

United States District Court  
Southern District of Indiana

FILED  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
MAY 15 PM 3:56

AARON ISBY-ISRAEL, et. al,

No.

Plaintiffs,

vs.

Bruce Lemmon, Jack Hendrix,  
Stanley Knight, Richard Brown,  
et al;

Defendants

Pro SE Civil Action

**2:12-cv-0116 JMS-MJD**

I. Introduction

A. This Pro se Action, Filed by a Prisoner held in state custody by the Indiana Department of Correction (IDOC), at the Wabash Valley Correctional Facility (W.V.C.F.), in the Secure Housing unit ("SHU" or "SCU"), a long term Supermax Solitary Confinement unit, located in Carlisle, Indiana. This Suit Alleges Defendants State Correction officials who under actual or apparent authority, or color of law, denies the Plaintiffs their basic rights as human beings, by subjecting Plaintiffs deliberately and without any possible Justification, to Torturous, restrictive and Potentially harmful Conditions of detention, which is causing Plaintiffs considerable Physical

and Psychological Pain and Suffering. The Prohibited ill- Treatment and Abusive Conditions that contribute to the Plaintiffs Physical, Psychological Pain and Suffering are but not limited to: Prolonged or indefinite Solitary Confinement, very limited or no opportunity for social contact, sensory deprivation, limited environmental stimulation, reduced Privileges and Services, Scant or no recreational, work, vocational or educational opportunities.

The level of inhuman treatment being imposed upon Plaintiffs in SHU is inconsistent with respect for their inherent dignity and value as human beings and violates their rights under the United States Constitution and the Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights and the United Nations Standard Minimum Rules. This Action goes forth with the expressed intent that Plaintiffs receive both Declaratory and Injunctive Relief, along with reasonable Damages. The Plaintiffs seek Class Certification, and the Appointment of Counsel, in this Action.

## II. Jurisdiction, venue

1. This Court has Jurisdiction of this matter Pursuant to 28 U.S.C. § 1331. In conjunction for recovery of damages for acts of Torture and Human rights violations this action is brought Pursuant to 28 U.S.C. § 1350.
2. venue is Proper in this district Pursuant to 28 U.S.C. § 1391.
3. Declaratory relief is authorized by 28 U.S.C. §§ 2201 & 2202.
4. Injunctive relief is authorized by 28 U.S.C. §§ 2283 & 2284.
5. To redress the deprivation, under color of state law, of rights Secured by the Constitution of the United States 42 U.S.C. § 1983 is invoked.

## III. Parties

AARON ISBY-ISRAEL is an adult Prisoner currently Confined to Secure Housing Unit ("SHU" or "SCU"), a long term Solitary Confinement unit, namely Supermax, at Wabash Valley Correctional Facility (WVCF), 6908 S. Old U.S. Hwy 41, P.O. Box 1111, Carlisle, IN 47838.

### Defendants

Bruce Lemmon, Commissioner of IDOC, is legally responsible for the conduct, execution of the Policies and Practices of the IDOC and for the welfare of all Prisoners, including Plaintiffs who are being held in custody on long term isolation/super-max confinement at SHU.

James Wynn, is Director of classification in the IDoc, is responsible to oversee Classification Procedures.

Stanley Knight, is interim Deputy Commissioner in the IDoc, is responsible for reviewing Inter-Facility Classification Appeals, and keeping Plaintiffs in long term Supermax confinement at SHU.

Richard Brown, Superintendent at W.V.C.F., is responsible for Supervisory Power over the operations and conditions and for the welfare of all prisoners in his custody, and for Plaintiffs long term Supermax confinement at SHU.

Jack Hendrix, Asst. Superintendent of W.V.C.F., at time of allegations in this suit, is responsible for participating in sanctioning Plaintiffs Prolong Solitary Confinement at SHU.

Jerry Snyder, unit Team manager of W.V.C.F., is responsible for the day-to-day operations of the SHU, Supervisory Power over Counselor, Secretaries, Case managers, and participating in sanctioning Plaintiffs Prolong Isolation confinement in SHU.

Beverly Gilmore, Case work manager of W.V.C.F., is responsible for placing defamatory statements in Plaintiffs files, and participating in sanctioning Plaintiffs Prolong Supermax Solitary confinement in SHU.

Julie Snider, Counselor of W.V.C.F., is responsible for participating in the abuses alleged herein against Plaintiffs at SHU.

Dusty Russell, custody supervisor of W.V.C.F., is responsible for Supervisory Power over the conduct of all custody staff and the welfare of Plaintiffs in long term Solitary confinement at SHU.

This action is being brought against Defendants herein in their individual and official capacity.

#### IV. Facts

##### B. Assignment Criteria for Administrative Placement At SHU And Conditions of Confinement.

1. That the Named Defendants operates a Super maximum form of Segregation at Secure Housing unit ("SHU" or "Secu"), Known as Department-wide Administrative Segregation, located at the Wabash valley Correctional Facility, in Carlisle, Indiana.
2. That this form of Segregation is supposedly Non-Punitive, whereas that Prisoners Confined to this Segregation are not Placed here because of rule-infractions they've committed, they have not violated the Prison rules at all, but have, in fact, Complied with those rules. The Prisoners assigned to this status are supposedly Placed there for administrative not disciplinary reasons.
3. That this status is also, supposedly, a status whereas those so Placed are not to be Subjected to the Punishment Schemes associated with disciplinary Segregation, because they (Administrative status Prisoners (A/s)) have not violated rules. Disciplinary Segregation (D/s) Prisoners are lawfully Subjected to disciplinary Punishment after having received due Process of Law; Having been infracted for a rule-violation and given Notice. Having been heard and found guilty of that infract-ion. See A.I.C. 311-11-5-5.
4. That the Named defendants employ a criteria by which they adJudge those Prisoners assigned to A/s to be fit or Suitable for Place-ment on A/s status.

5. That the Plaintiffs has found it difficult to determine Precisely what that Criteria is, because they have been told their Placement is appropriate and/or was due to the "Safety and Security" of the Program and facility. This Statement of reasons Suggests that Plaintiffs poses Some sort of threat to the Prison Program, which, further implies that Plaintiffs have violated Some Prison rule, but, this is not the case.
6. That Plaintiffs are aware of the fact that Lawful imprisonment deprives them of their freedom and many other Constitutional rights. This fact is explicitly Spelled out for them by the United States Supreme Court in its rulings. See Hudson v. Palmer, 468 U.S. 517, 524 (1984).
7. That Plaintiffs are also aware of the fact that the Same Supreme Court has ruled that Prisoners retain Constitutional rights that are compatible with the objectives of incarceration. See Hudson, 468 U.S. 523. Consequently, that Same Court has declared that Prisoners while confined retain the right to be free from cruel and unusual Punishment. See Farmer v. Brennan, 511 U.S. 825, 832 (1994). That Prisoners retain the right to due process of Law. See Wolff v. McDonnell, 418 U.S. 539, 556 (1974). That Prisoners retain the right to Petition the government, which includes a reasonable right of access to the Courts. See Johnson v. Avery, 393 U.S. 483, 485 (1969). That Prisoners retain the right to Send and receive written Correspondence free of unjustified Governmental interference. See Procunier v. Martinez, 416 U.S. 396, 413-14 (1974). And, That, Prisoners retain the right to the equal Protection of the Law. See Lee v. Washington, 390 U.S. 333, 334 (1968).
8. That the Supreme Court has also declared that Prisoners retain the rights included in Protected Liberty interests when the conditions imposed on them, subject them to atypical and significant hardship or departure from the ordinary instances of Prison life. See Wilkinson v. Austin, 545 U.S. 209 (2005).

9. That the Supreme Court has also recognized and condemned the detrimental effects of long term and/or indefinite Solitary Confinement on Prisoners mental Health. See In re Medley, 134 U.S. 160, 168 (1890).
10. The United Nations Human rights Committee, has declared that "Prolonged Solitary Confinement of the detained or imprisoned Person, for indefinite periods, may amount to torture and other Prohibited ill-treatment, See Basic Principles for the Treatment of Prisoners. Article 7 (1990).
11. That Plaintiffs contend that the Placement Criteria employed by the named defendants is so vague and subject to interpretation that it can be made to mean virtually anything. And, that because the duration of time the named defendants retain Plaintiffs on AIs for far longer than disciplinary Prisoners who commit even the most severe infractions, including, recent assaults or murder. That these facts clearly illustrate Plaintiffs atypical and significant hardship in comparison to general Population and disciplinary Prisoners who frequently commit minor and major rule infractions.
12. That the Segregation the Plaintiffs, in this Action are Subjected to is for all intents and Purposes the same as that of disciplinary Segregation (D/S) Prisoners, the only difference being that D/S Prisoners have been charged with, and, convicted of, breaking Prison rules, while the Plaintiffs have not.
13. That the Criteria for the Placement of D/S Prisoners is clear and easily understood. Being that, if you break the rules and are found guilty of doing so, you will be Subjected to Segregation for a Predetermined length of time.



14. That this shows in the case of DIs Prisoners, who are rule-breakers that there is a rational and logical connection between the criteria for placement, its reasons, and the convicted wrongdoing, and the duration of time you are held on DIs. There is nothing similar for SHU AIs Prisoners, who are in fact, the non-rule breakers. This fact demonstrates Plaintiffs atypical and significant hardship.
15. That the criteria for Placement/and Release on SHU AIs by the named defendants is intentionally vague, and, the duration of time spent on this Supermax by the Plaintiffs is deliberately longer than DI Prisoners, with no determined limit of Segregation Punishment.
16. That all other Prisoners when Placed on disciplinary Segregation know why, and if convicted of the allegations against them, how long they'll have to remain in Segregation Punishment.
17. That SHU AIs Plaintiffs receive nothing that even remotely resembles the safeguards given to those who are Placed in DIs for violating the rules. AIs Plaintiffs are left to believe they've committed some mysterious undefined, unexplainable crime, that they pose some strange, unknowable, threat, and all having done so without violating a single rule.
18. That general Population Prisoners are allowed contact with other Prisoners, such as group activities, provided state of the art recreation facilities, which consist of exercise equipment, pool tables, Televisions, Telephones, gymnasium, allowed to earn state pay, participate in vocational, educational and rehabilitative programs, order commissary, obtain education credit to reduce their sentence or obtain parole, permitted contact visits with their families and Attorney, afforded access to a law library, legal research materials, and have access to religious services, while SHU AIs Plaintiffs are denied these same rights, privileges and immunities.



19. That the most time in Segregation D/S Prisoners, or in other words rule-breakers, can receive, for even the severest infraction, is sixty (60) days to one (1) year, while SHU A/S Plaintiffs, the non-rule breakers, are segregated for an indefinite term.
20. Even with good behavior at SHU A/S, Plaintiffs will serve an indefinite term; with the exception of the end of their criminal sentence, there is no other indication of how long the Plaintiffs will be kept at the SHU A/S.
21. That Indiana Statutes does not authorize indefinite segregation of any kind, and according to State law, a person can only be separated (segregated) from the general prison population for a "reasonable period of time" See Ind. Code § 11-11-5-6.
22. That D/S Prisoners cannot be placed in Segregation before being afforded a hearing. This practice is also mandated by State law. See Ind. Code § 11-11-5-5. However SHU A/S Prisoner-Plaintiffs are/were placed in SHU A/S Supermax without any kind of hearing even though they face an indefinite term and according to the State laws (Ind. 11-10-1-3(d)), Plaintiffs are/were supposed to be afforded a hearing before this assignment. The named defendants in the case of SHU A/S Plaintiffs, simply ignore and willfully disregard the law for hearings to be afforded to SHU A/S Plaintiffs - Prisoners.

23. That the named defendants have drastically reduced the amount of time all other prisoners can be held on disciplinary segregation, citing among their reasons, the well-known psychological, mental, emotional, physical, and social injuries this kind of SHU Supermax Segregation causes. The named defendants openly admit that long term solitary confinement in SHU segregation is unhealthy and has moved away from subjecting the other prisoners in prison to it.
24. That this is not the case with SHU A/S prisoners - plaintiffs, the named defendants still willfully confine plaintiffs to this long term solitary confinement, known to them to be unhealthy for years and years, indefinitely, with no end in sight. This practice is a clear and convincing indication of the atypical and significant hardship and torture they purposefully subject plaintiffs to.
25. That the IDOC is an Agency commissioned by society and state legislature to correct rule-breaking behavior, yet, they plainly operate a program against plaintiffs, whereby they subject plaintiffs, who are now rule-breakers to harsher and longer unhealthy segregation, much, much, longer than actual, convicted D/S prisoners, whose status is related to rule breaking. These facts suggest the arbitrary nature of plaintiffs placement and prolong confinement in SHU solitary confinement. These practices further suggest the IDOC value those who break the rules as oppose to those who do not break the rules. These practices and policies run completely counter to the officially stated purposes of the IDOC, which is ostensibly to "correct" not reward those who break the rules. These practices demonstrate the atypical and significant hardships plaintiffs are subjected to at the hands of the defendants.

26. That the Eighth Amendment Prohibits excessive Punishment and embodies the Concept of Proportionality. See Atkins v. Virginia, 536 U.S. 304, 316 (2002).
27. That according to the United States Supreme Court Prison officials cannot use A/s as a Pretext for the indefinite Confinement of Prisoners. See Hewitt v. Helms, 459 U.S. 460, 477 N.9 (1983). The Plaintiffs have alert the defendants to the above-mentioned rule of law, however, despite it, they continue to do just that, even though they know the Supreme Court has struck down this Practice.
28. That on May 3, 2006, Plaintiff Isby-Israel was Placed in Westville Control Unit (WCU), Disciplinary Segregation (D/s) for fighting. He remained on WCU D/s from that date until October 4, 2006, Six (6) consecutive months.
29. That upon completion of his D/s time, Isby-Israel was transferred from WCU to Wabash Valley Correctional Facility (W.V.C.F.) and directly Placed back in the Prison general Population. On October 23, 2006, Isby-Israel was Physically removed from general Population and was Placed on long term Supermax Solitary Confinement under Administrative Status (A/s) in SHU, without a hearing, and has remained there until the present. Unlike most inmates confined to SHU, Isby-Israel Confinement to SHU was not in response to any Prison investigation, disturbance, charge or Proven incident. This measure which seemingly aimed not at Preventing any Security threat, but, was apparently committed to single out Isby-Israel for Punishment and institutionalize torture, for his many years of asserting his rights to be treated as human being. Thus, all total, Isby-Israel has been on SHU Segregation over five (5) years consecutively, with no end in sight, according to the named Defendants.
30. That Isby-Israel has not had a major infraction in over four (4) years, yet, the named Defendants refuse to release him from SHU A/s.

31. That Plaintiff Desmond Turner #953755 was Placed on SHU A/S April 14, 2012, after serving one year and nine months D/s term and has remained on A/S until the present with no end in sight.
32. That the Plaintiffs Prolong isolation confinement within the SHU for extended period of time, has been sanctioned by the named Defendants, without any meaningful review nor hearing, but instead, the Defendants are using Plaintiffs administrative segregation as a pretext for indefinite confinement.
33. That the aforementioned Plaintiffs, conditions of confinement in SHU can best be described as a cognitive restructuring experiment. Plaintiffs without their consent, are being subjected, deliberately and without any possible justification, to unduly restrictive conditions of detention, which cause them considerable physical and psychological pain and suffering. These conditions include: Prolong or indefinite isolation and no or very limited opportunities for social contact with other prisoners or human being - we are confined to single man, windowless cells 23-24 hours per day. our cell lights are kept on 24 hours per day. we are handcuffed whenever we are escorted out of our cells. we are permitted one hour solitary recreation or out-of-cell exercise in small cages with no exercise equipment each day. our incoming and outgoing personal/legal mail is routinely searched, read, censored, interfered with, and rifled. we are not provided work, or vocational, educational and recreational programs. That legal and personal calls are restricted and denied. we are allowed video-only visits. our access to law library and legal research materials are completely denied. we have not been allowed to purchase items from the commissary. In spite of not being allowed to purchase commissary items, we are denied adequate and nutritional meals. we commonly subjected to religious persecution and discrimination and guard antagonism. we are denied proper clothing, and arbitrary restrictions are placed on what type and kind of books we can receive and possess. The water supply we are forced to drink is contaminated, and it taste and smell like sewage.

34. That Plaintiffs Conditions of extreme social isolation and reduced environmental stimulation, like the conditions they are subjected to in SHU Supermax are cruel, inhuman or degrading, none of the general population are subjected to this dismal, abject, inhuman, conditions, truly they are atypical and present significant hardship, and constitutes torture, and other cruel, inhuman and degrading treatment or punishment.
35. The Plaintiffs, including Isby-Israel, confinement in Prolong isolation on SHU has caused them to suffer, difficulties with maintaining organized thought, lack of concentration, memory lapse and loss, hostility, frustration, depression, seeing white spots, stress and anxieties, insomnia, hopelessness, muscle cramps, disorientation, sluggishness, and general deterioration. The nature of our conditions of confinement at SHU caused our (these) injuries.
36. That the Plaintiffs have endeavored greatly to exhaust their state remedies, repeatedly filing grievances and classification appeals regarding this issue, while the named defendants Gilmore, Snider, Snyder, Boone, have actively attempted to prevent them from using the grievance process by refusing, on occasion, to provide and/or file their grievances knowing that if Plaintiffs do not first go through the grievance process this would prevent Plaintiffs from bringing this issue to court. A blatant effort to deny Plaintiffs access to the grievance process as a strategy to prevent Plaintiffs from going to the courts and shielding the unlawful acts of their colleague from judicial scrutiny and justice. This act in itself clearly shows that the named defendants know their acts are illegal.

37. That the named defendants Lemmon, Brown, Hendrix, Snyder, Little John, Boone, Gilmore, Knight, and Snider at W.V.C.F./STU have been repeatedly placed on notice that by refusing Plaintiffs access to the grievance system they are/was obstructing Plaintiffs access to the courts, because Plaintiffs had to go through the grievance process first, but the named Defendants still refused Plaintiffs access to the grievance system. They (Defendants) claimed issues related to Placement/release on STU A/s are non-grievable.
38. That the named defendants Lemmon, Wynn, Knight, Brown, Hendrix, Snyder, Gilmore, Snider, Russell, and their staff have deviously concocted a scheme to knowingly and willfully violate prisoners rights, and at the same time, evade justice for their premeditated wrongdoings by preventing prisoners from having proper access to the grievance process, knowing that as long as they (the defendants) prevent prisoners from exhausting the grievance process prisoners cannot take their grievances to court, thus, giving themselves the free hand to commit any and every atrocity one can imagine, ultimately hoping the courts will not see through this thinly veiled criminality.
39. That the Plaintiffs have filed Classification Appeals, Tort Claims, and ombudsman complaints informing the named defendants Lemmon, Wynn, Knight, Brown, Hendrix, Snyder, Gilmore, Snider, and Russell, of the practice of using A/s as a pretext for indefinite confinement of prisoners, yet, they will and have knowingly continued this practice outlawed by the Supreme Court. See Hewitt, Supra.



40. Mr. Isby - Ismael and the Putative Class are being caused irreparable harm for which there is no adequate remedy at law.

41. At all times defendants have acted under actual or apparent authority, or Color of law.

## V. Claims for Relief

### C. United States Constitutional Provisions

42. That increasing the Punishment of Plaintiffs for Prior already-punished conduct years in the Past, by Subjecting Plaintiffs to Prolong or indefinite isolation confinement in SHU, violated the Due Process, Ex Post Facto Provision of the Fourteenth Amendment and Article I, §10 to United States Constitution.

43. The solitary and conditions of Confinement Plaintiffs are Subjected to in SHU violate the Prohibition against Cruel and unusual Punishment contained in the Eighth Amendment to the United States Constitution.

44. That the actions of the defendants outlined in Facts one thru Forty, whereby the defendants have devised and executed Practises that Place Plaintiffs on AIS as a Pretext for indefinite Confinement violates Substantive due Process and Constitutes Cruel and unusual Punishment in violation of their Eighth Amendment and Fourteenth Amendment rights to the United States Constitution.



45. That the actions of the defendants outlined in Facts one thru Forty, whereby the defendants have devised and executed Practises that Place Plaintiffs SHU Als without a hearing even though state law mandates a hearing prior to that Placement, violates state law and the Fourteenth Amendment to united states Constitution.
46. That the actions of the defendants Put forth in Facts one thru Forty where they are fully aware of the harmful effects of Prolong and indefinite Solitary Confinement and therefore reduce that Confinement for disciplinary Prisoners, but instead greatly increase it for Plaintiffs, are acts that are Cruel and unusual and violates that Constitutions Equal Protection of the law.
47. That the actions of the defendants outlined in Facts one thru Forty, whereby the defendants subjecting Plaintiffs to Prolong Confinement in SHU deprived him of liberty without affording Plaintiffs due Process because Plaintiffs were denied meaningful reviews of their status, and because Plaintiffs were not given an opportunity to Present their views to defendants charged with determining their status.
48. That the actions of the defendants outlined in Facts one thru Forty, whereby the defendants have sanctioned Plaintiffs to Prolong isolation Confinement in SHU Als for over five years without any hearing to determine whether grounds exist for such extended Confinement violates the Fourteenth due Process Clause to the united states Constitution.

49. That the Solitary and Conditions of Confinement Plaintiffs are subjected to in SHU A/s Supermax deprive Plaintiffs of their Protected Liberty interest, without due Process of law of the Fourteenth Amendment, which require a notice of reason and hearing before being punished.

50. The named defendants refuse to Process/Provide Plaintiffs grievances in a deliberate Scheme to Prevent Plaintiffs from Presenting those grievances in court violates the Plaintiffs rights to Petition the Courts for the redress of grievances, those rights being Protected under the Provisions of the First Amendment to the United States Constitution.

#### D. International Human Rights laws

51. The named Defendants actions outlined in Facts one thru Forty, by choosing to subject Plaintiffs to Prolong or indefinite isolation confinement in SHU A/s, deliberately in extremely harsh and Potentially harmful conditions of detention, which are causing them considerable Physical, Psychological, Pain and Suffering, the defendants violated the Prohibition Against Torture and other cruel, Inhuman and Degrading treatment or Punishment, contained in Article 1 & 2, and International Covenant on Civil and Political Rights (ICCPR); and Article 7, to United Nations Basic Principles for the Treatment of Prisoners (1990).

52. That the Solitary and Conditions of Confinement Plaintiffs are subjected to in SHU AIs, violates United Nations Standard Minimum Rules Article 79, 21(2), 33, 65, 31, 11(a), 15, 17, 20, 30(1), 37, 39, 41, 42, and the International Covenant on Political and Civil Rights Article I, 2, 3, 7, 9, 10, 14, 17, 18, 19, 23(1), 26, 27 and constitutes cruel, inhuman or degrading treatment.

53. That the named Defendants actions outlined in Facts one thru Forty, whereby the defendants are subjecting Plaintiffs in SHU AIs to arbitrary or unlawful interference with their Privacy, family or correspondence, visits, and Phone calls, violate the International Covenant on Political and Civil Rights (ICCPR) Article 17, 7, 10(1), 19(1)(2), and 23, the United Nations Standard Minimum Rules and constitutes cruel, inhuman, and degrading Treatment.

#### VI. Request For Relief

WHEREFORE, Plaintiffs' requests the following Relief:

A. Issue a declaratory Judgment stating that:

1. That the defendants intentional efforts to use AIs as a Pretext to indefinite confine Plaintiffs - Prisoners violates the Constitution, the International Covenant on Political and Civil Rights (ICCPR) and United Nations Standard Minimum Rules for the treatment of Prisoners and constitutes cruel, inhuman and degrading treatment.

2. That the Defendants willful refusal to Place Prisoners on AIs with a hearing when State law mandates one violates the Fourteenth Amendment.
3. That for the defendants to knowingly Prevent Plaintiffs from using the grievance Program so as to Prevent the Plaintiffs from ~~presenting~~ those grievances to the Courts later, so that the defendants can continue to Practice unlawful acts and shield their unlawful activities from the Courts and the law violates the First Amendment.
4. That the Combined Conditions of Confinement and Solitary Confinement Scheme Plaintiffs - Prisoners are Subjected to in SHU AIs violated the Prohibitions Against Cruel and unusual Punishment, of the Eighth and Fourteenth Amendment, ICCPR Against Torture and other cruel, Inhuman and Degrading Treatment or Punishment; U.N. Basic Principles and Standard minimum Rules for the Treatment of Prisoners.

B. Issue an Permanent Injunction stating that:

1. That the Defendants, their Agents and Successors in office be enjoined from Continuing the Practice of indefinite administrative segregation and order the immediate release and Transfer of Plaintiffs out of SHU AIs and their return to their respective Parent Facilities general Population.
2. That the Defendants, their Agents and Successors in office obtain from Placing Prisoners on AIs without providing them a hearing prior to that Placement.

3. That the Defendants, their Agents and Successors in office abstain from Subjecting the Plaintiffs - Prisoners to inhuman, Cruel Condition of Confinement in SHU A's and the Unconstitutional Practices and Human rights abuses herein. That Defendants, their staff, and Successors abstain from retaliating Against the Plaintiffs for bringing this Action.
4. That the Defendants, their Agents and Successors in office abstain from Preventing Plaintiffs from using the grievance Program so as to obstruct their access to Courts.
5. Certify this Case as a Class action Pursuant to Rule 23, Fed. R. Civ. Proc.

C. Grant Damages in the following amount:

1. Compensatory Damages against each defendant.
2. Exemplary Damages Against each defendant.
3. Grant any further relief this Court deems proper and fitting in this Premise.

I, AARON ISBY-ISRAEL, hereby affirm under the Penalties for Perjury that the above and foregoing representations are true and correct to the best of my knowledge and belief.

Aaron Isby-Israel #892219

Dated: 5/14/2012

Desmond Turner #953755 <sup>A/P A.I.</sup>

Prose Plaintiffs, W.V. C.F. / SHU  
6908 S. Old U.S. Hwy 41, P.O. B. 1111  
Carlisle, Indiana 47838

Certificate of Service

I, do hereby certify that the appropriate number of true and correct copies of the foregoing Civil Action were mailed to: The clerk of United States District Court, 105 U.S. Court House, 46 E. Ohio St, Indianapolis, IN 46204. By U.S. mail First-class Postage prepaid, deposited in a U.S. mail Box via Prison staff at Wabash Valley Correctional Facility, Carlisle, Indiana, on this 14 day of May 2012:

Aaron Isby - Israel  
Affiant



May 14, 2012

To: United States District Court  
OFFICE OF THE CLERK  
105 U.S. COURT HOUSE  
46 East Ohio Street  
Indianapolis, Indiana 46204

FR: AARON ISBY-ISRAEL  
#892219, SHU A909, POB1111  
Wabash Valley Corr. Fac.  
6908 S. old US HWY 41  
Carlisle, Indiana 47838

RE: Pro se Civil Filings

Dear Clerk:

Enclosed you will find the following:

1. Original Copy of Informa Pauperis Application/with Prison account statement attached as exhibit #1.
2. original and five (5) copies of Pro se Civil Action
3. original and Two Copies of Motion For a TRO and a Preliminary Injunctions/with Affidavit of AARON ISBY-ISRAEL, Exhibit #2 and Exhibit A, Affidavit of ~~Shane~~ Floyd Attach in Support.
4. original and Two Copies memorandum In Support of motion For a TRO and a Preliminary Injunction.
5. original and Two Copies Plaintiffs' First Request for Production of Documents.
6. original and Two Copies Plaintiffs First Request For Admissions.

Please file the original and copies of each enclosure with the court for determination and assign case number. Then ~~after this~~ action is filed, Please return a file-marked copy of the Pro se Civil action to ~~each~~ myself and Mr. Turner. Thank you.

very Truly yours,  
Aaron Isby - Israel

RECEIVED

MAY 15 2012

U.S. CLERK'S OFFICE  
INDIANAPOLIS, INDIANA

CC:

Enclosure