

CIVIL COVER SHEET

The JS -- 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

Place an X in the appropriate box: Green Bay Division Milwaukee Division

I.(a) PLAINTIFFS
United States of America

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS
Jim Doyle, Governor, State of Wisconsin
Rick Raemisch, Secretary, Wisconsin Department of Corrections
Cathy Jess, Warden, Taycheedah Correctional Institution

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT, Danc (IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (GIVE NAME, ADDRESS, AND TELEPHONE NUMBER)
Dan Weiss & Laura Coon
U.S. Dept. of Justice, Civil Rights Div
Special Litigation Sec.
950 Pennsylvania Ave., NW
Washington, DC 20530

Matthew Richmond
Civil Chief, US Atty's office
Eastern District of WI
517 E. Wisconsin Ave. #530
Milwaukee, WI 53202

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION (PLACE AN "X" IN ONE BOX ONLY)
 1 U.S. Government Plaintiff
 2 U.S. Government Defendant
 3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in Item III)

(202) 514-6255 (414) 297-1700

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans-Excl. Veterans <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395(f)) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)
 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district 6 Multidistrict Litigation

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)
Civil Rights of Institutionalized Persons Act of 1980, 42 U.S.C. § 1997. Inadequate Mental Health Care.

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE Rudolph T. Randa DOCKET NUMBER 2:08-cv-00537

DATE 9/4/08 SIGNATURE OF ATTORNEY OF RECORD Matthew W. Richmond

U.S. DISTRICT COURT
UNITED STATES DISTRICT COURT - WI
FOR THE EASTERN DISTRICT OF WISCONSIN

08 SEP -4 P2:40

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

08-C-0753

JIM DOYLE, Governor of Wisconsin;
RICK RAEMISCH, Secretary, Wisconsin
Department of Corrections; and
CATHY JESS, Warden, Taycheedah
Correctional Institution,

Defendants.

COMPLAINT

THE UNITED STATES OF AMERICA alleges:

1. The Attorney General files this complaint on behalf of the United States of America pursuant to the Civil Rights of Institutionalized Persons Act of 1980, 42 U.S.C. § 1997, to enjoin the named Defendants from depriving persons incarcerated at the Taycheedah Correctional Institution ("TCI"), located in Fond du Lac, Wisconsin, of rights, privileges, or immunities secured and protected by the Constitution of the United States.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345.

3. The United States is authorized to initiate this action pursuant to 42 U.S.C. § 1997a.

4. The Attorney General has certified that all pre-filing requirements specified in 42 U.S.C. § 1997b have been met. The Certificate of the Attorney General is appended to this Complaint and is incorporated herein.

5. Venue in the Eastern District of Wisconsin is proper pursuant to 28 U.S.C. § 1391.

DEFENDANTS

6. Defendant Jim DOYLE is the Governor of the State of Wisconsin and has authority over TCI and over the care of women at TCI. Governor DOYLE is sued in his official capacity.

7. Defendant Rick RAEMISCH is Secretary of the Wisconsin Department of Corrections and is responsible for the general supervision and control of TCI and provides for the care and maintenance of women at TCI. Secretary RAEMISCH is sued in his official capacity.

8. Defendant Cathy JESS is the Warden at TCI and is responsible for the day-to-day operations of TCI. Warden JESS has custody, control and charge of TCI and the women incarcerated at TCI. Warden JESS is sued in her official capacity.

9. Defendants are legally responsible, in whole or in part, for the operation and conditions of TCI, and for the health and safety of women incarcerated at TCI.

10. At all relevant times, the Defendants or their predecessors in office have acted or failed to act, as alleged

herein, under color of state law.

FACTUAL ALLEGATIONS

11. TCI is an institution within the meaning of 42 U.S.C. § 1997(1).

12. TCI is a state-operated, post-conviction facility that houses over 600 maximum and medium security women and approximately 100 women who are being evaluated for placement within the Wisconsin prison system.

13. Defendants have engaged in and continue to engage in a pattern or practice of failing to provide adequate mental health care to women in TCI.

14. Defendants have been aware of the unlawful practices alleged in paragraph 13 for a substantial period of time and have failed to adequately address these practices, despite their knowledge of the deficiencies.

VIOLATIONS ALLEGED

15. Through the acts and omissions alleged in paragraphs 13 and 14, Defendants have exhibited deliberate indifference to the health and safety of TCI inmates, in violation of the rights, privileges, or immunities of those inmates as secured or protected by the Constitution of the United States. U.S. Const. amend. VIII, XIV.

16. Unless restrained by this Court, Defendants will continue to engage in the acts and omissions set forth in

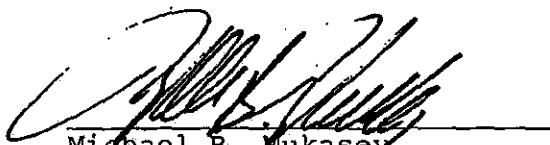
continue to engage in the acts and omissions set forth in paragraph 13 that deprive persons confined in TCI of rights, privileges, or immunities secured or protected by the Constitution of the United States.

PRAYER FOR RELIEF

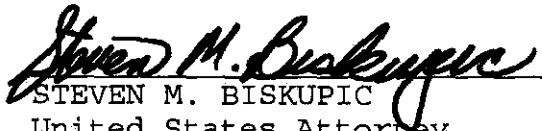
17. The Attorney General is authorized under 42 U.S.C. § 1997 to seek equitable and declaratory relief.

WHEREFORE, the United States prays that this Court enter an order permanently enjoining Defendants, their officers, agents, employees, subordinates, successors in office, and all those acting in concert or participation with them from continuing the acts, omissions, and practices set forth in paragraph 13 above, and that this Court require Defendants to take such actions as will ensure lawful conditions of confinement are afforded to inmates at TCI. The United States further prays that this Court grant such other and further equitable relief as it may deem just and proper.

Respectfully submitted,



Michael B. Mukasey
Attorney General of the
United States



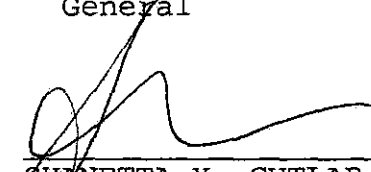
STEVEN M. BISKUPIC
United States Attorney
Eastern District of Wisconsin



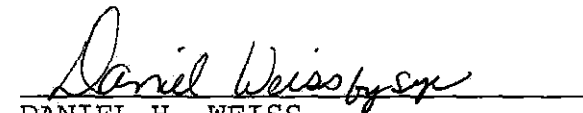
GRACE CHUNG BECKER
Acting Assistant Attorney
General



MATTHEW V. RICHMOND
Assistant United States Attorney
Eastern District of Wisconsin
530 Federal Building
517 East Wisconsin Avenue
Milwaukee, WI 53202
(404) 297-1700
Facsimile: (404) 297-4394
State Bar No. 1005513
E-mail: Matthew.Richmond@usdoj.gov



SHIRETTA Y. CUTLAR
Chief
Special Litigation Section



DANIEL H. WEISS
Deputy Chief



LAURA L. COON
KENYAN R. McDUFFIE
Trial Attorneys
U.S. Department of Justice
Civil Rights Division
Special Litigation Section
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-1089
Facsimile: (202) 514-0212
E-mail: Laura.Coon@usdoj.gov

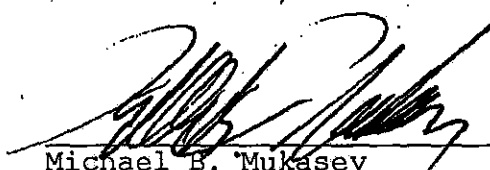
CERTIFICATE OF THE ATTORNEY GENERAL

I, Michael B. Mukasey, Attorney General of the United States, certify that with regard to the foregoing Complaint, I have complied with all subsections of 42 U.S.C. § 1997b(a)(1). I certify as well that I have complied with all subsections of 42 U.S.C. § 1997b(a)(2). I further certify, pursuant to 42 U.S.C. § 1997b(a)(3), my belief that this action by the United States is of general public importance and will materially further the vindication of rights, privileges, or immunities secured or protected by the Constitution of the United States.

In addition, I certify that I have the "reasonable cause to believe," as set forth in 42 U.S.C. § 1997a, to initiate this action and that all prerequisites to the filing of this lawsuit pursuant to 42 U.S.C. § 1997 have been satisfied.

Pursuant to 42 U.S.C. § 1997a(c), I have personally signed the foregoing Complaint. Pursuant to 42 U.S.C. § 1997b(b), I am personally signing this Certificate.

Signed this 2nd day of January, 2008, at
Washington, D.C.



Michael B. Mukasey
Attorney General of the
United States

42 U.S.C. § 1997