

BIVENS v. SIX UNKNOWN NAMED AGENTS OF FEDERAL BUREAU OF NARCOTICS, 403 U.S. 388 (1971)

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

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

see *Hudspeth v. Figgins*,  
584 F.2d 1345, 1348 (10th Cir.  
1978)

SEP 10 2018

Civil Action No. 18-CV-01962-GJG  
JEFFREY P. COLWELL  
CLERK

18-CV-01962-GJG

(To be supplied by the court)

!! In Prison condition  
claims, which include threats  
to an inmates health and  
safety, the subjective in-  
guity is whether the prison  
officials were deliberately  
indifferent to a serious risk  
of harm to the inmates. see  
*Farmer*, 511 U.S. at 834  
Other circuits have also held  
that death threats are actionable  
see *Chandler v. D.C. Dept. of Corr.* 330  
U.S. App. D.C. 258, 145 F.3d 1360 (D.C. Cir.  
1998)

Kim Millbrook, Plaintiff

v.

1. A.W. Spitz

Sue each defendant  
in their individual  
capacities for  
Money Damages

2. Lt. Munton

Sue each defendant  
in their official cap-  
acities for injunctive re-  
lief

3. SI Lt. Sapp

Sue each defendant  
under the color of Federal  
law

4. SN Serby

et al., Defendant(s)  
(see Attachment)

Sue in their individual  
and official capacities

(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 of the defendants listed in the above caption must be identical to those contained in Section B. Do not include addresses here.)

== Amended ==

== Verified ==

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.

== Administrative Remedies Made  
Unavailable thru denial and threats  
of death and serious bodily harm ==

Attachment Additional Defendants

- 5. Healthcare Administrator Supervisor Hillig
- 6. Correctional Officer Collins "Sue each Defendant in their individual capacities for money damages"
- 7. Correctional Officer Cochran "Sue each Defendant in their official capacities for injunctive relief"
- 8. Correctional Officer Rhodes
- 9. Correctional Officer Mercado
- 10. Physician Assistant Osojic et al.

See Hudson v. McMillian, 503 U.S. 1 (1992) "Excessive Force"

See Farmer v. Brennan, 511 U.S. 825 (1994) "Failure to protect" "Deliberate indifference"

See 42 U.S.C. § 1983 and 42 U.S.C. § 1981. And 42 U.S.C. § 1983. See Schwank v. Hartford, 2004 F.3d 1184 (9th Cir. 2000)

See Women Prisoners of District of Columbia Department of Corrections v. District of Columbia, 93 F.3d 910 (D.C. Cir. 1996) Order for declaratory and injunctive relief

See Estelle v. Gamble, 429 U.S. 97, 103 (1976) "Deliberate indifference to a serious medical need"

See Ashcroft v. Iqbal, 129 S.Ct. 1937, 1948 (2009) "Vicarious liability" Plaintiff must plead each defendant through the official own individual actions violated the constitution.

**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.

Kim Millbrook #13700-026-AIX Florence - P.O. Box 8500

(Name and complete mailing address)

Florence, Colorado 81226

(Telephone number and e-mail address)

**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: Asst. Warden Siltz - AIX Florence - P.O. Box

(Name and complete mailing address)

8500 - Florence, Colorado 81226

(Telephone number and e-mail address if known)

Defendant 2: Lieutenant Murtton - AIX Florence -

(Name and complete mailing address)

P.O. Box 8500 - Florence, Colorado 81226

(Telephone number and e-mail address if known)

Defendant 3: SIS Lieutenant Sapp - AIX Florence -

(Name and complete mailing address)

P.O. Box 8500 - Florence, Colorado 81226

(Telephone number and e-mail address if known)

Defendant 4: Registered Nurse Saylor - AIX Florence -

(Name and complete mailing address)

P.O. Box 8500 - Florence, Colorado 81226

(Telephone number and e-mail address if known)

See Additional Page Regarding B. Defendants Information

// Additional Page Regarding //  
B. Defendants Information //

Defendant 5: Healthcare Supervisor Hille -  
AIOX Florence - P.O. Box 8500 - Florence Colorado  
81706

Defendant 6: Correctional Officer Collins -  
AIOX Florence - P.O. Box 8500 - Florence Colorado  
81706

Defendant 7: Correctional Officer Cochran -  
AIOX Florence - P.O. Box 8500 - Florence Colorado  
81706

Defendant 8: Correctional Officer Rhodes -  
AIOX Florence - P.O. Box 8500 - Florence Colorado  
81706

Defendant 9: Correctional Officer Mercado -  
AIOX Florence - P.O. Box 8500 - Florence Colorado  
81706

Defendant 10: Physician Asst. Osagie -  
AIOX Florence - P.O. Box 8500 - Florence Colorado  
81706

// Sue each Defendant in their individual  
capacities for money damages //

Sue each Defendant in their official  
capacities for injunctive relief //

**C. JURISDICTION**

Identify the statutory authority that allows the court to consider your claim(s): (check one)



Federal question pursuant to 28 U.S.C. § 1331 (claims arising under the Constitution, laws, or treaties of the United States)

List the specific federal statute, treaty, and/or provision(s) of the United States Constitution that are at issue in this case.

Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1972)

18 U.S.C. § 3626 Injunctive Relief  
Mental and Emotional Injuries 42 USC § 1997e(c)



Diversity of citizenship pursuant to 28 U.S.C. § 1332 (a matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000)

Plaintiff is a citizen of the State of N/A

If Defendant 1 is an individual, Defendant 1 is a citizen of N/A

If Defendant 1 is a corporation,

Defendant 1 is incorporated under the laws of N/A (name of state or foreign nation).

Defendant 1 has its principal place of business in N/A (name of state or foreign nation).

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)



**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."

8th amend. Cruel and unusual Punishment Deliberate indifference to a serious risk of harm to inmates, excessive use of force, Failure to prevent and

CLAIM ONE: Protect or intervene Violations

1. Supporting facts: ON OR ABOUT 11-18-18 BETWEEN 11AM TO 2PM Morning watch 10-Block cell-604 at ALEX Florence Colorado I had A conversation with A.W. Spitz in regards to her helping me with a couple of subjects about getting me over to the dentist to get my teeth cleaned and my legal mail not being opened by staff out of my presence.

2. I told A.W. Spitz "thank you for your assistance" and that I'm a Christian man and that I have an "Agape love" for her which mean A "godly love".

3. A.W. Spitz took what I said out of context and told me that she was going to teach me a lesson about talking to her in that way which was clearly an 8th amend. violation of my const. rights of cruel and unusual punishment Deliberate indifference to a serious risk of harm to inmates.

4. A.W. Spitz walked off and retrieved Lt. Munton and four (4) unknown correctional officers who came to 10-Block cell-604 and told me to come and curfew.

5. I asked Lt. Munton why I was being removed from my cell? he replied that my cell was to be searched for contraband and to teach me a

4 // see Additional page // regarding the statement of claims

Additional Page  
10. Statement of Claims

Claim One: 8<sup>th</sup> Amend. Cruel and unusual Punishment Deliberate indifference to a serious risk of harm to inmates, excessive use of force, failure to prevent and protect or intervene violations.

Supporting Facts:

- Continued - lesson for telling A.W. Spitz that I loved her thus violating my 8<sup>th</sup> amend. right of failure to protect, prevent or intervene and deliberate indifference to a serious risk of harm to inmates.

b. I complied to Lt. Murton's order and let him put the restraints on my wrists in which were applied extremely tight cutting off blood circulation thus committing an 8<sup>th</sup> amend. violation of excessive use of force and cruel and unusual punishment by the infliction of pain maliciously and sadistically to cause harm upon me.

M. I told Lt. Murton, the four unknown correctional officers and A.W. Spitz that the restraints were to tight and to please loosen them. They all told me to shut my mouth and that the restraints would not be loosened thus violating my 8<sup>th</sup> amend. rights of deliberate indifference, excessive use of force and failure to prevent, protect or intervene by A.W. Spitz and the four unknown staff officials.

See Additional Page regarding the statement of claims

\\ Additional Page //

10. STATEMENT OF CLAIMS

Claim One: 8<sup>th</sup> amend. Cruel and unusual punishment, deliberate indifference to a serious medical need to inmates, excessive use of force, failure to prevent and protect or intervene violations,

Supporting Facts:

8. Lt. Murton was the one who put me in the restraints, A.W. SPITZ and the four unknown correctional officers were standing outside in the hallway when I was being extracted from 10-604.

9. Lt. Murton and the four unknown staff officers escorted me to a holding cell 10-606 and placed me inside with the tight restraints still on for over 20 to 30 minutes

10. Lt. Murton and the four unknown staff officers returned and removed me from the holding cell to return me to 10-604.

11. Lt. Murton made the statement "now we are going to teach you a lesson about what you said to the A.W. SPITZ."

\\ See Additional Page regarding the statement of claims //



Additional Page

10. STATEMENT OF CLAIMS

CLAIM ONE: 8th amend. Cruel and unusual Punishment, Deliberate indifference to a serious risk of harm to a inmate, excessive use of force, failure to prevent and protect or intervening violations.

Supporting Facts:

12. Lt. Murton began to say that A.W. Spitz wanted NM and the four unknown staff or blocks to teach me not to mess with A.W. Spitz or any female staff at AIOX Florence.

13. Lt. Murton began pulling on the handcuffs that were extremely tight around my wrists as we once we were back inside 10-604 and slammed me head and shoulder (right) into the steel part of the bars trying to break my arms by pulling up on the cuffs thus committing an 8th amendment violation of cruel and unusual punishment of excessive use of force, and caused Plaintiff pain, suffering, physical injury and mental and emotional distress.

14. All I did was ask Lt. Murton where was my property that was taken out of the cell by Lt. Murton and the other unknown staff on A.W. Spitz orders. Plaintiff at no time resisted any staff or blocks orders or did anything wrong.

See Additional Page regarding the statement of claims

Additional Page

10. STATEMENT OF CLAIMS

CLAIM ONE: 8th amend. CRUEL AND UNUSUAL PUNISHMENT; IDIOTIC AND INDIFFERENT TO A SERIOUS MISTAKE OF FACT TO A MISTAKE; EXCESSIVE USE OF FORCE; FAILURE TO PREVENT AND PROTECT OR INTERVENE VIOLATIONS.

SUPPORTING FACTS:

15. Lt. MURTON KINOLLY PLACED ME INTO CELL 604 AND THE CELL GATE BEGAN TO CLOSE WITH Lt. MURTON HOLDING ON TO THE CURBS AND ME.

16. ONCE THE CELL GATE WAS CLOSED Lt. MURTON REACHED INSIDE WITH HIS FREE HAND AND SHOVED IT DOWN THE BACK OF MY SHORTS I WAS WEARING AND STUCK HIS FINGER INSIDE MY BUTT HOLE FOR ABOUT 3 TO 5 SECONDS AND PULLED IT OUT THUS COMMITTING AN 8th AMEND. VIOLATION OF CRUEL AND UNUSUAL PUNISHMENT EXCESSIVE USE OF FORCE WITH AN PHYSICAL AND SEXUAL ACT; AND CAUSED PLAINTIFF PAIN, SUFFERING, PHYSICAL INJURY AND MENTAL AND EMOTIONAL DISTRESS. ALSO SUFFERS THE SYMPTOMS OF POST-TRAUMATIC-STRESS-DISORDER (PTSD) INSOMNIA; NIGHTMARES; PANIC ATTACKS; ANXIETY; AND DEPRESSION.

17. Lt. MURTON THEN UNLOCKED THE CURBS AND BEGAN TO BACK OUT OF THE CELL AREA.

See Additional Page Regarding THE STATEMENT OF CLAIMS

# Additional Page

## 10. STATEMENT OF CLAIMS

CLAIM ONE: 8th Amend. CRUEL AND UNUSUAL PUNISHMENT; DELIBERATE INDIFFERENCE TO A SERIOUS RISK OF HARM TO A INMATE; EXCESSIVE USE OF FORCE; FAILURE TO PREVENT AND PROTECT OR INTERVENE VIOLATIONS.

### SUPPORTING FACTS:

18. I then told Lt. Murton that what he did to me was a sexual assault and I confronted A lady guard and Man Guard that they seen what happened and stood back and did nothing to stop Lt. Murton from physically and sexually assaulting me thus committing a 8th amend. violation of FAILURE TO PREVENT, PROTECT OR INTERVENE OF THE USE OF EXCESSIVE FORCE by a staff official, Causing Plaintiff to endure Pain, Suffering, Physical Injury and Emotional Distress.

19. Plaintiff's injuries were permanent nerve damage in my wrists and fingers (right and left); head; neck; back and arms; Also both shoulders; severe headaches; blackouts; blurred vision.

20. Post-traumatic-stress-disorder CPTSD  
SYMPTOMS OF Paranoia; Nightmares; Depression; Flashbacks; Anxiety.



8th Amendment violation of  
deliberate indifference to a serious  
medical need; unconstitutional conditions  
of confinement due to threats and intimid-  
ation

CLAIM TWO:

Supporting facts:

19. After Lt. Munton and the other staff of-  
ficers left I pushed the emergency but-  
ton inside cell 10-604 morning watch between  
the hours of 12 to 2pm date 11-18-18 at AIOX  
Florence Colorado and reported the incident  
to staff officers Collins and Cochran when  
they came to my cell 604 with my legal  
property.

20. I told staff officers Collins and Cochran  
that I had been physically and sexually  
assaulted by Lt. Munton, that I was in  
severe pain and bleeding out of my butt hole  
and needed immediate medical treatment  
in which C.O.s Collins and Cochran denied  
me by saying that they were not present  
when Lt. Munton assaulted me thus com-  
mitting an 8th Amend. violation of denial  
of medical treatment to a serious medical  
need; and deliberate indifference. Plain-  
tiff suffered emotional distress.

\\ see Additional "  
page regarding  
the statement  
of claims



# Additional Page

## 10. STATEMENT OF CLAIMS

CLAIM TWO: 8th Amendment, VIOLATION OF DELIBERATE  
INDIFFERENT TO A SERIOUS MEDICAL NEED; UNCON-  
STITUTIONAL CONDITIONS OF CONFINEMENT DUE TO  
THREATS AND INTIMIDATION

### SUPPORTING FACTS:

No. I sustained injuries to my head, neck, back,  
both shoulders, arms and wrists ~~arms~~ from Lt.  
Morton slamming <sup>me</sup> against the cell frame and wall  
and bending my arms up to try to break them  
while trying to force me inside the cell 60110-1316.  
Also my ~~butthole~~ rectum was bleeding due to  
Lt. Morton forcing his finger inside my rectum.

No. I told staff ~~of~~ ~~the~~ ~~cell~~ Collins and Cochran  
that I was going to file grievances and a  
lawsuit against them for denying emer-  
gency medical treatment. Staff ~~of~~ ~~the~~ ~~cell~~ Col-  
lins said if I write him up that he was go-  
ing to ~~kick~~ my ass and Cochran said that  
he was going to spray me with Mace if I file  
a lawsuit or grievances on him thus committing  
an 8th Amendment violation of unconstitutional  
conditions of confinement due to threats  
and intimidation towards my life, health  
and safety. Noting I was scared to file any  
grievances against any staff in regards  
to this incident at AIOX Florence Colorado.  
Plaintiff is suffering from mental, physi-  
cal and emotional injuries of pain, suffer-  
ing and distress; paranoia; anxiety, depres-  
sion; insomnia and nightmares from the sym-  
ptoms of Post-traumatic-stress-disorder (PTSD).

See Additional Page regarding the statement  
of claims

# "Additional Page"

## 10. STATEMENT OF CLAIMS

CLAIM TWO: Grievous, violation of deliberate indifference to a serious medical need; unconstitutional conditions of confinement due to threats and intimidation.

### SUPPORTING FACTS:

263. ON OR ABOUT 11-18-18 EVENING WATCH CELL 604 10-BITE BETWEEN THE HOURS OF 3 TO 6 PM AT A10X FLORENCE COLORADO I INFORMED CORRECTIONAL OFFICERS RHODES AND MERCADO TO CALL THE HEALTHCARE FACILITY ABOUT ME BEING PHYSICALLY AND SEXUALLY ASSAULTED BY LT. MURTON ON MORNING WATCH IN WHICH THEY DID TELL A NURSE SERBY WHO CAME TO INTERVIEW ME FOR THE ALLEGED RAPE BETWEEN THE HOURS OF 7 TO 6 PM.

264. I TOLD HER, NURSE SERBY IN FRONT OF STAFF OFFICERS RHODES AND MERCADO THAT I HAD BEEN PHYSICALLY AND SEXUALLY ASSAULTED BY LT. MURTON ON MORNING WATCH AND THAT I SUSTAINED INJURIES OF ME BLEEDING FROM MY BUTTHOLE DUE TO LT. MURTON SHOVING HIS FINGER INSIDE ME; THAT I HAD INJURIES TO MY HEAD; NECK; CHEST; BOTH SHOULDERS; WRISTS; WRISTS; AND FINGERS BEING NUMB AND THAT I NEEDED IMMEDIATE EMERGENCY MEDICAL TREATMENT; REQUESTED NURSE SERBY REFER ME MEDICAL TREATMENT AND TOLD ME TO PUT A SICK CALL SLIP INTO SEE THE DOCTOR OR PHYSICIAN ASSISTANT OSAGLE WHO IS ASSIGNED TO MAKE ROUNDS ON 10-BITE THIS COMMITTING AN GRIEVOUS, VIOLATION OF DELIBERATE INDIFFERENCE

"SEE ADDITIONAL PAGE REGARDING THE STATEMENT OF CLAIMS"

Additional Page

10. STATEMENT OF CLAIMS

Claim two: 8th amend. violation of deliberate indifference to a serious medical need; unconstitutional conditions of confinement due to threats and intimidation

SUPPORTING FACTS:

- continued - to a serious medical need by nurse Serdy; corrections officers Rhodes and Mercado denying me medical treatment by not getting me over to the health care on outside hospital to see a doctor or health care professional. Plaintiff suffered pain and suffering, physical injuries, and mental and emotional distress.

25. On or about 11-19-18 morning watch between the hours of 11AM to 120PM at AIOX Florence Colorado 10-18 I was interviewed by special investigator supervisor GISIS Lt. Saupp about the 11-18-18 incident of me being physically and sexually assaulted by Lt. Murton. I told ISIS Lt. Saupp that I was in severe pain in my buttocks, neck, head, both shoulders, arms, wrists, fingers, and chest and I needed immediate medical treatment. Lt. Saupp refused me medical treatment thus violating the 8th amend. deliberate indifference of denial of medical treatment for a serious medical need. Plaintiff also suffered pain and mental and emotional distress.

See Additional Page regarding the statement of claims



# Additional Page

## 10. Statement of Claims

Claim two: 8th amendment, violation of 14th interstate indifferent to a serious medical need; unconstitutional conditions of confinement due to threats and intimidation

### Supporting Facts:

16. On or about 11-20-18 evening watch between the hours of 3 to 6 PM at AIOX Florence Nurse Seely and staff of Claudio Marcano came to my cell 604 10-1316 to give me some over the counter medications. Nurse Seely still denying me medical treatment for my injuries from 11-18-18 incident of me being physically and sexually assaulted.

17. I gave Nurse Seely a emergency sick call slip requesting immediate medical treatment from Health Care Supervisor DMILE and P.A. O'Carroll. Nurse Seely said that they were aware of my situation but they never responded or gave me medical treatment thus violating my rights under the 8th amendment. Cruel and unusual punishment; indifferent to a serious medical need by all named defendants. Plaintiff also suffered from pain and mental and emotional distress.

See Additional Page regarding the statement of claims



Additional Page

10. STATEMENT OF CLAIMS

Claim two: 8<sup>th</sup> amend. violation of deliberate indifference to a serious medical need; unconstitutional conditions of confinement due to threats and intimidation

SUPPORTING FACT:

28. UPON INFORMATION AND BELIEF P. A. OSAGLE does not make rounds on a daily basis in regards to medical concerns at AIOX Florence Colorado in 10-block housing since I've been here since August 2014.

29. UPON INFORMATION AND BELIEF Medical staff at AIOX Florence or Correctional Officers do not report medical emergencies concerning inmates.

30. ON OR ABOUT 7-25-18 MORNING WATCH ON 10-BLOCK CELL 604 BETWEEN THE HOURS OF 11 AM TO 2 PM AT AIOX FLORENCE COLORADO A. W. SPITZ WAS TOLD BY ME THAT I WAS GOING TO FILE COMPLAINTS AND A LAWSUIT AGAINST HER AND HER STATE THAT WE WERE INVOLVED WITH THE PHYSICAL AND SEXUAL ASSAULT THAT OCCURRED ON OR ABOUT 7-18-18 AT AIOX FLORENCE COLORADO.

See Additional Page regarding the statement of claims

# Additional Page

## 10. STATEMENT OF CLAIMS

Claim two: 8th amend. violation of deliberate indifference to a serious medical need; unconstitutional conditions of confinement due to threats and intimidation

Supporting Facts:

31. A.W. SPITZ told me that if I file any complaints or lawsuits against her or her staff, that she was going to have me set up to be beat up or killed and to watch my back. 8th Amend. violation unconst. condition of confinement due to threats and intimidation.

32. A.W. CHRISTENSEN and unit team counselor HANSEN, Case Manager OSLAND, and unit manager PONCO heard A.W. SPITZ make threats to me on 1-25-18 10-604 between 1AM to 2PM at AIOX Florence. I told them to give me an administrative remedies so I can write A.W. SPITZ up, they refused with a statement from A.W. CHRISTENSEN. Said that I better watch my back, making fear for my life, health, and safety.

33. On or about 8-13-18 morning watch between the hours of 1AM to 2PM 10-604 at AIOX Florence, Colorado Correctional Officer COLLINS made another threat to me and said I'm going to get your dumb black ass sooner or later thus committing 8th amend. violation of unconstitutional conditions of confinement due to death threats and intimidation. Plaintiff suffered mental and emotional distress of Post-traumatic stress disorder symptoms of paranoia, insomnia, anxiety, and nightmares.

WHEREFORE, Plaintiff respectfully prays that this Court enter Judgment granting Plaintiff:

1. A declaration that the acts and omission described herein violated Plaintiff's rights under the laws and U.S. Constitution.

**E. 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 "E. REQUEST FOR RELIEF."

2. A preliminary/TRO and permanent injunction of the PRCP vs ordering defendants [A.W. Spitz; Lt. Murton; SIS Lt. Sapp; Nurse Sapp; Healthcare Supervisor H. White; C.O. Collins; C.O. Cochran; C.O. Rhodes; C.O. Mercado; And P.A. Osagie] enjoining their successors in office, agents and employees and all other persons acting in concert and participation with them, from violating my 8th amendment U.S. constitutional rights of cruel and unusual punishment excessive force; Failure to prevent and protect; unconstitutional condition of confinement by use of threats; harassment; and intimidation; deliberate indifference of denial of serious medical treatment; To compel the defendants to give me a

(See Additional pages regarding relief as E. Request for Relief)

**F. 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.

Kim Millwright  
(Plaintiff's signature)

9-4-18  
(Date)



# Additional Pages Regarding E. Request For Relief

- Continued - Examination of the health care on hospital in regard to Plaintiff being physically and sexually and mentally and emotionally injured on 4-18-18 at AIOX Florence Colorado; And To Compel the defendants to provide me pain medication from my injuries from the 4-18-18 incident at AIOX Florence Colorado; To compel to be treated for insomnia; paranoia; depression; and Anxiety by Psychology.

3. Compensatory damages in the amount of \$5 million against each defendant, jointly and severally.

4. Punitive damages in the amount of \$5 million against each defendant.

5. Mental, physical, and emotional damages in the amount of \$5 million

6. Pain and suffering in the amount of \$5 million

7. A jury trial on all issues triable by a jury

8. Plaintiff's costs in this suit

9. Any additional relief this court deems just

The court must construe A Prose Plaintiff motion liberally because he is not represented by an attorney. See *Haines v. Kerner*, 404 U.S. 519, 520-21, 9 S.Ct. 594, 30 L.Ed.2d 652, C197205



CASE NO. MILLIMOOKA V. SPITZ ET AL

1:18CV-01962-GPG

9-4-18

TO: CLERK

I send A amended complaint in response to the court order dated 8-29-18

I'm asking for a status sheet once the court receives the amended complaint and this letter

Thanks you

RECEIVED

UNITED STATES DISTRICT COURT DENVER, COLORADO

SEP 10 2018

JEFFREY P. COLWELL CLERK

From Millimooka #13M00-00312 AOX Florence P.O. Box 8500 Florence, CO 81201

P.S. I'm suing each defendant in the Amended complaint in their individual and official capacities due to their own individual misconduct, and their official capacities for functions performed, and each defendant individually for money damages.

Name: Kim Millbrook  
REG. NO: 13400-026  
U.S. PENITENTIARY MAX  
P.O. Box 8500  
Fort Collins, CO 81226,8500

HOUSTON V. LEAKE, 48th U.S. 2666, 24th  
C19882 PRISONER MAILBOX PUBS

Legal Mail



544  
9-5-18

TO: Clerk's Office  
Alfred A. Arzoo  
U.S. Courthouse  
Room A, 105  
901 17th Street  
Denver, CO 80202

Administrative Maximum  
Federal Prison  
Florence, CO 81226-8500

SEP 05 2018

The enclosed letter was processed through special  
mailing procedures for forwarding to you. The letter  
has been neither opened nor inspected. If the writer  
raises a question or problem or if this facility  
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