

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

NOV 24 2025

Civil Action No. 25-cv-02651-RTG
(To be supplied by the court)

JEFFREY P. COLWELL
CLERK

Rafael Juarez, Plaintiff

v.

Jury Trial requested:
(please check one)

XX Yes No

Andre "Moses" Stancil (Exec. Dir.
of CDOC)

Clifford Gulliford (BVCF ADA Coord.)

Jason Lengerich (BVCF Warden)

Shane Stucker (FCF Warden), et al., Defendant(s).
(see attached for additional)

(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.)

AMENDED
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.

Rafael Juarez, PIN# 164143, PO Box 999, Canon City, CO 81215
(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
XX 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: Andre "Moses" Stancil, Executive Director of CDOC
(Name, job title, and complete mailing address)

1250 Academy Park Loop, Colo. Spgs., CO 80910

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law? XX Yes ____ No (check one). Briefly explain:

State employee acting in the course of assigned
duties.

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

Defendant 2: Clifford Gulliford, Buena Vista Corr. Fac. ADA Coord.
(Name, job title, and complete mailing address)

PO Box 2017, Buena Vista, CO 81211

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law? XX Yes ___ No (*check one*). Briefly explain:

State employee acting in the course of assigned
duties.

Defendant 2 is being sued in his/her XX individual and/or XX official capacity.

Defendant 3: Jason Lengerich, Buena Vista Corr. Fac. Warden
(Name, job title, and complete mailing address)

PO Box 2017, Buena Vista, CO 81211

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law? XX Yes ___ No (*check one*). Briefly explain:

State employee acting in the course of assigned
duties.

Defendant 3 is being sued in his/her XX individual and/or XX official capacity.

C. JURISDICTION

Indicate the federal legal basis for your claim(s): (check all that apply)

XX 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*) _____

B. DEFENDANT INFORMATION (Cont.)

- Def. 4:** Shane Stucker, Fremont Correctional Fac. Warden
PO Box 999, Canon City, CO 81215
Defendant was acting under color of state law? Yes.
Defendant is a state employee in the course of assigned duties.
Defendant is sued in both individual and official capacities.
- Def. 5:** Kaspar Betty, BVCF Nurse (prev. ID "Unknown BVCF Nurse")
PO Box 2017, Buena Vista, CO 81211
Defendant was acting under color of state law? Yes.
Defendant is a state employee in the course of assigned duties.
Defendant is sued in both individual and official capacities.
- Def. 6:** "Nurse Rose", FCF Nurse (prev. ID "Unknown FCF Nurses")
PO Box 999, Canon City, CO 81215
Defendant was acting under color of state law? Yes.
Defendant is a state employee in the course of assigned duties.
Defendant is sued in both individual and official capacities.
- Def. 7:** Correctional Health Partners, Inc. (prev. ID "Unknown Healthcare Provider")
1720 S. Bellaire St. Suite 700, Denver, CO 80222
Defendant was acting under color of state law? Yes.
Defendant is contracted by the state in the course of state-contracted duties.
Defendant is sued in both individual and official capacities.
- Def. 8:** Adriana Sanchez, CDOC Administrator
1250 Academy Park Loop, Colo. Spgs., CO 80910
Defendant was acting under color of state law? Yes.
Defendant is a state employee in the course of assigned duties.
Defendant is sued in both individual and official capacities.

D. STATEMENT OF CLAIMS

Introduction

This case comes before the Court upon the non-availability of health treatment and ADA accommodation.

The Plaintiff, Rafael Juarez, is a 57 year old man and a prisoner held in the Colorado Department of Corrections (CDOC). On August 18, 2023, Mr. Juarez was on a prisoner transport between Crowley County Correctional Facility (CCCCF) and Colorado Territorial Correctional Facility (CTCF). He was in full prisoner transport restraints.

At the intersection of U.S. Hwy. 50 and Evans Rd., the entrance to the CDOC Cañon Complex, a civilian in an SUV ran a red light and at full speed collided with the transport van. Mr. Juarez classifies this as a MAJOR AUTO WRECK. He was severely injured. The force of the crash knocked him unconscious. No prisoner was wearing a seatbelt. Prisoners in transport are not allowed seatbelts. The prisoners -- fettered -- had no means to brace themselves.

Extracted from the crash unconscious, responding EMTs fit Mr. Juarez with a stabilizing neck collar and placed him onto a gurney. He was loaded into an ambulance and transported to the St. Thomas Moore Hospital. He was seen by emergency department staff, and four hours later transported to CTCF Cellhouse 5, the CDOC's transport hub.

CTCF Medical staff examined Mr. Juarez and recommended he be seen by a neurologist. Prison guards housed him in a holding cell two tiers below ground level. In severe pain from the crash he was forced to climb and descend steel staircases for meals, medications, showers, the reading library, etc. He endured this for two weeks. Each climb agonizingly painful.

Mr. Juarez was transported to Buena Vista Correctional Facility (BVCF). He was advised by CTCF Medical he would receive treatment when he arrived at BVCF. Instead, he was met by medical staff that gaslit him, telling him there had been no crash, that he was imagining it, and he was malingering his injuries.

BVCF Administration and Medical refused to provide Mr.

Juarez with ADA accomodations. The Buena Vista facility is not ADA Compliant. It is a decrepit old facility over 100 years old, built long before ADA accomodation had been conceived. BVCF was intended as a reformatory for youthful offenders.

Mr. Juarez has suffered at least one serious fall on the stairs; a fall that caused additional injury. And, innumerable little falls causing bruises and scrapes. He has made repeated efforts to obtain medical treatment and ADA accomodations. He had requested to be moved to an ADA-Compliant facility. He has endured three terrifying emergency fire evacuations caused by burning inmate laundry that filled the cellhouse with smoke.

Mr. Juarez suffers great back pain, and numbness in his lower extremities. He walks only with a cane; the cane a small concession hard-won after multiple falls. He had been able-bodied before the crash.

Mr. Juarez was moved to Fremont Correctional Facility (FCF) in May of 2024. He has sought treatment since his arrival at FCF. Again he encountered gaslighting; nursing staff said he'd never had an accident and it was all an illusion. The accident is objective fact. Mr. Juarez's injuries are real.

Years post-crash, these Defendants continue to refuse thás Plaintiff care for his serious medical needs. He's never seen a neurologist, been diagnosed or given a prognosis. There's been no physical therapy. No treatment plan has been prepared. Nothing has been done to treat the pain in his back, hips, and legs. He is still denied ADA accomodations that would permit access to prison services.

This civil action seeks redress for the Constitutional deprivation the Plaintiff has suffered, the Deliberate indifference to his serious medical needs. Also, for the violations of the Americans with Disabilities Act. Mr. Juarez seeks injunctive relief and damages as available. He seeks an order requiring the Defendants to provide him the medical care he needs.

D. STATEMENT OF CLAIMS

I. Factual Background

1. Mr. Juarez is a prisoner held in the Colorado Department of Corrections (CDOC) at Fremont Correctional Facility (FCF).
2. Mr. Juarez is dependant upon the CDOC and FCF to provide him with all of his necessary healthcare. If neither the CDOC nor FCF provide him with treatment, his serious medical needs will go untreated.
3. Mr. Juarez renews his request for appointment of pro-bono counsel. His case is complex. His case is not frivolous. Mr. Juarez is a lay person with no formal legal training.
4. Mr. Juarez has accessed the grievance process available to him. His claims are exhausted.
5. His grievances have been variously "granted," "granted in part," or "procedurally denied." Mr. Juarez cannot be expected to ensure that prison officials actually provide the relief that they have promised.
6. The grievances have sought relief that "[the medical department] stop ignoring my kites," "[he receive] regular appointments with a provider!" "I need physical therapy as soon as possible," "get me out to get this MRI, so a proper treatment plan can be implemented soon," "Schedule... [a neurologist]," and "Move me to ADA compliant prison."
7. Mr. Juarez filed his Notice of Intent to Sue pursuant to C.R.S. Sec. 24-10-109 via Certified Mail on 13 February 2024.

II. Mr. Juarez was involved in a traffic accident while being transported by CDOC officers.

8. On 18 August 2023, Mr. Juarez was being transported from the Crowley County Correctional Facility (CCCF) to a then unknown destination.

9. Mr. Juarez was being transported in a 2022 Ford 8-passenger transport van. (hereafter, "the van") The van occupants were two CoreCivic employees and six prisoners.

10. The prisoners were all in full transport restraints, including Mr. Juarez. No seatbelts were used or permitted.

11. Transport restraints include handcuffs and leg shackles, a waist-chain to which the handcuffs are attached, a chain that ties the leg shackles to the waist, and a "black box." The black box is a device used to fix the hands in a position twisted 180° at the wrists and palms facing together. The hands are locked to the waist.

12. A prisoner in transport restraints is completely helpless.

13. The van was at the intersection of Highway 50 and Evans Rd., the entrance to the Cañon Complex. On a green light, the driver pulled into the intersection to turn left onto Hwy. 50 westbound.

14. At the same time, Lois Yutzy ran a red light driving east-bound on Hwy. 50. The front of her Subaru Outback crashed into the front of the van.

15. Mr. Juarez was knocked unconscious by the force of the crash.

16. Officer M. Welford (#9516) of Colorado State Patrol responded to the crash scene.

17. Welford prepared crash reports and assigned Case Number 2A231150 to the incident.

18. In relevant part Welford reported:

Traffic Unit #2 (a Ford Transit Van customized to transport inmates), was turning left on a green light from Evans Road onto Highway 50. Traffic Unit #1 was traveling east on Highway 50 through the intersection with Evans Road after the light had turned red. Traffic Unit #1 collided its front right and right side with the front of Traffic Unit #2. Traffic Unit #1 travelled 285.8 feet and came to final rest on its wheels facing east on the

shoulder of the center median. Traffic Unit #2 came to final rest on its wheels near the center of the intersection, facing north.

19. Officer Alberto Alvarez had been driving the van. Sergeant Marc Martinez had been "riding shotgun," serving as armed escort.

20. The crash was assigned Reportable Incident #235118 by Crowley County Correctional Facility / CoreCivic.

21. The 235118 report states that one prisoner was taken by ambulance to St. Thomas Moore Hospital. The name is redacted on the Plaintiff's copy of the report.

22. Mr. Juarez was taken to St. Thomas Moore Hospital on a gurney with a foam neck-immobilization brace worn, by ambulance.

23. The driver of the Suburu, Lois Yutzy, was cited for Careless Driving Causing Bodily Injury, C.R.S. 42-4-1402(2)(b), Citation No. 6398172.

24. Lois Yutzy was insured by SafeCo Insurance Co., policy no. Y85FF627 or Y8544627, reported differently on different forms.

25. Yutzy was determined to have run a red light, C.R.S. 42-4-604.

26. The CDOC also responded to the site of the crash to assist with securing prisoners.

27. The CDOC assigned the crash Incident #1675952.

28. Mr. Juarez believes a settlement was made between CoreCivic and Yutzy's insurance company SafeCo for the damages to the van.

29. It is unknown if CoreCivic or the CDOC have received any settlement from the accident from Yutzi or SafeCo to compensate for the injury to the van's passengers, especially the Plaintiff.

30. If any money has been recovered by CoreCivic or CDOC on behalf of Mr. Juarez for his injuries or suffering, that money has not been used to treat Mr. Juarez or compensate him for his suffering.

31. Mr. Juarez is currently represented by Aurora L. Randolph of the ALR Civil Rights law firm, Bar #51300 for the car accident and personal injury claims.

32. Ms. Randolph was retained to negotiate a settlement or to begin litigation for the state tort claims, personal injury, and other related claims regarding the accident and the injury result-

ant from the accident.

33. Ms. Pandolph declined to pursue any Federal or US Constitutional claims, or any Federal statutory Americans with Disabilities Act claims on Mr. Juarez's behalf.

34. To the extent that the instant Civil Action may be construed to be duplicative, or repetitive, or in any manner impinging on the diligent work of Ms. Pandolph, Mr. Juarez explicitly reserves that claim for her representation. Mr. Juarez will prosecute his Federal unrepresented claims here, pro-se.

* * *

III. Mr. Juarez has not been treated for his injuries

35. At the scene of the crash, Mr. Juarez was placed in an immobilizing neck collar, placed on a gurney, and into an ambulance.

36. Mr. Juarez was unconscious at the time he was removed from the scene of the crash.

37. Mr. Juarez was transported by ambulance to St. Thomas Moore Hospital ("the Hospital"), where Mr. Juarez received X-rays and was injected with a medicine that he believes to have been muscle relaxer.

38. Mr. Juarez was at the Hospital for approximately 4 hours. Then he was transported to Colorado Territorial Correctional Facility (CTCF) Cellhouse 5.

39. While at CTCF, an examining doctor saw Mr. Juarez.

40. The examining doctor recommended Mr. Juarez be seen by a neurologist to address his pain and numbness; "pins and needles."

41. The CTCF examining doctor advised that Mr. Juarez would receive needed treatment at his next CDOC facility; CTCF Cellhouse 5 is used as a transportation hub, temporarily holding CDOC prisoners while in transit.

42. For the remainder of the time Mr. Juarez was held at CTCF, he was housed on a basement level tier beneath the ground floor.

43. In Cellhouse 5, the third tier is ground level. Mr. Juarez was held on the first tier, 2 tiers below the ground floor.

44. Mr. Juarez was forced to climb and descend two flights of stairs from his holding cell for meals, showers, medications, and books to read. This amounted to multiple times up-and-down the stairs per day.

45. A round trip up-and-down the stairs was so painful that Mr. Juarez would be confined to his bed for hours afterward, until the next time he was forced to climb and descend the stairs again.

46. Mr. Juarez remained at CTCF for two weeks.

47. Mr. Juarez did not receive any treatment at CTCF. He received some over-the-counter pain reliever for his symptoms.

48. Mr. Juarez was transported to Buena Vista Correctional Facility (BVCF); he arrived 29 August 2023.

49. BVCF is laid out in four housing units; Upper North, Lower North, South, and East. Upper North is incentive living, Lower North for programming, South and East general population. East is for the prisoners with the poorest conduct in GP; it is the rowdiest.

50. All of the cellhouses have staircases for accessing the tiers of cells. East Unit is located at the top of two flights of stairs, its entrance accessible only by stairs. There is no ramp nor elevator.

51. Mr. Juarez was assigned housing in the East Unit. No consideration was made for his injured, disabled, status.

52. On 1 September 2023, Mr. Juarez sought a cane to help him walk. He was refused a cane. He was told to file a kite. ("kite": prison jargon for an inmate request or memorandum)

53. Oftentimes in prison, "go file a kite" is a dismissive brush-off bureaucratic tool used to avoid addressing a prisoner's immediate need. It is a procrastination tactic meant to frustrate a prisoner and to have a chilling effect on requesting things, e.g. medical care.

54. Mr. Juarez was forced to climb the stairs to enter and exit the East Unit. Further, he was assigned a cell on the third tier of East Unit, demanding he climb more stairs once in the cellhouse. The cell assignment is evidence of the deliberate indifference to his need.

55. Every meal time, recreation period, medical visit, shower, church service, etc., required Mr. Juarez descend and ascend stairs.

56. On 2 September 2023, Mr. Juarez reported to BVCF Medical in pain. Head Nurse Kaspar Betty reprimanded Mr. Juarez. She gaslit him, alleging that the accident had never occurred, that he was making it up, and he was malingering his pain.

57. "Gaslighting" is a term derived from the 1944 film Gaslight and refers to a kind of psychological abuse in which a person denies another person's reality and causes that person to question himself or herself and his or her perceptions. See: Garrett v. C.F.F.S., 2020 U.S. Dist. LEXIS 883 *5, n. 6.

58. The "the crash never happened" gaslight would continue for as long as Mr. Juarez remained at BVCF.

59. On 12 September 2023, Mr. Juarez suffered a fall. He was

wounded and bled from a wound in his forearm where he had tried to break his fall. Mr. Juarez suffers pain in his shoulder to the present day resulting from this serious fall.

60. Officer Lorenzo ordered Mr. Juarez to Medical for attention to his injuries. A lay-person recognized medical attention as needed.

61. Betty reprimanded Mr. Juarez. She said, "There is nothing wrong with you." She ordered him back to his cell without treatment.

62. Mr. Juarez attempted to climb the stairs into East Unit. He was not able. He sat down at the bottom of the stairs. He was approached by Officer Ford. Ford ordered Mr. Juarez to climb the stairs. Mr. Juarez answered that he was not able.

63. Ford handcuffed Mr. Juarez behind his back and led him to the Shift Commander's office with intent to put him in the "hole." (The hole is administrative segregation, used punitively.)

64. The Shift Commander Sergeant Darvin explained to Ford that Mr. Juarez was injured and could not climb the stairs.

65. Two unknown BVCF officers carried Mr. Juarez up the stairs and to his cell.

66. This incident did not prompt BVCF to move Mr. Juarez to a housing unit that did not require him to climb stairs.

67. BVCF South Unit Second Tier is ground floor with zero stairs to climb between the cells and: the dayroom, showers, chow hall, medical, the chapel, or outdoor recreation. A ramp leads to outdoor recreation.

68. Mr. Juarez suffered an innumerable amount of little falls and stumbles that have caused him pain; stubbed toes and twisted ankles, back pains, knee pains, tingling and numbness, pins and needles in the legs and feet.

69. Mr. Juarez has had fewer serious falls that caused open wounds, bruising, and visible injuries.

70. The reprimands from the Medical Department at BVCF, especially Nurse Betty, had a chilling effect on Mr. Juarez that prevented him from seeking medical care for his falls.

71. The accusations of malingering from Betty, e.g. "There is nothing wrong with you," prevented Mr. Juarez from seeking help.

72. On 18-September 2023, Mr. Juárez met with Case Manager Paschall to discuss the accident and the refusal of care by Medical staff.

Paschall told him no record of the accident existed.

73. On 20 September 2023, Mr. Juarez received X-rays of his arm related to the 12 September 2023 fall on the stairs. He met with an Unknown Doctor-Provider who told him that "the Board" denied him access to a neurologist / nervous system specialist.

74. On 30 September 2023, Mr. Juarez was refused therapeutic shoes. Nurse "Kristy" (surname unknown) admitted that the cause of Mr. Juarez's pain was the crash. She advised he purchase foam insoles for his boots, available on the prison canteen / catalog.

75. The BVCF Gymnasium is accessible only by three staircases. The gymnasium is below grade on its floor. The staircases are steep and lead down to the gymnasium floor. There is no ramp nor elevator that makes the gymnasium accessible for those with mobility issues.

76. The gymnasium is the location used to muster prisoners during cellhouse shakedowns, emergency evacuations, fire drills, etc.

77. In approximately November or December of 2023, Mr. Juarez was reassigned to the second tier of South Unit. This move bettered Mr. Juarez's circumstances.

78. Better than East Unit, the South Unit is also not ADA-Compliant. The South Unit showers lack ADA-Compliant grab-bars. There is no shower chair. There are no grab-bars for the toilets, or toilet-seat risers. The South Unit courtyard is accessible only by stairs. No ramp or elevator makes the courtyard available to mobility impaired.

79. The BVCF Prison Library is located at the top of a flight of stairs. These are the same stairs that lead up to the East Unit. There is no ramp or elevator to make the Library available to the mobility impaired.

80. Many of the BVCF Case Management offices are at the top of two flights of stairs. Mr. Juarez was not reassigned to one of the case managers with an office accessible without stairs.

81. On three individual occasions fires set to inmate laundry filled the South Unit with smoke. The guards first locked the Unit

into their cells. Because of the lack of ventilation—the windows have all been welded closed—the guards were required to change course and order rushed evacuations. While Mr. Juarez stumbled and was bumped in the fracas, he was prevented from falling only by the assistance of fellow prisoners.

82. Major Clifford Gulliford was the BVCF ADA Coordinator from September 2023 to April 2024 while Mr. Juarez was held at BVCF.

83. During the period between September 2023 to April 2024, Gulliford denied Mr. Juarez nearly all basic disability accommodations in order to permit him to participate in the benefits, services, programs, and activities of BVCF.

84. Owing to the challenges in navigating staircases and his difficulty in mobility generally, Mr. Juarez suffered exclusion from services as a result of the physical pain required to participate.

85. On 20 September 2023, Mr. Juarez was finally issued a cane to help him to walk. It was issued to him on a temporary basis. It was issued by Nurse Amanda Peck. The cane represents a small concession. The cane is admission of Mr. Juarez's disabled status.

86. Mr. Juarez repeatedly sought transfer to an ADA-Compliant CDOC facility; by grievance, by letter, in person, etc. These requests were made on: 12/28/23; 2/19/24; 2/27/24; 3/18/24; 3/25/24; 4/14/24; amid others made informally. Dates may represent two or more unique requests made on the same date.

87. The Buena Vista prison complex housing units include decaying late 19th century buildings that are a maze of staircases and fit for no human being, but best tolerated by able-bodied prisoners only. It began its life as a boy's reformatory. It is nowhere near to modern ADA-Compliant building standards. Indeed, it is doubtful that it would ever be cost-effective to retrofit the complex to today's ADA-Compliant standards.

88. Mr. Juarez was moved out of BVCF and reassigned to Fremont Correctional Facility (FCF) in or around May 2024.

* * *

IV. Mr. Juarez remains untreated for his injuries

89. Upon arrival at FCF, Mr. Juarez began anew to seek medical care. He had hoped that the lack of care and denial of the existence of his injuries was confined to BVCF.

90. On 28 May 2024, Mr. Juarez reported to FCF Medical with severe, acute pain in his upper and lower back, his hips, and his knees. His legs were swollen and numb.

91. FCF Head Nurse "Rose" (surname unknown) mocked Mr. Juarez publicly with an audience of other nurses and some prisoners. Rose also renewed the "gaslighting" "the crash never happened" narrative. She called it an "illusion."

92. The FCF Medical Department has continued the denial of medical care.

93. Mr. Juarez still needs to be seen by a neurologist to diagnose what specific injury has occurred in the 18 August 2023 crash and to devise a treatment and/or physical therapy plan.

94. *Speculating* Mr. Juarez may require treatment for spinal injuries. He may require cortizone injections, chiropractic adjustments, surgery, physical therapy, nutritional supplements, or over-the-counter analgesics for symptom relief. Mr. Juarez is not a medical professional. He has received no care for his spine.

95. *Speculating* Mr. Juarez may have suffered soft-tissue or nervous system injuries. He may require surgery, non-invasive medical treatments, prescription drugs, physical therapy, heating or cooling pads, topical medications, dietary supplements, or any other form of care. He has received no care for any soft-tissue or nervous system injuries. He is not a medical professional.

96. Mr. Juarez is restricted to the ground floor, and to a bottom bunk. He walks with a cane.

97. Before the crash, Mr. Juarez was able-bodied. The CDOC, and facilities CTCF, BVCF, and FCF, individual defendants, have all participated in denial of treatment that potentially could allow him to regain mobility or at least reduce the constant, chronic, pain.

98. Mr. Juarez has been denied opportunity to improve his mobility through treatment or medical care.

V. The denial of treatment to Mr. Juarez is a result of policy, custom, and a failure-to-train on the part of CDOC and its executives and administration

99. On information and belief, the CDOC contracts medical care for its prisoners to the for-profit corporation Correctional Health Partners, at both BVCF and FCF.
100. A corporation has a fiduciary obligation to its stockholders to maximize profits. Where the patients are not customers — as here where the patients are prisoners and the paying customer is the CDOC — the commitment to treat patients is zero. Each denial of care is a cost-savings without any risk of a dissatisfied customer. Cost savings are bottom-line profits.
101. Correctional Health Partners denies care to prisoners to maximize its profits. It is their policy.
102. Executive Director Andre Stancil, Warden Jason Lengerich and Warden Shane Stucker all operate overcrowded and understaffed prison facilities. They maintain a policy, or custom so generally accepted and well-sttled as to have the force of law, to deny healthcare to their prisoners.
103. To allege sadism on the part of the Defendants would be too derivative. Mr. Juarez alleges that Stancil, Lengerich, and Stucker deny care as a means to manage costs in their prisons. The overcrowding and understaffing mean that to care for all of the prisoners in their facilities has become completely untenable. There are not enough medical staff to care for the overcrowded prisons. There are not enough officers to maintain the safety and security of patients coming-and-going, or to maintain the policy-driven guard-to-prisoner ratio that is mandated in medical departments. There are not enough supplies, medical appliances, or space to serve all of the patients. Denial of care is policy or custom.
104. There exists a failure-to-train prison staff to treat prisoners with injuries or serious medical needs as patients. This is reflected in the identification of Mr. Juarez's injuries by lay-persons as needing a doctor's attention contrasted against the gaslighting and refusal to give him care.

105. To deny a man that is hobbled necessary medical care is done knowingly and deliberately, it is a willful and wanton act of cruelty.

106. The Defendants know that Mr. Juarez is injured, cannot navigate stairs, and now walks with a cane. Yet, each has knowingly chosen to deny him medical treatment and/or ADA accommodations; and have disregarded the excessive risks to his health and safety.

107. ADA Coordinator Clifford Gulliford had repeated notice of Mr. Juarez's ADA accommodation needs. He knew that denial of the accommodations was an excessive risk to his health and safety, and a discriminatory denial of the benefits of services, programs, and activities at BVCF.

108. Mr. Juarez's repeated letters to Adriana Sanchez requested that he be moved to an ADA-Compliant prison facility. The excessive delay in moving him has the force of a denial.

109. Mr. Juarez's injuries qualify him under Title II of the ADA. He is disabled.

110. Exclusion from the benefits of a prison, e.g. recreation opportunities, access to libraries, access to worship, etc., is discrimination under Title II of the ADA.

* * *

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."

DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEED;
Eighth Amendment U.S. Constitution, 42 USC 1983; &

CLAIM ONE: CRS 13-21-131 ELEIA Colo. Const. Art. II Sec. 20

Claim one is asserted against these Defendant(s): Federal Claim against all,
State ELEIA claim against P.O.S.T. Certified Defendants only.

Supporting facts:

111. Mr. Juarez incorporates by reference all other paragraphs of this Amended Prisoner Complaint as if set forth in full here.
112. Mr. Juarez was injured in a car crash on 18 August 2023. The crash occurred in a CCCF transit van while in transport between prison facilities.
113. Mr. Juarez's injuries were real — not imagined — and objectively sufficiently serious and so obvious as to be recognizable by a lay-person.
114. With full knowledge, each Defendant made a conscious choice to willfully and wantonly, deliberately disregard the risks to Mr. Juarez's health and safety and to refuse him needed medical care.
115. Each Defendant has individually participated in the deliberate indifference to Mr. Juarez's care in the manner averred above.
116. The deliberate indifference to Mr. Juarez's serious medical needs began 18 August 2023 up to the present.
117. He has been refused needed medical care.
118. Mr. Juarez has a right to be free from deliberate indifference to his serious medical needs; U.S. Const. Amend. VIII & Colo. Const. Art. II Sec. 20.

D. STATEMENT OF CLAIMS

CLAIM TWO

DISCRIMINATION IN VIOLATION OF TITLE II OF THE AMERICANS WITH DISABILITIES ACT, 42 U.S.C. Sec. 12132

ASSERTED AGAINST: All Defendants in their official capacities; i.e. all public entity defendants.

119. Mr. Juarez incorporates by reference all other paragraphs of this Amended Prisoner Complaint as if set forth in full here.
120. Mr. Juarez is a qualified individual pursuant to the statute. He is disabled. He has limited mobility caused by a car crash. He is hobbled by pain that initiates in his back and runs down his body, terminating in pins-and-needles tingling with numbness in his feet. He walks with a cane.
121. Mr. Juarez has endured exclusion from the benefits of services, programs, and activities in CDOC facilities — especially BVCF and FCF — as a result of his disability.
122. As averred above, the Defendants have each participated individually through their conduct, e.g. denial of a cane for weeks to a disabled Mr. Juarez, refusal to provide needed ADA accommodations, assignment to housing that forced the use of staircases, maintenance of policies and customs that discriminate against disabled prisoners by retaining them in non-ADA-Compliant housing, amid many others.
123. Mr. Juarez was discriminated against based upon his disability beginning 18 August 2023 when he was injured in a crash, up to and including the present.
124. The discrimination has harmed Mr. Juarez by excluding him from the benefits available at BVCF and FCF.
125. Mr. Juarez's right to be free from discrimination based upon his disability is guaranteed by the ADA, 42 USC 12132.

* * *

E. PREVIOUS LAWSUITS

Have you ever filed a lawsuit, other than this lawsuit, in any federal or state court while you were incarcerated? ____ Yes XX 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?

XX Yes ____ No (*check one*)

Did you exhaust administrative remedies?

XX 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."

- 126. That process issue to the Defendants and they be required to answer in time allowed by law.
- 127. A trial by jury on all issues triable by jury.
- 128. The Plaintiff's costs to bring this action and all reasonable costs.
- 129. Injunctive relief: a declaration to strike the conduct of the Defendants and order to enjoin the Defendants from repetition of the conduct. An Order that Plaintiff be given treatment for his injuries.
- 130. Actual damages awarded in an amount to be determined by a jury.
- 131. Exemplary damages awarded in an amount to be determined by a jury.
- 132. Any and all further relief the Court may deem just.

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.

Rafael Juarez
(Plaintiff's signature)

11/12/25
(Date)

The foregoing Amended Prisoner Complaint is compiled and prepared at the Plaintiff's specific direction with lay-person assistance of Eric St. George pursuant to Johnson v. Avery, 393 US 483 (1969) and Bounds v. Smith, 430 US 817 (1977)

Rafael Juarez
DAC # 16-4173
FCF 7-5111
P.O. Box # 999
Canon City, CO 81215

United State Magistrate Judge
United States District Court
Alfred A. Araya United States Court
901 19th Street
Denver, Colorado 80297-3589

11/23/2025
US POSTAGE

272