

United States District Court (orig. copy)
Southern District of Indiana

AARON ISBY-ISRAEL,
Plaintiffs,
vs.
Bruce Lemmon, et al.,
Defendants.

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION
2012 SEP 24 PM 3:41
Cause no. 2:12-CV-116-JMS-MJD
SOUTHERN DISTRICT OF INDIANA
LAURA A. BRIGGS
CLERK

Plaintiff's Statement of Remaining Claims

Plaintiff AARON ISBY-ISRAEL, Pro se, respectfully in response to the court entry of September 10, 2012, submit his statement of remaining claims:

(I) nature of the case

Plaintiff brought this Pro se complaint under two separate statutes, 28 U.S.C. §1350 and 42 U.S.C. §1983 alleging violations of his constitutional and human rights. The court screened Plaintiff's initial and amended complaint and the remaining claims are:

- (1) Plaintiff allege that Defendants criteria and admission procedures for placing and retaining Plaintiff at Secure Housing Unit Administrative Segregation are inadequate to protect the liberty interest of Plaintiff to avoid confinement at this supermax unit, which violates the Fourteenth Amendment.
- (2) Plaintiff claim that Defendants criteria and admission procedures for placing and retaining him at SHU A/S are vague, subjective, and discretionary, which allows Prison authorities to transfer prisoners to the SHU and prolong prisoners confinement at SHU A/S for indefinite periods in retaliation for the prisoner's exercise of speech, and association rights or their rights of legal redress, and right to exercise of religion in violation of the First, Fourteenth Amendment and RLUIPA, 42 U.S.C. §2000cc et seq.

- (3) Plaintiff claim that the Defendants admission criteria for Placing a Prisoner at SHU A/S, allow Prisoners who have Served all their disciplinary Segregation time for Past offenses, who have been released back to a Prison's General Population, to be re-segregated as increased Punishment at SHU A/S based solely on this Past, already-Punished conduct in violation of the Fourteenth Amendment and Article I, §10.
- (4) Plaintiff claim the Defendants use of Administrative Segregation as a Pretext to Confine him in Solitary Confinement at SHU indefinitely violates the Fourteenth Amendment Substantive due Process and equal Protection.
- (5) Plaintiff claim that his continuous confinement in SHU A/S status for more than five years constitutes torture or cruel treatment or punishment in violation of the Eighth Amendment.
- (6) Plaintiff claim that Defendants have sanctioned him to Prolong or extended isolation confinement in SHU A/S for more than five years without Providing Plaintiff a hearing to determine whether grounds still exist for his continued confinement at SHU A/S in violation of the Fourteenth Amendment.
- (7) Plaintiff claim the Defendants efforts to confine him to unlawful administrative segregation indefinitely at SHU Subjects him to atypical and significant hardship that implicate an protected Liberty interest under the Fourteenth Amendment.

(8) Plaintiff claim that the solitary and conditions of confinement in which Defendants are subjecting him to at SHU A/S, deprived him of his Protected Liberty interest without due Process, in violation of the Fourteenth Amendment, which require notice of reason and hearing before being punished.

(9) Plaintiff claim that the Defendants are using and have put him in Administrative Segregation at SHU to frustrate, interfere with and restrict his access to the courts in violation of the First, Fourteenth and Sixth Amendments.

(II) Defendants' Involvement

1. Defendant Wynn, directly participated or authorized, the placement and assignment of Isby-Israel to long term Administrative Segregation at SHU.
2. Defendant Wynn is responsible for overseeing classification procedures within the Department and in fact sanctioned and approved and promulgated the vague, subjective, and discretionary criteria and admission procedures for placing and retaining prisoners in long term Administrative Segregation at SHU, that cause or resulted in Isby-Israel being arbitrarily placed in and indefinitely confined at SHU A/S.
3. Defendants Lemmon, Wynn, Knight, Brown, Hendrix, Snyder, and Gilmore all directly authorized, participated or acquiesced to the practice of not providing a hearing before or after Isby-Israel had been placed in long term Administrative Segregation at SHU.
4. Defendants Lemmon, Knight, Brown, Hendrix, Gilmore, Snyder, all authorized and participated in directly or indirectly the practice of not providing Isby-Israel meaningful reviews and hearings to enable him to contest his continual and indefinite confinement at SHU A/S.

5. Defendants Brown, Hendrix, Snyder, and Gilmore, all directly authorized, participated and acquiesced to, the denial of recommendation to release Isby-Israel from SHU AIS, without holding an hearing or explaining their reasons.
6. Defendants Lemmon, Knight, Brown, Hendrix, Snyder, Gilmore, all directly authorized, participated and acquiesced to, the Prolong and/or indefinite confinement of Isby-Israel in Administrative Segregation at SHU.
7. Defendants Lemmon: [REDACTED], Brown, Knight, Gilmore, Hendrix, and Snyder all indirectly and directly, authorized, participated and acquiesced to and tacitly approved Isby-Israel continuous confinement in Administrative Segregation and sanctioned the punitive conditions of confinement Isby-Israel has been and continue to be subjected to at SHU.
8. No prisoner can be kept in Administrative Segregation at SHU, except with the authorization of Lemmon, Wynn, Knight, and Brown.
9. Defendant Snider is directly responsible for tampering with, interfering, censoring, prying into, rifling, and unjustifiably routinely searching and reading Isby-Israel personal and legal mail to and from non-prisoners, attorneys and the courts.
10. Defendants Lemmon, Knight, Brown, Hendrix, all indirectly and directly authorized the practice of using and placing Isby-Israel in long term Administrative Segregation at SHU to frustrate, interfere with and restrict his access to the Court.
11. The inhumane, torturous, restrictive and potentially harmful conditions of confinement Isby-Israel has been and continue to be subjected to at SHU AIS are the result of promulgated practices and policies by the Defendants Lemmon, Knight, Brown, and Russell.

12. Defendants Lemmon, Wynn, Knight, Brown, Hendrix, and Snyder all directly authorized and participated and acquiesced in and tacitly approved the use of Administrative Segregation as a pretext to confine Isby-Israel in solitary confinement at SHU indefinitely.
13. Defendants Lemmon, Knight, Wynn, Brown, Hendrix, Gilmore, and Snyder were and are aware of the onerous conditions of confinement at SHU A/S and have been on notice of the pervasive conditions in SHU for years but, have failed to take corrective action.
14. Defendants Lemmon, Knight, Wynn, Brown, Hendrix, Gilmore, and Snyder practice of indefinitely confining prisoners to Administrative Segregation were a common occurrence and accepted policy and practice in the Indiana Department of Corrections.
15. Defendants Lemmon, Knight, Wynn, Brown, Hendrix, Gilmore, and Snyder have for a long period of time, known of the policy and practice of indefinite Administrative Segregation confinement, and in fact are sanctioning this practice against Isby-Israel at SHU.
16. It was/is within each Defendants (Lemmon, Wynn, Knight, Brown, and Hendrix) individual and official capacities to intercede to stop, correct, or rectify the illegal practice of indefinite Administrative Segregation confining Isby-Israel at SHU. Instead, all Defendants Lemmon, Knight, Wynn, Brown, Hendrix, Gilmore, and Snyder have concurred in said illegal practice.

Aaron Isby-Israel
AARON ISBY-ISRAEL, P.O. B. 1111, SC4A909
Wabash Valley Corr. Facility
6908 S. Old U.S. Hwy 41
Carlisle, Ind 47838

Certificate of Service

I, the undersigned, hereby certify that the appropriate number of copies of the foregoing Plaintiff's Statement of remaining claims were mailed to The Clerk's Office, United States District Court, 105 U.S. Courthouse, 46 E. Ohio St., Indianapolis, Ind. 46204. one copy to Office of Attorney General, IGC-S, 5th Flr, 302 W. Washington St, Indianapolis, Ind 46204-2770. By U.S. mail Box via Prison staff at Wabash Valley Correctional Facility, Carlisle, Indiana, on this 21 day of Sept 2012:

Aaron Isby-Israel
Affiant