

United States District Court

Eastern

U.S. DISTRICT COURT  
EASTERN DISTRICT-WI

District of Wisconsin

ORIGINAL

'02 MAY -8 P2:07

Nathan Ellis  
(Full Name of Plaintiff)

SOFRON B. MEDILSKY  
CLERK

(Social Security #)

Plaintiff,

Case No. 02-C-0463

(Supplied by Clerk)

v.

Mr. Hompe

J. Litscher

P. Bartel

G. Berge

Nurse Sue

(Full Name of Defendant(s))

K. Coon

Defendant(s).

**COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

I. **PLACE OF PRESENT CONFINEMENT** (Provide full address)

Supermax Correctional Institution - PO Box 9900, Boscobel, WI 53805

A. Is there a grievance procedure in your prison/jail? YES  NO

B. Have you filed a grievance concerning the facts relating to this complaint?  
YES  NO

C. If you have used the grievance process:

1. Describe what you did and the result, if any.

I filed inmate complaints and appealed to  
Corrections Complaint Examiner

2. Is the grievance process completed? Yes

D. If you did not use the grievance process, explain why not:

N/A.

NOTE: YOU MUST INCLUDE A COPY OF YOUR INITIAL GRIEVANCE AND ANY  
SUBSEQUENT DECISIONS BY THE PRISON/JAIL OR A COURT ON YOUR  
GRIEVANCE.

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II. = PARTIES

A. Your name (Plaintiff) Nathan Gillis

B. Prisoner I.D. Number 273445

C. Your Address PO Box 9900, Boscobel, WI 53805

(For additional plaintiffs provide the same information in the same format on a separate page.)

D. DEFENDANT (name) J. Litscher

is employed as Department of Corrections Secretary of WISC.  
at 149 E. Wilson St., Madison, WI 53707-7925

E. Additional DEFENDANTS (names and positions):

G. Borge is Warden of Supermax Corr. Inst (SMEI).  
MR. Hompe is unit manager at SMEI.  
P. Bartel is HSU-manager at SMEI.  
Nurse Sue is a nurse at SMEI.  
K. Coon is inmate complaint examiner at SMEI.  
all these defendants work at SMEI, 1101 Morrison Dr.  
Boscobel, WI 53805.

III. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court relating to the same facts involved in this action?  YES  NO

B. Have you begun other lawsuits in state or federal court relating to your imprisonment?  YES  NO

C. If your answer is YES to either of the above questions, provide the following requested information.

1. Parties to the previous lawsuit

Plaintiff(s): N/A.

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Defendant(s): \_\_\_\_\_

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2. Date filed N/A.
3. Court where case filed (if federal court, name district; if state court, name the county) N/A.
4. Case number and citation N/A.
5. Basic claim made N/A.
6. Current status (for example: Was the case dismissed? Was it appealed? Is it still pending?) N/A.
7. If resolved, date of disposition N/A.
8. If resolved, state whether for N/A.  
(Plaintiff or Defendant)

(For additional cases, provide the above information in the same format on a separate page.)

#### IV. STATEMENT OF CLAIM

- A. State as briefly as possible the facts of your case. Describe how each named defendant is involved. Include the name of other persons involved, dates, and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

① On 3-1-02, two guards appeared at plaintiff's cell alpha #204, and stated that plaintiff would be moving next door, but first they were going to do a strip-search. Plaintiff asked what is this all about, the guards said the unit manager Hompe sent them.

- ② Plaintiff was then escorted to a Strip-Search Cell, and once plaintiff removed all his clothing, the guard told plaintiff he would not be getting his clothing back or shoes and that plaintiff was being placed on a behavior management plan and that the unit manager Hompe would explain once I was placed in the cell.
- ③ Plaintiff was then escorted to ~~another~~ another cell without any clothing or shoes on, then placed in a cell without any mat or mattress, and no toilet paper, or hygiene item.
- ④ ~~Defendant~~ Defendant Hompe appeared at the cell shortly after the guards placed me, plaintiff in the cell, defendant Hompe went on to explain that plaintiff would remain without any clothing or bedding or mat or mattress, and that plaintiff would be placed on a food restriction, also this punishment was to last 10-days, but could be activated anytime within 6-months. Complaint No # SMEI-2002-9507.
- ⑤ Plaintiff suffered sores and rashes from sleeping on the bare concrete slab that had a rough sandy top, as well as pain in feet from constant walking trying to keep warm throughout the cold days and nights. Plaintiff remained on the punishment for 13-days.
- ⑥ Plaintiff was never given any conduct reports as to why plaintiff was being placed on this punishment, plaintiff was told because he was sleeping on the wrong end of the bed.
- ⑦ Plaintiff wasn't even allowed to take showers or have mail throughout the 13-days; nor pen or paper, or inmate complaints.

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⑧ Plaintiff had other inmates as well as plaintiff constantly request medical treatment regarding sores and rashes and swollen feet as well as blood pressure medication and monitoring. Plaintiff alerted staff in person. On two dates defendant Nurse Sue answered the request and she refused to take plaintiff's blood pressure and she refused to treat plaintiff's injuries, sores and rashes as well as swollen feet.  
Complaints Numbers # SMCJ-2002-9916, and SMCJ-2002-9917.

⑨ Plaintiff had other inmates write defendant P. Bartel's as well as defendant G. Berge, and defendant Hompe and defendant K. Coon.

⑩ No action was ever taken by any of the defendants including defendant J. Litscher. Plaintiff was forced to endure 13-days of hell, before plaintiff could file complaints on defendants. Plaintiff filed Complaint No # SMCJ-2002-9911, on defendant Bartel because she continue to neglect plaintiff blood pressure, then and now and its well documented plaintiff blood pressure condition need constant monitoring.

⑪ Plaintiff has had to continually try to get treatment for blood pressure, because since plaintiff filed complaints on defendants Bartel and nurse sue the entire medical community here has started to retaliate anyway they can. Complaints numbers SMCJ-2002-10833, SMCJ-2002-10410, SMCJ-2002-14358.

(12) Plaintiff was denied due process because no conduct reports or hearings were given before this serious punishment was given. Defendant G. Berge states none is necessary. Complaint No. SMEI-2002-9508.

(13) Defendant Hompe placed this cruel and ~~unusual~~ <sup>unusual</sup> punishment on plaintiff for no reason but to cause pain and suffering. Defendant Hompe at least 7-days out of the 13-day constantly came to plaintiff cell and just smiled. Complaint No# SMEI-2002-9507.

(14) Defendant K. Coon constantly returned plaintiff's complaints citing bogus reason denying plaintiff the opportunity to use or ~~and~~ bring other violation out because she delayed till the dead line / time limit was up causing plaintiff to abandon other constitutional violation committed by defendants Complaint No# SMEI-2002-12001

(15) Defendant J. Litscher is the D.O.C. Secretary, he has had both constructive and actual notice of claim in this action, as the plaintiff has written numerous letters ~~and~~ outlining the claims of abuse, denial medical treatment, cruel and unusual punishment, denial due process, all of which defendant Litscher has merely directed a correspondence to defendant Berge, allowing the violations to continue due to his non-action, Complaint No# SMEI-2002-10748

STATEMENT OF CLAIM continued

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B. State briefly your legal theory or cite appropriate authority.

This action is brought pursuant to 42 U.S.C. 1983 and the 1<sup>st</sup>, 8<sup>th</sup>, and 14<sup>th</sup>, Amendments Rights to the U.S. - Constitution. Jurisdiction is founded upon these Statutory and constitutional provisions and 28 U.S.C. 1331 Federal Questions, 1343 civil rights. Plaintiff brings his Wisconsin Common law and tort Claims based upon this Court diversity Jurisdiction

V. RELIEF YOU REQUEST

State briefly and exactly what you want the court to do for you. Make no legal arguments. Do not use this space to state the facts of your claim. Use it only to request remedies for the injuries you complain about.

Plaintiff asserts that the amount in controversy is greater than \$25,000.00, for each defendant. (1) Compensatory damages from the defendants for acting under color of state law and authority in their official as well as their personal capacities in an appropriate amount; punitive damages from the defendants in an appropriate amount;  
INJUNCTIVE relief from the defendants continuous practice of placing plaintiff on the continuance plan.  
Such other relief that the court deems just and proper.

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

Complaint signed this 30 day of April, 2002  
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Signature of Plaintiff(s)

Nathan Willis

(If there are multiple plaintiffs, each must sign the complaint)

Prisoner I.D. Number(s) 273445