

FILED

2006 MAY -1 PM 1:00

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

STEPHEN J. JENKINS, CLERK  
U.S. DISTRICT COURT  
FOR THE NORTHERN DISTRICT  
OF INDIANA

KATAZA TAIFA, et. Al., )  
Plaintiffs, )  
v. )  
Bayh, et. Al., )  
Defendants. )

CAUSE NO. 8:92 - CV - 429 AS

VERIFIED  
MOTION FOR ORDER PLACING DEFENDANTS  
IN CONTEMPT FOR BREACH OF THE AGREED  
ENTRY AND TO COMPLY WITH AGREEMENT

COMES NOW, A CLASS ACTION member, Eric D. Smith, in pro se, pursuant to the Agreed entry of this cause, moving this Court to find the defendants and their agents in contempt for breaching the agreements in the entry for settlement of this cause and to comply with the agreement. In support of the same, Smith would state and allege:

1. That the defendants and their agents have totally disregarded nearly every aspect of the Agreed entry of this cause because

no one (prisoner) knows about the Agreed entry of this cause except for me, and the defendants and their agents are maliciously and willfully erecting obstacles to violate and frustrate the terms of the Agreed Entry. For example, they have totally removed the satellite law libraries from the facility and force every prisoner to use a cell delivery system at the hands and mercy of Stephen J. Huckins who maliciously and intentionally refuses to copy and give out legal materials and papers needed to challenge prison conditions and treatment. If your lucky, it takes weeks to months to obtain anything back or from Huckins' law library. Many many prisoners have filed numerous grievances on Huckins, yet the administrators fail to do anything about it in order to protect their interests and to conceal unlawful acts.

No legal books are given from the law library and if you do not have the exact legal citation of a case or what to ask for, you are screwed and don't get anything, and as result, we cannot do any legal research whatsoever. Also, we are not given recreation for two hours a day.

2. The guards are also maliciously using excessive force and using chemical agents in dangerous amounts when there is no need, and are being applied simply for vindictive reasons and to gain sadistic pleasures because there are no cameras and because the administrators and guards are in cahoots with each other, and the guards know that no one will do anything about it.

3. Excessive force is also being applied on mentally ill prisoners, and because of their mental illness, the abuse is kept

hush-hush and never reported.

4. The administrators are also vindictively keeping prisoners ~~to~~ like me in segregation for YEARS and YEARS and YEARS (October 29, 2003 - April 9, 2009) in order to harm and retaliate against us when there is no need to do this or keep me here. (But to manipulate legal work)

5. I have been sent to the hospital twice in 2005 due to excessive force, once where I was maliciously beaten by 3 guards when I was non-resisting and in full body restraints, head-to-toe, in which they broke my nose and caused other injuries.

6. The administrators are using practices to make the prisoners mentally ill and the current conditions are too unbearable and degrading. we are suffering irreparable harm.

2. In addition, we have ZERO access to programs and are simply remaining idle with severely ~~is~~ restricted amounts of property and are being treated differently than other similarly-situated prisons. For example, some prisoners are allowed to possess hardcover educational college course books and religious books, but they won't let me have my educational self-teaching language books or Activity game books for Dungeons and Dragons when they pose no threat. There are no jobs anymore, so we are simply in our cells with no fresh air being denied of human impressions of life, which is going to contribute to our returns to prison because we are being treated like fight dogs and animals, and the defendants and their agents are doing these things by lying to people,

conspiring against us to deprive us of rights, and concealing their unlawful acts. In addition, we are being deprived of clothing in which they are burying our clothes and losing them without giving us the proper amounts.

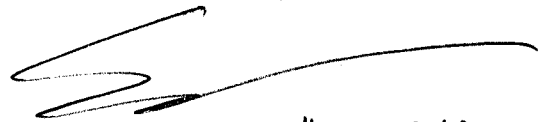
8. The defendants and their agents are doing these things to us merely because they have power over us and can keep us in these cells helpless and at their mercy. They have even gotten loans in my name!

9. I Affirm under the penalty of perjury, pursuant to 28 U.S.C. § 1746, that the above representations are true as I am a competent witness with personal knowledge on these facts.

WHEREFORE, Smith in pro se prays for an order finding the defendants and their agents in ~~contempt~~ contempt of the

Agreed entry of this cause and order them  
to immediately comply with the agreement,  
and for any other relief that Smith  
is entitled to, like an order for his  
release from segregation.

Respectfully Submitted,



Eric D. Smith 112675  
90 WCU P.O. Box 473  
Westville, IN 46391

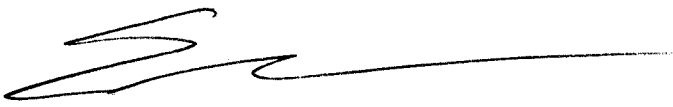
DATED THIS 3rd DAY OF APRIL, 2006.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been duly served upon the party listed below, by depositing the same in the U.S. mail, first-class, postage prepaid this 27th day of April, 2006:

KENNETH FAULK  
I.C.L.U.  
1031 E. WASHINGTON ST.  
Indianapolis, IN 46204

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I.G.C. South 5th Floor  
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