

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 22-cv-01699-MEH

TRAVIS KOHN,

Plaintiff,

v.

HANSEN,

DOE,

Defendants

Amended Complaint

Plaintiff, TRAVIS KOHN, pro se, files this amended complaint against Defendants as follows:

CLAIM ONE: Plaintiff's Eighth Amendment rights were violated due to a lack of Medical Care.

Preliminary Statement

1. Plaintiff raises one claim against Defendants for either delay and/or denial of Medical Care in Violation of his Eighth Amendment rights.
2. Plaintiff, TRAVIS KOHN, CDoC #143080, has been incarcerated in the Colorado Department of Corrections (CDoC) at Freemont Correctional Facility (FCF) since at least May of 2021. All of the following events occurred while at FCF (unless noted otherwise).

Jurisdiction

3. This court has Jurisdiction of this matter pursuant to 42 U.S.C. § 1343 in that the claims for relief alleged are to restrain and redress the deprivations of Plaintiff's rights secured by the Constitution of the United States by persons acting under color of the law.

Statement of Claims

4. To contact Medical Staff at FCF it is required to fill out a Request for Sick Call form and then place this form in the designated "Medical" drop box located on the exterior of the "chow hall" (dining area), or to contact any CDoC staff and declare a "Medical Emergency".
5. Plaintiff has kept all of the returned Sick Call forms, any written correspondences from medical and a personal chronological record of all occasions regarding events since and surrounding this injury.
6. December 11, 2021. During recreation in the gym, Plaintiff slipped and impacted/twisted his left knee while engaging in a pickle ball game. This impact was coupled with extreme pain as well as a "pop" sound. Plaintiff was unable to stand on his own. His first attempt to stand was a failure and he needed assistance from a fellow inmate (MILLER, TRAVIS). Plaintiff made a request to the Recreation Staff Officer for a Medical Emergency, stating the inability to stand and/or walk on his own cognition, as well as voicing the extreme pain was not tolerable. Recreation Staff then informed Plaintiff that Medical claimed to be too busy to honor a Medical Emergency.
7. Plaintiff was seen by Medical Staff, JANE HANSEN, Defendant, several hours later. Plaintiff requested ambulation assistance at this time asking for crutches. HANSEN, Defendant, denied crutches, telling Plaintiff "That is a lot of paperwork".
8. From the date of injury, December 11, 2021 through February 02, 2022, Plaintiff made at least 6 (six) separate verbal statements of request for crutches or some form of assistance with ambulation or to be given further medical assistance or treatment, he submitted 11 (eleven) separate written requests asking for some type of help or medical treatment- 10 (ten) of these on Sick Call forms as well as 1 (one) Informal Resolution form on January 27, 2022. Crutches were finally issued after 58 (fifty-eight) days filled with missed meals, pain, and constant struggle to preform even simple tasks such as showering and any type of ambulation.
9. Plaintiff declared "Medical Emergency" another combined total of 15 (fifteen) separate times from December 20, 2021 through April 17, 2022. 11 (eleven) of these verbally orated to different Living Unit staff. After Plaintiff voiced the complaint to Staff, Medical was contacted by phone. Each and every Medical Emergency was disregarded and dismissed by whomever was working medical. Defendant DOE is named here.
DOE, Defendant, to be named with discovery. The chronology of these events are as follows:

- a.) 12-20-2021 Plaintiff declared Medical Emergency verbally to LU/8 staff Sgt. J. Gutierrez. Sgt. then told Plaintiff request for Medical Emergency was denied by Medical staff.
- b.) 01-12-2022 Plaintiff submitted a Request for Sick Call form declaring Medical Emergency. Plaintiff never heard back from Medical.
- c.) 01-24-2022 Plaintiff declared Medical Emergency verbally to LU/8 Sgt. D. Hines at approximately 1515 hours. Hines then told Plaintiff, "Medical says NO, unless the issue is life threatening."
- d.) 01-24-2022 Plaintiff declared Medical Emergency on the next shift, to D. Rapenchuck. Request was denied.
- e.) 01-25-2022 Plaintiff declared Medical Emergency verbally to LU/8 staff Sgt. R. Gradisar. Medical Emergency was denied by Medical staff.

- f.) 01-27-2022 Plaintiff declared Medical Emergency verbally to LU/8 staff W. Terral. Medical Emergency was denied by Medical staff. Terral informed Plaintiff that Medical stated "to put a Sick Call Request in the box." Plaintiff then requested that staff Terral record an **Incident Report** stating a summation of what had just occurred. Staff Terral did report the incident.
 - g.) 01-27-2022 Plaintiff declared Medical Emergency verbally to LU/8 staff D. Rapenchuck at approximately 1830 hours. Medical responded "NO. Unless life, **LIMB**, or sight." Medical Emergency denied.
 - h.) 01-27-2022 Plaintiff declared Medical Emergency submitting a Request for Sick Call form as was advised by Medical during incident with staff Terral earlier in day.
 - i.) 01-28-2022 Plaintiff declared Medical Emergency verbally to LU/8 staff Sgt. L. Trujillo at approximately 0800 hours. Trujillo stated there was no response to Medical Emergency request at approximately 1010 hours. Medical Emergency denied.
 - j.) 01-28-2022 Plaintiff declared a Medical Emergency verbally to LU/8 staff Sgt. D. Hines at approximately 1400 hours. No response. Medical Emergency denied.
 - k.) 01-29-2022 Plaintiff declared Medical Emergency verbally to LU/8 staff W. Terral at approximately 1030 hours. Medical Emergency denied. Plaintiff was told to submit a Request for Sick Call form.
 - l.) 01-29-2022 Plaintiff submitted Request for Sick Call form declaring Medical Emergency.
 - m.) 02-01-2022 Plaintiff declared Medical Emergency verbally to LU/8 staff Sgt. R. Gradisar at approximately 0710 hours. Gradisar called Plaintiff to LU/8 control at 0900 hours to inform him Medical Emergency was denied.
 - n.) 04-17-2022 Plaintiff submitted Request for Sick Call form declaring Medical Emergency. Plaintiff was never seen for this request, the same as all the previously mentioned.
10. Plaintiff's Eighth Amendment rights have been violated. The Eighth Amendment prohibits cruel and unusual punishment; that guarantee encompasses a prisoners' right to medical care. Plaintiff has tried repeatedly to get the appropriate Medical Care from Defendants using the standard of written and verbal requests as are required at FCF. Plaintiff was forced to walk/limp/hobble on his injured knee for 58 days after injury before he was issued crutches to assist in basic ambulation.
 11. Plaintiff fears that this prolonged unaddressed injury may result in permanent damages to the injured area.
 12. Each and every occasion of refusal by Defendants to help Plaintiff with his pleas of Medical Emergency need to be addressed. This type of occurrence is the standard practice at FCF Medical.

Amended complaint DATED 03-14-2023

COLORADO DEPARTMENT OF CORRECTIONS
LEGAL ACCESS PROGRAM
REQUEST FOR PRISONER ELECTRONIC SCANNING (PEF) | COVER PAGE

INCOMPLETE FORMS WILL BE DENIED.

TODAY'S DATE: 3-14-2023

LAST NAME: KOHN FIRST INITIAL: T DOC#: 143080
FACILITY: FCF HOUSING UNIT: 8 TIER: 3 CELL: 502

STATE THE TYPE OF DOCUMENT BEING SENT:

- ☐ 42 USC §1983 INITIAL COMPLAINT (FORM=6 PGS.) TOTAL PGS. BEING SENT: _____
- ☐ 28 USC §1915 INFORMA PAUPERIS 1983 COMPLAINT (FORM=4 PGS) TOTAL PGS. BEING SENT: _____
- ☐ 28 USC §2241 APPLICATION FOR A WRIT OF HABEAS CORPUS (FORM=4PGS) TOTAL PGS. BEING SENT: _____
- ☐ 28 USC §2254 APPLICATION FOR A WRIT OF HABEAS CORPUS (FORM=6PGS) TOTAL PGS. BEING SENT: _____
- ☐ 28 USC §2255 APPLICATION FOR A WRIT OF HABEAS CORPUS (FORM=5 PGS) TOTAL PGS. BEING SENT: _____
- ☐ 28 USC §1915 INFORMA PAUPERIS FOR HABEAS (FORM=2PGS) TOTAL PGS. BEING SENT: _____

☒ Other, please list document(s) here with page number for each document:

42 USC §1983 Amended Complaint Total 3 pages

***OFFENDER MUST PROVIDE COURT ORDER TO CURE DEFICIENCIES TO LEGAL ASSISTANT**

- ☒ CHECK HERE IF THIS IS AN AMENDED COMPLAINT _____
- ☐ CHECK HERE IF THIS IS IN RESPONSE TO CURE DEFICIENCY _____

OFFENDER SIGNATURE _____

(Sign on this line)

DO NOT WRITE BELOW THIS LINE

Date Request Received: MAR 14 2023 Facility Law Library FCF Legal Assistant's Initials CS
TOTAL PAGES WITH THIS FAX, INCLUDING THIS COVER PAGE 4

Your request has been DENIED: _____ in whole _____ in part for the following reason(s):

- ____ Your request form was not properly completed (Missing required signature, last name, first initial, full cell location, facility, unit, tier, cell, DOC #, date, etc.)
- ____ The material you have submitted does not meet program definitions of legal material, as described in AR 750-01.
- ____ Your PEF request exceeds the page limit established by the Legal Access Program (see attached). Also see posted PEF policies.
- ____ You have not submitted the documents to be scanned.
- ____ The Legal Access Program will not allow scanning/transmission of ARs, IAs, OMs, case law, statutes, court rules, session laws, or material contained in the law library, even as attachments/exhibits (Exception for non-published case law to be attached to a pleading.)
- ____ The Legal Access Program will not allow scanning/transmission of transcripts, electronic or paper media, including but not limited to transcripts, court records, and discovery from courts or attorneys, incomplete documents, altered documents, and or blank forms.
- ____ The Legal Access Program will not allow scanning/transmission of non-original documents, previously-copied/scanned documents, incoming correspondence, or documents (account statements, mittimus, etc.), grievances, COPD appeals; except as exhibits attached to an original pleading being filed with the court. Your pleading must include a statement referring to the attached exhibits in order for them to be scanned/transmitted.
- ____ The Legal Access Program will not allow scanning/transmission of documents which have any substance on them (such as dirt, food, coffee, hair, bodily secretions, glue, tape, toothpaste, etc.)
- ____ Documents containing UCC Sovereign citizen statements or signatures will not be allowed to be scanned/transmitted.
- ____ You may bring your request into compliance and resubmit.
- Other _____

METER END: _____ MINUS (-) METER BEGIN: _____ EQUALS (=) TOTAL ADMIN COPIES: _____