
No. 17-1938

**In The United States Court of Appeals
For The Seventh Circuit**

CORDELL SANDERS,

Plaintiff-Appellant,

v.

MICHAEL MELVIN, ET AL.,

Defendants-Appellees.

**On Appeal From The United States District Court
For The Central District of Illinois**

**Case No. 16-cv-1366-JBM
The Honorable Joe Billy McDade Presiding**

ORAL ARGUMENT REQUESTED

**BRIEF AND REQUIRED SHORT APPENDIX OF
PLAINTIFF-APPELLANT CORDELL SANDERS**

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July 17, 2017

Appellate Court No: 17-1938

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STATEMENT CONCERNING ORAL ARGUMENT

Pursuant to Federal Rule of Appellate Procedure 34(a) and Seventh Circuit Rule 34(f), Plaintiff-Appellant Cordell Sanders respectfully requests oral argument, which he submits would assist the Court in resolving this appeal.

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JURISDICTIONAL STATEMENT

This is an appeal in a civil case from the final judgment entered by the District Court on May 1, 2017, dismissing Plaintiff-Appellant Cordell Sanders' Complaint after issuing a merit review order revoking his in forma pauperis ("IFP") status. *See, e.g., Turley v. Gaetz*, 625 F.3d 1005, 1008 (7th Cir. 2010) ("The denial of a motion to proceed IFP ... [is] an appealable order.") (citations omitted). Mr. Sanders timely filed his Notice of Appeal on May 3, 2017, within 30 days of the District Court's entry of judgment. *See Fed. R. App. P. 4(a)(1)(A)*.

The District Court had subject-matter jurisdiction over this case pursuant to 28 U.S.C. § 1331, as Mr. Sanders brought this action under 42 U.S.C. § 1983 to redress violations of rights secured by the Eighth Amendment to the United States Constitution. This Court has jurisdiction over this appeal under 28 U.S.C. §§ 1291 and 1294.

ISSUES PRESENTED FOR REVIEW

1. Mr. Sanders, a long-term occupant of Pontiac Correctional Center's solitary confinement unit who suffers from severe mental illness, alleged that, as a result of both his inability to obtain adequate mental health treatment and the deplorable conditions of his confinement, he has twice attempted suicide, engaged in self-mutilation, and will attempt both again absent appropriate relief. Did the District Court err by concluding that these allegations failed to establish that Mr. Sanders was in imminent danger of serious physical injury for purposes of the Prison Litigation Reform Act?
2. Mr. Sanders also alleged that the restricted airflow and consequent excessive heat of his cell places him at risk of serious physical injury as a result of medication he takes to control his mental illness, and also exacerbates his asthma such that he has difficulty breathing. Did the District Court err by failing to consider whether these allegations showed that Mr. Sanders was in imminent danger of serious physical injury?
3. Mr. Sanders alleged that his continued confinement in disciplinary isolation in itself threatened impending self-inflicted injuries. Does this allegation independently establish that Mr. Sanders was in imminent danger of serious physical injury at the time he filed his Complaint?

STATEMENT OF THE CASE

A. Factual Background

Plaintiff-Appellant Cordell Sanders is an inmate at the Pontiac Correctional Center (“Pontiac”), a facility operated by the Illinois Department of Corrections (“IDOC”), who has been continuously held in disciplinary segregation for 8 years.¹ (*See* Compl. [Dkt. 1], ¶¶ 10, App. 10.) As a result, he is usually confined to his isolation cell, which has a perforated steel door with Plexiglass covering, for twenty-four hours a day. (*Id.* ¶ 45-46 and Exs. C and D, App. 18, 25, 33.) For years, Mr. Sanders has been denied minimal access to outdoor recreation, and is even prohibited from otherwise exercising outside of his cell. (*Id.* ¶ 23, 25, App. 13.)

Mr. Sanders has been classified as “Seriously Mentally Ill” by Pontiac mental health personnel as a result of his diagnoses with a number of severe mental health disorders, including schizoaffective disorder, depression, and Intermittent Explosive Disorder (“IED”), which causes him to experience episodes of intense anger. (*Id.* ¶¶ 11-16, App. 11.) As a result of his conditions, IDOC personnel have prescribed Mr. Sanders powerful antipsychotics and mood regulators. (*Id.* ¶¶ 12-14, App. 11.) Nevertheless, Mr. Sanders’ debilitating mental illnesses continue to cause or contribute to the terms of disciplinary segregation imposed upon him. (*Id.* ¶ 10, App. 10.)

Mr. Sanders’ long-term solitary confinement has exacerbated his multiple severe mental illnesses. (*Id.* ¶¶ 21-23, 57, App. 12-13, 20.) And Mr. Sanders’ mental health has deteriorated in other ways, too. For example, Mr. Sanders’ “ability to think and concentrate” has become diminished. (*Id.* ¶ 17, App. 12.) He “displays catatonic and

¹ The phrases “disciplinary segregation” (which is employed by the Illinois Department of Corrections, *see, e.g.*, Ill. Admin Code tit. 20 § 504.610 (2017)), “disciplinary isolation,” and “solitary confinement” are substituted interchangeably throughout this brief.

melancholic features.” (*Id.* ¶ 18., App. 12.) Mr. Sanders “sometimes experience[s] difficulties with self[-]care.” (*Id.*) He experiences “fatigue” nearly every day. (*Id.* ¶ 17, App. 12.) And “restricted social contact” also causes Mr. Sanders harm. (*Id.* ¶ 18, App. 12.)

To manage his condition, Mr. Sanders has repeatedly requested the assistance of Pontiac mental health employees and other Pontiac personnel. (*Id.* ¶¶ 19, 21-23, App. 12-13.) For example, Mr. Sanders has made “numerous” requests of defendants-appellees to provide him with treatment “conducive to improving his mental illnesses” including removal from solitary confinement in favor of placement in a “mental health setting.” (*Id.* ¶ 19, 21 App. 12.) Mr. Sanders has explained to defendants-appellees that the “isolating stressful conditions of disciplinary isolation” have “exacerbated” his serious mental disorders. (*Id.* ¶ 21-22, App. 12.) Likewise, Mr. Sanders has “repeatedly” informed defendants-appellees that the prolonged denial of outdoor exercise “exacerbates” his mental disorders. (*Id.* ¶ 23, App. 13.)

Yet, notwithstanding Mr. Sanders’ frequent requests for assistance, his classification by Pontiac mental health personnel as Seriously Mentally Ill, and the deterioration of his mental health, defendants-appellees have refused to provide Mr. Sanders with adequate mental health treatment. (*Id.* ¶¶ 19-21, 27, App. 12-13.) Indeed, in the four-month period before Mr. Sanders filed his Complaint, he was not afforded psychotherapy even once. (*Id.* ¶ 20, App. 12.) Moreover, defendants-appellees have refused to release him from disciplinary segregation or afford him access to outdoor exercise. (*Id.* ¶¶ 22-25, App. 13.)

As a result of Mr. Sanders' continued confinement in disciplinary segregation, the denial of adequate mental health treatment, and the resulting deterioration in his already-precarious mental condition, he has, on two prior occasions, attempted suicide by ingesting toxic amounts of ibuprofen and other medications. (*Id.* ¶¶ 19-21, 57, App. 12.) Mr. Sanders has also engaged in self-mutilation by "biting flesh out of his wrist." (*Id.* ¶ 19, App. 12.) Further, Mr. Sanders has alleged that defendant-appellees' ongoing refusal to release him from solitary confinement and to provide him adequate mental health treatment "will lead to more suicide attempts and[/]or actual suicide." (*Id.* ¶ 27, App. 13.)

The deterioration of Mr. Sanders' mental health is not the only consequence of his prolonged solitary confinement. The perforated steel door to his segregation cell at Pontiac is covered with a Plexiglas panel, which impedes the flow of air through his cell, and defendants-appellees have denied him access to a fan. (*Id.* ¶¶ 45-46, 48-51, App. 18.) As a result of this poor ventilation, Mr. Sanders' cell becomes extremely hot and humid during the summer, and he sometimes "struggle[s] to breathe." (*Id.* ¶ 46, App. 18.) The excessive heat also "interacts" with Mr. Sanders' antipsychotic medications, causing him "extreme discomfort." (*Id.* ¶ 52, App. 19.) But when Mr. Sanders stops taking his medication as a result of this discomfort, his mental state deteriorates. (*Id.* ¶ 53, App. 19.) Further, those antipsychotic medications, when combined with the excessive heat in his cell, present the "risk of heat stroke, dangerously low blood pressure, and a rare and often fatal heart-related disease called neuroleptic malignant syndrome."² (*Id.* ¶ 52, App. 19.)

In addition, Mr. Sanders is asthmatic, and the restricted airflow in Mr. Sanders' cell has exacerbated his asthma and caused him severe difficulty breathing. (*Id.* ¶¶ 46, 55, App.

² To be sure, Mr. Sanders also explains that these conditions exacerbate his mental disorders. (*Id.* ¶ 57, App. 20.)

18-19.) Due to policies implemented at Pontiac's disciplinary segregation units, however, he has not been permitted to possess an inhaler to alleviate these symptoms. (*Id.* ¶ 54, App. 19.) This is so even though Mr. Sanders requires frequent access to his inhaler. (*Id.* ¶¶ 54-55, App. 19.) (*Id.*)

B. Procedural History

Mr. Sanders, proceeding pro se, brought this action in September 2016 for violations of the Eighth Amendment predicated on the deprivation of adequate mental health treatment and the conditions of his confinement. (*Id.* ¶¶ 29, 42, 62, App. 14, 16, 20.) To remedy these violations, Mr. Sanders sought damages and injunctive relief. Regarding the latter, Mr. Sanders specifically requested, among other things: (1) release from disciplinary segregation; (2) placement in a mental health setting; (3) a mental health treatment plan; (4) access to routine and emergent psychotherapy; (5) access to a fan; (6) modifications to his cell to allow for increased airflow; and (6) possession of an asthma inhaler and other doctor-prescribed medicine. (Compl. ¶¶ 31, 43, 63, App. 14, 17, 21.) Mr. Sanders noted that until he obtains this relief, his mental health will continue to deteriorate and he remains at risk of committing suicide. (*Id.* ¶¶ 27, 59, App. 13, 20.)

Mr. Sanders filed with his Complaint an application to proceed in forma pauperis ("IFP"). (*See* IFP Application [Dkt. 3], App 37-38.) Within the application, Mr. Sanders noted he had "struckout" and was filing his IFP application "pursuant to the imminent danger exception." (*Id.* at 2, App. 38.) The Prison Litigation Reform Act ("PLRA") prohibits an incarcerated litigant from proceeding IFP if he has previously filed three or more actions that were dismissed as frivolous, malicious, or failing to state a claim upon which relief can be granted. *See* 28 U.S.C. § 1915(g). This "three-strikes" rule does not

apply, however, if a prisoner shows he “is under imminent danger of serious physical injury.” *Id.*

The District Court initially granted Mr. Sanders leave to proceed IFP (*see* 10/6/2016 Text Order, App. 7), but later revoked his IFP status because Mr. Sanders was a three-strike litigant under the PLRA. Despite Mr. Sanders’ multiple prior suicide attempts, as well as his allegations showing that this risk of self-injury is ongoing, the Court concluded that the “imminent danger” exception did not apply. (*See* 3/22/2017 Merit Review Order [Dkt. No. 10], at 3, App. 3.) In reaching that conclusion, the District Court apparently focused on allegations in Mr. Sanders’ Complaint indicating that he believed he had “wrongfully been placed on suicide watch” and that he had, on certain occasions, engaged in self-mutilation “so that he would receive mental health treatment.” (*Id.*) The District Court thus determined—without the aid of any discovery into Mr. Sanders’ mental condition or any expert testimony explaining his multiple diagnoses—that “[t]he most reasonable inference arising from the gestalt of these allegations is that Plaintiff’s self-mutilation is volitional and ... not caused by his mental illness.” (*Id.*) Without addressing Mr. Sanders’ allegations regarding the conditions of his confinement or the various physical maladies he alleged he would suffer as a result, the Court then concluded that Mr. Sanders was not in imminent danger of serious physical injury, and revoked his IFP status. (*Id.* 3-4, App. 3-4.)

On March 30, 2017, Mr. Sanders moved for reconsideration of the District Court’s order revoking his IFP status. (*See* Dkt. 11, App. 39-45.) Therein, he reiterated that solitary confinement was exacerbating his serious mental illnesses, and that the attendant “extreme isolation” was the “underlying cause of ... [his] **repeated** suicide attempts.” (*Id.* at 4-5,

App. 42-43 (emphasis in original).) Mr. Sanders also explained that his suicide attempts and self-mutilation were “not volitional.” (*Id.* at 6-7, App. 44-45.) But the following day, the District Court issued a text order denying that motion. (*See* 3/31/2017 Text Order, App. 7.) And, after Mr. Sanders failed to pay the filing fee, his Complaint was dismissed and a judgment entered. (5/1/2017 Text Order, App. 7; Judgment [Dkt. 20], App 5.) This appeal followed.

SUMMARY OF THE ARGUMENT

The District Court erred by revoking Mr. Sanders’ IFP status and dismissing his Complaint for several reasons. ***First***, the District Court erroneously concluded that Mr. Sanders’ allegations of an impending threat of suicide and self-mutilation did not meet the “imminent danger” standard under § 1915(g). ***Second***, the District Court improperly ignored other allegations of serious imminent harm caused by the conditions of Mr. Sanders’ confinement, including that the excessive heat in his cell interacted in dangerous ways with his antipsychotic medication and exacerbated his asthma, under circumstances where he was denied access to an inhaler. ***Third***, the District Court also failed to consider Mr. Sanders’ allegations that his continued confinement in disciplinary isolation has exacerbated his serious mental illnesses and contributed to his self-harm, which further demonstrate an imminent danger of serious physical injury. The judgment of the District Court should be therefore be reversed, and the case remanded for further proceedings.

ARGUMENT

A. Standard of Review

This Court reviews de novo the District Court’s application of the PLRA’s three-strikes provision. *See Ciarpaglini v. Saini*, 352 F.3d 328, 330 (7th Cir. 2003). To

determine whether Mr. Sanders qualifies for the “imminent danger” exception in that provision, the Court must look to the allegations in his pro se Complaint, accepted as true and liberally construed. *See id.* If those allegations show that Mr. Sanders was in imminent danger of physical injury at the time that he filed his Complaint, the exception in § 1915(g) applies. *See id.*

B. The District Court Erred by Concluding that Mr. Sanders’ Allegations of Attempted Suicide and Self-Mutilation Did Not Satisfy the Imminent Danger Standard.

In determining whether a pro se inmate satisfies the “imminent danger” standard under § 1915(g), a district court must “evaluate [his] allegations ... under [] liberal pleading rules, construing all allegations in favor of the complainant and crediting those allegations of ‘imminent danger’ that have gone unchallenged.” *Gibbs v. Cross*, 160 F.3d 962, 966 (3d Cir. 1998); *see also Garrett v. Belmont Cty. Sheriff’s Dep’t*, 374 F. App’x 612, 614 (6th Cir. 2010) (“[T]he PLRA did not abrogate the discretion to liberally construe *pro se* complaints.”). Here, Mr. Sanders alleged that due to the Pontiac employees’ failure to provide him with adequate treatment for his serious mental illnesses, the harsh conditions of disciplinary segregation, and the resulting deterioration in his mental state, he faced an imminent danger of self-injury and suicide. (*See* Compl. [Dkt. No. 1] ¶ 27, App. 13 (alleging that “if defendants don’t remove him from disciplinary isolation and into a mental health setting, and don’t construct Plaintiff a personal mental health treatment plan ... it will lead to more suicide attempts and[/]or actual suicide”).) The plausibility of those allegations is bolstered by the fact that, on two prior occasions, Mr. Sanders attempted suicide and on another occasion engaged in self-mutilation by biting flesh out of his own wrist as a result of his untreated mental illnesses. (*See id.* ¶¶ 19 App. 12.); *see Williams v. Paramo*, 775 F.3d 1182, 1189 (9th Cir. 2015) (concluding that “a prisoner need

only make a plausible allegation that he is in imminent danger” for the § 1915(g) exception to apply) (internal quotation marks omitted).

Rather than construe these allegations liberally and in Mr. Sanders’ favor as it was required to do, *see Ciarpaglini*, 352 F.3d at 330, the District Court selectively focused on other allegations in the Complaint from which it “infer[red]” that Mr. Sanders was not in imminent danger when he filed his Complaint. (*See* Dkt No. 10 at 3, App. 3.) Far from “crediting those allegations of ‘imminent danger’ that have gone unchallenged,” *Gibbs*, 160 F.3d at 966, the District Court concluded—without receiving any evidence to inform its understanding of Mr. Sanders’ mental health condition—that “the gestalt” of those allegations was that Mr. Sanders’ “self-mutilation is volitional and ... not caused by his mental illness.” (*See* Dkt No. 10 at 3, App. 3.) Such selective review of the allegations in Mr. Sanders’ Complaint was improper, and warrants reversal. *See, e.g., Gibbs*, 160 F.3d at 966-67 (reversing denial of IFP status where district judge failed to “credit[] [plaintiff’s] allegations regarding the conditions in the [Restricted Housing Unit]”).

Construed liberally in Mr. Sanders’ favor, the allegations discussed above show that, at the time he filed his Complaint, he faced an impending risk of serious, physical injury. While this Court has not yet squarely addressed whether a threat of self-inflicted injury can satisfy the § 1915(g) exception, at least one other federal circuit court has concluded that it may do so. In *Walker v. Scott*, the Ninth Circuit reversed the district court’s denial of IFP status, concluding that the plaintiff’s complaint satisfied the imminent danger standard based on allegations “that his repeated placement in double-cell housing without first completing treatment for coping in that environment caused his mental health to deteriorate such that he became suicidal.” 472 F. App’x 514, 515 (9th Cir. 2012)

(unpublished). Given the similarities between these allegations and those in Mr. Sanders' Complaint, the same result should follow here.

Although the *Walker* court did not elaborate on its reasoning, its conclusion is consistent with purpose of § 1915(g), which is to provide redress to indigent prisoners in dangerous circumstances. *See Gibbs*, 160 F.3d at 966-67. Particularly in light of the prevalence of mental illness and increasing suicide rates in prisons,³ it would make little sense to categorically exclude self-inflicted injuries from the scope of the three-strike exception, as the District Court apparently did in this case. Indeed, other courts from around the country, including the district courts within this Circuit, have applied the § 1915(g) exception where, as here, inmates have alleged that prison employees failed to protect them from an ongoing risk of self-injury.⁴

This case in fact presents a more compelling instance of imminent danger than *Walker*, in light of Mr. Sanders' multiple prior suicide attempts. While the plaintiff in *Walker* apparently did not actually attempt suicide, here Mr. Sanders has *twice* attempted suicide by ingesting toxic amounts of medication, and has also self-mutilated by "biting flesh out of his wrist." (Dkt. No. 1 ¶ 19, App. 12.) And even though Pontiac employees

³ *See* 3 Michael B. Mushlin, *Rights of Prisoners* § 17:37 (4th ed. 2016) (criticizing "disturbing" district court ruling declining to apply the § 1915(g) exception to suicidal inmate, reasoning that "the significant numbers of mentally ill persons now in prison and the resulting suicide problem in prison makes this hold[ing] problematic to say the least.").

⁴ *See, e.g., Norwood v. Thurmer*, No. 09-CV-738-BBC, 2010 WL 503088, at *3 (W.D. Wis. Feb. 8, 2010) ("Reading these allegations generously, as I must do in pro se cases, I conclude that plaintiff's claim that defendants are currently failing to protect him from acts of self-harm meets the imminent danger standard.") (citations omitted); *Gilbert-Mitchell v. Lappin*, No. 06-741-MJR, 2008 WL 4545343, at *3 (S.D. Ill. Oct. 10, 2008) ("Here, Plaintiff alleges that his psychotropic medications were discontinued, leading him to injure himself. Applying a liberal construction to these claims, one could say that Plaintiff could be in imminent danger of self-injury without those medications."); *see also Abdulaziz/Askew v. Williams*, No. 1:12-CV-00102-DPM, 2012 WL 6917788, at *2 (E.D. Ark. Dec. 3, 2012) ("The Court finds that Plaintiff's allegations of imminent danger to his serious mental health needs—due to the denial of adequate mental health treatment by Defendants ... sufficiently alleges imminent danger of serious physical harm, since he claims to have suicidal thoughts.").

are aware that Mr. Sanders has engaged in these acts of self-harm, they still have not provided him with adequate mental health treatment, nor have they released him from disciplinary segregation or taken any steps to mitigate the adverse conditions of his confinement which led to his self-inflicted injuries. (*Id.* ¶ 21, App. 12.) The Pontiac employees' failure to remedy these conditions or to provide Mr. Sanders with adequate treatment further establishes that he is in danger of impending harm, as "a prisoner who alleges that prison officials continue with a practice that has injured him ... in the past will satisfy the 'ongoing danger' standard and meet the imminence prong of the three-strikes exception." *Andrews v. Cervantes*, 493 F.3d 1047, 1056–57 (9th Cir. 2007). The District Court thus erred by refusing to apply the § 1915(g) exception in this case.

The District Court not only failed to construe Mr. Sanders' allegations in his favor, but also improperly conflated the imminent danger standard in § 1915(g) with the merits of Mr. Sanders' Eighth Amendment claims. After finding that Mr. Sanders' acts of self-mutilation were "volitional" and "not caused by his mental illness," the Court concluded that "where an inmate is the cause of the conditions about which he complains, any **constitutional claim** is rendered tenuous." (Dkt. 10 at 3, App. 3, quoting *Smith v. Alvarez*, 898 F. Supp. 2d 1057, 1063 (N.D. Ill. 2012) (emphasis added).) But the merits of Mr. Sanders' constitutional claims are not yet at issue in this case, and "an Eighth Amendment analysis ... is quite different from the statutory analysis required under 28 U.S.C. § 1915(g)." *Gibbs*, 160 F.3d at 966. The only issue at this preliminary stage of the proceedings is whether Mr. Sanders has shown that he is in imminent danger of serious physical injury and should therefore have been permitted to proceed IFP. As discussed above, he has satisfied that standard.

Finally, the District Court's conclusion that Mr. Sanders did not satisfy the § 1915(g) exception is inconsistent with Seventh Circuit precedent interpreting a similar provision of the PLRA. This Court has previously concluded that self-inflicted injuries satisfy the provision in 42 U.S.C. § 1997e(e) requiring prisoners to demonstrate a "physical injury" in order to recover compensatory damages for mental or emotional harm suffered while in custody. *See* 42 U.S.C. § 1997e(e); *see, e.g., Rasho v. Elyea*, No. 14-1902, 2017 WL 1838173, at *5 (7th Cir. Mar. 7, 2017) ("[Plaintiff] did present evidence of at least one undisputed incident of self-mutilation. That incident is sufficient to satisfy the physical harm requirement [under § 1997e(e)].").⁵ And, because "[o]ne of the more reliable canons of statutory construction ... is that a term or phrase is ordinarily given the same meaning throughout a statute," *State Farm Mut. Auto. Ins. Co. v. C.I.R.*, 698 F.3d 357, 370 (7th Cir. 2012), this Court's conclusion that "physical injury" under § 1997e(e) includes self-inflicted harm applies with equal force to § 1915(g). *See also Smith v. Zachary*, 255 F.3d 446, 448-49 (7th Cir. 2001) (interpreting term "prison conditions" in § 1997e based on definition of same term in different section of the PLRA). For this reason as well, the District Court erred by concluding that Mr. Sanders was not in danger of serious physical injury despite his allegations of impending self-harm, and this Court should reverse its judgment.

C. The District Court Erred by Ignoring Mr. Sanders' Other Allegations of Impending Serious Physical Harm.

The District Court's failure to address Mr. Sanders' allegations regarding the conditions of his confinement provides an additional, independent basis for reversal. *See,*

⁵ *See also Arauz v. Bell*, 307 F. App'x 923, 929 (6th Cir. 2009) ("By definition, attempting suicide involves hurting oneself, and we can presume the existence of some physical injury from [plaintiff's] statement that he attempted to commit suicide.").

e.g., Andrews v. Cervantes, 493 F.3d 1047, 1054 (9th Cir. 2007) (“[A]lthough a number of the claims in [plaintiff’s] suit unquestionably did not allege an imminent danger of serious physical injury, the complaint as a whole should have proceeded IFP if his allegations about the danger he faces from contagious diseases met the requisite standard.”) In addition to his allegations regarding suicide and self-mutilation, Mr. Sanders alleged that the installation of a Plexiglas panel over his cell door impeded the flow of air in the cell, resulting in intolerably hot and humid conditions that aggravated his asthma and caused him severe difficulty breathing. (Compl. [Dkt. No. 1] ¶¶ 45-46, App. 18.) Mr. Sanders further alleged that because of policies implemented in the segregated confinement units at Pontiac, he has been denied access to his inhaler and has therefore been unable to alleviate those symptoms. (*Id.* ¶ 54, App. 19.) And Mr. Sanders alleged that the excessive heat in his cell interacted in dangerous ways with the medication prescribed to treat his mental illness. (*Id.* ¶ 52, App. 19.) Yet the District Court failed to address any of these allegations in its Order revoking Mr. Sanders’ IFP status. This was error.

The federal circuit courts have routinely concluded that allegations similar to those in Mr. Sanders’ Complaint satisfy the “imminent danger” standard in § 1915(g). For example, in *Brown v. Sec’y Pennsylvania Dep’t of Corr.*, the plaintiff, a three-strike litigant, sought to proceed IFP, alleging that his cell in the prison’s Restricted Housing Unit had “been closed off by Plexiglas,” resulting in “temperatures 30 degrees hotter than elsewhere in the prison during the summer months.” 486 Fed. Appx. 299, 300-01 (3d Cir. 2012) (unpublished). The plaintiff further alleged that as a result of the poor ventilation in his cell, he had experienced “asthma-like symptoms,” and that “his conditions of confinement have gotten so bad that he can ‘barely breath [*sic*] and it feel as if he’s

suffocating.” *Id.* at 301. The district court denied the *Brown* plaintiff leave to proceed IFP, but the Third Circuit vacated and remanded, concluding that these allegations “plainly state a continuing danger of serious physical injury that was imminent at the time [the plaintiff] filed his complaint.” *Id.* at 302.⁶

The same result should follow here. While this Court has not previously determined whether these specific allegations satisfy the § 1915(g) exception, it has concluded that an inmate’s allegations that he was deprived of medication for his panic disorder, resulting in “labored breathing” and “choking sensations,” satisfied that exception. *Ciarpaglini v. Saini*, 352 F.3d 328, 330 (7th Cir. 2003). Here, Mr. Sanders has been denied access to his asthma medication, which has caused similar symptoms. In addition, Mr. Sanders alleged that his facility-prescribed medications, when combined with the excessive heat to which he has been subjected, puts him at risk of “heat stroke, dangerously low blood pressure, and a rare and often fatal heat-related disease called neuroleptic malignant syndrome.” (Compl. ¶ 52, App. 19.) Since these allegations show a similar, if not more severe, danger than that presented in *Ciarpaglini*, Mr. Sanders has plainly satisfied the § 1915(g) exception.⁷ The District Court’s failure to consider

⁶ Other federal circuit courts have reached the same conclusion based on similar allegations. *See, e.g., Fuller v. Myers*, 123 F. App’x 365, 367 (10th Cir. 2005) (unpublished) (“Given [plaintiff’s] assertion that he currently suffers from breathing difficulties and other respiratory problems, apparently exacerbated by the ventilation system where he is incarcerated ... his complaint facially satisfies the threshold requirement of showing that he is in ‘imminent danger of serious physical injury.’”); *Rankins v. Rowland*, 188 Fed. Appx. 201, 202 & n.1 (4th Cir. 2006) (unpublished) (concluding that litigant had satisfied the §1915(g) imminent danger exception where he “alleged a poor ventilation system in the unit in which he was housed ... caused him bodily harm, that he was denied medical treatment for his symptoms, and that he was denied outdoor recreation.”).

⁷ Notably, even if any one of these potential risks was not in itself enough to demonstrate imminent harm, taken together, they certainly satisfy that standard. *See, e.g., Brown v. Johnson*, 387 F.3d 1344, 1350 (11th Cir. 2004) (“Although some of the specific physical conditions about which [plaintiff] complains may not constitute serious injury, the issue is whether his complaint, as a whole, alleges imminent danger of serious physical injury. Viewed together, the afflictions of which [plaintiff] currently complains ... constitute imminent danger of serious physical injury.”).

Mr. Sanders' allegations regarding the conditions of his confinement was therefore error, and its judgment should be reversed.

Finally, as the federal courts have explained, "deliberate indifference to a prisoner's serious medical conditions has been found to satisfy the [§ 1915(g) imminent danger] requirement." *Fuller v. Myers*, 123 Fed. Appx. 365, 367 (10th Cir. 2005). This Court has previously recognized that "asthma can be, and frequently is, a serious medical condition." *Board. v. Farnham*, 394 F.3d 469, 484 (7th Cir. 2005). Accordingly, Mr. Sanders' allegations that he has been denied access to necessary medication for his asthma further demonstrate that his Complaint satisfies the imminent danger exception. For this reason as well, the judgment of the District Court should therefore be reversed, and the case remanded for further proceedings.

D. Mr. Sanders' Allegations Regarding His Continued Confinement in Disciplinary Isolation Also Satisfy the § 1915(g) Exception.

Mr. Sanders' allegations regarding the imminent danger to which he was exposed by his protracted solitary confinement over the course of nearly the last decade provide a separate, independent basis for reversal. As explained above, Mr. Sanders alleged that his prolonged confinement in disciplinary isolation has "exacerbated his aggression, 'I.E.D.' and is the underlying cause of his Major Depression and other mental health diagnos[e]s." (Dkt. 1, ¶ 21, App. 12.) And because it has so aggravated Mr. Sanders' serious mental illnesses, his confinement in disciplinary isolation has thereby "contribute[d] to [his] suicide attempts," and its continuation allegedly "will lead to more suicide attempts and[/]or actual suicide." (*Id.* ¶¶ 21, 27, App. 12-13.) These allegations show that Mr. Sanders' confinement in disciplinary isolation in itself presents an imminent danger of serious physical injury.

Although counsel has been unable to find any federal court decision addressing whether prolonged solitary confinement may, in itself, present a threat of imminent physical injury to mentally ill prisoners for purposes of § 1915(g), Mr. Sanders respectfully submits that this Court should now hold that, under circumstances like his, such confinement may be sufficiently injurious to persons with significant mental illness to satisfy the three-strikes exception. Indeed, solitary confinement “common[ly]” induces a variety of physical and psychological injury, including specifically “self-mutilation, and suicidal thoughts and behaviors.” *Davis v. Ayala*, 135 S. Ct. 2187, 2210 (2015) (Kennedy, J., concurring) (citing Grassian, *Psychiatric Effects of Solitary Confinement*, 22 Wash. U. J. L. & Pol’y 325 (2006)). And it is “well documented” that “prolonged solitary confinement produces numerous deleterious” psychological injuries, including, anxiety, panic, and diminished control. *Glossip v. Gross*, 135 S. Ct. 2726, 2765 (2015) (Breyer, J., dissenting) (citing Haney, *Mental Health Issues in Long-Term Solitary and “Supermax” Confinement*, 49 Crime & Delinquency 124, 130 (2003)). Physiological injury, moreover, often accompanies such psychological harms. *See, e.g., id.* (“Even a few days of solitary confinement will predictably shift the brain’s electroencephalogram (EEG) pattern toward an abnormal pattern characteristic of stupor and delirium.”) (quoting Grassian, *supra*, at 331) (alterations omitted).

Here, Mr. Sanders has experienced the very harms described in *Davis* and *Glossip* as a result of his prolonged, ongoing confinement in disciplinary isolation, and he is currently at risk of further injury if he is not released. (Dkt. 1, ¶¶ 27, 57, App. 13, 20.) Moreover, notwithstanding their knowledge of his severe mental illness and his repeated suicide attempts, defendants-appellees have refused to remove Mr. Sanders from solitary confinement, despite his repeated requests. (Dkt. 1, ¶¶ 21-22, App. 12-13.); *see Andrews v. Cervantes*, 493 F.3d 1047, 1056–57 (9th Cir. 2007) (prison officials’ alleged refusal to remove inmate from confinement which had resulted

in past injuries satisfied § 1915(g) exception). Accordingly, Mr. Sanders respectfully submits that this Court should hold that, under these circumstances, his continued solitary confinement could present an imminent danger of serious physical injury.

CONCLUSION

For these reasons, the District Court erred by revoking Mr. Sanders' IFP status and dismissing his Complaint. The District Court's judgment should be reversed, and the case remanded for further proceedings.

Dated: July 17, 2017

Respectfully submitted,

/s/ Daniel M. Greenfield

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CERTIFICATE OF RULE 32 COMPLIANCE

I hereby certify that this brief complies with the type-volume limitations of Federal Rule of Appellate Procedure 32(a) and Seventh Circuit Rule 32. The text of this brief was prepared in Century Schoolbook 12 point font, with footnotes in Century Schoolbook 11 point font. All portions of this brief, other than the portions exempted by Federal Rule of Appellate Procedure 32(f), contain 5,176 words. This certification is based on the word count function of Microsoft Office's word processing software, which was used in preparing this brief.

Dated: July 17, 2017

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CERTIFICATE OF SERVICE

I, Daniel M. Greenfield, hereby certify that on July 17, 2017, I caused a true and correct copy of the foregoing BRIEF AND REQUIRED SHORT APPENDIX OF PLAINTIFF-APPELLANT CORDELL SANDERS to be filed with the Court by electronic means using the CM/ECF system.

Dated: July 17, 2017

/s/ Daniel M. Greenfield

Daniel M. Greenfield

*Counsel for Plaintiff-Appellant,
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CIRCUIT RULE 30(d) COMPLIANCE

Pursuant to Circuit Rule 30(d), I hereby certify that all materials required by Circuit Rule 30(a) and (b) are included in the appendix.

Dated: July 17, 2017

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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS**

CORDELL SANDERS,)	
)	
Plaintiff,)	
v.)	No.: 16-cv-1366-JBM
)	
WARDEN MICHAEL MELVIN, et al.,)	
)	
Defendants.)	

MERIT REVIEW ORDER

Plaintiff, proceeding pro se, pursues a § 1983 action for deliberate indifference to his serious medical needs and inhumane conditions of confinement at the Pontiac Correctional Center (“Pontiac”). The case is before the Court for a merit review pursuant to 28 U.S.C. § 1915A. In reviewing the Complaint, the Court accepts the factual allegations as true, liberally construing them in Plaintiff's favor. *Turley v. Rednour*, 729 F.3d 645, 649-51 (7th Cir. 2013). However, conclusory statements and labels are insufficient. Enough facts must be provided to “state a claim for relief that is plausible on its face.” *Alexander v. United States*, 721 F.3d 418, 422 (7th Cir. 2013)(citation and internal quotation marks omitted). While the pleading standard does not require “detailed factual allegations”, it requires “more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Wilson v. Ryker*, 451 Fed. Appx. 588, 589 (7th Cir. 2011) quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

Plaintiff alleges that he has been diagnosed Seriously Mentally Ill (“SMI”) with Intermittent Explosive Disorder (“IED”), which causes him to have angry outbursts. He alleges that he has wrongfully been held in disciplinary isolation for eight years due to the outbursts associated with his mental illness. Plaintiff claims that Defendants Andrea Moss, Dr. Marano, Kelly Haag, Todd Nelson, Linda Duckworth and Stephan Lanterman, Pontiac mental health

professionals, have failed to provide him a personalized treatment plan. He also claims that he has not received psychotherapy since May 27, 2016, and that this has contributed to his self-mutilation and suicide attempts. Plaintiff alleges that Warden Melvin has refused to eliminate or reduce his segregation time and has refused to allow him outdoor exercise due to his segregation status.

Plaintiff alleges additionally, that Defendants Moss was aware that he was suicidal, but refused to see him. He also alleges that Defendant Moss wrongfully placed on suicide watch. Plaintiff alleges that inmates are "required" to self-mutilate or threaten suicide simply to be seen by a mental health professional. He alleges that Defendants Melvin, and Kennedy have been deliberately indifferent by not allowing him to possess an inhaler. Plaintiff claims that he is asthmatic and that Defendant Melvin and Kennedy's refusal to allow segregation inmates to possess an inhaler is "unfair and dangerous".

Plaintiff also alleges inhumane conditions of confinement. He claims that in June 2016, Defendants Melvin and Kennedy had a Plexiglas covering placed over his perforated steel door, resulting in inadequate airflow. Plaintiff alleges that this has exacerbated his asthma and further affected his mental state. He also claims that the lack of airflow has caused mold to develop in his cell.

Plaintiff has disclosed that he is a 3-striker. The Prison Litigation Reform Act (PLRA), 28 U.S.C. section 1915(g), commonly referred to as the "three strikes" law, bars a prisoner or detainee from bringing a civil action if he has on three or more occasions, while incarcerated, brought an action or appeal in federal court that was dismissed a frivolous, malicious or failed to state a claim upon which relief may be granted unless the prisoner/detainee is "under imminent danger of serious physical injury." Plaintiff was assessed a strike in *Sanders v. Pouk*, No. 14-

1066 (C.D.Ill., dismissed March 21, 2014); *Sanders v. Hamilton*, No. 15-1236 (C.D.Ill., dismissed July 14, 2015) and *Sanders v. Malkowski*, No. 10-4685 (N.D.Ill., dismissed August 16, 2010). Since Plaintiff has three strikes, he may proceed in forma pauperis only if his pleadings establish that he is under imminent danger of serious physical injury. He has failed to accomplish this. The only allegation remotely probative is his self-serving statement that inmates are “required” to self-mutilate or threaten suicide simply to be seen by a mental health professional.

Plaintiff alleges that he has threatened suicide but that he has wrongfully been placed on suicide watch. He also alleges that he has been held in disciplinary isolation for eight years due to the outburst associated with his mental illness, the only claim clearly associated with his mental illness. Plaintiff claims the self-mutilation was done so that he would receive mental health treatment. The most reasonable inference arising from the gestalt of these allegations is that Plaintiff's self-mutilation is volitional and unlike his alleged outbursts, not caused by his mental illness. As unfortunate as it is, Plaintiff has chosen to self-mutilate to get the attention of a mental health professional, this does not establish that he is in imminent danger.

In order to meet the imminent danger requirement of 28 U.S.C. § 1915(g), the “threat or prison condition [must be] real and proximate.” *Lewis v. Sullivan*, 279 F.3d 526, 529 (7th Cir. 2002). Allegations of past harm do not suffice; the harm must be imminent or occurring at the time the complaint is filed. *Heimermann v. Litscher*, 337 F.3d 781 (7th Cir. 2003). *Smith v. Alvarez*, 898 F. Supp. 2d 1057, 1063 (N.D. Ill. 2012) (“where an inmate is the cause of the conditions about which he complains, any constitutional claim is rendered tenuous.”) Here, Plaintiff's claims of self-mutilation are volitional and do not meet the imminent danger requirement of § 1915(g).

IT IS THEREFORE ORDERED:

1. Plaintiff's October 6, 2016, grant of *in forma pauperis* status is REVOKED. Plaintiff will have 21 days in which to pay the \$400 filing fee or this case will be dismissed.

2. Plaintiff's motion for appointment of counsel [6] is DENIED as Plaintiff has provided no evidence that he attempted to obtain counsel on his own. *See Pruitt v. Mote*, 503 F.3d 647, 654-55 (7th Cir. 2007). In the event Plaintiff renews his motion for appointment of counsel, he should list the attorneys to whom he wrote and should attach any letters sent to or received from those attorneys.

3. Plaintiff's motions for status [7], [8] and motion for merit review hearing [9], are rendered MOOT by this order.

3/22/2017
ENTERED

s/Joe Billy McDade
JOE BILLY McDADE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

for the
Central District of Illinois

FILED

MAY 01 2017

CLERK OF COURT
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

CORDELL SANDERS,

Plaintiff,

vs.

MICHAEL MELVIN, ANDREA MOSS,
. MARANO, KELLY HAAG, TODD
NELSON, LINDA DUCKWORTH,
STEPHAN LANTERMAN, and TERRI
KENNEDY,

Defendants.

Case Number: 16-1366

JUDGMENT IN A CIVIL CASE

DECISION BY THE COURT. This action came before the Court. The issues have been heard, and a decision has been rendered.

IT IS ORDERED AND ADJUDGED pursuant to Text Order entered 5/1/2017, Plaintiff's leave to proceed in forma pauperis was revoked, and he has failed to pay the filing fee. This case is dismissed, without prejudice, and closed.

Dated: 5-1-17

s/ Kenneth A. Wells
Kenneth A. Wells
Clerk, U.S. District Court

[Handwritten signature]

**U.S. District Court
CENTRAL DISTRICT OF ILLINOIS (Peoria)
CIVIL DOCKET FOR CASE #: 1:16-cv-01366-JBM**

Sanders v. Melvin et al
Assigned to: Judge Joe Billy McDade
Case in other court: CA7, 17-01754
CA7, 17-01938
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/29/2016
Date Terminated: 05/01/2017
Jury Demand: None
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Cordell Sanders
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represented by

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ATTORNEY TO BE NOTICED

V.

Defendant

Michael Melvin
Warden

Defendant

Andrea Moss

Defendant

. Marano
Dr.

Defendant

Kelly Haag

Defendant

Todd Nelson

Defendant

Linda Duckworth

Defendant

Stephan Lanterman

Defendant

Terri Kennedy
Warden

#	Docket Text	Date Filed
1	COMPLAINT against All Defendants, filed by Cordell Sanders.(SL, ilcd) (Additional attachment(s) added on 9/29/2016: # 1 Certificate of Service) (SL, ilcd). (Entered: 09/29/2016)	09/29/2016

#	Docket Text	Date Filed
2	NOTICE OF CASE OPENING. Please be advised that your case has been assigned to Judge Joe Billy McDade. Effective immediately, all documents should be mailed or scanned to the Peoria Division, 100 NE Monroe Street, Peoria, IL 61602. Merit Review Deadline set for 10/19/2016. (Attachments: # 1 Notice Regarding Privacy Issues)(SL, ilcd) (Entered: 09/29/2016)	09/29/2016
3	PETITION TO PROCEED IN FORMA PAUPERIS, filed by Cordell Sanders.(SL, ilcd) (Entered: 09/29/2016)	09/29/2016
4	Letter from Clerk of the Court to Pontiac Correctional Center requesting trust fund ledgers (SL, ilcd) (Entered: 09/29/2016)	09/29/2016
5	+++ PRISONER TRUST FUND LEDGER. by Cordell Sanders (SL, ilcd) (Entered: 10/06/2016)	10/06/2016
	TEXT ORDER granting 3 Petition to Proceed In Forma Pauperis. Plaintiff's trust fund ledgers indicate he has no funds to make an initial partial payment of the filing fee. Pursuant to 28 U.S.C. Section 1915(b)(4), the initial partial filing fee is waived. The agency having custody of Plaintiff is directed to make monthly payments of 20 percent of the preceding month's income credited to Plaintiff's account to the Clerk of Court. The agency having custody of the plaintiff shall forward these payments each time Plaintiff's account exceeds \$10, until the filing fee of \$350 is paid in full. The Clerk is directed to mail a copy of this order to Plaintiff's place of confinement, to the attention of the Trust Fund Office. Entered by Judge Joe Billy McDade on 10/6/2016. (SL, ilcd) (Entered: 10/06/2016)	10/06/2016
6	MOTION to Request Counsel by Plaintiff Cordell Sanders. Responses due by 11/18/2016 (Attachments: # 1 Certificate of Service) (SL, ilcd) (Entered: 11/01/2016)	11/01/2016
7	MOTION for Status Update by Plaintiff Cordell Sanders. Responses due by 12/16/2016 (SL, ilcd) (Entered: 11/29/2016)	11/29/2016
8	MOTION for Status Update by Plaintiff Cordell Sanders. Responses due by 2/23/2017 (FDT, ilcd) (Entered: 02/09/2017)	02/09/2017
9	MOTION for Hearing by Plaintiff Cordell Sanders. Responses due by 4/3/2017 (FDT, ilcd) (Entered: 03/20/2017)	03/20/2017
10	MERIT REVIEW ORDER entered by Judge Joe Billy McDade on 3/22/2017. IT IS THEREFORE ORDERED: 1. Plaintiff's October 6, 2016, grant of in forma pauperis status is REVOKED. Plaintiff will have 21 days in which to pay the \$400 filing fee or this case will be dismissed. 2. Plaintiff's motion for appointment of counsel 6 is DENIED as Plaintiff has provided no evidence that he attempted to obtain counsel on his own. See Pruitt v. Mote, 503 F.3d 647, 654-55 (7th Cir. 2007). In the event Plaintiff renews his motion for appointment of counsel, he should list the attorneys to whom he wrote and should attach any letters sent to or received from those attorneys. 3. Plaintiff's motions for status 7, 8 and motion for merit review hearing 9, are rendered MOOT by this order. (SL, ilcd) (Entered: 03/22/2017)	03/22/2017
11	MOTION to Alter or Amend Judgment by Plaintiff Cordell Sanders. Responses due by 4/13/2017 (SL, ilcd) (Entered: 03/30/2017)	03/30/2017
12	AMENDED MOTION to Request Counsel by Plaintiff Cordell Sanders. Responses due by 4/13/2017 (SL, ilcd) (Entered: 03/30/2017)	03/30/2017
13	CERTIFICATE OF SERVICE by Cordell Sanders. (SL, ilcd) (Entered: 03/30/2017)	03/30/2017
	TEXT ORDER Entered by Judge Joe Billy McDade on 3/31/17: On March 22, 2017, the Court issued its merit review and revoked plaintiff's in forma pauperis status due to his having accumulated three strikes. Plaintiff files 11 a motion to alter or amend judgment. Since there has not been a final judgment in this case, the Court reviews the filing as a motion to reconsider. Plaintiff alleges that the court did not properly consider that he was in imminent danger when denying him IFP status. In support, he claims that the Court could not have reasonably believed that he received adequate mental health treatment for his schizo-affective and IED disorders. The Court, however, did not rule on the adequacy of the mental treatment but only that he was not in imminent danger. 11 is DENIED. Plaintiff's amended motion for recruitment of pro bo counsel 12 is DENIED with leave to reassert if he pay the filing fee and this case proceeds.. (TK, ilcd) (Entered: 03/31/2017)	03/31/2017
14	SECOND AMENDED MOTION for Appointment of Counsel Adding Exhibit (A) by Plaintiff Cordell Sanders. Responses due by 4/18/2017 (SL, ilcd) (Entered: 04/04/2017)	04/04/2017
	TEXT ORDER entered by Judge Joe Billy McDade on 4/6/2017. On March 22, 2017 a merit review order issued revoking Plaintiff's grant of IFP status. Plaintiff was given 21 days in which to pay the \$400 filing fee. He now files 14, a second amended motion for recruitment of pro bono counsel. 14 is DENIED with leave to reassert if Plaintiff pays the filing fee. (SL, ilcd) (Entered: 04/06/2017)	04/06/2017
15	NOTICE OF APPEAL as to 10 Merit Review Order by Cordell Sanders. (SL, ilcd) (Entered: 04/11/2017)	04/11/2017
16	Short Record of Appeal Sent to US Court of Appeals re 15 Notice of Appeal (SL, ilcd) (Entered: 04/11/2017)	04/11/2017
17	NOTICE of Docketing Record on Appeal from USCA re 15 Notice of Appeal filed by Cordell Sanders. USCA Case Number 17-1754. (SL, ilcd) (Entered: 04/12/2017)	04/12/2017
18	PLRA FEE NOTICE AND ORDER of USCA re 15 Notice of Appeal (SL, ilcd) (Entered: 04/12/2017)	04/12/2017
19	MOTION for Leave to Appeal in forma pauperis by Plaintiff Cordell Sanders. Responses due by 5/9/2017 (SL, ilcd) (Entered: 04/25/2017)	04/25/2017
	TEXT ORDER entered by Judge Joe Billy McDade on 5/1/2017. On March 22, 2017, the Court issued its merit review order revoking Plaintiff's grant to proceed in forma pauperis and gave Plaintiff 21 days in which to pay the filing fee. Plaintiff subsequently filed a motion to alter or amend judgment 11. The Court denied the motion, finding the Plaintiff failed to allege imminent danger of serious physical injury, and, furthermore, that the order had not been a final judgment. Plaintiff has not paid the filing fee and this case is now dismissed, without prejudice, judgment to enter.(SL, ilcd) (Entered: 05/01/2017)	05/01/2017

#	Docket Text	Date Filed
20	JUDGMENT entered in a civil case (SL, ilcd) (Entered: 05/01/2017)	05/01/2017
21	STRICKEN PURSUANT TO TEXT ORDER ENTERED 5/4/2017 NOTICE OF APPEAL by Cordell Sanders. Filing fee \$ 505, receipt number 0753-2567984. (Shapiro, David) Modified on 5/4/2017 (SL, ilcd). (Entered: 05/03/2017)	05/03/2017
22	NOTICE OF APPEAL as to 10 Order on Motion to Request Counsel, Order on Motion for Miscellaneous Relief,, Order on Motion for Hearing, Merit Review Opinion, Set/Reset Deadlines:,,,,,,,,,,,,,,,,,,,,,,,,,,,,, by Cordell Sanders. (Shapiro, David) (Entered: 05/03/2017)	05/03/2017
23	NOTICE of Appearance of Attorney by David M Shapiro on behalf of Cordell Sanders (Shapiro, David) (Entered: 05/03/2017)	05/03/2017
	TEXT ORDER STRIKING DOCUMENT entered by Judge Joe Billy McDade on 5/4/2017. The Clerk is hereby directed to STRIKE 21 Notice of Appeal as the document was filed erroneously.(SL, ilcd) (Entered: 05/04/2017)	05/04/2017
24	Short Record of Appeal Sent to US Court of Appeals re 22 Notice of Appeal, (SL, ilcd) (Entered: 05/04/2017)	05/04/2017
25	NOTICE of Docketing Record on Appeal from USCA re 22 Notice of Appeal, filed by Cordell Sanders. USCA Case Number 17-1938. (RK, ilcd) (Entered: 05/04/2017)	05/04/2017
26	PLRA FEE NOTICE AND ORDER of USCA as to 22 Notice of Appeal, filed by Cordell Sanders (SL, ilcd) (Entered: 05/04/2017)	05/04/2017
27	MANDATE of USCA as to 15 Notice of Appeal filed by Cordell Sanders. IT IS ORDERED that this appeal is voluntarily DISMISSED. See Fed. R. App. P. 42(b).The case is proceeding in appeal no. 17-1938. No appellate filing fees will be collected for appeal no. 17-1754. (Attachments: # 1 Final Order) (SL, ilcd) (Entered: 05/10/2017)	05/10/2017
28	TRANSCRIPT REQUEST Transcript Information Sheet Indicating No Transcript Required by Cordell Sanders. (Shapiro, David) (Entered: 05/16/2017)	05/16/2017

Cordell Sanders
Plaintiff

vs.

No. _____

Warden Micheal Melvin
Andrea Moss
Dr. Marano
Kelly Haag
Todd Nelson
Linda Duckworth
Stephan Lanterman

SCANNED at PCC and E-mailed
09.29.16 (date) by JP (initials)
28 (# of pages)

Warden Terri Kennedy
Defendants

COMPLAINT

NOW COMES Plaintiff, Cordell Sanders, Pro-se, pursuant to 42 U.S.C. § 1983 to remedy the deprivation, under color of law, of rights guaranteed by the 8th Amendment to the U.S. Constitution. This Court has jurisdiction over this action pursuant to 28 U.S.C. Section 1341 (b)

ALLEGATIONS COMMON TO ALL COUNTS

INTRODUCTION

1. This is a civil action for damages against Defendants for committing acts under color of law, and depriving Plaintiff Cordell Sanders of rights secured by the Constitution and laws of the United States.

JURISDICTION

2. This action is brought pursuant to 42 U.S.C. Section 1983 to remedy the deprivation, under color of State law, of rights guaranteed by the Eighth Amendment to the United States Constitution. This Court has jurisdiction over this action pursuant to 28 U.S.C. Sections 1331 and 1343

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3. This cause of action arose in the Central District of Illinois. Therefore, venue is proper under 28 U.S.C. sections 1391 (3).

PARTIES

4. Plaintiff, Cordell Sanders, is and was at all times relevant here to, a prisoner in the custody of the Illinois Department of Corrections ("IDOC"). At the time of the events relevant hereto, Plaintiff was incarcerated at Pontiac Correctional Center ("Pontiac"), located at 700 W. Lincoln St Pontiac, IL 61764, where he currently reside

5. Plaintiff Cordell Sanders, is and was at all times mentioned herein, an adult citizen of the United States and a resident of the State of Illinois

6. Defendants Andrea Moss, Dr. Marano, Kelly Haag, Todd Nelson, Linda Duckworth, Stephan Lanterman are mental health people employed at ("Pontiac")

7. Defendant Warden Michael Melvin is employed as Warden at ("Pontiac") and so is Warden (Assistant) Terri Kennedy

8. Defendants are being sued in their official and individual capacities.

9. Exhaustion of Administrative Remedies

Plaintiff has exhausted all administrative Remedies available to him.

FACTS

10. Plaintiff Cordell Sanders is a 28 year old incarcerated citizen who's been housed at Pontiac Corr. Ctr.'s disciplinary isolation units since April 2009, who has been in disciplinary isolation for 8 straight years and approximately 10 years total with, at the moment, over 10 years of disciplinary isolation left to serve, which his mental health diagnosis was the underlying cause of or at least contributed to his accumulating disciplinary isolation time

11. While in disciplinary isolation, the Plaintiff first diagnosed by stateville corr. ctr's psych doctors as having intermittent Explosive Disorder ("I.E.D.") due to his angry aggressive behavior towards others or property, verbal assault, alleged physical assaults, with the episodes of anger being grossly out of proportion to any provocation, and not being premeditated or caused by a specific trigger or stressor, that at least occur 5 days a week years at a time.
12. The stateville, corr. ctr. psych doctors prescribed the Plaintiff **Risperdal**, a powerful anti-psychotic to treat his ("I.E.D.") which the Plaintiff remained on from 2008 to 2015.
13. The Stateville Corr. Ctr. psych doctor's also diagnosed the Plaintiff with a form of depression and prescribed him a high dose of **Remeron** which he remained on for several years.
14. The Pontiac Corr. Ctr mental health people diagnosed the Plaintiff with ("I.E.D.") and Schizoaffective Disorder (depressed mood, Major depression) and prescribed Risperdal for several years and replaced Risperdal with **Lithium Carbonate**, a mood regulator at 800 mgs. Pontiac mental health people replaced Remeron with **prozac**, an anti-depressant at a high dose. The Plaintiff was and is diagnosed with other mental illnesses.
15. The Pontiac mental health people have diagnosed or classified the Plaintiff as **Seriously Mentally Ill ("SMI")**
16. Prior to Plaintiff's incarceration, he was an out patient at a mental health facility where he was diagnosed with Intermittent Explosive Disorder at the age of 15 and was prescribed the powerful anti-psychotic Risperdal

17. Plaintiff's Schizoaffective Disorder lasts most of the day and recurrent with 4 or more major episodes a week which has been this way for years during his time in disciplinary isolation. Plaintiff has lost interest and pleasures in daily activities most of the day, nearly every day. Plaintiff experiences fatigue, loss of energy, diminished ability to think and concentrate and indecisiveness, nearly every day for most of the day as a proximate result of his Schizoaffective Disorder

18. Plaintiff also suffers from restricted social contact, dissociative disorder and sometimes experience difficulties with self care. Plaintiff also displays catatonic and melancholic features

19. Defendants Andrea Moss, Dr. Marano, Kelly Haag, Todd Nelson, Linda Duckworth, Stephan Lanterman, have deliberately failed to devise the Plaintiff a personalized treatment plan conducive to improving his mental illnesses in spite of his numerous requests on numerous occasions which has contributed to the Plaintiff's attempted suicide on October 27, 2015, July 24th 2016 by swallowing dangerous amounts of Motrin and other medications, self mutilation by way of biting flesh out of his wrist on July 27, 2016 while on suicide watch status which was made possible due to the non-mental health prison guards failure to adequately monitor inmates on suicide watch.

20. Since May 27, 2016, Plaintiff hasn't been given psychotherapy that he needs on a fixed basis which has contributed to his suicide attempts

21. Plaintiff has informed defendants that the isolating stressful conditions of disciplinary isolation has exacerbated his aggression, "I.E.D." and is the underlying cause of his Major Depression and his other mental health diagnosis and have repeatedly requested his release from disciplinary isolation and to be housed in a mental health setting which the defendants have failed to do which contributes to Plaintiff's suicide attempts (see Exhibit (A) attached hereto)

22. Defendant Warden Melvin refuse to eliminate or reduce the Plaintiff's segregation time to improve his mental health. See Exhibit. A attached here to.

23. The Plaintiff had repeatedly informed Anarea Moss, Dr. Marano, Kelly Haag, Todd Nelson, Linda Duckworth, Stephan Lanternman that the fact that the Plaintiff has been denied all out door fresh air exercise since 5-22-2013 for unrelated outdoor yard reasons, and that he has about 2+ more years of yard/outdoor exercise restriction, exacerbates his Schizoaffective Major Depression, Depressed mood Disorder and his Intermittent Explosive Disorder, the aforementioned mental health people have ignored the Plaintiff's plea for mental health ordered outdoor exercise conducive to good mental health, which has significantly contributed to Plaintiff's suicide attempts, leg cramps, and lower back complications

24. Defendant Warden Michael Melvin has denied the Plaintiff's request for yard/outdoor exercise "privileges" be restored. See Exhibit. A attached here to, which has contributed to Plaintiff's suicide attempts, leg cramps and lower back pain

25. Plaintiff isn't even allowed indoor out the cell exercise

26. Defendants prescribe inmates who are on suicide watch and on yard/outdoor exercise restriction, yard/outdoor exercise opportunities for 2 hours a day, if they've been on suicide watch 10 days or more, apparently for mental health improvement reasons

27. Plaintiff reasonably foresee that if defendants don't remove him from disciplinary isolation and into a mental health setting, and don't construct Plaintiff a personal mental health treatment plan at improving his mental health diagnosis, and if defendants continue to deny Plaintiff outdoor yard opportunities to exercise to improve his mental health on a daily basis, and refuse to interview the Plaintiff on a weekly basis, that it will lead to more suicide attempts and/or actual suicide, including defendants refusal to provide the Plaintiff with individual and/or group psychotherapy, specialized psycho-educational groups, etc

28. Plaintiff realleges paragraphs 1 through 28 of the facts common to All Counts as if they were set forth in full in this Count One

29. The inadequate mental health treatment as detailed above, performed with a conscious disregard and deliberate indifference to Plaintiff's serious medical needs and safety, are in violation of Plaintiff's right to be free from cruel and unusual punishment under the 8th Amendment to the constitution of the United States and 42 U.S.C. Sec 1983

30. As a proximate result of the aforementioned Eighth Amendment violations, Plaintiff was greatly injured and is currently suffering from inadequate mental health treatment. The violations proximately caused the Plaintiff great bodily harm.

31. WHEREFORE, Plaintiff demands judgment in his favor and against the individual defendants, jointly and severally, and order defendants to:

1. Release Plaintiff from disciplinary isolation and into a mental health setting;
2. Order defendants to allow Plaintiff outdoor exercise on a daily basis for 4 hours to improve his depressive mood and schizoaffective disorder (Major Depression);
3. Devise the Plaintiff a individualized treatment plan conducive to improving his mental health;
4. Have individual and/or group psychotherapy with the Plaintiff weekly;
5. Have psych-educational sessions and specialized leisure time services;
6. Because Plaintiff suffered physical injury from the above described deprivations and because defendants acted maliciously, willfully, wantonly and/or in reckless disregard for Plaintiff's constitutional rights, Plaintiff request that this Court award him punitive and compensatory damages in the amount of \$25,000~~00~~ for each defendant, and whatever the Court deems equitable and just

32. Defendants Andrea Moss, Kelly Haag and Dr. Marano require the Plaintiff and Other inmates to self-mutilate, overdose on pills, hang themselves, falsely declare to be suicidal in order to speak with them about non-suicidal issues

33. On October 27, 2015, Plaintiff told a prison guard that he needed to speak with a social worker or someone about his depression. The prison guard stated that he'll go let Moss know. The prison guard came back and told the Plaintiff that Moss stated that if the Plaintiff was not suicidal, no one wants to see him right now.

34. Shortly thereafter, Plaintiff overdosed on Motrin and Remeron by ingesting over 69 pills and was carried out of the cell by the prison's tactical unit and taken to the prison's infirmary where he was forced to drink a lot of substances and liquids to induce vomiting and was subsequently placed on suicide watch for 72 hours and was not able or allowed to talk to anybody about his non-suicidal depression issue

35. Defendant Andrea Moss, on or about November 3, 2015, required the Plaintiff to tell prison guards that he was suicidal in order to speak to her about a non-suicidal issue, wherein I told her that I was not suicidal. Prison guards Major Suzane Prentice and Lieutenant Boland then told Defendant Moss to put the Plaintiff on suicide watch over the Plaintiff's objection and as a form of punishment for needing to speak with mental health people. The Plaintiff was on suicide watch for 2 days

36. On the 12th of June 2016, Plaintiff seen Defendant Marano in the prison's infirmary and told her that the social workers assigned to the north cell house require Plaintiff to self-mutilate, falsely declare to be suicidal, etc in order to speak with a mental health person and that I needed to talk to someone about an incident that happened between the Plaintiff and his former cellmate on May 27, 2016 and that Plaintiff was not suicidal and did he have to App. 15 declare to be suicidal in order to talk

to a mental health person. Defendant Dr. Marano replied "that's what it seems like" and continued to walk away.

37. On the ~~1st~~ week of July 2016, while in the north cell house, I told a prison guard that I needed to see a social worker for non-suicidal reasons. The prison guard responded that he'll go to tell Moss since she happened to be in the cell house today. The prison guard came back and told the Plaintiff that Moss stated that if the Plaintiff wasn't suicidal, no one wanted to see him. I

38. The Plaintiff then falsely declared to the prison guard that he was suicidal. The prison guard took the Plaintiff to the down stairs cage where defendant Moss told a prison guard the Plaintiff's mental health business and then called social worker Brady who came and allowed the Plaintiff to talk to her about the non-suicidal issue that occurred on May 27, 2016 and also told Brady that he was not suicidal. Brady was assigned to ~~put~~ oversee suicide watches on that day.

39. Brady did not place the Plaintiff on suicide watch after he explained to her why he falsely declared to be suicidal.

40. Plaintiff reasonably foresees that if the aforementioned mental health people in this Court continue with the self-mutilation policy as a pre-condition to speak with a mental health person, he will eventually succeed in committing suicide.

41. Plaintiff realleges paragraphs 32-40 of the Facts Common to All Counts as if they were set forth in full in this Count Two.

42. The behavior of defendants as detailed above, performed with a conscious disregard and deliberate indifference to Plaintiff's safety and medical needs, is in violation of Plaintiff's right to be free of cruel and unusual punishment under the 8th Amendment to the Constitution of the United States and 42 U.S.C. sec. 1983.

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43. As a proximate result of the aforementioned Eighth Amendment violations, Plaintiff was greatly injured. The violations proximately caused Plaintiff great bodily harm.

WHEREFORE, Plaintiff demands judgment in his favor and against the individual defendants, jointly and severally, and order defendants to:

1. Abolish the policy that Plaintiff and other inmates selfmutilate, overdose on medication, hang themselves, falsely declare to be suicidal as a pre-condition to be allowed to speak with mental health people about non-suicidal issues and subsequently being placed on suicide watch status;
2. That defendants devise an effective system / instructions on how to get a chance to talk to mental health people immediately in the event Plaintiff is non-suicidal or and on the verge of committing suicide;
3. Because the Plaintiff suffered physical injury from the above described behavior and policy of defendants and because defendants acted maliciously, willfully, wantonly and / or in reckless disregard for Plaintiff's constitutional rights, Plaintiff request that the Court award him punitive and compensatory damages in the amount of ~~25,000~~ for each defendant, and whatever the Court deems equitable and just.

44. Defendants Warden Michael Melvin and Assistant Warden Terri Kennedy are responsible for the foregoing abominable conditions of confinement which is having a profound adverse effect on the Plaintiff psychologically and physically:

45. On June 2016, while housed in the Northcell house segregation unit, cell 548, Melvin and Kennedy had plexi glass coverings placed over the Plaintiff's perforated solid steel door to prevent the Plaintiff from receiving adequate oxygen and air flow into his cell.

46. The Plexi glass coverings prevent direct air flow contact with the Plaintiff and causes inadequate air flow and oxygen into the Plaintiff's cell to the point where the Plaintiff can't attempt to exercise, to the point where Plaintiff's wash towels mold, to the point where excessive summer time heat and humidity stagnate within the Plaintiff's cell that cause him to sweat profusely and some time struggle to breath. The Plaintiff is also asthmatic

47. There is no air ventilation system or air conditioner within the Plaintiff's cell or any of the past cell's he's been housed in during his time at Pontiac Corr. Ctr.

48. Defendants Melvin and Kennedy refuse to provide the Plaintiff with a fan to combat the extreme heat

49. Defendants refuse to install electrical outlets within the Plaintiff's current cell so that in the event he does get a fan, he wouldn't be allowed to power it.

50. 1 gallery of the Northcell house is the only gallery that have no electrical outlets within the cell to allow the inmates housed on 1 gallery to power our electrical appliances. Defendants allow inmates housed on all the other galleries to have electrical outlets within their cells to power their fans, etc to combat the extreme heat.

51. Inmates housed on 3 gallery's 7, 2 and 4 gallery's do not have plexi glass coverings over there cells and are allowed direct air follow contact, adequate air flow, arent subject to stagnate hot air and summer time humidity, receive adequate oxygen, etc

52. The heat of the cells during the summer interacts with the Plaintiff's anti psychotic drugs to cause him extreme discomfort, anti psychotic medications puts a person at risk of heat stroke, dangerously low blood pressure, and a rare and often fatal heat-related disease called neuroleptic malignant syndrome (NMS)

53. Plaintiff's symptoms would worsen when he stopped taking his medication, which he would do when the heat of his cell interacted with the medication to cause him serious distress

54. Defendants Melvin and Kennedy have a policy that prohibits the Plaintiff and other inmates housed on 1 gallery of the north cell house from possessing within our cells, doctor prescribed asthma inhalers, doctor prescribed pain relievers, etc and allow inmates on all the other galleries within the north cell house to possess doctor prescribed medicine in the their cell which means they are allowed to take their medications E.G. pain relievers, asthma inhalers, etc. ~~im~~ immediately when needed and Plaintiff cant which has happened on several occasions and is unfair and dangerous

55. From Plaintiff's 20 plus years of being asthmatic, he knows he need his asthma inhaler on stanaby if he wish and need to try and excercise, which the defendants have prevented him from doing and when needed.

56. Prison guards have refused to give Plaintiff his inhaler all together when he asked

57. These conditions have ~~exacerbated~~ the Plaintiff's Schizoaffective Disorder and his ("I.E.D") and have also contributed to his suicide attempts

58. The conditions described in this Count prevent the Plaintiff from exercising, is causing lower and upper back pain and stiffness, muscle cramps and spasm, has immobilized the Plaintiff to his bed most of the day.

59. Plaintiff reasonably believes that if the above described conditions are not rectified that the conditions will lead or contribute to Plaintiff attempting suicide in the future and exacerbated mental illness

60. Plaintiff has filed grievances to defendants Melvin and Kennedy objecting to the inadequate mental health treatment and conditions of confinement and requested improved conditions of confinement and mental health treatment which Melvin denied and Kennedy ignored, see Exhibit C and D attached here to

61. The Plaintiff realleges paragraphs 44-60 of the Facts Common to All Counts as if they were set forth in full in this Count three

62. The behavior of defendants as detailed herein, performed with a conscious disregard and deliberate indifference to Plaintiff's safety and health is in violation of Plaintiff's right to be free of cruel and unusual punishment under the 8th Amendment to the Constitution of the United States and 42 U.S.C. Sec. 1983

63. As a proximate result of the aforementioned Eighth Amendment violations, Plaintiff was greatly injured. The violations proximately caused Plaintiff great bodily harm.

WHEREFORE, Plaintiff demands judgment in his favor and against the individual defendants, jointly and severally, and order defendants to:

1. Reconstruct the Plaintiff's cell and potential future cells he may be housed in, in a way that would allow adequate air flow into the cell, air contact and oxygen to the Plaintiff that would prevent excessive body perspiration, stagnate heat and humidity within the cell that would also prevent Plaintiff's wash cloths from molding;
2. Provide the Plaintiff with a fan, electrical outlet in his cell, air conditioning, air circulation system in his cell and future cells he may be housed in;
3. Allow Plaintiff to possess his Doctor prescribed asthma inhaler within his cell any time Plaintiff is housed on 1g gallery in the North cell house to allow immediately use and use when needed;
4. Allow Plaintiff to possess his other Dr. prescribed medication like; pain relievers, eye drops, Shampoo, ointments, etc;
5. Because the Plaintiff suffered physical injury from the above described behavior and policy of defendants and because defendants acted maliciously, willfully, wantonly and/or in reckless disregard for Plaintiff constitutional rights, Plaintiff request that the Court award him punitive and Compensatory damages in the amount of 25,000~~00~~ for each defendant, and whatever the Court deems equitable and just.

Cordell Sanders #R-41346
P.O. Box 99 Pontiac, IL 61764 13. App. 21

Respectfully Submitted
by *Parvinder*
Plaintiff-Prosec

**State of Illinois - Department of Corrections
Counseling Summary**

IDOC # R41346	Counseling Date 03/18/16 12:13:24:850
Offender Name SANDERS, CORDELL	Type Collateral
Current Admit Date 02/04/2005	Method Other
MSR Date 05/17/2027	Location PON RECORDS OFFICE
HSE/GAL/CELL E -10-07	Staff CHALKEY, AMANDA M., Office Associate

Warden PIERCE denied SEG Reduction, C Grade, Commissary Restoration, and Yard Restoration due to nature of offense and additional observation needed.

Ex.A

State of Illinois - Department of Corrections Counseling Summary

IDOC #	R41346	Counseling Date	09/19/16 15:47:20:200
Offender Name	SANDERS, CORDELL	Type	Collateral
Current Admit Date	02/04/2005	Method	Other
MSR Date	05/17/2027	Location	PON NORTH SEGREGATION
HSE/GAL/CELL	N -01-19	Staff	JONES, DONNA J., Correctional Counselor II

Seq outdate is 6/16/27. Yard restriction date is 9/28/18.

Ex. B

ILLINOIS DEPARTMENT OF CORRECTIONS
OFFENDER'S GRIEVANCE

Date: 8-13-16	Offender: (Please Print) CORDELL SANDERS SEWLO	ID#: RDR-41346
Present Facility: PONTIAC	Facility where grievance issue occurred: PONTIAC	
NATURE OF GRIEVANCE:		
<input type="checkbox"/> Personal Property	<input type="checkbox"/> Mail Handling	<input type="checkbox"/> Restoration of Good Time
<input type="checkbox"/> Staff Conduct	<input type="checkbox"/> Dietary	<input type="checkbox"/> Medical Treatment
<input type="checkbox"/> Transfer Denial by Facility	<input type="checkbox"/> Transfer Denial by Transfer Coordinator	<input checked="" type="checkbox"/> ADA Disability Accommodation
<input type="checkbox"/> Disciplinary Report: / /	Date of Report	Facility where issued
<input type="checkbox"/> HIPAA <input checked="" type="checkbox"/> Other (specify): <u>Conditions of confinement</u>		
<p>Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.</p> <p>Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to: Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board. Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor. Chief Administrative Officer, only if EMERGENCY grievance. Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.</p> <p>Summary of Grievance (Provide information including a description of what happened, when and where it happened, and the name or identifying information for each person involved): <u>As a continued course of conduct, I am being subjected to the following conditions of confinement which has lead to several suicide attempts the latest one being on 7-24-16, including exacerbation of my Major depression and Intermittent Explosive Disorder and is also the under lining cause of my mental illnesses. The Pontiac mental health people have diagnosed me as seriously mentally ill. The Wardens and Major Suzanne Prentice are responsible for the following conditions of confinement which have had a profound adverse mental & physical</u> Relief Requested: <u>TO HAVE THE CONDITIONS DESCRIBED HEREIN ABOLISHED; AN IMMEDIATE RELEASE FROM THESE CONDITIONS (DISCIPLINARY SEGREGATION) AND HAVE COMPLAINED OF CONDITIONS REMEDIATED IMMEDIATELY</u></p> <input checked="" type="checkbox"/> Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.		
Offender's Signature: <u>CordeLL Sanders</u>	ID: <u>R-41346</u>	Date: <u>8,13,16</u>

(Continue on reverse side if necessary)

Counselor's Response (If applicable)		
Date Received: / /	<input type="checkbox"/> Send directly to Grievance Officer	<input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277
Response: _____		

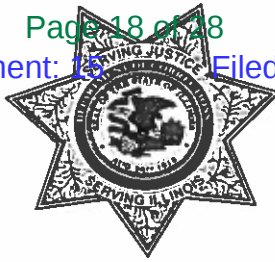
Print Counselor's Name	Counselor's Signature	Date of Response

EMERGENCY REVIEW		
Date Received: <u>8/15/16</u>	Is this determined to be of an emergency nature?	
<input type="checkbox"/> Yes, expedite emergency grievance		EX. C
<input checked="" type="checkbox"/> No; an emergency is not substantiated. Offender should submit this grievance in the normal manner.		
Chief Administrative Officer's Signature: <u>Michael P. Melton</u>	App: <u>24</u>	Date: <u>8/16/16</u>

copy to 8/22/16

effect on me for the past 7 plus years: The wardens the cell doors on 5, 3, and 1 gallery of the north cell house are solid steel doors with plexi glass coverings that prevent **direct** air flow into the cells and cause inadequate air flow into the cells to the point where I can't exercise; to the point where my wash cloths mold; ~~and eat~~ to the point where excessive heat stagnate in the cells. There is no air ventilation system within the cells. The warden and Major refuse to provide me with a "stare/oon" fan to combat the extreme heat stagnate within my cell. There are no electrical outlets within the cells of 1 gallery which means in the event that I do have a fan, I would not be able to power it. The wardens and Major have a policy that prohibits inmates, including me, that are housed on 1 gallery of the north cell house from possessing within our cells, doctor prescribed asthma inhaler and pain killers, etc., and allow inmates housed on all other galleries to possess doctor prescribed medicine within in their cells. The fact that I can't possess my inhaler and pain medication within my cell means that I can't take my medicine when needed or as prescribed which is dangerous and unfair and serves no legitimate penological interest. I am also in the cell 24 hrs. a day with nothing productive to do which has lead to mental illnesses and suicide attempts and stress. The fact that the conditions described herein prevent me from exercising has caused lower and upper back pain and stiffness, muscle cramps and spasms; exacerbated my Schizoaffective Disorder (Major Depression) which have contributed to my several suicide attempts, and other mental issues. These conditions are present in the disciplinary segregation units. These conditions have caused me to have a depressed mood which is associated with my Schizoaffective Disorder, which cause me to be in bed all day immobilized and uninterested in activities I once used to be interested in.

I believe these stressful depressive conditions will lead to more suicide attempts in the future and hereby request that I be freed from disciplinary segregation. Unnecessary use of force ^{is} comment/used by white male prison guards on Black inmates. I was assaulted by two members of the extraction unit on 7-24-16. Cameras need to be attached to every extraction unit prison guard during a cell extraction to prevent unnecessary use of force and claims and lawsuits by inmates.



8/16

RECEIVED
AUG 25 2016
ADMINISTRATIVE
REVIEW BOARD

The Illinois Department of Corrections

Pontiac Correctional Center
700 W. Lincoln Street, P.O. Box 99 • Pontiac, IL 61764 • (815) 842-2816 TDD: (800) 526-0844

MEMORANDUM

DATE: 8-18-16
TO: Name: Sanders IDOC #: R 41346

FROM: Grievance Officer S. Simpson
Pontiac Correctional Center

SUBJECT: Grievance(s) dated: 8/13/16 Topic: Condition Issue: Ventilation

The attached is being returned for the reason(s) listed below:

- Contact your Correctional Counselor. Per DR 504 Grievances, "A committed person shall first attempt to resolve incidents, problems or complaints, other than complaints concerning disciplinary proceedings, through his counselor".
- Use proper Committed Person's Grievance (DOC 0046).
- Provide date(s) of disciplinary reports(s) and facility where incident(s) occurred.
- Forward grievance directly to the Administrative Review Board (protective custody, enforced medication, disciplinary reports from other facilities, decisions by the Transfer Coordinator's Office, decisions rendered by the Director).
- Not submitted in the timeframe outlined in Department Rule 504; therefore, issue will not be addressed further. Discovery date of incident, occurrence, or problem: _____.
- Unable to determine nature of grievance/correspondence. Submit additional specific information.
- Illegible copy submitted – submit legible copy for consideration.
- Request restoration of GCC, segregation time cut, grade restoration to the Adjustment Committee. If request is denied, utilize the grievance process for further consideration.

→ Ex. C

_____ Issue has been previously addressed on _____, No justification for further consideration.

_____ Contact the Record Office with your request and/or additional information (sentence calculations, jail credits, etc.).

_____ Address concerns to the Illinois Prisoner Review Board, 319 East Madison Street, Suite A, Springfield, Illinois 62706 (executive clemency parole violation issues, etc.).

_____ The Chief Administrative Officer has determined your grievance issue a non-emergency. If you reject this decision, forward your grievance directly to Grievance Office.

X Other: * Your request for a fax is to be directed to unit major. Inigent offenders are placed on a waitlist. This is not a grievable issue.

* Offenders housed on North Cell House (1) gelling are not allowed to keep medications in their possession. Medications are given upon request as needed. This is an administrative decision and not grievable.

* medical concerns are to be directed to unit CNT for review/evaluation and possible scheduling.

* Specific information is needed to address your allegation of assault by two members of the extraction team on 7-24-16. Explain "what" happened.

AUG 25 2016

Date: 8-13-16	Offender: (Please Print) CORDELL SANDERS	ADMINISTRATIVE ID# R 41346
Present Facility: PONTIAC	Facility where grievance issue occurred: PONTIAC	
NATURE OF GRIEVANCE: <input type="checkbox"/> Personal Property <input type="checkbox"/> Mail Handling <input type="checkbox"/> Restoration of Good Time <input checked="" type="checkbox"/> ADA Disability Accommodation <input type="checkbox"/> Staff Conduct <input type="checkbox"/> Dietary <input type="checkbox"/> Medical Treatment <input type="checkbox"/> HIPAA <input type="checkbox"/> Transfer Denial by Facility <input type="checkbox"/> Transfer Denial by Transfer Coordinator <input checked="" type="checkbox"/> Other (specify): LACK OF OUTDOOR EXERCISE <input type="checkbox"/> Disciplinary Report: _____ Date of Report _____ Facility where Issued _____		
Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification. Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to: Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board. Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor. Chief Administrative Officer, only if EMERGENCY grievance. Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.		
Summary of Grievance (Provide information including a description of what happened, when and where it happened, and the name or identifying information for each person involved): As a continued course of conduct on the behalf of the Wardens of Pontiac, Cor. Ctr and Major Suzanne Prontice, I have not been allowed out side the cell out door or indoor exercise for over 3 years now and have about 3 more years of out side the cell exercise/ yard restriction left. The wardens refuse to eliminate my yard restriction. The lack of yard / outside the cell exercise has had a profound adverse effect on my mental health by exacerbating my Schizoaffective Disorder (Major Depression) (Depressed mood) and my Intermittent Explosive Disorder which has contributed to Relief Requested: TO HAVE MY YARD RESTRICTION ELIMINATED FOR MENTAL AND PHYSICAL HEALTH REASONS		
<input type="checkbox"/> Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.		
Offender's Signature: <i>CordeLL Sanders</i>		ID: R41346 Date: / /

Counselor's Response (if applicable)		
Date Received: / /	<input type="checkbox"/> Send directly to Grievance Officer	<input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277
Response: _____		

Print Counselor's Name	Counselor's Signature	Date of Response

in 2016/18 pends

EMERGENCY REVIEW		
Date Received: 8/15/16	Is this determined to be of an emergency nature?	Ex.C
<input type="checkbox"/> Yes: expedite emergency grievance <input checked="" type="checkbox"/> No: an emergency is not substantiated. Offender should submit this grievance in the normal manner.		
Chief Administrative Officer's Signature: <i>Michael P. Melvin Warden</i>		Date: <i>8/16/16</i>

my several suicide attempts in the past and recently on July 24, 2016, in which I have been on suicide watch p.r. My yard restriction is due to unrelated yard reasons. Even though I see Major Prentice, I ask her to talk to me outside the cell yard time and she states "NO!! YOU'RE ON YARD RESTRICTION" I have been diagnosed as seriously mentally ill by Pontiac Corr. Ctr mental health. There is no legitimate penological interest in depriving me of outside the cell outdoor exercise. The lack of outdoor exercise has caused me to lay in bed immobilized all day. When the wardens tour the north cell house, I always request outdoor exercise and they allways state "Are you on yard restriction?" I state "yes" and the wardens reply "YOU CANT GO TO YARD!" My cell is too hot and lack adequate oxygen to allow me to exercise which has caused me leg cramps and back pain. I requested outdoor exercise on the 1st week of August and was informed that I was on yard restriction and couldn't go.



E 8/16
RECEIVED
AUG 25 2016
ADMINISTRATIVE REVIEW BOARD

The Illinois Department of Corrections

Pontiac Correctional Center
700 W. Lincoln Street, P.O. Box 99 • Pontiac, IL 61764 • (815) 842-2816 TDD: (800) 526-0844

MEMORANDUM

DATE: 8/18/16
TO: Name: Sanders IDOC #: R 41346
FROM: Grievance Officer S. Simpson
Pontiac Correctional Center
SUBJECT: Grievance(s) dated: 8/13/16 Topic: Adm. Policy Issue: Yard Restriction

The attached is being returned for the reason(s) listed below:

- Contact your Correctional Counselor. Per DR 504 Grievances, "A committed person shall first attempt to resolve incidents, problems or complaints, other than complaints concerning disciplinary proceedings, through his counselor".
- Use proper Committed Person's Grievance (DOC 0046).
- Provide date(s) of disciplinary reports(s) and facility where incident(s) occurred.
- Forward grievance directly to the Administrative Review Board (protective custody, enforced medication, disciplinary reports from other facilities, decisions by the Transfer Coordinator's Office, decisions rendered by the Director).
- Not submitted in the timeframe outlined in Department Rule 504; therefore, issue will not be addressed further. Discovery date of incident, occurrence, or problem: _____.
- Unable to determine nature of grievance/correspondence. Submit additional specific information.
- Illegible copy submitted – submit legible copy for consideration.
- Request restoration of GCC, segregation time cut, grade restoration to the Adjustment Committee. If request is denied, utilize the grievance process for further consideration.



Ex.C

Mission: To serve justice in Illinois and increase public safety by promoting positive change in offender behavior, operating successful reentry programs, and reducing victimization.

_____ Issue has been previously addressed on _____. No justification for further consideration.

_____ Contact the Record Office with your request and/or additional information (sentence calculations, jail credits, etc.).

_____ Address concerns to the Illinois Prisoner Review Board, 319 East Madison Street, Suite A, Springfield, Illinois 62706 (executive clemency parole violation issues, etc.).

_____ The Chief Administrative Officer has determined your grievance issue a non-emergency. If you reject this decision, forward your grievance directly to Grievance Office.

Other: Request for Yard Restriction reductions can be forwarded to your counselor once every (90) days. If denied, then ignore the issue. You have not given any date of denial.

RECEIVED

ILLINOIS DEPARTMENT OF CORRECTIONS
OFFENDER'S GRIEVANCE

ADMINISTRATIVE

Date: 8-13-16	Offender: (Please Print) CORDELL SANDERS	REVIEW BOARD ID#: R41346
Present Facility: PONTIAC	Facility where grievance issue occurred: PONTIAC	
NATURE OF GRIEVANCE: <input type="checkbox"/> Personal Property <input type="checkbox"/> Mail Handling <input type="checkbox"/> Restoration of Good Time <input checked="" type="checkbox"/> ADA Disability Accommodation <input type="checkbox"/> Staff Conduct <input type="checkbox"/> Dietary <input type="checkbox"/> Medical Treatment <input type="checkbox"/> HIPAA <input type="checkbox"/> Transfer Denial by Facility <input type="checkbox"/> Transfer Denial by Transfer Coordinator <input checked="" type="checkbox"/> Other (specify): IN ADEQUATE MENTAL HEALTH TREATMENT <input type="checkbox"/> Disciplinary Report: _____ Date of Report _____ Facility where Issued _____		
Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification. Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to: Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board. Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor. Chief Administrative Officer, only if EMERGENCY grievance. Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.		
Summary of Grievance (Provide information including a description of what happened, when and where it happened, and the name or identifying information for each person involved): I have been in disciplinary segregation for approximately 8 straight years and about a total of 10 years and have over 10 years of disciplinary segregation left to serve which my mental health diagnosis of Intermittent Explosive Disorder ("IED") and Schizoaffective Disorder and Bipolar Disorder was the underlining cause of or at least contributed to. I was first diagnosed as having ("IED") and Schizoaffective Disorder in 2008 by Stateville's mental health people. Pontiac Corr. Ctr mental health people have diagnosed me with ("IED") Schizoaffective Disorder, Bi-polar Disorder, etc. Schizoaffective Disorder is Major Depressive Disorder and depressed mood which I		
Relief Requested: TO BE GIVEN A PERSONALIZED MENTAL HEALTH TREATMENT; TO HAVE MY YARD RESTRICTIONS ELIMINATED FOR MENTAL REASONS; TO HAVE THE SELF-MUTILATE POLICY ABOLISHED IN ORDER TO SPEAK WITH MENTAL HEALTH; TO BE RELEASED FROM SEG AND PUT IN A MENTAL HEALTH SETTING, ETC. <input checked="" type="checkbox"/> Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.		
Offender's Signature: <u>CordeLL Sanders</u>		ID#: <u>R-41346</u> Date: <u>8, 13, 16</u>

PLAN;

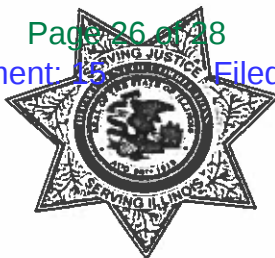
Counselor's Response (if applicable)		
Date Received: _____	<input type="checkbox"/> Send directly to Grievance Officer	<input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277
Response: _____		
Print Counselor's Name: _____	Counselor's Signature: _____	Date of Response: _____

copy of 8/22/16

EMERGENCY REVIEW		
Date Received: 8/15/16	Is this determined to be of an emergency nature?	EX. D
<input type="checkbox"/> Yes; expedite emergency grievance <input checked="" type="checkbox"/> No; an emergency is not substantiated. Offender should submit this grievance in the normal manner.		Date: 8/16/16
Chief Administrative Officer's Signature: <u>Michael P. Melvin</u>		Date: _____

most of the day which is recurrent with 4 or more major episodes a week which has been this way for years. I have lost interest and pleasure in daily activities. I experience severe fatigue and loss of energy every day. I've notice diminished ability to think and concentrate and indecisiveness. I also suffer from restricted social contact and sometime experience difficulties with self care. I display catatonic and melancholic features. Being in disciplinary segregation entail that I am in the cell 24 hours a day 7 days a week, unless I am summoned to see a mental health person or to the prison infirmary which is rare, which is the underlying cause of my mental illness along with the conditions of seg and aggravate my Schizoaffective Disorder and "IED" mental illnesses which has persisted for 8 straight years and has lead to suicide attempts which I have complained to the mental health people A. Moss, K. Haag, Dr. Marano, Todd Nelson, Linda Duckworth, Stephen Lantern Major Wardens at Pontiac Corr. Ctr. I have requested to the aforementioned people to be released from seg and they have refused. For the past two years, I have been restricted from out-the-cell exercise yard time for unrelated yard reasons by the Adjustment Committee members. I have repeatedly complained to mental health person A. Moss, K. Haag, Dr. Marano, T. Nelson, S. Lantern, etc about the adverse profound psychological effect of being deprived of outside exercise and have requested to them to prescribe me outside the cell yard time for mental health reasons like they do inmates who have been on suicide watch 10 days or more to no avail. I have also requested a yard denial elimination from Warden Pierce and was denied. The lack of outside the cell exercise has lead to or contributed to my suicide attempt and I believe it will lead to more in the future with the latest one being July 24, 2016.

Mental health workers Dr. Marano, K. Haag, and A. Moss require inmates to first self-mutilate, over dose on pills, hang themselves, or falsly declare to be suicidal in order to speak with them about non-suicidal issues. On 10-27-15 Plaintiff had to ingest 69 Mirm Pills and Kemion pills in order to speak with a mental health person who was subsequently placed on suicide watch for 3 days. On Nov 3, 2015, in retaliation for needing to speak with a social worker for non-suicidal reasons, A. Moss placed me on suicide watch for 2 days under the directions of Major Pientice, a non-mental health person - my claim of not being suicidal. On July 1, 2016, A. Moss who was in the north cell house told prison guards that I had to declare to be suicidal in order to talk to a mental health worker. I falsly declared to be suicidal and was allowed to talk to social worker Brady about non-suicidal issues. The mental health workers consistently violate Administrative Directive that govern mental health treatment when they dont interview me on a weekly basis while in segregation. Dr. Marano, Haag, Moss, Nelson, Lantern, etc. refuse to devise me a personal mental health treatment plan despite my numerous requests. The conditions complained of have lead to my previous suicide attempt and I believe will lead to more in the future. Warden & mental health workers refused to release me from SEG



8/16

The Illinois Department of Corrections

Pontiac Correctional Center
700 W. Lincoln Street, P.O. Box 99 • Pontiac, IL 61764 • (815) 842-2816 TDD: (800) 526-0844

MEMORANDUM

RECEIVED

AUG 25 2016

ADMINISTRATIVE
REVIEW BOARD

DATE: 8-18-16
TO: Name: Sanders IDOC #: R 41346

FROM: Grievance Officer S. Simpson
Pontiac Correctional Center

SUBJECT: Grievance(s) dated: 8/13/16 Topic: Medical Issue: Mental Health Treatment Plan

The attached is being returned for the reason(s) listed below:

- Contact your Correctional Counselor. Per DR 504 Grievances, "A committed person shall first attempt to resolve incidents, problems or complaints, other than complaints concerning disciplinary proceedings, through his counselor".
- Use proper Committed Person's Grievance (DOC 0046).
- Provide date(s) of disciplinary reports(s) and facility where incident(s) occurred.
- Forward grievance directly to the Administrative Review Board (protective custody, enforced medication, disciplinary reports from other facilities, decisions by the Transfer Coordinator's Office, decisions rendered by the Director).
- Not submitted in the timeframe outlined in Department Rule 504; therefore, issue will not be addressed further. Discovery date of incident, occurrence, or problem: _____.
- Unable to determine nature of grievance/correspondence. Submit additional specific information.
- Illegible copy submitted – submit legible copy for consideration.
- Request restoration of GCC, segregation time cut, grade restoration to the Adjustment Committee. If request is denied, utilize the grievance process for further consideration.



EX. D



_____ Issue has been previously addressed on _____. No justification for further consideration.

_____ Contact the Record Office with your request and/or additional information (sentence calculations, jail credits, etc.).

_____ Address concerns to the Illinois Prisoner Review Board, 319 East Madison Street, Suite A, Springfield, Illinois 62706 (executive clemency parole violation issues, etc.).

_____ The Chief Administrative Officer has determined your grievance issue a non-emergency. If you reject this decision, forward your grievance directly to Grievance Office.

Other: Reductions in Yard Restriction and Segregation can be requested through your Counselor once every (90) days. If denied, then grieve the issue.

Administrative Review Board

Return of Grievance or Correspondence

Offender: Sanders Cordell R4B46
Last Name First Name MI ID#

Facility: Pontiac

Grievance: Facility Grievance # (if applicable) N/A Dated: 8/9/16 X or Correspondence: Dated: _____

Received: 8/25/16 Date Regarding: Conditions (ventilation, yard restriction)
DR JDR expunged mental health treatment

The attached grievance or correspondence is being returned for the following reasons:

Additional information required:

- Provide a copy of your written Offender's Grievance, DOC 0046, including the counselor's response, if applicable.
- Provide a copy of the Response to Offender's Grievance, DOC 0047, including the Grievance Officer's and Chief Administrative Officer's response, to appeal. if timely
- Provide dates of disciplinary reports and facility where incidents occurred.
- Unable to determine nature of grievance or correspondence; submit additional specific information. Please return the attached grievance or correspondence with the additional information requested to: Administrative Review Board
Office of Inmate Issues
1301 Concordia Court
Springfield, IL 62794-9277

Misdirected:

- Contact your correctional counselor regarding this issue.
- Request restoration of Statutory Sentence Credits to Adjustment Committee. If the request is denied by the facility, utilize the offender grievance process outlined in Department Rule 504 for further consideration.
- Contact the Record Office with your request or to provide additional information.
- Personal property issues are to be reviewed at your current facility prior to review by the Administrative Review Board.
- Address concerns to: Illinois Prisoner Review Board
319 E. Madison St., Suite A
Springfield, IL 62706

No further redress:

- Award of Supplemental Sentence Credits are discretionary administrative decisions; therefore, this issue will not be addressed further.
- Not submitted in the timeframe outlined in Department Rule 504; therefore, this issue will not be addressed further.
- This office previously addressed this issue on _____ Date
- No justification provided for additional consideration.

EX. D

Other (specify): _____

Completed by: LISA QUALLS Lisa Qualls 8/29/16
Print Name Signature Date

AO 240 (Rev. 10/03)

UNITED STATES DISTRICT COURT

Central

District of

Illinois

Cordell Sanders

Plaintiff

v.

Warden Micheal Melvin, et al,

Defendant

APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVIT

SCANNED OFF PC and e-mailed

09.29.16 (date) by JP (initials)

CASE NUMBER:

2 (# of pages)

I, Cordell Sanders declare that I am the (check appropriate box)

petitioner/plaintiff/movant other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? Yes No (If "No," go to Part 2)

If "Yes," state the place of your incarceration PONTIAC, CORRECT

Are you employed at the institution? NO Do you receive any payment from the institution? NO

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? Yes No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer. Never been employed

3. In the past 12 twelve months have you received any money from any of the following sources?

- a. Business, profession or other self-employment Yes No
- b. Rent payments, interest or dividends Yes No
- c. Pensions, annuities or life insurance payments Yes No
- d. Disability or workers compensation payments Yes No
- e. Gifts or inheritances Yes No
- f. Any other sources Yes No

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

AO 240 Reverse (Rev. 10/03)

10 dollar gift from a relative

4. Do you have any cash or checking or savings accounts? Yes No

If "Yes," state the total amount. ZERO

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value? Yes No

If "Yes," describe the property and state its value.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

NONE

* Plaintiff has "struckout" and is filing this in forma Pauper Petition pursuant to the imminent danger exception

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

9-25-16

Date

Parvinder Kaur

Signature of Applicant

NOTICE TO PRISONER: A Prisoner seeking to proceed without prepayment of fees shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF ILLINOIS, PEORIA DIVISION

SCANNED at PCC and E-mailed

Cordell Sanders

03.30.17 (date) by SP (initials)

Plaintiff

7 (# of pages)

vs

No. 16-CV-1366

Melvin et al

Defendants

MOTION TO ALTER OR AMEND JUDGMENT

Pursuant to Fed. R. Civ. P. 59(e), Plaintiff Cordell Sanders, moves this Court to reconsider his § 1983 Complaint, and rescinded its judgment dismissing the same.

As grounds for this motion Plaintiff shows the following good cause:

1). Plaintiff is an inmate in the custody of the Illinois Department of Corrections ("IDOC"), currently incarcerated at Pontiac Correctional Center ("Pontiac")

2. Plaintiff is a Doctor Classified Seriously Mentally Ill Inmate ("SMI") with mental health diagnosis of Schizoaffective Disorder (Major Depression); Intermittent Explosive Disorder ("IED") and possibly Impulse Control Disorder ("ICD") who has been in isolation for 8 years which is the underlying cause of his mental health diagnosis, with the Schizoaffective disorder leading to several suicide attempts

3) On 9.29.16, Plaintiff filed a civil rights complaint in this Court pursuant to 42 U.S.C. 1983, seeking injunctive relief for an immediate release from disciplinary isolation and monetary damages and mental health treatment effective for his diagnosis

4) The Court granted Plaintiff's in forma pauperis petition which the Plaintiff filed pursuant to the imminent danger requirement pursuant to 28 U.S.C. § 1915 (g)

5) That on 3.22.17, this Court conducted a merit review of Plaintiff's complaint and found that the claims therein did not meet imminent danger requirement of 28 U.S.C. § 1915 (g) without considering ALL the claims Plaintiff made in his complaint and referenced claims that Plaintiff did not make in his complaint to revoke Plaintiff in forma pauperis status

6) That Plaintiff has substantially set forth cognizable imminent danger claims for a grant of in forma pauperis pursuant to 28 USC § 1915 (g)

7) That this motion is timely filed because Plaintiff has brought it within the 28 day limitations period provided by law

8. A memorandum of Law in support of the above is attached hereto and incorporated herein

WHEREFORE, Plaintiff, CORDELL SANDERS, respectfully request that this Honorable Court reconsider his Complaint and in forma pauper petition and rescind it's judgment

Respectfully Submitted
CordeLL Sanders R41346
700 W. Lincoln, St
Pontiac, IL 61764

IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
ILLINOIS, PEORIA DIVISION

Cordell Sanders

Plaintiff

No. 16 CV 1366

vs

Warden Michael Melvin, et al,

Defendants

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION TO
ALTER OR AMEND JUDGMENT

Now come Plaintiff Cordell Sanders, pro-se, pursuant to Fed. R. Civ. P. 59(e) and in support of Plaintiff's Motion to Alter or Amend Judgment, state as follows

I. INTRODUCTION

On September 29th 2016, Cordell Sanders, an incarcerated seriously mentally ill citizen held at Pontiac Corr. Ctr's isolation unit ("Pontiac") filed this § 1983 civil rights complaint alleging, generally, that the Warden, Michael Melvin and the Mental Health Professionals ("MHP's") are not providing Plaintiff with adequate mental health treatment, refuse to allow Plaintiff any out-side-the cell time, subjecting Plaintiff to extreme isolation, extreme heat, etc and is in imminent danger of committing suicide due to the long term isolation and deplorable conditions of confinement which has been everlasting, which is the underlying cause of his Schizoaffective Disorder (Recurrent), which is a serious form of Major Depression and his Intermittent Explosive Disorder ("IED") and his seriously mentally ill ("SMI") designation (complaint at counts 1, 2, 3)

Plaintiff insists that the extreme isolation is the underlying cause of his Major Depression, IED and SMI designation and repeated suicide attempts, including the extreme heat, self mutilation first policy, no out of cell exercise time, is real and proximate and establish that he is in imminent danger. He requests injunctive relief and compensatory and punitive damages.

The court granted Plaintiff's in forma pauper petition. On March 22, 2017, the Court held a merit review of the Complaint and held that Plaintiff was not in any imminent danger. For the reasons discussed below, the court should reinstate Plaintiff's in forma pauperis petition status and his Complaint.

II. TIMELINESS OF FILING

1. This motion is timely filed because Plaintiff has brought it within 10 days after entry of judgment dismissing his civil action.

III. TOLLING OF TIME TO APPEAL

2. Due to this motion being timely filed, the running of the time for filing notice of appeal must be tolled. see, U.S. Labor Party v. Oremus 619 F.2d 683 (7th Cir 1980)

III. FACTS

During the merit review of March 22, 2017, the court failed to take into consideration ALL of Plaintiff's mental health diagnosis. The court only made reference to Plaintiff's Intermittent Explosive Disorder ("IED") and not Plaintiff's Schizoaffective Disorder, Recurrent (Major Depression) which is a little more serious than IED and is known to lead to recurrent suicide (as in the Plaintiff's case) attempts and to suicide attempts in it's victims and that isolation Plaintiff is subject to is the underlying cause of his Major Depression, Recurrent

the Court failed to take into consideration that Davenport v. DeRobertis, 844 F.2d 1310 (7th Cir. 1988), that it was upheld, as not clearly erroneous, a judge's finding that the Eighth Amendment entitled prisoners held in segregation for 90 days or more to five hours of out-of-cell exercise a week. See also Anderson v. Romero, supra. 72 F.3d at 527-28; Jamison-Bey v. Thieret 867 F.2d 1046 (7th Cir. 1989); Allen v. Sakai, 40 F.3d 1001, 1004 (9th Cir. 1994).

Confinement in segregation is an approximation to solitary confinement, and evidence that this court in Davenport found convincing indicates that long stretches (in Plaintiff's case 8 years) of such confinement can have serious adverse effects on prisoners' psychological well-being. When unrelieved by opportunities for out-of-cell exercise, such confinement could reasonably be described as cruel and unusual punishment.

The Court also put allegations in Plaintiff's Complaint that Plaintiff did not state. On page 3 of the Merit Review Order, the Court stated "Plaintiff claims the self-mutilation was done so that he would receive mental health treatment" Plaintiff never received a mental health treatment plan; the Plaintiff was never released from isolation which is the underlying cause of his Schizoaffective Disorder which results in suicide attempts when exacerbated. Plaintiff's suicide attempt on October 27, 2015 was not volitional or any of the other suicide attempts like on July 24th 2016 and July 27 2016. Plaintiff was ^{not} allowed any out of cell time or psychotherapy treatment as a result of attempting suicide as a form of mental health treatment. So, there is no way that the court could have even thought the Plaintiff received adequate mental health treatment for his Schizoaffective and I.E.D. diagnosis.

WHEREFORE, Plaintiff requests this Court reconsider the Plaintiff's Complaint and consider the Plaintiff's Schizoaffective Disorder (Major Depressive Disorder, Recurrent) along with his Intermittent Explosive Disorder and find that because Plaintiff isn't getting adequate mental health treatment for his diagnosis, no out the cell exercise time, and the condition of confinement and extreme isolation and that his multiple suicide attempts were a result of his mental health diagnosis and not volitional and find that the Plaintiff is in imminent danger and reinstate Plaintiff Informa Pauperis petition - status and allow the Plaintiff's Complaint to proceed.

Cordell Sanders R 41346
700 W. Lincoln St
Pontiac, IL 61764

Submitted by
Cordell Sanders