

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TYLON HUDSON,)	Case No. 13 CV 8752
)	
Plaintiff,)	
)	Judge Virginia M. Kendall
v.)	
)	
OFFICER CAMPBELL, an individual;)	JURY TRIAL DEMANDED
OFFICER WILSON, an individual; and)	
LIEUTENANT JOHNSON, an individual.)	
)	
Defendants.)	
)	
)	

SECOND AMENDED COMPLAINT

1. Plaintiff Tylon Hudson (“Plaintiff” or “Mr. Hudson”), by and through his counsel, Jenner & Block LLP, complains against Defendants, Officer Campbell, Lieutenant Johnson, and Officer Wilson, as follows:

2. In September 2012, Mr. Hudson was a pre-trial detainee at Cook County Jail. While in detention, Mr. Hudson suffered violations of his constitutional rights for which he seeks relief pursuant to 42 U.S.C. § 1983.

3. While Mr. Hudson was detained at Cook County Jail, he was repeatedly threatened by Officer Campbell, who informed Mr. Hudson that he had commanded members of a gang to seriously harm, and potentially kill, Mr. Hudson. Mr. Hudson was, in fact, attacked by a gang member on or about September 18, 2012 and sustained serious injuries in the attack. Cook County officials knew of the serious harm that these gang members presented and failed to protect Mr. Hudson while he was in custody at Cook County Jail.

4. As a result of those violations to Mr. Hudson’s Fourteenth Amendment right to

due process, Mr. Hudson brings this action pursuant to 42 U.S.C. § 1983.

JURISDICTION AND VENUE

5. This is an action for money damages brought pursuant to 42 U.S.C. § 1983.

6. Accordingly, this Court has original subject matter jurisdiction over Mr. Hudson's federal claims under 28 U.S.C. § 1331.

7. Venue is proper in the Northern District of Illinois under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to Mr. Hudson's claims occurred in this District.

PARTIES

8. Plaintiff Tylon Hudson is currently housed in Stateville Correctional Center. He was formerly housed in Division X of the Cook County Jail.

9. Officer Campbell is a Cook County Correctional Officer and is employed by the Cook County Department of Corrections, which is a Department of the Cook County Sheriff's Office and part of Cook County. At all times relevant to this Complaint, Officer Campbell was acting under color of state law and in the course and scope of his employment.

10. Lieutenant Johnson is a Cook County Correctional Officer and is employed by the Cook County Department of Corrections, which is a Department of the Cook County Sheriff's Office and part of Cook County. At all times relevant to this Complaint, Lieutenant Johnson was acting under color of state law and in the course and scope of his employment.

11. Officer Wilson is a Cook County Correctional Officer and is employed by the Cook County Department of Corrections, which is a Department of the Cook County

Sheriff's Office and part of Cook County. At all times relevant to this Complaint, Officer Wilson was acting under color of state law and in the course and scope of her employment.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

12. Plaintiff Tylon Hudson was repeatedly threatened by Defendant Campbell during his detention at the Cook County Jail because Officer Campbell believes that Mr. Hudson was responsible for the murder of a family member. Officer Campbell informed Mr. Hudson that, at Officer Campbell's command, members of a well-known street gang would seriously harm—and likely kill—Mr. Hudson.

13. On or around August 3, 2012, Lieutenant Johnson informed Mr. Hudson that credible and immediate threats had been made against his life. As a result, Defendant Johnson arranged for Mr. Hudson to be moved to another tier.

14. Shortly after Mr. Hudson was moved, Lieutenant Johnson and Officer Campbell worked together to ensure that the gang members controlled by Officer Campbell were placed on the same living unit with Mr. Hudson. These gang members continued to threaten Mr. Hudson at the command of Officer Campbell. One of the gang members spit on Mr. Hudson and told him that he was a dead man.

15. After realizing that the men under Officer Campbell's control had followed him to his new housing unit, Mr. Hudson then requested and eventually received protective custody ("PC"). After he had spent two weeks in PC on Division III South, Sergeant Lewis (who is now a Lieutenant) told Mr. Hudson that he had to leave protective custody. Mr. Hudson has epilepsy and as a result had to be placed in a PC unit that could care for his medical needs. Lewis informed him that people with more serious medical concerns needed his bed in PC, so he would be returned to Division X. Lewis forced Hudson to leave PC, and

in doing so disregarded the substantial risk of harm Mr. Hudson faced in Division X.

13. Upon arriving back in Division X, on August 16, 2012, other men on Mr. Hudson's tier immediately informed him that the gang members under Officer Campbell's control had obtained law library privileges and intended to kill him in the law library. Mr. Hudson had recently begun representing himself in his criminal case and thus required regular law library access.

14. Upon learning that one of the gang members under Officer Campbell's control had access to the law library, Mr. Hudson requested that Cook County Jail staff prevent the gang member and Mr. Hudson from being at the library at the same time. The gang member was permitted to visit the law library twice per week, so keeping Mr. Hudson and the gang member separate during their scheduled library time would not have imposed an administrative burden on Cook County Jail staff.

15. On September 4, 2012, Mr. Hudson went to the library. The gang member who had previously spit on him was in the library at the same time. He threatened Mr. Hudson's life. Mr. Hudson hurriedly gathered his papers and immediately left the library.

16. On September 11, 2012, Mr. Hudson and the gang member were again at the library at the same time. As soon as Mr. Hudson realized that his would-be-attacker was present, he left. He reported this incident and the September 4, 2102 incident to the Cook County Jail staff and filed a grievance requesting that Cook County Jail staff prevent the man who was threatening him from entering the library during his scheduled library time.

17. On or about September 18, 2012, Officer Wilson, the security officer at the law library informed Mr. Hudson that she received a directive stating that the gang member and Mr. Hudson were not to be in the library at the same time. The next day, Mr. Hudson

went to the library. He was engaged in his research when he overheard one of the law librarians call for the gang member to come to the library. Officer Wilson told Mr. Hudson to “be careful” because the gang member was on his way to library. Instead of making any effort to protect Mr. Hudson from the impending assault by preventing the gang member from entering the library or escorting Mr. Hudson back to his tier, Officer Wilson then resumed her post outside the library.

18. The gang member entered the library and assaulted Mr. Hudson. The gang member punched Mr. Hudson with a closed fist and slashed his face with a shank. He beat Mr. Hudson repeatedly until a male security officer ended the fight. By then, Mr. Hudson was covered in blood and suffered lacerations on his face and mouth. He received medical attention for those injuries.

19. Defendants Johnson and Wilson knew of the great risk of serious bodily injury Mr. Hudson faced because of Officer Campbell and the gang members under his control. Yet, they refused to take reasonable efforts to protect Mr. Hudson from this attack.

20. Officer Campbell intentionally, sadistically, and with wanton disregard for Mr. Hudson’s rights ordered gang members to attack him. Such actions have no penological justification and are done for the sole purpose of inflicting pain and retribution.

EXHAUSTION OF ADMINSTRATIVE REMEDIES

21. Mr. Hudson exhausted all available administrative remedies. Mr. Hudson complied with Cook County Jail policy and timely filed grievances for the allegations contained herein.

COUNT I—EXCESSIVE FORCE AGAINST PLAINTIFF HUDSON

(Fourteenth Amendment Claim for damages against Defendant Officer Campbell)

22. Plaintiff Hudson repeats and re-alleges the preceding paragraphs as if fully set forth in this Count.

23. Plaintiff Hudson was deprived by the Defendant Campbell of his rights under the Fourteenth Amendment to the United States Constitution to be free from sadistic treatment and excessive force.

24. Defendant Campbell intentionally, sadistically, and with wanton disregard for Plaintiff Hudson's rights ordered gang members to attack him. Such actions have no penological justification and were done for the sole purpose of inflicting pain and retribution. At a minimum, Defendant Campbell's actions were objectively unreasonable.

25. As a result of Defendant Campbell's actions, Plaintiff Hudson's constitutional rights were violated and he suffered damages.

COUNT II—FAILURE TO PROTECT PLAINTIFF HUDSON

(Fourteenth Amendment Claim for damages against Defendants Lieutenant Johnson and Officer Wilson)

26. Plaintiff Hudson repeats and re-alleges the preceding paragraphs as if fully set forth in this Count.

27. Plaintiff Hudson was deprived by the Defendants Johnson and Wilson of his rights under the Fourteenth Amendment to the United States Constitution to reasonably safe living conditions.

28. Defendants Johnson and Wilson knew of the great risk of serious bodily injury Plaintiff Hudson faced because of Officer Campbell and the gang members under his control and were deliberately indifferent to that risk. They refused to take reasonable efforts to protect

Plaintiff Hudson from attack. Those actions were objectively unreasonable.

29. As a result of Defendant Johnson and Wilson's actions and inactions, Plaintiff Hudson's constitutional rights were violated and he suffered damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Court enter judgment in his favor and against the Defendants in the following manner:

1. Award Plaintiff Hudson compensatory damages;
2. Award Plaintiff Hudson punitive damages;
3. Award Plaintiff Hudson reasonable attorneys' fees, costs, and expenses pursuant to 42 U.S.C. § 1988; and
4. Award Plaintiff Hudson any and all other relief that the Court deems just and proper.

JURY TRIAL DEMANDED

Dated: November 16, 2015

Respectfully submitted,

Tylon Hudson

By: s/Andrew Merrick
One of his attorneys

David J. Bradford
Andrew F. Merrick
Leah K. Williams
Alan J. Iverson
JENNER & BLOCK, LLP
353 North Clark Street
Chicago, Illinois 60654-3456
(312) 222-9350

Shelia A. Bedi
David Shapiro
Roderick MacArthur Justice Center
Northwestern University School of Law
357 E. Chicago Avenue
Chicago, Illinois 60611
(312) 503-0844