

1983 form

COMPLAINT UNDER THE CIVIL RIGHTS ACT,  
42 U.S.C. § 1983

draft. original submitted  
July

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

George ENG, 17A4111  
Plaintiff

Civil Action NO.

v.

Thomas A. Coughlin

C. Scully

M. Dean

R. Miles

. Meehan

J.J. Tierney

. Doane

. Cooper

. Moore

. Rickland

. Pollette.

all defendants individually and  
in their official capacities

1. Previous lawsuits

A. Have you begun other lawsuits in state or federal court  
dealing with the same facts involved in this action or otherwise  
relating to your imprisonment?  
Yes  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, using the  
same outline.)

1. Parties to this previous lawsuit

Plaintiffs: George ENG, Joel Clayman, John  
Griffin, et al.

Defendants: Thomas A. Coughlin, Commissioner of  
Corrections; Harold J. Smith, Superintendent of Attien  
Correctional Facility, et al.

2. Court: (If federal court name the district; if state court name the county)

Western District

3. Docket number: 80 385 - CIVIL

4. Name of Judge to whom case was assigned: Honorable John C. Quinn

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

still PENDING

6. Approximate date of filing lawsuit: 1980

7. Approximate date of disposition: \_\_\_\_\_

II Place of present confinement: Recently transferred from Greenhaven Correctional Facility (where claim arose) to Clinton Correctional Facility.

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

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

C. If your answer is Yes  
1. what steps did you take? \_\_\_\_\_  
2. what was the result? \_\_\_\_\_

D. If your answer is NO, explain why not:  
Grievance mechanism cannot provide relief sought.

III Parties:

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

A. Name of Plaintiff George ENG

ADDRESS Clinton Correctional Facility  
Box B  
Dunnemoon, N.Y. 12929

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

B. Defendant <sup>1)</sup> Thomas A. Caughlin is employed as Commissioner of Corrections at Department of Corrections, Albany, N.Y.

C. Additional defendants: <sup>2)</sup> C. Scully, Superintendent Greenhaven Correctional Facility, Stormville, N.Y.  
<sup>3)</sup> M. Dean, Correction officer, Greenhaven Correctional Facility, Stormville, N.Y.  
<sup>4)</sup> R. Miles, Captain, Correction officer, Greenhaven Correctional Facility, Stormville, N.Y.  
<sup>5)</sup> Meehan, Sergeant, Correction officer, Greenhaven Correctional Facility, Stormville, N.Y.  
<sup>6)</sup> J. J. Ticerney, Correction officer, Greenhaven Correctional Facility, Stormville, N.Y.  
<sup>7)</sup> Doane, Correction officer, Greenhaven Correctional Facility, Stormville, N.Y.  
<sup>8)</sup> Cooper, Correction officer, Greenhaven Correctional Facility, Stormville, N.Y.  
<sup>9)</sup> Moore, RM, Greenhaven Correctional Facility, Stormville, N.Y.  
<sup>10)</sup> Rickland, Physicians Assistant, Greenhaven Correctional Facility, Stormville, N.Y.

#### IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal 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. Use as much space as you need. Attach extra sheet if necessary.)

On 12/28/1982 I was transferred from Auburn Correctional Facility, Auburn, N.Y. to Greenhaven Correctional Facility, Stormville, N.Y. While at Auburn Correctional Facility I was assigned to the special housing unit as a result of a disciplinary proceeding whereat I received a special housing unit sentence of 90 days loss of good time, 90 days placement in the Special Housing Unit and 30 days loss of privileges retroactive to 12/28/82.

IV - Continued

On the day prior to being transferred from Auburn Ct. to Green Haven I was charged with assault on a correction officer at Auburn; therefore I got out of my cell there the cell keys. I was transferred at Green Haven Correctional Facility I was placed in the special housing unit with the only sentence placed in the special housing unit with the 90 day special sentence of approximately 30 days of the 90 day special housing unit sentence when I received at Auburn Correctional Facility and a pending disciplinary proceeding for the new assault charge written against me on the day prior to being transferred. On 1/27/83 the pending charge of assault was dismissed and I was scheduled for release from Green Haven's special housing unit to Green Haven Correctional Facility population on 1/30/83; approximately two weeks later from my initial arrival at Green Haven Correctional Facility's special housing unit on 1/23/83 to 1/25/83 I was denied all privileges as are enjoyed by other prisoners in Green Haven Correctional Facility's special housing unit; i.e., telephone privileges, package privileges, and commissary privileges, in spite of the fact that my sentence of less of privileges from Auburn Correctional Facility had expired - 10/28/83 to 11/28/83. I complained to both Captain R. Miles and Sergeant Meekins about being denied those privileges, as Captain Miles was at that time in charge of the special housing unit at Green Haven Correctional Facility and Sergeant Meekins was his subordinate. Both Miles and Meekins ignored my complaint and answered only with threats saying that a lot more could happen to me at Green Haven.

On 1/27/83 a 12hr returning to the special housing unit at Green Haven Correctional Facility from a dental appointment at approximately 11:45 AM, in connection with Mr. Dean and another Correctional Officer by the name of Cooper. Cooper grabbed my ears from behind, twisted my ears behind my back and shoved my head into the wall. That afternoon C.O. M. Dean gave me a disciplinary report charging me with an attempted assault.

On the night of 1/27/83 I wrote to C. Seely and the Commission of the Commonwealth of Massachusetts on me requesting an investigation.

In the morning of 1/28/83 Correctional Officer Mr. Dean and another C.O. came to escort me to an adjustment committee for the incident of 1/27/83. After

IV

I had been searched and was walking into the room where the adjustment Committee is held. Correction Officer M. Dean tackled me from the side, lifted me in the air and threw me to the floor in a body slam, and then began choking me, as the hearing officer of the adjustment Committee was looking on. I was afterwards lifted off the floor and taken in to the adjustment Committee and given a "reprimand" for the charge of 1/3/82.

On the afternoon of 1/3/83 Correction officer M. Dean and Correction officer Deane told me to step out of my cell that I had to be examined by a nurse. I was then "escorted" to a room where this nurse was supposed to be waiting to examine me. However, when I entered the room with C.O. M. Dean walking in front of me and "C.O." Deane walking behind me there was no nurse present and as I went to sit in a chair as instructed to by C.O. M. Dean he lunged forward at me in a crouched position, stabbed me in the leg as "C.O." Deane grabbed me from behind completing my fall to the floor; as I hit the floor C.O. M. Dean continued to slash at my face with something in his hand while punching me with his other hand as C.O. Deane aided him with his hands and feet. During that time I was also cut across the nose.

On the night of 1/13/83 C. Scully, Superintendent of Greenhaven Correctional Facility came to plain till's cell, was told of continuing assaults by C.O. M. Dean and other C.O.'s and was shown stab wounds and cut across my face.

On 1/14/83 "C.O. M. Dean and "C.O." Deane again ordered me out of my cell" to have the stab wounds in my leg bandaged. After my leg was bandaged I was directed to go to another area of the special housing unit instead of back to my assigned cell. When I arrived at this other area I discovered that it was a "strip cell" area cut off from other prisoners and having plexiglass over the bars in front of the cell. As I began to question Sgt. Meehan about the reason for my being placed in a strip cell Sgt. Meehan turned to "C.O. M. Dean and the other C.O.'s and told them to "Put him in";

IV

whereupon "C.O." M. Dean removed his eyeglasses, handed them to the Sgt. and, changed into the "tank cell area" along with. Followed immediately by "C.O." Doane and "C.O." J.J. Tierney. I was thrown to the floor punched and kicked and handcuffed behind my back. I was then carried into a "strip cell", thrown to the floor with "C.O." M. Dean continuously punching me in the neck head and back while "C.O." J.J. Tierney banged my head into the floor with his hands and feet. As a result of that assault I suffered a serious cut on the chin, and numerous contusions and abrasions and further injury to my back, arm and jaw.

From 1/14/83 to 1/20/83 I was kept in a Plexiglass covered strip cell without any privileges of even the most basic category; no bucket for hot water, no religious books or materials, no shower equipment, plastic slippers, soap or toothpaste, or even writing paper outside of the line. I was kept in that condition by order of Captain R. Miles prior to the assault of 1/14/83.

At all times Commissioner Thomas A. Boughlin was/is responsible for Plaintiff's welfare.

IV - A If you sustained physical injuries, describe them and state what medical treatment was required and received.

On 1/12/83 on the first assault complained of in this complaint there were no substantial injuries. I was examined on camera and stated that other than the mental anguish at being attacked for no reason I felt alright.

On 1/13/83 the incident in the morning where I was body slammed to the floor my lower back and arm was hurt. The afternoon incident occurred only moments before I was supposed to be examined for the injuries of that morning so when I did see the nurse (R.N. Moore) I had a stab wound to the leg a cut across the nose, severe pain in my back and left arm. R.N. Moore looked at me said there was nothing wrong and ordered me back to "my cell". When I objected R.N. Moore then told the "C.O.'s" "Strip them". R.N. Moore then "examined" me; wiped the blood from my face and leg, looked at the bruises to my back and ordered me back to "my cell". On the night of 1/13/83 as I was in pain and there was alot of blood coming from the stab wound in my leg I called for a nurse and was seen by a Mrs. Clinton who noted stab wound and swollen elbow, and told of "other pain". She cleaned wound and notes in medical chart.

## IV. A: INJURIES CONTINUED:

On the following morning 11/4/83 LG wound still bleeding heavily I see nurse Helen Yusef on A.M. sick call she calls wound "serious" and says she's ordering the steel wound bandaged. She is being escorted by C.O.M. Deani. That afternoon LG wound is bandaged with saline and gauze by R.N. Briggs. No other injuries. Immediately after the assault on me on the afternoon of 1/4/83 where wounds and injuries are substantial no use of force examination is conducted in front of camera as was done after each of the 3 prior assaults. Instead Physicians Assistant Pelletier looks at me thru cello and hood splinted filthy Plexiglass that covers the bars of the cell that I am in. I am not taken out of cell. Physicians assistant Pelletier does note cut on chin, numerous abrasions contusions on head, face, and neck, and broken teeth resulting from injuries to chin; yet he runs out of area and does not return.

Later that day 1/4/83 other prisoners and I make loud protest and a nurse is called. It is the next shift. She uses flashlight to look at chin wound thru Plexiglass covered bars; says I need stitches in my chin. That night approximately 9:00 PM I am taken to infirmary; Physicians Assistant Rickland shaves wound area on chin, injects local anesthetic and attempts to cover entire face and eyes with extra large sterile cloth. There are 5 or 6 "C.O.s" in the room and I ask Physicians Assistant to hold sterile cloth so that the lower face area where he is stitching is covered but not my eyes cause I was fearful for my life having already been assaulted 4 times. Physicians Assistant Rickland refuses and states that I would have to learn to do things "their way". Rickland again attempts to cover my eyes and when I object he tells the Sgt. to take me back to my cell. I ask for exam of other injuries, Rickland refuses.

On 1/15/83 I requested an exam by medical staff; R.N. Moore comes to Plexiglass cell where I'm held. He looks at me thru Plexiglass tells me that "you refused to have your chin stitched, when I say I didn't" R.N. Moore tells me that by law he's not required to do anything and walks away.

From the time of the above related incidents which began on 1/2/83 to the last one on 1/14/83 I was not examined by a doctor. From 1/14/83 to 1/26/83 when I am transferred I receive no full medical examination.

Eng v. Smith



PC-NY-0004-0001