

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

Civil Action No. 1:18-cv-00570-GPG  
(To be supplied by the court)

**MAY 29 2018**

**JEFFREY P. COLVILLE**  
CLERK

Alphonso Blake Jr., Plaintiff

v.

United States of America,

in their official capacities.

\_\_\_\_\_

\_\_\_\_\_, Defendant(s).

*(List each named defendant on a separate line. If you cannot fit the names of all defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section B. Do not include addresses here.)*

**PRISONER COMPLAINT**

**NOTICE**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

**Plaintiff need not send exhibits, affidavits, grievances, witness statements, or any other materials to the Clerk's Office with this complaint.**

**A. PLAINTIFF INFORMATION**

You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.

Alphonso Blake Jr. #08083-007 U.S. Pen (Max)  
(Name, prisoner identification number, and complete mailing address)

P.O. Box 8500, Florence, Co 81226  
(Other names by which you have been known)

Indicate whether you are a prisoner or other confined person as follows: (check one)

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Other: (Please explain) D.C. State Inmate

**B. DEFENDANT(S) INFORMATION**

Please list the following information for each defendant listed in the caption of the complaint. If more space is needed, use extra paper to provide the information requested. The additional pages regarding defendants should be labeled "B. DEFENDANT(S) INFORMATION."

Defendant 1: \_\_\_\_\_  
(Name, job title, and complete mailing address)

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law?  Yes  No (check one). Briefly explain:

Defendant 1 is being sued in his/her  individual and/or  official capacity.

## B. Facts

1. I arrived at Administrative Max Florence (ADX) on February 7, 2011.
2. Since I have been in the Federal Bureau of Prisons, I have been diagnosed with mental illness and have been prescribed numerous medications throughout my B.O.P. career.
3. The B.O.P. failed to give me proper mental health care. I needed one on one counseling, medication and proper diagnosis.
4. The B.O.P.'s own policies stated that inmates with serious mental illnesses should not be assigned to ADX.
5. The B.O.P.'s recognition that extended confinement in isolation and the institution's disciplinary practices pose substantial risks to prisoner's mental health, and can be particularly harmful for inmates who had mental health problems before being confined in such conditions.
6. The B.O.P. manipulated my evaluation to justify placement and continue placement of Mr. Blake in ADX.
7. The B.O.P. knew that I suffered from serious mental illness because the Regional Office (NCR) denied my placement in the ADX Control Unit.
8. Since then, I have complained to all of the Administration Staff and Legal Dept. that I am not getting proper counseling, diagnosis or medication. I have filed numerous remedies to my Unit Team, the Warden, the Regional Office as well as the Central Office in 2017 and 2018.
9. On July 12, 2017, the U.S. Department of Justice Office of the Inspector General issued a report detailing a current investigation into the Bureau of Prisons use of restrictive housing at ADX Florence. The report concurred that we were and continue to not get the proper mental treatment we need for mental health at ADX Florence.

## B. Facts (continuation)

10. As a result of the BOP, negligence, I suffered unnecessary hardship, unnecessary use of force, and disciplinary infractions for not being properly treated for my mental breakdowns and my mental episodes, as well as an intentional infliction of emotional and physical distress from the BOP, knowing I, along with many other mental health inmates, were not getting the proper treatment we needed, but continued to ignore it, they were short staff (SEE: BOP Director report)

11. The BOP is responsible for properly staffing ADX Florence

12. I am still not being properly diagnosis or receiving treatment or the proper medication that will help me cope under these conditions that has worsen my mental illness since I arrived at ADX... I am currently taking Risperidone, an anti-psychotic medication.

13. The severe and isolating conditions at ADX, also pose a substantial risk to the mental health of inmates housed at ADX who have a mental illness that has not yet developed into what is classified under the law as a serious mental illness. SEE; Langley v. Coughlin, 715 F. Supp. 522, 540 (SDNY 1989) SEE, Davenport v. DeRobertis, 844 F.2d 1310, 1313 (7<sup>th</sup> Cir 1988) Both cases are quoted by experts. I BEEN in ADX for 7 yrs. and counting...

Defendant 2: \_\_\_\_\_  
(Name, job title, and complete mailing address)

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law? \_\_\_ Yes \_\_\_ No (*check one*). Briefly explain:

\_\_\_\_\_  
\_\_\_\_\_

Defendant 2 is being sued in his/her \_\_\_ individual and/or \_\_\_ official capacity.

Defendant 3: \_\_\_\_\_  
(Name, job title, and complete mailing address)

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law? \_\_\_ Yes \_\_\_ No (*check one*). Briefly explain:

\_\_\_\_\_  
\_\_\_\_\_

Defendant 3 is being sued in his/her \_\_\_ individual and/or \_\_\_ official capacity.

**C. JURISDICTION**

*Indicate the federal legal basis for your claim(s): (check all that apply)*

\_\_\_ 42 U.S.C. § 1983 (state, county, and municipal defendants)

\_\_\_ *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971)  
(federal defendants)

\_\_\_ Other: (*please identify*) I am suing under the Federal Tort Claim Act this court has jurisdiction under U.S.C SECTION 1331 and 1343(a) (3)

## C. Jurisdiction (continuation)

This is a civil action authorized by Title 28 of the United States Code sections 1346(B), 1402(B), 2401(B) and 2671-2680 to redress the deprivation under color of Federal Law of rights secured by the Constitution of the United States of America. The Court has jurisdiction under U.S.C. section 1331 and 1343(a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. section 2201 and 2202.

The District of Colorado is an appropriate venue under 28 U.S.C. section 1391(b)(2) because it is where the events giving rise to occurred.

**D. STATEMENT OF CLAIM(S)**

*State clearly and concisely every claim that you are asserting in this action. For each claim, specify the right that allegedly has been violated and state all facts that support your claim, including the date(s) on which the incident(s) occurred, the name(s) of the specific person(s) involved in each claim, and the specific facts that show how each person was involved in each claim. You do not need to cite specific legal cases to support your claim(s). If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."*

CLAIM ONE: NEGLIGENCE

Supporting facts: (1.) The BOP was negligence in not providing

Plaintiff Blake adequate medical care since i been in the BOP, when the BOP knew that i suffered from serious mental illnesses before and after i came to ADX...

(2.) The BOP manipulated my evaluation to justify the placement of Plaintiff Blake in ADX, and degraded it's own policies on sending inmates with serious mental illnesses to ADX, knowing that it will continue to worsen Plaintiff Blake conditions.

(3.) Throughout the BOP, i have been diagnose with several serious mental illnesses (Borderline Personality Disorder, Unspecified mood Disorder and Anxiety Disorder) I have also been prescribed a number of different antipsychotic medications (Sinequan, Prozac, Risperidon, Wellbutrin, Abilify, Ziprasidon and cogentin) And some of these Meds, was prescribed at very, very high doses.

(4.) The BOP knew that i suffered from a serious mental illness, because the Regional Office denied my placement in the "ADX Control Unit, that was recomended by Lewisburg (SMU) Psychologist.

## D. Statement Of Claims (continuation...)

### Claim One. NEGLIGENCE

#### Supporting Facts.

(5) The B.O.P was grossly negligence with my medication regimen and it was disrupted because of poor documentation and a failure to read intra-transfer notes listing current medications. And have discontinue my (Plaintiff Blake) medication (Risperidon) twice, which is an ill-advised practice give the risk for discontinuation syndromes and rebound symptomatology, including suicidal thoughts.

(6) The BOP, also "breached its duty of care" (SEE, Riddle v. Mondragon 83 F.3d 1197, 1202 (10<sup>th</sup> Cir. 1996) under the Colorado state law and statutes.

(7) Plaintiff Blake, have complained to the Unit Team, Legal Department and Psychology Department via copout requests. Than i used the prison grievance system first to my Unit Team, next the Warden, then to the Regional Office and last to Central Office about not getting any treatment from the ADX Psychology Department. And i am not still getting enough treatment now...

(8) Plaintiff Blake, have been and will continue to be irreparably injured by the conduct of the BOP unless this court grants the declaratory and injunctive relief which (Plaintiff Blake) seeks.



## D. Statement Of Claims

Claim Two, Intentional Infliction of Emotional Distress,  
Supporting Facts.

(1) The BOP knew that i suffered from a serious mental illnesses and manipulated my (Plaintiff Blake) evaluation to justify the placement to sent (Plaintiff Blake) to ADX, knowing that this will continue to worsen my mental health conditions (SEE, Davenport v. DeRobertis, 844 F.2d 1310, 1313 (7<sup>th</sup> Cir 1988) also SEE, Langley v. Coughlin, 715 F. Supp. 522, 540 (S.D.N.Y 1989)

(2) The BOP, knew that i suffered from a serious mental illness and manipulated (Plaintiff Blake) evaluation to try to place (Plaintiff Blake) into the ADX Control Unit, knowing this form of such isolation and brutal discipline are inappropriate for prisoners and (Plaintiff Blake) who have mental illness. But (Plaintiff Blake) was denied by the Regional Office, because they knew that i suffered from a serious mental illness.

(3) The BOP's own policies stated that inmates with serious mental illnesses should not be assigned to ADX, and recognition that extended confinement in isolated and institution's disciplinary practices pose a substantial risks to ~~the~~ inmates the mental health and can be particularly harmful for inmates who have a mental health problems before confirmed in such conditions, or who have a mental illness that has not yet developed into what is classified under the law as a serious mental illness.

(4) Yet, the BOP still subject me to these brutal conditions, knowing the foreseeable consequences of these conditions on (Plaintiff Blake) mental health.

(5) The BOP knew that i suffered from serious mental illnesses from all the antipsychotic medications that i have been prescribed over the years, before and after i been in the BOP, and from all of the different diagnosis (Plaintiff Blake) been diagnose with throughout the BOP from spending majority of my time in the SHU, before and after i been in the BOP...

## D. Statement Of Claims (contiuation...)

### Claim Two. Intentional Infliction of Emotional Distress Supporting Facts.

(6.) My (Plaintiff Blake) antipsychotic medications has been discontinued in an intend to minimize the appearance of (Plaintiff Blake) mental illness to continue to house (Plaintiff Blake) in ADX to further contribute to (Plaintiff Blake) mental health conditions. On top of that, this is an ill-advised practice, with the attempt to cause (Plaintiff Blake) physical and emotional distress giving the risk for discontinuation syndromes and rebound symptomatology, including suicidal thoughts.

(7.) This caused (Plaintiff Blake) unnecessary suffering from being subjected to a harmful and unforgiving disciplinary regimen, isolated cells and uses of force from (Plaintiff Blake) mental break downs and mental episodes from a lack of mental health care before and after i came to ADX...

(8.) (Plaintiff Blake) was taken off of suicide watch with razors blades in my stomach by an ADX Psychologist, and this act put the safety of (Plaintiff Blake) at risk to harm others and continue to harm (Plaintiff Blake) after i told several prison officials that i had razors blades in my stomach and this Psychologist ignored (Plaintiff Blake) and lefted the unit and put the safety and security of inmates, staff and (Plaintiff Blake) in jepardy.

9.) On 4/14/17 (Plaintiff Blake) was subjected to a use of force after i was advise per BP.9, to go over a treat plan with my care provider, and was told by the C.O.'s that (Plaintiff Blake) care provider told them to tell me that he went home, after this same Psychologist told me just days before with my Unit Manager and another Psychologist that he will put (Plaintiff Blake) out on 4/14/17, because i was deny treatment for the last 10 month by my last care provider. I was spray with gas, put in restraints and put on 13/13 range in the back of the SHU, in one of the most isolated range/cells in ADX for 3 days with nothing. And this caused (Plaintiff Blake) unnecessary suffering physical and emotional.

## D. Statement Of Claims

Claim Two. Intentional Infliction of Emotional Distress.

Supporting Facts.

(10.) (Plaintiff Blake) have been and will continue to be irreparably injured by the conduct of the BOP unless this court grants the declaratory and injunctive relief (Plaintiff Blake) seeks.

**E. PREVIOUS LAWSUITS**

Have you ever filed a lawsuit, other than this lawsuit, in any federal or state court while you were incarcerated?  Yes  No (check one).

*If your answer is "Yes," complete this section of the form. If you have filed more than one previous lawsuit, use additional paper to provide the requested information for each previous lawsuit. Please indicate that additional paper is attached and label the additional pages regarding previous lawsuits as "E. PREVIOUS LAWSUITS."*

Name(s) of defendant(s): Bureau of Prisons

Docket number and court: 1:12-cv-01570-RPM-MEH

Claims raised: Mental Health Treatment 8<sup>th</sup> Amendment Violation

Disposition: (is the case still pending? has it been dismissed?; was relief granted?) Dismissed

Reasons for dismissal, if dismissed: BECAUSE it was settle in Jan. 2017

Result on appeal, if appealed: N/A

**F. ADMINISTRATIVE REMEDIES**

*WARNING: Prisoners must exhaust administrative remedies before filing an action in federal court regarding prison conditions. See 42 U.S.C. § 1997e(a). Your case may be dismissed or judgment entered against you if you have not exhausted administrative remedies.*

Is there a formal grievance procedure at the institution in which you are confined?

Yes  No (check one)

Did you exhaust administrative remedies?

Yes  No (check one)

**G. REQUEST FOR RELIEF**

*State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "G. REQUEST FOR RELIEF."*

Wherefore, plaintiff respectfully prays that this court enter judgement granting plaintiff: 1. A declaration that the acts and omissions described herein violated the plaintiff's rights under the Federal Tort Claim Act. 2. Compensatory damages in the amount of 200,000.00 against the B.O.P. 3. Punitive damage in the amount of 50,000.00 the B.O.P... 4. A trial on all triable issues. 5. Plaintiff cost in this suit. 6. A court order directing the B.O.P. to send the Plaintiff to a secure residential mental health treatment program unit per B.O.P policy. 7. Any additional relief that this court deems just, proper and equitable.

**H. PLAINTIFF'S SIGNATURE**

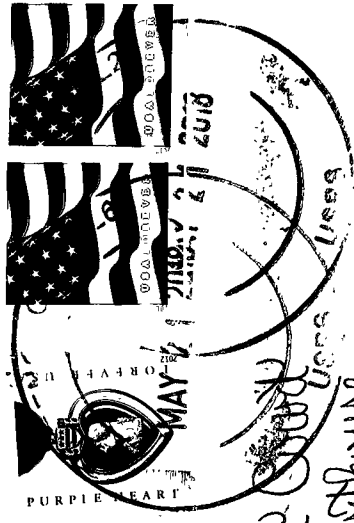
I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. See 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

Colphonso Blake Jr  
(Plaintiff's signature)

5/6/18  
(Date)

Colophonus Blake Dr. #08083-007  
P.O. Box 8500  
Durance, Co 81226



Office of the Clerk  
United States District Court  
Colophon Co. Courthouse  
901-19th St, Room C-105  
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(MAY)