

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

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

Civil Action No.

25-CV-00752-PAB-NRN
(To be supplied by the court)

JEFFREY P. COLWELL
CLERK

Civil Action No. 25-CV-00752-PAB-NRN
(To be supplied by the court)

Nicholas J. Hall, Plaintiff

v.

Jury Trial requested:

(please check one)

Yes No

Sergeant Thompson

Officer Rivera

Amended Complaint

_____, 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.

Nicholas J. Hall #14925 | 49030 state hwy 71 Limon, Colorado 80829
(Name, prisoner identification number, and complete mailing address)

Nick Hall, Joe Hall, Jason Hall, Denzughn
(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) I'm currently a hostage being falsely Imprisoned

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: Sergeant Demitri Thompson | 1250 Academy Park Loop
(Name, job title, and complete mailing address)
Colorado Springs, CO 80910

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:

Yes. The defendant was a correctional officer employed by the state of Colorado

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

Defendant 2:

Officer Julian Rivera 1230 Academy Park Loop
(Name, job title, and complete mailing address)
Colorado Springs, CO 80910

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:

This officer was an employee of the state of Colorado at the time this incident occurred

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

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: Excessive ~~Use of~~ Force

Claim one is asserted against these Defendant(s): Sgt. Thompson, Officer Riverz

Supporting facts: On September 20, 2024, I was a victim of excessive force due to the actions of Sergeant Thompson and Officer Riverz. ~~I am wrongfully accused~~ Sgt. Thompson, who was not assigned to the yard or medline made false allegations that I was loitering in medline and threatened to place me in Segregation if I did not return to the unit. I informed Sgt. Thompson that his claims were false and that had I been doing what he was accusing me of, would have been made aware of by the three plus officers monitoring medline. However, to avoid being wrongfully placed in segregation, I proceeded to return to the unit. I told Sgt. Thompson over my shoulder that I was going to file a grievance on him for denying me my medications. At this time, without unjustly broke my personal space my instinctive reflex caused me to attempt to break free from his grasp as I was following his directive ~~as~~ as can be seen on footage played at my Segregation hearing. At this time, without warning, Officer Riverz, upped his taser and pointed it dead at my face. Because the beam was in my eyes, I put my hand out to shield my face. Never did Officer Riverz yell for me to cuff up, stop resisting or de-escalating directive. He simply upped his taser and pulled the trigger. One of the probes lodged into my left thumb. This is a complete contradiction to Officer Riverz's claim in his report that his probes lodged in my right hamstring. The probe that lodged into my left thumb

"D. Statement of Claims

Claim One: Excessive Force

was sending pain up and down my arm. I dropped my tray and pulled out the taser probe that was causing me so much pain. No sooner than I pulled that probe out, Sgt. Thompson, without warning, ~~had~~ fired his taser. Both probes struck me in both my stomach and right hip which I still have the scars from. Because both probes of Sgt. Thompson made full contact, the pain was so intense, I was unable to breathe for nearly 5 seconds. However, that 5 seconds felt like an eternity. While being unable to breathe, I was tased again. This, what they call a dry stun was done while I was still incapacitated and not resisting, making any kinds of threats, or showing any signs of being combative. This to me was an all out assault for no reason. There were several other R.P. inmates, which can ~~not~~ be seen in video evidence which contradicts both Sgt. Thompson and Officer Riveras claims that I had missed my pull. If that were true, then there would not be several other inmates outside in medline.

"D. Statement of Claims

Claim Three: Negligence

- Claim three is being asserted against these defendants:
Sgt. Thompson, Officer Rivera

Supporting facts: Both defendants are guilty of ~~negligence~~ negligence for wrongfully and unjustly denying me access to my medications.

Claim Four: Intentional infliction of Duress

- Claim three is being asserted against these defendants:
Sgt. Thompson, Officer Rivera

Supporting Facts: Both defendants are guilty of inflicting Duress by utilizing tactics that have left me severely traumatized mentally, physically, and emotionally. There's not a moment that goes by that I don't think about the 50,000 plus volts of electricity that passed through my body, incapacitating me, making it impossible to do as much as draw air into my lungs. Also, for nearly shooting me in my face. I'm forever traumatized here due to the careless, thoughtless, and false allegations initiated, instigated, and executed by both defendants.

"D. Statement of Claims"

Claim Two: Cruel and Unusual Punishment

Claim Two is being asserted against these Defendants:
Sgt. Thompson, Officer Rivera

Supporting facts: Both defendants utilized unwarranted and ~~unnecessary~~ unnecessary punishment in the form of physical force for the supposed violation of loitering, being in an unauthorized area. The cruel and unusual punishment utilized on me for a supposed minor violation nearly cost me my life and has traumatized me physically and emotionally. I have suffered P.T.S.D. and have a true fear of C.O.'s as the result of this incident. The actions of the defendants were unwarranted and unprovoked and now I live in terror because their words are always taken as true while mine are viewed to be false. I did nothing to deserve the actions of these officers and now live with the physical, mental, and emotional scars inflicted upon me due to the defendants actions.

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):

Weld County, C.D.O.C.

Docket number and court:

20-00752-NRN

Claims raised:

Excessive Force, Illegal Incarceration

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

Dismissed, Pending

Reasons for dismissal, if dismissed:

settled

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

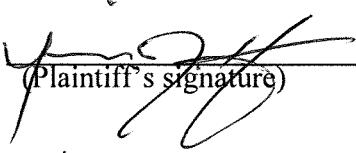
State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "G. REQUEST FOR RELIEF."

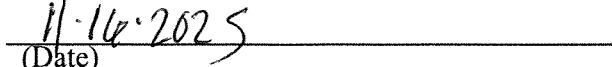
I'm requesting punitive and compensatory damages against each defendant for each claim in the amount of \$50,000.00 per claim per defendant. I'm requesting that all punishments associated with this alteration be expunged from my C.D.O.C. Record. I'm also requesting a formal apology from both officers and the C.D.O.C. Lastly, I'm requesting that both officers be forced to resign from the C.D.O.C. due to their ~~gross~~ abuse of their authority in order to prevent another inmate from potentially being wrongfully accused and accused

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 November 2022)

Mr. Nicholas J. Hall

#149251

1-A-2-9

49030 State Hwy 71

Limon, Co 80826

U.S. District Courthouse
901 19th Room A105
Denver, CO 80291

