

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Gary Wayne Nelson, et al.,
(Enter above the full name of
the plaintiff in this action.)

v.

William D. Leeke, Commissioner,
South Carolina Dept. of Corrections &

Members, S. Carolina Board of Corrections
(Enter above the full name of
the defendant or defendants in
this action.)

COMPLAINT

Civil Action No. _____
(To be complete:
by Clerk)

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes (xxx) No ()
- B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs Charles Richard Kinsey, Gary Wayne Nelson, et al. vs.

Defendants The South Carolina Board of Corrections

- 2. Court (if federal court, name the district;
if state court, name the county)**

U.S. District Court, District of South Carolina

- 3. Docket number** 81-1606-9

- 4. Name of judge to whom case was assigned** unknown

- 5. Disposition (for example: Was the case dismissed? Was it
appealed? Is it still pending?)**

Still Pending

- 6. Approximate date of filing lawsuit** July 30, 1981

- 7. Approximate date of disposition** N/A

Plyler v. Leeke



PC-SC-002-002

II. Place of Present Confinement Central Correctional Institution

Address 1515 Gist Street, Columbia, S.C. 29202

A. Is there a prisoner grievance procedure in this institution?
Yes (xx) No ()

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

C. If your answer is YES,

1. What steps did you take? _____

2. What was the result? _____

D. If your answer is NO, explain why not Grievance mechanism is
totally ineffective and unable to deal with the nature of this problem'

E. If there is no prison grievance procedure in the institution,
you complain to prison authorities? Yes (xxx) No ()

F. If your answer is YES,

1. What steps did you take? n/a

2. What was the result? _____

III. (In item A below, place your name in the first blank and place
present address in the second blank. Do the same for additional
plaintiffs, if any.)

A. Name of Plaintiff Gary Wayne Nelson

Address 1515 Gist Street, Columbia, South Carolina 29202

(In item B below, place the full name of the defendant in the first
blank, his official position in the second blank, and his place
employment in the third blank. Use item C for the names, positions
and places of employment of any additional defendants.)

B. Defendant William D. Leeke is employed as Commissioner
South Carolina Department of Corrections at 4444 Broad River Road

C. Additional Defendants Members of the South Carolina Board of
Corrections are employed by the South Carolina Board of Corrections
4444 Broad River Road, Columbia, South Carolina 29210

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal argument or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

That the South Carolina Department of Corrections, as a whole, is tremendously overcrowded, to the degree that when considered in its totality, the conditions violate the Eighth Amendment to the United States Constitution as made applicable to the states through the Fourteenth Amendment to the United States Constitution, and that I, as a prisoner incarcerated within the South Carolina Department of Corrections, am being subjected to this overcrowding here at Central Correctional Institution as well as being subjected to possible transfer to other facilities operated by the Defendants where I would also be subjected to these Eighth Amendment violations.

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

Declaratory and Injunctive relief against the Defendants to include a temporary restraining order forbidding the Defendants from accepting any additional prisoners at any of their facilities until this overcrowding is eliminated and the conditions at these facilities operated by the Defendants are brought in line with constitutional standards. Such other relief as this court deems proper and necessary.

Signed this 1st day of April, 1982.

(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

April 1, 1982
(Date)

(Signature of Plaintiff)