

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 24-CV-00853-RMR-SBP
(To be supplied by the court)

Tahlil JOHNSON #190273, Plaintiff

v.

Dr. Clark, mental health

Sgt. Sneal, C.S.P.

C.O. Sellers (female) C.S.P.

Jury Trial requested:
(please check one)

☒ Yes ☐ No

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB 18 2025

JEFFREY P. COLWELL
CLERK

_____, 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.

Tahliel Johnson #190273, C.S.P., P.O. Box #777 Cañon City, CO
 (Name, prisoner identification number, and complete mailing address) 81215

N/A
 (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: Dr. Clark, Psychiatrist / Mental Health Professional
 (Name, job title, and complete mailing address)

CSP, P.O. Box #777 Cañon City, CO 81215

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:

At the time these claims arose, defendant was acting under color of state law.

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

Defendant 2: CO. G. Sellers (female), Corrections Officer, C.S.P.
(Name, job title, and complete mailing address)

P.O. Box # 777, Cañon City, CO 81215

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:

At the time the claims arose, the defendant acted under color of state law.

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

Defendant 3: SGT. SNEED, Corrections Officer, C.S.P., P.O. Box
(Name, job title, and complete mailing address)

777, Cañon City, CO 81215

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:

At the time the claims arose, the defendant acted under color of state law.

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)

☒ State/Local Official (42 U.S.C. § 1983)

☐ Federal Official

As to the federal official, are you seeking:

☐ Money damages pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971)

☐ Declaratory/Injunctive relief pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1361, or 28 U.S.C. § 2201

☐ 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: 8th Amendment RIGHTS Violated

Claim one is asserted against these Defendant(s):

Defendant 1 - Dr. Clark

Supporting facts: Def. Clark is a mental health professional that's assigned to C.S.P. The plaintiff was assigned to Clark for Mental health care. The Plaintiff held certain rights at all times and it was up to Defendant Clark to ensure those RIGHTS weren't violated. Some of those rights included "the right to terminate treatment at any time, or seek a second opinion", "To inquire about Defendants certification or license & the medications being prescribed to him. All mental health staff are licensed or under the supervision of licensed professionals. All licensed staff are regulated by the Dept. of Regulatory Agencies.

On or around Feb. 2024, Defendant prescribed Effexor medication to the plaintiff at a higher dose and refusal to tell him the side effects. Plaintiff suffers from depression and was diagnosed with Bipolar I at the time of his treatment. While on the psychotropic med, Effexor, plaintiff began having adverse side effects, such as: insomnia, hallucinations, paranoia & anxiety, dehydration, enhanced mania and irritability/anger. This was several weeks AFTER the dose was raised. The plaintiff requested Multiple times that Defendant lower or terminate the medication. She didn't. Defendant should've monitored plaintiff on a periodic basis to determine if (1) The drug was causing harmful side effects. (2) if the drug was working Defendant intended (3) Defendant should've terminated or lowered it upon request.

D. Statement of
Claims: Defendant 1 - Clark
8th Amendment RIGHTS VIOLATED

Defendant holds a constitutional duty to adequately monitor plaintiffs prescribed psychotropic medication, whether he requested such monitoring OR NOT. The actions of Clark in denying Plaintiff a Review of medication when he reached out Before this incident happened constitutes complicity and culpability to the incidents that stemmed from the inaction. The defendant's Blatant denial for adequate PRISON mental health care, which required admin. of psychotropic medication only with appropriate supervision and periodic evaluation constituted Cruel and unusual punishment by indifference to plaintiff's medical/mental health needs, in violation of the 8th Amendment of the U.S. Constitution. Defendant Clark was negligent and deliberately reckless concerning her responsibilities. Her actions caused needless pain and suffering that could've been ultimately avoided had she provided defendant with intervention. Defendant ignored Johnson's pleas for help due to the adverse, negative side effects of the Effexor medication she put him on, plaintiff was assaulted while in a state of mental health crisis. Defendant Clark's actions violated my 8th Amendment RIGHTS under the U.S. Constitution.

①

D. Statement of ClaimsDef. 2 & 3: Sellers & Sneed8th Amendment rights were violated

C.O. Sellers is a C.D.O.C employee at C.S.P. On 2-27-24, on or around 1:14pm, she was performing her work duties as a control operator. Plaintiff asserts that, before dayhall rec., he told Sellers via the cell intercom system, that he was declaring a mental-health crisis emergency. Intervention was a necessity due to the adverse, negative side effects of his unmonitored psychotropic meds and his severe mental illness. Johnson asserts he specifically told Defendant that, "he didn't feel like himself" and that, "he was having hallucinations of demons and hearing voices tell him to kill them before they killed him. Plaintiff also asserts that he told this defendant that he had been awake for a few days and he needed help A.S.A.P. Defendant told Plaintiff that she would put him on the "list." When it is determined that an inmate has a need for acute M/H intervention, staff members have the obligation to immediately ~~only~~ alert a shift lead/commander and health service staff of the inmate who exhibits or reports abnormal, self-destructive behavior or threatens suicide. The inmate identified as a risk for those things shall be evaluated immediately by a

D. Statement of Claims

(Def. 2 & 3) Def. Sellers & Sneed
Violated 8th Amendment rights

(2)

mental/medical health Clinician, Per CDCR-AR 700-29.
mental health.

- Instead of taking Plaintiff seriously, Defendant did not ask him if he wanted dayhall. 10-15 minutes later, his door was rolled open. Instead of Johnson being cuffed and taken to intake, pending a M/H evaluation, Sellers allowed an unstable and mentally ill, Johnson out of his cell while he was clearly a danger to himself and to the other inmates in the pod. Plaintiff asserts he was still delusional and in a very unstable state of mind. Johnson then went to sit at a table, under the impression that he'd be leaving soon to get the help he desperately needed. While sitting at the table, another inmate approached the Plaintiff, which resulted in Plaintiff being assaulted and having to defend himself while also juggling his Manic & unstable state of mind. Defendant has been Grieved multiple times due to her negligence and the way she recklessly treats and speaks to other offenders. Her failure to intervene and prevent the misuse of force, excessively, and allowing Plaintiff out

D. Statement of ClaimsDefendants 2 & 3: Sellers & Sneed

③

Violated 8th Amendment rights

of his cell, based on her knowledge of his need for acute mental health intervention was done recklessly and maliciously. Plaintiff clearly exhibited and expressed abnormal feelings and self-destructive, uncharacteristic behavior to Sellers prior to being assaulted. Her duty is to prevent inmates from being harmed and to maintain order so that her coworkers aren't harmed either. Sellers simply didn't care about Johnson's crisis and did not take the M/H (mental health) intervention request seriously, which amounts to deliberate indifference to Plaintiff's needs concerning medical/M/H. Her negligence towards Johnson's M/H needs and inaction prior to him being assaulted twice, constitutes culpability and complicity to the incidents that stemmed from the gross negligence. Her actions rise to the level of cruel and unusual punishment, in violation of the 8th amendment. Johnson should've been left in his cell until he was taken to intake and evaluated by a clinician. She did NOT follow protocol according to the earlier AB that was stated. Her violations of the Staff code of conduct were made with a biased intent, and bad faith.

- Defendant Sneed Sneed is guilty of the same things Defendant Sellers is guilty of. Plaintiff also told Sneed that he was

D. Statement of Claims

Def. 2 & 3: Sellers and Sneed

8th Amendment rights violated

(4)

experiencing hallucinations of demons and ~~these~~ voices telling him to "Kill them before they kill him". Johnson also asserts that there had not been any sleep for a few days, and he was highly paranoid. Johnson told Defendant these things when Sneed was doing a "ROUND" in his dayhall. JOHNSON also requested/declared a M/H (mental health) crisis emergency, due to the nature of abnormal effects of the effort and his Mania/PTSD symptoms. Sneed said the same thing Sellers said, and also told Johnson that he'd be kept in his cell because he could see something was wrong with him. Sneed did not follow A.R. 700-29 (M/H intervention).

- The actions of Sneed in his failure to intervene or prevent the misuse of force/excessive force based on his knowledge of Johnson's state of mind were done with the upmost gross negligence, recklessness and malice a person can muster up. Defendant had an obligation to notify first responders & shift commander as to the M/H emergency crisis that Johnson was going through. He simply didn't care or take the claims seriously which makes him deliberately indifferent to Johnson's M/H

D. Statement of ClaimsDefendants 2 & 3 - Sneed & Sellers

(5)

8th Amendment rights violated

and medical needs. Defendants inaction to perform his duties constitute complicity and culpability to both assaults the Plaintiff suffered after trusting that Sneed would keep his word. The actions of Sneed, in failing to report the severity of the situation to the responders on scene facilitated the 8th amendment violations and Cruel and unusual punishments inflicted upon Plaintiff Johnson. Defendant recklessly endangered plaintiff's life and/or facilitated it with no regards for the consequences. Defendant was laughing and high fiving other so-called civil servants while Johnson was being gunned down like an animal. Defendant knew plaintiff wasn't in his right frame of mind, prior to the incident and encouraged the use of deadly force and assault, rather diffuse the situation. The negligent and biased attitude towards Plaintiff is blatant and only backs up Johnson's claims that due to the race & LGBTQIA+ status of Plaintiff, defendant allowed and facilitated the assaults that befell upon the Plaintiff, which is Cruel and unusual punishment in violation of the 8th amendment of the Constitution. His failure to perform his duties as a civil servant violate the

D. Statement of ClaimsDef. 2 & 3: Sellers and Sneed

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8th Amendment Rights were violated

oath he swore to uphold.

- Sneed and Sellers inaction and facilitation/encouragement of the rights violated constitute complicity and culpability. There were other ways compliance could've been gained. They could've prevented everything. Defendants are guilty of facilitating the tort of Assault and battery under the law of Colorado Revised Statutes. The willful & wanton, malicious & intentional battery and assault, neglect of duty and deliberately indifferent attitudes shown by these defendants individually and in concert with each other caused the plaintiff to sustain serious and permanent mental & physical injuries. Plaintiff was shot multiple times, in the left thigh, both buttocks and in the head which caused him to go down unresponsive. Johnson remained on the ground unresponsive and continued bleeding from his head and other injuries. Plaintiff then started spitting up blood, choking on it, and had back to back seizures. Plaintiff was then "flight for life" to St. Thomas More Emergency Dept., and flatlined there also. Johnson was treated for injuries caused by the first responders to the altercation & not by another offender. Scalp laceration. (initial encounter), Puncture wound of left thigh (initial

D. Statement of ClaimsDef's. 2 & 3: Sneed & Sellers

(7)

8th Amendment rights violated

encounter), Injuries from buttocks abrasions and assault (initial encounter). The actions against Johnson sustaining deadly excessive force, with utter disregard for his request and need for psychiatric intervention was a crime and both Defs. Sneed & Sellers are culpable due to the fact that they allowed it to happen, and they could've prevented it from happening. We aren't supposed to be shot in our heads, that's against protocol. Flashbangs, tasers and any kind of OC [mace] could've been used to gain compliance and there's no excuse. Plaintiff also suffered other injuries including, but not limited to: cerebral concussion, Post-concussion syndrome, Traumatic brain injury, Multiple bruises and lacerations and Contusions. Johnson's injuries are permanent in nature and he will require medical care, medication and therapy in the future and now, due to the injuries sustained.

• Plaintiff can't participate in certain physical & mental activities he used to. He suffers from headaches/migraines, dizziness, blurred vision, stuttering, short & long term memory loss, concentration issues, panic attacks, high irritability all the time and impulse control problems. Plaintiff is randomly triggered by C.O.'s and acts of hostility, and sometimes he's triggered for no reason or explanation at all. Johnson suffers from psychiatric and psychological trauma, and severe emotional

"D. Statement of Claims"Def's 2 & 3: Sellers & Sneed

⑧

8th Amendment Rights Violated

and mental distress for which he requires counseling. As a result of this incident and unprofessional conduct of defendants, Johnson suffers an increased risk of future harm. His severe mental illness clashes with his T.B.I., and the injuries he sustained only enhanced his already existing issues, and added more physical and psychological issues to him. Plaintiff has an even greater susceptibility to further injury from trauma which may occur in the future due to the harsh prison environments and the kind of employees/civil servants permitted to work in D.O.C.

• The ~~constituent~~ violation of Johnson's rights was intentional. Def. Sneed and Sellers are guilty of facilitating and being complicit to the crime of Assault & Battery befalling the Plaintiff, which constitutes culpability to those crimes by just standing, watching & laughing all while the crime was happening. Inaction and the non-prevention of the assault makes Defendants accomplices to the tort of Assault and Battery under Colorado State law. Defendants sat and watched an assault happen. Inaction and non-prevention is the same as complicity and culpability. Their inaction was intentional and furthered the assault which they knew shouldn't have happened. They knew plaintiff should not have been shot in the head, and that is where their culpability stems from.

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):

City and County of Denver

Docket number and court:

Alfred A. Aray Courthouse #20-cv-01795-
JLR-KLM

Claims raised:

Conditions of Confinement (COVID-19)

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

Still pending

Reasons for dismissal, if dismissed:

N/A

Result on appeal, if appealed:

N/A

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."

- 1) Immediately arrange for CDC officials to implement a Multi-disciplinary Treatment team of Health Services staff in ALL facilities who collaborate for the purpose of identifying problems, goals and interventions. Such as a Crisis Intervention therapeutic emergency response to an inmate in urgent need of mental health care during first responders calls. Also implement a rule or law that requires CDC staff to be trained in M/H crises, so these situations don't happen again. Every injury sustained is permanent in nature.
- 2) Punitive Damages \$885,000.00 joint & severally against Defs Clark, Speed & Sellers, for the cruel and unusual punishment & deliberate indifference forced upon the plaintiff. Plaintiff suffered permanent emotional, mental & physical injuries resulting in their denial of acute mental health crisis intervention.
- 3) Compensatory Damages \$600,000.00 against each defendant for the physical, mental and emotional injuries sustained, as a result of assault & battery.

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.

Gahlil Johnson #190273
(Plaintiff's signature)

2/13/25
(Date)

Case # 24-cv-00853-RMR-SBP

Plaintiffs Motion to dismiss
all allegations against Def. Winegardener
and Amended Complaint enclosed.

- Plaintiff seeks to dismiss all allegations against Def. Winegardener. in hopes of a compromise regarding this situation. Thank you

Gail H. Shuman



DENVER CO 802
14 FEB 2025 PM 5 L

Colorado Department of Corrections

Name Tahli Johnson
Register Number 190243
Unit CSP
Box Number 777
City, State, Zip CANON CITY, CO 81215

Alfred A. Arroyo Courthouse
901-19th Street Room A105
DENVER, CO 80294

Legal Mail

80294-250099



CSF
FACILITY
Redline
DATE 2-13-25
OFFENDER LAST NAME
JANSON
ID
CR
IN