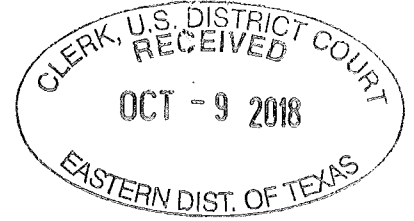


PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT  
FOR THE Eastern DISTRICT OF TEXAS  
Tyler DIVISION



Artie Armour 326387

Plaintiff's Name and ID Number

Coffield Unit

Place of Confinement

CASE NO. 6:18CV535 RWS-JDL  
(Clerk will assign the number)

v.

Lorie Davis - Director TDCJ/Price Daniels Bldg. 209 W. 14th St. Am. 500 Austin, Tx. 78701

Defendant's Name and Address

Bryan Collier - Exec. Director TDCJ/P.O. Box 99 - Huntsville, Tx. 77342

Jerry Catoe - Senior Warden Coffield Unit - 2661 F.M. 2054 - Tenn. Colony, Tx. 75884

Defendant's Name and Address

Jeffrey Richardson - Assoc. Warden Coffield Unit - 2661 F.M. 2054 - Tenn. Colony, Tx. 75884

P. Cooper - Assoc. Warden Coffield Unit - 2661 F.M. 2054 - Tenn. Colony, Tx. 75884

Defendant's Name and Address

(DO NOT USE "ET AL.")

**INSTRUCTIONS - READ CAREFULLY**

**NOTICE:**

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

**FILING FEE AND IN FORMA PAUPERIS (IFP)**

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

**I. PREVIOUS LAWSUITS:**

A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? \_\_\_ YES  NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: N/A
2. Parties to previous lawsuit:  
 Plaintiff(s) N/A  
 Defendant(s) N/A
3. Court: (If federal, name the district; if state, name the county.) N/A
4. Cause number: N/A
5. Name of judge to whom case was assigned: N/A
6. Disposition: (Was the case dismissed, appealed, still pending?) N/A
7. Approximate date of disposition: N/A

II. PLACE OF PRESENT CONFINEMENT: Coffield Unit

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure? YES  NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT: See Grievance #2011016886 and #2015184345, which demonstrates that this an on-going issue.  
Letters from General Counsel's Office

A. Name and address of plaintiff: Artie Armour #326387  
Coffield Unit - 2661 FM 2054 - Tenn. Colony, TX 75884

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Lorie Davis - Director of TDCJ/Price Daniel Bldg. 209 W. 14<sup>th</sup> Rm. 500  
Austin, Tx. 78701 - SEE Original Complaint & Memorandum of Law

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Davis was and is legally responsible for implementing and maintaining all of the illegal and unconstitutional practices on the Coffield Unit.

Defendant #2: Bryan Collier - Executive Director of TDCJ/P.O. Box 99 - Huntsville, Tx. 77342  
SEE Original Complaint & Memorandum of Law.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Collier was and is legally responsible for implementing and maintaining all the illegal and unconstitutional practices taking place on the Coffield Unit.

Defendant #3: Berry Catoe - Senior Warden/Coffield Unit - 2661 F.M. 2054 - Tenn. Colony, Tx. 75884 - SEE Original Complaint & Memorandum of Law.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Catoe was and is legally responsible for maintaining all the illegal and unconstitutional practices taking place on the Coffield Unit.

Defendant #4: Jeffery Richardson, Assoc. Warden/Coffield Unit - 2661 F.M. 2054 - Tenn. Colony, Tx. 75884 - SEE Original Complaint & Memorandum of Law.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Richardson was and is legally responsible for assisting in the maintaining of all the illegal and unconstitutional practices taking on the Coffield Unit.

Defendant #5: P. Cooper, Assoc. Warden/Coffield Unit - 2661 F.M. 2054 - Tenn Colony, Tx. 75884 SEE Original Complaint & Memorandum of Law.

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Cooper was and is legally responsible for assisting in the maintaining of all the illegal and unconstitutional taking place of the Coffield Unit, by signing grievances.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments 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. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

*I am filing this complaint due to being housed in a 45sq ft cell with another prisoner, particularly, but not limited to the Lock Down, when I am confined in this manner 24-hours per day for weeks at a time. I am also filing because the totality of my confinement is causing me to stay stressed out, I have chronic fatigue, depression, sleep-loss and I stay angry all the time. I have attached my grievances, Original Complaint, memorandum of Law and Jury Demand, which I believe will give a clear and thorough understanding of my complaint. Put simply, I am being subjected to the intentional infliction of emotional distress, which amount to cruel and punishment. Life on coffee is like living in a third world ghetto.*

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.  
*I request Declaratory, Injunctive, and Compensatory relief in the amount of \$100<sup>00</sup> per day for each day that I have been housed in this manner, and punitive damages in the amount of \$10,000<sup>00</sup> per Defendant.*

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

*N/A*

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

*N/A*

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES  NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/A

2. Case number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied? YES  NO

C. Has any court ever warned or notified you that sanctions could be imposed? YES  NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

- 1. Court that issued warning (if federal, give the district and division): N/A
- 2. Case number: N/A
- 3. Approximate date warning was issued: N/A

Executed on: Oct. 3rd, 2018  
DATE

Antie Ammon  
(Signature of Plaintiff)

**PLAINTIFF'S DECLARATIONS**

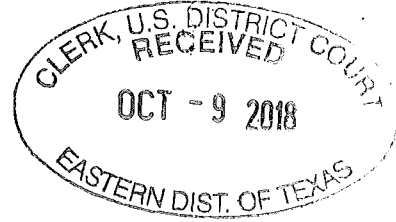
- 1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
- 2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
- 3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
- 4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
- 5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this Oct. 3rd day of Oct, 2018.  
(Day) (month) (year)

Antie Ammon  
(Signature of Plaintiff)

**WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.**

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION



Artie Armour §  
On Behalf of Those Similary Situated §  
PLAINTIFF'S §

V. § CIVIL ACTION No. 618 CV 535

LORIE DAVIS , DIRECTOR ,TDCJ-CID §  
INDIVIDUALY AND OFFICIALY §  
DEFENDANT §

CIVIL RIGHT'S COMPLAINT , MEMORANDUM OF LAW AND JURY DEMAND

COMES NOW , Plaintiff Artie Armour<sup>1.</sup> , and on Behalf of Those Similarly Situated , brings this Civil Rights Complaint Pursuant to the authority U.S. Constitution's Eighth Amendment prohibition against Cruel and Unusal Punishment , as well as under the authority of Texas Tort Claim Act for the Intentional Infliction of Emotional Distress , alleging that he is being confined under inhumane conditions. The conditions described herein are longstanding and pervasive and deprive Plaintiff of the minimal standards of decency of life's basic necessities. The Defendant's have continued to ignore and they obstinately persist in insolent impiety and flight from the truth of their cruelty - See Ruiz v. Estelle 668 F.2d 266 ; Ruiz v. Estelle 679 F.2d 1115 ; Battle v. Anderson 564 F.2d -388 , 395 ; Farmer v. Brennan 511 U.S. 825 ; Tex.Gov.Code 34.034 ; KROGER Tex . L.P. v. Subera 216 S.W. 3d 788 , 796 ; Twyman v. Twyman 855 S.W. 2d 619 , 623 .

Thus .this Court's Jurisdiction is under the U.S. Constitution , particularl-y under the provision of the 8th and 14th Amendment's as well as the common law of TEXAS for negligence , and intentional infliction of emotional distress , and Pursuant to the Institutionalized Person Act . 42 U.S.C. 1981 ; 1983 ; 1986 ;1988 and under 28 U.S.C. 1343 and 2201-02 .

Plaintiff expressly invokes this Court's Pendent Jurisdiction Pursuant to 28 U.S.C. 1367 to hear violation of Texas Law , Namely Tex.Civ.Prac. & Rem. Code 101.101 - 102 . Furthermore , Plaintiff request this Court to hear these Claims and/or refer them to the State Court in Anderson County , Texas for resolution in the 369th Judicial District Court .

2.

#### REQUEST FOR CLASS CERTIFICATION

This action is further brought Pursuant to Rule-23 of the Fed.R.Civ.P. , and Tex.R.Civ.P.42 on behalf of Plaintiff and on behalf of all Simiarly Situated .who are now and/or in future will be incarcerated in TDCJ. Such persons Numberin the thousands (1,000) and therefore are so numerous as to make it impractical to bpi-ling them all before this court . There are questions of law and fact , which are Common to the entire class (i.e. does the totality of Plaintiff's Confinement amount to Cruel and Unusal Punishment)(i.e. does maintaining 2-men in a 45sq.Ft. cell 24-hours a day for weeks amount to Cruel and Unusal Punishment)(i.e. does depriving one of (5) Five hours of uninterrupted sleep routinely amount to Cruel and Unusal Punishment)(i.e. does continuous exposure to extreme heat amount to Cruel and Unusal Punishment)(i.e. does the totality of Living Conitions at the Unit amount to the Intentional Infliction Of Emotional Distress). These are only a few of the common question of law and fact. Plaintiff's Claims as set forth are typical of the claims of all members of the class. Plaintiff is qualified to and will fairly , adequately , and justly protect the interst of each and all members of the class , by requesting Pursuant to the PLRA , that the United States Intervene as a party with the full right of a Plaintiff

3.

#### REQUEST FOR SPECIAL MASTER

Pursuant to Fed.R.Civ.P. Rule-24 , and Fed.R.Civ.P. Rule-53 , Plaintiff(s) move the Court Appoint an Special Master and for the United Staes to Intervene as a party in this Suit , Plaintiff(s) aver that this request has merit and that this Court has Jurisdiction to Honor this request due to the complexity of the Federal Question(s) . and the Volume of the discovery , and dispositive issues that matter will generate . In re Wilson 451 F.3d 161 , 164 ; Jack Walter & Son Corp. v. Mort-on Bldg. Inc. 737 F.2d 698 , 712 ; Monolithic Power Sys. v. 02 Micro Int'l , 558 F.3d 1341 , 1346-47 (Fed.Cir. 2009). Pliantiff(s) maintain that they can under Rule 23 Fed.R.Civ.P. Fairly , adqutely and justly protect the interest of each Plaintiff(s) and "ALL MEMBERS OF THE CLASS".

4.

PARTIES

**Plaintiff,** \_\_\_\_\_ TDCJ # \_\_\_\_\_, is a citizen of the United States, and currently a prisoner in the Texas Department of Criminal Justice, housed at the \_\_\_\_\_ Unit, Located in \_\_\_\_\_, County, Texas, (address): \_\_\_\_\_, City \_\_\_\_\_, State \_\_\_\_\_, Zip \_\_\_\_\_.

5.

**Defendant:** Lorie Davis is the Director of TDCJ-CID, at "ALL TIMES" relevant to this suit, is and was legally responsible for implimenting and maintaining all TDCJ-CID regulations, including housing, maintainance, policies governing classification, security, safty, health, medical, and the over-all oversight of all conditions of confinement of offenders incarcerated in The Texas Department Of Criminal Justice, Defendant Lorie Davis deprived Plaintiff(s) of Equal Protection and Due Process and Violated Plinatiff(s) Rights to be free of Cruel and Unusal Punishment, Wanton Infliction of Pain and Suffering, Denial of Medical care, Denial of Proper Recreation, Denial of Basic Necessities of Life, and Freedom from Inhumane Conditions of Confinement in Violation of the 8th and 14th Amendments to the U.S. Constitution, Defendant LoriDavis was at "ALL TIMES" Operating Under The Color Of State Law and is Sued in her Individual and Official Capacity, Located at : Price Daniels Unit, Sr.Bldg. 209 W. 14th Street Rm.500, Austin Tex. 78701.

**Defendant:** Bryan Collier, is the Executive Director of TDCJ-CID at "ALL TIMES" to this suit is and was Legally responsible for Implimenting and Maintaining all TDCJ-Regualations, Including Housing, Maintainance, Policies Govern ing Classification, Security, Safety, Health, Medical, and the over-all oversight of all Confinement of Ofeenders Incatcerated in the Texas Department Of Criminal Justice, Defeandant Bryan Collier Deprived Plaintiff(s) of Equal Protection and Due Process and Violated Plaintiff(s) Rights to be free of Cruel and Unusal Punishment, Wanton Infliction of Pain and Suffering, Denial of Medical Care, Denial of Proper Recreation, Denial of Basic Necssities of Life, and freedom from Inhumane Conditions of Confinement in Violation of the 8th and 14th Amendments to U.S. Constitution, Defendant Bryan Collier was at "ALL TIMES" Operating Under the Color Of State Law and is sued in his Individual and Official Capacated and Located at : P.O. Box 99, Huntsville, Texas, 75342.



**Defendant:** Jerry Catoe , Senior Warden is the Warden of The H.H. Coffield Unit , at "ALL TIMES" relevant to this suit was Legally Responsible for the over-all Im-  
-plimenttation and Maintaining of all Offender's under his Official Capacity Hous-  
-ed at the H.H. Coffield Unit in Tennessee Colony , Texas and the Regulations Of  
Policies , Procedures and Rules Governing the day-to-day upkeep and care for ALL  
Ofender's under his Authority at the Confinemant , the Defendant Senior Warden Je-  
-rry Catoe Deprived Plaintiff(s) of Equal Protection and Treatment of Individuals  
Similarly Situated , Due Process , and Violated Plaintiff(s) Rights to be free of  
Cruel and Unusal Punishment , Wanton Infliction of Pain and Suffering , Denial of  
Medical Care , Denial of Proper Recreation , Denial of Basic Necessities of Life ,  
and Freedom from Inhumane Conditions of Confinement in Violation of the 8th and  
14th Amendments to the U.S. Constitution , , Defendant Jerry Catoe was at "ALL TIMES"  
Operating Under The Color of State Law and is sued in his Individual and Official  
Capacity , Located at : H.H. Coffield Unit 2661 FM 2054 , Tenn. Colony . Texas ,  
75884.

**Defendant:** Jeffrey Richardson . Associate Warden is the Associate Warden at the  
H.H. Coffield Unit at "ALL TIMES" relevant to this suit was Legally Responsible for  
the over-all Implimentation and Maintinance of all Offenders under his Official ca-  
-pacity housed at the H.H. Coffield Unit in Tennessee Colony , Texas , and the Re-  
-gulation of Poloicies , Procedures , and Rules Governing the day-to-day upkeep and  
care for All Offenders under his Authority at the Confinement , the Defendant Asso-  
-ciate Warden Richardson deprived Plaintiff(s) of Equal Protection and Due Process  
and Equal Treatment of Individuals Similary Situated and Violated Plaintiff(s) Rig-  
-hts to be free of Cruel and Unusal Punishment , Wanton Infliction of pain and Suf-  
-fering , Denial of Medical Care , Denial of Proper Rrecreation , Denial of Basic  
Necessities of Life , and Freedom from Inhumane Condition of Confinement in violat-  
-ion of the 8th and 14th Amendments to the @.S. Constitution , Defendant Richarson  
is sued and was Operating under The Color Of State Law at "ALL TIMES" , and is sued  
in his Individual and Offical Capacity . Located at : H.H. Coffield Unit 2661 FM  
2054 , Tenn. Colony , Texas , 75884 .

**Defendant:** P. Cooper , Associate Warden , Is the Associate at the H.H. Coffield  
Unit , at "ALL TIMES" relevant to this to this suit was Legally Responsible for the  
over-all Implimentation and Maintinance of all Offenders under his Official Capacity  
housing at the H.H. Coffild Unit , and Regulation of Policies , Procedures and  
Rules Governing the dat-to-day upkeep and Care for all Offenders under his Authority

at the Confinement , the Defendant Associate Warden Cooper Deprived Plaintiff(s) of Equal Protection and Treatment of Individuals Similarly Situated and Violated Plaintiff(s) Rights to be free of Cruel and Unusual Punishment , Wanton Infliction of Pain and Suffering , Denial of Medical Care , Denial of Proper Recreation , Denial of Basic Necessities of Life and Freedom From Inhumane Conditions of Confinement in Violation of the 8th and 14th Amendments of the U.S. Constitution of the land , Defendant Cooper is sued and was Operating under the Color of State Law and is sued in his individual and Official Capacity . Located at : H.H. Coffield Unit , 2661 FM 2054 , Tenn. Colony , Texas , 75884 .

6.

The Defendant's ALL and SINGULAR Function are by virtue of the Authority of the Texas Department Of Criminal Justice . Their duties are primarily Governed by Virtue of the Authority , FORMER STATUTES V.T.C.S. Art. 6166(a) et.seq. ; NEW STATUTES Title 4 , Sultitle, G.TEX.GOV. Codes. This Lawsuit is brought in Good Faith against the Defendant's who acted in BAD FAITH while acting under the Color of State Law.

The Defendant's ALL and SINGULAR are SUED in their Individual as well as their Official Capacity for each and "ALL ACTS" and "OMISSIONS" of the Defendant's their "AGENT'S" and "EMPLOYEE'S" ALLEGED HEREIN . Were done under the Color and Pretense of Statutes , Regulations , Customs and Usage of The State Of Texas , and under the Authority of their Office .

7.

The Defendant's along with their agents and employees have implimented and maintained policies which enforced unconstitutional living conditions for years through-out TDCJ , particularly at the Coffield Unit , where this Plaintiff(s) is housed . Plaintiff(s) is prepared to produce documentation which will demonstate that the Defendant's have long been aware of there unconstitutional living conditions dating as far back as 1982 , where Judge Justice declared these conditions unconstitutional . Thus Plaintiff(s) allege that the Totality of his confinement is unconstitutional .

The Totality of Double-Celling , Sleep Deprivation , the absence of toilets in the dayrooms and Rec-yards , Overcrowded Showers and Extreme Heat are Sub-human living conditions , which have been repeatedly over the years been brought to the attention of the Defendant's directly as well as through their agents and employees ~~via~~ the grievance process.

The answer most often given is that Coffield does not have to meet OSHA and ACA-Standards because it was built prior to the 2250 style Units and ingress and egress is done every hour , yet they know from operation Review (cameras) that the do-

-ors do not roll for 2 and 3 hour's with logs being Falsified .

THESE ARE THE CONDITIONS THAT HAVE BEEN REPEATEDLY GRIEVED STATING IN PART AS FOLLOWED :

( 1.)

Double-celling : in a cell measuring 45 sq.ft. or less for 24 hour per day for weeks at a time is Cruel and Unusual Punishment ; See RUIZ v. ESTELLE 679 F.2d 1115.

( 2.)

Sleep-Deprivation : on a nightly basis where one is awoken for lay-ins , mail , Count , pill-window , and Breakfast so that one never gets (5) five hours of uninterrupted sleep-, See HARPER v. SHOWERS 174 F.3d 716 and WALKER v. SCHULT 717 F.3d 119.

( 3.)

No-Tiolets : in the day-rooms and Rec-yards is a serious sanitation hazzard as one is repeatedly exposed to exposed to human-feces ; See Farmer v. Brennan 511 U.S. 825 at 837 -43 .

( 4.)

Over-crowded Showers : constantly creating a safety and/or health hazzard by placing more than 100-prisoners in the shower-area where there are only 60-Showers. See Rhodes v. Chapman 101 S.Ct. 2372

( 5.)

Extreme Heat : There are no oscillating or exhaust fans in the day-rooms with them being contantly over-crowded . These individually may be questioned as offering only minimal harm , but for these conditions to exist for years even if they do meet OSHA and ACA Standards are Cruel and Unusual Punishment. See Helling v. McKinney 509 U.S. 25 at 32.

8.

Inaddition to these facts , the Texas Legislature has implimented , Tex.Civ. - - Prac. & Rem. Code 101.021 ; 101.029 and Tex.Gov. Code 311.034 , which allows one to seek compensation for these intentional practices; See Kroger Tex.L.P. v. Subera 216 S.W. 3d 788 at 796 and Colquitt v. Brazoria S.W. 3d at 538.543.

9.

The following is a narrative of the on-going deliberate indifference to the extreme and dangerous living condition on the Coffield Unit , which Plaintiff(s) is subjected to.

10.

The main building of Coffield is an older structure built around 1975 , it is

called the "GLASS HOUSE" , because total exterior of the building is made up of thousands of glass panels. These glass panels are not tinted , thus the sun shines directly into the building , "like frying ants with a magnifying glass". The Cell-block areas , hallways , dining halls , and gyms are not air-conditioned .

11.

The structure of the main building is made up of concrete , steel , glass , and red brick. This structure is actually designed to be conductive to absorb heat . The hallways , cells , and day-rooms become like ovens , with summer temperatures exceeding 100°F routinely in the main building and are known to reach 120°F.

12.

Plaintiff(s) constantly sweats , is fatigued due to being unable to sleep due to the extreme heat . It is so hot in his cell , that it does not cool down enough to sleep until about 2:00 am , which is when Breakfast starts. Plaintiff(s) asserts that being confined under these dangerous heat conditions is Cruel and Unusual and inhumane Punishment and Violates His 8th and 14th Amendments under the U.S. Constitution .

13.

The Coffield Unit was designed for single-cell occupancy , but someone decided to use double-cell occupancy ; and this practice has been going on for decades with the ACA turning a blind eye.

14.

Each cell is about 45 sq. ft. or less , with about 21 sq. ft. of usable floor space - space so cramped that two standing persons must squeeze by each other to pass . Thus one can do little more than lie or sit on their bunks or the floor.

15.

During the "LOCKDOWNS" one is confined to this cell for 24-hour per day for weeks at a time . Most recently it was for 16 and 19 consecutive days respectively . from May 31 , 2016 to June 6 , 2016 and from Oct. 10 , 2016 to Oct. 29 , 2016 .

Those on Medium-custody are confined in this , manner during the normal course of operations for 20-hours or more per-day , and the "LOCK DOWNS" are at least every 90-days lasting a minimum of 14 days.

16.

There are two bunks in each cell (i.e. steel-plates bolted to the wall) . however , top-bunk does not come equipped with a ladder or step to assist with climbing up and down which is the cause of much friction , not to mention the safety hazard it creates.

17.

Furthermore , due to the fact that the cells are over-crowded ,it stands to reason that day-rooms designed to accommodate single-cell occupancy would be over-crowded also. The day-rooms are designed to hold a rated capacity of 48-inmates . However , at chow time ; shower-time , and major sports events and movies there are more than 100-prisoners crammed into this space.

18.

Further aggravating this matter is the fact that there are not any fans inside the day-room , nor is there hot running water in the sink and there is no toilet in the day-room , only one urinal . Because the doors are not opened for hours at a time , it is not Unusual for one to "DEFECATE AND THROW IT OUT OF THE WINDOW".

Older prisoners on Medication have been known to "DEFECATE ON THEMSELVES".

19.

Requests to have cells on one (1) row and three (3) row reserved for such have been ignored for years . Yet it is rumored that the TDCJ Website says this is so.

20.

The noise in these over-crowded day-rooms is often deafening , and often there is no place to sit down in the day-room except on the floor .

21.

The over-crowding at the Coffield Unit negatively effects the day-to-day activities . Prisoners at the Coffield Unit are confronted with the reality that over-crowding is omnipresent within the confines of this prison. The serious harm caused by the confinement of two prisoners in a 45sq. ft. cell are easily recognized as study after study has shown.

22.

These over-crowding conditions are longstanding and pervasive and exercise a malignant effect on all aspects of Plaintiff(s) life , and are counter productive to rehabilitation. This exemplified by the fact that many prisoners think it is alright to pack over 100-men in the shower that has only 60-showerheads. The incremental exposure to disease and infection is greatly increased by this , and like wise the potential for Violence is increased when you have naked men packed in the shower like cattle in a dip.

23.

Plaintiff(s) contends that his confinement in these overcrowded conditions is a vexation to his spirit , as it is the Intentional Infliction of Emotional Distress , which amounts to Cruel and Unusual Punishment in Violation of his 8th and 14th Amendments Rights under the U.S. Constitution .

24.

Plaintiff(s) contends that each Defendant has been given notice repeatedly and are well aware of the over-crowded unsafe living conditions , and has failed to re-  
-medy the situation , or to remove Plaintiff(s) from the main building's overcro-  
-wded living conditions .

25.

Sanitation in the chowhall is dispcible and deplorable. Sanitation is a basic human need. The eating utencils , "SPOONS , CUPS , AND TRAYS", are not properly sanitized after each meal. The spoons are often greasy and/or have food residue on them. Cups are often still dirty. The trays are not properly dried and still have puddles of water in them. These unsanitary eating utencils are conductive to the spread of harmful bacteria. Plaintiff(s) has become ill on several occassions after eating in the chow hall.

26.

There are flies swarming in the dining area . the flies are so numerous . that the Plaintiff(s) must eat with one hand . while fanning flies with the other.

27.

The chowhall is infested with giant cockroaches. They can be seen crawling on the floor and walls while you are eating and behind the serving-line. It is comm-  
-on knowledge (i.e. workers & former workers) that the food storage areas and pre-  
-paration areas are also infested with cockrouches and mice due to the floor being in disrepare .

28.

There are birds flying around inside the chow-hall while Plaintiff(s) is eat-  
-ing. Plaintiff(s) has been informed that birds eat the cornbeard while standing in it defecating. Then the cornbeard is served to us prisoners.

29.

There is Unual Standing Puddles of Dirty Water on the Floor of the Chow-hall while Plaintiff(s) is eating. The food servers do not wear gloves most of the time and the tables are not properly wiped and sanitized after each use . The ceiling leaks when it rains , with water dripping on the tables. The paint can be clearly seen pelling from the ceilings directly over dinning-room tables. It has been re-  
-ported to Plaintiff(s) that "BLACK MOLD" is growing in the chaw-hall . Education Department . in the pipe-chases behind the cells on several cell-blocks.

30.

These unsanitary conditons in the chow-hall in the Coffield Unit main building adds to the Cruel and Unusal Punishment .

31.

The condition of the Cells are in a state of deterioration. The paint is peeling off the walls and is worn off of the bars , the lockers , the ceilings , and bunks , leaving exposed rust. The sink in the cell does not have "HOT" running water , only cold water. The ventilation system is clogged with layers of build up dust and lint.

32.

Many cells are infested with cockroaches , ants and/or spiders. Birds fly in and out of the cells and day-rooms defecating throughout leaving areas dropping feces on every thing.

33.

The Plaintiff(s) is systematically denied (5) five hours of uninterrupted sleep nightly. This sleep deprivation is intentionally caused by and through the count policy , mail , lay-ins , pill-window , and with the breakfast and shower schedules.

34.

The Guards Conduct nightly "BED BOOK COUNTS" at 10:30pm , at rack-time count on week-days and at 1:30am rack-time count week-ends. Plaintiff(s) must present his ID Card and/or recite his number to the Officer. If Plaintiff(s) is asleep , he is awoken every time these counts take place.

35.

There are loud-speakers on each wing. During the night the guards in the control Rotunda will make numerous announcements , at various hours through-out the night. A half a dozen times is not uncommon.

36.

These speakers are very loud , and awaken The Plaintiff(s) each time they are used. At count-time , loud bells ring to begin count ; one to get ready ; two for the count , and three for count-clear. This occurs at least three (3) times during the night , 12:00 mid-night , 1:30 am and 4:30 am. Thus , Plaintiff(s) is Denied (5) five hours of uninterrupted sleep .

37.

Although grievances on this sleep deprivation have been answered stating that breakfast begins at 3:00 am , this is false . A review of the cameras will reveal that chow is dropped to the day-room anytime about 2:30 am . This means that if The Plaintiff(s) wants to go to Breakfast , he must get up at 2:00 am to prepare , because , if he is not ready when the door opens the guard will slam it closed. So even if Plaintiff(s) was not awoken repeatedly , he would still be unable to get Five (5) hours of uninterrupted sleep. If Plaintiff(s) goes to Break-fast at 2:30 am . being the first wing drop . he may not get back to his bunk until 3:45 am -

- and/or later . Then as early as 4:30 am ,it is shower time .

38.

Thus , between the "BED BOOK COUNT ; THE LOUD SPEAKERBLARING , COUNT BELLS ARE RINGING ; THE 2:00 am BREAK FAST , AND 4:30 am SHOWER". Plaintiff(s) is not able to get even (4) Four hours of uninterrupted sleep each night. Sleep is a Basic Human Need .

39.

Plaintiff(s) is suffering "CHRONIC FATIGUE" due to being deprived of adequate sleep. Plaintiff(s) and others have repeatedly grieved this issue with relief being denied. Plaintiff(s) contends that this systematic sleep deprivation is Cruel and Unusal Punishment . Violation of the 8th and 14th Amendments of the U.S. constitution.

40.

The are No toilets in the day-rooms or Rec-yards , nor do they provide cells on one and three-row . although they have been repeatedly requested to do so . As a results , this causes The Plaintiff(s) to suffer at least one of the following :

- 1) Plaintiff(s) must degrade himself by defecating on himself ;
- 2) Plaintiff(s) must degrade himself by defecating on the floor the day-room ;
- 3) Plaintiff(s) must hold his defecation inside his bowels , which cause him pain for 2 or 3 hours.

The Defendant's are well aware of this- See Grievance #2016012145 and # 2016-012149 filed in sept. 2015 and compare answer to Grievances # 2016149396 filed May 2016.

41.

In addition , Plaintiff(s) has own grievance and requested operation review (camera used for survielance) , which will reveal that the logs are being falsied. The Defendant's refuse to remedy this violation of YDCJ Policy , by simply reserving a caell on 1 row and 3 row if they will not install toilets.

42.

There is only one (1) Urinal and one (1) SINK PER EACH DAY ROOM . The sink does not have running Hot-water. Hot running water of at 100°F is necessary to properly wash ones hands. It is only through the grace of "GOD" that some epedemic has not killed a bunch of Us. This is a serious sanitation issue.

43.

Plaintiff(s) contends that by being deliberately denied access to a toilet for hours at a time on numerous occasions is Cruel and Unusal Punishment , as well as the Intention Infliction of Emotional Distress .



44.

Understaffing is a "MAJOR COMPONENT" of the "INHUMANE" as well as the dangerous and unsafe conditions on the Coffield Unit. Each housing wing consist of one and row day-room - one day-room for 1 & 2 row , and one for 3 & 4 row. Each row houses up to forty - two (42) prisoners , for a total of 168 - prisoners on all four rows. There are (6) six of these wings radiating from the rotunda , being 1.004 - prisoners on a cell block. Although there are guards in the rotunda to roll doors , there is only (1) one guard on each wing-that translates into (1) one guard to monitor 168-prisoners. - Impossible ! That's 168-prisoners scattered in four (4) rows with 21-cells each , as well as two separate cat-rooms that cannot be viewed simultaneously. There are times when one guard is assigned to (2) two wings , that is 336-prisoners. The under-staffing is even worse at night operating with a skeleton crew. This is dangerous , unsafe , and contributes to Plaintiff(s) anxiety.

45.

Thousands of glass windows that make-up a great deal of the exterior walls of the main building , pose a three-fold threat of harm. The "FIRST" is the fact that these windows are of common glass , and not of reinforced security glass . These glass-panes are easily broken and "MANY" are broken out during the Hot Summer Months .due to the extreme heat. The broken glass is very sharp , and can easily be fashioned into a dangerous weapon. Upon further information and belief , the record will show that prisoners and guards have been assaulted with these glass shanks.

46.

The 'SECOND' threat of harm is the fact that these windows are not replaced until December or even as late as January of the following year. This exposes Plaintiff(s) and others to the cold temperatures of winter , along with the wind-blown rain.

47.

The "THIRD" threat of harm is the fact these windows are not tinted ,thus allowing the sun to shine directly into the interior of the Unit , cells included refer to paragraph 10 and 11 herein.

48.

Continually exposing the Plaintiff(s) to these unsafe living conditions ,amount to the Intentional Infliction Of Emotional Distress , and Violates his 8th and 14th Amendments Rights Under U.S. Constitution.

49.

Per TDCJ-policy , general population minimum-in Offenders , are entitled to re-

-ceive four (4) hours of out of cell exercise , and/or out-door exerice each day ; with one (1) hour not to include day-room time.

50.

Records were taken to document how often recreational out of cell exercise has been called since the month of january , 2016 .

51.

By contrast in a 31-day calendar period , out of cell exercise is supposed to be called at least twice per-day ; that would mean 62-periods of out of cell exercise per-31 calendar days. For the period of January 16, to 2016. The average amount of out of cell exercise is 13 times pre-month , with in average of about two (2) ; out-door recreation periods per-month . Denial of regular out of cell exercise . . and out-door exercise , particularly considering that there are 2-prisoners in a one-man cell this is Cruel and Unusal Punishment in Violation of Plaintiff(s) 8th and 14th Amendments Rights under the United States Constitution.

52.

It is Dangerous and Unsafe not to provide a ladder and/or steps for prisoners to climb up and down from the top bunk , which is (5) five feet above the floor and is the cause of many fights between prisoners , as one must stand on the bottem -- bunk to reach the shelves , which are 7 to 8 feet above the floor.

53.

The Defendant's have a duty to protect the health and safety of prisoners not placing them in living conditions that are knowingly unsafe. The Init Warden , ACA-Officials and safety managers have been repeatedly through-out the years have been made aware of the safety hazards and health risk via I-60 request and grievances and has failed to correct them .

With the top-bunk being 5-feet from the floor and the locker and shelves are 8-feet from the floor . not having climbing impliments installed to assist prisoner getting in and out of the top bunk and/or with reaching their locker and/or shelves is Intentional Infliction Of Emotional Distress , as well as Cruel and Unusal Punishment in light of the harrards involved. Even those prisoners assigned to the bottom-bunk is negatively effected by the a scence of climbing impliments. Even the medical deartment will not respond to requests to have climbing impliments installed for medical reasons. Thus , Defendant's via their agents and employees refuse to accomodate Plaintiff(s) with safe living conditions in Violation of the 8th and 14th Amendments to the United States Constitution.

54.

Tex.Civ.Prac. & Pem. Code 101.001 creates a government liability under the Texas Tort Claim Act 101.001(2) "EMPLOYEE" means a person , including an officer or "AGENT" , who is in the paid service of a governmental Unit by competent authority . but does not include an independant contract ...

55.

Section 101.001(3) "GROVERNMENTAL UNIT" means:: (A) This State and All several Agencies of Government that collectively constitute the Government of this State , including other Agencies bearing different designations , and department bureaus , board , commission , office , agencies , councils , and courts . and (D) any other institution , agency , or ordan of government the status and authority of which are derived from the constitution of the State of Texas or from Laws passed by the Legislature under the Constitution.

56.

Section 104.002 state Liability , conduct covered (a) Except as provided by subsection (b) the state is liable for indemnification under this chapter only if the damages are based on an act or ommission by the person in the course and scope of the person's Office , Employment , or contractual performance for . or service on behalf of the agency , institution , department and if : (2) the damages arise out of a cause of action for Deprivation of Rights , Privileges , or Immunity secured by the Constitution or law of this State or the United States.

57.

Due to the systematic sleep deprivation , caused by the Defendants , the Plaintiff(s) suffers from "CHRONIC FATIGUE" , and all of its associated sysptoms . Refer to paragraph 12 and 33 through 39 herein.

58.

Due to the stress brought on by these dispicable and unconstitutional living conditions in their totality , Plaintiff(s) alleges that he suffers intenses stomach cramps , a constant sensation of needing to use the toilet and negetiely effects his quality of life in general. This is constantly aggravated when is denied access to the toilet for 2 and 3 hours in the day-room.

59.

Plaintiff(s) alleges that he suffers from heat exhaustion , due to being exposed to extreme heat conditions during the summer months . Refer to praraphs 10 and 11 and 12.

60.

The Defendant's systematic failure to properly invstigate the Plaintiff(s)

Administrative Remedies is in fact used as a form of Reltaliation and an attempt to deter Plaintiff(s) from seeking any remedy for his living conditions. This Vi-olates the Plaintiff(s) First Amendment Right Under the U.S. Conctitution and Texas Constitution . State Law and TDCJ-CID Policy.

61.

As set forth herein and the attached grievances , acts and/or omissions of the Defendant's , their Agent's , and Employee's constitute a conspiracy to co-nduct and/or Participate in subjecting Plaintiff(s) to the Intentional Inflict-ional of Emotitonal Distress , which is Cruel and Unusal Punishment inviolation of the 8th and 14th Amendments of the United States Constitution.

62.

The Defendant's being two or more persons , each conspired and acted in con-cert with the intent to participate , directly in the deprivation of Plaintiff(s) Constitutional Right's.

63.

Specifically , by their words and actions , as detailed herein , and the at-tached grievances , The Defendant's objectively manifested an agreement to par-ticipate , directly and/or Indirctly in Deprivation of Constitutional Right's . Namely the 8th and 14th Amendment's.

64.

Plaintiff(s) have been and continues to be harmed with the Interntional Inf-liction of Emotional Distress , which amount's to Cruel and Unusal Punishment by the unlawful agreement entered into by the Defendant's and by the Acts under-taken in the Furhter ance thereof.

65.

The Defendant's are therefore liable to Plaintiff(s) in thier Official as well as their Individual Capacity.

66.

As a results of the Acts and/or omissions set forth herein and the attached grievances , the conspiracy of the Defendant's to Intentionally Inflict Emotional Distress , Plaintiff(s) has been systematically subjected to Cruel and Unusal Pun-ishment , which caused Plaintiff(s) to suffer depression resulting in mental an-guish.

67.

In additional , the acts of the Defendant's as set forth herein and the atta-ched grievances have injured the Plaintiff(s) in his Right to good Government and Honest Service.

68.

The Defendant's Agent's , Signer's of Step 1 & 2 Grievance # \_\_\_\_\_, and Signer's of Step 1 & 2 Grievance # \_\_\_\_\_, did refuse to allow Plaintiff(s) relief from the Cruel and Unusual Punishment resulting from the Totality of his living Conditions . which should be P6-Housing .

69.

The Defendant's endorsed the Warden's action with another Agent at the Step 1 & 2 Level of the Grievance process , and by failing to take corrective action when this behavior was brought to their attention via letters and petitions.

70.

The Defendant's failure to properly train and/or supervise their agent's resulted in the foregoing deprivations of Plaintiff(s) Constitutional Rights . such failure to train and/or properly supervise amounts to a deliberate and reckless Indifference to Plaintiff(s) Constitutional Rights and is wanton and reckless as to be a knowing reckless willingness that a deprivation of these rights occurs .

71.

The implementation and Maintaining the practices stated herein and the attached grievances caused Plaintiff(s) to suffer Mental Anguish and Emotional Distress. Plaintiff(s) accordingly is Entitled to Compensatory and Punitive Damages in the amount requested herein.

72.

The Conduct described herein and the attached grievances was performed by the Defendant's , their Agent's and Employee's in their Individual and Official Capacity . and under the Color of State Law.

73.

The Conduct described herein and the attached grievances was the proximate cause of Plaintiff(s) Injuries and Deprivation of his Rights Secured by the U.S. Constitution , under the 8th and 14th Amendment's .

74.

The Constitutional Deprivations Described Herein and the attached grievances are the Proximate result of Official Policies , Customs , and Practices of the TDCJ-CID and H.H. Coffield Unit , and The Defendant's were aware of the Unconstitutional Conduct and Policies Complained of Condoned and Were Deliberately Indifferent to such conduct and policies.

75.

The Defendant's violated Plaintiff(s) 8th and 14th Amendment's when they Ca-

-used him to be confined in the Totality of the living Conditions on the Coffield Unit described herein and the attached grievances , particularly , but not limited to confining him in a cell measuring 45 sqyare feet and/or less with another prisoner for 24 hours per day for weeks at a time. Most 31 . 2016 to June 6.2016 and from Oct.10. 2016 to Oct.29. 2016.

76.

The Defendant's "ALL and SINGLUR" functions are by virtue of the Authority of TDCJ-CID. Their Duties are primarily governed by : "FORMER STATUTES" V.T.C.S Art. 6166 et.seq. "NEW STATUTES" Titlte 4. Subtitle G.Tex.Gov. Code , particularly , but Liminted to 311.034 and Tex.Civ.Prac.& Rem. Code 101.021 and 101.029 .

77.

The Defendant's "ALL and SINGLUR" owe a Legeal Duty and Responsibility to use due care to insure that Plaintiff(s) is not needlessly Deprived of the Right to be free from Cruel and Unusal Punishment .

78.

The Defendant's "ALL and SINGLUR" owe a Legal Duty and Responsibility to use due care to Insure that Plaintiff(s) is not Needlessly mage to suffer to Onus of the Totality of the Living Conditions on the H.H. Coffield Unit , Particularly , but not LIMITED to Slepp-Deprivation.

79.

The Defendant's "ALL and SINGLUR" owe a Legal Duty and Responsibility to use due care to insure that the practice of confining Plaintiff(s) is Consttution-ally Adequate.

80.

The Defendant's "ALL and SINGLUR" have employed the Unconstitutional Practice described herein and the attached grievances for years inspite of repeated reque-st's to end them.

81.

The Arbitrary Employment of these Policies Practices . Acts . and Omissions of The Defendant's which Knowingly and Intentionally bestewed on Plaintiff(s) even after repeated requests by Plaintiff(s) and others to end them were done with the soïe Intent to be Used as a Punitive Meansure to get taugh on Crime Calculated to Intentionally Inflict Emotional Distress on Plaintiff(s).

82.

The Defendant's being two or more Persons , Conspired and Acted Concert with the Intent to Accomplish Lawful Acts and Additionally to Accomplish Unlawful Acts means for the Harming of Plaintiff(s).

83.

The Defendant's Conducted Numerous Acts in the Furtherance of their Agreement and Conspiracy , Including each and everyone of the Unlawful Improper , Unethical and Otherwise Wrongful Acts Alleged Herein and the attached grievances.

84.

Plaintiff(s) had been and Continues to be Harmed by the Acts and/or Omissions of The Defendant's .

85.

The Defendant's are therefore Liable to Plaintiff(s) for Civil Conspiracy under The State Of Texas and for Damages as a Results of Such Conspiracy and as a Result of each of the Acts taken in the Furtherance of such Conspiracy.

86.

In carrying out the acts set forth herein and the attached grievances ; The Defendant's acted Intentionally and/or Recklessly.

87.

The Conduct of The Defendant's was/is Extreme and Outrageous.

88.

The Actions of The Defendant's have caused Plaintiff(s) Emotional Distress.

89.

The Emotional Distress Suffered by Plaintiff(s) as a Result of the Intentional , Reckless , Extreme and Out-rages Conduct's of These Defendant's is Severe.

90.

The Defendant's are therefore liable to Plaintiff(s) for Intentional Inflic-tion of Emotional Distress , under the common Law of The State Of Texas , incl-uding But not "LIMITED" to Tex.Civ.Prac. & Rem. Codes 101.021 and 101.029 and Tex.Gov. Code 311.034.

91.

As public Official charged with the Legal Duty and Responsibility to use due care to insure that Plaintiff(s) is Properly Housed and Not Subjected to the Dis-picable-Inhumane Living Conditions Described herein and the Attached grievances and owe to the public a Duty to their Official Functions Honestly.

91.

In Not housing Plaintiff(s) in Constitutionally-Adequate Living Conditions after Repeated Request by him and others , breached those "DUTIES" of honesty and due care.

93.

As a result of the Defendant's breach of their DUTY of due care . Plaintiff(s)

has Incurred Depression . Anger . Hopelessness . Sleep-loss . Sever Mental Anguish and Emotiinal Distress . in connection to the Inhumane Livung Conditions describ-ed herein and in the attached grievances . Particularly . BUT NOT LIMITED TO THE "LOCK-DOWN" . WHERE HE IS CONFINED 24-HOURS A DAY FOR WEEKS AT A TIME WITH ANOTHER PRISONER IN A CELL MEASURING 45 SQUARE FEET OR LESS .

94.

As a result The Defendant'd are Liable to Plaintiff(s) for Negligence Under The Common Law Of Texas , as well as Under Tex.Gov. Code 311.034.

95.

Executive Dirctive 10.61 TDCJ Safety Policy . Authority ; Tex.Gov. Code 493.-006(6) Policy : The Texas Department Of Criminal Justice shall emphasize a safe environment for all employee's and Offender's [inmates]. The TDCJ is committed to compliance with all applicable and safety rules and regulations. Employee's sahl follow all safety ploicies and prodedures and report unsafe conditions . hazzards or acts as described in AD-10.20."Identifying and Reporting Facility Maintaince Requirements".AD-10.63"Operatioal Risk Assassment Program" and the TDCJ Risk Man-agement Program Manuel.

96.

This Directive imposes a Duty upon the TDCJ Defendant's . This Diractive is Signed by the Defendant's Of TDCJ-CID.

97.

AD-10.20 (rev.8) . June 8 . 2015 Applicability : ALL facilities in which The Texas Department Of Criminal Justice (TDCJ) or (AGENCY) staff are employed or where offender's are housed. Policy : The TDCJ shall ensure facilities are main-tianed in proper order and safe respair. Every employee is responsible for id-entifying and reporting facility deficiencies . especially hazzards that could pose a threat to the safety . security . and well-being of TDCJ . offenders . or visitors.

98.

Definition : "AD-10.20 Program" is a system-wide . standardied facility de-ficiency detection and reparting process Unit under Warden or non-Unit depart-ment representative over-sight. A successful AD 10.20 Program eliminates secur-ity . safety and health hazzards for staff . offenders and visitors and extends the life of the facility.

99.

"Deficiency" is the failure or deterioration of the physial plant . infrast-ructure . or a component thereof to include installed equipment and fencing.



100.

"Facility" for the purpose of this directive . includes TDCJ Units ...

101.

Plaintiff(s) has alleged herein that the exterior windows are easily broken and pose a serious threat of harm . He has also alleged the extreme deterioration of the cells at Coffield Unit. He has alleged that these conditions are long-standing and pervasive.

102.

Plaintiff(s) has also alleged that there are no toilets in the day-rooms . nor cells designed for such . and that there is no Hot-running water in the day-rooms and cells.

103.

The Plaintiff(s) has alleged that the Chow-hall . the cells and day-rooms are unsanitary . and pose a threat of harm by means of unsanitary living conditions.

104.

Thus. The Defendant's are in direct violation of ED-10.61. The TDCJ Safety Policy and in violation of both Texas State Law. and The U.S. Constitution.

105.

Administrative Directive : AD-03.40 out of cell-time for general population Offender's [inmates] Authority :Tex.Gov. Code 493.001 . 493.006(6) . 494.001 . 494.002(a) . and 499.102(a) are also being violated.

106.

Policy : The Texas Department Of Criminal Justice [TDCJ] shall allow general population Offender's out-of-cell for non-programmatic activities based on uniform standards defined organizational and administrative requirement .

107.

Minimum Requirement by custody level . A/G1/OT , G3/P3 , and G1/G2 Custody Offenders . including Medically Unassigned (1) weekend activity . required that each weekend-day . prison Offender's classified as G1/OT , G2/P3 , and G3/P3 shall be given an opportunity to spend at least seven hours participating in non-programmatic activities . Offenders [inmates] shall be provided with an opportunity to spend at least (2) two hours of the allotted time in the gym or outdoors . if weather permits.

108.

Plaintiff(s) has alleged in his allegations that the Defendant's are not following this Policy in regards to out-of-cell exercise.

100.

"Facility" for the purpose of this directive . includes TDCJ Units ...

101.

Plaintiff(s) has alleged herein that the exterior windows are easily broken and pose a serious threat of harm . He has also alleged the extreme deterioration of the cells at Coffield Unit. He has alleged that these conditions are long-standing and pervasive.

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108.

Plaintiff(s) has alleged in his allegations that the Defendant's are not Following this Policy in regards to out-of-cell exercise.

109.

AD-03.40 in section II Warden's Responsibilities (A) each Warden shall develop a 24-hour Building schedule detailing the programmatic and non-programmatic activities and the hourly ingress and egress procedure as well as the Unit Recreation detailing the recreational activities ...

110.

Executive Directive 02.01 Subject TDCJ Ethics Policy: Standards Of Conduct . (A) an employee shall : (1) Perform Official Duties in a Lawful . Professional . and Ethical manner benefitting the State and TDCJ . and AD-03.82 subject : Management of Offender Grievances . Authority : Tex.Civ. Prac. & Rem. Code 14.005 . 110.001 and .012 . Tex.Gov. Code 493.001 . 493.006(b) . 493.014 . 501.008 . U.S. 1997(e) C.F.R. 35.107(a) . 115.52(a).(g) Applicability : Texas Department Of Criminal Justice . Sect. VII Responsibility (a) and (f) Section (f) Investigations State in part . the Unit Grievance Investigator is responsible for the investigation of step-1 grievances.

111.

Plaintiff(s) alleges that upon further information and belief . "The Unit Grievance Investigators are covering-up these unconstitutional Violation and clear Violations of TDCJ policies. Therefore .The Unit Grievance Investigators (UGF's) Failure to polivy has the effect of rendering the grievance procedures ineffective . and this has a chilling effect upon the Plaintiff(s). Thus violating his First Amendment Rights to seek redress of grievances and free speech

112.

The Program Directive 22 [PD-22] is the General Rule of conduct and Disciplinary Action Guideline For Employee's ... and State ... Policy : Employee's are representative of the Texas Department Of Criminal Justice and are expected to adhere to the highest standards of conduct while on-duty ... Discussion: I. Employee's responsibility to know the rules set forth in directive and seek clarification . if necessary. Not being aware of the existence of any of the rules is not a "DEFENSE" for "VIOLATIONS".

113.

Plaintiff(s) points out that according to PD-22 it is the Employee's responsibility to know the rules and that not being aware of the rules is not a Defense for violations. Plaintiff(s) alleges that in numerous step 1 & 2 grievances letter's and I-60 Request written by him and others throughout the years the Defendant's have been repeatedly placed on notice of the Violations of his constitutional rights as well as violations of Texas State Law and Internal TDCJ - Policies .

114.

The Defendant's have repeatedly ingnored notifications by Plaintiff(s) and others , and/or have reported delibecate false information in the course of re-sponding . Used biased "Unit Grievance Investigations" that do not properly and thoroughly investigate these issue and that give maningless boiler-plate's responses to the grievances.

115.

Such acts of moral turpitude are concerted acts which upon further informa-tion and belief , violate the conspiracy laws of Title 42 U.S.C. 1995(3) and 1986 and Texas Penal Code. They are under-handed efferts to assail The Plainti-ff(s) effert's to be heard-to frustrate his use of the grievance procedure and render the "VEHICLE FOR REVIEW" Ineffective.

116.

Plaintiff(s) alleges that total disregard for State Law . Federal Law . and TDCJ Policy , is in and of itself an assault upon the Liberty's of the Plintif-f(s) First and Eighth and Fourteenth Amendment Right's Under The U.S. Constit-ution.

117.

Plaintiff(s) alleges that the Defendant's are in direct Violation of the Following Rules of PD-22 "Rule - 7 - Substandard Duty Perormance" . An employee shall perform dutys in a manner that meets or exceeds the minimum standards es-tablished for the employees position.

118.

PD-22 "Rule 8" : Failure to follow prper safety Procedures . an Employee is required to observe and enforce current agency policies and State and Federal Laws relating to safety in the workplace. The Plaintiff(s) alleges that Rule 8 creates a right under both State and Federal Laws.

119.

PD-22"Rule 10" : Falsification of Records "An employee is required to main-tain and submit truthfull , accurate , and complate record's as required by the Agency . Falsification of records includes documents to reflect false info-mation or the omission of material information.

120.

Plaintiff(s) alleges that the Defendant's have falsified and/or are aware that documents pertinent to the acts alleged herein have been falsified .

121.

PD-22 "Rule 20":- Violation of statutory / Court Order / Rules / Regulation§ / Policies". It is the employee's resposibility to know and have a clear under-

-standing of and comply with all rules . regulations . policies . court order . and statutory authority governing the operation of the Agency. Not being aware of the existance of any of the aforementioned Is Not A Defense for a Violtion of the sume". Emphasis Added.

122.

PD-22 "Rule 23" :- Mistreatment Of Offender's : Mistreatment usually takes the form of Physical , but it may also include , but not be limited to , such actions as threats or unauthorized / illegal denial of privileges or entitlements. Plaintiff(s) contends that on entitlement is a garranteed tight.

123.

Under the Tex.Pen.Code. 39.04 Violations of the Civil Rights of a person in custody (a) an officia; of a correctioned facilty , an emplotee of a correctio-nal facility ; "commits an offense if the person intentionally : (1) denies or impedes a person in costody in the exercise or enjoyment of any right privilege or immunity knowing his conduct is unlawful ; or (b) an"offense" under section (a)(1) is a class a misdemeanor

#### THE IMMUNITY QUESTION

124.

Plaintiff(s) here by asserts these TDCJ agency Policies are Rebuttal agai-nst any Defense of Qualified Immunity that the Defendant's may attempt to sub-mit.

125.

Firthermore . The Defendant's are not entitled to any appirmative defense for Plaintiff(s) has Stated factually-specific enough to remove any cloak of pro-tection afforded by any immunity defense . See Elliot v.Perez 751 F.2d at 1479 Plus . The Defendant's have violated well-established Law in that they have ign-ored Tex.Civ.Prac.& Rem. Code. 101.021 and 101.029 ; Tex.Gov. Code 311.034 as well as the 1st . 8th , 14th Amendments of the United States Constitution . See Rhodes v. Chapman 101 S.Ct. 2392 .

#### EQUITY

126.

Plaintiff(s) is Entitled to Monetary and Punitive Damages . Declaratory , and Injunctive Relief in "LIGHT" of the fact that the Negliene , Intentional Inflic-tion of Emotioned Distress , and Cruel and Unusal Punishment is on-going in na-ture and has been knowingly and intentionally imposed upon this Plaintiff(s) and Others. In short , The Defendant's have violated clearly established Statut-ory and Constitutional Right's:- See Harlon v. Fitzgerald 102 S.Ct. 2727 ; and Anderson v. Creighton 107 S.Ct. 3034 .

Before a Court employs its equitable power to remedy a Violation of Federal Law it must also determine that the Violation is on-going in nature or is likely to recur:- See *Green v. Mansour* 106 S.Ct. 423 and *Separationist v. Herman* 959 F.2d 1283 . Equitable remedies must be precise . so as to meet the confines of Fed.R. Civ.P.-65(d) . for specificity is not merely a "Hypertechnical Requirement". it is an important procedural safe-guard. -See *Seattle National Bank v. Manges* 900 F.2d 295 . even if it is determined that injunctive relief is not justified . the propriety of declaratory relief must be separately considered :-See *Steffel v. Thompson* 94 S.Ct. 1209 .

The first question which must be addressed is the adequacy of Plaintiff(s) remedy at Law. In this case Plaintiff(s) has requested Monetary Damages due to the onOgoing Intetional Violations . In ~~an~~<sup>an</sup> informed situation this relief would more than likely prove to be adequate . However , this is not a normal situation. The Defendant's in this matter have a (30) Thirty-year history of blatantly ignoring Court Order's . and Constitutional Right's:- See *Ruiz v. Astelle* 503 F. Supp. 1265 . and its progeny ; *Dreyer v. Jalet* 349 F. Supp. 452 ; *Cruz v. Beto* 603 F. 2d.1178 ; *Corpus v. Estelle* 551 F.2d 68 ; and *Ruiz v. Johnson* 37 F. Supp. 855.

IN "LIGHT"of this long history injunctive relief alone <sup>is not</sup> be like pouring water on a duck's back, ~~same~~<sup>same</sup> is true with Monetary Damages alone. This indictates any thing short of the full-range of Punishment is Unlikely to Change The Defendant's behavior. The Defendant's will <sup>not</sup> be unable to suggest or demonstrate that they are unlikely to revert to these same vibrations. See *Marrow v. Harwell* 768 F.2d 619

Declaratory relief is only appropriate where there is some danger that the complained of harm will be repeated:- see *Pembroke* 981 F.2d at 228. Plaintiff(s) is still in the custody of The Texas Department Of Criminl Justice . Texas Prison system ; is likely to remain so for sometime ; plus there are members of the Plaintiff(s) class to consider ; all are still subject to the unconstitutional doudle-celling and other dispicable living conditions desribed herein that const- itute the totality of the inhumane environment he is subjected to . unfer these circumstances a declaratory judgement is appropriate to ensure that Plaintiff(s) is not subjected to this Cruel and Unusal Punishment Again.

127.

Plaintiff(s) claims clearly show that the Defendants through thier delirate act and omissions and/or their Negligence have deprived Plintiff(s) of the minimal civilized measures of life's necessities. The unconstitutional living conditions described herein and the attached grievances , are even worse than the Plaintiiff has been able to describe in his complaint. The H.H. Coffield Unit is best descr- ived as "THIRD WORLD GHETTO". which Plaintiff(s) as the Court to visit one Sun-

-day during the course of a sporting event in order to get the full impact of what he is subjected to on a daily basis. These conditions are longstanding and pervasive and have been getting wares with the passing of time . The prison is in a ~~state of utter deterioration and may even be beyond repair . These inhumane and unsafe living conditions in their totality pose an unreasonable risk of harm to the Plaintiff(s) health and his mental and emotional well-being. Aside from the physical and/or emotional injury , Plaintiff(s) has already suffered , there is the blatant assault upon his constitutional rights and The Defendant's egregious blatant violation of State and Federal Laws , and TDCJ-CID Policies . Thus Plaintiff submits that these claims are neither delusional or fantastical and have on arguable basis in fact and Law:- See Graves v. Hampton 1 F.3d 315 .~~

**EQUITY RESTATED**

128.

Plaintiff has no plan , adequate or complete remedy at Law to redress the Willful and Wanton Wrongs described HEREIN and the attached grievances and the failure to maintain the Status quo pending trial on the merits will result and cause Plaintiff more irreparable injury by The Defendant's unless the Court grants the injunctive relief requested HEREIN and all other and further relief , both general and special at Law and in equity to which he is justly entitled .

**PRAYER FOR RELIEF**

130.

Wherefore . Premises Considered , Plaintiff Pray's in addition to the Declaratory Relif of declaring that the Totality of the living Conditions at the H.H. - Coffield Unit main building are Violative of the 8th and 14th Amendment's ; he pray's he recover cost of Court expanded ; that he be awarded exemlary / punitive damages of \$ 10,000.00 each per. Defendant ; compensatory damages of \$ 300.00 per day each Defendant for each day that he has been housed in these unconstitutional living conditions ; per and post judgement interest until paid. Plaintiff(s) seeks the following injunctive relief (1) that the Defendant's be Ordered to immediately cease all double-celling of prisoners on the H.H. Coffield Unit ; (2) that any and all necessary repairs and maintainnce be carried-out immediately to correct the Def-ficecies as out-lined in this complaint ; (3) The Defendant's be Ordered to hire professional Free-world pest-control company to come into the H.H. Coffield Unit and Deal appropriately with the pest infestations throughout the H.H. Coffield Unit . ; (4) that The Defendant's be Ordered to Immediately adhere to all state

and Federal Laws ; and TDCJ-CID own plocies . of which they are now in violation of Plaintiff(s) pray's that this Court would appoint a Special Master to ensure that The Defendant's comply with all Court Orders in connection with this compla-  
-int. Plaintiff(s) seek's Declaartory Relief , declaring that TDCJ-CID H.H. Cof-  
-field Unit Administrative Remedy (i.e. Grievance Process) is futile , offer no  
remedy and violates the First Amendment of the U.S. Contitution. Finally , Plaint-  
-iff(s) request any and all such other relief , both general and special ay law  
and in equity , to which he may justly be entitled. Plaintiff request a Jury Trial.

Artie Ammon  
Respectfully Submitted

CERTIFICATE OF SERVICE

I, Artie Ammon TDCJ # 326387 do hereby declare that  
on this day Oct. 3rd 2018, pursuant to Caldwell v. Amend 30 F.3d -  
-1119 , 28 U.S.C. 1746 and under penalty of perjury that I have served The Defend-  
-ant's with the foregoing Civil Rights Complaint , Memorandum of Law , and Jury  
Demands , along with the Attached grievances Exhibit (A) -# 2015184345 and Exhi-  
-bit (B) - # 2017076986 by placing the Original a (1) Copy in a sealed env-  
-elope addressed to U.S. District Court - Clerck , David Maland - Eastern District  
211 W. Ferguson Street . Tyler . Texas , 75702 , and placing in the hands of the  
H.H. Coffield Law library Officer tp place the correct postage and deliver to the  
H.H. Coffield Unit Maikroom to be Mailed through the U.S. Mail Service .

Artie Ammon 326387  
Signature Of Plaintiff TDCJ ID Nubmer





# STEP 1 OFFENDER GRIEVANCE FORM

**OFFICE USE ONLY**

Grievance #: 2017070886

Date Received: 1/23/17

Date Due: 3/4/17

Grievance Code: 510

Investigator ID #: P2204

Extension Date: \_\_\_\_\_

Date Retd to Offender: FEB 01 2017

Offender Name: Artie Armour TDCJ# 326387

Unit: Coffield Housing Assignment: N-218T

Unit where incident occurred: \_\_\_\_\_

IGC#506-LIVING CONDITIONS (Totality)

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? Via Eco Safety Officer & ACA Coordinator When? Jan. 2 2017

What was their response? No Reply

What action was taken? This Complaint.

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

This is an Official Complaint filed pursuant to Inmate Grievance Code #506-LIVING CONDITIONS (Totality i.e. Double-celling, Sleep-Deprivation, No Toilets in the Dayrooms and Restyard, Overcrowded Shower, & Extreme Heat); filed against each of the officials that have been contacted repeatedly through the years, particularly Warden Cooper who has stated that this unit does not have to meet OSHA and ACA standards because it was built prior to the 2250 style Units, and because ingress and egress is done every hour. Yet he knows that the doors do not roll for 2 and 3 hours at a time.

I submit that the Totality of these unconstitutional living conditions amount to the Intentional Infliction of Emotional Distress, as well as Cruel and Usual Punishment, - see RHODES v. CHAPMAN, 101 S.Ct. 2392

1. Doubling-celling me with another in a cell measuring 45 sq ft. or less for weeks at a time for 24 hours per day for weeks.

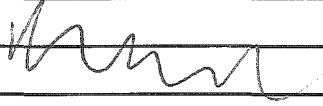
2. Sleep Deprivation on a nightly basis, so that I get less than (5) five hours of uninterrupted sleep.

3. Overcrowded Showers of 100-prisoners or more when there are only 60-shower heads.

4. No Toilets in the Dayroom forces one to hold his bowels for hours or defecate on the floor, or on himself.

5. Extreme Heat of summer along with these other substandard conditions causes Chronic Fatigue, because there are no oscillating or exhaust fans in the dayrooms. The Totality of these living conditions represent a deliberate indifference to my health and Safety.

*This Double-celling is causing me severe depression and anger*



Action Requested to resolve your Complaint.

*I Request Single-cell-housing; Fans in the dayrooms; Toilets in the dayrooms; ingress and egress by pod; alternatively, PC-Housing-*

Offender Signature: *Artie Armon*

JAN 20

Date: *1-2-2017*

Grievance Response:

Please present only one issue per grievance. Security Staff state showers are being conducted properly. No further action is warranted.

Signature Authority:



Date: *2-1-17*

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- 1. Grievable time period has expired.
- 2. Submission in excess of 1 every 7 days. \*
- 3. Originals not submitted. \*
- 4. Inappropriate/Excessive attachments. \*
- 5. No documented attempt at informal resolution. \*
- 6. No requested relief is stated. \*
- 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- 8. The issue presented is not grievable.
- 9. Redundant, Refer to grievance # \_\_\_\_\_
- 10. Illegible/Incomprehensible. \*
- 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

OFFICE USE ONLY	
Initial Submission	UGI Initials: _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____
<b>2<sup>nd</sup> Submission</b>	<b>UGI Initials:</b> _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____
<b>3<sup>rd</sup> Submission</b>	<b>UGI Initials:</b> _____
Grievance #:	_____
Screening Criteria Used:	_____
Date Recd from Offender:	_____
Date Returned to Offender:	_____

MAR 17 2017



Texas Department of Criminal Justice

STEP 2 OFFENDER GRIEVANCE FORM

OFFICE USE ONLY	
Grievance #:	2017076886
UGI Recd Date:	FEB 06 2017
HQ Recd Date:	FEB 13 2017
Date Due:	3-18
Grievance Code:	510
Investigator ID#:	12044
Extension Date:	

Offender Name: Armour, A. TDCJ # 326387  
 Unit: CD-006 Housing Assignment: N-218  
 Unit where incident occurred: Coffield Unit  
The TOTALITY of My Confinement

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific) I am dissatisfied with the response at Step 1 because...

This is an appeal from Step 1 Grievance #2017076886, as well as NOTICE of MY INTENT TO SEEK COMPENSATION for each day that I have been and continue to be housed in this manner being subjected to the inhumane living condition(S) here on the Coffield Unit. The Warden implies that my grievance has more than 1) one issue. He is either incompetent or, he is trying to mislead me. The Single Issue of this grievance is "THE TOTALITY of MY CONFINEMENT." If a house needed repairs, surely you wouldn't report only that the windows were out knowing that the plumbing, electricity, as well as the flooring needed repairing. Not you would not! It is the same here. My living conditions are LONG overdue for repair. Yet the Warden chose to address only one of these conditions. Thus, I assert once again that I am being subjected to unquestionable and serious deprivations of basic human needs and the minimal civilized measures of life's necessities. -see *RODES v. CHAPMAN*, 452 U.S. 331, 347; *WILSON v. SEITZ*, 501 U.S. 294, 298, at 308. I submit that these conditions alone as well as COMBINED are the Intentional Infliction of Emotional Distress, as well as Cruel and Usual Punishment which I have been subjected to for (3) Three Decades. As a result every aspect of my health and mental well-being has been and continues to be negatively affected.

Offender Signature: Artie Amorn Date: Feb. 5, 2017

Grievance Response:

A review of your Step I Grievance has been conducted and the Coffield Unit received a waiver from the American Correctional Association (ACA) as the Unit was built prior to the 1986 prototype facilities. No further action is warranted.

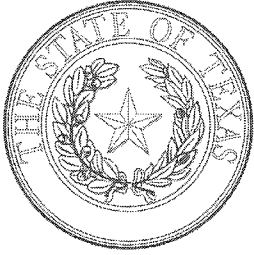
Signature Authority: CMcKellan ARD CMcKELLAN Date: 6 March 17

Returned because: \*Resubmit this form when corrections are made.

- 1. Grievable time period has expired.
- 2. Illegible/Incomprehensible.\*
- 3. Originals not submitted. \*
- 4. Inappropriate/Excessive attachments.\*
- 5. Malicious use of vulgar, indecent, or physically threatening language.
- 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

OFFICE USE ONLY	
<b>Initial Submission</b>	CGO Initials: _____
Date UGI Recd: _____	
Date CGO Recd: _____	
(check one) <input type="checkbox"/> Screened <input type="checkbox"/> Improperly Submitted	
Comments: _____	
Date Returned to Offender: _____	
<b>2<sup>nd</sup> Submission</b>	CGO Initials: _____
Date UGI Recd: _____	
Date CGO Recd: _____	
(check one) <input type="checkbox"/> Screened <input type="checkbox"/> Improperly Submitted	
Comments: _____	
Date Returned to Offender: _____	
<b>3<sup>rd</sup> Submission</b>	CGO Initials: _____
Date UGI Recd: _____	
Date CGO Recd: _____	
(check one) <input type="checkbox"/> Screened <input type="checkbox"/> Improperly Submitted	
Comments: _____	
Date Returned to Offender: _____	



**Texas Department of Criminal Justice**

**Bryan Collier**  
Executive Director

August 21, 2017

Artis Armour # 00326387  
2661 FM 2054  
Tennessee Colony, TX 75884

Re: *Artis Armour TDCJ #00326387 v. TDCJ*  
Date of Incident: August 11, 2017

Dear Mr. Armour:

Please accept this letter as acknowledgment of receipt for your correspondence received by this office on August 18, 2017. Acknowledgment of your correspondence constitutes no admission of liability. We will contact you if additional information is needed or as soon as a determination has been made as to whether your claim should be paid.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sharon".

Office of the General Counsel  
Texas Department of Criminal Justice

---

*Our mission is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime.*

**Office of the General Counsel**

**Sharon Felfe Howell, General Counsel – [sharon.howell@tdcj.texas.gov](mailto:sharon.howell@tdcj.texas.gov)**

P.O. Box 13084 Capitol Station  
Austin, Texas 78711-3084  
Phone (512) 463-9899, FAX (512) 936-2159

P.O. Box 4004  
Huntsville, Texas 77342-4004  
Phone (936) 437-6700, FAX (936) 437-6994

[www.tdcj.state.texas.gov](http://www.tdcj.state.texas.gov)



Texas Department of Criminal Justice

Bryan Collier  
Executive Director

September 11, 2017

I/S MED SQ 01  
6-12

Coffield Unit  
Artie Armour, TDCJ #326387  
2661 FM 2054  
Tennessee Colony, TX 75884

Re: Artie Armour, TDCJ #326387  
Date of Incident: August 11, 2017 to Present Day

Dear Mr. Armour,

We regret to inform you that we must deny your personal injury claim. The Texas Tort Claims Act Chapter 101 of the Texas Civil Practice and Remedies Code allows the state to pay for personal injury only under limited conditions. Otherwise, the Texas Department of Criminal Justice has no authority for payment of personal injury claims. The law is as follows:

§101.021, Governmental Liability

A governmental unit in the state is liable for:

- (1) property damage, personal injury, and death proximately caused by the wrongful act or omission or the negligence of an employee acting within his scope of employment if:
  - (A) the property damage, personal injury, or death arises from the operation or use of a motor-driven vehicle or motor-driven equipment; and
  - (B) the employee would be personally liable to the claimant according to Texas law; and
- (2) personal injury and death so caused by a condition or use of tangible personal or real property if the governmental unit would, were it a private person, be liable to the claimant according to Texas law.

Based upon the information presented, the TDCJ has no liability for the incident under the TTCA. There is no evidence that you suffered any injuries as a result of the wrongful act or omission or the negligence of any agency employee acting within his scope of employment.

Sincerely,

Assistant General Counsel

*Our mission is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime.*

Office of the General Counsel

Sharon Felfe Howell, General Counsel – [sharon.howell@tdcj.state.tx.us](mailto:sharon.howell@tdcj.state.tx.us)

P.O. Box 13084 Capitol Station  
Austin, Texas 78711-3084  
Phone (512) 463-9693, FAX (512) 936-2159

P.O. Box 4004  
Huntsville, Texas 77342-4004  
Phone (936) 437-6698, FAX (936) 437-6994



Texas Department of Criminal Justice

STEP 2 OFFENDER GRIEVANCE FORM

Offender Name: Howard White TDCJ # 1776590
Unit: Co. Housing Assignment: B-319 6418
Unit where incident occurred:

OFFICE USE ONLY
Grievance #: 2015184345
UGI Recd Date: AUG 12 2015
HQ Recd Date: AUG 17 2015
Date Due: 9-16
Grievance Code: 506
Investigator ID#: J2014
Extension Date:

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

This is an appeal from Step-1 Grievance # 2015184345 as well as NOTICE OF MY INTENT TO SEEK COMPENSATION for each day that I remain housed in this manner, because the Warden is either incompetent or he is deliberately trying to mislead me into thinking that I am being housed in a humane manner. He alleges that the ACA-standard of 35 sq-ft. of unencumbered space per occupant is a Non-Mandatory ACA Standard due to mitigating circumstances. Even if this was so it would still be cruel and unusual to keep (2) Two men in this space (8) eighteen hours per day. This is if you provide that showers, rec. and chow takes-up (6) six hours. Next, the Warden fails to mention LOCKDOWNS (24) Twenty-Four hours per day for 14 to 30 days. Is this also in accord with a Non-Mandatory ACA-Standard????

Bottom line, my confinement in this cell with another for weeks constitutes Cruel and Usual Punishment. My situation is even worse, because it is compounded by the fact that I am a Med-Custody Prisoner being housed in a High-Security-Area in violation of TDCJ Classification Plan; housed in an area where pepper-gas is sprayed regularly on the High Security Prisoners, which said gas wakes me from sleep and/or prevents me from sleeping, Not to mention the noise-level of burping and flooding that goes on.

These facts violate the Eighth Amendment. - see BATTLE v. ANDERSON, 564 F.2d 388, 395 The ACA and all other Correctional Standards have stated that housing two(2) men in 40-square foot cell for (20) Twenty or more hours per day offends the contemporary standard of human decency.

Offender Signature: Forrest White

Date: Aug 8, 2015

Grievance Response:

An investigation of your Step I grievance was conducted and you were appropriately advised at the Unit level. No further action is warranted.

Signature Authority: C McKellan APP C McKellan

Date: 1 Sept 15

Returned because: \*Resubmit this form when corrections are made.

- 1. Grievable time period has expired.
- 2. Illegible/Incomprehensible.\*
- 3. Originals not submitted. \*
- 4. Inappropriate/Excessive attachments.\*
- 5. Malicious use of vulgar, indecent, or physically threatening language.
- 6. Inappropriate.\*

CGO Staff Signature: \_\_\_\_\_

OFFICE USE ONLY	
<b>Initial Submission</b>	CGO Initials: _____
Date UGI Recd: _____	
Date CGO Recd: _____	
(check one) <input type="checkbox"/> Screened <input type="checkbox"/> Improperly Submitted	
Comments: _____	
Date Returned to Offender: _____	
<b>2<sup>nd</sup> Submission</b>	CGO Initials: _____
Date UGI Recd: _____	
Date CGO Recd: _____	
(check one) <input type="checkbox"/> Screened <input type="checkbox"/> Improperly Submitted	
Comments: _____	
Date Returned to Offender: _____	
<b>3<sup>rd</sup> Submission</b>	CGO Initials: _____
Date UGI Recd: _____	
Date CGO Recd: _____	
(check one) <input type="checkbox"/> Screened <input type="checkbox"/> Improperly Submitted	
Comments: _____	
Date Returned to Offender: _____	



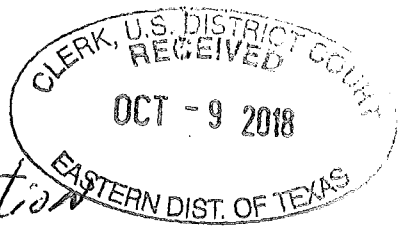
#326387

TX 75884

District Clerk  
U.S. District Court - Eastern  
211 W. Ferguson St.  
Tyler, TX 75702

Oct. 3, 2018

RE: Civil Rights Complaint &  
Armour's Complaint In Intervention



Dear Clerk,

Please find enclosed for filing INSTANTER my Complaint  
In Intervention and Civil Rights Complaint with Jury Demand  
and Memorandum of Law. Please file and return to me one  
stamped-filed copy.

Thanking You In Advance For Your Prompt Assistance.

Sincerely,

Artie Armour  
ARTIE ARMOUR

cc:AA/file