Dear Sir or Madam:

I am an inmate currently incarcerated in the Texas Department of Criminal Justice (TDCJ), held in Administrative Segregation at the John B. Connally Unit. I am writing about dangerous unconstitutional conditions here, in hopes that you might be willing to help. Specifically, I would like to request your support or possible intervention in a currently pending §1983 lawsuit.

For many years, the officials here have been routinely and systematically denying the inmates in Administrative Segregation any opportunity for out-of-cell exercise. They have also been feeding them nutritionally inadequate meals for extended periods of time. There is no legitimate reason for this. The officers are simply too lazy to run regular activities and the administration does nothing to make them comply with policy.

Those of us in Administrative Segregation are already confined to a tiny solitary cell a minimum of 23 hours per day, a cell that is much too small for any meaningful exercise. Besides that, our out-of-cell exercise time is the only opportunity we have for human interaction. Even though that interaction is extremely limited, still it is all we have and consequently it is all the more important to us. This out-of-cell time is crucial not only for maintaining our physical health, but our mental health as well.

The health risks of a lack of regular exercise are widely known and scientifically established. But beyond that, there is a well-documented problem with mental illness among inmates in Administrative Segregation. (See, e.g., "A Solitary Failure: The Waste, Cost and Harm of Solitary Confinement in Texas", report by the ACLU of Texas and the Texas Civil Rights Project, Feb. 2015). The practice on the Connally Unit of denying any out-of-cell exercise to the inmates in Administrative Segregation is not only putting their physical health at risk, but it also plays a major role in creating and exacerbating mental illness.

TDCJ policy is to give each inmate in Administrative Segregation one hour of out-of-cell exercise per day, but officials at the Connally Unit do not comply with this. For example, in the six month period between December 1, 2014 and May 31, 2015, officials cancelled all activites on 122 out of 180 days. And there is nothing unusual about that particular time period. Officials have consistently cancelled out-of-cell exercise on approximately 50-75% of

the days in question over the last several years.

A Federal court has already specifically ordered TDCJ officials to provide inmates in Administrative Segregation a minimum of one hour out-of-cell exercise per day, every single day. Ruiz v. Estelle 503 F.Supp. 1265, 1367 (S.D.Tex. 1980). This was affirmed by the Court of Appeals in Ruiz v. Estelle, 679 F.2d. 1115, 1152 (5th Cir. 1982). Every other Federal Circuit has also recognized the risks to inmates' physical and mental health posed by a lack of regular out-of-cell exercise and has issued a similar ruling. See Davenport v. De Robertis, 844 F.2d. 1310, 1315 (7th Cir. 1988), and cases cited. It does not have to be a total denial of out-of-cell exercise for a set number of consecutive days to violate Federal law. Intermittent denials based on flimsy pretexts that total up to 50% or more of the days in question over an extended time period violates constitutional standards. Turley v. Rednour, 729 F.3d. 645, 652-53 (7th Cir. 2012).

Officials at the Connally Unit are also consistently denying nutritionally adequate meals to the inmates in Administrative Segregation, cancelling the regular meals on approximately 50% of the days in question over the last several years. Instead, they substitute meals comprised of just two ridiculously meager sandwiches, and this sandwich diet is regularly instituted for a month or more without any breaks. When this is the case the inmates receive only about 1,200-1,500 calories per day, which is nowhere near enough to sustain the health of an adult male. Nor do the sandwich meals have any fruits or vegetables, which are essential for a nutritionally adequate diet.

"Adequate food is a basic human need protected by the Eighth Amendment. While prison food need not be tasty or aesthetically pleasing, it must be adequate to maintain health." Keenan v. Hall, 83 F.3d. 1083, 1091 (9th Cir. 1996). Allegations of deprivation of a nutritionally adequate diet for fourteen straight days states an Eighth Amendment claim. Phelps v. Kapnolas, 308 F.3d. 180, 186 (2nd Cir. 2002). And in Rust v. Grammer, the court said that exactly this kind of diet of just two sandwiches three times per day, without fruits and vegetables, might violate the Eighth Amendment if it lasted much longer than nine days or was not a response to an emergency situation. 858 F.2d. 411, 414 (8th Cir. 1988).

I have filed a §1983 lawsuit on these issues which is currently pending in the U.S. District Court for the Western District of Texas. Bagwell v. Livingston, et al., Case No. SA-15-CA-584-DAE(HJB). This letter is just a brief summary of some of the most important facts and legal arguments. For more detail you can view the filings at the Court's website, or I can send you copies myself if you wish.

I would like you to consider intervening in this case, perhaps by providing class counsel or in some other role if that is not possible. I did request class certification in my lawsuit, since this is an issue that affects all the approximately 420 inmates who

are housed here. And I think this lawsuit could indirectly affect thousands of inmates held in other Administrative Segregation facilities in Texas. Judging by what I hear from inmates coming from other units, this practice of routinely denying out-of-cell exercise and nutritionally adequate meals in Administrative Segregation is occuring at numerous TDCJ facilities. This is also documented in the ACLU/TCRP report I referenced above.

I believe this is a criminal justice issue of the utmost concern for the general public. Even when it complies with the minimal safeguards imposed by Federal law, Administrative Segregation is a form of confinement that permanently damages people. But it is a hundred times worse when officials ignore those safeguards and deny the prisoners their daily time out of the cell or regular nutritionally adequate meals. Those are basically the only activities we have. Without them, we have only endlessly monotonous days in a barren cell the size of a closet with only our hunger pains to keep us company, while our mental and physical health slowly deteriorates. All because the officers are simply too lazy to do their jobs.

Every one of the inmates here will eventually be released, most of them within five to ten years or less. At stake is whether they will successfully rejoin their families and society upon their release, or whether they will return to their communities irreversibly damaged and much more of a menace than they were before they came to prison. I can't count the number of inmates I have personally seen slowly lose their minds in my 13 years in Administrative Segregation. God only knows what they will do when released. I'm sure one or more of them is the next Evan Ebel.

The administration here has made some tentative improvements since I filed the lawsuit on these issues. However, I know from bitter past experiences that they will just fall back into their old habits of abuse if I do not push this to the end. I do feel like an early settlement in court is possible. If I could just get a signed, legally binding agreement where TDCJ officials recognize their duties under the law and commit to compliance in the future, that would probably be sufficient to ensure acceptable improvements here. The lawsuit itself is not asking for any money damages- only declaratory and injunctive relief. I really don't even care about recovering the filing fee. $400 is a small price to pay to possibly make such a big impact on the quality of life for so many people.

The problem, as you might guess, is that it is exceedingly difficult for an inmate in Administrative Segregation with no meaningful access to a law library to litigate a civil rights lawsuit. On top of that, I think State lawyers might be emboldened to fight the suit tooth and nail when they are facing only a pro se prisoner. But if you would intervene I think it is possible that they would quickly settle. Even just some phone calls or other demonstrations of support would likely have a strong influence.

Please consider helping us. Even if you can't provide class counsel, any support would be greatly appreciated. Even if it is something that amounts to nothing more than a bluff, it might be enough to tip the scales and push them into settling the suit.

Thank you for your time. And even if you can't do anything to help, would you still be so kind as to send me a response? Showing that I have made efforts to obtain class counsel on my own may help to convince the court itself to request counsel to represent us.

Sincerely,