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IN THE UNITED STATES DISTRICT COURT

95 SEP 19 FOR THE MIDDLE DISTRICT OF ALABAMA

hitching post deprives inmates of liberty without due process of law. 7. Both practices deprive

2. This action arises under the Eighth and Fourteenth Amendments to the United States Constitution, 28 U.S.C. § 1331, and federal jurisdiction is invoked pursuant to 28 U.S.C. §§ 1331, 1343.

3. This Court has jurisdiction over plaintiffs' request for declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201-2202.

Plaintiff Richard Miller was assigned to the Federal Correctional Facility in Capshaw, Alabama, and was assigned to the chain gang there.

Plaintiff Ogie Hayes was an inmate at the Federal Correctional Facility in Capshaw, Alabama, and was assigned to the chain gang there.

Plaintiff Ogie Hayes was an inmate at the Federal Correctional Facility in Capshaw, Alabama, and was assigned to

6. P
Facility in Cap

CLASS ACTION

10. The plaintiffs bring this suit on their own behalf and on behalf of all persons similarly situated.
11. The individual plaintiffs' suits are representative pursuant to Rule 23 of the Federal Rules of Civil Procedure. The prerequisites of Rule 23(a)

morning on buses specially designed for the chain gang program. Unlike other Department of Corrections buses, the emergency exits at the rear of these buses are sealed shut.

10. The prisoners in the chain gangs are chained together

...ies together poses a substantial risk of serious harm or death to plaintiffs as they labor on the roadside in close proximity to passing traffic traveling at speeds of over fifty-five miles per hour.

...ide increases the likelihood of accidents, because the chain gang s...stem infuse... large new class of pedestrians onto Alabama roads for...n hours each day.

...s... attention is diverted away from... b. The defendants intend for the sight of prisoners in chain gangs to attract the attention of passing motorists. Defendants' actions have had their intended effect. Motorists' attention is diverted away from the road.

vehicle occurs, because the "gang" can be dragged into the accident by the chains that bind it.

21. In just the first two weeks after the chains in gangs were reinstated, several near accidents took place as drivers slowed

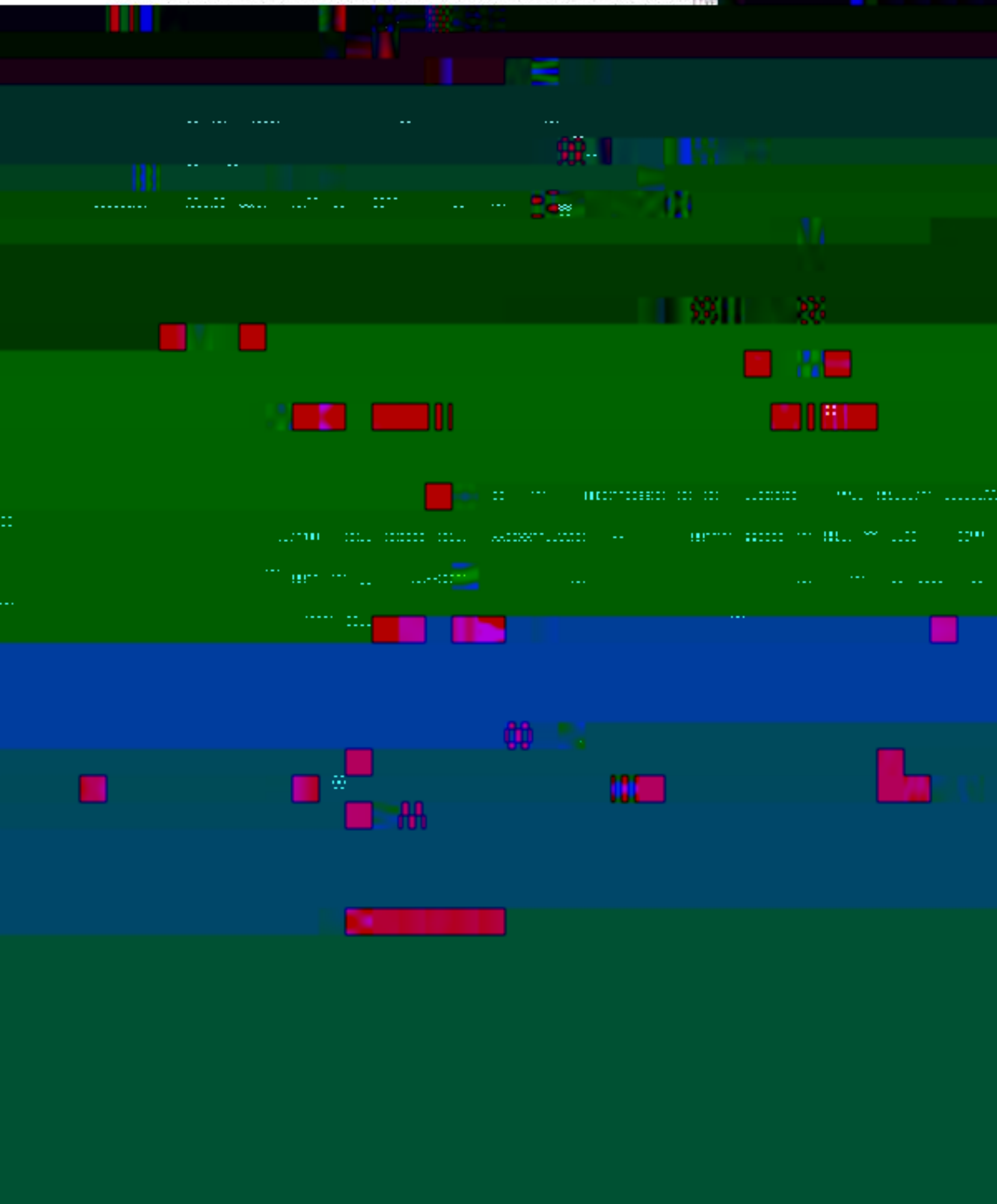
physical confront

that working on the d... nam gang
creates a substantial risk

29. As part of a systematic effort to degrade and humiliate chain gang inmates, guards assigned to the chain gang frequently use unnecessary force against inmates and hurl racial epithets at them.

30. Chaining men together like animals is a barbarous punishment, specifically designed to inflict mental pain upon prisoners. It deprives class

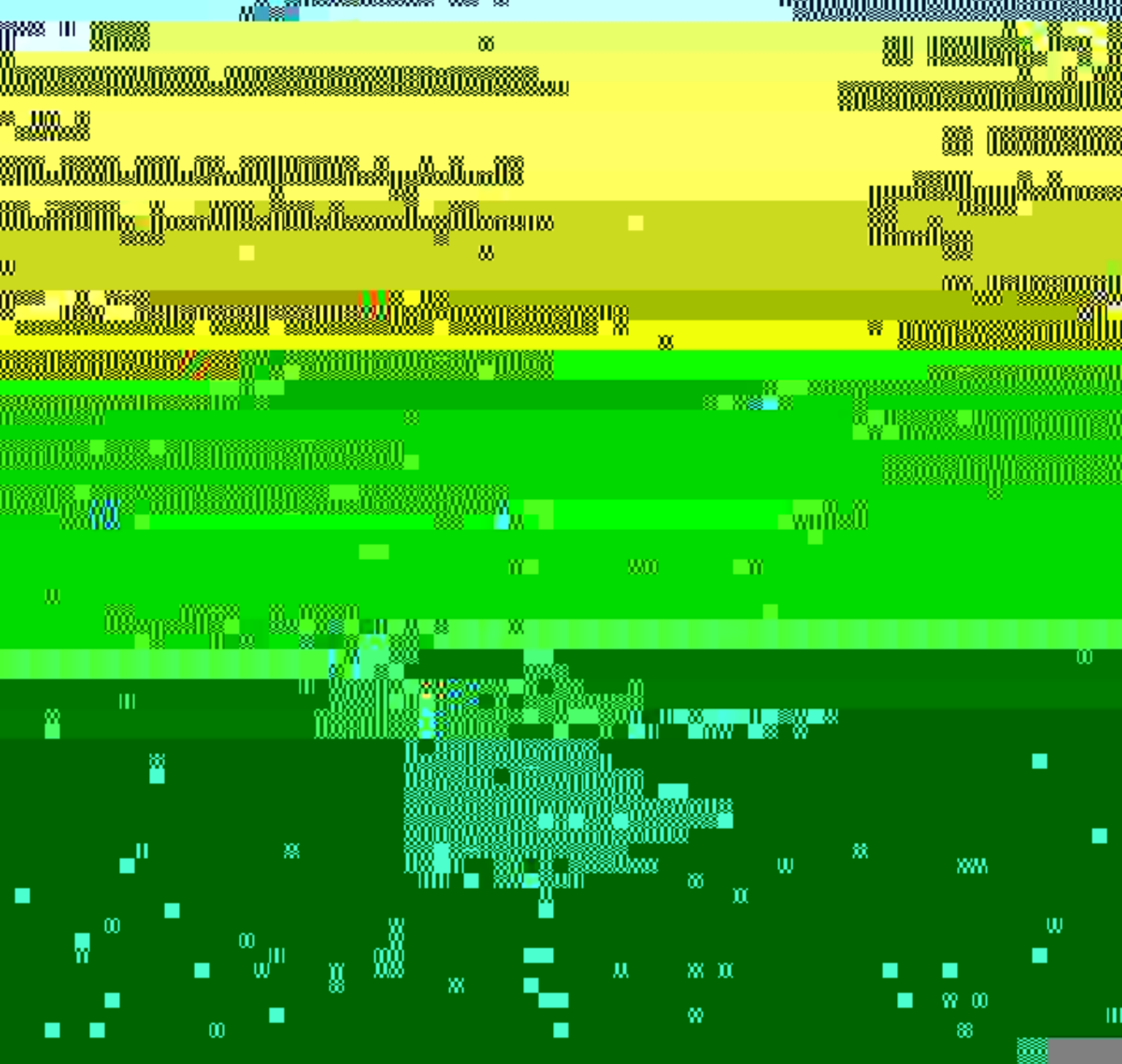
the hot sun. Inmates have had their limbs stretched taut and



39. Defendants know but are deliberately indifferent to their practices create a substantial or serious worry to the inmates and deprive them of their basic

and without any, as such, violates the Eighth and Fourteenth Amendments to the United States Constitution.

and analysis. A brief review of the review



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CERT

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