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02056-0043

October 13, 2016

Vanita Gupta
Assistant Attorney General
Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Room 3623
Washington, DC 20530

LEGAL MAIL

Re: FORMAL CIVIL RIGHTS COMPLAINT

Dear Honorable Attorney General Gupta,

Please consider this my formal Civil Rights complaint against the Massachusetts Department of Correction (DOC) for violations of my civil rights as a disabled American. Please allow me to describe my meritorious complaint;

The Massachusetts DOC has recognized my status as a disabled American. I suffer with morbid obesity (6',2" and 405lbs) and have been afforded some minor "reasonable accommodations" by the DOC (i.e. double mattress, chair in cell, extra large restraints, etc.), and as such the DOC has fully recognized my disability.

Recently I was transferred to my current facility (MCI Norfolk) from MCI Shirley where I had been housed in a single occupancy cell which had adequate space to accommodate my disability. Upon arrival here in General Population at MCI Norfolk I was placed in a double occupancy cell which is too small for my great size and disability. Being housed in this cell diminishes my daily quality of life in a myriad of ways.

I submitted a formal "reasonable accommodation" request with the facility (MCI Norfolk) asking to be housed in one of the three (3) single occupancy handicap cells which exist on my housing unit (Unit 8-1). It must be noted that these three (3) handicap cells are currently occupied by prisoners with no disability or reasonable accommodation needs. This formal reasonable accommodation request was denied by MCI Norfolk Deputy Superintendent Richard Pizutto.

The double occupancy cell I am currently housed in has approximately 78 square feet of floor space. Massachusetts regulations call for "... at least 60 square feet of floor space for each occupant...". See Code of Massachusetts Regulations, 105 CMR 451.320 "Cell Size - Existing Facilities". This cell is woefully inadequate for housing a disabled person such as

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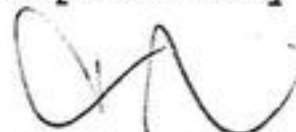
myself.

It was improper for the facility (Deputy [REDACTED] to deny my request for a reasonable accommodation in the form of a single occupancy cell as such a cell exists on my housing unit, there exist no security concerns with housing me in such a cell, and my disability - fully recognized by the DOC - warrants such cell assignment. The denial of my formal reasonable accommodation request violates my civil rights as a disabled American to be free from cruel and unusual punishment and to enjoy the same daily quality of life as a non-disabled prisoner.

As such I must offer to you that this situation presents the level of merit required for an investigation/intervention by your office. I am a disabled American seeking a reasonable accommodation from a state agency bound by the Americans with Disabilities Act to provide the reasonable accommodation. Attached you will find a copy of my request for the reasonable accommodation, which was denied, as well as a copy of a reasonable accommodation for a "chair" in my cell which displays that the facility has recognized my disability. They are marked Exhibit "A" and Exhibit "B".

Thank you for your time and anticipated intervention in this matter. Please let me know if you require any further information from me?
I am,

Respectfully Yours,



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Cc: file
DOC

attachments