

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

FILED
UNITED STATES DISTRICT COURT
DENVER

MAY 26 2026

JENNIFER L. HILL
CLERK

Civil Action No.

1:26-CV-00307-DDD

(To be supplied by the court)

Travis Hodge, Plaintiff

v.

Jury Trial requested:

(please check one)

☒ Yes ☐ No

Amanda Retting,

Moses Stancil,

_____,

_____, 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.

Travis Hodge, #202334, 11560 Road FF 75, Las Animas, CO 81054

(Name, prisoner identification number, and complete mailing address)

N/A

(Other names by which you have been known)

Indicate whether you are a prisoner or other confined person as follows: (check one)

- ☐ Pretrial
☐ 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: Amanda Retting, SOTMP Director, 1250 Academy Park Loop, Colorado Springs, CO
(Name, job title, and complete mailing address)

80906

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:

At the time of the incidents giving rise to this complaint, Defendant Amanda Retting

acted as director of the CDOC Sex Offender Treatment and Monitoring Program.

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

Defendant 2: Moses Stancil, Colorado Department of Corrections Executive Director, 1250
(Name, job title, and complete mailing address)

Academy Park Loop, Colorado Springs, CO 80906

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:

At the time of the incidents giving rise to this complaint, Defendant Moses Stancil
acted as executive director of the Colorado Department of Corrections.

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 federal official, are you seeking:
☐ Money damages pursuant to *Biven v. six unknown named Agents of Fed. Bureau of narcotics*, 403 U.S. 338 (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*) 28 U.S.C. § 1367 (Supplemental Jurisdiction); 28 U.S.C. § 1332
(Diversity of Citizenship)

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 your 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 claim(s), use extra paper to continue that claim or to assert 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: See attached (D. Statement of Claims)

Claim one is asserted against these defendant(s):

Supporting facts:

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): See attached (E. Previous Lawsuits)

Docket number and court: _____

Claims raised: _____

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

Reason for dismissal, if dismiss: _____

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."

See attached (G. Request for Relief)

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.

Travis
(Plaintiff's signature)

May 7th, 2026
(Date)

(Revised November 2022)

D. Statement of Claims

Facts

Plaintiff, Travis Hodge, is currently incarcerated in Colorado Department of Corrections (CDOC) custody. Plaintiff was convicted of a sex offense, and was sentenced to an indeterminate life term in prison. By law, Plaintiff may not be released from prison unless and until he is certified as having completed sex offense treatment provided by the CDOC Sex Offender Treatment and Monitoring Program (SOTMP). Plaintiff has surpassed his parole eligibility date, and has not had an opportunity to participate in SOTMP treatment. Plaintiff has been affirmatively told by a parole official that this is a statutory bar to the grant of parole release. Plaintiff was specifically told by Courtney Williams, a member of the Colorado Parole Board, that his crime was “not the most serious” and that he was a “good candidate” to parole, but Mr. Hodge would not be eligible for parole until completion of the SOTMP.

Plaintiff is held at a private prison, Bent County Correctional Facility (BCCF), which does not offer sex offense treatment. Plaintiff was transferred to this prison following his admission to CDOC custody without being provided notice that SOTMP treatment would not be offered at the facility. Plaintiff does not have any means by which to challenge the decision to transfer him to BCCF. Upon information and belief, the company which operates BCCF charges the CDOC less to house Plaintiff than would be spent if Plaintiff were housed at a facility which offers SOTMP treatment.

Plaintiff submitted an application for SOTMP treatment within six months of his arrival at BCCF. He was subsequently evaluated by SOTMP clinical staff who work under the supervision of Defendants. He has remained classified as “S5-R” by SOTMP staff ever since his evaluation. This classification connotes that Plaintiff both requires, and is ready to receive, treatment.

Defendant Amanda Retting is the director of the SOTMP, and is responsible for the administration of the program. Defendant Retting has failed, or refused, to provide SOTMP access to more than a very small number of inmates.

As of July, 2024, only approximately 30 inmates were participating in SOTMP treatment at any given time, according to data previously published on the CDOC website. This is contrasted against the roughly 300-350 participating at any given time in mid-2019, according to the same data. Upon information and belief, the average amount of time spent in SOTMP treatment prior to being certified as having successfully completed the program for parole purposes can approach two years.

Upon information and belief, the total number of people indeterminately sentenced, and therefore requiring SOTMP treatment in order to ever be released from prison, is approximately 1,700 people. Upon information and belief, the number of people admitted to CDOC custody every year and classified by SOTMP staff as requiring SOTMP treatment numbers in the several hundred. Upon information and belief, fewer than twenty people were certified as having completed the SOTMP treatment program in the entire calendar year of 2024, as measured by prisoners who had progressed to the final stage, referred to as “Maintenance”. Data on SOTMP program participation was previously available to the public on the CDOC website. However, Plaintiff and his family members can no longer find this information on the website.

Following the COVID-19 pandemic in 2020, all major programs within the CDOC (e.g., GED education classes, alcohol treatment, drug treatment, etc.) suffered substantial reductions in capacity. Included among these programs was the SOTMP. However, according to data previously published on the CDOC website, while other programs generally recovered to their pre-pandemic rates of inmate participation within one-to-two years following this decline, the SOTMP has never recovered to its pre-pandemic levels of participation.

Defendant Retting has failed, or refused, to engage in the actions necessary to adequately staff the SOTMP. While the CDOC has attempted to aggressively recruit new staff for many positions within the Department, upon information and belief, the CDOC has expended much less effort and energy on hiring efforts for SOTMP therapists and counselors.

The SOTMP budget is established by the Colorado General Assembly, and specifies set salary rates for staff.

The CDOC has failed, or refused, to retain full time therapists or counselors for the SOTMP at the rate of pay specified in the budget.

Upon information and belief, Defendant Retting has retained a limited number of private contractors as therapists and counselors for the SOTMP.

Upon information and belief, the CDOC pays much higher rates for private contracted therapists and counselors, but Defendant Retting has not disclosed to the General Assembly the fact that funding previously allocated for staff therapists and counselors has been used for the purpose of hiring fewer privately contracted therapists and counselors at much higher rates of pay.

According to an audit report released in 2025 following a legislative mandate, the CDOC has engaged in similar hiring behavior with other mental health professionals, also opting to hire a small number of expensive private contractors instead of attempting to recruit a larger number of permanent staff.

This policy has resulted in much higher vacancy rates for mental health positions, including those contained within the SOTMP, because a large portion of CDOC mental health funding is utilized to pay the higher rates demanded by the contractors.

Defendant Retting has had the opportunity to request more funding from the legislature in order to cure the SOTMP's staffing issues. Upon information and belief, no substantial efforts to lobby the legislature for this purpose have been made by Defendants Retting or Stancil, nor by the wider CDOC.

At the current rate at which inmates are processed through the SOTMP, substantially more indeterminately sentenced inmates are admitted to CDOC custody each year than are able to progress through the program during the same timeframe, indefinitely extending the wait time for Plaintiff to be admitted to the SOTMP.

Defendant Stancil has implemented a policy of transferring indeterminately sentenced prisoners to facilities which do not offer the SOTMP, in order to warehouse them indefinitely while they indefinitely await admission to the program.

Plaintiff has grieved this issue within the CDOC grievance process. Plaintiff received a response from the final grievance appeal officer stating that the grievance process cannot be used to address issues related to housing or facility placement. No other policy or procedure exists for Plaintiff to challenge his placement at a facility which does not offer SOTMP treatment.

Upon information and belief, CDOC has many beds available at facilities which do offer SOTMP treatment, and which are not currently occupied by inmates requiring SOTMP treatment. However, CDOC refuses to transfer Plaintiff for the purpose of obtaining treatment. Upon information and belief, SOTMP treatment can be provided remotely, via video link. However, CDOC has refused to provide Plaintiff treatment remotely via video link.

According to filings in another case before the U.S. District Court for the District of Colorado, Defendants have sternly resisted efforts to permit prisoners held in CDOC custody to hire their own state-licensed sex offense therapists to provide them with the treatment that they need in order to be released from prison. According to the filings, this has resulted in actions which obstructed a CDOC prisoner from obtaining said treatment in spite of a court order requiring Defendants to permit him access to said treatment. *See, generally*, Plaintiffs' Second Amended Complaint, *Gambrell v. Stancil*, Civil Action No. 24-cv-01853-NYW-SBP.

Defendants Stancil and Retting administer the waiting list to be admitted to the SOTMP, referred to as the "Global Referral List" (GRL), in an arbitrary and capricious way, such that Plaintiff may never reach the top of the list and be admitted to the SOTMP.

CDOC prisoners were previously informed of their specific position on the GRL at some point in the past, but Defendants formally rescinded this practice after indeterminately sentenced prisoners discovered that their place on the list fluctuated, seemingly day-to-day.

Defendants use antiquated DOS software, called MPS, to administer the GRL. This software has been described in previous litigation as buggy and prone to error, and CDOC staff have previously admitted in an evidentiary hearing that they have had to check the software's generated lists for errors on a daily basis.

Upon information and belief, these policies and practices were developed and/or implemented by Defendants Retting and Stancil.

In the state of Colorado, the field of sex offense treatment is regulated by the Colorado Sex Offender Management Board (SOMB). The SOMB publishes guidelines regarding the treatment, incarceration and supervision of people convicted of a sex offense. Among these are the SOMB Adult Standards.

The 2025 SOMB Adult Standards state that sex offense treatment should be made available via a “continuity of care” while a parson is incarcerated. Defendant Retting is an SOMB licensed sex offense treatment provider.

In mid-2025, Plaintiff sent a notice of intent to sue to the Colorado Attorney General's Office, as required by the Colorado Government Immunity Act, in order to preserve common law tort claims against Defendants Retting and Stancil.

Plaintiff previously resided in Germany prior to being arrested and returned to the United States. He also resided in North Carolina prior to that. Mr. Hodge intends to leave the state again once he has discharged his sentence.

Claim One: Deprivation of Substantive and Procedural Due Process in Violation of the 14th Amendment

Claim one is asserted against Defendants Amanda Retting and Moses Stancil in their official and individual capacities.

In the prison context, due process claims are limited by precedent, and prisoners may only raise a due process claim in the event of a deprivation which causes “atypical and significant hardship” in relation to the ordinary incidents of prison life. *Sandin v. Conner*, 515 US 472, 484 (1995).

Multiple plaintiffs' claims concerning deprivation of access to, or arbitrary removal from, SOTMP treatment have survived motions to dismiss and motions for summary judgment under the *Sandin* standard in this District. *See, e.g., Beebe v. Heil*, 333 F. Supp. 2D 1011 (D. Colo. 2004); *Lerner v. Stancil*, No. 22-cv-00888-NYW-NRN, 2023 U.S. Dist. LEXIS 90078, 2023 WL 3595998 (D. Colo. May 23, 2023) ("Colorado law vests SOLSA inmates with a liberty interest in the opportunity to access sex-offender treatment."); *Tillery v. Raemisch*, No. 16-cv-00282-WJM-STV, 2018 U.S. Dist. LEXIS 170894, 2018 WL 4777411 at *1 (D. Colo. Oct. 3, 2018) ("Plaintiff has a liberty interest in not having his indeterminate sentence become a *de facto* life sentence because he cannot begin [SOTMP].").

In this context, two sets of circumstances have been held sufficient to state a due process claim:

- (1) Where plaintiffs have plausibly alleged that they were transferred to facilities which did not offer the program; that they did not have a means to challenge the decision; and that the CDOC performed these actions as a matter of policy.
- (2) Where plaintiffs have plausibly alleged that the CDOC administered the GRL wait list to get into the SOTMP in an arbitrary and capricious way, such that plaintiffs may never reach the top of the list.

Plaintiff raises due process claims related to both circumstances in this complaint.

First, Plaintiff has been transferred to a private prison which does not offer the SOTMP program. Plaintiff was affirmatively informed via the CDOC grievance procedure that such a decision was not grievable as a matter of policy. Plaintiff does not have any other means by which to challenge his transfer to this facility. Defendants have established this policy or practice of transferring indeterminately-sentenced prisoners to facilities which do not offer requisite treatment, despite repeated decisions by this Court signaling that this practice unlawfully deprives indeterminately-sentenced prisoners of due process.

For these reasons, Plaintiff raises procedural and substantive due process claims related to his arbitrary transfer and deprivation of a means to challenge the decision.

Secondly, Defendants continue to utilize outdated software to maintain the GRL which has been known to generate the wait list in an arbitrary and capricious manner. Defendants have previously litigated the issue, and were placed on notice that arbitrary administration of the GRL would unlawfully deprive indeterminately-sentenced prisoners of due process. This is because such arbitrary administration of the wait list has the real potential to convert an indeterminate prison sentence into “a *de facto* life sentence” which would stretch far beyond the intention of the legislature. *Tillery*, 2018 WL 4777411 at *1. For these reasons, Plaintiff raises procedural and substantive due process claims related to Defendants' arbitrary and capricious administration of the GRL wait list, such that Plaintiff may never reach the top of the list and get into treatment.

Claim Two: Malpractice

Claim two is asserted against Defendant Retting in her individual capacity.

Malpractice is a state tort claim which this Court has jurisdiction to hear pursuant to its supplemental jurisdiction. 28 U.S.C. § 1367. Additionally, this Court must hear claims raised under its diversity jurisdiction. 28 U.S.C. § 1332.

Diversity jurisdiction is applicable when the Plaintiff and Defendant are residents of different states. 28 U.S.C. § 1332(a)(1). In the 10th Circuit, prisoners are considered to be residents of other states if they were arrested in another state, or have expressed intent to leave the state in which they are incarcerated upon terminating their sentences. *Smith v. Cummings*, 445 F.3d 1254, 1260 (10th Cir. 2006).

Plaintiff previously resided outside of Colorado prior to being arrested, and intends to leave the state again upon discharge of his sentence. For this reason, this Court has diversity jurisdiction to hear Plaintiff's state tort claim.

In Colorado, “the plaintiff must show a legal duty of care on the defendant's part, breach of that duty, injury to the plaintiff, and that the defendant's breach caused the plaintiff's injury” in order to state a claim of medical malpractice. *Day v. Johnson*, 255 P.3d 1064, 1068-69 (Colo. 2011). Additionally, tort claims against state officials filed by sentenced and incarcerated state prisoners must allege conduct

which is “willful and wanton” in accordance with state law. *Davis v. Paolino*, 21 P.3d 870 (Colo. 2001).

Prison medical and psychological staff owe a duty of care to prisoners, and must provide “services at a level reasonably commensurate with modern medical science and of a quality acceptable within prudent professional standards”. *Fernandez v. U.S.*, 941 F.2d 1488, 1493 (11th Cir. 1991).

In the State of Colorado, the provision of sex offense therapy is regulated by the Colorado Sex Offender Management Board (SOMB). The SOMB sets standards of care which must be adhered to by licensed sex offense therapists. Colorado SOMB, *2025 Adult Standards* (2025).

Among other requirements, the SOMB adult standards state that sex offense treatment should be provided in the form of a “continuity of care” for the duration that a person is incarcerated. *Id.*

Provision of sex offense treatment during incarceration is also mandated by state law. Colo. Rev. Stat. § 18-1.3-1001 (“The general assembly therefore declares that a program under which sex offenders may receive treatment and supervision for the rest of their lives, if necessary, is necessary for the safety, health, and welfare of the state.”); *also see Lerner v. Stancil*, No. 22-cv-00888-NYW-NRN, 2023 U.S. Dist. LEXIS 90078 at *18 - *28 (D. Colo. May 23, 2023) (“One of [the indeterminate sentencing statute's] principal objectives, evinced throughout the statutory text, is ensuring sex-offender treatment for sex offenders.”); *Beebe v. Heil*, 333 F. Supp. 2D 1011, 1016 (D. Colo. 2004) (“While the statute does vest some degree of discretion in the Colorado Department of Corrections, that discretion is not as to whether a sex offender should receive treatment; rather, it is as to what kind of treatment is 'appropriate' for the offender.”).

Defendant Retting, an SOMB-licensed sex offense treatment provider, and director of the CDOC Sex Offender Treatment and Monitoring Program, has willfully and wantonly refused to reasonably act to provide Plaintiff with this treatment for the duration of his incarceration. As a result, Plaintiff has been deprived of the means by which he may address his underlying mental health problems and, by extension, obtain release from incarceration.

For these reasons, Defendant Retting (1) has a legal duty of care which has been (2) breached; this has caused (3) injury to Plaintiff, and Defendant's breach (4) caused Plaintiff's injury. Plaintiff therefore asserts a claim of malpractice against Defendant Retting.

Claim Three: Negligence

Claim three is asserted against Defendants Stancil and Retting in their individual capacities.

Negligence is a state tort claim which this Court has jurisdiction to hear pursuant to its supplemental jurisdiction. 28 U.S.C. § 1367. Additionally, this Court must hear claims raised under its diversity jurisdiction. 28 U.S.C. § 1332.

Diversity jurisdiction is applicable when the Plaintiff and Defendant are residents of different states. 28 U.S.C. § 1332(a)(1). In the 10th Circuit, prisoners are considered to be residents of other states if they were arrested in another state, or have expressed intent to leave the state in which they are incarcerated upon terminating their sentences. *Smith v. Cummings*, 445 F.3d 1254, 1260 (10th Cir. 2006). Plaintiff previously resided outside of Colorado prior to being arrested, and intends to leave the state again upon discharge of his sentence. For this reason, this Court has diversity jurisdiction to hear Plaintiff's state tort claim.

In Colorado, “a plaintiff must show a legal duty of care on the defendant's part, breach of that duty, injury to the plaintiff, and causation, *i.e.*, that the defendant's breach caused the plaintiff's injury” in order to state a claim of negligence. *Greenberg v. Perkins*, 845 P.2d 530, 533 (Colo. 1993).

Additionally, tort claims against state officials filed by sentenced and incarcerated state prisoners must allege conduct which is “willful and wanton” in accordance with state law. *Davis v. Paolino*, 21 P.3d 870 (Colo. 2001).

Prison administrators are responsible for the provision of medical and psychological care, owe a duty of care to prisoners, and must ensure the provision of “services at a level reasonably commensurate with modern medical science and of a quality acceptable within prudent professional standards”. *Fernandez v. U.S.*, 941 F.2d 1488, 1493 (11th Cir. 1991).

In the State of Colorado, the provision of sex offense therapy is regulated by the Colorado Sex Offender Management Board (SOMB). The SOMB sets standards of care which must be adhered to, both during and after a person's incarceration. Colorado SOMB, *2025 Adult Standards* (2025).

Among other requirements, the SOMB adult standards state that sex offense treatment should be provided for the duration that a person is incarcerated. *Id.*

Provision of sex offense treatment during incarceration is also mandated by state law. Colo. Rev. Stat. § 18-1.3-1001 (“The general assembly therefore declares that a program under which sex offenders may receive treatment and supervision for the rest of their lives, if necessary, is necessary for the safety, health, and welfare of the state.”); *also see Lerner v. Stancil*, No. 22-cv-00888-NYW-NRN, 2023 U.S. Dist. LEXIS 90078 at *18 - *28 (D. Colo. May 23, 2023) (“One of [the indeterminate sentencing statute's] principal objectives, evinced throughout the statutory text, is ensuring sex-offender treatment for sex offenders.”); *Beebe v. Heil*, 333 F. Supp. 2D 1011, 1016 (D. Colo. 2004) (“While the statute does vest some degree of discretion in the Colorado Department of Corrections, that discretion is not as to whether a sex offender should receive treatment; rather, it is as to what kind of treatment is ‘appropriate’ for the offender.”).

Defendants, Moses Stancil (Executive Director of the Colorado Department of Corrections), and Amanda Retting (an SOMB-licensed sex offense treatment provider and Director of the CDOC Sex Offender Treatment and Monitoring Program) have willfully and wantonly refused to reasonably act to provide Plaintiff with this treatment for the duration of his incarceration. Defendants have had almost a decade's notice via prior litigation that the problems alleged in this complaint have stood as an obstacle to the provision of statutorily-mandated sex offense treatment to the prisoners in their care. In spite of this, Defendants have not taken even the most basic steps to ensure the orderly provision of care to those deemed as needing said care by the CDOC's own clinical staff. As a result, Plaintiff has been

deprived of the means by which he may address his underlying mental health problems and, by extension, obtain release from incarceration.

For these reasons, Defendants (1) have a legal duty of care which has been (2) breached; this has caused (3) injury to Plaintiff, and Defendants' breach (4) caused Plaintiff's injury. Plaintiff therefore asserts a claim of negligence against Defendants Retting and Stancil.

G. Request for Relief

Claim One

As to claim one, Plaintiff respectfully requests that this Honorable Court award the following relief:

- (1) Nominal damages in the amount of \$1.00 (USD) from each named defendant.
- (2) Punitive damages in the amount of \$500,000.00 (USD) from each named defendant.
- (3) Injunctive relief in the form of an order requiring Defendants to immediately admit Plaintiffs to the SOTMP and to provide sex offense treatment to Plaintiffs so that they may become eligible for parole.
- (4) Declaratory relief finding that Defendants have violated Plaintiff's right to due process by:
 - (A) Transferring Plaintiff to a prison which does not offer sex offense treatment required for him to be released from prison;
 - (B) Not informing Plaintiff of this lack of treatment availability beforehand;
 - (C) Not offering Plaintiff a means to challenge this decision which could meaningfully result in a transfer to another facility which does offer sex offense treatment; and
 - (D) Maintaining the Global Referral List (GRL) to get into treatment in an arbitrary and capricious way, such that Plaintiff will likely never reach the top of the list and be admitted to treatment.

Claim Two

As to claim two, Plaintiff respectfully requests that this Honorable Court award the following relief:

- (1) Compensatory damages in the amount of \$150,000.00 (USD) from Defendant, not to exceed a total of \$150,000.00 in compensatory damages awarded in totality for all state tort claims presented in this case.
- (2) Injunctive relief in the form of an order requiring Defendant to admit Plaintiffs to the SOTMP and to provide sex offense treatment to Plaintiffs.
- (3) Declaratory relief finding that Defendant has committed malpractice by failing to adequately staff and resource the SOTMP, and failing to administer the GRL waiting list in a way which could meaningfully result in the provision of SOTMP treatment to Plaintiff, thus depriving Plaintiff of meaningful access to mental health treatment.

Claim Three

As to claim three, Plaintiff respectfully requests that this Honorable Court award the following relief:

- (1) Compensatory damages in the amount of \$150,000.00 (USD) from Defendants, not to exceed a total of \$150,000.00 in compensatory damages awarded in totality for all state tort claims presented in this case.
- (2) Injunctive relief in the form of an order requiring Defendants to admit Plaintiff to the SOTMP and to provide sex offense treatment to Plaintiffs.
- (3) Declaratory relief finding that Defendants have committed negligence by failing to adequately staff and resource the SOTMP, arbitrarily transferring Plaintiff to a facility which does not even offer SOTMP treatment, and failing to administer the GRL waiting list in a way which could meaningfully result in the provision of SOTMP treatment to Plaintiff, thus depriving Plaintiff of meaningful access to mental health treatment.

To comply with the requirements of the Eleventh Amendment of the U.S. Constitution, for Claim One, all injunctive and declaratory relief is requested against Defendants in their official capacities, and all monetary damages are requested against Defendants in their individual capacities.