

In The United States District Court
For The Middle District of Alabama
Northern Division
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Travis Hutchins, #254989
Plaintiff,

2016 MAY -6 P 2:40

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

v.

Civil Action No: 2:16-cv-324-WHA

DEMAND FOR JURY TRIAL

Warden Myers
Warden Richie
Captain Cargill
Captain Lawson

Individually and in their
Official capacities.

Defendants.

1.) Jurisdiction & Venue

This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of State law, of rights secured by the Constitution of the United States. The Court has jurisdiction under 28 U.S.C. Section 1331 and 1343(a)(3).

Plaintiff Hutchins seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff Hutchins claims for injunctive relief are authorized by 28 U.S.C. Section 2283 and 2284 and Rule 65 of the Federal Rules of Civil Procedure.

The Middle district of Alabama is an appropriate Venue under 28 U.S.C. Section 1391(b)(2) because it is where the events giving rise to this claim occurred.

2. Plaintiff
Plaintiff Hutchins, is and was at all times mentioned herein a prisoner of the State of Alabama in the custody of the Alabama Department of Corrections. He is currently confined in Alabama State Prison, in Cls. Alabama.

3. Defendants

Defendant Myers is the Warden of Easterling Corr. Fac. He is legally responsible for the operation of Easterling Corr. Fac., and for the welfare of all the inmates of that prison.

Defendant Richie is the Assd. Warden II of Easterling Corr. Fac. She is legally responsible for the operation of Easterling, and for the welfare of all the inmates in that prison.

Defendant Cargill is a Correctional officer of the Alabama Department of Corrections who, at all times mentioned in this complaint, hold the rank of Captain and was assigned to Easterling.

Defendant Lawson is a Correctional officer of the Alabama Department of Corrections who, at all times mentioned in this complaint, hold the rank of Captain and was assigned to Easterling.

Each defendant is sued individually and in their official capacity. At all times mentioned in this complaint each defendant acted under the color of State law.

4) In 2016, I Plaintiff Hutchins, suffered from several puncture (stab) wounds; And one of my teeth was knocked out. On the night of the incident, there was not any officers in the dorm; only one that was in the cube. There was no dorm rover, and if it was the rover never came into the dorm. Prison officials was aware of a potential risk or a threat of harm to the Plaintiff, and nothing was done to prevent it. I had to go to the Health Care Unit (H.C.U.) myself the next morning, in which the only thing they did was a body chart, and then sent me to lock-up without proper treatment to my stab wounds. The whole time I was in lock-up, I could not see a doctor or a dentist; for the pain I was going through, and the numbness to my left shoulder and also stab wounds. I also never talked to I & I about the incident or there was not any photos taken nor was there a proper investigation done. Refer to body chart and incident report in Plaintiff's prison file.

5.) Exhaustion of Legal Remedies

Plaintiff Hutchins requested to be moved to prevent any harm to him, but was denied by ICS and Shift Commanders Office; who said that the Captains is not allowing movement from one dorm to another. Alabama Department of Corrections do not have a prison grievance procedure.

(b) Legal Claims

Plaintiff realleges and incorporates by reference the first five sections.

The deliberate indifference to medical needs, and unsafe conditions; failure-to-protect, and negligence. Violated Plaintiff Hutchins rights and constituted Cruel and Unusual Punishment, under the Eighth Amendment to the United States Constitution.

1.) Deliberate Indifference to unsafe conditions.

Plaintiff Hutchins states facts, that before the incident, that he tried to get naked because of the potential risk of harm that he faced. He was denied to be naked, in which prison officials failed to respond reasonably to the risk of harm that the plaintiff faced. This shows that the prison official acted with deliberate indifference to unsafe conditions. *Estelle*, 429 U.S. 104; *Farmer v. Brennan*, 511 U.S. 825.

2.) Deliberate Indifference to Medical needs.

Plaintiff Hutchins asserts that after he was stabbed several times, he never got treated for his stab wounds; and never got to see a doctor to assure that he was stabbed in a area that could have caused some disruptions to the body or even infection. Plaintiff also never saw a dentist about nerve damage due to teeth being knocked out. Plaintiff still suffer from numbness to the left shoulder, from a stab wound,

along with distributors to slow reaction in the left arm; Plaintiff also suffer from soreness to the gum where tooth was knocked out as. Plaintiff has been denied proper medical treatment, from stab wounds and teeth being knocked out. This is deliberate indifference to serious medical needs, in which is a violation of Plaintiff's Eighth Amendment right to the United States Constitution. *Estelle*, 429 U.S. 104; *Farmer v. Brennan*, 511 U.S. 825.

3) Failure-To-Protect

Plaintiff States that prison officials disregarded prison policy, by disregarding an excessive risk to his safety. Prison officials, knew that there was a substantial risk, because plaintiff went to them in order to be moved before any harm was done, Prison officials failed to respond reasonably to protect him. This shows that they acted with deliberate indifference to the Plaintiff's safety. A violation of the Plaintiff's Eighth Amendment right to the United States Constitution.

The Plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. Plaintiff has been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and injunctive relief which Plaintiff seeks.

7.) Prayer for Relief

Wherefore, Plaintiff respectfully prays that this court enter judgment granting Plaintiff:

- 1.) A declaration that the acts and omissions described herein violated Plaintiff's rights under the Constitution and laws of the United States.
- 2.) A preliminary and permanent injunction ordering defendants, the named defendants to stop abiding by prison policy that deals with the safety of the inmates and prison officials; And to also stop using proper procedures in hearing inmates problems and taken proper measurements.
- 3.) Compensatory damages in the amount of \$30,000 against the defendants, jointly and severally.
- 4.) Punitive damages in the amount of \$45,000 against the defendants.
- 5.) A jury trial on all issues triable by jury.
- 6.) Plaintiff's costs in this suit, by defendants.
- 7.) Any additional relief this court deems just, proper, and equitable.

Dated: 5/3/14

Respectfully Submitted,

Verification

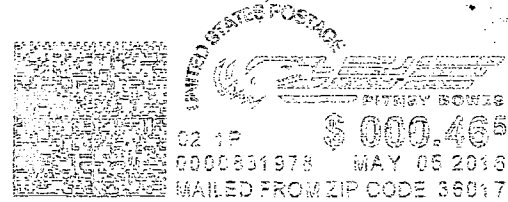
I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Clis, Alabama, on

Signature: Travis Hutchins
Travis Hutchins

Travis Hutchins / E1-1B / AIS#25496
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200 WALLACE DRIVE
CLIO, ALABAMA 36017

MONTGOMERY
ALABAMA
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