

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
5:25-cv-00617**

PAMELA CHAMBERS,

Plaintiff,

v.

LESLIE DISMUKES, in her official
capacity as Secretary of the North
Carolina Department of Adult
Correction,

ELTON AMOS, individually and in
his official capacity as Medical
Director of the North Carolina
Correctional Institution for Women, and

NORTH CAROLINA
DEPARTMENT OF ADULT
CORRECTION,

Defendants.

**VERIFIED AMENDED
COMPLAINT**

INTRODUCTION

1. This case challenges the state prison system's policy or practice of only providing one cataract removal surgery for prisoners regardless of their individual medical needs.

2. Plaintiff Pamela Chambers¹ is in the custody of the North Carolina Department of Adult Correction (DAC). She is housed at the North Carolina Correctional Institution for Women (NCCIW).

3. DAC healthcare providers diagnosed Ms. Chambers with cataracts in both eyes in 2022. She was scheduled to receive surgery on her right eye in October 2022 and on her left eye in November 2022. Ms. Chambers received the first cataract surgery, but the second surgery was cancelled.

4. Since then, DAC's medical providers have repeatedly noted that Ms. Chambers still needs a second cataract surgery.

5. In May 2023, Defendant Elton Amos, the Medical Director at NCCIW, denied the request for second-eye surgery because, as stated in Ms. Chambers' medical records, "patients receive one cataract surgery while incarcerated."

6. Even though Defendants' own healthcare providers have recognized and alerted Defendants to Ms. Chambers' medical need for a second cataract surgery, Defendants refuse to provide it. They have no medical or penological justification for doing so.

7. For these reasons and as alleged below, Defendants are violating Ms. Chambers' rights under the Eighth Amendment, the Americans with Disabilities Act (ADA), the Rehabilitation Act (Rehab Act), and Article I, Section 27 of the North Carolina Constitution. Plaintiff seeks declaratory and injunctive relief and damages.

¹ Due to a clerical error, many of Ms. Chambers' records are under the name "Pamela Chamblis."

PARTIES

8. Plaintiff Pamela Chambers is a 64-year-old woman who has been incarcerated and in the custody of DAC since 1992.

9. Defendant Leslie Dismukes is the Secretary of the Department of Adult Correction (DAC). She is responsible for ensuring that people in DAC custody receive medical care and disability accommodations that comply with federal and state law. She is sued in her official capacity under § 1983 for violations of Plaintiff's Eighth Amendment rights, under the ADA and Rehab Act, and under Article I, Section 27 of the North Carolina Constitution.

10. Defendant Elton Amos is the Medical Director for NCCIW. He is responsible for overseeing the operations of all medical services provided to those housed at NCCIW, including Ms. Chambers. Defendant Amos is sued in his official and individual capacities under § 1983 for violations of Plaintiff's Eighth Amendment rights, and in his official capacity under the ADA, Rehab Act, and Article I, Section 27 of the North Carolina Constitution.

11. Defendant North Carolina Department of Adult Correction is a public entity as defined by Title II of the Americans with Disabilities Act and constitutes a program or activity receiving Federal financial assistance under the Rehabilitation Act. It is sued under the ADA, Rehab Act, and Article I, Section 27 of the North Carolina Constitution.

JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction under 28 U.S.C. § 1331, which provides federal district courts original jurisdiction in civil actions arising under the U.S. Constitution and the laws of the United States, and 28 U.S.C. § 1343(a)(3), which provides federal district courts original jurisdiction in civil actions to redress the deprivation, under color of state law, of any right secured by federal law.

13. This Court has personal jurisdiction over Defendants as residents of North Carolina.

14. This Court has supplemental jurisdiction over Plaintiff's state law claim under 28 U.S.C. § 1367(a) because it so related to Plaintiff's federal law claims that it is part of the same case or controversy under Article III of the U.S. Constitution.

15. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because the events or omissions giving rise to Plaintiff's claims occurred in Raleigh, North Carolina, located in this District.

FACTUAL ALLEGATIONS

16. Plaintiff Pamela Chambers is incarcerated at NCCIW. Ms. Chambers is 64 years old and has been incarcerated since 1992.

17. By 2022, Ms. Chambers developed cataracts in both eyes.

18. A cataract is the clouding of the lens of the eye which can severely impair vision. It occurs when proteins and fibers in the lens break down and clump together. Symptoms include blurry vision, yellowing of colors, and double vision.²

19. Vision relies on both eyes working together. If one eye has a clear lens and the other still has a cataract, the brain cannot easily merge the two images. This leads to impaired depth perception, poor hand-eye coordination, and difficulty judging distances, which are important for walking and avoiding falls, especially for older people.

20. After the first cataract is removed, that eye often sees well without glasses while the untreated eye may remain nearsighted or farsighted. The large difference in prescription between the two eyes can cause double vision, eye strain, headaches, or imbalance that cannot be corrected with glasses alone.

21. The only effective treatment for cataracts is surgical replacement of the clouded lens with an artificial lens. Cataract surgery is safe, effective, and inexpensive. Without surgery, cataracts can progress to the point of total blindness.³

² *Cataracts*, Mayo Clinic (Sept. 28, 2023), <https://www.mayoclinic.org/diseases-conditions/ataracts/symptoms-causes/syc-20353790>.

³ *How cataracts affect your vision*, Harvard Health (Nov. 20, 2024), <https://www.health.harvard.edu/healthbeat/how-cataracts-affect-your-vision>.

22. Once a cataract has progressed to the hypermature stage, the lens hardens and becomes more difficult for a surgeon to remove, resulting in a more complicated and risky procedure.⁴

23. An untreated cataract can cause glaucoma, which in turn can result in irreversible vision loss.⁵

24. In 2021, Ms. Chambers' uncorrected distance vision measured at 20/200 in both eyes, and her uncorrected near vision measured at 20/100 in her right eye and 20/400 in her left eye. Her uncorrected combined vision was 20/200 for near and distance vision. Visual acuity of 20/200 or worse is considered legal blindness.⁶

25. In March 2022, Ms. Chambers visited the UNC Eye Clinic, where she was told that she would be scheduled for cataract surgery "as soon as possible."

26. In April 2022, Nurse Practitioner McTisa Lane submitted a request for an ophthalmology consultation for cataract surgery.

27. In April 2022, Dr. Alan Holton submitted a request for Ms. Chambers to receive cataract surgery.

⁴ Brian Donnelly & Johnny Sullivan, *Spotting the differences and similarities between glaucoma and cataracts*, Northwell Health (Dec. 9, 2024), <https://www.northwell.edu/news/insights/glaucoma-vs-cataracts>.

⁵ Azhany Yaakub et al., *Sequelae of neglected senile cataract*, 8:1 Malaysian Family Physician 33 (2013), <https://pmc.ncbi.nlm.nih.gov/articles/PMC4170465/pdf/MFP-08-33.pdf>.

⁶ *Legally blind*, Cleveland Clinic (Sept. 6, 2024), <https://my.clevelandclinic.org/health/articles/legally-blind>.

28. By June 2022, Ms. Chambers' near vision had worsened to 20/400 in both eyes, even with corrective lenses. At that time, Ms. Chambers reported that she could not distinguish between letters.

29. Ms. Chambers received cataract surgery on her right eye in October 2022.

30. Ms. Chambers was scheduled to receive the second cataract surgery in November 2022, but the surgery was canceled.

31. At a vision screening in December 2022, Ms. Chambers' best-corrected near distance vision was 20/20 for her right eye, 20/200 for her left eye, and 20/150 overall. The DAC nurse conducting the exam noted that Ms. Chambers "has known cataract in left eye and is awaiting surgical intervention."

32. In April 2023, Nurse Practitioner Reginald Fennell requested approval for Ms. Chambers' second cataract surgery.

33. In May 2023, Defendant Elton Amos deferred the surgery for non-medical reasons.

34. Ms. Chambers' medical records state: "Please inform patient her cataract surgery was deferred by the Medical Director for NCCIW. Patients receive one cataract surgery while incarcerated."

35. In October 2023, Dr. Robert Toler requested an ophthalmology consult, saying that "patient needs surgery on second eye. Please approve consult with same eye surgical facility." The consult did not occur.

36. Upon information and belief, Dr. Toler is an optometrist.

37. In June 2024, DAC clinician Dr. Josephine Brown noted that Ms. Chambers had chronic double vision and had been denied a second cataract surgery.

38. Upon information and belief, Defendants maintain a policy or practice of only correcting one eye per prisoner.

39. Ms. Chambers has, since 2022, has had one corrected eye and one impaired eye with which she can only see some shapes and colors. Defendants have never provided a medical justification for not providing a second cataract surgery.

40. Ms. Chambers suffers from chronic headaches concentrated behind her eyes that feel like migraines. Tylenol does not help with the pain. She also experiences eye strain, nearly constant double vision, worsened depth perception, and poor balance.

41. Ms. Chambers' uncorrected eye makes reading extremely difficult. To read something, she must hold it inches from her face and even then can only read at very slow pace.

42. Ms. Chambers was issued a pair of reading glasses which do not help.

43. Ms. Chambers' vision imbalance has caused poor depth perception and nearly constant double vision, which cause her to frequently bump into people and objects.

44. In April 2024, for example, while getting on a prison transfer van, Ms. Chambers accidentally hit her head, experiencing significant pain that required a sick call. Ms. Chambers also frequently hits her head inadvertently on the metal frame of her bunk bed.

45. Being functionally blind in one eye in the prison environment causes Ms. Chambers significant fear and anxiety, as there is frequent violence at NCCIW, including in her dorm, and her age and poor vision make her more vulnerable to attacks from other prisoners.

46. Ms. Chambers has been issued an eyepatch, but that has proven wholly inadequate to address her condition. The eye patch can help reduce double vision, but it does nothing to address her poor depth perception and headaches. It also renders her completely blind in her uncorrected eye, whereas without the patch she has at least a small amount of peripheral vision and can see blurred colors and movement.

47. At NCCIW, Ms. Chambers had been working at the tag plant. But in early October 2025, Ms. Chambers was let go from that position. Upon information and belief, that happened because of Ms. Chambers' deteriorating vision. Part of her job involved inspecting whether tags had been properly painted, which had become much more difficult due to Ms. Chambers' impaired vision. Recently, she was having tags brought back because there were spots she missed, and her supervisor was growing frustrated.

48. Ms. Chambers was reassigned to laundry work. While she had been making about twenty dollars a week at the tag plant, she now makes about five dollars a week. Her laundry shift also requires her to work at night.

49. Ms. Chambers was previously let go from a position at the dental lab making dentures. Upon information and belief, she was let go because she was unable to see well enough to construct the dentures.

50. Ms. Chambers is aware of at least one other incarcerated woman at NCCIW facing similar circumstances: she has been diagnosed with cataracts in both eyes but has only been approved for one cataract removal surgery.

51. On May 1, 2025, Ms. Chambers' counsel sent the DAC general counsel a letter explaining the situation and demanding that Ms. Chambers receive a second cataract surgery as directed by her healthcare providers.

52. On May 6, 2025, Ms. Chambers had a clinic visit with Dr. Toler, who again referred her to UNC ophthalmology for a cataract consultation on her left eye.

53. On May 14, Defendants' counsel responded via letter to Ms. Chambers' demand letter, but the response did not state whether Ms. Chambers would receive her second surgery.

54. At the time Ms. Chambers verified this complaint, she had not received any further information as to whether she would receive a second cataract surgery. Ms. Chambers' counsel subsequently contacted counsel for Defendants but have not received an update.

55. Ms. Chambers has exhausted all available administrative remedies for the denial of a second cataract surgery.

CAUSES OF ACTION

COUNT I

**Cruel and Unusual Punishment
in Violation of the Eighth Amendment to the U.S. Constitution
via 42 U.S.C. § 1983**

*Against Defendants Amos and Dismukes in their official capacities for declaratory
and injunctive relief, and against Defendant Amos in his individual capacity for
damages*

56. Plaintiff incorporates the allegations in all preceding paragraphs as though fully set forth herein.

57. Defendants Dismukes and Amos are responsible for maintaining policies and practices that provide adequate medical treatment for prisoners at NCCIW, including Ms. Chambers.

58. Ms. Chambers' visual impairment from her remaining cataract is an objectively serious medical condition as it has been "diagnosed by a physician as mandating treatment" and is otherwise "so obvious that even a lay person would easily recognize the necessity for a doctor's attention." *Mays v. Sprinkle*, 992 F.3d 295, 300 (4th Cir. 2021).

59. Cataract surgery is a safe and common procedure that Ms. Chambers requires because she is functionally blind in one eye and is experiencing eye strain, poor depth perception and balance, difficulty reading and navigating her environment, and increased vulnerability to attacks in the prison setting.

60. Ms. Chambers' visual impairment caused by her cataract would be cured or significantly ameliorated by a second cataract surgery. There is no other course of treatment that could achieve that result.

61. Upon information and belief, Defendants Dismukes and Amos know that at least one DAC medical provider has determined that Ms. Chambers requires second-eye cataract surgery.

62. Upon information and belief, Defendants Dismukes and Amos know the symptoms Ms. Chambers is experiencing, that her current course of treatment has been ineffective, that failure to provide Ms. Chambers with second-eye surgery has caused her serious harm, and that Ms. Chambers continues to face a substantial risk of serious harm including risk of fall, glaucoma, and irreversible blindness in her left eye.

63. Defendant Amos is responsible for DAC's failure to treat Ms. Chambers' second cataract because he has denied approval of corrective surgery pursuant to a blanket policy or practice of permitting only one cataract surgery during a prisoner's sentence, regardless of the prisoner's individual medical needs.

64. Defendants are being deliberately indifferent to Ms. Chambers' serious medical need by denying or interfering with medical treatment once prescribed, maintaining a policy or practice that categorically denies medical care regardless of a patient's individual needs, and providing grossly deficient medical care that will only exacerbate or prolong Ms. Chambers' condition.

COUNT II

Cruel or Unusual Punishment in Violation of N.C. Const. Art. I, § 27

Against Defendant DAC and Defendants Amos and Dismukes in their official capacities for damages

65. Plaintiff incorporates the allegations in all preceding paragraphs as though fully set forth herein.

66. Article I, Section 27 of the North Carolina Constitution prohibits “cruel or unusual punishments.” This provision offers at least the same level of protection as the Eighth Amendment. *See State v. Jackson*, 348 N.C. 644, 648, 503 S.E.2d 101, 103–04 (1998). The North Carolina Constitution “emphasizes the importance of this interest in North Carolina.” *Medley v. N.C. Dep’t of Corr.*, 330 N.C. 837, 844, 412 S.E.2d 654, 659 (1992).

67. As alleged in Count I of this complaint, Defendants have been deliberately indifferent to Plaintiff’s serious medical need in violation of the state Constitution.

68. A direct cause of action under the North Carolina Constitution arises where the Plaintiff has no other “adequate state remedy.” *Davis v. Town of S. Pines*, 116 N.C. App. 663, 675, 449 S.E.2d 240, 247 (1994) (citing *Corum v. Univ. of N.C.*, 330 N.C. 761, 782, 413 S.E.2d 276, 289 (1992)).

69. Plaintiff has no other adequate remedy under state law for the violation of her state constitutional right to be free from cruel or unusual punishment. *See Zayre-Brown v. N.C. Dep’t of Pub. Safety*, No. 3:22-cv-191-MOC-DCK, 2024 WL 410243 (W.D.N.C. Feb. 2, 2024) (plaintiff could bring deliberate indifference claim

under Article I, Section 27 because a suit making such allegations in the North Carolina Industrial Commission would be jurisdictionally barred); *Jarvis v. Joyner*, No. 1:14-cv-254, 2020 WL 956801 (M.D.N.C. Feb. 27, 2020) (similar).

COUNT III

Discrimination on the Basis of Disability in Violation of the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

Against Defendants Dismukes and Amos in their official capacities for declaratory and injunctive relief and damages, and against Defendant DAC for declaratory and injunctive relief and damages

70. Plaintiff incorporates the allegations in all preceding paragraphs as though fully set forth herein.

71. The ADA prohibits public entities from discriminating against persons with disabilities in their programs, services, and activities and from excluding persons with disabilities from participation in, or denying them the benefits of, the services, programs, or activities of such a public entity. 42 U.S.C. §§ 12131–12134.

72. Defendant DAC is a “public entity” as defined by the ADA.

73. Defendants provide adequate healthcare and accommodations to people with visual impairments other than a visual impairment resulting from a second cataract.

74. Ms. Chambers is “a qualified individual with a disability” as defined by 42 U.S.C. § 12102 and 42 U.S.C. § 12131(2). Ms. Chambers meets the essential eligibility requirements for the receipt of medical care from DAC because she is a prisoner in the custody of DAC with an objectively serious medical need for

treatment. Her visual impairment substantially limits one or more of her major life activities because “seeing” is a major life activity as defined by 42 U.S.C. § 12102(2). Ms. Chambers’ cataract additionally results in substantial limitations on her major life activities like reading, walking, working, and concentrating.

75. Defendants are discriminating against Ms. Chambers because she is being denied the benefits of DAC healthcare services or otherwise discriminated against on the basis of her disability. *See Nat’l Fed’n of the Blind v. Lamone*, 813 F.3d 494, 503 (4th Cir. 2016).

76. Defendants are discriminating against Ms. Chambers on the basis of her disability by maintaining a policy or practice of only providing corrective surgery to one eye per prisoner. This policy or practice denies the service or benefit of prison medical care and disability accommodation to prisoners like Ms. Chambers, who have the specific disability of cataracts or visual impairments in both eyes, while providing those services or benefits to other prisoners.

77. Defendants have acted and continue to act with intent to discriminate against Ms. Chambers based on her disability. Defendants know and have known that Ms. Chambers’ federally protected rights under the ADA were substantially likely to be violated by their refusal to provide her with necessary cataract surgery and have failed and continue to fail to act to not infringe those rights.

COUNT IV

Failure to Provide Reasonable Accommodation in Violation of the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

Against Defendants Dismukes and Amos in their official capacities for declaratory and injunctive relief and damages, and against Defendant DAC for declaratory and injunctive relief and damages

78. Ms. Chambers incorporates the allegations in all preceding paragraphs as though fully set forth herein.

79. As alleged above, Ms. Chambers' visual impairment caused by a cataract constitutes a disability that limits one or more major life activities.

80. Providing Ms. Chambers the accommodation of a second cataract surgery would not fundamentally alter any prison services or impose an undue burden on Defendants.

81. Despite their knowledge of Ms. Chambers' disability, Defendants intentionally failed and continue to fail to accommodate her disability by refusing to make reasonable modifications to their rules, policies, or practices of only providing one cataract surgery per sentence to accommodate her disability and provide her an opportunity to participate in DAC programs, including DAC's healthcare program.

COUNT V

Discrimination on the Basis of Disability in Violation of Section 504 of the Rehabilitation Act, 29 U.S.C. § 794

Against Defendants Dismukes and Amos in their official capacities for declaratory and injunctive relief and damages, and against Defendant DAC for declaratory and injunctive relief and damages

82. Plaintiff incorporates the allegations in all preceding paragraphs as though fully set forth herein.

83. Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified individual with a disability shall be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance, solely by reason of the individual's disability. 29 U.S.C. § 794.

84. Defendant DAC receives federal financial assistance as defined by the Rehabilitation Act.

85. Because of her visual impairment caused by a cataract, Ms. Chambers is an "individual with a disability" within the meaning and scope of 29 U.S.C. § 705(20)(B), and she is eligible to participate in DAC's programs, including healthcare programs.

86. Upon information and belief, DAC maintains policies or practices that prohibit prisoners from undergoing a second cataract removal surgery regardless of individual circumstances.

87. DAC has discriminated against and continues to discriminate against Ms. Chambers in violation of the Rehabilitation Act by maintaining policies and practices that deny her access to treatment that would accommodate her disability, causing her ongoing harm.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Pamela Chambers respectfully requests that the Court enter the following relief:

A. Declare that Defendants' policy or practice of only providing prisoners with one cataract surgery violates the Eighth Amendment, Article I, Section 27 of the North Carolina Constitution, the Americans with Disabilities Act, and the Rehabilitation Act.

B. Declare that Defendants' failure to provide Ms. Chambers with a second cataract removal surgery violates the Eighth Amendment, Article I, Section 27 of the North Carolina Constitution, and Americans with Disabilities Act, and the Rehabilitation Act.

C. Enter preliminary and permanent injunctions requiring Defendants to refer Ms. Chambers to an ophthalmologist for a consultation concerning second-eye cataract surgery and provide all treatment as directed.

D. Maintain jurisdiction over this matter until Defendants' unlawful conduct has ceased and is not likely to recur.

E. Award Ms. Chambers nominal, compensatory, and punitive damages.

F. Award Ms. Chambers her costs and reasonable attorneys' fees.

G. Award any additional relief as the Court may deem just and proper.

Respectfully submitted this 6th day of November, 2025.

**ACLU OF NORTH CAROLINA
LEGAL FOUNDATION**

/s/ Jacqueline L. Landry

Jacqueline L. Landry
(admitted only in the District of Columbia)
D.C. Bar No. 90029109
ACLU OF NORTH CAROLINA
LEGAL FOUNDATION
P.O. Box 28004
Raleigh, NC 27611-8004
Tel: 919.278.2012
Fax: 919.869.2075
jlandry@acluofnc.org

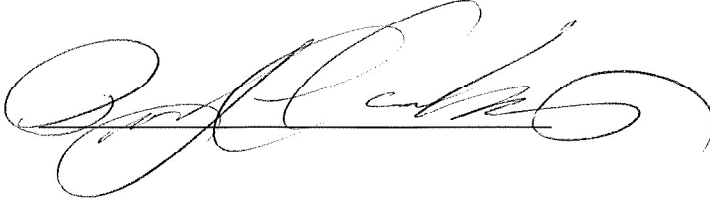
/s/Daniel K. Siegel

Daniel K. Siegel
N.C. Bar. No. 46397
ACLU OF NORTH CAROLINA
LEGAL FOUNDATION
P.O. Box 28004
Raleigh, NC 27611-8004
Tel: 919.592.4630
Fax: 919.869.2075
dsiegel@acluofnc.org

VERIFICATION

I, Pamela Chambers, declare under penalty of perjury that the allegations made in this complaint other than those made upon information and belief are true to the best of my knowledge, and I believe the allegations made upon information and belief to be true.

Executed ^{OCTOBER} ~~November~~ 30, 2025.

A handwritten signature in black ink, appearing to read 'Pamela Chambers', written over a horizontal line.

CERTIFICATE OF SERVICE

I certify that on November 6, 2025, I filed the foregoing document via ECF and will serve the document via email on Orlando Rodriguez, General Counsel for the North Carolina Department of Adult Correction, at orlando.rodriguez@nc.dac.gov.

/s/ Jacqueline L. Landry
Jacqueline L. Landry