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IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA DIVISION

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QUESTIONNAIRE FOR THE PRISONERS PROCEEDING PRO SE UNDER 42 U.S.C. § 1983

Ernest Howard 429201

(GIVE FULL NAME AND PRISON NUMBER OF PLAINTIFF)

Plaintiff

CIVIL ACTION NO:

vs. Warden Simpson State of Georgia Tyrone Oliver GA Dept of Corrections et al

(NAME OF EACH DEFENDANT)

Defendant(s)

I. GENERAL INFORMATION

- 1. Your full name and prison number Ernest Howard
2. Name and location of prison where you are now confined Macom State Prison, Calhoun, GA
3. Sentence you are now serving (how long?) Indefinite (Prison staff said life)
(a) What were you convicted of? Parole Revocation (to my knowledge)
(b) Name and location of court which imposed sentence Georgia Pardon and Parole Board, Atlanta GA
(c) When was sentence imposed? June 25, 2025 To my knowledge
(d) Did you appeal your sentence and/or conviction? Yes [] No [X]
(e) What was the result of your appeal? Requested to see if I could appeal but got no response

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(GIVE FULL NAME AND PRISON NUMBER OF PLAINTIFF)

Plaintiff

CIVIL ACTION NO:

VS.

Warden Sampson
State of Georgia
Tyrone Oliver
GA Dept of Corrections
(NAME OF EACH DEFENDANT) et al

Defendant(s)

I. GENERAL INFORMATION

- Your full name and prison number Ernest Howard
- Name and location of prison where you are now confined maxwell state prison Oglethorpe Ga
- Sentence you are now serving (how long?) unsure Prison staff said life
 - What were you convicted of? Parole Revocation (to my knowledge)
 - Name and location of court which imposed sentence Georgia Pardon and Parole Board, Atlanta GA
 - When was sentence imposed? June 25, 2025 To My Knowledge
 - Did you appeal your sentence and/or conviction? Yes No
 - What was the result of your appeal? Requested to see if I could Appeal But got no response

(f) Approximate date your sentence will be completed unknown Board Refuses to tell me

II. PREVIOUS LAWSUITS

NOTE: FAILURE TO DISCLOSE ALL PRIOR CIVIL CASES MAY RESULT IN THE DISMISSAL OF THIS CASE. IF YOU ARE UNSURE OF ANY PRIOR CASES YOU HAVE FILED, THAT FACT MUST BE DISCLOSED AS WELL.

4. Other than an appeal of your conviction or sentence, and other than any habeas action, have you filed a lawsuit dealing with the same or similar facts or issues that are involved in this action?

Yes No

5. If your answer to question 4 is "Yes," list that lawsuit below, giving the following information:

(IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit INVOLVING SAME FACTS:

Plaintiff(s): N/A

Defendant(s): N/A

(b) Name of Court: _____

(c) Docket Number: _____ When did you file this lawsuit? _____

(d) Name of judge assigned to case: _____

(e) Is this case still pending? Yes No

(f) If your answer to (e) is "No", when was it disposed of and what were the results?

(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?)

N/A

6. Other than an appeal of your conviction or sentence, and other than any habeas action, have you ever filed any lawsuit while incarcerated or detained? Yes No

7. If your answer to question 6 is "Yes," list that lawsuit below, giving the following information:

(IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit:

Plaintiff(s): unknown Documents lost or Destroyed

Defendant(s): See Above

(b) Name of Court: See Above

(c) Docket Number: See Above When did you file this lawsuit? See Above

(d) Name of judge assigned to case: See Above

(e) Is this case still pending? Yes No

(f) If your answer to (e) is "No", when was it disposed of and what were the results?
(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?)

See Above

8. AS TO ANY LAWSUIT FILED IN ANY FEDERAL COURT in which you were permitted to proceed *in forma pauperis*, was any suit dismissed on the ground that it was frivolous, malicious, or failed to state a claim? Yes No unknown Documents lost/destroyed

If your answer is Yes, state the name of the court and docket number as to each case:

Filed several lawsuits but can't state why dismissed

III. PLACE OF INCIDENT COMPLAINED ABOUT

9. Where did the matters you complain about in this lawsuit take place? Jackson Diagnostic and Classification Jackson GA. and Macon State Prison, Oglethorpe GA.

(a) Does this institution have a grievance procedure? Yes No

(b) If your answer to question 9(a) is "Yes", answer the following:

(1) Did you present your complaint(s) herein to the institution as a grievance?

Yes No

(2) If Yes, what was the result? (a) Grievance denied ^{at} first step

(b) Grievance Granted in Part at Appeal Stage

(3) If No, explain why not: _____

(c) What, if anything else, did you do or attempt to do to bring your complaint(s) to the attention of prison officials? Give dates and places and the names of persons talked to.

See V. Statement of Claim Number 13 herein

(d) Did you appeal any denial of your grievance to the highest level possible in the prison system? Yes No

(1) If Yes, to whom did you appeal and what was the result? Appealed

To the Central Office
Appeal Granted in Part

(2) If No, explain why you did not appeal:

N/A

10. In what other institutions have been confined? Give dates of entry and exit.

Jack T. Rutledge 1987 to about 1993; Ware State Prison until about 1994;
Valdosta State Prison until about 1994; Georgia State Prison
until about 2008; Men's State Prison until about 2010;
Johnson State Prison until October 2014; ~~See~~ Georgia
Diagnostic Classification Prison 6/2025 to Nov. 2025.

IV. PARTIES TO THIS LAWSUIT

11. List your CURRENT place of incarceration/ mailing address.

Macon State Prison
P.O. Box 426
Oglethorpe, GA, 31068

12. List the full name, the official position, and the place of employment of each defendant in this lawsuit. (ATTACH ADDITIONAL PAGES IF NECESSARY)

- ① Warden Sampson, Warden Macon State Prison
- ② State of Georgia
- ③ Tyrene Oliver, Commissioner, GA Dept. of Corrections
- ④ GA Dept of Corrections
- ⑤ Office of Health Services, Georgia Dept. of Corrections

CONTINUE ON Attached Page 1

V. STATEMENT OF CLAIM

13. In the space hereafter provided, and on separate sheets of paper if necessary, set forth your claims and contentions against the defendant(s) you have named herein. Tell the court WHAT you contend happened to you, WHEN the incident(s) you complain about occurred, WHERE the incident(s) took place, HOW your constitutional rights were violated, and WHO violated them? Describe how each defendant was involved, including the names of other persons who were also involved. If you have more than one claim, number and set forth each claim SEPARATELY.

DO NOT GIVE ANY LEGAL ARGUMENT OR CIT ANY CASES OR STATUTES AT THIS TIME; if such is needed at a later time, the court will advise you of this and will afford you sufficient time to make such arguments. KEEP IN MIND THAT RULES 8 OF THE FEDERAL RULES OF CIVIL PROCEDURE REQUIRES THAT PLEADINGS BE SIMPLE, CONCISE, and DIRECT! If the court needs additional information from you, you will be notified.

WHERE did the incident you are complaining about occur? That is, at what institution or institutions? The incidents took place at GA. Diagnostic Classification Prison and Macon State Prison
WHEN do you allege this incident took place? Between June 26, 2025 to this current date

WHAT happened?

I was transferred from Jones county Jail on June 26, 2025 to Georgia Diagnostic and Classification Prison then transferred on Nov. 6, 2025 to Macon State Prison

Upon arriving at Ga. Diagnostic and Classification Prison (hereafter G.D.C.P.) the Plaintiff made sure that staff were aware that he suffered from Chronic illnesses;

- (1) C.O.P.D., including need for breathing treatments
- (2) Stage 4 Lung Cancer and possibly Prostate Cancer
- (3) Diabetic
- (4) Severe Pains in Neck, Back, Shoulders, Headaches, etc.,
- (5) Neuropathy (Right leg, foot, etc.)
- (6) Heart issues

While at G.D.C.P. I was housed in J-4 Dorm which is an open dormitory, housing about 116 prisoners, continue on Attached Pages

14. List the name and address of every person you believe was a WITNESS to the incident(s) you complain about, BRIEFLY stating what you believe each person knows from having seen or heard what happened. (USE ADDITIONAL SHEETS, IF NECESSARY)

- ① Adam Brooks, 2785 S. Byron Butler Pkwy, Perry FLA, - witnessed smoking in J-4 Dorm at GA Diagnostic Class Prison, Jackson GA,
- ② Mark Pierce #159535, Kenneth Coker # 228428, Henry Brock # 287487; All under the GA Dept of Correction - witnessed smoking in J-4 Dorm at GA Diagnostic Class Prison, Jackson, GA.

continued on attaché page

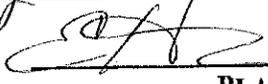
15. BRIEFLY state exactly what you want the court to do for you. That is, what kind of relief are you seeking in this lawsuit? Do not make any legal arguments and do not cite any cases or statutes! (USE ADDITIONAL SHEETS, IF NECESSARY)

- ① Emergency Injunctive Relief - Plaintiff at minimum be placed in a single man cell or in the infirmary immediately until he can be placed in an area where there is actually no smoking
- ② Defendants be ordered pay all cost of this Action
- ③ Defendants be immediately notified NOT TO RETALIATE
- ④ Any other Relief that MAY BE ADDED

16. You may attach additional pages if you wish to make any legal argument. However, legal arguments are NOT required in order for you to obtain relief under §1983. If the court desires legal argument from you, it will request it. If any defendant presents a legal argument, you will be afforded an opportunity to respond thereto.

17. KEEP IN MIND THAT ONCE YOUR LAWSUIT IS FILED, THE COURT WILL REQUIRE YOU TO DILIGENTLY PROSECUTE IT. That means that you will be required to go forward with your case without delay. Thus, if you fail to adequately prepare your case before you file it, you may find your lawsuit dismissed for failure to prosecute if you take no action once it is filed. YOU WILL RECEIVE NO FURTHER INSTRUCTIONS FROM THE COURT TELLING YOU WHAT TO DO OR HOW TO DO IT! IT IS YOUR RESPONSIBILITY AND YOURS ALONE TO PROSECUTE YOUR OWN CASE! If you fail to prosecute your case, it will be dismissed under Rule 41 of the Federal Rules of Civil Procedure.

Signed this 9th day of January, 2026.


PLAINTIFF

continue of Number 12 Continue of Defendants

- ⑥ Deputy Warden Care and Treatment Macon State Prison
- ⑦ Medical Director _____ Macon State Prison
- ⑧ Warden Beasley _____ Macon State Prison
- ⑨ Warden Care and Treatment Ga Diagnostic Classification Prison
- ⑩ Medical Director Ga Diagnostic Classification Prison
- ⑪ DR. Johnson, Charge care " " "
- ⑫ Governor _____ State of Georgia
- ⑬ MR. Pope unit manager Macon State Prison

continue of Statement of Claim Number 14 Witnesses

- ③ Rodrick Brock, Willie Upton, Keith Dixon # 548717, Jacques Mitchell # 1107663 all under the Ga Dept. of Corrections - witnessed smoking in H-2 Dorm Macon State Prison
- ④ All other prisoners housed in J-4 at Ga. Diagnostic and Classification Prison from June 26, 2025 to Nov, 6, 2025; and All other prisoners housed in H-2 and J-2 Macon State Prison from Nov, 6, ²⁰²⁵ to the current date - witness to smoking taking place.
- ⑤ DR. Sumrall ~~and DR.~~ 1st ST, Macon Ga. and DR. Donald Robinson Pine St, Macon Ga. witness of my C.O.P.D and lung cancer and that the immediate and long term dangers of housing me around smoking.
- ⑥ Nurse Edsall, Macon State Prison - witness my extended efforts to get treatment

continuation of II statement of Claim Number 13

While the state of Georgia banned smoking in all of it's state Prisons we are all aware that Prisoners have still been able to obtain tobacco products, drugs and other contrabands

IN J-4 Dorm, just as in most parts of G.D.C.P. in Jackson, GA., Prisoners still smoked, It could be smelled on most of the hallways during most of the days and staff were fully aware of it.

Prisoners were also known to use wicks (twisted toilet paper, made like a rope that would be used to keep a "light" going, like coal or burned wood it maintains a burn but emits continuous smoke) Prisoners would sometimes have these wicks burning for days.

I made repeated complaints to staff and others about the smoke exacerbating my C.O.P.D., Lung Cancer, heart problems, etc., thus causing increased coughing, coughing up blood, chest pains, pains in lungs

I repeatedly submitted properly Health Services Request forms/sick-call forms) to inform medical staff about twice weekly of these issues, I notified the nurse during my Physical on July 7, 2025,

I frequently request that my lung doctor Dr. Sumrell, 1st Street, Macon, GA, be contacted for an appointment to get a treatment plan.

Wrote Office of Governor, Ga. Dept. of Corrections, Commissioner, Warden, Deputy Warden Care & Treatment, Medical Director, etc.

I was transferred to Macon State Prison on November 6, 2025 as a general population status prisoner. The transfer officer Mr. Pope told me and another prisoner, Willie Upton, that we would be placed in cell #2-148 and said we would be housed there until they found a bed for us, but we could smoke as much as we like.

There is heavy smoking taking place in H-2 Dorm that did have adverse effect on my health therefore I made repeated requests for corrective actions, via medical Health Services Requests forms and continued to write staff and officials of the effects that the smoking was having on my health.

On December 15, 2025 I was moved to cell J-2-129. There I had a cellmate who was a chronic (heavy) smoker. The Dorm officer (McDoogle) knew about my cancer and the smoking in the cell because I objected to it after the cellmate stated "yes I smoke and I will be doing it in a few minutes."

I coughed up blood during most of the evening and night and suffered severe chest pains. I notified the 2nd shift dorm officer (black female who refused to give her name) who said she would notify her supervisor.

I was moved back to H-2-148 (cell) on December 16, 2025. My cellmate was then Rodrick Brock.

Rodrick Brock was transferred on December 30, 2025 and that evening ^{Casee} was put in the cell with me by Mr. Pope, unit manager, even after I objected because Casee admitted to Mr. Pope and I that he was a smoker.

Since then I've consistently complained of the effect the smoking in the cell is having on my health but I

have not been able to get anyone to take corrective action

I have continued to submit Medical Health Services Request Forms, write staff and officials, etc., but I continue to suffer from excessive coughing, coughing up blood, severe chest pains, frequent difficulty breathing (especially at night and early morning)

I've requested to at least be put in a single-man cell or placement temporarily in the infirmary but nothing has been done.

Since the state of Georgia and its officials and staff are aware of the dangers of smoking it should most certainly be aware of the danger of smoking to my health thus should take immediate corrective actions.

These acts or lack thereof pose a clear imminent danger of causing serious physical harm or death thus violate the 8th Amendment.

Since I have a life sentence, on November 14, 2025 the chief Counselor, Ms. Lindsey, informed me that I would likely be required to remain locked-down in a cell 24 hours daily until my death, even though I do not have disciplinary issues.

I submitted $\frac{1}{2}$ Requests at G.D.C.P. 6/27/25, 7/9/25, 7/14/25, 7/16/25, 7/18/25, 7/21/25, 7/28/25, 8/3/25, 8/11/25, 8/13/25, 8/25/25, 8/27/25, 8/29/25, 9/3/25, 9/7/25, 9/24/25, 10/1/25, 10/3/25, 10/19/25, 10/20/25, 10/22/25, 10/27/25, 10/30/25.

I submitted $\frac{1}{2}$ (sick-call) Request at Macon State Prison; 11/7/25, 11/20/25, 11/21/25, 12/7/25, 12/16/25, 12/18/25, 12/30/25, 1/8/26

Also wrote other staff and officials while at G.D.C.P.; 7/7/25 wrote Warden, Warden CPT, Medical Director; 7/15/25 wrote Warden, Commissioner GA Dept of Correction, Office of Governor; 7/24/25 wrote Medical Director, Warden, Warden CPT; 8/3/25 wrote Warden and Warden CPT; 8/11/25 wrote Warden, Warden CPT, Commissioner GA Dept of Corr. and Office of Governor; 9/9/25 wrote Medical Director, Warden, Warden CPT; 9/22/25 wrote Medical Director; 9/11/25 spoke with chronic care DR. Johnson 10/22/25 wrote Medical Director, Warden, Warden CPT, Commissioner GA Dept. of Corr. and Office of Governor; 11/4/25 wrote Medical Director, and while at Macon State Prison; 11/17/25 Medical Director; 11/29/25 wrote Medical Director, Medical Staff; 11/25/25 Medical Staff (Nurse Hudson); 12/3/25 notified Mental Health Dept. who called medical then sent me to medical but I was sent back to dorm by Ms Ingram; About 12/4/25 wrote Medical Director; Warden, Warden CPT; 12/7/25 informed Nurse Eason when she conducted sick-call at H-2 Dorm because the sick-call Nurse had failed to do H-2 sick-calls; 12/31/25 submitted "Emergency Grievance" to Counselor Hawkins; 12/15/25 spoke with Nurse Eason; 12/31/25 notified in writing Ms L., Mental Health Counselor; Nurse Eason; wrote GA Dept Corr.; 12/31/25; 1/2/26 wrote Ms. Hamilton, H-2 Unit Manager, Warden Sampson, Asst Warden CPT; 1/6/26 wrote Office of Governor; 1/4/26 notified Nurse Harper