

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:25-CV-00071

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
9:22 am, May 30, 2025
JEFFREY P. COLWELL, CLERK

Plaintiff,

SAMMIE LEE DENSON JR.

v.

Defendant.

Associate Warden BERGMAN, O.I.G. Officer ROBYN

ABRAMS, Major JOSHUA ADAMS, Captain KARAL DASHNER, O.I.G.

Director RODRICK ANDERSON

AMENDED COMPLAINT

This Honorable Court requested that the Plaintiff send an Amended Complaint that includes all his claims against each Defendant and that describes what the Defendants did to him and how they are liable for any claimed damages.

PRO SE PLAINTIFF

Plaintiff, Sammie Lee Denson Jr. proceeds pro se. The Court, therefore, reviews his pleading "liberally and hold to a less stringent standard than those drafted by attorneys." Trackwell v. United States, 472 F.3d 1242, 1243 (10th Cir. 2007) (citations omitted), Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991).

The Plaintiff Discovered New Evidence

The Plaintiff was approached by two offenders that swear they were victims of a targeted search of their cell at Colorado Territorial Correctional Facility, and the other at Centennial Correctional Facility. They both stated taken from their cells were stock cards that are used to draw on, or make greeting cards out of. Both offenders stated the stock cards were purchased from C.D.O.C. canteen. These stock cards the offenders stated was tested for drugs and the results were positive for synthetic cannabis. This cannot be a coincidence. Both attempted to fight the charges against them. Offender Ricky Wray #58754 recently filed a 106 motion to the Fremont County court concerning this same issue of synthetic cannabis in his property that he experienced at a different prison.

The Plaintiff also discovered through empathetic F.C.F. staff that Defendants Bergman, Adams, Abrams, and Dashner were all part of F.C.F.

“Internal Classification Committee” during the time the Plaintiff was complaining about the racial discrimination practices at F.C.F... During the time that the Plaintiff was exercising his First Amendment Right to address racial discrimination practices, the Plaintiff was not aware that the F.C.F. - I.C.C. was responsible for the racially discriminatory actions, and did not know the Defendants in this 1983 civil suit were part of the F.C.F. - I.C.C. board. The Internal Classification Committee that was chaired (and supervised by Defendant Associate Warden Bergman) is responsible for all facility internal classifications and status proceedings, housing/cell assignments, work and programs assignments. See A.R. 850-03 111. H., Internal Classification Committee.

The Plaintiff argues these five Defendants in his Complaint conspired to plant synthetic cannabis in the Plaintiff Property in order to harm the Plaintiff for exercising his First Constitutional Amendment Right to Freedom of Speech, and his right not to be retaliated against for exercising these Rights, Or these defendants were aware of the false/positive test results that stock cards and greeting cards give, and used this tactic to retaliate against the Plaintiff for exercising his First Amendment Right to address Fourteenth Amendment racial discrimination violations. In this Motion the Plaintiff wish to present new evidence he discovered where prisoner’s properties are targeted searched by OIG officers, and CDOC officers. In these targeted searches these CDOC, and OIG officer

sought stock cards from the targeted prisoner's properties and test these stock cards for false/positive results for synthetic cannabis. These test from these prisoners stock cards they purchased from CDOC canteen (store) came back positive for the drug synthetic cannabis. The Plaintiff also argue that this greeting card that was used against the Plaintiff as evidence, which was stated to have synthetic cannabis on it is made out of stock card material. The Plaintiff will swear under the penalty of perjury that there was no drugs in his property, and demanded that this evidences (greeting card) be sent to an independent toxicology lab to be tested, prepaid by the Plaintiff. This Due Process Right was denied the Plaintiff by the Defendants.

These C.D.O.C. offenders Aaron Garcia #123900 and Ricky Wray #58754 are willing to testify to this fact that the stock cards they purchased from CDOC canteen, when tested, came back positive for synthetic cannabis. Offender Wray state there is another offender name I. Shelton #109662 who will also testify to this fact. These offenders stated they lived in the facility "Incentive Living Unit" at C.T.C.F. and C.C.F., and was not involved in anything illegal.

The Question now the Plaintiff brings before this Honorable Court:

Is false/positive test from stock cards, in which greeting cards are made out of stock cards, being used to harass, and or target undesirable prisoners for retaliations? And if so, is this a systemic institutional practice known by CDOC,

and OIG officers that is used to harm prisoners? Because of the gravity of this practice to target prisoners to harm, and deny Due process Rights; which possibly happened to the Plaintiff, If the synthetic cannabis was not planted in the Plaintiff property. The Plaintiff will require a court appointed attorney to question prisoners with similar cases, CDOC officers, and OIG officers, have test performed, and research CDOC and OIG reports the Plaintiff will never have access to. This could be a scandal and criminal acts that will shock the conscious of many Colorado citizens, and people around the United States where this practice could be used to harm prisoners to poor and uneducated to help themselves fight for justice in America. Essentially denying prisoners their Constitutional Rights.

The area of concern in terms of a Sec. 1983 liability involving an allegation of cruel and unusual punishment relating to a claimed omission requires proof of exceptional circumstances and conduct so grossly incompetent, inadequate or excessive as to shock the conscience or to be intolerable to basic fairness. Such, in our view, is consistent with those opinions interpreting the term "cruel and unusual punishment' forbidden by the United States Constitution as meaning something inhuman, barbarous, violated the basic concepts of decency and so foul as to shock the court's sensibilities. Trop v. Dulles, 356 U.S. 86, 78 S. Ct. 590, 2 L. Ed. 2d 630 (1958); Weems v. United States, 217 U.S. 349, 30 S. Ct. 544, 54 L. Ed. 793 (1910); ...

CLAIMS AGAINST DEFENDANT'S AND THEIR LIABILITY

1. Defendant Associate Warden Bergman was also the chair and Supervisor of the Fremont Correctional Facility Internal Classification Committee. See A.R. 850-03 111.H. Internal Classification Committee, "The I.C.C. that was chaired by Defendant Bergman, who was responsible for all facility internal classification and status proceedings, housing/cell assignments, work and programs assignments." When Defendant Bergman threatened to have the Plaintiff moved to a less desirable prison, "IF" the Plaintiff kept complaining of blacks not given the same opportunities as whites. The threat was accomplished when the Defendants that are part of the F.C.F - I.C.C. board had the Plaintiff transferred to Sterling, CO. (F.C.F.). A.R. 850-03 111. H. state they have that power to have an offender transported.

The defendant Bergman, who was Associate Warden (A.W.) at F.C.F., and supervisor of the F.C.F. – I.C.C. board verbally threatened to have the Plaintiff transferred to a less desirable prison, and take away everything (jobs and programs) the Plaintiff was doing, because the Defendant Bergman was disturbed about the letters the Plaintiff wrote that complained about the racial discrimination practices at F.C.F... The Plaintiff at the time of filing his 1983 civil suit was not aware of the defendants being part of the F.C.F. – I.C.C board. These Defendants are A. W. Bergman, Major Adams, Cpt. Dashner, and O.I.G. Abrams. The plaintiff

argues Defendant Bergman, supervisor and chair over these other Defendants initiated and conspired with the other Defendant's to use retaliatory actions on dates May 17, 2024 when this I.C.C. board had the Plaintiff moved to Sterling, CO. (S.C.F.), and August 30, 2024 performed a targeted search of the Plaintiff cell and his legal box. These retaliation tactics designed to chill the Plaintiff from complaining violated the Plaintiff's First, Fourth, Fifth, Eighth, and Fourteenth Constitutional Amendment Rights. As chair and supervisor over the other Defendant, whom the Plaintiff essentially complained that they (the Defendant's) are displaying racial discrimination toward Afro Americans at F.C.F... A.W. Bergman duty was to discuss the Plaintiff concerns to his subordinates.

2. Defendant Major Adams is in charge of security at F.C.F., and an I.C.C. board member that Defendant Bergman supervises. It was Defendant Adams that approved the targeted search of the Plaintiff cell and legal box on date August 30, 2024. The targeted search was in hope to find anything negative that would warrant a disciplinary report to take away the plaintiff jobs and programs the Plaintiff was involved in.

3. Defendant Abrams is employed by the Colorado Inspector General Office (O.I.G.). Defendant Abrams stated a k-9 dog she handles was alerted to the Plaintiff legal box in the Plaintiff cell on date August 30, 2024. The legal box was confiscated. Finally on date September 25, 2024, twenty-six days later Defendant

Abrams stated she got around to search the plaintiff legal box that the k-9 dog she handled was alerted to twenty-six days earlier.

Your Honor this was not an average cell search. The Plaintiff was taken out of his cell, where he was handcuffed, and leg shackles then taken to segregation for an investigation. The Plaintiff stayed in segregation seven days before being released back into population. The Plaintiff argues if the targeted cell search, and placing the Plaintiff in segregation for seven days under an investigation, why was not the Plaintiff legal box that was confiscated not search immediately, instead of twenty-six days later. In addition, what is strange now is why these defendants sought a greeting card out of one of the three folders removed out of the Plaintiff legal box, and not search all thirty folders in the Plaintiff legal box.

4. Defendant Anderson is the Director of Colorado Office of Inspector General and the Supervisor of O.I.G. officer Abrams training and conduct of officer Abrams supporting unlawful acts which this Defendant Abrams knows is wrong, when this Defendant Abrams knows that the Plaintiff legal box that was taken as evidence should have been secured. The Plaintiff also argue this Defendant Abrams knew that greeting cards (made out of stock cards) when tested give back false/positive test results. This is the reason this Defendant Abrams should have sent the evidence against the Plaintiff to an Independent Toxicology lab to be tested. Because of Defendant Abrams lack of judgment in the job

performed, and conspired with the other Defendants to retaliate against the Plaintiff in an unprofessional way, O.I.G. Director Defendant Anderson should be held liable for Defendant Abrams actions to support the retaliation to harming the Plaintiff. Furthermore, Defendant Anderson is liable because of his policy to deny offenders to exercise their fifth Amendment Right to challenge the evidence against them, by paying the expenses to send the evidence against them to an Independent Lab to test the evidence against the Offenders.

5 Defendant Cpt. Dashner, a F.C.F – I.C.C. board member conspired with the other I.C.C. board members in this law suit to present a bogus retaliatory cell search to plant synthetic cannabis in the Plaintiff property, or These defendants knew that stock cards and greeting cards produce false/positive test results when tested. In addition, this false test result was used to take away everything Defendant Associate Warden Bergman said he would as chair and supervisor of the other Defendants part of the F.C.F. – I.C.C. board.

Defendant Dashner is also unit eight living unit supervisor where the Plaintiff was housed during the targeted cell search. Out of over 150 cells in unit eight, the Plaintiff cell was the only cell searched. Before the targeted search the Plaintiff was hand cuffed, shackled legs and arms, and paraded pass other offenders. The Plaintiff was embarrassed and ashamed. Defendant Dashner insisted that the Plaintiff stay in segregation for a seven day investigation, even though

nothing was discovered in the Plaintiff cell on date August 30, 2024, and the Plaintiff legal box was allegedly searched on September 25, 2024. The Plaintiff is absolutely 100% percent sure there is no synthetic cannabis on that greeting card that was used against the Plaintiff to take away his jobs and programs he was involved in at F.C.F...

The Defendants Are Liable

These Defendants are liable for the damages claimed in the Plaintiff Complaint because these Defendants who are high ranking C.D.O.C employees, with decades of C.D.O.C. and O.I.G policies, rules, and procedures experiences, knowingly conspired to target the Plaintiff to harm him because the Plaintiff exercised his First amendment Right to address racial discrimination concerns. What the Plaintiff did not know was when he wrote letters to Warden Burtlow, Associate Warden Bergman, Major McBride, Cpt. Sherwood and C.D.O.C. Executive Director Stancil, and also talked to Defendant Bergman personally concerning the racial discrimination of job hiring and placing offenders in programs. The Plaintiff was complaining about Defendant A.W. Bergman, who was the chair and supervisor of the F.C.F. – I.C.C board, and the other Defendants who were his subordinates at the F.C.F. – I.C.C. board, that was responsible for hiring, firing, and placing offenders in programs. Essentially the Plaintiff was talking to the fox about other foxes going into the hen house to eat the hens.

CONCLUSION

Your Honor, to solve this case instantly, allow the Plaintiff to have the evidence against him in the form of the greeting card, be sent to an Independent Toxicology Lab to be tested to determine what is on this greeting card that is over a decade old, or possibly two decades old. When the Independent Lab proves there is no synthetic cannabis on this card, appoint the Plaintiff an attorney to investigate this unethical practice of using false/positive test results to chill offenders from utilizing their First Amendment Rights to address other Constitutional violations. Finally, Defendant O.I.G. Director Anderson policy to deny offenders the right to challenge the evidence against them is denying offenders Due Process of Law. If an Offender wish to pay to have evidence tested at an independent lab to prove his innocence, he should be allowed to do so. If the Plaintiff had this opportunity to have had this evidence tested before the disciplinary hearing, the charges would have been dismissed, and the Plaintiff would not be wasting this Honorable Court time. The Plaintiff needs to know what is on the evidence against him. Is the test result on the greeting card a false/positive, or is there synthetic cannabis on the greeting card. In the name of justice, fairness and due process allow the Plaintiff to pay to have this evidence against him tested by a toxicology lab of this Court choice.

Sammie Lee Denson Jr.



CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing Motion titled **AMENDED COMPLAINT** with the clerk of the United States District Court using the CM/ECF system on date May ~~30~~, 2025, or by depositing a copy in the U.S. mail, postage prepaid, on date May ~~30~~, 2025, addressed as the following:

Sammie Lee Denson Jr.
81932
F.C.F.
P.O. Box 999
Canon City, CO. 81215
Pro Se

Date: May 30th, 2025

Sammie Lee Denson Jr.

Sammie Lee Denson Jr.

COLORADO DEPARTMENT OF CORRECTIONS
LEGAL ACCESS PROGRAM

REQUEST FOR PRISONER ELECTRONIC SCANNING (PEF) | COVER PAGE

INCOMPLETE FORMS WILL BE DENIED.

TODAY'S DATE: 5-30-2025

LAST NAME: Denson FIRST INITIAL: S DOC#: 81932
FACILITY: FCF HOUSING UNIT: 2-L TIER: 2 CELL: 4

STATE THE TYPE OF DOCUMENT BEING SENT:

- ☐ 42 USC §1983 INITIAL COMPLAINT (FORM=6 PGS.) TOTAL PGS. BEING SENT: 1
- ☐ 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:

One /

***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

Sam Denson
(Sign on this line)

DO NOT WRITE BELOW THIS LINE

Date Request Received: MAY 30 2025 Facility Law Library FCF Legal Assistant's Initials COA
TOTAL PAGES WITH THIS FAX, INCLUDING THIS COVER PAGE 13 pgs

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.
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- ____ 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: _____