IN THE DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

MARK DAVENPORT, Plaintiff, -against- LATOYA HUGHES, as the Director of the Illinois Department of Corrections; ILLINOIS DEPARTMENT OF CORRECTIONS; HENRY McGEE, d/b/a Henry's Sober Living House; HENRY'S SOBER LIVING HOUSE; SAIYD JOYCE, d/b/a Next Step Community Services, LLC; SAIYD JOYCE d/b/a Next Step Recovery Homes, LLC; NEXT STEP COMMUNITY SERVICES, LLC; and NEXT STEP RECOVERY HOMES, LLC, Defendants.	COMPLAINT No.

INTRODUCTION

1. A simple premise undergirds the criminal legal system. Once an incarcerated person has completed their sentence, they are free to return to their community. Unfortunately, the Illinois Department of Corrections has failed to adhere to that premise for many people with disabilities, including Plaintiff Mark Davenport.

2. Mr. Davenport has severe degenerative disc disease, among other chronic health conditions, for which he requires reasonable accommodations such as a therapeutic mattress, a wedge pillow, a cane, and housing with minimal steps. Without these simple and straightforward accommodations, Mr. Davenport lives in extreme pain and suffers further deterioration of his physical conditions. The Illinois Department of Corrections ("IDOC") recognized his disabilities and provided him with accommodations during his incarceration.

3. Mr. Davenport reached his Mandatory Supervised Release date in February 2025. As he was preparing for release, he asked IDOC to ensure his transitional housing provider accommodated his physical disabilities upon release. IDOC was well positioned to meet this request. It maintained full control over its state-funded and state-administered transitional housing network.

4. IDOC promised Mr. Davenport it would release him to a housing provider that accommodated his disability. But the reality was quite different. IDOC sent Mr. Davenport to Henry's Sober Living House, which placed him in a third-floor room and responded to his request for the most basic assistive devices with two words: "hell no."

5. Within a month, Henry's Sober Living House shunted Mr. Davenport right back to prison as retaliation for his continued advocacy for accommodations. Mr. Davenport languished in prison for four more months until IDOC released him to yet another transitional housing program that refuses to accommodate his disabilities—Next Step Recovery.

6. The owner and operator of Next Step Recovery—Saiyd Joyce—readily admits that Next Step Recovery is "not ADA complaint" and threatened to send Mr. Davenport back to prison if he keeps asking for accommodations.

7. This constellation of discriminatory conduct derives from a larger set of policies and practices whereby IDOC spurns its clear obligation to assess people for their disability-related needs upon their release from custody, ensure transitional housing providers can satisfy those needs, and follow up with providers to ensure those needs are met.

8. As a result of those policies and practices, and the discriminatory conduct they have produced, Mr. Davenport has suffered prolonged confinement, a significant diminution in his physical health, and lives each day in fear that he will again be returned to prison—a setting

he has earned his way out of—in retaliation for seeking the reasonable accommodations he needs and to which he is entitled.

9. Mr. Davenport brings this action under the Americans with Disabilities Act, 42 U.S.C. § 12132, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and the Fair Housing Amendments Act, 42 U.S.C. §§ 3604, 3613, and seeks declaratory relief, injunctive relief, compensatory damages, and punitive damages, to remedy these significant harms. But fundamentally, he asks this Court to do one simple thing—vindicate the principle that in Illinois, completing one's sentence means returning to the community, including for people with disabilities.

PARTIES

10. Plaintiff Mark Davenport is a person with a disability who is, and has been at all relevant times, a resident of the state of Illinois. He completed his sentence of incarceration and is currently on release from prison on Mandatory Supervised Release ("MSR") until October 19, 2027.

11. Defendant Latoya Hughes is the director of the Illinois Department of Corrections. Defendant Hughes has final authority regarding the Illinois Department of Corrections' policies on approval of incarcerated people's host sites. She is responsible for planning the release from Illinois Department of Corrections prisons of people who are approaching their MSR dates, including people with disabilities, and contracts with several transitional housing programs throughout the State.

12. Defendant Illinois Department of Corrections ("IDOC") is the Illinois State Agency responsible for operating the Illinois state prisons. Those prisons include Pinckneyville Correctional Center, Stateville Correctional Center, and Western Illinois Correctional Center.

Defendant IDOC is a covered entity under Title II of the Americans with Disabilities Act ("ADA"). Defendant IDOC contracts with several transitional housing programs to operate a network of transitional housing for people who are released from Illinois state prisons. Defendants Henry's Sober Living House, Next Step Community Services, LLC, and Next Step Recovery Homes, LLC are part of Defendant IDOC's transitional housing network.

13. Defendant Henry McGee is the owner, operator, and sole director of Henry's Sober Living House, a private business entity which is incorporated and has its principal place of business in Illinois. Defendant McGee owns and operates a building or structure which is occupied as, and designed or intended for occupancy as, a residence by one or more families, constituting a dwelling. As owner, operator, and sole director of Henry's Sober Living House, Defendant McGee has the authority to directly manage Henry's Sober Living House and to control its business affairs. Defendant McGee has the power and discretion to create and implement Henry's Sober Living House's corporate policies and practices, including whether to make reasonable accommodations for individuals with disabilities on MSR as required by the Fair Housing Amendments Act ("FHAA"). 42 U.S.C. § 3604(f)(3)(B).

14. Defendant Henry's Sober Living House ("HSL") is a private business entity which is incorporated and has its principal place of business in Illinois. At all relevant times herein, Defendant HSL has conducted and continues to conduct business in Illinois, and the business it conducts is directly related to the events in this complaint. Defendant HSL contracts with Defendant IDOC to provide transitional housing for formerly incarcerated individuals on MSR in Illinois. Defendant HSL owns and operates a building or structure which is occupied as, and designed or intended for occupancy as, a residence by one or more families, constituting a

dwelling. At all relevant times herein, Defendant HSL has owned and operated an IDOC-approved MSR housing site located at 8032 S. Ingleside Avenue, Chicago, IL 60619.

15. Defendant Saiyd Joyce is the owner, operator, and sole director of Next Step Community Services, LLC and Next Step Recovery Homes, LLC, private business entities which are incorporated and have their principal place of business in Illinois. Defendant Joyce owns and operates a place of public accommodation. Defendant Joyce provides transitional re-entry housing under conditions with amenities similar to a hotel, motel, or inn akin to a homeless shelter or social service center establishment. Defendant Joyce owns and operates a building or structure which is occupied as, and designed or intended for occupancy as, a residence by one or more families, constituting a dwelling. As owner, operator, and sole director of Next Step Community Services, LLC and Next Step Recovery Homes, LLC, Defendant Joyce has the authority to directly manage and control their business affairs. Defendant Joyce has the power and discretion to create and implement Defendants Next Step Community Services, LLC and Next Step Recovery Homes, LLC's corporate policies and practices, including whether to make reasonable accommodations for individuals with disabilities on MSR as required by Title III of the ADA, 42 U.S.C. § 12182(2)(A)(ii), and the FHAA. 42 U.S.C. § 3604(f)(3)(B).

16. Defendants Next Step Community Services, LLC ("NSCS") and Next Step Recovery Homes, LLC ("NSR") are covered entities under Title III of the ADA. At all relevant times herein, Defendants NSCS and NSR have conducted and continue to conduct business in Illinois, and the business they conduct is directly related to the events in this complaint. Defendants NSCS and NSR contract with Defendant IDOC to provide transitional housing for formerly incarcerated individuals on MSR in Illinois. Defendants NSCS and NSR own and operate a place of public accommodation. Defendants NSCS and NSR provide transitional re-

entry housing under conditions with amenities similar to a hotel, motel, or inn akin to a homeless shelter or social service center establishment. Defendants NSCS and NSR own and operate a building or structure which is occupied as, and designed or intended for occupancy as, a residence by one or more families, constituting a dwelling. At all relevant times herein, Defendants NSCS and NSR have owned and operated an IDOC-approved MSR housing site located at 1618 S. Griswold Street, Peoria, IL 61605, which is directly related to the events underlying this complaint.

JURISDICTION AND VENUE

17. This action is brought pursuant to the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and the Fair Housing Amendments Act.

18. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343.

19. Declaratory and injunctive relief are sought pursuant to 28 U.S.C. §§ 1343, 2201, and 2202.

20. Venue is laid within the United States District Court for the Northern District of Illinois pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claims occurred within this district.

FACTS

I. The Mandatory Supervised Release System.

21. In or around 1978, Illinois replaced its parole system with a Mandatory Supervised Release ("MSR") system.

22. Under that new system, "except when a term of natural life is imposed, every sentence includes a term in addition to the term of imprisonment . . . For those sentenced on or

after February 1, 1978, that term is a mandatory supervised release term." 730 ILCS 5/5-4.5-15(c).

23. Defendant IDOC is required to release someone on MSR where the person has "served the maximum term of imprisonment imposed at the time of sentencing less time credit for good behavior." 730 ILCS 5/3-3-5(e).

24. Defendant IDOC retains custody of all individuals on MSR and must supervise those individuals while they are in the community. 730 ILCS 5/3-14-2(a).

a. Discharge Planning for People Being Released on MSR.

25. Defendant IDOC is required to engage in discharge planning for incarcerated people being released from custody, including people being released on MSR. *See, e.g.*, 730 ILCS 5/3-3-4(b); IDOC Admin. Dir. 04.50.100 (effective Apr. 1, 2025) ("The Department shall ensure individuals in custody are prepared for . . . mandatory supervised release"). To effectuate this process, Defendant IDOC is obligated to "assign personnel to assist persons eligible for parole in preparing a parole plan." 730 ILCS 5/3-14-2(b); *see also* 730 ILCS 5/3-18-30 ("each institution or facility shall hire a reentry specialist to assist with the reentry of offenders into the community"). Defendant IDOC personnel who are assigned that task are required to report their efforts to prepare a release plan, and their findings about the person who is eligible for release, to the Prisoner Review Board ("PRB"). *Id.*

26. The PRB utilizes those reports to determine what MSR conditions to impose upon the releasee, and whether violations of those conditions justify the revocation of MSR and potential return to prison. 730 ILCS5/3-1-2(l); 730 ILCS 5/3-3-1(a)(5); 730 ILCS 5/3-3-2(a)(3).

27. Several conditions are mandatory for every person on MSR, including that the releasee "attend or reside in a facility established for the instruction or residence of persons on parole or mandatory supervised release." 730 ILCS 5/3-3-7(a)(5).

28. In other words, people released on MSR are required to have an approved "host site" at which to reside while on MSR.

29. Approved host sites may include a family member's residence, a private residence, and a placement with a transitional housing program, including programs that directly contract with Defendant IDOC for MSR housing.

30. It is the responsibility of the Chief Administrative Officer—the highest ranking official at the facility from which the releasee will be discharged on MSR—to ensure that roughly 12 months before the individual's MSR date, a Field Service Representative—the facility-based staff member responsible for pre-release activities and processes—assists the incarcerated individual in obtaining a host site and developing a residence plan. IDOC Admin. Dir. 04.50.110 ¶ (II)(G)(1)(a) (effective Apr. 1, 2025); IDOC Admin. Dir. 04.50.101 ¶ (II)(F)(2)(a); IDOC Admin. Dir. 04.50.150 ¶ (II)(E) (effective Oct. 1, 2025).

31. If the individual does not have their own acceptable host site, the FSR must refer them to the PRG 12 months prior to their release for assistance locating one. IDOC Admin. Dir. 04.50.110 ¶ (II)(H)(2)(d). "When possible, the request shall be sent to the PRG Casework Supervisor assigned to the individual in custody's county of commitment, no later than two (2) weeks prior to release." *Id.* ¶ (II)(H)(2)(d)(1). That request must include signed authorization for release of the individual's mental health and medical health information and current health status summary report. *Id.*

32. A Parole Agent—a PRG staff member—must investigate a proposed host site within 15 calendar days of the proposal, or if the individual's MSR date is fewer than 15 calendar days away, "as soon as possible." IDOC Admin. Dir. 04.50.115 ¶ (II)(E)(3) (effective Apr. 1, 2025). If the placement is approved, a Host Site Agreement must be signed at the host site investigation. *Id.* ¶ (II)(E)(4).

33. If the incarcerated individual is unable to propose a suitable host site, a Field Services Representative must refer the individual's case to the PRG, which then becomes responsible for developing a residence plan. *Id.* ¶ (II)(F)(8)(e).

34. The Chief Administrative Officer at each correctional facility must ensure compliance with these and other release procedures laid out in IDOC Admin. Dir. 04.50.115. *Id.* ¶ (II)(F).

35. Before the incarcerated individual is released on MSR, the Records Office Supervisor must review their master file and the "place of intended residence shall be verified with the individual in custody." *Id.* ¶ (II)(F)(8)(a-c). The FSR is responsible for telling the incarcerated individual what their MSR conditions are. *Id.* ¶ (II)(F)(8)(g).

36. The PRB and Defendant IDOC must work together to promote "an effective system of . . . mandatory supervised release." 730 ILCS 5/3-3-2(c).

37. While an individual is on MSR, their Parole Agent must periodically meet with the individual and satisfy numerous obligations. For example, Parole Agents must document "any significant fact or concern relative to the parolee such as . . . safety concerns." IDOC Admin. Dir. 04.50.150 ¶ (II)(F)(3)(f). Parole Agents are not, however, responsible by state statute or agency policy for assessing the accessibility of the host site or confirming that the host site has satisfied the individual's need for disability-related accommodations. *Id.* ¶ (II)(F)(2).

b. Violations of MSR Conditions and Reincarceration.

38. A releasee's supervising officer has the power to return a releasee to prison "who has allegedly violated" a condition of their MSR. 730 ILCS 5/3-14-2(c). Parole staff must investigate all alleged violations of MSR conditions, and Parole Agents must review alternatives to re-incarceration by discussing the circumstances with the Parole Commander. IDOC Admin. Dir. 04.50.150 ¶ (II)(F)(6)(a-b).

39. Before someone who has allegedly violated a condition of their MSR—including having an approved host site—is returned to prison, a diversion review must be conducted. *Id*. ¶ (II)(F)(8)(a). Parole staff review cases for diversion relying on three criteria: current and significant threat to public safety; host site availability; and appropriate community-based sanction. *Id*. ¶ (II)(F)(8)(c).

40. The Parole Commander directs Parole Agents, with assistance from the PRG when necessary, to secure a host site if the parolee is found appropriate for diversion. *Id*. ¶ (II)(F)(8)(f). Parole Agents may only return a parolee to prison after completing the diversion review and after a Warrant Officer or Deputy Chief has entered a diversion denial. *Id*. ¶ (II)(F)(8)(g).

41. If a releasee violates a condition of their MSR, the PRB may continue the existing term, release the individual to a transitional housing program, or revoke MSR and reincarcerate the individual. 730 ILCS 5/3-3-9(a)(1-3).

42. When a releasee is charged with violating a condition of MSR, the PRB must hold a preliminary hearing to determine whether there is cause to hold the individual for a revocation hearing. 730 ILCS 5/3-3-9(c). The PRB may not revoke someone's MSR without providing written notice detailing the alleged violation. *Id.* 5/3-3-9(d).

43. Once the PRB orders the resumption of MSR for someone who was returned to prison for allegedly violating a condition of their MSR, "the individual in custody shall be released as expeditiously as possible." IDOC Admin. Dir. 04.50.115 ¶ (II)(K)(1).

44. The supervising officer shall request that Defendant IDOC issues a parole violation warrant, and Defendant IDOC shall issue such warrant, in a number of circumstances, none of which include not having an approved host site. 730 ILCS 5/3-14-2(c-1)(1-4).

45. The MSR date "shall be changed if there was a loss of time that was incurred due to" an MSR violation. IDOC Admin. Dir. 01.07.400 ¶ (II)(G)(11)(b) (effective May 1, 2024).

46. The supervising officer is responsible for regularly advising and consulting with releasees and assisting them in adjusting to community life. 730 ILCS 5/3-14-2(d).

47. Supervising officers are required to receive specialized training regarding the specific needs of female releasees, but no other population, including releasees with disabilities. 730 ILCS 5/3-14-2(e); *see also* 730 ILCS 5/3-2-5.5(c)(7).

II. <u>Mr. Davenport's Disability-Related Needs</u>.

48. Mr. Davenport was released on MSR in February 2025. By that time, he had been diagnosed with several health conditions for many years. Those conditions include degenerative disc disease, nerve damage/neuropathy in his wrists and hands, bilateral left shoulder injuries, high blood pressure, severe constipation, and insomnia.

49. As a result of those health conditions. Mr. Davenport experiences pain in his neck and lower back, which worsens during flare-ups. Sleeping on an inadequate mattress and pillows, including thin bedding with little padding or memory foam, regularly causes flare-ups, with symptoms including an inability to walk.

50. Mr. Davenport's conditions and the resulting pain substantially limit multiple major life activities, including sleeping, walking, lifting items, maintaining his personal hygiene, cleaning, cooking, and completing other daily tasks.

51. When Mr. Davenport uses inadequate mattresses and pillows, his physical symptoms are exacerbated. He cannot turn his head, sleep, nor bend over or carry items, and he experiences emotional distress from the resulting debilitating pain and inability to complete every-day tasks.

III. Mr. Davenport's First Release from State Prison.

a. Defendants Hughes and IDOC Knew of Mr. Davenport's Disability-Related Needs Prior to his Release from Prison.

52. Defendants Hughes and IDOC knew of Mr. Davenport's health conditions while he was incarcerated. Both Defendants recognized Mr. Davenport's need for—and provided—assistive devices and implements as a reasonable accommodation (hereinafter, "RA") for his health conditions.

53. In order for an incarcerated individual at an IDOC facility to request an RA, they must see an IDOC physician to assess their condition.

54. The IDOC physician then makes a recommendation as to whether a medical permit for an RA should be granted.

55. Mr. Davenport requested a bed wedge and therapeutic mattress or second mattress as an RA under ADA and the Section 504 of the Rehabilitation Act (hereinafter "§ 504") on October 15, 2024, at Pinckneyville Correctional Center (PCC).

56. Mr. Davenport's request for an RA detailed the nature of his degenerative disc disease, as well as his shoulder and neck injuries.

57. Mr. Davenport also described the inadequacy of the regularly issued IDOC bedding which caused him to wake up in excruciating pain, unable to move his neck from side to side. He explained how he experienced sharp, stabbing pain in his back which worsened with use of the standard IDOC bedding.

58. Upon Mr. Davenport's request for an RA, a physician at PCC saw Mr. Davenport and confirmed the severity of his degenerative disc disease, as well as his other injuries.

59. On January 5, 2025, while he was incarcerated at PCC, Defendant IDOC recognized Mr. Davenport's need for an RA and approved his medical permit for a double mattress and foam bed wedge.

60. Defendants Hughes and IDOC were on notice as early as January 5, 2025, that Mr. Davenport was a qualified person with a disability who required an RA.

b. Defendants Hughes and IDOC Failed to Provide Mr. Davenport with Necessary Discharge Planning, or Accommodations for his Disability, Upon his First Release from State Prison.

61. Mr. Davenport completed his sentence of incarceration and was deemed eligible for release on MSR by the PRB on February 14, 2025.

62. Prior to being released on MSR from PCC, in early February 2025, Mr. Davenport sent a letter to IDOC officials asking whether Defendant IDOC was required to communicate to the receiving transitional housing program—which would become his MSR host site—that Mr. Davenport had a disability and required an RA.

63. The responding IDOC counsel informed Mr. Davenport on February 10 that "PRG has been provided with copies of your medical/mh records in order for them to appropriately place you. At this time, no placement has been found. I sent them an email this

morning giving them the information that you provided me regarding the degenerative disc disease."

64. Mr. Davenport was released onto MSR to Defendant Henry's Sober Living House ("HSL"), an IDOC-approved MSR host site, on February 14, 2025.

65. Defendant HSL owns and operates a transitional living program that directly contracts with Defendant IDOC to provide MSR housing.

66. Defendants Hughes and IDOC failed to communicate Mr. Davenport's need for an RA to Defendant HSL, or its operator, Defendant Henry McGee, prior to Mr. Davenport's discharge.

67. Defendants Hughes and IDOC failed to communicate to Defendants HSL or McGee that Mr. Davenport had an RA at IDOC and would require one at HSL, his MSR housing site.

68. Defendants Hughes and IDOC failed to ensure that Defendant HSL complied with the ADA and § 504 by providing Mr. Davenport with an RA while he lived at HSL from February 14, 2025, to March 6, 2025.

c. Mr. Davenport's Host Site is his Home.

69. Individuals on MSR, including Mr. Davenport, live in the community and reside in residential buildings or structures. Although Defendant IDOC supervises individuals on MSR, such individuals are not considered to be incarcerated.

70. Individuals on MSR must abide by their MSR terms but are otherwise not restricted in their freedom of movement. While on MSR, Mr. Davenport uses both public and private transportation to buy groceries and attend medical appointments, and he is able to leave and return on his own accord.

71. At all relevant times herein, Mr. Davenport has treated and continues to treat his IDOC-approved MSR housing sites as his home. MSR transitional housing programs are temporary or permanent dwelling places, abodes, or habitations to which Mr. Davenport intends to return while he is a resident. Mr. Davenport stores his personal belongings at his MSR housing site, decorates his room, and establishes a team of local care providers near his residence.

d. Defendants McGee and Henry's Sober Living House Refused to Accommodate Mr. Davenport's Disability After his First Release from State Prison.

72. On February 14, 2025, Mr. Davenport first arrived at HSL from PCC. HSL staff informed Mr. Davenport that his room was on the third floor.

73. Immediately, Mr. Davenport explained in detail what his disabilities were and requested a placement on the first floor.

74. Defendant HSL responded that Defendant IDOC did not tell them Mr. Davenport had a disability prior to his arrival.

75. Defendant HSL then denied Mr. Davenport's request for RA without explanation, even as he stood in front of HSL staff struggling to walk and stand.

76. Mr. Davenport also informed Defendant HSL that day that the bedding and pillows in his room were inadequate, and that he needed a therapeutic mattress and pillows as an RA for his severe degenerative disc disease.

77. Defendant HSL again denied Mr. Davenport's RA request without offering any alternatives or substantiating the basis for the denial.

78. Defendant HSL also imposed access barriers that prevented Mr. Davenport from accessing his medication. Defendant HSL stored medications for all residents in a safe on the

first floor, and distributed medication daily at 8:00 am. Every morning, Mr. Davenport was forced to descend two flights of stairs just to receive his medication.

79. Mr. Davenport informed HSL staff that descending and climbing stairs exacerbated his disability-related pain. He repeatedly requested self-carry medications as an RA.

80. Again, Defendant HSL denied those requests for an RA—without explanation.

81. When Mr. Davenport asked Defendant HSL why it refused to accommodate him, and informed Defendant HSL that it was required to do so under the ADA, an HSL staff member responded, "Hell no. We do not provide ADA accommodations."

82. On February 16, 2025, after only two days at HSL, Mr. Davenport's neck and back pain had worsened so much that he had to be taken to the emergency room.

83. Despite knowledge of Mr. Davenport's emergency room visit, Defendant HSL made no effort to ensure that Mr. Davenport had transportation back to HSL that night. Mr. Davenport was forced to ask a stranger at the hospital for a ride back to HSL from the emergency room.

84. Mr. Davenport provided Defendant HSL with an order from an emergency room doctor stating that he was "to keep on person (KOP) his medications until otherwise instructed by his doctor,"

85. An HSL staff member replied, "I don't care nothing about that," and stated that "house rules" required HSL to hold all medications.

86. After his emergency room visit, Mr. Davenport renewed his requests for a therapeutic mattress, pillows, and self-carry medication as an RA for his degenerative disc disease and other conditions. Defendant HSL again denied those requests.

e. Defendants McGee and Henry's Sober Living House Evicted Mr. Davenport and Returned him to State Prison in Retaliation for his Disability-Related Needs and Protected Advocacy Activity.

87. On March 3, 2025, while at morning medication run, Mr. Davenport noticed he was running out of high blood pressure medication even though he had left prison with a 30-day supply.

88. On March 4, 2025, Mr. Davenport asked the HSL staff member who was distributing medications that morning where the rest of his medication was. The staff member allowed Mr. Davenport to search the bag his medications were stored in. After searching the bag, Mr. Davenport informed the staff member that multiple pills were missing.

89. The HSL staff member told Mr. Davenport it was "not [their] job" to keep track of the medications. This response was inconsistent with Defendant HSL's "house rule" that staff hold and distribute medication to residents.

90. Mr. Davenport explained that he was trying to make staff aware of the issue and receive the reasonable accommodations he was entitled to under the law. In response to Mr. Davenport's exercise and enjoyment of his rights as a resident of HSL in requesting such accommodations, the HSL staff member responded with a threat and intimidation: "Oh, I see what you're on. I assure you that you're going to get everything that you deserve."

91. Mr. Davenport then left HSL to attend off-site cognitive behavioral therapy. While he was at his appointment, Defendant HSL issued Mr. Davenport two incident reports in which it falsely alleged that Mr. Davenport was disruptive and stole items from other residents.

92. Both incident reports were dated March 4, 2025, and were written immediately after Mr. Davenport engaged in the statutorily protected activity of requesting reasonable accommodations and an HSL staff member threatened to punish him in response.

93. On February 27—one week prior to the March 4 incident reports—the HSL house manager wrote a residency letter for Mr. Davenport's SNAP application stating: "Since entering the program Mr. Davenport has been in compliance with all rules and policies of the program . . . and is a good client who shows integrity and humility . . . There hasn't been a single negative incident written since Mr. Davenport arrived at Henry's Sober Living House."

94. On March 6, 2025, Defendant HSL not only interfered with Mr. Davenport's use and enjoyment of his housing and protected right to reasonable accommodations, but they evicted Mr. Davenport based on false allegations that he was disruptive and stole items from other residents.

95. Mr. Davenport was forced to give away his personal belongings and was taken to Stateville Correctional Center ("SCC").

IV. Mr. Davenport's Return to State Prison.

96. That same day, March 6, 2025, Defendant IDOC obtained a warrant for Mr. Davenport on the basis that he violated Rule 5.

97. Pursuant to 730 ILCS 5/3-3-7(a)(5), individuals on MSR must "attend or reside in a facility established for the instruction or residence of persons on parole or mandatory supervised release" ("Rule 5").

98. At Mr. Davenport's parole revocation hearing, PRB determined that there was not sufficient evidence to substantiate Defendant HSL's allegations against Mr. Davenport, but that Mr. Davenport nonetheless violated Rule 5 of his MSR.

99. On March 31, 2025, SCC granted Mr. Davenport the same reasonable accommodations he had at PCC prior to his first release from prison and issued him a permit for a double/extra mattress and foam bed wedge.

100. The SCC permit was based on an assessment by a physician at SCC which recognized the severity of Mr. Davenport's conditions and his need for an RA.

101. Between March and June 2025, Defendant IDOC also granted Mr. Davenport an RA to use a cane as an assistive device for walking and standing. Mr. Davenport continues to use a cane as an assistive device.

V. Mr. Davenport's Second Release from State Prison.

a. Defendants Hughes and IDOC Again Failed to Provide Mr. Davenport with Necessary Discharge Planning, or Accommodations for his Disability, Upon his Second Release from Prison.

102. Mr. Davenport's MSR eligibility resumed on April 17, 2025, roughly six weeks after he was sent back to prison.

103. By early May 2025, Mr. Davenport was still in Defendant IDOC's custody at SCC with no information from Defendant IDOC regarding his potential host site.

104. On May 5, 2025, Josh Goldstein, a Staff Attorney at Equip for Equality, emailed Natalie Mason, IDOC Corrections Statewide Advocacy Liaison, regarding Mr. Davenport's discharge planning needs.

105. Equip for Equality is the Protection & Advocacy organization for the State of Illinois and is charged with protecting and advocating for the rights of people with disabilities.

106. In his May 5 email, Mr. Goldstein explained the nature of Mr. Davenport's disabilities, his need for reasonable accommodations, and his improper eviction from HSL for requesting reasonable accommodations.

107. Mr. Goldstein also put Ms. Mason on notice that, without proper discharge planning for Mr. Davenport upon his next release on MSR, and without reasonable accommodations by the housing provider, Mr. Davenport would be at risk of homelessness, recidivism or institutionalization.

108. On May 13, 2025, Ms. Mason assured Mr. Goldstein that Defendant IDOC was engaged in efforts to secure Mr. Davenport a new host site. Almost a month passed with no updates from Ms. Mason or Defendant IDOC regarding Mr. Davenport's new host site.

109. On June 2, 2025, Defendant IDOC transferred Mr. Davenport from SCC to Western Illinois Correctional Center ("WICC"), where he was held until July—nearly three months past his MSR eligibility date—waiting for Defendant IDOC to find and approve a new host site.

110. During Mr. Davenport's transfer to WICC, Defendant IDOC lost his bed wedge. As a result, Mr. Davenport slept without it, in severe pain, for the duration of his time at WICC.

111. On June 10, 2025, Mr. Goldstein again emailed Ms. Mason expressing his concern that Mr. Davenport was still being held in custody despite being eligible for release since April 17, 2025. Mr. Goldstein also requested records from Defendant IDOC's Parole Reentry Group related to efforts they had made, if any, to find Mr. Davenport appropriate and accessible approved housing, in addition to the referral packet Defendant IDOC sent to prospective housing providers about Mr. Davenport.

112. On June 12, 2025, Ms. Mason replied to Mr. Goldstein's email with a list of eight transitional housing programs and provided the date on which Defendant IDOC referred Mr. Davenport to those programs, as well as the date each program denied the referral. All eight programs denied Mr. Davenport's referral by Defendant IDOC.

113. Ms. Mason's email indicated that Defendant IDOC sent one referral to a transitional housing program on May 1, 2025, and Mr. Davenport's referral was denied the very same day.

114. It also indicated that on May 14, 2025, approximately one month after Mr. Davenport's MSR eligibility was reinstated, Defendant IDOC sent seven additional referrals. Despite Defendant IDOC being on notice of Defendant HSL's retaliatory eviction of Mr. Davenport, Defendant HSL was one of three housing programs contacted.

115. Each of the programs denied Defendant IDOC's referral for Mr. Davenport the very same day. Nonetheless, when Ms. Mason emailed Mr. Goldstien on June 12, 2025, almost a month after those denials, no new or additional referrals had been made.

116. Mr. Goldstein responded the same day, reminding Ms. Mason that Defendant HSL was the housing program that improperly evicted Mr. Davenport because he requested reasonable accommodations. Mr. Goldstein asked whether the PRG had any plans to refer Mr. Davenport to other programs, and if not, that they do so.

117. On June 18, 2025, Ms. Mason emailed Mr. Goldstein stating that it had been "difficult" for Defendant IDOC to find Mr. Davenport an approved MSR housing site. In that same email, Ms. Mason included information that Defendant IDOC sent to transitional housing providers ("Discharge Referral Packet"). The Discharge Referral Packet contained insufficient information about the nature of Mr. Davenport's disabilities and failed to communicate to

transitional housing programs Mr. Davenport's need for reasonable accommodations. It stated only that "Mr. Davenport would need a room on the first floor, preferably closest to the bathroom." Nowhere did the Referral Packet state that Defendant IDOC previously approved a double/extra mattress and a foam wedge as a reasonable accommodation for his severe degenerative disc disease and shoulder/neck injuries, or that Mr. Davenport would require the same or similar accommodation at his transitional housing program.

118. On July 2, 2025, Mr. Goldstein followed up and asked whether Mr. Davenport had been referred to Housing is Recovery or the Flexible Housing Pool transitional housing program. Housing is Recovery is a pilot program that provides affordable housing and support services to individuals with psychiatric disabilities and substance use disorders who are at risk of homelessness or institutionalization. The Flexible Housing Pool is a reentry pilot program that provides integrated housing and service delivery for people with complex physical and behavioral needs and past criminal legal involvement.

119. On July 3, 2025, Ms. Mason informed Mr. Goldstein that Defendant IDOC had secured a new approved host site, and that Mr. Davenport was being discharged that day to Defendant Next Step Recovery ("NSR") in Peoria, Illinois.

120. Between June 2 and July 3, 2025 at WICC, Mr. Davenport continued to advocate on his own behalf by writing to reentry representatives multiple times to ensure that his next housing placement would provide the accommodations he needs and that he would not face the same retaliatory conduct as he did from Defendant HSL.

121. In response to Mr. Davenport's letters, a WICC reentry representative assured Mr. Davenport that Defendant IDOC would communicate with his next host site regarding his disability and that the housing provider would take care of his disability-related needs.

122. Contrary to Defendant IDOC's representation to Mr. Davenport, however, and despite Mr. Goldstein's advocacy, Defendant IDOC failed to engage in adequate discharge planning for Mr. Davenport's second MSR discharge. Defendant IDOC also failed to take any steps to ensure that Mr. Davenport's host site would provide his needed RA.

123. On July 3, 2025, after being incarcerated for nearly three months past his MSR eligibility date and four months since his return to prison, and despite Defendant IDOC's knowledge of his disability-related RA needs, Mr. Davenport was sent to Defendant Next Step Recovery—another inaccessible transitional housing program that refuses to provide Mr. Davenport with the accommodations he requires.

b. Defendants Joyce, Next Step Community Services, LLC, and Next Step Recovery Homes, LLC Refused to Accommodate Mr. Davenport's Disability After his Second Release from State Prison.

124. Defendants Next Step Community Services ("NSCS") and Next Step Recovery Homes, LLC ("NSR") are owned and operated by Defendant Saiyd Joyce, who owns and operates approximately eight to nine transitional housing sites in Illinois pursuant to a contract with Defendant IDOC to provide housing to formerly incarcerated individuals on MSR. Defendant IDOC pays Defendant Joyce a daily rate per resident to house individuals on MSR.

125. Like at Defendants HSL and McGee's transitional housing program, Defendants NSCS, NSR, and Joyce's housing program is inaccessible.

126. Mr. Davenport has continued to use a cane as a resident at NSR since Defendant IDOC provided the assistive device as RA at Stateville Correctional Center on or between May to June 2025 for walking and standing.

127. To wash his clothes, Mr. Davenport must navigate a flight of stairs while using his cane to access the basement where the washer and dryer are located.

128. Not only is it inaccessible for Mr. Davenport to have to traverse a flight a stairs with his disability, but the basement conditions pose additional hazards to his health and safety. There are exposed cables hanging from the ceiling, and the floor is riddled with puddles from leaky pipes—all of which Mr. Davenport must navigate while using his cane.

129. Defendants NSCS, NSR, and Joyce have also failed to provide Mr. Davenport with reasonable accommodations. Since Mr. Davenport arrived at Defendant NSR on July 3, more than four months ago, Defendants NSCS, NSR, and Joyce have repeatedly denied Mr. Davenport's requests for a therapeutic mattress and wedge pillow as an RA. Although Defendants NSCS, NSR, and Joyce did provide a lock box for Mr. Davenport's prescription medications upon his request, Defendant Joyce stated that this will be the "only exception," and that he is "not obligated" to provide Mr. Davenport with a therapeutic mattress, nor any other reasonable accommodations.

130. Defendant Joyce stated that Defendant IDOC never communicated to him that Mr. Davenport had a disability or any IDOC-approved accommodations, let alone that Defendant Joyce had an obligation to provide them at NSR.

131. Mr. Davenport has explained to Defendant Joyce multiple times the nature of his disability, how an inadequate mattress worsens his symptoms, and how Mr. Davenport regularly wakes up unable to move at NSR because he is in excruciating pain.

132. Mr. Davenport has repeatedly informed Defendant Joyce multiple times that he has an obligation under the ADA to provide an RA. Despite that, Defendant Joyce continues to

reject Mr. Davenport's RA requests and improperly refuses to engage in the interactive process with Mr. Davenport as required under the ADA.

c. Defendants Joyce, Next Step Community Services, LLC, and Next Step Recovery Homes LLC Have Threatened to Evict Mr. Davenport in Retaliation for his Disability-Related Protected Advocacy Activity.

133. In August 2025, in response to Mr. Davenport's exercise and enjoyment of his rights as a resident of NSCS/NSR in requesting a therapeutic mattress as an RA, Defendant Joyce impliedly threatened to send Mr. Davenport back to IDOC if he continued to advocate for a new mattress, stating, "if this is not a good fit, I can try to find somewhere else for you to go."

134. On October 31, 2025, Mr. Davenport again told Defendant Joyce that he required a therapeutic mattress.

135. Defendant Joyce said that NSCS/NSR is "not ADA compliant," that he is "not obligated to provide therapeutic mattresses," and he only gives residents "regular mattresses and pillows."

136. Defendant Joyce then impliedly threatened Mr. Davenport again, telling him that he was going to "call IDOC" and "find somewhere else for [him] to go."

137. Mr. Davenport experiences severe pain daily from Defendant Joyce's refusal to grant his RA As a result of Defendants NSCS, NSR and Joyce's threats and intimidation, Mr. Davenport lives in fear of being sent back to prison for engaging in the protected activity of requesting an RA, and Defendants together interfere with his right to request accommodations in the future.

VI. The Risk of Mr. Davenport's Worsening Physical Health and Illegal Return to Prison.

138. Mr. Davenport is scheduled for spinal fusion surgery on or around December 3, 2025. His reasonable accommodation needs will persist until and after the surgery. Without accommodations, Mr. Davenport will experience a prolonged and painful recovery from surgery and further diminution of his physical health.

139. Mr. Davenport is on MSR until October 19, 2027, and therefore subject to Defendant IDOC's jurisdiction until such date.

140. Until that date, Mr. Davenport is subject to being returned to state prison by Defendants, including for conduct that does not constitute a violation of MSR terms—like seeking an RA.

141. Mr. Davenport's final discharge date may be pushed back even further if he is sent back to prison for violating the MSR requirement that he have an approved host site.

142. For all the aforementioned reasons, Mr. Davenport faces a substantial risk of being sent back to prison for up to two years for improper and illegal reasons based solely on his disability status.

FIRST CAUSE OF ACTION

(Title II of the Americans with Disabilities Act Against Defendants Hughes and IDOC)

143. Title II of the Americans with Disabilities Act ("ADA") prohibits public entities from excluding or denying qualified people with disabilities from the benefits of their services, programs, or activities or otherwise discriminating against them based on disability. 42 U.S.C. § 12132.

144. Defendant IDOC is a public entity as defined by Title II. 42 U.S.C. § 12131(1)(B).

145. Defendant Hughes is the operator and administrator of Defendant IDOC.

146. Together, Defendants Hughes and IDOC administer and operate services, programs, and activities as defined by Title II, including (1) services, programs, and activities that identify an incarcerated person's disabilities and disability-related needs for in-custody treatment and accommodation; (2) services, programs, and activities that identify an incarcerated person's post-release disability-related treatment and accommodation needs; and (3) transitional housing programs, or physical facilities that afford housing for formerly incarcerated people who are on MSR.

147. The term "disability" includes physical and mental impairments that substantially limit one or more major life activities. 42 U.S.C. § 12102(2). A "qualified individual with a disability" means an individual with a disability who, "with or without reasonable modifications to rules, policies, or practices . . . meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity." 42 U.S.C. § 12131(2).

148. Mr. Davenport was at all times relevant to this action and is currently a qualified individual with a disability as defined by Title II. He has a physical impairment that substantially limits his major life activities, including walking, sleeping, standing, and caring for himself. He was incarcerated by Defendants Hughes and IDOC and is now housed in and served by Defendants Hughes and IDOC while on MSR and is thus qualified—with or without reasonable modification—to participate in the Defendants' services, programs, and activities.

149. Congress directed the United States Department of Justice to promulgate regulations implementing Title II's prohibition against discrimination in public entity services,

programs, and activities. 42 U.S.C. § 12134. Pursuant to this mandate, DOJ has issued regulations defining the forms of discrimination prohibited by Title II. 28 C.F.R. § 35.101 *et seq*.

150. Under Title II and those implementing regulations, the Defendants Hughes and IDOC discriminate against people with disabilities where they, among other things, fail to accommodate the needs of people with disabilities to ensure their equal and effective access to Defendants Hughes and IDOC's programs, services, and activities. 28 C.F.R. §§ 35.104, 35.130(a) and (d), 35.130(b)(1)(h) and (vii).

151. By failing to provide Mr. Davenport with necessary assistive devices and implements, including a therapeutic mattress and wedge pillow, while he resided at Henry's Sober Living and Next Step Recovery—both of which are transitional housing programs administered and operated by Defendants Hughes and IDOC—Defendants Hughes and IDOC have failed to accommodate Plaintiff's needs and have thus denied him equal and effective access to transitional housing programs for people on MSR, in violation of Title II of the ADA and its implementing regulations. *See* 42 U.S.C. § 12134; 28 C.F.R. § 35.130(b)(1)(ii).

152. Defendants Hughes and IDOC have failed to make reasonable modifications to their policies, practices, and procedures to ensure that Mr. Davenport receives the assistive devices and implements he requires upon release to Defendant Hughes and IDOC's transitional housing programs. That failure violates Title II of the ADA and its implementing regulations. 28 C.F.R. § 35.130(b)(7).

153. Defendants Hughes and IDOC maintain methods of administration that have the effect of subjecting Mr. Davenport—and other people with disabilities—to discrimination by reason of his disability. Specifically, Defendants Hughes and IDOC fail to [a] communicate releasee's disability related needs prior to release, [b] ensure that transitional housing programs

understand releasee's disability related needs prior to release, and [c] ensure that transitional housing programs in fact provide necessary reasonable accommodations and modifications—including in the form of assistive devices and implements—to releasees. Those methods of administration directly deny Mr. Davenport and people with disabilities equal and effective access to Defendant Hughes and IDOC's transitional housing program. They also substantially impair accomplishment of Defendant Hughes and IDOC's transitional housing program with respect to Mr. Davenport—and other people with disabilities. Together, these methods of administration amount to an abdication of Defendant Hughes and IDOC's administrative and operational authority over the transitional housing programs with which they contract. This conduct violates Title II of the ADA. 28 C.F.R. § 35.130(b)(3)(iii).

154. Together, Defendants' failure to accommodate Mr. Davenport's disability-related needs while he resided at HSL; failure to make reasonable modifications to their policies, practices, and procedures to ensure Mr. Davenport received assistive devices and implements; and maintenance of methods of administration that have the effect of subjecting Mr. Davenport to discrimination by reason of his disability directly and proximately resulted in his return to state prison from HSL and his prolonged confinement in state prison for nearly four months in advance of his release to NSR.

155. Similarly, Defendants Hughes and IDOC's failures to accommodate and modify, and their maintenance of the aforementioned methods of administration, have directly and proximately caused Mr. Davenport to go without assistive devices and implements while at HSL, and NSR, where he remains today, in danger of once again being returned to state prison and subjected to yet further prolonged confinement.

156. As a direct and proximate result of the aforementioned acts and omissions of the Defendants Hughes and IDOC, Mr. Davenport has been and continues to be injured. Mr. Davenport has suffered physical injuries because of the aforementioned acts and omissions, and has been subjected to prolonged confinement not experienced by nondisabled individuals.

157. Defendants Hughes and IDOC's actions and inactions constitute ongoing and continuous discrimination in violation of Title II of the ADA. 42 U.S.C. § 12132. They also constitute deliberate indifference to the likelihood that Plaintiff's rights, under Title II of the ADA, will continue to be impaired. Plaintiff is therefore entitled to declaratory and injunctive relief, compensatory damages, punitive damages, and reasonable attorneys' fees and costs.

SECOND CAUSE OF ACTION

Title III of the Americans with Disabilities Act

(Against Defendants Saiyd Joyce, Next Step Community Services, LLC, and Next Step Recovery Homes, LLC)

158. Title III of the ADA provides that no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by anyone who owns, leases, leases to, or operates a place of public accommodation. 42 U.S.C. § 12182(a).

159. Defendant Joyce is the owner and operator of Defendant Next Step Community Services, LLC and Defendant Next Step Recovery Homes, LLC. 42 U.S.C. §§ 12182, 12181(7)(A), (K).

160. Defendant Next Step Community Services, LLC is a place of public accommodation. 42 U.S.C. § 12181(7)(A), (K).

161. Defendant Next Step Recovery Homes, LLC is a place of public accommodation. 42 U.S.C. § 12181(7)(A), (K).

162. Defendants are together prohibited from denying participation to people with disabilities and providing unequal participatory benefits to people with disabilities. 42 U.S.C. § 12182(b)(1)(A).

163. Defendants are prohibited from using standards, criteria, and other methods of administration that have the effect of discriminating on the basis of disability. 42 U.S.C. § 12182(b)(1)(D). They are further prohibited from using eligibility criteria that screen out or tend to screen out individuals with disabilities or any class of individuals with disabilities. 42 U.S.C. § 12182(b)(2)(a)(i).

164. Defendants are required to make reasonable modifications in policies, practices, and procedures where necessary to afford their goods, services, and facilities to individuals with disabilities. 42 U.S.C. § 12182(b)(2)(a)(ii).

165. Further, Defendants are responsible for affording auxiliary aids and services to ensure that no individual with a disability is excluded, denied services, segregated, or otherwise treated differently from other individuals. 42 U.S.C. § 12182(b)(2)(A)(iii).

166. By failing to modify their policies and practices concerning the availability of auxiliary aids and services, and by failing to provide Plaintiff with necessary auxiliary aids and services, including a therapeutic mattress and wedge pillow, Defendant Joyce—operating through Defendants Next Step Community Services, LLC, and Next Step Recovery Homes, LLC—has excluded Plaintiff and denied Plaintiff services in violation of Title III of the ADA. 42 U.S.C. § 12182(b)(2)(A)(iii).

167. Similarly, by maintaining policies and practices that categorically deny auxiliary aids and services to individuals with disabilities, Defendant Joyce—operating through Defendants Next Step Community Services, LLC, and Next Step Recovery Homes, LLC—has utilized standards, criteria, and methods of administration that discriminate on the basis of disability, and imposed eligibility criteria that screen out people with disabilities. 42 U.S.C. §§ 12182(b)(1)(D), (b)(2)(a)(i).

168. Under the ADA, Defendant Joyce is required to engage in an interactive process to determine the appropriate accommodation for Plaintiff after Plaintiff has disclosed a disability and requested reasonable accommodation. Defendant has obstructed, delayed, and refused to engage in that interactive process. That conduct has resulted in Defendant's failure to identify an appropriate accommodation for Mr. Davenport. Together, this conduct violates the ADA.

169. As a direct and proximate result of the aforementioned acts and omissions, Plaintiff has been and continues to be injured.

170. Defendants' actions and inactions constitute ongoing and continuous discrimination in violation of Title III of the ADA. 42 U.S.C. § 12182. Plaintiff is therefore entitled to declaratory and injunctive relief and reasonable attorneys' fees and costs.

THIRD CAUSE OF ACTION

Section 504 of the Rehabilitation Act of 1973

(Against Defendants Hughes and IDOC)

171. Plaintiff is a qualified individual with a disability within the meaning of 28 U.S.C. § 705(20) and 45 C.F.R. 84.4(a)(1).

172. Defendant IDOC, which is overseen by Defendant Hughes, is a recipient of federal assistance and thus subject to the requirements of Section 504.

173. Defendants Hughes and IDOC provided and provide a "program or activity" where "program or activity" is described as "all operations of" the recipient, which includes IDOC's in custody treatment and accommodation, discharge planning, and transitional housing programs and activities.

174. Section 504 provides that "no otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

175. Section 504 requires recipients of federal financial assistance to make reasonable modifications in policies, practices, and procedures where such modifications are necessary to avoid discrimination on the basis of disability. 45 C.F.R. § 84.4.

176. Section 504 also requires that: "For the purpose of this part, aids, benefits, and services, to be equally effective, are not required to produce the identical result or level of achievement." *Id.*

177. Plaintiff was released from IDOC custody on MSR and is eligible to reside—and does in fact reside—in Defendants' transitional housing program while on MSR.

178. Plaintiff requires accommodations for his physical disabilities to ensure his continued and effective participation in Defendants' transitional housing program, and to avoid a diminution in his physical health.

179. Defendants have denied Plaintiff that accommodation. Defendants have also failed to exercise their administrative and operational authority over transitional housing programs that operate pursuant to a contract with Defendants—including Defendants Henry McGee, Henry's Sober Living House, Saiyd Joyce, Next Step Community Services, LLC, and

Next Step Recovery Homes, LLC—and are thus responsible for those programs' failure to accommodate plaintiff.

180. Defendants have violated the rights of Plaintiff secured by § 504 of the Rehabilitation Act and its implementing regulations.

181. As a direct and proximate result of the aforementioned acts, Plaintiff has been and continues to be injured.

182. Defendants' conduct constitutes an ongoing and continuous violation of Section 504 and, as a result, Plaintiff is entitled to declaratory and injunctive relief, compensatory damages, and reasonable attorneys' fees and costs.

FOURTH CAUSE OF ACTION

Fair Housing Act and Fair Housing Amendments Act

(Against Defendants Henry Sober Living House, Henry McGee, Next Step Community Services, Next Step Recovery Homes LLC, and Saiyd Joyce)

183. The Fair Housing Act, or the Fair Housing Amendments Act ("FHAA"), provides that it is unlawful to discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter on the basis of their disability and to discriminate against any person in the provision of services or facilities in connection with such dwelling on the basis of their disability. 42 U.S.C. §§ 3604(f)(1–2).

184. Discrimination under the FHAA includes a refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(3)(B).

185. The FHAA also prohibits retaliation, providing that it is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of such person having exercised or enjoyed any right granted or protected by the FHAA, including in the exercise of one's right to request of reasonable accommodations under 42 U.S.C. § 3604(f)(3). 42 U.S.C. § 3617.

186. An aggrieved individual must bring FHAA claims within two years "after the occurrence of the termination of an alleged discriminatory housing practice . . . to obtain appropriate relief with respect to such discriminatory housing practice." 42. U.S.C. § 3613(a)(1)(A).

187. To remedy a discriminatory housing practice that has occurred or is about to occur, the Court may award actual and punitive damages, a permanent or temporary injunction, temporary restraining order, "or other order (including an order enjoining the defendant from engaging in such practice or ordering such affirmative action as may be appropriate)." *Id.* § (c)(1). The court may also award reasonable attorney's fees and costs. *Id.* § (c)(2). Compensatory damages may include damages for injuries such as emotional distress.

188. Plaintiff is a qualified individual with a disability within the meaning of 42 U.S.C. §§ 3604(f)(1), (2), and 3602(h).

189. Defendant Henry's Sober Living House ("HSL") owns and operates a building or structure which is occupied as, and designed or intended for occupancy as, a residence by one or more families, and is a dwelling under the FHAA. 42 U.S.C. §§ 3602, 3604.

190. Defendant Henry McGee owns and operates a building or structure which is occupied as, and designed or intended for occupancy as, a residence by one or more families, and is a dwelling under the FHAA. 42 U.S.C. §§ 3602, 3604.

191. Defendants Next Step Community Services ("NSCS") and Next Step Recovery Homes LLC ("NSR") own and operate a building or structure which is occupied as, and designed or intended for occupancy as, a residence by one or more families, and is a dwelling under the FHAA. 42 U.S.C. §§ 3602, 3604.

192. Defendant Saiyd Joyce owns and operates a building or structure which is occupied as, and designed or intended for occupancy as, a residence by one or more families, and is a dwelling under the FHAA. 42 U.S.C. §§ 3602, 3604.

193. HSL is a temporary or permanent dwelling place, abode, or habitation to which Plaintiff, at all relevant times, intended to return and occupy as a home.

194. NSCS/NSR is a temporary or permanent dwelling place, abode, or habitation to which Plaintiff, at all relevant times, intends to return and occupy as a home.

195. Defendants HSL, McGee, NSCS, NSR, and Joyce receive state and federal funds by and through Defendant Illinois Department of Corrections as consideration for providing transitional housing to individuals on Mandatory Supervised Release in the State of Illinois. All Defendants thus rent their housing within the meaning of 42 U.S.C. § 3602(e).

196. Defendants are together prohibited from discriminating in the sale or rental of a dwelling on the basis of disability. 42 U.S.C. § 3604(f)(1). They are further prohibited from discriminating in the provision of services or facilities of a dwelling on the basis of disability. 42 U.S.C. § 3604(f)(2).

197. Defendants are required to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling. 42 U.S.C. § 3604(f)(3)(B).

198. Defendants are together also prohibited from retaliating against an individual through unlawful coercion, intimidation, threats, or interference in the exercise or enjoyment of, or on account of such person having exercised or enjoyed any right granted or protected by the FHAA, including in the exercise of one's right to request of reasonable accommodations under 42 U.S.C. § 3604(f)(3). 42 U.S.C. § 3617.

199. By failing to modify their rules, policies, practices, or services concerning the availability of auxiliary aids and services, and by failing to provide Plaintiff with necessary auxiliary aids and services, including a therapeutic mattress and wedge pillow, Defendants McGee and Joyce—operating through Defendants HSL, NSCS, and NSR—have excluded Plaintiff and denied Plaintiff services in violation of the FHAA.

200. By returning Plaintiff to prison instead of providing him with auxiliary aids and services and modifying relevant policies and practices, Defendant McGee—operating through Defendant HSL—discriminated against Plaintiff by reason of his disability, in violation of 42 U.S.C. § 3604(f)(1) and (2), and retaliated against him for conduct protected under 42 U.S.C. § 3617.

201. By threatening to return Plaintiff to prison instead of providing him with auxiliary aids and services and modifying relevant rules, policies, practices, or services, Defendant Joyce—operating through Defendants NSCS and NSR—discriminated and continues to discriminate against Plaintiff by reason of his disability, in violation of the 42 U.S.C. § 3604(f)(1) and (2), and retaliated and continues to retaliate against him for conduct protected under 42 U.S.C. § 3617.

202. As a direct and proximate result of the aforementioned acts and omissions, Plaintiff has been and continues to be injured.

203. Defendants' actions and inactions constitute ongoing and continuous discrimination in violation of the FHAA. 42 U.S.C. §§ 3604(f)(1) and (2). Plaintiff is therefore entitled to injunctive relief, compensatory and punitive damages, and reasonable attorneys' fees and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

a) Assume jurisdiction over this matter;

b) Enter an order declaring Defendants' conduct as alleged herein unlawful under the Americans with Disabilities Act, the Rehabilitation Act of 1973, and the Fair Housing Amendments Act;

c) Preliminarily and permanently enjoin Defendants Hughes and IDOC to: [i] engage Plaintiff in the interactive process in good faith; [ii] provide Plaintiff with the assistive devices and implements necessary to ensure his equal and effective access to transitional housing programs for people on Mandatory Supervised Release; and [iii] reasonably modify policies and practices that deny Plaintiff equal and effective access to transitional housing programs for people on Mandatory Supervised Release; and [iv] eliminate methods of administration that have the effect of subjecting Plaintiff—and other people with disabilities—to discrimination by reason of disability by failing to provide assistive devices and implements, specifically methods that fail to [a] communicate releasee's disability related needs prior to release, [b] ensure that transitional housing programs understand releasee's disability related needs prior to release, and [c] ensure that transitional housing programs in fact provide necessary reasonable accommodations and modifications—including in the form of assistive devices and implements—to releasees;

d) Preliminarily and permanently enjoin Defendants Joyce, Next Step Community Services, LLC, and Next Step Recovery House, LLC to: [i] engage Plaintiff in the interactive process in good faith; [ii] provide Plaintiff with auxiliary aids and services necessary to provide him with an equal participatory benefit; [ii] reasonably modify policies and practices where necessary to afford Plaintiff access to Defendants' services and facilities; [iii] eliminate standards, criteria, and methods of administration that have the effect of denying Plaintiff necessary auxiliary aids, services, and modifications; [iv] eliminate eligibility criteria that screen out or tend to screen out Plaintiff on the basis of disability; and [v] eliminate policies and practices that categorically deny to people with disabilities auxiliary aids, services and modifications;

e) Preliminarily and permanently enjoin Defendants Hughes and IDOC from deeming Plaintiff in violation of his Mandatory Supervised Release conditions, and returning him to State Prison, by reason of his disability related accommodations needs and disability related protected advocacy activity;

f) Preliminarily and permanently enjoin Defendant Joyce, Defendant Next Step Community Services, LLC, and Defendant Next Step Recovery House, LLC from evicting Plaintiff and initiating his return to State Prison by reason of his disability-related accommodations needs and disability-related protected activity;

g) Issue a judgment against Defendant Hughes and Defendant Illinois Department of Correction, in a fair, just, and reasonable amount, to be determined by the Court, as compensatory damages for injuries sustained by Plaintiff;

h) Issue a judgment against Defendants Henry McGee, Henry's Sober Living House, Saiyd Joyce, Next Step Community Services, LLC, and Next Step Recovery House, LLC in a

fair, just, and reasonable amount, to be determined by the Court, as compensatory and punitive damages for injuries sustained by Plaintiff;

i) Award reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988, 42 U.S.C. § 12205, 29 U.S.C. § 794a, 42 U.S.C. § 3613(c)(2), and other applicable law;

j) Award pre-and post-judgment interest, as permitted by law; and

k) Grant such other relief as the Court deems appropriate and just.

Dated: November 21, 2025
New York, New York

NATIONAL CENTER FOR LAW AND ECONOMIC JUSTICE

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