

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:23-cv-02349-DDD-STV
(To be supplied by the court)

Julio Flores Buitimea, Plaintiff

v.

Lieutenant Harty,

Shelby Scheopner,

_____, Defendant(s).

Jury Trial requested:
(please check one)

☒ Yes ☐ No

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

AUG 16 2024

JEFFREY P. COLWELL
CLERK

(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.

Julio Flores Buitimea, 164983, Limon Correctional Facility
49030 CO-71
Limon, CO 80826
 (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) now a convicted state prisoner but at the time the
complaint took place I was a pretrial detainee.

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: Lieutenant Harty, Logan County Jail's Lieutenant, 1100 Riverview Rd
(Name, job title, and complete mailing address) Sterling, CO 80751

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:

He was actively working as lieutenant of
the Logan County Jail. undisputed

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

Defendant 2: Shelby Scheepner, Logan County Jails coordinator
(Name, job title, and complete mailing address)

110 N Riverview rd, sterling, colorado, 80751

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:

she was the Logan County's Jail coordinator
-undisputed

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) _____

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This complaint is initiated by Julio Flores Buitimea a pre trial detainee for a violation to his constitutional rights in Amendment 14th. The due process clause of the fourteenth Amendment requires that a pre trial detainee be provided humane conditions of confinement by ensuring the basic necessities of adequate food, clothing, shelter, ~~and~~ sanitation, and taking reasonable measures to **guarantee safety**. The defendants Lieutenant Harty and Shelby Scheopner the Logan County's Jail coordinator are liable in their official and individual capacity by failing in supervising, training, or enforce other personnel to do their jobs, thereby allowing inmates to have to live in conditions that involves deprivation of minimum humane standards of **health and sanitation**. There is no question that Lieutenant Harty and Shelby Scheopner the jail's coordinator had overall responsibility for day-to-day operations of the jail and to enforce that personnel of the jail did their jobs so inmates were not living in conditions that would give rise to violating the constitution and a reasonable jury could infer from the facts to my complaint that both defendants had notice of conditions that would be potentially hazards to inmates health and very painful to say the least. As evidence is submitted ~~by~~ the jury will see that supervisory liability in both

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the defendants is appropriate in ~~both~~ their individual capacity. By both failing to supervise ~~and train~~ properly and that maintenance did their jobs correctly after both defendants having been aware that work orders about the same problem had come across their desk and wasn't being fixed and only obvious after the amount of over 40 work orders or more in between June 5th 2022 and ~~November~~ ²⁰²³ November. Due to them doing nothing, or saying nothing about the occurring problem and enforcing that maintenance do their job correctly exposed plaintiff to dangerous physical defects of the plumbing system and resulting in dangerous levels of hot and cold water problems resulting in a constitutional violations in a conditions of confinement claim against defendants. Substantial risk of deprivation of minimum health and sanitation and serious harm existed and the officials drew from ~~inter~~ intern. Making them liable in their individual capacity. Due to the plaintiff unable to take a proper shower for almost 2 years because of the extreme temperatures of the water the defendant's Subjected Julio Flores Buitimea to unsanitary conditions which breed multiple different kinds of staff, infections, and incite violence in a already unsafe environment, and lastly but not least severe physical pain everytime

the plaintiff tried to take a shower. the plaintiff is a pretrial detainee who has been housed in the conditions at Logan County Jail since June 5th 2022 through November 2023. During these great lengths of time the conditions of the water being pumped through Dunit were so excessively hot or cold and extreme to the point it would potentially cause health risks to anyone having to live and ~~late~~ try to take showers in this environment. It is cruel and unconstitutional to make inmates live in an environment where the shower water is so hot that it is physically painful and burns, and at times it's not hot the water is so cold it shocks and hurts the body. I personally have to take showers on my knees so that the water is bearable but even then it still is very, very painful and your body naturally tries to avoid from getting any water on you because it is painful. Inmates personally can't physically adjust the water's temp. for there is only one button to push to have the water come out, this has to be done by jail's staff. The units got a serious problem with its plumbing. When the water is not that is being pumped through our units ~~the~~ even the water in the toilets is so hot that the toilets burn us anytime we have to sit down to use the restroom ~~because of that~~ all due to the plumbing problems. Also at these times the side of our sinks in the cells where cold water is supposed to come out the sink the sink

u

doesn't dispurse any cold water, nor is it luke warm but hot water so there is typically no fresh water to drink when the water that is being pumped is hot. Needless to say when the water is cold being pumped through the unit the unit has drinking water but the water has been hot more than not and only about 5% of the time between June 5th 2022 and **November** 2023 has the water been normal. To have to live in conditions that deprive a inmate of the minimum health and sanitation standard to be provided by the state and the pain from temperatures of the showers conditions for almost 2 years is inhumane. It is also well established law in the (10th cir) a state must provide within such living space ~~reasonable~~ ^{reasonably} adequate ventilation, sanitation, bedding, hygienic materials, and utilities (i.e. hot and cold water, light, heat, plumbing.)

Ramos v Lamm, 639 F.2d 559, 568 (10th cir 1980) In the begining months upon me arriving at Logan County Jail ^{about} my complaints about the issue were all verbal the hot/cold water plumbing problem. I was told by almost every deputy working at Logan County Jail that they would notify maintance and put in a work order to have it fixed. Finally after verbal complaints didn't have any effect on having to go without taking a shower to get clean and going through pain anytime an attempt to get clean was made i wrote my 1st maintance ltr on

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12.29.22. I also wrote a Facility Issue grievance on 12.29.22 and it was opened by defendant Shelby Scheepner the jails coordinator but she just forwarded it to the same maintenance that never fixed all the past work orders that were sent to maintenance. She neither took action to exercise her supervisor position to go to maintenance and make sure that the problem be fixed being that ~~there~~ ~~there~~ there were consistent work orders put in to have the showers temperature fixed and never fixed and now grievances. She also never spoke to me about if the issue was ~~fixed~~ resolved. Basically in other words she and Lieutenant Harty approved of conditions that were violating the constitution. I again tried to write maintenance on 1/6/23 about the matter and deputy Lauderdale had forwarded it to maintenance. Not only had I made an attempt through the jails filing system but another inmate named Jason Morales Jr. had also tried contacting them about the problem and this was done on 1/14/23 and 1/28/23 to maintenance which was answered and forwarded by Sgt Russel. Another attempt was made after people living in Dunit were unable to get clean and were subjected to pain and suffering when trying to shower and get clean. Another inmate named Joe Fueller had wrote a grievance about the issue in the month of May 2023. Still the water issue was not resolved and remained the same for almost 2 years for me personally.

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This complaint doesn't hold the deputies or Sargeants liable for violating plaintiffs constitutional rights because they were not deliberate indifferent to the plaintiffs because everytime they were verbally notified by inmates about the issue they made an effort to fix it to their capacity by putting in a work order to maintenance to get it fixed and than let the defendants know about the problem by giving them a copy of the work orders and verbally through shift pass ons. Rather more the teeth to this complaint and liability to the plaintiffs constitutional rights in the **fourteenth Amendment** are to be held individually and officially responsible by Shelby Scheopner the jails coordinator and Lieutenant Harty for establishing a custom by failing to except as true, ignoring complaints and work orders sent to maintenance, and not investigating to why after more than 50 work orders in almost 2 years and still the problem remained. Municipal liability is appropriate when a custom has been created. After repeatedly being passed on to the defendants from the county jails staff and the countless work orders being submitted by their lower staff defendants failed to take reasonable measures to guarantee the safety and to serialize the problem when there were inmates having to live in ~~the~~ inhumane conditions. For Julio Flores Buitimea having to live in this condition for a few weeks is unconstitutional but uncalled for when i had to live

in such conditions for almost 2 years. Shelby Scheopner and Lieutenant Harty had plenty of times been notified that this was going on in the jail and failed to except as true, or investigate constant complaints that people were living in a condition that one could recognize would be painful and unconstitutional when deprivation of health and sanitation is easily clearly a problem. View body cam on 08/17/23 during cell checks i spoke to Sargeant **Romero** about if Shelby Scheopner the jails coordinator and Lieutenant Harty are aware about the issue that's been going on for over a year and he told me on camera that 'everytime there's a work order put in to maintance that they are made aware of the problem.' To be made aware in over 50 different instances of the same problem and failing to investigate, take as true, and make sure people are not living in these conditions constituting inhumane conditions of confinement for such great length of times is why defendants are being held in their individual and official capacity for violating plaintiffs constitutional rights. This has gone on for far to long and is respectfully uncalled for. Even after this complaint was drafted into the federal courts the defendants still have not fixed the issue and are still having people live in these conditions. Here is a list of inmates who experienced the painful conditions between June 5th 2022 and **November 2023**; Jason Morales, Jr, Aaron Eggers, Jermay Bennett, Juan Morales

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Jaime Diaz, Kyle Barch, Joe Fueller, Jose Garcellano and many more after **November** 2023 with names will be asked to produce for discovery purposes as well as their complaints and work orders and ~~these~~ ^{there} are all new people going through the same thing I had to endure and even after my complaint was submitted. Clearly showing that **Lieutenant Harty and Shelby Scheopner** have no respect for the constitution and that inmates are not living in conditions that give raise to ~~inhumane~~ inhumane conditions of confinement. The plaintiff requests that the camera footage on the following dates for discovery purposes later on in the case (body cameras)

8.29.23 5:00pm view deputy ~~Webers~~ Weber's body cam about the hot water/cold water problem where she openly admits to this being a ongoing problem for over 6 months but in reality it's been over a year. 8/29/23

5:20 - 5:24pm I had Weber's come on the unit and feel how hot the water was that was being pumped through the unit. That way there are others besides inmates saying the temperatures are extreme to the point of inflicting pain. 09.02.23 around 6:55pm I had sargeant **Romero** come on the unit and feel how cold the water was on that day and he says quote quote "I definitely wouldn't get into that cold water." speaking about the showers. We also had a long conversation about the issue.

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p claims

claim 1 is Against Shelby Scheopner for punitive damages. In this claim the plaintiff seeks 500,000 in monetary for punitive purposes in her official capacity for violating plaintiffs 14th constitutional rights.

claim 2 is Against Shelby Scheopner for punitive damages. In this claim the plaintiff seeks 500,000 in monetary for punitive purposes in her individual capacity for violating plaintiffs 14th amendment Right.

claim 3 is against Lieutenant Harty for punitive damages in violating plaintiffs 14th constitutional rights in this claim the plaintiff seeks 500,000 in monetary in his official capacity.

claim 4 is against Lieutenant Harty for punitive damages in violating plaintiffs 14th amendment rights. In this claim the plaintiff seeks 500,000 in monetary in his individual capacity.

claim 5 is against Shelby Scheopner for 1,000,000 in monetary for depriving plaintiff of health and sanitation and ~~pain and suffering~~ for the pain and suffering endured in these conditions. Individual capacity

claim 6 is against Shelby Scheopner for 1,000,000 in monetary for depriving plaintiff of health and sanitation and the pain and suffering endured in these conditions

D claims

official capacity.

claim 7 is against Lieutenant Harty for 1,000,000 in monetary for ~~depr~~ depriving plaintiff of health and sanitation and the pain and suffering endured in these conditions in the great length of time for 2 years.
Individual capacity.

claim 8 is against Lieutenant Harty for 1,000,000 in monetary for depriving plaintiff of health and sanitation and the pain and suffering endured in these conditions in the great length of time for 2 years. official capacity

Dates is undisputed evidence that the plaintiff suffered great amounts of pain. By the dates and times listed in complaint is creditable that the temperatures of the water was either too hot or cold and would cause any human pain resulting in conditions being inhumane and depriving inmates of health and sanitation that is to be provided by a state.

14th Amendment violation when the conditions of pretrial detentions are punitive and therefore unconstitutional depends on the totality of the circumstances including the duration of the allegedly harsh conditions

see *Stearns*, 957 F.3d at 909.

The totality of being subjected to utilize showers

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that were "inflicting unnecessary and wanton infliction of pain," see *Estelle v Gamble* 429 U.S. 97 is a issue raised to a constitutional level for a pre trial detainee. Not only was this a very painful and harsh conditions but this went on for almost 2 years leading to a deprivation of minimum health and sanitation when the inability to take a shower is ~~the~~ the inhumane conditions. ~~Most cases~~ some cases involving related incidents have been dismissed but as i read into the cases the duration of the times others were held under those conditions were only 3 weeks at the most and i in my case unlike those have been held in these conditions for almost 2 years. When i say that the temperature of the water was either to cold or to hot im trying to say that their ~~was~~^{is} a big problem with the plumbing that was having us have to be deprived of either hot water because at these times there was only cold water being pumped through the unit, and at times when the water was to hot to use there was absolutely no cold water being pumped through the unit. It has been a clearly established law in the 10th cir that we are to have the state provide [prisoners] within such living space reasonably adequate ventilation, sanitation, bedding, hygienic materials, and utilities (i.e., hot and cold water, light, heat, and plumbing) see again *Ramos v Lamm*, 639 F.2d 559, 568. Logan County Jail raises a serious constitutional issue as to a detainees right of due process to be free from unduly harsh and rigorous treatment, United States constitution, fourteenth

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~~amendment~~ utah constitution Article 1 § 7. see generally
Rhem v Malcom supra; Breneman v Madigan, 343 F. Supp. 128
(N.D. Cal 1972); Hamilton v Love, 328 F. Supp. 1182 (E.D. Ark 1971);
Jones v Wittenburg, 323 F. Supp. 93 (N.D. Ohio 1971)

Further if there is no evidence of a formal policy to establish
municipal liability i must prove a pattern of unconstitutional conduct
sufficient to establish a custom, a single incident is not enough.

parish v Luckie, 903 F.2d 201 (8th Cir 1992)

Oklahoma City v Tuttle, 471 U.S. 808 (1985)

As i stated earlier in my complaint the officials failed to except
as true, or investigate the complaints and work orders about
the problem. Not only one, two, 3 or four but over 50 different
incidents where complaints that lead to work orders came
across ~~the~~ both the defendants desk and no action to
Supervise there personel so that unconstitutional conduct
wouldn't continue in the jail they both have ~~the~~ control of day to
day operations and powers to enforce people do their jobs
correctly. Logan Countys Jails Lieutenant Harty and Jails
coordinator Shelby Scheopner subjected Julio Flores Buitimea
to again, not only one single incident of having to take
showers in pain and utilize showers that was difficient in
pumping at times hot water and others too cold. The plaintiff
and other ~~s~~ detainees were subjected to unnecessary wanton
infliction of pain. Not only once, twice, three or 4 times
but this involved over 300 seperate incidents in over
a years time. June 5th 2022 - November 2023 over time

#13

~~due to the inhumane conditions~~ due to the conditions that a reasonable Jury would infer that were inhumane conditions of confinement. I was also subjected and forced to live in an environment where violence was created in a already violent place due to the physical altercations the plaintiff had been in due to poor sanitation and hygiene from the inability to take a proper shower. Living in fear of having to fight and getting ~~into a physical~~ hurt everyday was a reality. because of new inmates coming into the jail noticed alot of us had bad hygiene from the inability to take a proper shower. which in turn lead to people being disrespectful to one another and ultimately leading to jail house fights. Most fights occurred by inmates who would come to jail only for a couple nights and would either get bonded out or released and never got time to actually take a shower to find out why people who had been in jail for a while had had bad b.o. and ^{bad} hygiene. In jail people coming in and out is common and having to live in fear everyday about if someone new would show up and ~~never~~ never knowing if you would have to get beat up or beat some one else up when you personally are not a violent person is unconstitutional. ~~In addition to all this I have~~ ~~explained detainees~~ ~~where~~ has been clearly established that plaintiff has the right to be free from inhumane conditions of confinement **Farmer v Brennan**, 511 U.S. 825, 834, 114 S. Ct. 1970, 128 L. Ed 2d 811 (1994)

Not only were detainees made to live in such conditions but also

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a additional unconstitutional conduct to structure a municipal custom is that the jails emergency water spouts in the cells that are supposed to go off during a fire have been capped so in a event of a fire we would be exposed to fire without no water to eliminate the fire. Again to have inmates live in these types of conditions is against the constitution. No detainee or prisoner should have to live in conditions that pose a life

threatening conditions without help from a emergency spout to put out a fire in a event a fire did ever happen. During the winter months of 2022 the Logan County's Jails heater went out so for two months we were made to live in temperatures so cold that you could see your breath. During these times the showers were cold and had no hot water coming out of the water lines so people were again subjected to really cold conditions. Another inmate was taking cups filled with water from his cell and taking them to the shower to try and maintain his hygiene but still the water was just as cold i herd from him and was still very miserable.

During the summer months the units A/c went out and we were made to live in conditions so hot that another inmate named Jason Morales Jr past out because of the heat.

This is also on camera because he past out in the middle of the unit. Not only has it been one single incident but a string of incidents and unconstitutional conduct that have taken place since June 5th 2022 - **November 2023** if ~~conditions~~ conditions are found to be arbitrary or excessive, it is

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or prisoner have well exceeded to surface a inhumane conditions of confinement complaint that should respectfully be trialed by Jury trial. I believe the defendants Lieutenant Harty and Shelby Scheopner have violated the 14th amendment to the United States Constitution.

executed at ~~Agua~~ Limon Correctional Facility
49030 state highway 71
P.O. Box 1000
Limon, CO 80826

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permissible to "infer that the purpose of governmental action is punishment that may not constitutionally be inflicted upon a detainee (quoting Bell, 441 U.S. at 539)

Lieutenant Harty and Shelby Scheepner during June 5th 2022 and **November** 2023 were deliberately putting the plaintiff through unnecessary and wanton infliction of pain and subjecting a detainee to harsh and inhumane conditions of confinement that is not constitutional to the **14th amendment**. They were aware that these conditions existed in their jail and failed in their power of position to conduct the necessary steps to make sure detainees were not living in this environment. ~~Not only were they aware~~ Not only were the defendants Lieutenant Harty and Shelby Scheepner detainees were being made to utilize showers that were inflicting physical pain but would potentially burn anyone having to use the water when hot. The defendants subjected the plaintiff to a unsafe environment by inmates getting frustrated with one another due to the orders of B.O. from the inability to take a proper shower. Defendants also incited violence in a already unsafe environment due to the jails conditions. Additionally created a unsafe environment by capping the emergency water spouts in each cell so no water would come out in a emergency involving a fire. Per Lieutenant Harty the emergency spouts were capped in the jail. During the winter months i was made to live in a unit that was so cold i could see my breath and these conditions for any pre trial detainee

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: _____

Supporting facts: In the complaint there is time and date s of creditable testimony of sheriff deputy s physically feeling how hot and cold the showers were on their body cameras, so there is factual proof that conditions existed that caused extream physical pain.

Deputy Webers on her body camera openly admits that this hot and cold water problem has been a ongoing problem for 6 months she says but in reality it has been over a year.

Deputy s and Sargeants openly say on their body camera s that they and now the defendants are aware of the plumbing problems but that it s out of the deputy s and sargeants hand s. In other words Lieutenant Hardy and Shelby Scheopner were deliberately indifferent to the plaintiff and Sargeant Romero also said context on his camera proof to defendants deliberate indifference.

Filled out a grievance to adminstration on a facility Issue Grievance but it was never visited by anyone to see if the problem had been resolved. It is not the first time inmates are brushed off.

Even after this case had made it to the Federal Courts the defendants still have not resolved the problem and are still having people live in these conditions. In April 2024 on my way to D.O.C. a person named Tony said that the problem is still very real and that others have

out in grievances and still noone does anything. A inmate even has been burnt and this should all be recorded in the jails electronic filing system.

Continuing Supporting Facts ..

I would ask that the defendants preserve all the dates and times in the complaint of recordings of body camera footage, all for discovery purposes.

09.24.23 7:30pm - 7:35pm

I made another verbal complaint to have the staff at Logan County Jail put in another work order and Sargeant Dunn had Sheriff deputy Lowell come on the unit and feel the showers and he also confirms on his body camera that "the water is ice cold" and "that anyone having to live in these conditions is inhumane."

The above is factual evidence that the showers conditions would cause great amounts of pain to anyone having to utilize these showers.

Lieutenant Harty and Shelby Scheopner have access to a master log containing all the complaints put in about the problem and when the discovery part of the case comes ~~in~~ I would ask that all these ~~logs~~ work orders be preserved and produced. I was personally told by Sargeant Romero that Sargeants only have records of the work orders put in to maintenance that were more recent but that the defendants would have a master log or access to a master log of all the work orders submitted ~~in~~ since June 5th 2022 and before.

The water would get so hot that our skin would peel off our bodies. I personally would break out in clogged pores all over my body from not being able to fully wash the

soap off my body because the water was too hot or too cold to completely and fully take a shower to properly completely get clean. Therefore subjecting me to health and sanitation problems giving rise to an environment that breeds multiple different viruses, ~~and~~ infections, and bacteria. These conditions would incite violence between inmates.

I personally had been in a number of physical altercations with other inmates because they said I had bad hygiene which was from the inability to fully take a proper shower and after almost 2 years of such conditions my personal hygiene was poorly kept. Being subjected to such conditions is inhumane, and please keep in mind the dates and times Sheriff deputies came onto the unit and physically felt for themselves how hot and cold the water being pumped through the plumbing really was.

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): orge, moreno, Hardy

Docket number and court: 1:22-cv-00281-DDD-STV

Claims raised: _____

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

Reasons for dismissal, if dismissed: failed to state a claim where
relief could be granted.

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

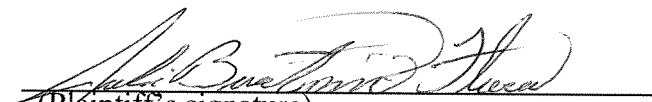
State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "G. REQUEST FOR RELIEF."

Requesting monetary relief for punitive damages, deprivation of health and sanitation, and pain and suffering. Every other day I would be put through extreme physical pain. I made attempts to shower and maintain my personal hygiene but everytime I showered I would be physically put through extreme pain due to the extreme temperatures of hot/cold water that was being pumped through the unit and never fixed. Very harsh, and unconstitutional environment.

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)

08.13.2024
(Date)

I declare mail box rule. This complaint was sealed and stamped on 08.13.2024

(Revised February 2022)

6 Witness: C. Wilkerson 

Colorado Department of Corrections

Name Julio Flores BautistaRegister Number 164983Unit 5-c-112 Limon Correctional FacilityBox Number H9030 State Highway 71, P.O. Box 1000City, State, Zip Limon, Colorado 80826

Office of The Clerk
United States District Court
Alfred A. ARRAJ courthouse
901-19TH ST., ROOM A105

Denver, CO 80294-3589

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08/14/2024 ZIP 80826

043M31232237

CCF	08/13/2024
FACILITY	DATE REC'D
Wilkinson	30992 CW
STAFF LAST NAME	ID# INT
164983	Julio Flores 1341 meq
DOC#	OFFENDER NAME INT