

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUL 16 2025

JEFFREY P. COLWELL
CLERK

Civil Action No. _____

(To be supplied by the court)

BRIAN KNIGHT, 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.

Brian Knight # 21726-085

FCI Englewood, 9595 W. Quincy Ave., Littleton, CO 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

XX 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: Battery

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

Supporting facts:

1. On 10/9/2024 at approximately 5:30 PM, plaintiff was walking into the FCI Englewood dining facility. Plaintiff is a federal inmate incarcerated at this prison. Plaintiff was directed to return to his housing unit and change clothes by Officer Tomayo. Plaintiff was wearing khaki pants with a grey sweatshirt over a khaki uniform shirt. Plaintiff explained to Officer Tomayo that he would not be able to return to the chow hall if he was sent back to the housing unit due to his medical condition and that he was dressed appropriately and in accordance with BOP policy.
2. During the conversation plaintiff was having with Officer Tomayo in front of the dining room (chow hall) area, Lt. Jackson approached plaintiff and told him to "cuff up" meaning to place his hands behind his back so that Lt. Jackson could place him in handcuff restraints.
3. Plaintiff explained to Lt. Jackson that he could only move one hand behind his back due to his disability which prevents him from moving his left arm. Plaintiff's disability is obvious to anyone looking at his left arm which is deformed and permanently bent at the wrist in an awkward angle. Plaintiff cannot extend or move his entire left arm and it is clearly deformed.
4. Lt. Jackson ignored plaintiff's words, moved behind plaintiff, and grabbed his left arm. Lt. Jackson forcefully yanked plaintiff's arm upwards and in a twisting motion. In doing so, Lt. Jackson pulled so hard on plaintiff's arm that it caused plaintiff to spin nearly 360 degrees and injured plaintiff's arm.

D. Statement of Claims

5. Lt. Jackson gave up trying to handcuff plaintiff after injuring him and escorted plaintiff to the administration building.

CLAIM TWO: Battery

Claim Two is alleged against defendant United States of America

Supporting Facts:

6. On 10/9/2024 after the events described in paragraphs 1 to 5, Lt. Jackson placed plaintiff in a dry cell. (A dry cell is a cell without running water, a sink, or a toilet.) The dry cell that plaintiff was placed in is located just inside the administration office area and is used to temporarily place inmates before they speak to prison officials whose offices are located in that area.
7. Before placing plaintiff in the dry cell indicated above, Lt. Jackson threw plaintiff up against a wall inside the building, ordered plaintiff to remove his shoes, and grabbed plaintiff by the crotch without cause. Lt. Jackson's hand remained on plaintiff's genitals for several seconds before plaintiff said "hey" to Lt. Jackson. After plaintiff said "hey" to Jackson, he finally removed his hand from plaintiff's groin.
8. After searching plaintiff and ripping plaintiff's belt off of his uniform with such force that it ripped two belt loops from his pants, Lt. Jackson placed plaintiff in the dry cell inside the administration building for approximately 2.5 hours and refused to provide plaintiff with his dinner, access to a toilet, or access to water.
9. During the period of time that plaintiff was locked inside the dry cell, Lt. Jackson informed plaintiff that he had better not file a grievance because Jackson would issue an incident report against plaintiff and place him in the segregated housing unit.

Common-Law Claims Against United States (FTCA)

10. The actions of Officer Jackson set forth in paragraphs 1-9 constitute assault and battery in violation of Colorado common law. Under the Federal Tort Claims Act, the defendant United States of America is liable to the plaintiff for the unlawful actions of Lt. Jackson as he was acting within the scope of his employment as a law enforcement officer of the United States Bureau of Prisons ("BOP").
11. The actions of Lt. Jackson set forth in paragraphs 1-5 constitute negligence in violation of Colorado common law.

D. STATEMENT OF CLAIMS

Lt. Jackson had a duty not to injure plaintiff during an alleged body search. Jackson breached this duty when he repeatedly jerked plaintiff's arm upwards and twisted his left arm after plaintiff informed Jackson of his disability and inability to move his left arm, and caused plaintiff pain and injury. This breach of duty constituted negligence in violation of Colorado common law and was the direct and proximate cause of the plaintiff's pain and injury. Under the Federal Tort Claims Act, the defendant United States of America is liable to the plaintiff for the unlawful actions of Lt. Jackson, as he was acting within the scope of his employment as a law enforcement officer of the United States Federal Bureau of Prisons.

12. As a result of the acts of Lt. Jackson described in paragraphs 1-9 above, the plaintiff suffered pain and suffering and injuries, including pain in his arm, soreness, fear, humiliation, anxiety, depression, and embarrassment. The plaintiff also suffered injuries, including soreness and numbness of his left arm and wrist, which continued for approximately eight weeks following the incident. In addition, plaintiff suffered shooting pains from the elbow to his wrist for approximately four weeks following the incident.

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 an administrative claim with the BOP which was denied on May 7, 2005 (see attached denial letter from BOP).

G. REQUEST FOR RELIEF

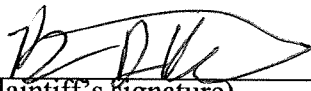
State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "G. REQUEST FOR RELIEF."

- A. On the claims stated in paragraphs 1-5, the plaintiff asks the Court to enter judgment against defendant United States of America and to hold the defendant United States of America liable to the plaintiff for compensatory damages.
- B. On the claim stated in paragraphs 6-9, the plaintiff asks the Court to enter judgment against defendant United States of America and to hold the defendant liable to the plaintiff for compensatory damages.
- C. Plaintiff also requests costs to be paid by defendant.

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)

July 13, 2025

(Date)

(Revised November 2022)



U.S. Department of Justice
Federal Bureau of Prisons

North Central Regional Office

Office of the Regional Counsel

*400 State Avenue
Tower II, Suite 800
Kansas City, KS 66101*

01-15-2025

BRIAN KNIGHT, #21726-085
FCI ENGLEWOOD
9595 WEST QUINCY AVENUE
LITTLETON, CO 80123

Re: Administrative Claim for Damages
Claim #: TRT-NCR-2025-02366 \$ 500,000.00

Dear Claimant:

This is to notify you of our receipt of your administrative claim for damages under provisions of the Federal Tort Claims Act, Title 28 USC §1346(b), 2671 et. seq., alleging liability of the United States Government.

Your claim was received on 10-15-2024. The above referenced Act provides that the agency has 6 months to make an administrative determination on your claim from the date such claim was received by the appropriate agency. Accordingly, in the matter of the above referenced claim, the government's response is not due until 04-14-2025.

Regulations that may be pertinent to your claim may be found at Title 28 C.F.R. Part 14 et.seq., and §543.30.

Sincerely,
Mary A. Noland
Regional Counsel



**U.S. Department of Justice
Federal Bureau of Prisons**

North Central Regional Office

Office of the Regional Counsel

*400 State Avenue
Tower II, Suite 800
Kansas City, KS 66101*

May 7, 2025

Brian Knight, Reg No: 21726-085
FCI Englewood
9595 West Quincy Ave
Littleton, CO 80123

RE: Tort Claim TRT-NCR-2025-02366
Amount of Claim: \$500,000.00

Certified Mail Receipt No: 9589 0710 5270 2387 3916 79

Dear Claimant:

Your above referenced tort claim has been considered for administrative review pursuant to 28 C.F.R. § 0.172, Authority: Federal Tort Claims and 28 C.F.R. Part 14, Administrative Claims Under Federal Tort Claims Act. Investigation of your claim did not reveal that you suffered any personal injury as a result of the negligent acts or omissions of Bureau of Prisons employees acting within the scope of their employment.

As a result of this investigation, your claim is denied. This memorandum serves as a notification of final denial under 28 C.F.R. § 14.9, Final Denial of Claim. If you are dissatisfied with our agency's action, you may file suit in an appropriate U.S. District Court no later than six months after the date of mailing of this notification.

Sincerely,


Mary A. Noland
Regional Counsel

Brian Knight #21726-085
Federal Correctional Institution
9595 W. Quincy Ave.
Littleton, Colorado 80123



Clerk of the Court
United States Courthouse
901 19th Street
Room A105
Denver, Colorado 80123

LEGAL MAIL

LEGAL MAIL



CORRECTIONAL SYSTEMS MANAGEMENT
FEDERAL CORRECTIONAL INSTITUTION
9995 WEST QUINCY AVE., LITTLETON, CO., 80123

DATE/INITIALS 7-14-25 W

THE ENCLOSED LETTER WAS PROCESSED THROUGH SPECIAL MAILING
PROCEDURES FOR FORWARDING TO YOU. THE LETTER HAS NOT YET BEEN
OPENED NOR INSPECTED IF THE WRITER RAISES A QUESTION OR PROBLEM
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.