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27 Apr 2013 | *The Daily Item (Sunbury, PA)* | By Marcia Moore | *The Daily Item*

Judge: Suit vs. prison viable

Restraints as punishment at center of inmate's case

SCRANTON — The federal lawsuit over conditions at the U.S. Federal Penitentiary at Lewisburg has survived a dismissal motion, but Sebastian Richardson's case will not be a classaction proceeding.

U.S. Middle District Senior Judge William Nealon earlier this month made those decisions and also denied a defense request for a more definite statement of allegations made by Richardson.

Richardson, represented by the Pennsylvania Institutional Law Project in Philadelphia, alleges inmates at the maximum-security prison are subjected to unconstitutional and unconscionable conditions.

The basis of Richardson's complaint is discipline he says he has endured since he arrived at Lewisburg in 2010 because he has at times refused to accept certain cellmates for fear of his safety.

He alleges after he refused one cellmate who had a history of assault he was placed in restraints so tight he was in pain. On Feb. 10, 2011, he claims he was put in four-point restraints on a bed and denied bathroom privileges.

After eight hours, he claims he was removed from four-point restraints, was placed in others and remained in them until that Feb. 23, when they were removed so he could take a shower.

The lawsuit, filed in 2011, claims medical and custodial staff at Lewisburg routinely ignored inmate complaints of pain and other medical problems caused by restraints.

Court asked to reconsider class-action

Dave Sprout, of the inmate advocacy group Lewisburg Prison Project, said the 3rd Circuit Court is being asked to reconsider allowing the suit to move forward as a class-action proceeding because the plaintiffs are challenging the prison's alleged use of hard restraints as punishment against inmates and not simply one incident involving Richardson.

Richardson alleges he was told the only way he would be let out of restraints was to accept any cellmate chosen for him, whether that cellmate was hostile or not.

The Louisiana resident, who has been in jail since 1994 on drug charges, accuses the penitentiary of using restraints in violation of Bureau of Prisons policy to punish inmates who refuse a cellmate because they fear for their safety.

He had requested the suit be made a class action to include all inmates present or future at Lewisburg, but Nealon ruled that was too broad.

However, the judge refused to grant immunity to prison officials who are named defendants because, he wrote, if the allegation Richardson spent 28 consecutive days in restraints is true, it would be a violation of his constitutional rights.

The defendants asked if the complaint was not dismissed, Richardson be made to file a more definite statement of what he is alleging. Nealon found the complaint is not so vague or ambiguous the defendants could not frame a response.

The judge gave the defendants, who include former Warden Bryan A. Bledsole, 15 corrections officers and a BOP administrator at the time, until mid-May to answer the complaint.

Richardson is seeking an injunction to stop the alleged cruel conditions, along with unspecified damages.

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