

ORIGINAL

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

FEB 06 2025

JEFFREY P. COLWELL
CLERK

Civil Action No. 1: 24-cv-02555-RTG
(To be supplied by the court)

NATHANIEL J. HARVEY, Plaintiff

v.

Jury Trial requested:
(please check one)

 X Yes No

OFFICER RAVEN SACCAMANNO

_____, 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.

Nathaniel Harvey

Original form provided free of Charge by USDC Legal Services to
Offender HARVEY DOC# 130287
Date JAN 30 2025

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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.

NATHANIEL J HARVEY 130287 CENTENNIAL CORRECTIONAL FACILITY P.O. BOX
(Name, prisoner identification number, and complete mailing address)

600 CANON CITY CO. 81215
(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: RAVEN SACCAMANNO C.O. P.O.B. 600 CANON CITY CO. 81215
(Name, job title, and complete mailing address)
N/A

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:

8th Amendment Constitutional Violation Sexual Abuse using authority for the purpose of self gratification

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

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Defendant 2:

(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 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)*☒ 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

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x Other: (please identify) Jurisdiction over state law claims

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: Sexual Abuse 8th Amendment Constitutional Violation

Claim one is asserted against these Defendant(s): Raven Saccamanno

Supporting facts: Centennial Correctional Facility Fremont County

During the fourth week of June 2024, Officer Saccamanno called Harvey to pick up food trays from A trough H. After the food trays were taken to the kitchen, officer Saccamanno asked Harvey to clean empty cells in two restrictive housing units. Officer Saccamanno and Officer Filer walked into H-B pod. While Harvey followed Saccamanno up the stairs to B-205, officer filer stayed at the bottom of the stairs. Harvey started spraying cleaning chemicals to the bunk area. Harvey approached Saccamanno and just how many cells need to be cleaned? Officer Saccamanno then placed her right hand causing Harvey to have an erection. Harvey asked what are you doing. Saccamanno replied, relax we won't get caught I've done this before. Saccamanno pulled the front of Harvey's pants down, and started masterbating his penis. Harvey said no, and pulled away from Saccamanno. Harvey did not ejaculate during this occasion. See incident report Exhibit 1802206. C.O. filer was at the bottom of the stairs when Harvey walked out of the cell. Officer Saccamanno Violated 8th amendment prohibiting cruel and Unusual punishment, constituting the unnecessary, and wanton infliction of pain. This unwanted touching of Harvey's private parts, which was reckless and callous indifference to the federally protected right's of Harvey. This was intended to humiliate Harvey, being medically incontinent. This gratification of Saccamanno's sexual desire did violate Harvey. Per intel, Harvey was not authorized by job board to work in the vestibule area. Exhibits ccf form 650-03c (8\20) and grievances R- cf - 23\24 002566651. Harvey was only authorized to work in H-E pod. Prea investigation was opened 9\16\2024 by Major T. Vogan and closed by O.I.G. Brown on 9\24\2024. See EXHIBIT. Harvey was denied Prea Victim advocate present during medical examination. See EXHIBIT 268295. Harvey request compensatory and punitive damages for the acts and omissions in this complaint, and for emotional pain and suffering. Under Penalty of Perjury, the complaint is truth under law, and this is a verified complaint.

Nathaniel Harvey

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Offender HARVEY DOC# 130287
Date JAN 30 2025

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Original form provided free of Charge by CO USC Legal Services to
Offender Harvey DOC# 130287
Date JAN 30 2025

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): RENE ACUNA, CARRILLO JR.
and Z. GARCIA.

Docket number and court: 22-CV-00369 NYW-MEH

Claims raised: Excessive Force- retaliation

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

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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." Wherefore, Plaintiff request that this court grant the following relief:

1. Issue a declaratory judgment stating that:
2. The sexual abuse of plaintiff caused by defendant Saccamanno Violated the Plaintiff's right under the Eight Amendment to the United States constitution and constituted a sexual assault and battery under state law.
3. \$ 1,000,000. Against Defendant Raven Saccamanno for the physical, emotional injuries sustained as a result of the sexual Assault.
4. Award punitive damages in the following amount: 500,000 against Saccamanno, and jury trial.

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H. PLAINTIFF'S SIGNATURE*Nathaniel Harvey*

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.

NATHANIEL J. HARVEY

Nathaniel Harvey
(Plaintiff's signature)JANUARY 30TH 2025

(Date)

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Offender HARVEY DOC# 130287
Date 1-30-25

(Revised November 2022)

Nathaniel Harvey

CERTIFICATE OF SERVICE

This is to CERTIFY That the Second
Amended Complaint was filed with the
CLERK OF COURT Before Defendant Answered
Complaint on 1.30.2025 Postage Prepaid by
U.S. Postal SERVICE at Canon City, CO P.O.B.
0000 B1215 to:

CLERK OF COURT

United STATES DIST. COURT
901-19th STREET, ROOM A-105
DENVER, CO 80294-3589

Nathaniel J. Harvey

130287

P.O.B.

0000

Canon City, CO 81215

Nathaniel Harvey

Colorado Department of Corrections

Name NATHANIEL HARVEY

Register # 130287

Unit H

Box # 600

City, State, Zip Canon City, Co

81215

Quarantined
Out - GOING
LEGAL MAIL

CLERK OF COURT

UNITED STATES DISTRICT COURT

901 - 19th STREET, ROOM A-105

DENVER, CO 80294-3589

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DENVER, CO 80202 BOX 202
TUE 04 FEB 2025 AM

CF 1/30/2025
FACILITY 23556 32
130287 Harvey N.H.
JER LA 1.14