

DEXTER DELBERT LORING 2019-0000104
Name and Prisoner/Booking Number

SALT RIVER DEPARTMENT OF CORRECTIONS
Place of Confinement

3213 N. LONGMORE RD
Mailing Address

SCOTTSDALE, AZ 85256
City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

☒ FILED	☐ LODGED
☐ RECEIVED	☐ COPY
SEP 10 2019	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY	<u>ALB</u> DEPUTY

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

DEXTER DELBERT LORING,
(Full Name of Plaintiff)

Plaintiff,

v.

(1) DIRECTOR WILLIAM DALY #8257,
(Full Name of Defendant)

(2) AND OTHERS,

(3) _____,

(4) _____,

Defendant(s).

☐ Check if there are additional Defendants and attach page 1-A listing them.

CV-19-05133-PHX-JAT(JFM)

CASE NO. _____

(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT
BY A PRISONER
JURY TRIAL DEMANDED**

- ☒ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).

☐ Other: _____

2. Institution/city where violation occurred: SALT RIVER DEPARTMENT OF CORRECTIONS SCOTTSDALE, AZ

DEFENDANTS

- 2.) LT. DEAN LEE # 866
- 3.) LT. STACIE MITCHELL # 853
- 4.) SGT. WENDY HILLMAN # 864
- 5.) SGT. FEDRICK CAMPBELL # 8225
- 6.) OFC. AARON VAUGHT # 8298
- 7.) NURSE PRACTITIONER MALKIA
- 8.) PRACTICAL NURSE ROSE

B. DEFENDANTS

1. Name of first Defendant: DIRECTOR WILLIAM DALY #8257. The first Defendant is employed as: COMMANDING DIRECTOR at SAIT RIVER DEPT. OF CORRECTIONS.
(Position and Title) (Institution)
2. Name of second Defendant: LT. DEAN LEE #866. The second Defendant is employed as: COMMANDING LIEUTENANT at SAIT RIVER DEPT. OF CORRECTIONS.
(Position and Title) (Institution)
3. Name of third Defendant: LT. STACIE MITCHELL #853. The third Defendant is employed as: COMMANDING LIEUTENANT at SAIT RIVER DEPT. OF CORRECTIONS.
(Position and Title) (Institution)
4. Name of fourth Defendant: SGT. WENDY HILLMAN #864. The fourth Defendant is employed as: COMMANDING SARGEANT at SAIT RIVER DEPT. OF CORRECTIONS.
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
2. If yes, how many lawsuits have you filed? N/A. Describe the previous lawsuits:
- a. First prior lawsuit:
1. Parties: N/A v. N/A
 2. Court and case number: N/A
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) N/A
- b. Second prior lawsuit:
1. Parties: N/A v. N/A
 2. Court and case number: N/A
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) N/A
- c. Third prior lawsuit:
1. Parties: N/A v. N/A
 2. Court and case number: N/A
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) N/A

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

5.) NAME OF FIFTH DEFENDANT: SGT. CAMPBELL # 8225.
THE FIFTH DEFENDANT IS EMPLOYED AS: DAY SHIFT COMMANDING
SARGEANT AT SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY
DEPARTMENT OF CORRECTIONS, 3713 N. LONGMARE SCOTTSDALE, AZ 85256

DEFENDANT

(6.) NAME OF SIXTH DEFENDANT: OFFICER VAUGHT #8298. THE SIXTH DEFENDANT IS EMPLOYED AS CORRECTIONS OFFICER AT SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY DEPARTMENT OF CORRECTIONS, 3213 N. LONGMORE, SCOTTSDALE, AZ 85256.

DEFENDANT

7.) NAME OF SEVENTH DEFENDANT: NURSE PRACTITIONER MALIKIA.
THE SEVENTH DEFENDANT IS EMPLOYED AS NURSE PRACTITIONER
AT SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY DEPARTMENT
OF CORRECTIONERS, 3213 N. LONGMORE, SCOTTSDALE, AZ 85256.

DEFENDANT

8.) NAME OF EIGHTH DEFENDANT, PRACTICAL NURSE ROSE.
THE EIGHTH DEFENDANT IS EMPLOYED AS PRACTICAL NURSE
AT SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY DEPARTMENT
OF CORRECTIONS, 3213 N. LONGMORE, SCOTTSDALE, AZ 85256.

D. CAUSE OF ACTION

COUNT I

1. State the constitutional or other federal civil right that was violated: THE RIGHT TO BE PROTECTED FROM PERSONAL ABUSE, CORPORAL PUNISHMENT, PERSONAL INJURY AND HARASSMENT.

2. **Count I.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

☐ Basic necessities	☐ Mail	☐ Access to the court	☐ Medical care
☐ Disciplinary proceedings	☐ Property	☐ Exercise of religion	☒ Retaliation
☐ Excessive force by an officer	☐ Threat to safety	☐ Other: _____	

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

SINCE I'VE BEEN INCARCERATED WITHIN THE SALT RIVER DEPARTMENT OF CORRECTIONS, I HAVE SEEN A LOT OF CIVIL RIGHTS BEING VIOLATED BY SALT RIVER DEPT. OF CORRECTIONS ADMINISTRATION AND STAFF. DURING THESE TIMES I FOLLOWED PROTOCOL W/ GRIEVANCE PROCEDURES. SINCE THEN I'VE BEEN CONFRONTED BY DIRECTOR DALY AND LT. MITCHELL. MR. DALY DEMANDED I STOP GRIEVING ISSUES THAT VIOLATE MY CIVIL RIGHTS AS AN INMATE. I HAVE NOT STOPPED AND MR. DALY HAS RETALIATED BY PLACING ME IN 16 HOUR LOCKDOWNS, LET HIS STAFF MISTREAT INCOMING AND OUTGOING MAIL, ILLEGAL SEARCH AND SEIZURE, MAIL TAMPERING, CONFIDENTIAL COUNSELLING SESSIONS INTERRUPTED, PRIVILEGES SUCH AS COMMISSARY BEING BLOCKED, ADVISED HIS STAFF NOT TO ASSIST IN ANY LEGAL SITUATIONS I MAY HAVE, IGNORED HEALTH SITUATIONS DUE TO HIS MEDICAL STAFF'S WRONG DOING W/ OUT COMMUNICATING SIDE EFFECTS, HAS PLACED ME IN UNITS W/ INMATES WHO HAVE MENTAL DEFICIENCIES AS ENTRAPMENT TO FURTHER CLAIM I AM NOT ABLE TO INTERACT W/ INMATES, RELIGIOUS RIGHTS DECLINED.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

I WAS SET BACK W/ ABNORMAL VERTIGO, MILD SHOCK ASSIMILATION, INCREASED PTSD SYMPTOMS AND MENTAL ANGUISH. I AM DEALING W/ INTENSE COUNSELLING DUE TO TRAUMA CAUSED BY STRESS LEVEL.

5. **Administrative Remedies:**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Count I? ☒ Yes ☐ No
- Did you appeal your request for relief on Count I to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. ALL LEVELS WERE CONSIDERED EXHAUSTED, PER DIRECTOR DALY, SO ANY REMEDY REQUESTED IS ERRONEOUS, PER DALY

COUNT II

1. State the constitutional or other federal civil right that was violated: THE RIGHT TO CONFIDENTIALITY W/ LEGAL MAIL

2. **Count II.** Identify the issue involved. Check only one. State additional issues in separate counts.

- ☐ Basic necessities ☒ Mail ☐ Access to the court ☐ Medical care
☐ Disciplinary proceedings ☐ Property ☐ Exercise of religion ☐ Retaliation
☐ Excessive force by an officer ☐ Threat to safety ☒ Other: ILLEGAL SEARCH AND SEIZURE

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

ON MARCH 7th 2019, LT. LEE HAD COME TO MY HOUSING UNIT AND TRIED TO RESOLVE A LEGAL MAIL ISSUE DUE TO STAMPS BEING PROVIDED. AT THIS TIME HE ADVISED ME HE NEEDED TO SKIM THROUGH SENSITIVE LEGAL MAIL I HAD IN WRITTEN. THERE WAS NO REASON TO SKIM MY LEGAL MAIL AS IT WAS OUTGOING MAIL. IN REGARD TO THIS, I WAS TOLD BY OTHER STAFF, LT. LEE E-MAILED ALL STAFF NOT TO ASSIST W/ ANY LEGAL MAIL UNTIL HE REVIEWS SUCH MATERIAL AT HAND. ON JULY 3rd 2019, LT. LEE HAD COME TO MY CELL AND CONFISCATED ALL MY BELONGINGS W/ LEGAL MATERIAL AND SENSITIVE, CONFIDENTIAL BEHAVIORAL HEALTH MATERIAL. IT WAS TAKEN FROM ME AND THOROUGHLY SEARCHED AND READ, W/OUT MY PRESENCE. I WAS TOLD BY AN INTELLIGENCE STAFF THAT HE HAD WALKED OUT BECAUSE OF HOW LT. LEE AND HIS STAFF WERE VIOLATING MY RIGHTS AND READING SENSITIVE LEGAL MATERIAL AND CONFIDENTIAL COUNSELING MATERIAL. IN REGARD TO THIS INVASION OF PRIVACY, LEGAL MATERIAL TO HONORABLE JUDGE HUSAY WAS OPENED AND READ. ALSO SOME MATERIAL CONTAINING FACTS OF MEDICATION BEING WRONGLY DISTRIBUTED WAS TAKEN FOR 8 DAYS

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

I'VE SUFFERED TRAUMATIC BREAKDOWNS SUCH AS PARANOIA, FEAR, INSOMNIA, DEPRESSION AND INCREASED PTSD SYMPTOMS. I AM NOW NEEDING INTENSE COUNSELING THERAPY.

5. **Administrative Remedies.**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Count II? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Count II to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. ALL LEVELS WERE CONSIDERED EXHAUSTED, PER LT. LEE, SO ANY REMEDY REQUESTED IS ERRONEOUS, PER LT. LEE.

COUNT III

1. State the constitutional or other federal civil right that was violated: THE RIGHT TO CONFIDENTIAL BEHAVIORAL HEALTH SESSIONS

2. **Count III.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- | | | | |
|--|---|---|---------------------------------------|
| ☐ Basic necessities | ☐ Mail | ☐ Access to the court | ☐ Medical care |
| ☐ Disciplinary proceedings | ☐ Property | ☐ Exercise of religion | ☐ Retaliation |
| ☐ Excessive force by an officer | ☐ Threat to safety | ☒ Other: <u>CONFIDENTIALITY</u> | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

IN OR ABOUT APRIL OF 2019, LT. MITCHELL HAD BEEN INTENTIONALLY PROHIBITING ME FROM GETTING A STAMP TO SEND OUT LEGAL MAIL. I EXERCISED MY GRIEVANCE RIGHTS AND LT. MITCHELL TOOK THE INITIATIVE TO INVAD A THERAPEUTIC COUNSELING SESSION W/ ME AND BEHAVIORAL HEALTH COUNSELOR, JENIFER MACOVE. LT. MITCHELL BARGED IN AND STATED, "THIS IS AN INTERVENTION", AND STRESSED THE RESOLUTION ABOUT ONE STAMP. CPL. REAGAN AND CPL. RANDAL ACCOMMODATED LT. MITCHELL DURING THIS INTERRUPTION. AT THIS TIME, CPL. REAGAN HAD SEEN HOW UNCOMFORTABLE I WAS GETTING AS LT. MITCHELL ASSERTED TO ENGAGE IN ARGUMENTATIVE ISSUES ABOUT MY GRIEVANCE. CPL. REAGAN THEN USHERED LT. MITCHELL OUT OF THE ROOM I WAS HAVING MY COUNSELING SESSION IN. IT WAS LT. MITCHELL WHO ADVISED STAFF NOT TO READ MY CONFIDENTIAL MATERIAL W/ BEHAVIORAL HEALTH, BUT YET LT. MITCHELL INVAD A SENSITIVE COUNSELING SESSION

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

I'VE BEEN DIAGNOSED W/ PTSD AND DUE TO RETALIATION METHODS AND INVASION OF PRIVACY ISSUES, I NOW SUFFER FROM INTENSE FEAR AND PTSD RELATED SYMPTOMS. I AM AT A LEVEL OF SEVERE TRAUMA.

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- Did you submit a request for administrative relief on Count III? ☒ Yes ☐ No
- Did you appeal your request for relief on Count III to the highest level? ☒ Yes ☐ No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. ALL LEVELS WERE CONSIDERED EXHAUSTED, PER DIRECTOR DALY, SO ANY REMEDY REQUESTED IS ERRONEOUS, PER DALY

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.

1.) STATE THE CONSTITUTIONAL OR FEDERAL CIVIL RIGHT THAT WAS VIOLATED: TO ENSURE THAT DISCIPLINARY ACTIONS ARE NOT USED IN RETALIATION OR PERSONAL REASONS.

2.) COUNT II: DISCIPLINARY PROCEEDINGS

3.) SUPPORTING FACTS: ON MAY 22nd 2019 I WAS IN A STATE OF WITHDRAWAL FROM MEDICATION FOR POST-TRAUMATIC STRESS DISORDER, GIVEN TO ME BY S.R.D.D.C. MEDICAL PRACTITIONERS. DURING THIS WITHDRAWAL STATE OF MENTAL CHEMICAL IMBALANCE, I EXPERIENCED SEVERE SYMPTOMS OF FEAR, PARANOIA, AGGRESSION, AND CONFUSION. IN THE MIDST OF THIS ROLLER COASTER OF MENTAL ANGUISH, I UNKNOWINGLY ACTED OUT AND WAS HELD ACCOUNTABLE FOR ADVERSE SIDE EFFECTS, DUE TO A MEAN INCREASE OF DOSAGE, AND A COMBINATION OF MEDICATION. IN REGARDS TO THIS INCIDENT, THE ARRUPPT DISCONTINUATION OF ONE BRAND OF MEDICATION WAS ALSO THE CAUSE OF SUCH MOOD CHANGES. W/ THIS BEING SAID, DISCIPLINARY HEARING OFFICER, SGT. HILLMAN #864 TOOK NO CREDENCE IN MY DEFENSE, AND REPLIED THAT SHE WAS TIRED OF ME USING MY PTSD AS AN EXCUSE. I EXPLAINED IT WAS NOT JUST THE PTSD, BUT MAINLY THE MEDICATION. SHE ADVISED ME IF I GET THIS DISPOSITION OF WITHDRAWAL IN WRITING FROM PSYCHIATRIST DR. DUFFY, THEN SHE WOULD DISMISS THE ALLEGED VIOLATIONS. I DID GET NOTIFICATION FROM DR. DUFFY, EXPLAINING THAT THESE MEDICATIONS DO CAUSE BIZZARE SIDE EFFECTS, AND SGT. HILLMAN STILL SANCTIONED ME AND DID NOT INVESTIGATE THE OVER DOSAGE OF THIS MEDICINE, EVEN W/ TESTIMONY FROM A WITNESS ABOUT THE CHANGE IN CHARACTER W/ ME, SGT. HILLMAN IGNORED THE SEVERITY IN OUTCOME DO TO DOSAGE.

4.) INJURY: SEVERE EMOTIONAL DISTRESS, INCREASED ANXIETY AND DEPRESSION, SUICIDAL THOUGHTS, AND AN INCREASE OF PTSD SYPTOMS.

5.) ADMINISTRATIVE REMEDIES:

A.) ARE THERE ANY ADMINISTRATIVE REMEDIES (GRIEVANCE PROCEDURES OR ADMINISTRATIVE APPEALS) AVAILABLE AT YOUR INSTITUTION? YES

B.) DID YOU SUBMIT A REQUEST FOR ADMINISTRATIVE RELIEF ON COUNT II? YES

C.) DID YOU APPEAL YOUR REQUEST FOR RELIEF ON COUNT II TO THE HIGHEST LEVEL? YES

D.) IF YOU DID NOT SUBMIT OR APPEAL A REQUEST FOR ADMINISTRATIVE RELIEF AT ANY LEVEL, BRIEFLY EXPLAIN WHY YOU DID NOT. ALL LEVELS WERE CONSIDERED EXHAUSTED PER DIRECTOR DALY, SO ANY REMEDY REQUESTED IS ERRONEOUS, PER DIRECTOR DALY.

1.) STATE THE CONSTITUTIONAL OR FEDERAL CIVIL RIGHT THAT WAS VIOLATED: THE RIGHT TO REASONABLE ACCESS TO COURTS, LEGAL COUNSEL, AND GOVERNMENT AUTHORITY

2.) COUNT I: ACCESS TO COURTS

3.) SUPPORTING FACTS: ON AUG. 2ND 2019, I HAD ASKED SGT. CAMPBELL #8225, TO ASSIST ME IN A GRIEVANCE ABOUT LEGAL ISSUES THAT WERE IN PROCESS OF BEING FILED IN U.S. DISTRICT COURT. I CONVEYED HOW I'VE BEEN NEGLECTED PROTOCOL AND PROCEDURE W/ CHANNELLING A GRIEVANCE. I ALSO CONVEYED THAT I WOULD LIKE A RECEIPT OF NOTIFICATION THAT I DID FOLLOW PROTOCOL W/ REGULATION. IN RESPONSE, HE ADVISED ME THAT DIRECTOR DALY HAD INFORMED HIM NOT TO ASSIST ME, AND HE WILL NOT ACCOMODATE ME IN ANY GRIEVANCE PROCEDURE. I ASKED SGT. CAMPBELL #8225, IF HIS BODY CAMERA WAS ON, AND HE SAID YES. I THEN ASKED TO CLARIFY WHY HE WOULD NOT PROVIDE RESOLUTION TO THIS ISSUE, ESPECIALLY W/ SGT. CAMPBELL #8225 BEING A COMMANDING DAY SHIFT SERGEANT. SGT. CAMPBELL #8225 RESPONDED THAT DIRECTOR DALY HAD SAID NOT TO ASSIST IN ANY LEGAL ISSUE, AND HE DID NOT WANT TO INDICT HIMSELF IN ANY WAY.

4.) INJURY: MENTAL AND EMOTIONAL ANGUISH

5.) ADMINISTRATIVE REMEDIES

A.) ARE THERE ANY ADMINISTRATIVE REMEDIES (GRIEVANCE PROCEDURES OR ADMINISTRATIVE APPEALS) AVAILABLE AT YOUR INSTITUTION? YES

B.) DID YOU SUBMIT A REQUEST FOR ADMINISTRATIVE RELIEF ON COUNT I? YES

C.) DID YOU APPEAL YOUR REQUEST FOR RELIEF ON COUNT I TO THE HIGHEST LEVEL? YES

D.) IF YOU DID NOT SUBMIT OR APPEAL A REQUEST FOR ADMINISTRATIVE RELIEF AT ANY LEVEL, BRIEFLY EXPLAIN WHY YOU DID NOT. ALL LEVELS WERE CONSIDERED EXHAUSTED, PER DIRECTOR DALY, SO ANY REMEDY REQUESTED IS ERRONEOUS, PER DIRECTOR DALY.

1.) STATE THE CONSTITUTION OR CIVIL RIGHT THAT WAS VIOLATED: RIGHT TO BE PROTECTED FROM PERSONAL ABUSE, CORPORAL PUNISHMENT, PERSONAL INTIMIDATION, AND HARASSMENT

2.) COUNT VI: HARASSMENT

3.) SUPPORTING FACTS: ON MAY 27th 2019 AT 7:20 A.M., OFFICER VAUGHT #8298 HAD BEGUN HIS MORNING SHIFT W/ HARASSING COMMENTS AS TO WHY I WAS BEING IRRATE W/ HIM. HE STATED I DIDN'T LIKE HIM. I RESPONDED I WASN'T FEELING GOOD BECAUSE OF THE MEDICATION I WAS GIVEN BY MEDICAL STAFF. INSTEAD OF ASKING IF I NEEDED MEDICAL ASSISTANCE, OFFICER VAUGHT #8298, CONTINUED TO ENGAGE W/ HARASSING, COMMENTS AS TO WHY I DIDN'T LIKE HIM. I FELT THESE QUESTIONS TO BE UNCOMFORTABLE, SO I ASKED OFFICER VAUGHT #8298, TO LEAVE ME ALONE. MY NEIGHBOR ALSO ADVISED OFFICER VAUGHT #8298, THAT I WAS OUT OF CHARACTER BECAUSE OF MEDICATION. STILL, OFFICER VAUGHT INSISTED I PERSONALLY DIDN'T LIKE HIM. I FINALLY RETREATED TO MY CELL W/ A CHAIR TO DO MY G.E.D. HOMEWORK. OFFICER VAUGHT HAD ADVISED ME I CANNOT HAVE THE CHAIR IN MY CELL. I CONVEYED I WAS ONLY USING IT TO FINISH MY HOMEWORK, AND I'LL TAKE IT OUT WHEN I'M FINISHED. I TOLD HIM I WOULD LEAVE MY DOOR OPEN SO HE CAN HAVE VISIBILITY OF ME. HE DEMANDED I TAKE IT OUT NOW, AND BY THIS TIME I WAS AGGRAVATED BY HIS PERSONAL VIEWS AND HARASSMENT. ALL I REMEMBER WAS THROWING THE CHAIR IN THE DAY ROOM AND LOST CONTROL OF MYSELF. I FELT THREATENED AND INTIMIDATED BY OFFICER VAUGHT. IN REGARDS, PRIOR TO THIS INCIDENT, HE HAD STOPPED A DETECTIVE GARRISON IN THE PARKING LOT OF SR.DOL AND ASKED HIM TO ASK ME WHY I DIDN'T LIKE HIM. OTHER OFFICERS HAD CONVEYED THE SAME COMMENT BY OFFICER VAUGHT. I TOOK THIS AS PERSONAL HARASSMENT.

5.) ADMINISTRATIVE REMEDIES: - INJURY; MENTAL AND EMOTIONAL ANGUISH

A.) ARE THERE ANY ADMINISTRATIVE REMEDIES (GRIEVANCE PROCEDURES OR ADMINISTRATIVE APPEALS) AVAILABLE AT YOUR INSTITUTION? YES

B.) DID YOU SUBMIT A REQUEST FOR ADMINISTRATIVE RELIEF ON COUNT VI? YES

C.) DID YOU APPEAL YOUR REQUEST FOR RELIEF ON COUNT VI TO THE HIGHEST LEVEL? YES

D.) IF YOU DID NOT SUBMIT OR APPEAL A REQUEST FOR ADMINISTRATIVE RELIEF AT ANY LEVEL, BRIEFLY EXPLAIN WHY YOU DID NOT: ALL LEVELS WERE CONSIDERED EXHAUSTED PER DIRECTOR DALY, SO ANY REMEDY REQUESTED IS ERRENEOUS, PER DIRECTOR DALY.

1.) STATE THE CONSTITUTION OR FEDERAL CIVIL RIGHT THAT WAS VIOLATED: 'RIGHT TO REASONABLE MEDICAL AND MENTAL HEALTH CARE, W/ PROTECTION FROM PERSONAL INJURY

2.) COUNT VII: MEDICAL CARE

3.) SUPPORTING FACTS: DUE TO PTSD SYMPTOMS, I WAS PRESCRIBED EFFEXOR (VENLAFAXINE) AND PROZAC SINCE JANUARY 3RD 2019. I WAS DOING FINE UNTIL MID FEBRUARY AND MID APRIL. IN BOTH FEBRUARY AND APRIL, I HAD COMBINED EFFEXOR (VENLAFAXINE) W/ OTHER DRUGS, AND AT ONE POINT, I HAD STOPPED TAKING EFFEXOR DUE TO SIDE EFFECTS. IN COMBINATION W/ COMPAZINE AND TOPAMAX GIVEN IN APRIL, THE END RESULT W/ EITHER WAS NOT GOOD. I WAS NEVER GIVEN ANY INFORMATION TO SIDE EFFECTS W/ TAKING EITHER MEDICATION. NEITHER WAS I INFORMED, TO NOT ABRUPTLY STOP TAKING EFFEXOR, AND W/ THE COMBINATION OF TAKING EITHER MEDICATION, VERSUS NOT TAKING EFFEXOR, BOTH SIDE EFFECTS HAD LEFT ME W/ NEGATIVE COGNITIVE ISSUES, LET ALONE, OUT OF CHARACTER. I DID RELATE TO NURSE RASE THAT I WAS FEELING OUT OF CHARACTER BECAUSE OF MEDICATION. SHE ADVISED ME I NEEDED TO KEEP TAKING THEM AND DOUBLED THE DOSAGE. A WEEK INTO TAKING THESE PILLS, I ENCOUNTERED NUMEROUS NEGATIVE SIDE EFFECTS. I RELAYED THIS ISSUE TO ON DUTY OFFICERS, AND THEY SAID TO PUT IT ON AN INMATE REQUEST FORM. I DID JUST THAT W/ NO RESPONSE FROM MEDICAL STAFF, AND SO I QUIT TAKING ALL THESE PILLS. WHEN I STOPPED TAKING THE PILL EFFEXOR, AND W/ THE WITHDRAWAL OF THE MEDICATION PRESCRIBED, I HAD AN INCIDENT W/ OFFICER VAUGHT #8298. I WAS TOLD BY PSYCHIATRIST DUFFY, THAT IF I ABRUPTLY STOP TAKING EFFEXOR, IT WAS IN FACT UNPREDICTABLE W/ NEGATIVE SIDE EFFECTS. HE ALSO CONVEYED HE QUIT PRESCRIBING COMPAZINE 10 YEARS AGO BECAUSE OF THE BIZARRE SIDE EFFECTS, AND TOPAMAX MADE PATIENCE FEEL LIKE "CRAWLING OUT OF YOUR SKIN" DR. DUFFY'S OWN WORDS. BOTH NURSES NEVER RELAYED TO DR. DUFFY, THE PRESCRIPTION OF EITHER PILL.

5.) ADMINISTRATIVE REMEDIES: - INJURY: MENTAL AND PHYSICAL ANGUISH.

A.) ARE THERE ANY ADMINISTRATIVE REMEDIES (GRIEVANCE PROCEDURES OR ADMINISTRATIVE APPEALS) AVAILABLE AT YOUR INSTITUTION? YES

B.) DID YOU SUBMIT OR APPEAL A REQUEST FOR ADMINISTRATIVE RELIEF ON COUNT VII? YES

C.) DID YOU APPEAL YOUR REQUEST FOR RELIEF ON COUNT VII TO THE HIGHEST LEVEL? YES

D.) IF YOU DID SUBMIT OR APPEAL A REQUEST FOR ADMINISTRATIVE RELIEF AT ANY LEVEL BRIEFLY EXPLAIN WHY YOU DID NOT. ALL LEVELS WERE CONSIDERED EXHAUSTED PER DIRECTOR DALY, SO ANY REMEDY REQUESTED IS ERRONEOUS, PER DIRECTOR DALY

1.) STATE THE CONSTITUTIONAL OR FEDERAL RIGHT THAT WAS VIOLATED: RIGHT TO CARRY OUT RELIGIOUS, SPIRITUAL, AND CEREMONIAL PRACTICES.

2.) COUNT VIII: EXERCISE OF RELIGION

3.) SUPPORTING FACTS: SINCE OCTOBER OF 2018, I'VE BEEN ASKING WHY I WASN'T ABLE TO ATTEND CEREMONIAL SWEATLODGE. I SEEN OTHER INMATES IN ATTENDANCE, EXCEPT ADMINISTRATIVE SEGREGATED INMATES. (WE'RE INMATES (CONSIDERED) NON-DISCIPLINARY BUT SEGREGATED DO TO CIRCUMSTANCES W/ CLASSIFICATION. IN MAY OF 2019, DIRECTOR DALY AND LT. LEE STILL HAVEN'T MADE EFFORT TO ACCOMMODATE ALL INMATES TO PRACTICE CEREMONIAL RELIGION, AS GUARANTEED IN THE INDIAN TRIBAL RIGHTS ACT AND CIVIL RIGHTS LAW. DIRECTOR DALY MADE NO ATTEMPT TO FOSTER THESE RIGHTS. THIS HAS BEEN AN ONGOING ISSUE W/ INMATES AND STAFF. CERTAIN STAFF HAVE CONVEYED TO ME THAT THEY HAVE SUGGESTED AT LEAST ONCE A MONTH FOR ALL INMATES, SO TO HAVE EQUALITY AND FAIRNESS, BUT DIRECTOR DALY RESPONDED, THIS WAS NOT PRIORITY. I'VE EVEN ASKED FOR MORMON SERVICES SINCE MY FAMILY DOES L.D.S. SERVICES. LT. LEE AND DIRECTOR DALY HAVE RESPONDED THAT CHRISTIAN SERVICES AND NATIVE AMERICAN SERVICES ARE ALL S.R.D.O.C. WILL ACCOMMODATE. I AM NOT CHRISTIAN AND I'M NOT BEING ALLOWED TO ATTEND CEREMONIAL SWEATLODGE SERVICES.

INJURY: EMOTIONAL AND MENTAL ANGUISH

5.) ADMINISTRATIVE REMEDIES:

A.) ARE THERE ANY ADMINISTRATIVE REMEDIES (GRIEVANCE PROCEDURES OR ADMINISTRATIVE APPEALS) AVAILABLE AT YOUR INSTITUTION? YES

B.) DID YOU SUBMIT A REQUEST FOR ADMINISTRATIVE RELIEF ON COUNT VIII? YES

C.) DID YOU APPEAL YOUR REQUEST FOR RELIEF ON COUNT VIII TO THE HIGHEST LEVEL? YES

D.) IF YOU DID NOT SUBMIT OR APPEAL A REQUEST FOR ADMINISTRATIVE RELIEF AT ANY LEVEL, BRIEFLY EXPLAIN WHY YOU DID NOT. ALL LEVELS WERE CONSIDERED EXHAUSTED, PER DIRECTOR DALY, SO ONLY REMEDY REQUESTED IS ERRONEOUS, PER DIRECTOR DALY

E. REQUEST FOR RELIEF

State the relief you are seeking:

I AM SEEKING PUNITIVE DAMAGES OF TWO MILLION DOLLARS BASED ON THE THEORY
OF THE INTERESTS OF SOCIETY AND THE INDIVIDUAL HARMED. IN ADDITION TO
THESE PUNITIVE DAMAGES, I ASK THAT SALT RIVER DEPARTMENT OF CORRECTIONS
REFORM JAIL POLICY WHEREIN ALL PERSONNEL ARE HELD ACCOUNTABLE TO THE
FULLNESS OF DISCIPLINE FOR ACTS AGAINST INMATES. IF NO RELIEF IS
ADJOURNED, I ASK THAT SALT RIVER DEPT. OF CORRECTIONS
PAY THE APPLICATION FEE FOR FORMA PAUPERIS

I declare under penalty of perjury that the foregoing is true and correct.

Executed on SEPTEMBER 4TH 2019
DATE


SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.