

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAY 23 2025
JEFFREY P. COLWELL
CLERK

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

Civil Action No. _____
(To be supplied by the court)

Lester Robinson, Plaintiff

v.

Jury Trial requested:
(please check one)
____ Yes ☒ No

United States of America, 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.

Lester Robinson #40050-086
FCI Englewood, 9595 W. Quincy Ave., Littleton, Colorado 80123
(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) _____

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: UNITED STATES OF AMERICA
(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 1 is being sued in his/her ___ individual and/or ___ official capacity.

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

 X Other: (*please identify*) Federal Tort Claims Act (FTCA)

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: Negligence (Eye Care)

Claim one is asserted against these Defendant(s): United States of America

1. Plaintiff made repeated complaints about his vision loss

Supporting facts:

1. Plaintiff made repeated complaints to his care providers in the Bureau of Prisons ("BOP") concerning his vision loss and eye care.
2. In July 2021, Plaintiff was seen by an ophthalmologist who prescribed that Plaintiff receive cataract extraction by a follow-up appointment within 2-3 weeks.
3. Plaintiff was also prescribed eyeglasses due to the severity of his vision loss.
4. Plaintiff did not receive a cataract extraction in either of his eyes as his doctor prescribed. Plaintiff did not receive glasses to correct his vision as his doctor prescribed. Due to his poor vision caused by both his cataracts and vision loss from the period of time from July 2021 to present date, Plaintiff suffered from headaches, the inability to perform his daily activities, loss of enjoyment of life, and several injuries related to falls due to running into objects. Plaintiff also suffered from mental anguish due to his inability to defend himself in a prison setting and the fear of assault from other inmates as Plaintiff was attacked several times while incarcerated and unable to see.
5. Although Plaintiff's various BOP medical care providers were aware of his prescribed eyeglasses and cataract extraction, none of Plaintiff's BOP care providers ensured that he received his eyeglasses and his prescribed cataract extraction in a timely manner.

D. STATEMENT OF CLAIMS

FTCA and Negligence under Colorado Law

6. Dr. Susan Conroy a.k.a. Dr. Susan Summers, physicians unknown, and nurses unknown acting as the agents, servants, and employees of defendant, United States of America, in the course of their employment, who along with their servants, and employees of defendant, but unknown to Plaintiff, committed the acts of negligence that are set forth above.
7. As a result of the fault of the defendant, by and through its agents, servants, and employees, acting within the scope of their employment, Plaintiff suffered from the injuries described above (paragraph #4).
8. Each of the care providers at FCI Englewood who were tasked with providing medical care for Plaintiff owed Plaintiff a duty of care under Colorado law and 18 U.S.C. § 4042. Under Colorado law health care providers have a duty not to cause injury and to refer an individual for outside testing or care that would alleviate injury where the failure to do so would result in continued harm.
9. The above indicated health care providers responsible for the medical care of Plaintiff's eye care and acting on behalf of the United States of America breached their duty of care under Colorado law by failing to provide Plaintiff with his eyeglasses and failing to provide Plaintiff with his prescribed cataract extraction in both eyes in a timely manner.
10. As a direct and proximate result of the combined negligence of Defendant's agents, servants, and employees, Plaintiff suffered damages as described in paragraph number 4.

CLAIM TWO: Negligence (Oxygen Therapy)

Claim Two is asserted against Defendant United States.

Supporting Facts:

11. Plaintiff has had continuously low oxygen levels since at least the year 2020. Plaintiff's care providers in the BOP have noted his low oxygen levels in Plaintiff's medical records on numerous occasions during his incarceration. Hyperbaric Oxygen Therapy is used to treat Plaintiff's low oxygen levels but the BOP only permits inmates to have this treatment at a BOP hospital.

D. STATEMENT OF CLAIMS

12. "Oxygen treatment increases the amount of oxygen that flows into your lungs and bloodstream [and] ...if your blood oxygen levels are low, getting more oxygen can help you breathe better and live longer." WebMd, available at: www.webmd.com/lung/copd/. Oxygen therapy is used to treat several of the ailments that Plaintiff is diagnosed with including traumatic brain injury, diabetic foot infections, and sleep apnea.
13. Plaintiff was hospitalized several times in early 2020 due to his various medical issues. On or about 3/24/2020, his treating physician at the hospital that was treating him prescribed Hyperbaric Oxygen Therapy ("HBOT") for 2,000 days with a stop date of 9/10/2025.
14. Upon discharge, the BOP medical care providers at Plaintiff's prison were informed of Plaintiff's prescribed HBOT treatment. Said medical care providers did not ensure that Plaintiff received his prescribed HBOT for nonmedical reasons. Plaintiff was informed by the Health Services Administrator at FCI Englewood that he was not receiving HBOT because the BOP does not allow federal prisoners at FCI Englewood to receive oxygen treatment at FCI Englewood and oxygen therapy is only authorized at a BOP hospital.
15. When Plaintiff was transferred to FCI Englewood, his medical care providers were informed of his prescribed HBOT treatment by Plaintiff. Additionally, Plaintiff's medical records which were reviewed by his medical care providers including Dr. Susan Summers indicate that Plaintiff was prescribed HBOT by his former doctor in March 2020.
16. Plaintiff made repeated complaints to his medical care providers at FCI Englewood about his inability to obtain this oxygen therapy at the prison. He specifically informed Dr. Susan Summers on various occasions about this issue during the years 2022, 2023, and 2024. Dr. Summers refused to provide Plaintiff with HBOT treatment and failed to initiate or recommend his medical transfer to a prison that permitted him to obtain HBOT.
17. To date, Plaintiff has not received HBOT as prescribed by his medical doctor in March 2020. As a result, of Plaintiff not receiving his HBOT as prescribed, Plaintiff suffered and still suffers from insomnia, difficulty breathing, fear, dizziness, and loss of consciousness, the latter of which resulted in his repeated hospitalization from 2022 to 2025. Plaintiff's medical conditions were also exacerbated by his inability to obtain HBOT as prescribed by his physician.

FTCA and Negligence under Colorado Law

18. Dr. Susan Conroy a.k.a. Dr. Susan Summers, physicians unknown, and nurses unknown acting as the agents, servants,

D. STATEMENT OF CLAIMS

and employees of defendant, United States of America, in the course of their employment, who along with their servants, and employees of defendant, but unknown to Plaintiff, committed the acts of negligence that are set forth above.

19. As a result of the fault of the defendant, by and through its agents, servants, and employees, acting within the scope of their employment, Plaintiff suffered from the injuries described above (paragraph #17).
20. Each of the medical care providers at FCI Englewood who were tasked with providing medical care for Plaintiff owed Plaintiff a duty of care under Colorado law and 18 U.S.C. § 4042. Under Colorado law, health care providers have a duty not to cause injury and to refer an individual for outside testing or care that would alleviate injury where the failure to do so would result in continued harm.
21. The above indicated health care providers responsible for the medical care of Plaintiff and responsible for ensuring he obtained his prescribed Oxygen Therapy and acting on behalf of the United States of America breached their duty of care under Colorado law by failing to provide Plaintiff with his prescribed Oxygen Therapy for 2,000 hours as directed by his doctor.
22. As a direct and proximate result of the combined negligence of Defendant's agents, servants, and employees, Plaintiff suffered damages as described in paragraph number 17.

CLAIM THREE: Negligence (L. Knee Medical Care)

Claim Three is asserted against Defendant United States

Supporting Facts:

23. Plaintiff suffers from extreme knee pain in his left knee as a result of his injuries and primary osteoarthritis of the left knee. Before his incarceration the VA had scheduled Plaintiff for total knee replacement surgery during the year 2010.
24. Plaintiff informed his medical care providers in the BOP that he needed surgery on his knee in 2010 when he was in custody but the BOP continually neglected to provide him with the surgery due to nonmedical reasons, namely the cost of the surgery.
25. Plaintiff was prescribed steroid injections in his knees for pain relief approximately ten years ago. Said steroid

D. STATEMENT OF CLAIMS

injections were to be administered every three months at a minimum according to Plaintiff's treating physician. Plaintiff did not receive steroid injections in his left knee every three months as prescribed by his doctor during the period of 2010 through 2024.

26. After making repeated complaints to his care providers at FCI Englewood including Dr. Susan Summers, Plaintiff was sent to an offsite appointment with an orthopedic surgeon on or about 11/16/2022. Said orthopedic surgeon reviewed Plaintiff's recent x-rays from August 2022. The orthopedic surgeon noted in his medical records for Plaintiff that Plaintiff had not had any steroid injections for over two years. The orthopedic surgeon prescribed that Plaintiff receive steroid injections every three months thereafter and informed Plaintiff's BOP medical doctor, Dr. Susan Summers, that Plaintiff was to be seen by him in three months for a follow up appointment.
27. Plaintiff did not receive his prescribed left knee injections of medications for pain as his doctor indicated that he needed on 11/16/2022. Plaintiff has never received his knee replacement surgery for his left (or right) knee as his doctor prescribed him to receive.
28. As a result of his not receiving his prescribed knee injections in his left knee, Plaintiff has suffered excruciating pain in his knee for the periods of time that he was without his quarterly knee injections during the years 2022 through 2024. As a result of his not receiving his knee injections of steroids, Plaintiff also suffered several falls and injuries related to said falls.
29. As a result of Plaintiff not receiving his total knee replacement surgery on his left knee, Plaintiff suffered from a lack of mobility, depression, embarrassment, humiliation and a reduction of his quality of life.

FTCA and Negligence under Colorado Law

30. Dr. Susan Conroy a.k.a. Dr. Susan Summers, physicians unknown, and nurses unknown acting as the agents, servants, and employees of defendant, United States of America, in the course of their employment, who along with their servants, and employees of defendant, but unknown to Plaintiff, committed the acts of negligence that are set forth above in paragraphs 23 to 29).
31. As a result of the fault of the defendant, by and through its agents servants, and employees, acting within the scope of their employment, Plaintiff suffered from the injuries described above in paragraph numbers 28 and 29.

D. STATEMENT OF CLAIMS

32. Each of the medical care providers at FCI Englewood who were tasked with providing medical care for Plaintiff owed Plaintiff a duty of care under Colorado law and 18 U.S.C. § 4042. Under Colorado law, health care providers have a duty not to cause injury and to refer an individual for outside testing or care that would alleviate injury where the failure to do so would result in continued harm.
33. The above indicated health care providers responsible for the medical care of Plaintiff's knees and responsible for ensuring he obtained his medically necessary steroid knee injections and left knee surgery and acting on behalf of the United States of America breached their duty of care under Colorado law by failing to provide Plaintiff with his prescribed medical care for his knees as directed by his doctor.
34. As a direct and proximate result of the combined negligence of Defendant's agents, servants, and employees, Plaintiff suffered damages as described in paragraphs numbers 28 and 29.

CLAIM FOUR: Negligence (L. Shoulder Medical Care)

Claim Four is asserted against defendant United States.

Supporting Facts:

35. Plaintiff severely injured his left shoulder which resulted in an MRI being conducted on or about 11/1/2021 by doctors at National Diagnostic upon the request of Plaintiff's BOP medical care providers. The MRI that was conducted on 11/1/2021 indicated that Plaintiff's left shoulder impression showed: (1) Moderate to severe glenohumeral osteoarthritis; (2) Complex, near-circumferential glenoid labral tear that involves the biceps origin; (3) Mild to moderate tendinosis throughout the rotator cuff tendons. No full-thickness tear; (4) Mild to moderate acromioclavicular osteoarthritis.
36. Plaintiff consistently complained to his medical care providers in the BOP of his pain in his left shoulder and requested both pain medication and treatment for his left shoulder. Plaintiff's medical care providers in the BOP sent Plaintiff to see an orthopedic surgeon in June 2022. Said orthopedist prescribed injections in Plaintiff's left shoulder for pain every three to four months and follow up treatment every three to four months.
37. Plaintiff's medical care providers at FCI Englewood failed to send Plaintiff to the orthopedist every 3 to 4 months as his orthopedist prescribed.

38. Plaintiff was not sent to receive his prescribed injections in his shoulder and follow up appointments with an orthopedist every three to four months due to nonmedical reasons. According to the FCI Englewood Health Services Administrator, Plaintiff's inability to receive his shoulder injections and timely follow up appointments with his orthopedist while imprisoned at FCI Englewood was due to staff shortages and a lack of officers willing to make medical transportation of inmates needing medical care.
39. As a result of Plaintiff not receiving his prescribed left shoulder injections every three to four months as scheduled by his orthopedist, Plaintiff suffered from constant pain, fear, lack of the use of his shoulder, embarrassment, humiliation, depression, and a reduction of his quality of life.

FTCA and Negligence under Colorado Law

40. Dr. Susan Conroy a.k.a. Dr. Susan Summers, physicians unknown, BOP employees unknown, and nurses unknown acting as the agents, servants, and employees of defendant, United States of America, in the course of their employment, who along with their servants, and employees of defendant, but unknown to Plaintiff, committed the acts of negligence that are set forth above in paragraphs 35 to 39.
41. As a result of the fault of the defendant, by and through its agents, servants, and employees, acting within the scope of their employment, Plaintiff suffered from the injuries described above in paragraph 39.
42. Each of the BOP employees responsible for Plaintiff's medical care and/or transportation to his medical appointments owed Plaintiff a duty of care under Colorado law and 18 U.S.C. § 4042. Under Colorado law health care providers have a duty not to cause injury and to refer an individual for outside testing or care that would alleviate injury where the failure to do so would result in continued harm.
43. The above indicated BOP employees and health care providers responsible for ensuring that Plaintiff received his prescribed shoulder injections and scheduled medical appointments with his orthopedist, and acting on behalf of the United States of America breached their duty of care under Colorado law by failing to provide Plaintiff with his prescribed shoulder injections in a timely manner and by failing to ensure Plaintiff arrived at his follow up appointments with his orthopedist.
44. As a direct and proximate result of the combined negligence of Defendant's agents, servants, and employees, Plaintiff suffered and continues to suffer damages as described in paragraph 39.

E. PREVIOUS LAWSUITS

Have you ever filed a lawsuit, other than this lawsuit, in any federal or state court while you were incarcerated? ____ Yes **X** 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): _____

Docket number and court: _____

Claims raised: _____

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

Reasons for dismissal, if dismissed: _____

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?

X Yes ____ No (check one)

Did you exhaust administrative remedies?

X Yes ____ No (check one)

Plaintiff filed a FTCA administrative claim with the Bureau of Prisons Regional Office which was denied on May 1, 2025. Exhibit A is a copy of the denial letter from the BOP.

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."

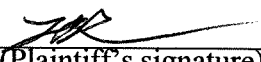
Plaintiff requests that this Court render judgment against the defendant:

- A. In the sum to be shown at trial, but in no event less than \$1,000,000.00;
- B. Including whatever pre- and postjudgment interest may be allowed by law;
- C. Plaintiff to be awarded cost of suit.

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)

5/19/2025

(Date)

(Revised November 2022)

Lester Robinson # 40050-086
Federal Correctional Institution
9595 W. Quincy Ave.
Littleton, Colorado 80123

Clerk of the Court
United States Courthouse
901 19th Street
Room A105
Denver, Colorado 80294-3589

Legal Mail

Legal Mail

Legal Mail



CORRECTIONAL SYSTEMS MANAGEMENT
FEDERAL CORRECTIONAL INSTITUTION
955 WEST QUINCY AVE., LITTLETON CO. 80120

DATE/INITIALS 5-20-25

THE ENCLOSED LETTER WAS PROCESSED THROUGH SPECIAL MAILING
PROCEDURES FOR FORWARDING TO YOU. THE LETTER HAS BEEN REVIEWED
AND INSPECTED IF THE WRITER RAISES A QUESTION OR IN THE
OVER WHICH THIS FACILITY HAS JURISDICTION. YOU MAY WISH TO RETURN
THE MATERIAL FOR FURTHER INFORMATION OR CLARIFICATION. IF THE
WRITER ENCLOSES CORRESPONDENCE FOR FORWARDING TO ANOTHER
ADDRESSEE, PLEASE RETURN THE ENCLOSURE TO THE ABOVE ADDRESS.