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### **Know Your Rights: Prison Conditions** (November 2025)

*\*\*This document contains general legal information and is not legal advice specific to your situation. You may want to do research or contact an attorney to get more specific advice.*

The Eighth Amendment prohibits “cruel and unusual punishments.” This applies to prison conditions. To sue over prison conditions, you must show two things:

1. The conditions deny “the minimal civilized measure of life’s necessities.” In other words, the conditions deprive you of your basic human needs (*Farmer v. Brennan*, 511 U.S. 825, 834 (1994)).
2. Prison officials acted with deliberate indifference to your health or safety.

#### **First: Basic Human Needs**

The first part of a prison conditions case is proving that you were denied a basic human need. Courts look at whether the conditions were dangerous to your health or safety. They also check if you were denied basic things needed to live, such as:

- Sanitation (clean living spaces, waste disposal including working toilets and garbage pickup, pest control, access to cleaning supplies)
- Adequate temperature (not dangerously cold or hot)
- Food and water
- Safety from physical harm
- Access to hygiene and medical care

The situation must be very serious, where you do not have access to the basic things you need to live a safe and decent life. Discomfort, inconvenience, and unpleasantness do not violate the Eighth Amendment.

Courts don't always look at one problem by itself. Sometimes, two or more bad conditions together can violate the Eighth Amendment if they make it impossible to meet a basic human need. For example, if your cell is very cold *and* you don't have any blankets, those two things work together to keep you from staying warm.

If two problems don't affect the same basic need (such as having a very cold cell with roaches), the court will look at them separately. Each problem has to be serious enough on its own to violate the Eighth Amendment.

Lawsuits about temporary issues that are uncomfortable but do not threaten your health or safety will likely fail. These could include things like double-celling or limited recreation time.

Key things to know for successful lawsuits:

- **Substantial Risk or Actual Harm:** The conditions must create a high risk of serious injury or illness, or they must actually deny your basic human needs. *Farmer v. Brennan*, 511 U.S. 825 (1994); *Rhodes v. Chapman*, 452 U.S. 337 (1981).
- **Basic Human Needs** include sanitation, food, shelter, warmth, hygiene, and safety. *Daugherty v. Page*, 906 F.3d 606 (7th Cir. 2018).
- **Context Matters:** Courts focus on the most serious cases. They consider how bad the conditions are and how long you are in them. *Dixon v. Godinez*, 114 F.3d 640 (7th Cir. 1995).
- **Future Harm Counts:** The Eighth Amendment protects against future harms likely to cause serious illness or suffering. *Helling v. McKinney*, 509 U.S. 25 (1993).

Example cases that found unconstitutional conditions:

- Being in very hot or cold temperatures without enough clothes or blankets. *Smith v. Kind*, 140 F.4th 359 (7th Cir. 2025).
- Staying a long time in a cell with trash, mold, and dirty water. *Vinning-El v. Long*, 482 F.3d 923 (7th Cir. 2007).
- Having rats or bugs, no cleaning supplies, and broken facilities. *Gray v. Hardy*, 826 F.3d 1000 (7th Cir. 2016).
- Four people in a tiny cell (5x7) with no beds, little food, and no showers. *Chavis v. Rowe*, 643 F.2d 1281 (7th Cir. 1981).
- Not enough clothing, bedding, or hygiene in cold temperatures. *Gillis v. Litscher*, 468 F.3d 488 (7th Cir. 2006).

- A dirty cell covered in feces, with no water or cleaning supplies. *Johnson v. Pelker*, 891 F.2d 136 (7th Cir. 1989).
- Being in extreme cold for multiple winters. *Dixon v. Godinez*, 114 F.3d 640 (7th Cir. 1997).

## **Second: Deliberate Indifference**

This part of a conditions case focuses on the state of mind of correctional officials. To prove deliberate indifference, an individual in custody must show that:

- (1) Officials **knew of** a substantial risk of serious harm; and
- (2) Officials **ignored** that risk by intentionally failing to take reasonable steps to reduce it (*Wilson v. Seiter*, 501 U.S. 294 (1991)).

This rule means more than just carelessness or bad management. Deliberate indifference happens when officials know about a danger and do nothing. It also happens when they take some action but know that it will not reduce the risk of harm. (*Estelle v. Gamble*, 429 U.S. 97 (1976)).

Deliberate indifference is like being very careless on purpose. It's worse than a simple mistake, but does not require that someone actively tries to hurt you. What matters is what the person knew and what they did after learning about the problem.

Ways to show deliberate indifference:

- **Actual Knowledge:** Staff were told about unsafe or unhealthy conditions through grievances, medical requests, or by a person talking to them. If staff got these reports and ignored them, that can show deliberate indifference.
- **Obvious Risk:** The conditions were so bad or lasted so long that any official should have known about the danger. (*Farmer*, 511 U.S. at 842). Even if you didn't tell them directly, you can prove deliberate indifference if the threat to your health or safety was obvious and ongoing. (*Hall v. Bennett*, 379 F.3d 462 (7th Cir. 2004)).
- **Failure to Respond Properly:** Officials didn't respond properly if they ignored reports, refused to make repairs, or didn't follow rules meant to keep people safe. (*Gray v. Hardy*, 826 F.3d 1000 (7th Cir. 2016)). Doing nothing or giving poor responses after being warned many times can

show deliberate indifference.

- **\*\*Watch out for a reasonable response:** If officials try to fix a problem in a reasonable way, even if it doesn't fully work, they did not show deliberate indifference. For example, in *Sain v. Wood*, 512 F.3d 886 (7th Cir. 2008), the court found that pest control and maintenance visits showed enough effort to fix a pest problem, so the lawsuit failed.

Other cases that found deliberate indifference:

- *Farmer v. Brennan*, 511 U.S. 825 (1994)
- *Hutto v. Finney*, 437 U.S. 678 (1978)
- *Townsend v. Fuchs*, 522 F.3d 765 (7th Cir. 2008)
- *Dixon v. Godinez*, 114 F.3d 640 (7th Cir. 1997)

### **Conclusion**

This handout includes several cases where people sued prisons over unsafe or unhealthy physical conditions. The cases that were most successful show two things:

- (1) The conditions created a serious risk of harm to you.
- (2) Prison officials knew about the risk to you AND did not take reasonable steps to fix it.

What to do if your living conditions are unsafe in prison:

- (1) Write down everything about the problem: dates, times, conditions, and any harm you have suffered or expect to suffer in the future.
- (2) Tell prison staff about the problem in writing (grievances, medical requests, etc.). Keep copies of these complaints if possible.
- (3) Compare your situation to cases in this guide. Make sure you write down all the risks to your safety and any basic needs that you are not getting met.
- (4) If you file a lawsuit, you can ask the court to assign a lawyer to your case using a "motion for appointment of counsel." Ask the court for a copy of this form.

We wish you the best of luck!