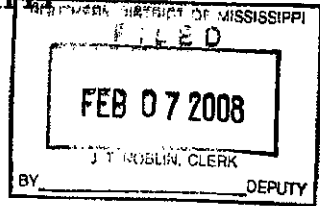


Court's Copy

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

COMPLAINT



Barlow, etal Pre-Trial
(Last Name) (Identification Number)

Charles Robert
(First Name) (Middle Name)

Forrest County Regional Jail
(Institution)

316 Forrest St, Hattiesburg, Ms 39401
(Address)
(Enter above the full name of the plaintiff, prisoner, and address plaintiff in this action)

v.

CIVIL ACTION NUMBER: 08cv31KS-MTF
(to be completed by the Court)

Forrest County Sheriffs Department, etal

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

OTHER LAWSUITS FILED BY PLAINTIFF

NOTICE AND WARNING:
The plaintiff must fully complete the following questions. Failure to do so may result in your case being dismissed.

A. Have you ever filed any other lawsuits in a court of the United States? Yes () No (X)

B. If your answer to A is yes, complete the following information for each and every civil action and appeal filed by you. (If there is more than one action, complete the following information for the additional actions on the reverse side of this page or additional sheets of paper.)

1. Parties to the action: N/A

2. Court (if federal court, name the district; if state court, name the county): N/A

3. Docket Number: N/A

4. Name of judge to whom case was assigned: N/A

5. Disposition (for example: was the case dismissed? If so, what grounds? Was it appealed? Is it still pending?): N/A

PARTIES

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

I. Name of plaintiff: Charles Barlow Prisoner Number: Pre-Trial
Address: 316 Forrest St, Hattiesburg, Ms 39401

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

II. Defendant: Forrest County Sheriff's Department - Deputies unnamed is employed as
Jailers at
Forrest County Sheriff's Department, 316 Forrest St, Hattiesburg, Ms 39401

The plaintiff is responsible for providing the court the name and address of each plaintiff(s) as well as the name(s) and address(es) of each defendant(s). Therefore, the plaintiff is required to complete the portion below:

PLAINTIFF:

NAME:	ADDRESS:
<u>Ethan Morgan</u>	<u>316 Forrest St, Hattiesburg, Ms 39401</u>
<u>Charles Street</u>	<u>316 Forrest St, Hattiesburg, Ms 39401</u>

DEFENDANT(S):

NAME:	ADDRESS:
<u>Forrest County Sheriff's Department</u>	<u>316 Forrest St, Hattiesburg, Ms 39401</u>
<u>Defendants unknown at this time</u>	<u>316 Forrest St, Hattiesburg, Ms 39401</u>
<u>by name but identified by sight</u>	

GENERAL INFORMATION

A. At the time of the incident complained of in this complaint, were you incarcerated because you had been convicted of a crime?

Yes () No (X)

B. Are you presently incarcerated for a parole or probation violation?

Yes () No (X)

C. At the time of the incident complained of in this complaint, were you an inmate of the Mississippi Department of Corrections (MDOC)?

Yes () No (X)

D. Are you currently an inmate of the Mississippi Department of Corrections (MDOC)?

Yes () No (X)

E. Have you completed the Administrative Remedy Program regarding the claims presented in this complaint?

Yes () No (X), if so, state the results of the procedure: _____

F. If you are not an inmate of the Mississippi Department of Corrections, answer the following questions:

1. Did you present the facts relating to your complaint to the administrative or grievance procedure in your institution?

Yes (X) No ()

2. State how your claims were presented (written request, verbal request, request for forms): Written request

Grievance form supplied/approved by the Forrest County Sheriff's Department

3. State the date your claims were presented: October 3, 2007 (more than 90 days)

4. State the result of the procedure: Forrest County Jail does not respond to inmate

grievances in writing. Shift Supervisors and others respond with remarks such as "Too Bad", or "Bond Out", or "Do the crime, do the time", and/or other remarks.

STATEMENT OF CLAIM

III. State here as briefly as possible the facts of your case. Describe how each defendant is involved. Also, include the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of different claims, number and set forth each claim in a separate paragraph. (Use as much space as you need; attach extra sheet if necessary.)

- ① Inmates are denied total access to the courts, Pre-Trial and Federal inmates are not allowed access to the law library. ② RVRs (Rule Violation Reports) are not issued but inmates are punished at staff's discretion. ③ Disciplinary hearings are never held.
- ④ Inmates are not allowed to read or ~~learn~~ familiarize themselves with the rules & policies of this jail, but are punished at will by staff. ⑤ Not given but 1 (one) hour per month of yard time, if any at all. ⑥ Sheriff McGee admitted on WDAW - News 7 on January 7, 2008 that the jail was far below Federal Standards. ⑦ Jail is severely overcrowded.
- ⑧ Inmates sleep on the floor which is filthy. ⑨ Inmates must sleep on mats that are ~~old~~, old, wore out and nasty. ⑩ Mold/mildew cover the walls in living spaces. ⑪ Inmates are forced to stand outside in inclement weather wearing only a paper jumpsuit with their underwear pulled down to their ankles. ⑫ Inmate grievances are not answered in writing.

RELIEF

IV. State what relief you seek from the court. Make no legal arguments. Cite no cases or statutes.

- ① \$10,000,000 (USD) in enhanced, punitive & exemplary damages.
- ② \$25,000 (USD) for all inmates that have been denied access to the Law Library.
- ③ The award of various damages upon satisfaction of a Standard of Proof less than ~~that~~ what is applicable to the imposition of Criminal Sanctions
- ④ Plaintiff's not be required to provide specific standards for the amount

Signed this 3rd day of February, 2008.

X Charles R. Rowles Jr.
316 Forrest St, Matthews Ms 39401
Signature of plaintiff, prisoner number and address of plaintiff

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

2-3-08
(Date)

X Charles R. Rowles Jr.
Signature of plaintiff

STATEMENT OF CLAIM (continued)

13. Electrical receptacles are damaged in living areas - exposing live wires.
14. Paint on the walls are chipped and pieces fall all over inmates
15. Staff members do not perform inspections nor do they respond when inmates inform them of malfunctions or deficiencies
16. Zones are normally filled to more than twice the capacity they were designed for, causing fights, arguments and other unnecessary problems
17. Light bulbs are seldom replaced. Inmates are in blackout conditions most of the day or inadequate lighting makes it difficult to read or function.
18. Not allowed any type of news from the outside world. Not allowed newspapers with current issues. No magazines. Only allowed religious magazines that are not of my religion.
19. Over crowding causes the noise level to be unbearable at times
20. Indigent inmates are denied medical treatment.
21. Zones/Cell blocks do not have fire alarms or sprinklers.
22. Staff infection is widespread through out the Facility
23. Pre-Trial inmates are forced to work
24. Staff uses constant profanity and demeaning language toward inmates
25. Trustees issue medicine at times
26. Forced to sign the med log book in advance or an inmate will not be issued his medicine
27. Inmates are locked down from 10 pm until 5 am. They are not allowed to use the restroom. Some inmates take fluid pills and this action causes distress and severe pain
28. There is no heat in the zones during winter months. Even the staff members must bundle up while working inside.

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STATEMENT OF CLAIM (continued)

29. Not given grievance forms, medical requests forms when asked for. Inmates must wait several days for these.
30. Legal papers that must be notarized are seldom done. The notary will only do it at her discretion. (I have a form from her stating this.)
31. Trash bag for the entire zone is tied to the rail. The bag is open, it smells, leaks and causes cleanup and other problems.
32. Drains stay stopped up for days.
33. Commodes constantly overflow into the zone with raw sewage being exposed to inmates.
34. When food trays are served the food is all mixed together as if you were feeding hogs.
35. Inmate with medical conditions such as high blood pressure, diabetes, etc. are not given the proper food tray. They are constantly given food such as bologna, salami, hot dogs, sausages and others that are detrimental to their health.
36. Water/Kool-Aid for meals is issued from a trash can.
37. During shakedowns (searches) by staff members, inmates are not allowed to keep their legal papers with them. Staff members will read the legal papers to see if they are named as defendants, if so inmates are punished at random without cause or justification by staff.
38. Jumpsuits that must be worn have to be jury rigged to stay buttoned because they are wore out. Inmate get reprimanded if not buttoned.

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STATEMENT OF CLAIM (Continued)

39. Inmates are beaten and punished at random without a hearing and without provocation from the ~~inmate~~ staff.
40. Foods such as bread is issued with mold on it. Other foods have items like metal pieces, roaches, etc. mixed with it.
41. Metal grating on windows are covered with dirt, dust balls and remain filthy. They are never cleaned. We have asked to clean them.
42. Inmate Handbook is not issued or made available as mandated by Civil Action # 2-95-cv-144 PG.
43. Various gangs are allowed to conduct prayers (all in front of staff members) but Christian and other religious inmates are not allowed to pray to God or participate in a known religious service (Jewish, Catholic, Baptist, etc.)
44. Defendants are staff members which are un-named at this time because staff members at this time can only be identified by visual sight. But can be named individually later.
45. Plaintiffs request this U.S. 1983 Form be given "Class Action" status because of the claims written and mentioned in this proceeding.
46. All items in this STATEMENT OF CLAIM constitute the following violations of law. ① Inmates are denied complete and total access of the law library and the courts. ② Violations of Due Process. ③ Cruel and Unusual punishments.
47. Alleged violations violate inmates Constitutional Rights pursuant to FRCP and others.
48. Defendants acted and continue to act with deliberate intentions against not just the plaintiffs but against all inmates, which rise to the level of constitutional deprivations under the laws of the United States and/or the Constitution of the United States.

(5)

STATEMENT OF CLAIM (continued)

49. Defendants do "NOT" have qualified immunity.
50. Defendants conduct are in continued violation of clearly established Constitutional Rights and are objectively "Unreasonable".
51. Insofar as any state law claims are concerned, defendants cannot invoke the privileges and immunities of MS Code 11-46-1
52. Defendants are "NOT" protected by and cannot invoke any of the immunities granted by judicial, common law and/or statutory sovereign immunity.
53. Forrest County Sheriff's Department is totally responsible for it's employees and/or agents actions.
54. Defendants were not and continue to "not" act within the scope and course of their employment/duties and can be held liable in their official and individual capacity.
55. Defendants were not and continue to "NOT" act in their official capacity and their actions were not and are not in good faith without malice are and are not within the scope and course of their duty.
56. Plaintiffs claims are "NOT" barred by the applicable statute of limitations, res judicate, collateral estoppel, laches, waiver, contributory negligence, accord and satisfaction, lack of standing and/or release
57. Defendants (Sgts/shift Supervisors) have admitted to inmates that they are guilty by their actions and laugh when informed that they will be brought to Federal Court for their illegal actions. The same defendants also state "they run this jail, not some Yankee Jewboy Judge".
58. Standard of conduct upon which damages are sought is "NOT" vague and are well within all of the plaintiff's rights

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STATEMENT OF CLAIM (Continued)

59. U.S. citizens, whether convicted or pre-trial are allowed by law to act Pro Se in any case or court of law.
60. Sheriff McGee is a convicted criminal himself and his actions toward the Forrest County Regional Jail reflect this.

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RELIEF (Continued)

- Cont.
4. of the award of punitive, enhanced and exemplary damages
 5. Plaintiffs not be limited on the amount of the award of damages against the defendants
 6. This procedure be allowed to permit the admission of evidence relative to damages in the same proceedings during which liability and compensatory damages are concerned
 7. This procedure result in the award of joint and several judgements against multiple defendants for different alleged acts of wrongdoings.
 8. Plaintiffs request the right to add additional claims as the same become known during the course of Discovery for this case.
 9. Defendants are to be sued in their individual and official capacity
 10. Criminal charges be filed against any and all defendants
 11. Plaintiff's are denied access to the courts and the law library and request the court provide them with 2 (one) copy each ~~defendant~~ of the following:
④ FRCP 12(b)(6), ⑤ Civil Action No: 2:95-cv-144-PG
 12. Immediate injunctive relief allowing inmates access to the law library.
 13. Inmates be given a copy of the mandated "Inmate Handbook" upon in carceration.
 14. Copy of the inmate grievance logbook to show not only how many grievance have been filed but how many grievance have been answered and what was the disposition of each.
 15. Copy of the inmate disciplinary logbook to show the same as item #14.
 16. Copy of the inmate RVR logbook to show how many and what type of RVRs have been issued.

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RELIEF (Continued)

17. Civil Rights charges be filed against the Forrest County Regional Jail and un-named defendants
18. Immediate injunctive relief that the Forrest County Jail be brought to the level of Federal Mandated Levels.
19. Plaintiffs request to add additional items of relief as this procedure continues.
20. Forrest County Sheriff's Department be charged with Federal Contempt of Court.
21. Set a designated day with ample "hours" in the law library for all inmates that request ^{the} option to exercise their Constitutional Rights.