- II. Excessive Force
- III. Failure To Protect/Intervene
- IV. Denial Of Medical Care

Supporting Facts:

Plaintiff re-alleges the facts of his claims as set out in Section II. G. of the Complaint, and adopts and incorporates herein. (See Attachment to Complaint G. YOUR CLAIM.)

5. C. Mitchell is employed as Warden I. at Holman Correctional Facility. Mitchell address is Holman Unit 3700 Atmore, Al. 36503-3700.

Mitchell is responsible for the Security of Holman Prison and ensuring that the Laws, Regulations & Policies are followed and that the inmates are protected and provided Medical Care.

**CLAIMS AGAINST MITCHELL**

- I. Assault & Battery
- II. Excessive Force
- III. Failure to Protect/Intervene
- IV. Denial of Medical Care

6. Darryl Failsure is employed as Captain of the Holman Prison. Fails address is Holman Unit 3700 Atmore, Al. 36503-3700.

Captain Failsure is responsible for the Security of the Prison and ensuring that the Laws, Policies and Procedures are being followed, and ensuring that the inmates are protected and provided Medical Care.

**CLAIMS AGAINST CAPTAIN FAILSURE:**

- I. Assault & Battery
- II. Excessive Force
- III. Failure to Protect/Intervene
- IV. Denial of Medical Care

**Supporting Facts:**

Plaintiff re-alleges the facts of his claim as set out in Section II. G. of the Complaint, and adopts and incorporates herein. (See Attachment to Complaint G. YOUR CLAIM.)

7. Ashley Kidd is employed as Lieutenant at Holman Correctional Facility. Kidd address is Holman Unit 3700 Atmore Al. 36503-3700.

Kidd is responsible for supervising and ensuring that the Laws, Regulations & Policies are followed and that the inmates are protected and provided Medical Care.

**CLAIMS AGAINST KIDD:**

- I. Assault & Battery
- II. Excessive Force
- III. Failure to Protect/Intervene
- IV. Denial of Medical Care

**Supporting Facts:**

Plaintiff re-alleges the facts of his claim as set out in Section II. G. of the Complaint, and adopts and incorporates herein. (See Attachment to Complaint G. YOUR CLAIM.)

8. Officer Scarborough is employed as a Correctional Officer at Holman Correctional Facility. Scarborough address is Holman Unit 3700 Atmore, Al. 36503.

Scarborough is responsible for the Security of the Prison and to protect the inmates from assaults, and ensure Medical Care.

**CLAIMS AGAINST SCARBOROUGH**

- I. Assault & Battery
- II. Failure to Protect/Intervene
- III. Excessive Force

**Supporting Facts:**

Plaintiff re-alleges the facts of his claim as set out in Section II. G. of the Complaint and adopts and incorporates herein. (See Attachment to Complaint G. YOUR CLAIM.)

9. Officer Timothy Vignolo is employed as a Correctional Officer at Holman Prison. Vignolo address is Holman Unit 3700 Atmore Al. 36503-3700.

Timothy Vignolo is responsible for the Security of the prison and to Protect the inmates from assaults and ensure Medical Care. Vignolo was assigned to Bravo Unit at the time of the Incident.

**CLAIMS AGAINST VIGNOLO**

- I. Assault & Battery
- II. Failure to Protect/Intervene
- III. Excessive Force
- IV. Denial of Medical Care

**Supporting Facts:**

Plaintiff re-alleges the facts of his claims as set out in Section II. G. of the Complaint and adopts and incorporates herein. (See Attachment to Complaint G. YOUR CLAIM.)

10. Cubicle Officer assigned to Cubicle 1, at 6:30am on November 9, 2016., is employed by Alabama Department of Corrections, as Correctional Officer, <sup>2</sup>This defendant address is Holman 3700 Atmore Alabama 36503-3700.

**CLAIMS AGAINST THIS DEFENDANT:**

**I. Assault & Battery**

**II. Excessive Force**

**III. Failure to Protect/Intervene**

**IV. Denial of Medical Care**

**Supporting Facts:**

Plaintiff re-alleges the facts of his claim as set out in Section II. G. of the Complaint, and adopts and incorporates herein. (See Attachment of Complaint G. YOUR CLAIM.)

11. Nurse N. Walls is employed as Nurse at Holman Prison Infirmary and is responsible for providing Medical Services to the inmates at Holman by Corizon and Alabama Department of Corrections. Walls address is Holman 3700 Atmore Alabama 36503-3700.

12. Nurse Langford is employed as a nurse at Holman Prison Infirmary and is responsible for providing Medical Services to the inmates at Holman Prison by Corizon and Alabama Department of Corrections. Langford address is Holman Unit 3700 Atmore Alabama 36503.

13. Nurse 1, 2, 3, 4, is employed as nurses and/or Dental or Medical Assistants who were employed by Alabama Department of Corrections, to provide Medical Care to inmates at Holman Prison, and were so employed on November 9, 2016, and were present in the Infirmary during the hours of 6:30am thru 6:30pm, and refuse to provide a body chart and Medical Care to the inmates assaulted.

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<sup>2</sup>Plaintiff preserve the right to Amend his Complaint upon discovery of this Specific Defendant Identity.

<sup>3</sup>This defendants address is Holman Unit 3700 Atmore Alabama 36503-3700.

**CLAIMS AGAINST DEFENDANTS 11, 12, 13,.**

**I. Denial of Medical Care**

**II. Inadequate Treatment**

**Supporting Facts:**

Plaintiff re-alleges the facts of his calims as set out in Section II. G. of this Complaint and adopts and incorporates herein. (See Attachment to Complaint G. YOUR CLAIM.)

14. All Alabama Department of Corrections Emergency Response Team (C.E.R.T.) Members, that entered Holman Correctional Facility on November 9, 2016, including those present on cite at the time of Assaults, between the hours of 5:30am---3:00pm, The CERT members includes but not limited to, McQuirter, Fountain, Bullard, Smith, J. Pryor, J. Staniford, S. Terry, D.Whitley, D. Dennis, J. Griffin, B. Walker, Duren, W. Streeter, Arthur, J. Baldwin, Lewis, Fleeton, Harrison, Robinson, Snelson, Brown, Edmund, Parker, J. Wilson, Knight, Nixon...<sup>4</sup>

The CERT Members are employed by the Alabama Department of Corrections at various Correctional Facilities around the State. Their principal address is 301 South Ripley Street Montgomery, Al. 36130.

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<sup>3</sup> The names of these defendants will be amended to the Complaint because the Plaintiff was denied access to Infirmery and/or n no Medical Care; Inadequate Care; and Treatment, these defendants, for Plaintiff to be specific as to his claims, will Amend such upon Discovery of Defendants names.

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<sup>4</sup> As previously mentioned because the CERT Members concealed their Identity during the Assaults, Plaintiff request leave to Amend Complaint upon Discovery.

The CERT Members, though they hold different positions and rankings as Correctional Officials, on November 9, 2016, they were responsible for the safety and protection of the inmates at Holman Prison and to ensure receipt of Medical Care.

**CLAIMS AGAINST CERT MEMBERS**

- I. Assault & Battery**
- II. Excessive Force**
- III. Failure to Protect/Intervene**
- IV. Denial of Medical Care**

**Supporting Facts:**

Plaintiff re-alleges the facts of his claims as set out in Section II. G. of this Complaint and adopts and incorporates herein. (See Attachment to Complaint G. YOUR CLAIM.)

Writ of habeas yes( ) no( )  
corpus granted yes( ) no( )

C. If you answered yes to any of the questions, state the Court or entity that relieved you from your conviction or sentence and the date: N/A

V. State briefly exactly what you want the Court to do for you if you win (make no legal argument, cite no cases or statutes):

\$200,000 against each liable Defendants; Compensatory, Punitive, Declaratory and Injunctive Relief; Trial by Jury; State Law Claims of Assault \$ Battery; Slander; Harrassment and such other Relief as the Law and this Court Deem Just.

VI. AFFIRMATION. By my signature below, I swear or affirm under penalty of perjury that the facts set out in this complaint are true and correct.

2/23/17  
Date

[Signature]  
(Signature of Plaintiff Under Penalty of Perjury)

Holman Unit 3700  
Current Mailing Address

Atmore, AL 36503

\_\_\_\_\_  
Telephone Number

PLAINTIFF SHALL IMMEDIATELY ADVISE THE COURT IN WRITING OF ANY CHANGE IN HIS ADDRESS. E.G., RELEASED, TRANSFERRED, MOVED, ETC. FAILURE TO NOTIFY THE COURT OF A NEW ADDRESS WILL RESULT IN THE DISMISSAL OF THIS ACTION FOR FAILURE TO PROSECUTE AND TO OBEY THE COURT'S ORDER.



PHILIP D. HILL

AZ# 240562

Holman Unit 3700

Atmore, AL

36503-3700

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