

District Court, Fremont County, Colorado Court Address: 136 Justice Center Road, Room 103 Cañon City, CO 81212	DATE FILED: July 28, 2021 CASE NUMBER: 2021CV98 FILED IN COMBINED COURTS JUL 28 2021 Fremont County, Colorado
DELANO MEDINA, Plaintiff, v. DEAN WILLIAMS, et. al., Exec. Dir. of CDOC; Sgt. Ramirez ; Lt. Vargas ; Cpt. Peachee	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): Delano Medina, 129304 CTCF, P.O. Box 1010 Cañon City, CO 81215	Case No: 21CV98
CIVIL COMPLAINT	

Plaintiff-Delano Medina hereby Files this civil action pursuant to Colorado Rules of Civil Procedure, (CRCP), C.R.S. § 13-17.5-102, CRCP 1(a). In support thereof, Plaintiff Medina states as follows;

I. INTRODUCTION

1. Medina presents the following civil-rights complaint and Claim For Compensatory, declaratory, and injunctive relief against the Colorado Department of Correction (CDOC).

2. This complaint avers violation of First Amendment Religious rights and Article # Section 26 of the Colorado Constitution.

II. PARTIES

Plaintiff:

3. Delano Medina, #129304 is presently serving a sentence in the custody of CDOC at Colorado Territorial Correctional Facility (CTCF). At all times relevant to this action, Plaintiff was housed at CTCF, 275 West U.S. Hwy. 50, Cañon City, CO 81215.

Defendants:

4. Defendant Dean Williams, as Executive Director of the CDOC is charged with the custody and care of Plaintiff. Mr. Williams is the highest authority and responsible for employment and oversight of Facility staff. Williams acted under color of state law. He is hereby sued in his individual as well as official capacity.

5. Defendants CPT. Peachee and Lt. Vargas are the Superior officers of Sgt. Ramirez and are responsible for Ramirez conduct. All defendants are being sued jointly in their individual and personal capacity for acting under color of state law. They are being sued pursuant to C.R.S. 13-21-131 civil action for deprivation of rights.

III Jurisdiction and Venue

6. Jurisdiction is asserted pursuant to the United States Constitution and Federal law, 42 U.S.C. § 1983; Colorado Constitution Article II Section 26; CRCP 1(a); C.R.S. 13-17.5-102; C.R.S. 13-21-131; C.R.S. 24-10-101 et. seq

IV Statement of Facts

7. On July 16, 2021 at 6:02 P.M., Plaintiff Medina was working in the kitchen doing his assigned job in the Kosher room. Correctional Officer Ramirez asked to help unload trays from cellhouse 3. Upon taking trays out I realized some special-diet trays had hot-dogs and Turkey ham meats. I allowed other inmates who normally do this task to finish the job. Ramirez asked why I was refusing to work. I then explained my religious beliefs as Messianic Jew. [I quoted Leviticus 11: 8 "you may not eat the meat of these animals or touch their dead bodies." And 11: 43 "Neve defile yourselves by touching such animals." I also filed a grievance the same day.]

Ramirez then said that it is not a religious right to not do what I'm told. Respectfully, I again explained Messianic Judaism adhere to the Bible's teachings in Leviticus 11. I was then taken to the office and told by Lt. Vargas that I was refusing to work and would be written-up. I was then sent back to my assigned cell-house. On July 23, 2021 while working on the line serving food, inmates were complaining about their Kosher meals missing items. A comment was made by another inmate that since I was taken out of the Kosher room, that the Kosher trays are messed up. Ramirez heard this and got mad at me and started yelling at me about this. I asked her how is this my fault when you have retaliated against me and took me out of the Kosher room. Ramirez became enraged and told Lt. Vargas to get rid of me. I was sent back to my cellhouse and threatened again to be written up. The following day, July 24, 2021, I went to the kitchen and was immediately sent back for no reason. I was told CPT. Peachee said none of this was in violation of any religious rights.

V. Cause of Action

8. Defendants have violated the First Amend. of the U.S. Const., and the Free Exercise Clause, which requires the government to respect and refrain from interfering with people's religions. See McEachin v. McGuinnis, 357 F.3d 197 (2nd Cir. 2004) "prisoners may not be disciplined for refusing to perform task in violation of their religious beliefs." Congress passed the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc (RLUIPA).

9. The CDC is retaliating against Plaintiff in violation of Fogle v. Pierson, 435 F.3d 1252 (10th Cir. 2006) "actionable claim stated when prisoner is retaliated against for exercising his Const. rights."

VI. Prayer For Relief

10. WHEREFORE, Medina request a preliminary injunction ordering the CDC to cease and desist from any form of retaliation; And to include the involuntary servitude of being forced to perform task in violation of religious rights. Declaratory relief, declaring Plaintiff has the right to practice his religion. Compensatory damages for the unnecessary pain and emotional suffering.

Respectfully submitted,
July 24th 2021

Delano Medina
Delano Medina, 129304

Certificate of Service

I, Delano Medina, hereby certify that on July 24th 2021, I placed within the United States Mail, via lodged in the internal inmate mailing system of CDC, an original and copy of this civil complaint to the following:

Fremont District Court
136 Justice Center Road, Room 103
Cañon City, CO 81212

Attorney General's office for the state of Colorado
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