

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U. S. C. SECTION 1983

In the United States District
Court for the ~~North~~ District
of New York WESTERN

GEORGE ENG - RONALD WEST - JUD CLAYMAN - MARTIN SPENCE - GEORGE ADORNO
(Enter above the full name of
the plaintiff in this action.)

VS.

HAROLD J. SMITH - SUPERINTENDENT
CHARLES JAMES - DEPUTY SUPERINTENDENT

(Enter above the full name of the
defendant or defendants in this
action.)

I. 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 you answer to A is yes, describe the 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 _____

Defendants _____

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

3. Docket number _____

4. Name of Judge to whom case was assigned _____

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

6. Approximate date of filing lawsuit _____

7. Approximate date of disposition _____

Eng v. Smith



PC-NY-0004-0002

II. Place of Present Confinement Attica Correction 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 you answer is YES,
1. What steps did you take? _____

2. What was the result? _____

D. If your answer is NO, explain why not. Scope of relief sought is beyond the review + authority of such procedure

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes () No ()

F. If you answer is YES,
1. What steps did you take? _____

2. What was the result? _____

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, MARTIN SPENCE
JCEL CLAYMAN, RONALD WEST, GEORGE AOCENO, SH.U. ATTICA, C.P. BOX 149 ATTICA, N.Y.

(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 HAROLD J Smith is employed as SUPERINTENDENT at Attica Correction Facility

C. Additional Defendants CHARLES JAMES, DEPUTY SUPERINTENDENT of SECURITY ATTICA C.F.

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.)

EACH AND ALL PLAINTIFFS LISTED RESPECTIVELY AND ENTERING THE SPECIAL HOUSING UNIT ON THE DATE FOLLOWING EACH PLAINTIFF'S NAME HAVE BEEN AND ARE FROM THE DATES INDICATED TO THE PRESENT TIME SUBJECT TO THE DEPRIVATIONS CAUSED BY THE SUPERINTENDENT HAROLD J. SMITH AND DEPUTY SUPERINTENDENT JAMES AND ALL OFFICERS ASSIGNED TO S.H.U. WHO ARE UNDER THE AUTHORITY AND ORDERS OF DEFENDENTS SMITH AND JAMES

CONTINUED, ATTACHED

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

ORDER SUPERINTENDENT SMITH AND DEPUTY SUPERINTENDENT JAMES TO ISSUE DIRECTIVE THAT ALL OFFICERS OF S.H.U. COMPLY WITH AN ORDER TO PROVIDE FEED AND DISCONTINUE ALL DEPRIVATIONS AS LISTED IN CLAIM.

2. ESTABLISH ORDERED POLICY FOR PROVIDING FEED DEPRIVATIONS WHICH OCCUR DUE TO RELIGIOUS BELIEF AS STATED IN CLAIM. RETURN TO POLICY ALLOWING CARTRIDGES FEEDS AND MAINTENANCE PAY. RAISE COMMISSARY BY 10%. STOP CRUEL AND UNUSUAL PUNISHMENT. PAY EACH PLAINTIFF \$10,000.00 FOR DAMAGES

Signed this 6 day of MAY, 19 80.

G.E - R.W - J.C - G. A - M. S
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

(Date)

(Signature of Plaintiff)

AS OUTLINED IN THE FOLLOWING AFTER EACH PLAINTIFF'S NAME AND DATE OF ENTRY TO THE SPECIAL HOUSING UNIT: GEORGE ENG ENTERED S.H.U. OF ATTICA C.P. ON APRIL 1, 1980 AT APPROXIMATELY 1:00 P.M. AND WAS SUBJECT AS INDICATED IN THIS CLAIM - JOEL CLAYMAN ENTERED S.H.U. OF ATTICA C.P. ON MARCH 6, 1980 AND WAS SUBJECT AS HEREIN INDICATED - RONALD WEST ENTERED THE S.H.U. OF ATTICA C.P. ON OR ABOUT APRIL 22, 1980 AND WAS SUBJECT AS HEREIN INDICATED - MARTIN SPENCE ENTERED THE S.H.U. OF ATTICA C.P. ON OR ABOUT 1, 10, 1980 AND WAS SUBJECT AS HEREIN INDICATED, GEORGE A. ORNO ENTERED THE S.H.U. OF ATTICA C.P. ON OR ABOUT MARCH 13, 1980 AND WAS SUBJECT AS HEREIN INDICATED; ALL PLAINTIFFS INDIVIDUALLY AND COLLECTIVELY HAVE BEEN SUBJECT TO AND ARE SUBJECT AT ALL TIMES SINCE THEIR ARRIVAL TO THE CONDITIONS AS FOLLOWS:

1. UPON ENTERING ATTICA'S S.H.U. PRISONERS ARE PLACED IN A CELL WITHOUT ANY PERSONAL PROPERTY OR CHANGE OF CLOTHING FOR 5 DAYS TO TWO WEEKS BEFORE ANY PROPERTY - CIGARETTES ETC. IS ISSUED; LEGAL MATERIALS AS WELL AS RELIGIOUS MATERIALS ARE WITHHELD DURING THIS PERIOD - AND EVEN WHEN ISSUED - RELIGIOUS ITEMS SUCH AS MEDALS AND CRUCIFIXES ARE STILL WITHHELD. NO TOBACCO OR CIGARETTES ARE EVER ISSUED.
2. AFTER WAITING FROM 5 DAYS TO TWO WEEKS A PRISONER IS ISSUED ONLY THE FOLLOWING ITEMS: ONE CHANGE OF OUTER CLOTHING - STATE ISSUE - LEGAL PAPERS, BOOKS + MATERIALS. IF THE PRISONER HAS ANY - PERSONAL MAIL, PICTURES AND COSMETICS IN PLASTIC CONTAINERS; IF A PRISONER HAS BOOKS, MAGAZINES OR NEWSPAPERS ONLY 5 ARE PERMITTED AND NEWSPAPERS AND MAGAZINES ARE COUNTED IN THE 5 AND THAT TOTAL OF 5 MUST LAST FOR THE DURATION OF A PRISONER'S STAY IN S.H.U.; NO CHANGES ARE EVER MADE. C.B. Bible, Quran, AND PRAYER RUG ARE THE ONLY EXCEPTIONS, HOWEVER OTHER RELIGIOUS REFERENCE BOOKS ARE COUNTED AS PART OF THE 5 BOOK LIMIT. NO CHANGE OF UNDERWEAR IS PERMITTED IN PRISONER'S CELL. NO PERSONAL CLOTHING AS WORN IN GENERAL POPULATION IS PERMITTED. NO SWEATERS - EVEN DURING RECREATION - ARE PERMITTED IN CELL, NOR SHOES, SLIPPERS, OR OTHER THAN SHOWER CLOCS - IF A PRISONER HAS THEM - ARE PERMITTED. IF A PRISONER HAS FOOD ITEMS SUCH AS MAYONNAISE, COFFEE, AND THE LIKE WHICH COULD BE PLACED IN PLASTIC CONTAINERS THESE ITEMS ARE PACKAGED IN OUTER BAGS ALONG WITH ALL THE REST OF A

PRISONERS PROPERTY which he has been DENIED either to break, ROT, OR SEND INTO OTHER PROPERTY such as clothes, PERSONAL BECOMING SHOES ETC.

3. If a PRISONER'S PRIVILEGE to RECEIVE PACKAGES has NOT BEEN ARBITRARILY TAKEN AS PART of his S.H.U. SENTENCE the ONLY ITEMS PERMITTED ARE CIGARETTES AND PERISHABLE FOOD ITEMS, AND COSMETICS all however which ARE ISSUED OR DERIVED at the whim of OFFICERS on duty, OTHERWISE it IS PLACED IN the PRISONER'S PROPERTY BAG.

4. If a PRISONER'S COMMISSARY PRIVILEGE has NOT BEEN ARBITRARILY TAKEN, the ONLY ITEMS PERMITTED - UPTO 5.00 - IS CIGARETTES, TOBACCO PRODUCTS, COSMETICS, LEGAL MATERIALS, STAMPS AND A PLASTIC PAIL for hot water which is PASSED out twice daily to PRISONERS who CAN AFFORD to buy a PAIL; if a PRISONER CANNOT buy a PAIL then he MUST DO without hot water; all these ITEMS ARE INCLUDED IN the 5.00 buy week, which is EVERY two weeks. If a PRISONER smokes CIGARETTES then he MUST EITHER SUFFER the pain of NOT HAVING them or if he WISHES to buy soap or COSMETICS or even a PLASTIC PAIL for hot water. AND AGAIN THATS ONLY if he CAN purchase such items AS CIGARETTES etc. BECAUSE NO PRISONER IN S.H.U. RECEIVES MAINTENANCE PAY AS IS RECEIVED BY PRISONERS IN GENERAL population.

5. The Library cart which PASSES out books ONCE a week in S.H.U. IN NO way COMPENSATES for the OFFICERS refusal to EXCHANGE books from a PRISONER'S PERSONAL PROPERTY; there IS NO variety of BOOKS AVAILABLE on the Library cart. the same books APPEAR EVERY week AND there ARE NO Black, SPANISH, Jewish etc. ethnic LITERATURE available.

6. PRISONERS ARE SERVED THREE MEALS A DAY ON PLASTIC TRAYS which ARE MOLDED IN SECTIONS to ACCOMMODATE A STANDARD PORTION of EACH item on the MENU. HOWEVER, SINCE

JANUARY 27, 1980 all plaintiffs and others so situated do not receive a standard portion of each item on the menu; instead are given only one serving spoon of each item such as potatoes, rice, vegetables, and many times prisoner's/plaintiff's do not receive the full menu as is served in general population; i.e., deserts, jelly, vegetables and cheeses or a second cold cut as when salami and cheese are served, often do not arrive in S.H.U. And very often the food, especially meats and potatoes, arrive cold.

7. Prisoners in S.H.U. are only permitted one shower per week.

8. Prisoners/plaintiffs in S.H.U. are handcuffed for all movements from their cell; i.e., to the shower, to visits, exercise yard, hospital, etc.

9. Muslim, Jewish, Rastafarian and all other plaintiff prisoners are not provided with any alternate to food items which are served at meal that offend their religious beliefs nor are they permitted an extra portion of vegetable to compensate for such deprivation.

10. Prisoner/Plaintiffs are forced to use an exercise yard where there is no running water or toilet facility nor supervision in case of illness.

Note: S.H.U. refers to Special Housing Unit
Also that all plaintiffs and other prisoners so situated are now and have been subject to the above conditions since arrival or placement in Attica's S.H.U.