

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

APR 18 2024

JEFFREY P. COLWELL  
CLERK

Civil Action No. 23-cv-02555-SBP  
(To be supplied by the court)

Terance DeJuan Wilson, Plaintiff

v.

Jury Trial requested:  
(please check one)  
 Yes  No

Colorado Dept. Of Corrections,

Dean Williams, Exec. Director,

Mental Health, Unknown Supervised,

Long, S.C.F. Warden, 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.)

"See attached"

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.**

Civil Action No: 23-CV-02555-SBP

Terance DeJuan Wilson, Plaintiff

v.

Colorado Department of Corrections,  
Dean Williams, exec. Director,  
Mental Health Unknown name Supervisor,  
Long, SCF, Warden,  
Wallace, SCF Captain,  
Markham, SCF Sgt.,  
Weaver, SCF Sgt.,  
Quintin, SCF, Sgt.,  
Reed, SCF, Sgt.,  
Norris, SCF, C.O., Defendant(s)

**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.

Terance D. Wilson # 117681 P.O. box 600 Cañon 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
- 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: Colorado Department of Corrections  
(Name, job title, and complete mailing address)

O.D.C. P.O. box 600 Cañon City, Co 81215

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:

The CDOC is acting as the whole body which serves to detain the plaintiff while he is incarcerated.

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

Defendant 2: Dean Williams, Executive Director of CDOC  
(Name, job title, and complete mailing address)

Po box 600 Canon City, Co 81215

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:

He is employed by the CDOC

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

Defendant 3: Mental Health, Unknown Supervisor of CDOC M.H.  
(Name, job title, and complete mailing address)

Po box 600 Canon City, Co 81215

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:

They were employed by CDOC.

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

**C. JURISDICTION**

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

State/Local Official (42 U.S.C. § 1983)

Federal Official

As to the federal official, are you seeking:

Money damages pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971)

Declaratory/Injunctive relief pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1361, or 28 U.S.C. § 2201

Other: (please identify) \_\_\_\_\_

Defendant 4:

Long, S/C, Warden, P.O. box 600 Canon City, Co 81215  
The defendant was acting under Color of State or Federal law as an employee of the C.D.O.C. Defendant 4 is being Sued in his ~~state~~ individual Capacity.

Defendant 5: Wallace S/C, Captain, P.O. box 600 Canon City, Co 81215  
This defendant was acting under Color of State or Federal law as an employee of the C.D.O.C. Defendant 5 is being Sued in their individual Capacity.

Defendant 6: Markham S/C Sgt., P.O. box 600 Canon City, Co 81215  
This defendant was acting under Color of State or Federal law as an employee of the C.D.O.C. Defendant 6 is being Sued in their individual Capacity.

Defendant 7: Weaver S/C, Sgt. P.O. box 600 Canon City, Co 81215. This defendant was acting under Color of State or Federal law as an employee of the C.D.O.C. Defendant 7 is being Sued in their individual Capacity.

Defendant 8: Quintin, S/C Lt. P.O. box 600 Canon City, Co 81215. This defendant was acting under Color of State or Federal law as an employee of the C.D.O.C. Defendant #8 is being Sued in their individual Capacity.

Defendant 9: Reed, S/C Sgt. P.O. box 600 Canon City, Co 81215. This defendant was acting under Color of State or Federal law as an employee of the C.D.O.C. Defendant #9 is being Sued in their individual Capacity.

Defendant #10: Norris, S/C Co., P.O. box 600 Canon City, Co 81215. This defendant was acting under Color of State or Federal law as an employee of the C.D.O.C. Defendant #10 is being Sued in their individual Capacity.

**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: Deliberate indifference / Failure to Protect:

Claim one is asserted against these Defendant(s):

Supporting facts:

Law Context:

A prison official acts with "deliberate indifference" as an element of a Conditions-of-Confinement Civil rights Claim under the 8th Amendment, when he knows of and disregards an excessive risk to inmate health or safety; the official must both be aware of facts from which the inference could be drawn that a substantial risk of serious harm exists, and he must also draw the inference. *Redmond v. Crowther*, 882 F.3d 927, 936 (10th Cir. 2018)

Defendant Supervisors Long, Wallace, Reed: See, *Schweiker v. Gordon*, 442 F.Supp. 1134 "If a police Commissioner knew that his policemen were engaged in conditions continuous practice of unconstitutional conduct and never the less refused to take any action to rectify the situation, he can be held personally accountable for his intentional failure to prevent civil rights violations by the policeman."

*Patzner v. Burkett*, 779 F.2d 1363, 1367 (CA8 1985) "A municipality may be held liable if it had notice of prior misbehavior by its officers and failed to take remedial steps amounting to deliberate indifference to the offensive acts."

*Spriggs v. Chicago*, 523 F. Supp. 138 "Municipalities are equally liable for de facto policies or customs that engender constitutional deprivations. Senior officials must have formally adopted and/or promulgated a policy before their conduct may be treated as 'official'."

*Monroe v. Pape*, 365 U.S. 167, 5 LEd 2d 492, 81 Sct 473, "The defendants acted willfully, wantonly, knowingly and purposefully with specific intent to deprive plaintiff of rights to freedom from physical injury, abuse, coercion and intimidation."

*Arans v. Chicago*, 535 F. Supp. 455: "A claim under 42 U.S.C. § 1983 must allege a particular policy or practice which violates the Constitution and was a proximate cause of the injury sustained in the given case, but it need not allege the particular events which when taken together evidence that policy or practice. The particulars of discovery will await motions for summary judgment and trial."

Farmer V. Brennan, 511 U.S. 825 (1994) legal standard, "incarcerated under conditions posing a substantial risk of serious harm" and that "the official knows of and disregards an excessive risk to inmate health or safety." Then a viable 8th Amend. Claim is stated: "A trusty system, which utilizes unscreened inmates violates state law, and which allows inmates to exercise unchecked authority over other inmates constitutes cruel and unusual punishment in violation of the 8th Amendment"; The Superintendent shall be vested with the exclusive management and control of the prison system and all properties belonging thereto."

### Claim:

On or about April 12, 2000 Plaintiff Wilson was viciously assaulted while he was chained to a metal table in the center of the dayhall by an inmate using handcuffs, chains and a steel lock. The plaintiff suffered severe head trauma, contusions and abrasions, cuts to neck and head, a concussion, whiplash and resulting arthritis in cervical area of neck which is permanently damaged with nerves. Plaintiff has been diagnosed with CTE, PTSD, TBI, Vertigo as a result. Also serious physical, cognitive, emotional, psychological injuries.

The assault was caused by the intentional conduct of defendants Reed, Norris, Long, Weaver, Quinlin, Wallace and Markham.

Long, Weaver, Quinlin, Wallace, Markham, Reed, Norris' implementing and carrying out a few policies the defendants knew or reasonably should have known that the actions they took within the sphere of official responsibility would violate the constitutional rights of the affette, and 2) they took the action with the malicious intention to cause a deprivation of constitutional rights or other injury to plaintiff.

One week or two prior to the violent assault by a known enemy, the defendants had refused to allow plaintiff to sit with two unaffiliated white inmates citing racial segregation policies for his protection. This came from defendants Long, Wallace, Reed, Quinlin, Norris and Weaver directly. Though these defendants knew that these inmates meant no harm to plaintiff. Defendants failed to protect me, instituted a policy that caused the attack, spread rumors and relayed confidential information from inmates' files to other inmates in violation of CDCR policy. In Wilson case that Wilson was incarcerated for the killing of Sureno's in a fist-fight. Also the defendants spread a rumor that the plaintiff was a "snitch". Plaintiff was already being targeted by white-supremacists and Sureno's for 10 years. Defendants meant to exacerbate the "beef."

SCF administration has a widespread practice of ignoring misconduct and enforcing a code of silence, as well as orchestrating inmate assaults during recreation, table-times. The defendants relied on the "Sureno's" the predominate gang and plaintiff's "targeters" to run the facility and distribute the phones, and decide who goes to table and school. Indeed it is so widespread and pervasive that official tolerance and encouragement at the highest levels of prison management is the only explanation. Inmates were "running the assylum" and if you grieved or complained you were subjected to retaliations. There was very little if any oversight.

See, Tucker V. Randall, 948 F.2d at 391 "unreasonable restrictions" to inmate access to a telephone may also violate the 14th Amendment. The 14th Amendment violates due-process deprivation of liberty and protects against deprivations accomplished without due-process. A public official is liable under 42 U.S.C. § 1983 if he causes the plaintiff to be subjected to deprivations of his const. rights, privileges, or immunities secured by the Const. Amend. 8. It is assumed that brutal police conduct violates a right guaranteed by the due-process clause of U.S. Const. Amend XIV, See Johnson V. Glick 481 F.2d 1028.

Indeed the defendants malicious intent was to cause a deprivation injury to plaintiff in retaliation for a lawsuit that the plaintiff had ongoing with Quinlin, Markham, Long, Wallace and Weaver Supervisors at SCF, each of whom were doing grand calling me a "snitch", except for Long. The defendants all knew about plaintiff's lawsuits and

Grievances and secondarily attempted to deny plaintiff's legal phone calls evincing a pattern of retribution and harassment. Despite dozens of pleas for help and letters, complaints to Long and Wallace, Warden, and Captain of SPC MCC. These defendants acted with deliberate indifference to all consequences of a policy that caused plaintiff's harm.

Each defendant's failure to implement policy to protect vulnerable inmates from attacks during tables, recreational school; failure to implement policy to protect vulnerable inmates right to use the telephone and attend school with equal protection amounted to failure to protect/deliberate indifference. Liability under 42 U.S.C. § 1986 is dependent on proof of actual knowledge by a defendant of the wrongful conduct of his subordinates. The plaintiff and dozens of other inmates also notified the O.I.G. for years. The defendants were each aware of a high rate of prisoner-on-prisoner violence that was serious and systematic, and due to the defective policies that violated law/constitution and COCC policy. The defendants inadequately supervised with inappropriate & unsafe housing designations, and created an environment rife with violence, extortion, drugs and weapons. Where there's a culture of deprivation and a lack of motive to do well, constituting a clear and probable danger to institutional security.

Plaintiff's assault was caused by these prison conditions. Plaintiff was being called a "rat" and denied usage of the phone, treated hostile when he asked for it. The plaintiff possesses a liberty interest in phone usage, table time, and classes.

On or about April 12, 2022 Sgt. Reed and C.O. Norris, whom along with Weaver, Quinlin, and Markham were aware that specific inmates were threatening to assault the plaintiff and asking for their assistance as each of these defendants continued to spread the rumors and promulgate the assault. Defendants Reed and Norris set the plaintiff up, violated C.O.C. Policy:

First they suddenly forced plaintiff, if he wanted to stay out at table time he had to sit with (2) white supremacists, against policy. They told plaintiff he would be able to sit at a table alone, and that the inmate who intended to harm him was not coming out.

Secondly, the defendants violated policy by ducking-back after skipping the cell of the inmate who intended to injure plaintiff, and letting him out and leading him right to the table where Wilson sat. Though plaintiff was asking to sit alone, and again informed them that he couldn't sit with the inmate. Reed and Norris let the inmate loose and he struck inmate Wilson with the steel weapons several times. Afterward C.O. Norris stated "that's what you get." Then plaintiff lost consciousness.

### Second Claim:

42 U.S.C. § 1983 - Retaliation for Protected First Amendment Activity.

Against: Wallace, Norris, Reed, Quinlin, Markham, Weaver, Long.

18 USC § 241 made criminally a conspiracy to injure, oppress, threaten or intimidate any citizen in free exercise or enjoyment of any right, privilege secured to him by the Const." U.S. v. Williams, 341 U.S. 70, ex parte Yarbrough 110 U.S. 651

It is clear that a civil rights action lies for wrongful confiscation or loss by prison officials of an inmates' property. See, Watson v. Stynchcombe, S. Cir., 1974, 504 F.2d 393.

Respondent Superior: It should have known that its agents had violent propensities which would make it responsible for the beating under the 'natural consequences' test of Monroe v. Pape 365 U.S. 167, 81 S.Ct. 473, 5 L.Ed 2d 492 (1961)

Vance v. Peters 97 F.3d 987 (7th Cir. 1997), as well as prison records that refer to the problem. Prison officials cannot ignore a problem once it is brought to their attention.

Trulock v. Freech, 275 F.3d 391: "A first Amendment retaliation claim, a plaintiff must prove (I) that his speech was protected, (II) that the defendants alleged retaliatory action adversely affected his Constitutionally protected speech, and (III), that a causal relationship existed between his speech and the defendants retaliatory actions.

All of the claims herein were chronicled and reported to the O.I.G. via inner-facility 1800-DOC-TIPS hotline which records each incident and refers it to Supervisors so they cannot claim they do not know. There is video evidence and a paper trail to substantiate each claim. Administration failed to take charge of the Jail, entrusted it to the inmates Supervision, knew that there was a general climate of prisoner-on-prisoner violence and failed to take steps to remedy it.

After the April assault, from April to August these defendants began a Campaign of retaliatory harassment to deter plaintiff's first amendment, and to destroy evidences grievances and plaintiff's legal work. On several occasions defendants Long and Wallace signed off to have Wilson violently assaulted while in his cell for filing grievances during this time Markham, Weaver, Quinlin, Reed, Norris each first threatened plaintiff for continuing to file grievances and complaining and attempted to deter him from using his legal remedies by various assaults:

The defendants already knew plaintiff was being targeted, Quinlin, Reed, Weaver, Norris, Wallace subjected the plaintiff to violent attacks, as well did defendant Markham. On two instances Reed and Norris chained plaintiff to the wall outside in the center of the pod and allowed inmates to throw objects and they assaulted the plaintiff. Then Markham, Quinlin, Long, Wallace, Norris, Reed, Weaver took actions to cover up the assaults. The exact dates and times were reported to the DOC TIPS hotline, and mental health Supervisors, because Administration without due-process subjected plaintiff to property damage, theft, loss and wouldnt even allow plaintiff to use a pen or file grievance, without assaulting him.

The prohibition against retaliatory punishment is clearly established law. in the 9th Circuit for qualified immunity purposes. The infliction of harms other than a total chilling effect can establish liability for such conduct. Rhodes v. Robinson, 408 F.3d 559 (11th Cir.)

In July or August 2022 Defendants Markham, Wallace, Quinlin, Weaver, Reed, Norris each threatened plaintiff, and promised to leave him alone if he dropped suits. when the plaintiff did not Wallace had Quinlin, Reed, Norris, Weaver, Markham take all of the plaintiff's property for no reason, then claim it was lost. During the theft plaintiff lost invaluable (2) novel manuscripts, all of his legal work and legal box, (5) books, All of his food/hygiene commissary, grievances, family photos, everything. They threw it away then laughed in plaintiff's face, then refused to re-compensate plaintiff when they had the opportunity and Administration became aware of the theft. Despite the fact that the theft was done on video, and the complaint and investigations. The defendants failed to take remedial actions or steps. The loss of property totaled over \$300.00

Each defendant named under this claim for relief committed acts described in this complaint that were motivated by retaliation for protected activity by plaintiff as set forth in the general allegations. At this time in the litigation evidence of retaliation is only available as set forth in this complaint, against those defendants named in this second claim for relief. However, it is exceedingly clear

that plaintiff has been singled out for near constant harassment and physical abuse by each of the defendants named in the lawsuit as a whole, and each and every one of their acts as described in this Complaint was an act of retaliation against plaintiff for asserting his Constitutionally protected right to seek relief from the Courts, or the correlated and protected act of filing a grievance as part of the process of petitioning the Courts. Defendants' actions are abhorrent to rule of law, to the Const, to every Court operating under it, and to the universal laws of decency upon which our Constitution and our Country is founded. As further direct evidence of retaliation is found in Plaintiff's O.I.G., and PREA file, which is currently being denied to plaintiff by the D.O.C., Plaintiff will Amend this Complaint to hold each defendant accountable at law for illegal retaliations.

All of the plaintiff's damages are the direct and proximate result of Defendants actions.

**E. PREVIOUS LAWSUITS**

Have you ever filed a lawsuit, other than this lawsuit, in any federal or state court while you were incarcerated?  Yes \_\_\_ No (check one).

*If your answer is "Yes," complete this section of the form. If you have filed more than one previous lawsuit, use additional paper to provide the requested information for each previous lawsuit. Please indicate that additional paper is attached and label the additional pages regarding previous lawsuits as "E. PREVIOUS LAWSUITS."*

Name(s) of defendant(s):

Quintin Long Falk Johnson

Docket number and court:

Plachiff doesn't have his file

Claims raised:

Failure to protect - excessive force/brutality

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

dismissed

Reasons for dismissal, if dismissed:

grievance issues not filed correctly

Result on appeal, if appealed:

n/a

**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**

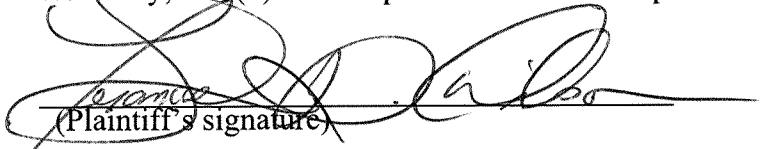
State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "G. REQUEST FOR RELIEF."

Issue an inductive order against defendants: CDOC, Dean Williams, mental health Supervisor (unknown) arrange for immediate a.G. "Professional Standards Investigation" to include polygraphs.  
Immediately arrange for plaintiff's needs for physical therapy, mental health evaluation, follow up mental health and medical treatments for providers with expertise in plaintiff's injuries as well as PTSD, Vertigo T.b.l.  
Expunge plaintiff's disciplinary convictions described as assaults, d.l.o, in order for plaintiff to proceed in this cause of action.  
Award Compensatory, Punitive, emotional & pain and suffering, psychological injuries against the defendants resulting from their years long Campaign of terror in the total amount of \$10,000,000.

**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)

4/10/24  
\_\_\_\_\_  
(Date)

Colorado Department Of Corrections

Name Terrance D. Wilson  
Register Number 117681  
Unit IH204  
Box Number 600  
City, State, Zip Canon City, Co 81201

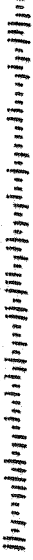
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*Clerk of the Court  
Alfred A. Arrad U.S. Courthouse  
901 17th. Street, Room A105  
Denver, Co 80294-3589*

80294-250151



DOC# 117681 OFFENDER LAST NAME Wilson  
FACILITY ME DATE RECD 4-14-24  
STATE LAST NAME Wilson ID# 179616  
NT NT