

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 22-cv-02237-GPG
(To be supplied by the court)

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

NOV 09 2022

JEFFREY P. COLWELL
CLERK

Gary Salazar, Plaintiff

v.

Jury Trial requested:
(please check one)

☐ Yes ☐ No

see attached

_____, 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.

Gary Salazar # 03305 2309 E. Main St. Trinidad Colo 81082
(Name, prisoner identification number, and complete mailing address)

(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) _____

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: D. Navasette Sheriff
(Name, job title, and complete mailing address)

2309 E. Main St. Trinidad Colo 81082

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:

I am not sure if he is, he is the Sheriff of
Las Animas County and in charge of Las Animas County Jail

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

Las Animas County Sheriff D. Navarette

Capt. J. Trancoso

SRG. Tillman

Nurse Cynthia

Nurse Lindsay

B. DEFENDANT'S INFORMATION

Defendant 4: Nurse Cynthia

2309 E Main St. Trinidad Colo 81082

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

I am not sure but she is one of the nurses that work at the jail.

Defendant 4 is being sued in his/her ☒ individual and/or ☒ official capacity.

Defendant 5: Nurse Lindsay

2309 E. Main St. Trinidad, Colo 81082

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

B DEFENDANT'S INFORMATION

contd.

I am not sure but she is one of the nurses that work at the jail.

Defendant S is being sued in his/her ~~X~~ individual and/or ~~X~~ official capacity.

Defendant 2: J. Trancoso Captain
(Name, job title, and complete mailing address)

2309 E. Main St Trinidad, Colo 81082

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:

I am not sure he is the Captain of the Las Animas County Jail and in charge of daily running of Jail

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

Defendant 3: Tillman Sargeant
(Name, job title, and complete mailing address)

2309 E. Main St Trinidad, Colo 81082

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:

I am not sure but he is in charge of the jail and everything goes through him before the Captain

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) _____

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: Being denied medical attention by Medical staff

Supporting facts: In June or July of 2021 I was transported to the Las Animas County Jail from Colo. Dept. of Corrections for a court hearing. Upon my arrival to the jail SRG Tillman placed me in solitary confinement without being booked into the jail and without being seen by my medical staff for the medical intake procedure. I told SRG Tillman I needed to see medical so I can get my medication because I tore my left shoulder in prison and was being treated for my injury in prison. My request to see medical was denied. Later that day medical staff, Megean, was doing rounds and I asked her why I was not being seen. At this question she said, Capt. Trancoso informed medical not to do an intake because I was here on a writ from D.O.C. "With this court's order to the Las Animas County Jail to give me nurse Megan's last name I will be able to get a sworn affidavit from her." I complained to

Statement of Claims claim 1

SRG Tillman every time he came into solitary about my pain and that I needed to see medical. I complained to nurse Megan as well. After 5 days of asking for medical attention nurse Megan took it upon herself to notify her boss and get me perscribed ibuprophen for my pain. For 5 days I had to sit in solitary in pain and not being allowed to see medical because Capt. Trancoso informed the jail not to do a medical intake on me. So SRG Tillman and Capt Trancoso denied me the right to be medically treated for my medical issue. As a result of this denial I had to sit in my cell 23 hrs. a day in excruciating pain. I grieved this and still to this day never got a response to my grievance. Next on Aug 2 2022 I was booked into the Las Animas County Jail. On Aug. 3 or 4 2022 I was seen for my medical intake. During my intake I informed Nurse Cynthia I have a heart disease, torn shoulder, and my hand just got out of cast and I'm suppose to be going through physical therapy. I told Cynthia the lisiniprol my provider had me on was suppose to be discontinued because it was causing problems, Cynthia ignored me and kept me on Visiniprol for almost 3 weeks until

Statement of Claims cont: claim1

Deputy Santisteven wrote an email about medical not properly treating me. I had to continue the lisiniprol for over 3 weeks until I got to see the jail Medical provider at which time she changed my heart medicine because they determined I shouldn't have been on it cause of an allergic reaction the provider said I had the lisiniprol cough. Nurse Cynthia kept me on medication I told her I wasn't suppose to be on for over 3 weeks and she needs to be held accountable for her action. Next the issue with my shoulder still has not been resolved. Nurse Lindsay and Nurse Cynthia both had me sign a disclosure so they can get my records from my provider. For over 1 month after signing those papers both nurses told me the disclosure was faxed to my provider and they both tried calling and left messages. After over 1 month of being told they faxed the papers, Nurse Lindsay informs me that in fact they were never faxed and had me fill out another disclosure this time she said she'll make sure it gets faxed. Because of medical not doing there job and in fact lying to me about the papers being faxed the first time I am still sitting here in limited mobility and extreme pain in my left shoulder. Both

Statement of claim cont: claim/
nurses are not giving me proper medical care
and my shoulder is getting worse. Nurse Cynthia
and Nurse Lindsay's actions are keeping me from
getting medical attention for over 3 months now
and for 1 whole month where lying about the
disclosure papers actually being faxed to my
outside provider. Because of their actions I am
sitting here in extreme pain and my shoulder is
getting worse. Nurse Cynthia and Nurse Lindsay
are responsible for me not getting medical attention
which I have a right to be getting for these
reasons they need to be held accountable

Claim 2

Violation of my due process

Capt. Trancoso denied my right under the U.S. Constitution and Colo. Constitution, of due process. Capt. Trancoso told me I do not have a right to my due process because I am in the county jail. I don't know the exact day because Capt. Trancoso will not give me a copy of the report. So in Sept. 2022, I got accused of violating a minor rule infraction and was placed in solitary confinement for 5 days without any quasi judicial review. The Sheriff implemented a LACT inmate handbook where minor and major rule infractions are listed. There is not a definition of how this rules can be broken and there is no due process to defend ourselves against allegations. The Sheriff and Capt. said if a deputy accuses you of violating that deputy determines the amount of days you will be placed in solitar confinement and we have no right to defend ourselves against the deputies accusations. Sheriff Navarette and Capt. Trancoso violated my guaranteed right to due process by implementing a handbook and

statement of claims cont. claim 2
not giving me any right to defend myself and
placing me in solitary confinement for 5 days.

Claim 3

Cruel and unusual punishment.

So in the LACT inmate handbook the Sheriff and Capt. implemented punishment for a violation of any minor or major rule infractions. One of the punishments is the menu that a person who violates will be getting in solitary confinement it is not the same menu that the G.P. offenders receive. So they are using food as a form of punishment which is a violation of my 8th Amendment. In Sept. 2022 I was placed in solitary confinement for a minor rule violation for 5 days. For these 5 days I was not given the regular food that the rest of the jail was getting. I told the serving deputies I was entitled to the same menu as G.P. they said no I am not per the Sheriff and Capt. So for 5 days my punishment was not only solitary confinement but I was forced to eat another menu because I violated a minor rule infraction. The Sheriff and Capt. are making up these rules so therefore they are solely responsible for violation my protection from cruel and unusual punishment.

Claim 4

Violation of 1st Amendment

I was placed in solitary confinement for 5 days for violating a minor rule infraction. While in solitary confinement I was denied my right to communication. I was not given any writing material and was told Sheriff Navarette and Capt. Trancoso do not let us send out mail while in solitary confinement. I told them it was my right under the U.S. Const. and was told Capt. Trancoso said it was a privilege and therefore he can stop it. I talked to Capt. Trancoso and he said I am an inmate and while in solitary confinement he does not have to let me communicate with anyone. So I was cut off from all communication because of my placement in solitary confinement. I have asked for copies of my grievances and copy of the LACT inmate handbook and as of today Nov. 1, 2022 I have still not been given copies and my inmate kite requests have gone unanswered. Because of being punished for a minor rule violation my rights are being denied. My rights to send mail were only taken from me because of my placement in solitary confinement.

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):

Colorado Dept. of Corrections

Docket number and court:

N/A

Claims raised:

due process

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

dismissed

Reasons for dismissal, if dismissed:

N/A

Result on appeal, if appealed:

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)

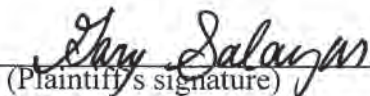
G. REQUEST FOR RELIEF

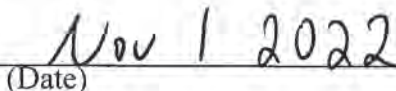
State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "G. REQUEST FOR RELIEF." I do not want to be retaliated against and moved out of this jail because that would mean my family will not be allowed to visit. I want a quasi judicial hearing put in place for rule violations the menu to be the same as general population for solitary confinement. I P.R. medical bond so I can properly take care of my injuries and Nurse Lindsay to pay me \$250,000 for violating me medical and Nurse Cynthia to pay me \$250,000 for violating me medical and Sheriff Navarette to pay me \$1,500,000 for violating my U.S. Const. Rights and Capt. Trancoso to pay me \$1,500,000 for violating my Const. Rights and SRA Tillman to pay me \$250,000 for violating my rights.

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.


(Plaintiff's signature)


(Date)

(Revised February 2022)

Legal Mail
11.1.22
G.S.

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81082

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