

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

FILED

2018 MAR 19 P 1:10

Grenda Ray Harmer )

\_\_\_\_\_ )

\_\_\_\_\_ )

(Enter above the NAME of the  
plaintiff in this action.) )

v. )

TONY PARKER, TDOC )

COMMISSIONER, et al. )

\_\_\_\_\_ )

(Enter above the NAME of each  
defendant in this action.) )

U.S. DISTRICT COURT  
EASTERN DIST. TENN.

DEPT. CLERK

3:18-cv-110  
Greer / Poplin

TRIAL BY JURY DEMANDED

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS  
(42 U.S.C. Section 1983)

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? YES (X) NO ( )

B. If your answer to A is YES, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to the previous lawsuit: (SEE AFFIDAVIT ATTACHED TO MOTION)  
Plaintiffs: GRENDA HARMER #88710

Defendants: STATE OF TENNESSEE

2. COURT: (If federal court, name the district; if state court, name the county):

KNOX COUNTY

3. DOCKET NUMBER: 74 *← don't remember, see affidavit attached to motion*

4. Name of Judge to whom case was assigned: BAUMGARTNER

5. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) Was appealed and lost because I couldn't show how evidence was critical to my defense.

6. Approximate date of filing lawsuit: See affidavit attached to motion

7. Approximate date of disposition: See affidavit attached to motion

II. PLACE OF PRESENT CONFINEMENT: Morgan County Correctional Complex

A. Is there a prisoner grievance procedure in this institution? YES (X) NO ( )

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? YES ( ) NO (X)

C. If your answer is YES,

1. What steps did you take? \_\_\_\_\_

2. What was the result? \_\_\_\_\_

D. If your answer to B is NO, explain why not. Post-Correction Relief

E. If there is no prison grievance procedure in the institution, did you complain to the prison authorities? YES ( ) NO ( ) N/A

F. If your answer is YES,

1. What steps did you take? N/A

2. What was the result? Dismissed because I couldn't show  
new evidence was critical to my defense.

III. PARTIES

(In item A below, please print your name in the first blank and place your present address in the second blank. Do the same for any additional plaintiffs.)

A. Name of plaintiff: GRENDA HARMER #88710  
Present address: \_\_\_\_\_  
Permanent home address: NONE  
Address of nearest relative: ~~XXXXXXXXXX~~ DON'T HAVE A CLUE. THEY DIED OR MOVED.

(In item B below, place the FULL NAME of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the additional names, positions, and places of employment of any additional defendants.)

B. Defendant: TONY PARKER (sued in his official and personal capacities)  
Official position: TDOC COMMISSIONER  
Place of employment: TDOC RACHEL JACKSON BLDG., 6th FLOOR  
320 6th AVENUE NORTH  
NASHVILLE, TN. 37243-0465  
C. Additional defendants: CENTURION, INC,  
53 CENTURY BLVD., SUITE 150  
NASHVILLE, TN. ~~37243~~ 37367  
see additional sheet  
(Sued in individual capacity only)

IV. STATEMENT OF CLAIM

(State here as briefly as possible the FACTS of your case. Describe how EACH defendant is involved. Include also the names of other persons involved, dates and places. DO NOT give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.)

6 March 2016 TCIX employee told Plaintiff prison officials  
were trying to transfer him explaining no receiving facility was

- D. SHAWN PHILLIPS, WARDEN  
MORGAN COUNTY CORRECTIONAL COMPLEX  
541 WAYNE "COTTON" MORGAN DRIVE  
WARTBURG, TENNESSEE 37887 and is  
sued in his individual capacity.
- E. RICHARD GARNER, SGT. INTERNAL AFFAIRS  
MORGAN COUNTY CORRECTIONAL COMPLEX  
541 WAYNE "COTTON" MORGAN DRIVE  
WARTBURG, TN, 37887 and is sued  
in his individual capacity.
- F. BRANDON FOSTER, UNIT MANAGER  
MORGAN COUNTY CORRECTIONAL COMPLEX  
541 WAYNE "COTTON" MORGAN DRIVE  
WARTBURG, TN, 37887 and is sued in  
his individual capacity.
- G. RONALD FARMER, SGT.  
MORGAN COUNTY CORRECTIONAL COMPLEX  
541 WAYNE "COTTON" MORGAN DRIVE  
WARTBURG, TN, 37887 and is sued in  
his individual capacity.
- H. ANTHONY COLLINS, SGT.  
MORGAN COUNTY CORRECTIONAL COMPLEX  
541 WAYNE "COTTON" MORGAN DRIVE  
WARTBURG, TN, 37887 and is sued  
in his individual capacity.
- I. RONALD HIGGS, M.D.  
MORGAN COUNTY CORRECTIONAL COMPLEX  
541 WAYNE "COTTON" MORGAN DRIVE  
WARTBURG, TN, 37887 and is sued in  
his individual capacity.
- J. EDMUND LANE, M.D.  
MORGAN COUNTY CORRECTIONAL COMPLEX  
541 WAYNE "COTTON" MORGAN DRIVE  
WARTBURG, TN, 37887 and is sued  
in his individual capacity.
- K. MICHELLE MULRAY, NURSE  
MORGAN COUNTY CORRECTIONAL COMPLEX  
541 WAYNE "COTTON" MORGAN DRIVE  
WARTBURG, TN, 37887 and is sued in  
her individual capacity.
- L. ANTHONY HILL, CORPORAL  
MORGAN COUNTY CORRECTIONAL COMPLEX  
541 WAYNE "COTTON" MORGAN DRIVE  
WARTBURG, TN, 37887 and is sued  
in his individual capacity.
- M. ERICK THOMPSON, CORRECTIONAL OFFICER  
MORGAN COUNTY CORRECTIONAL COMPLEX  
541 WAYNE "COTTON" MORGAN DRIVE  
WARTBURG, TN, 37887 and is  
sued in his individual capacity.
- N. JUSTIN MOORE, SGT.  
MORGAN COUNTY CORRECTIONAL COMPLEX  
541 WAYNE "COTTON" MORGAN DRIVE  
WARTBURG, TN, 37887 and is  
sued in his individual capacity.
- O. MR. GILLWEATHER (A.K.A. "GILLEY") CORRECTIONAL OFFICER  
MORGAN COUNTY CORRECTIONAL COMPLEX  
541 WAYNE "COTTON" MORGAN DRIVE  
WARTBURG, TN, 37887 and is sued in  
his individual capacity.
- P. J. YORK, CORPORAL  
MORGAN COUNTY CORRECTIONAL COMPLEX  
541 WAYNE "COTTON" MORGAN DRIVE  
WARTBURG, TN, 37887 and is sued  
in his individual capacity.
- Q. M. MONKHOUSE, CORPORAL  
MORGAN COUNTY CORRECTIONAL COMPLEX  
541 WAYNE "COTTON" MORGAN DRIVE  
WARTBURG, TN, 37887 and is sued  
in his individual capacity.
- R. STEVE KENNEDY, CORRECTIONAL OFFICER  
MORGAN COUNTY CORRECTIONAL COMPLEX  
541 WAYNE "COTTON" MORGAN DRIVE  
WARTBURG, TN, 37887 and is sued  
in his individual capacity.
- S. JOHN DOE #1, CORRECTIONAL OFFICER
- T. JOHN DOE #2, CORRECTIONAL OFFICER
- U. JOHN DOE #3, CORPORAL
- V. JOHN DOE #4, EITHER AN OFFICER  
OR CORPORAL  
MORGAN COUNTY CORRECTIONAL COMPLEX  
541 WAYNE "COTTON" MORGAN DRIVE  
WARTBURG, TN, 37887 are each  
sued in their individual capacities.

① listed and his name was removed that morning from the transfer list. Plaintiff asked his counselor who admitted his name was unsuccessfully sent to every facility ② because he filed grievances and wrote letters complaining. ③

2. July 21, 2016 defendant Tony Parker, TDOC Commissioner, transferred Plaintiff to Trossdale Turner Correctional Center ("TTCC") ④ for opposing TDOC and TCIX prison officials / staff wrongdoing. ⑤

3. March 31, 2017 Plaintiff wrote a letter accusing TDOC prison officials of encouraging / permitting TTCC prison officials to fraudulently create inmate jobs that did not exist and paying inmates for work never performed in order to pass TDOC 2017 audit so TDOC prison officials could continue using TTCC bed space. ⑥

4. April 3, 2017 Plaintiff was segregated because of his March 31, 2017 letter accusing TDOC and TTCC prison officials of fraud.

5. April 4, 2017 Internal Affairs Brian Mendenhall asked Plaintiff about his relationship with Editor Sharon Rondeau of "The Post & Email." Plaintiff stated he uncovered wrongdoing and sent Ms. Rondeau copies who wrote articles exposing it.

① This is highly unusual since all transfers requires a destination be listed.  
② TDOC Policy #403.01 requires both sending/receiving Wardens agree on transfer with limited exceptions. If receiving Warden refuses to permanently accept an offender sending Warden must submit request to Commissioner's Office for approval. If approved Commissioner's Office designates the facility the affected offender go to as in Plaintiff's case.

③ Plaintiff accused TDOC and TCIX prison officials and staff of wrongdoing.

④ Is owned and operated illegally by CoreLogic.

⑤ Defendant Parker knew TTCC was not prepared to receive offenders.

⑥ Plaintiff attacked his TTCC generated payroll deposit as proof of the fraud.

6. April 5, 2017 defendant Barker transferred Plaintiff to South Central Correctional Facility <sup>⑦</sup> ("SCCF") for exposing TDOC and TTEC prison officials/staff wrongdoing in his March 31, 2017 letter.

7. May 10 and 17, 2017 Plaintiff wrote numerous letters exposing TDOC and SCCF prison officials/staff wrongdoing.

8. May 19, 2017 TDOC and SCCF prison officials corrected the wrongdoing Plaintiff exposed in his May 17, 2017 letter.

9. May 24, 2017 Plaintiff wrote Health Commissioner John Drayzhenen requesting the claims in his May 17, 2017 letters be investigated.

10. June 2, 2017 defendant Barker transferred Plaintiff to Morgan County Correctional Complex ("MCCX") for exposing TDOC and SCCF prison officials/staff wrongdoing.

11. Upon arriving at MCCX Intake <sup>⑧</sup> defendant Anthony Hill told Sgt. Ruppert to take Plaintiff's personal boots purchased from Union Supply. <sup>⑨</sup> When defendant called Plaintiff to sign a document stating he received all his property he went in the opposite direction where he seen inmates going through his property. Defendant again called Plaintiff and he complied.

12. Defendant Hill asked Plaintiff to sign a document stating he received all his property. Plaintiff told defendant that he wanted to check his property before signing anything to ensure nothing was missing. Defendant said "that's not the Morgan County way." Plaintiff stated before signing anything he must

⑦ Coreivic owned/operated.

⑧ "Intake" is where offenders are processed in and out of a facility.

⑨ Plaintiff had papers showing proof of purchase.

he must check his property first because he seen inmates going through it violating TDOC policy. Defendant became angry ordering Plaintiff back into room #3.

13. Defendant Will entered the room screaming at Plaintiff "you can kiss your TV goodbye and I'll throw all your property away!" Plaintiff yelled "that's what you do mother fucker!" Plaintiff requested his property but defendant denied his request. Plaintiff then requested a bedroll<sup>(9)</sup> and hygiene but defendant also denied in retaliation for his requesting to check his property before signing a document indicating he received it all.

14. As Plaintiff headed to Unit 22 defendant Ronald Farmer stopped him stating his confrontation with defendant Will and other MOCX staff would not be tolerated and asked him if he wanted things to go easy or hard. Plaintiff said "Whatever" and started leaving when defendant stated to a nearby guard "He's a problem. Take care of him." Plaintiff turned to defendant and stated "Yeah! If I get hurt your name will be the first name I mention!" and headed for Unit 22-C.

15. June 3, 2017 Plaintiff filed grievance #316534 and two other grievances on June 2nd incidents.

16. June 4, 2017 Plaintiff filed grievance #315788 and two other grievances.<sup>(10)</sup> One grievance was against defendant Farmer for threatening Plaintiff's safety on June 2nd.

17. June 5, 2017 Plaintiff went to breakfast when defendant Steve Kennedy forced him to stand in the rain. Plaintiff complained to defendant it violated TDOC

<sup>(9)</sup> Bedroll has 2 sheets, 1 pillowcase, 2 washcloths, 2 towels wrapped inside taped blanket.

<sup>(10)</sup> Grievances originally filed June 3rd and 4th were destroyed and for lost by defendant Monkhouse except grievances #315788 and #316534

policy forcing him to stand in the rain getting soaking wet and defendant replied "Go tell the Warden" forcing him to stand in the rain about 20 minutes before sending him to breakfast. After breakfast defendant forced Plaintiff to stand in the rain another 10 to 15 minutes before letting him enter Unit 22 soaking wet. <sup>(12)</sup>

18. Approximately 8:00 am defendant M. Monkhouse <sup>(13)</sup> received grievances # 315788 and # 316534 with four other grievances filed June 3rd and 4th and sent grievance # 315788 for a supervisor response.

19. At lunch defendant Kennedy took Plaintiff to "I" building where defendants Farmer, Anthony Collins, and Brandon Foster waited. Defendant Collins told Plaintiff that he knew better confronting defendant Kennedy over standing in the rain. Plaintiff told defendant Collins it violated DOC policy forcing him to standing in line during inclement weather getting soaking wet. Defendant Collins stated "You can file your grievance. You can file your lawsuit. You can write the Commissioner. I don't care! If you don't want to get wet, don't eat!" Defendants Kennedy and Foster confirmed defendant Collins statement.

20. As defendant Kennedy led Plaintiff out defendant Farmer said something to defendant Collins. Defendant Collins ordered Plaintiff back then scolded him over the June 2nd incident involving defendant Hill then told defendant Kennedy "Get him out of here before I send him to High Security where he don't want to be." Plaintiff filed a grievance that afternoon.

<sup>(12)</sup> Because Plaintiff was denied his property and a bedroll by defendant Hill, he had nothing to dry off with and no clothes to change into.

<sup>(13)</sup> Defendant Monkhouse refused to identify his first name.

21. At 4:50 pm defendants John Doe #1, John Doe #2, and John Doe #3<sup>(14)</sup> entered Plaintiff's cell and shook down his cell when he noticed defendant Doe #1 reading a rough draft of this lawsuit and complained. Defendant Doe #3 ordered Plaintiff to stand with his back against the wall by his cell door<sup>(15)</sup> but minutes later told him to step inside his cell. Defendant Doe #1 asked Plaintiff why he caused problems but he ignored the question and complained about defendant Doe #1 reading this lawsuit. Defendant Doe #1 tore up this lawsuit telling Plaintiff "You won't be needing this" while ordering him to cuff up because he was going to lockup. Plaintiff asked defendant Doe #1 why he was going to lockup and defendant said "For whatever I decide."

22. At High Security Area ("HSA") while Plaintiff was searched defendant John Doe #4 stated to him "You should check in". When Plaintiff laughed at defendant's comment, defendant threatened him stating "Be careful back there" causing him to fear for his safety. After taking Plaintiff's black leather belt, I.D. card, and state issued boots he was taken to Unit 25-D-108<sup>(16)</sup> where he started his hunger strike because he feared for his safety. Sometime between June 5th and 6th defendants Contreras, Ronald Wiggs, and Edmund Lane became aware of Plaintiff's hunger strike.

23. June 6, 2017 defendant Erick Thompson brought Plaintiff's disciplinary report and asked him to sign it, which he refused. When Plaintiff requested his

<sup>(14)</sup> All defendants designated "John Doe" refused to identify themselves.

<sup>(15)</sup> This was to prohibit Plaintiff from looking into his cell.

<sup>(16)</sup> Plaintiff began his hunger strike because he was afraid of being poisoned resulting from defendant Doe #4 threat that lasted 30 days.

copy of disciplinary report defendant denied him a copy.

24. Sometime that day defendant Foster knowingly and/or intentionally responded to grievance #315788 supporting subordinates violating Tier Management policies and post orders that later resulted in him being assaulted and injured by gang members. That evening Plaintiff received his first bedroll and hygiene kit since arriving at MCCX.

25. June 7, 2017 defendant Monkhouse received grievance #315788 and knowingly and/or intentionally delayed its resolution at Level I by one additional day violating federally approved grievance procedures to hinder the filing of this lawsuit.

26. That morning defendants Centurion, Higgs, and Lane sent a nurse asking Plaintiff about his hunger strike. Plaintiff stated "Bring me a pen so I can write a letter and I'll drink milk." (17) Nurse refused and left.

27. Later that morning defendant Justin Moore, D-Board Chairman, asked Plaintiff if he was ready for D-Board, which he said no and requested a continuance because: (i) never received a 24-hour notice, (ii) he never received a copy of his disciplinary report, (iii) wanted his case investigated by staff because he was not guilty, and (iv) was not feeling well. Defendant angrily stated Plaintiff would not be given a continuance and a hearing would be held regardless if he was ready or not. Plaintiff stated no sense in him going out since he was not ready. Defendant found Plaintiff guilty and he filed a grievance against defendant.

28. June 8, 2017 defendants Centurion, Lane, and Higgs sent another nurse  
(17) Plaintiff was being denied writing and legal supplies.

asking Plaintiff about his hunger strike and he stated "Bring me a pen so I can write a letter and I'll drink milk".<sup>(18)</sup> Nurse refused and left.

29. June 11, 2017 Plaintiff filed grievances against defendants Doe #1, Doe #2, Doe #3, Doe #4, and Thompson.

30. June 13, 2017, at evening medication, Plaintiff asked defendant Michelle Murray<sup>(19)</sup> to take a request slip to her supervisor outlining his hunger strike and what he would eat. Defendant knowingly and/or intentionally refused stating "You're in prison. You have no choice. You eat or die." Plaintiff replied "we all have choices." Defendant responded as she left "Okay, you eat or die. I don't care."

31. June 14, 2017, at morning medication, Plaintiff asked the nurse to take a request slip to her supervisor outlining his hunger strike and what he would eat, which she did. Defendants Centerson, Kane, and Riggs sent a third nurse asking Plaintiff about his hunger strike.<sup>(20)</sup> Plaintiff told the nurse he was afraid to eat food not commercially sealed because of defendant Doe #4 threat and other abuses. The nurse told Plaintiff that she would let HSA Unit Manager, non-medical personnel, decide what to do then left.

32. June 22, 2017 defendant Monkhouse knowingly and/or intentionally<sup>(21)</sup> denied Plaintiff's grievance against defendant Moore as inappropriate violating federally approved grievance procedures to hinder his filing this  
<sup>(18)</sup> Id.

<sup>(19)</sup> Plaintiff is not sure if defendant's name is correctly spelled since defendant refused to provide correct spelling.

<sup>(20)</sup> By this time Plaintiff had been given pen and paper but no legal materials.

<sup>(21)</sup> Because Plaintiff had more than one grievance pending at Level I.

lawsuit. Plaintiff appealed grievance to defendant Shawn Phillips and filed his first disciplinary appeal to defendant Phillips also.

33. June 23, 2017 defendant Monkhouse knowingly and/or intentionally attempted to delay grievance #316534 at Level I by an additional six days when defendant gave supervisor four additional working days to respond violating federally approved grievance procedures to hinder his ability to file this lawsuit.

34. June 29, 2017 Plaintiff's first disciplinary appeal was returned without explanation.

35. June 30, 2017 defendant Hill finally gave Plaintiff some of his property, some of Plaintiff's commissary purchases were stolen.

36. July 5, 2017 defendant Parker knowingly and/or intentionally responded to grievance #315788 supporting subordinates violation of Tier Management policies that later resulted in Plaintiff being assaulted and injured by gang members.

37. That afternoon Plaintiff was moved from segregation to Unit 22-C-112 where he passed out around 7:30 pm and taken to the infirmary where defendant Lane gave him two rounds of fluids to stabilize his blood pressure keeping him alive resulting from defendants Centurion, Lane, and Higgs refusal/refuse to monitor his hunger strike and provide him medical attention consistent with TDOC Policy #113.36, post orders, medical protocols, and Centurion's contract with TDOC.

38. July 6, 2017 defendant Higgs sent Plaintiff to University of Tennessee ("UT") Hospital because defendants were unable to stabilize his blood pressure resulting

Plaintiff filed his disciplinary appeal without a disciplinary report attached because defendant Thompson refused to give him a copy.

From 6-2-17 to 6-30-17 Plaintiff was denied his property, even shower shoes.

from defendants Centurion, Hane, and Whigg's refusal/failure to monitor his hunger strike and give him medical attention consistent with TDOC Policy #113,36, post orders, medical protocols, and Centurion's contract with TDOC.

39. July 8, 2017 Plaintiff was returned to MCCX and kept in the infirmary until around 2:30 pm at defendant Farmer's request, <sup>(39)</sup>

40. July 9, 2017 Plaintiff filed grievance against defendant Foster for not ensuring defendant Farmer and other subordinates follow TDOC/MCCX policies, post orders that caused some of his property be stolen.

41. July 14, 2017 defendant Monkhouse knowingly and/or intentionally returned several grievances to Plaintiff violating federally approved grievance procedures to hinder his ability to file this lawsuit.

42. July 17, 2017 defendant Monkhouse knowingly and/or intentionally attempted to delay grievance #317169 at Level I by six additional days for superior response violating federally approved grievance procedures to hinder Plaintiff's ability to file this lawsuit.

43. July 21, 2017 defendant Monkhouse received grievance #317169 and knowingly and/or intentionally delayed grievance #317169 grievance hearing by additional 13 days violating federally approved grievance procedures to hinder Plaintiff's ability to file this lawsuit.

<sup>(39)</sup> Plaintiff learned defendant Farmer: (i) told medical staff keep him at infirmary until ready for him, (ii) left his property unsecured in 22-C-112 from 7-5-17 to 7-8-17 allowing it to be stolen, (iii) moved his cellie on 7-8-17 to Unit 23, (iv) put two different inmates in 22-C-112, and (v) knowingly and/or intentionally assigned him to 22-C-111 with broken table, no power, sink plugged up, and electrical sockets with lead in them.

44. July 23, 2017 Plaintiff wrote defendant Monkhouse about defendant's delaying and/or destroying his grievance.

45. July 28, 2017, around 8:00 pm, defendant Hillbreath <sup>(25)</sup> opened all bottom tier cell doors, including Plaintiff's, for pod activities. Defendant <sup>(26)</sup> then knowingly and/or intentionally isolated TOOC/MCCX policies and MCCX post orders when defendant: (i) went to top tier and opened cell doors 213, 214, and possibly one more of gang members, and (ii) left pod unattended until 8:34 pm resulting in Plaintiff being assaulted and injured that prohibited his getting staff assistance.

46. Sometime between 8:05 pm and <sup>(27)</sup> 8:20 pm gang members assaulted and injured Plaintiff. When defendant Hillbreath entered the pod, locked everyone down, then <sup>(28)</sup> counted at 9:00 pm Plaintiff requested Protective Custody ("P.C.") status.

47. Around midnight defendant J. York, Corporal, called Plaintiff into control core and told him unless he provided information where there was drugs or cell phones that he would not get P.C. status. Plaintiff told defendant he had no knowledge of either. Defendant York stated "Tell you what. We're going to go and tear up their cell

<sup>(29)</sup> Defendant refused to provide full legal memo. It was not until December 19, 2017 that an MCCX employee identified defendant as Hillbreath (nicknamed "Hilley").

<sup>(30)</sup> Soon after Plaintiff moved to 23-A-111 he had confrontation with defendant over defendant's property and defendant told him confronting staff would not be tolerated.

<sup>(31)</sup> Plaintiff's left ankle was injured and gang member displayed ice pick type weapon.

<sup>(32)</sup> Defendant Hillbreath alleged on 7-28-17 gang member was a "trip" and on 11-3-17 Corporal Ridenour alleged gang member was "Hanger Disciple" to confuse Plaintiff.

<sup>(33)</sup> Plaintiff was granted P.C. status after defendants Richard Garner, Sgt. Internal Affairs, verified his need for P.C. status and Shaun Phillips approved it.

and tell them you sent us up there. After they get done with you, then we'll do what we have to." Plaintiff feared for his safety. Defendant put Plaintiff up, shook down cell 213, then came back to his cell stating "This is your last chance, fellow. I've already told them both of you sent us up there. If you don't give us something now, it's over with." Plaintiff, fearing for his life, stated to defendant "When the cameras are rolled back it'll show I got into it with a gang member and was yelling for Holt to help me. So if I get hurt your name will be the first name that comes out of my mouth." Defendant got angry and left and 30 minutes later Plaintiff was taken to 25-D-202 pending P.C. status.

48. August 1, 2017, inmate advisor Thomas Reddick #347492 finally gave Plaintiff everything he needed to properly file a disciplinary appeal he filed that day. Also that day Plaintiff: (i) wrote defendant Monkhouse about grievance against defendant Hill over June 2nd incident and defendants Farmer, Collins, Foster, and Kennedy over June 5th incident, (ii) filed grievance against defendant Hill over June 30th incident about his property, (iii) filed grievance against defendants Parker, Centurion, Phillips, Lane, and Higgs over lack of medical treatment, (iv) filed grievance against defendant Hill over July 28, 2017 incident, and (v) filed grievance #321234 against defendant York over July 28-29th incident of 2017.

49. August 4, 2017 Plaintiff filed grievance #317981 against defendant Monkhouse for knowingly and/or intentionally destroying, losing, and delaying his grievances.

Plaintiff resubmitted grievances #318812, #319179, #320089, and one against defendant

<sup>30</sup> Defendant refused to identify his first names.

<sup>31</sup> Plaintiff used generic term "medical" because defendants and MCCX staff refused to identify Centurion as medical provider at the time of filing the grievance.

Farmer over June and incident defendant Monkhouse refused/failed to assign TOMIS number.

49. August 10, 2017 defendant Monkhouse sent grievance # 317981 for supervisor response.

50. August 14, 2017 defendant Monkhouse knowingly and/or intentionally delayed resolution of grievance # 317981 at Level I by two additional days violating federally approved grievance procedures to hinder Plaintiff's ability to file this lawsuit.

51. August 19, 2017 Plaintiff wrote defendant Phillips requesting defendant to rule on his disciplinary appeal filed 8-1-17 and his grievance appeal against defendant Moore filed 6-22-17.

52. August 31, 2017 defendant Monkhouse knowingly and/or intentionally delayed: (i) receiving grievance # 317981 additional 5 days at Level II from Warden and, (ii) notifying Plaintiff of Warden's Level II response for grievance # 317981 by additional 10 days violating federally approved grievance procedures to hinder his ability to file this lawsuit.

53. September 5, 2017 defendant Phillips denied receiving Plaintiff's disciplinary and grievance appeals but would check on both appeals.

54. September 14, 2017 defendant Monkhouse knowingly and/or intentionally delayed receiving grievance # 318812 by one additional day violating federally approved grievance procedures to hinder Plaintiff's ability to file this lawsuit.

55. Plaintiff also wrote defendant Phillips about his disciplinary appeal stating that if it was "missing" he wanted defendant to investigate "what happened" to it. <sup>(32)</sup>

(32) Defendant Phillips refused/failed to investigate Plaintiff's missing disciplinary and grievance appeals.

56. October 18, 2017 defendant Monkhouse conducted hearing on grievance # 319129.

57. October 19, 2017 defendant Phillips received grievance # 319129 for Level II review.

58. October 30, 2017 defendants Garner and Phillips knowingly and/or intentionally placed Plaintiff's safety at risk to intimidate him when they: (i) refused/failed to lodge incompatible <sup>(33)</sup> between him and gang member who assaulted and injured him, and (ii) assigned gang member who assaulted and injured him to Unit #1 with him causing him to fear for his safety. Plaintiff filed emergency grievance that evening.

59. October 31, 2017 Plaintiff told Associate Warden of treatment Ken Hutchinson gang member who assaulted and injured him was assigned to cell 10 and he feared for his safety. Mr. Hutchinson told Plaintiff "We'll have to get rid of him [gang member] because nobody wants you [Plaintiff]."

60. November 3, 2017 defendants Phillips and Garner transferred gang member who assaulted and injured Plaintiff to another Unit only after Editor Sharon Rondeau of "The Post & Email" and Editor David Tulis of "Mojanomics"/Host of "Mojanadio" contacted TDC Communications Director Neysa Taylor complaining and wrote negative articles about defendants Phillips and Garner jeopardizing his safety.

61. November 8, 2017 defendant Monkhouse knowingly and/or intentionally delayed resolution of grievance # 320089 at Level I by an additional 12 days violating federally approved grievance procedures to hinder Plaintiff's ability in the filing of this lawsuit. Plaintiff filed a grievance that day against defendants

<sup>(33)</sup> Defendant Garner must recommend and defendant Phillips must approve incompatibles.

<sup>(34)</sup> Defendant Garner must recommend and defendant Phillips must approve Unit #1 placement.

Centurion and Murray for refusing/failing to provide him medical services consistent with TDOC Policy #113.36, medical protocols, post orders, Centurion's contract with TDOC and for defendant Murray violating her 841-1-103 oath.

62. November 13, 2017 Plaintiff filed grievance #322085 against defendant Centurion.

63. November 17, 2017 defendant Monkhouse told Plaintiff reason for delay in his grievance hearing is there was no alternate grievance chairman and defendant was absent from MECX from 11-12-17 through 11-16-17. Plaintiff filed grievance against defendant Phillips for not appointing alternate chairman violating federally approved grievance procedures to hinder his ability to file this lawsuit.

64. November 30, 2017 defendant Monkhouse processed grievance #321234 and knowingly and/or intentionally delayed sending it for supervisor response at Level I by additional 5 days violating federally approved grievance procedures to hinder Plaintiff's ability to file this lawsuit.

65. December 7, 2017 defendant Monkhouse received grievance #321234 and knowingly and/or intentionally delayed: (i) officially receiving it by additional 4 days, and (ii) it's Level I resolution by additional 4 days violating federally approved grievance procedures to hinder Plaintiff's ability to file this lawsuit.

66. December 8, 2017 defendant Monkhouse knowingly and/or intentionally denied Plaintiff opportunity to properly file appeals on two grievances when defendant: (i) returned both grievances without defendant's signature, (ii) refused to provide TOMIS number, and (iii) refused to process either grievance violating federally approved grievance procedures to hinder his ability to file this lawsuit. Plaintiff appealed both grievances, as is, to defendant Phillips that day.

67. December 18, 2017 Plaintiff complained to defendant Monkhouse about not having a hearing on grievance # 321234 between 12-11-17 and 12-15-17. Defendant told Plaintiff: (i) defendant was absent from MCCV during those days, and (ii) alternate chairman might not of known about grievance # 321234.

68. December 21, 2017 defendant Monkhouse knowingly and/or intentionally conducted hearing on grievance # 321234 six days beyond date it should of been conducted also delaying grievance # 321823 being timely processed at every level violating federally approved grievance procedures to hinder Plaintiff's ability to file this lawsuit.

69. January 5, 2018 hearing was conducted on grievance # 321823. Also on this date defendant Monkhouse sent grievance # 322085 for Level I supervisor response.

70. January 10, 2018 defendant Monkhouse knowingly and/or intentionally wrongly deemed grievance # 322085 as inappropriate to keep evidence hidden of defendant Antonion's guilt violating federally approved grievance procedures to hinder Plaintiff's ability to succeed on this lawsuit and hinder his ability to file this lawsuit.

71. January 12, 2018 defendant Monkhouse knowingly and/or intentionally delayed officially receiving grievance # 322085 from defendant Phillips by additional 4 days at Level II Warden's response to hinder Plaintiff's ability to file this lawsuit.

72. January 16, 2018 grievance # 322381 was delayed being processed by 7 days (it should of been processed on 1-5-18).

73. January 24, 2018 grievance hearing was conducted on grievance

# 322381. After the hearing Plaintiff asked defendant Monkhouse what happened to emergency grievance he filed 10-30-17 (see Complaint, paragraph 58). Defendant replied "We don't have it." Plaintiff accused defendant and/or another MCCX defendant/employee destroying it. Defendant said the matter would be looked into and defendant would get back with Plaintiff on Monday (1-29-18).

74. February 12, 2018 defendant Monkhouse sent grievance #323128 for Level I supervisor response.

75. February 13, 2018 Level I supervisor response for grievance #323128 was completed and returned immediately to defendant Monkhouse.

76. On or about February 14, 2018 defendant Monkhouse knowingly and/or intentionally delayed officially receiving grievance #323128 by 7 days to hinder Plaintiff's ability to file this lawsuit. Defendant Monkhouse intentionally violated federally approved grievance procedures to let time limits, required by federal statute, to expire as much as possible.

77. February 22, 2018 Plaintiff wrote defendant Monkhouse about defendant's refusal/failure to timely process his grievances.

78. March 2, 2018 hearing was conducted on grievance #323128 exceeding time limits by 2 days violating federally approved grievance procedures to hinder Plaintiff's ability to timely file this lawsuit. During the hearing alternate grievance chairman Sgt. Engle informed Plaintiff that defendant Phillips determined his grievance would be considered against defendant Monkhouse violating federally approved grievance procedures. Also during the hearing Plaintiff discovered defendant Monkhouse had lied

to him about the availability of alternate grievance chairman being available. (Plaintiff notes this is tentative since it has to be determined whether defendant Phillips or defendant Monkhouse led).

After the grievance hearing Plaintiff questioned defendant Monkhouse on the whereabouts of his emergency grievance filed 10-30-17. Defendant Monkhouse stated "I don't have it." After further discussion defendant Monkhouse said the matter would be looked into and would get back with Plaintiff on Monday (3-5-18). Plaintiff filed grievance against defendant Phillips.

79. At the filing of this lawsuit defendants continue to interfere with his ability to have his grievances timely processed.

V. RELIEF

(State BRIEFLY exactly what you want this Court to do for you. Make NO legal arguments.

Cite NO cases or statutes.)

Wherefore, Plaintiff requests that the Court grant the following relief:

A. Issue a declaratory judgment stating that:

DEFENDANT TONY PARKER

1. Defendant violated Plaintiff's First Amendment rights to the U.S. Constitution when defendant transported him to 3

I (We) hereby certify under penalty of perjury that the above complaint is true to the best of my (our) information, knowledge and belief.

Signed this 15<sup>th</sup> day of March, 2018.

Glenda Warner  
Signature of plaintiff(s)

different prisons in 10 months in retaliation for his exposing prison officials and staff wrongdoing.

2. Defendant was deliberately indifferent to Plaintiff's safety violating his Eighth Amendment rights to the U.S. Constitution when defendant:

(i) transferred him to TCC that lacked sufficient staffing to provide a safe environment and operate it in a safe manner; and

(ii) supported subordinates violating Tier Management policies in grievance #315788 later resulting in his being assaulted and injured.

3. Defendant inflicted cruel and unusual punishment on Plaintiff violating his Eighth Amendment rights to the U.S. Constitution when defendant:

(i) transferred him to TCC that lacked sufficient staffing to provide a safe environment and operate it in a safe manner; and

(ii) supported subordinates violating Tier Management policies in grievance #315788 later resulting in his being assaulted and injured.

#### DEFENDANT RICHARD GARNER

4. Defendant was deliberately indifferent to Plaintiff's safety violating his Eighth Amendment rights to the U.S. Constitution when defendant:

(i) refused/failed to recommend placing an incompatible between Plaintiff and the gang member who assaulted and injured him; and

(ii) recommended assigning the gang member who assaulted and injured Plaintiff to the Unit (P.C.) with him.

5. Defendant inflicted cruel and unusual punishment on Plaintiff violating his Eighth Amendment rights to the U.S. Constitution when defendant:

(i) refused/failed to recommend placing an incompatible between Plaintiff

and the gang member who assaulted and injured him; and

(ii) recommended assigning the gang member who assaulted and injured Plaintiff to the P.C. Unit with him.

DEFENDANT SHAWN PHILLIPS

6. Defendant was deliberately indifferent to Plaintiff's safety violating his Eighth Amendment rights to the U.S. Constitution when defendant:

(i) supported subordinates violating Tier Management policies in grievance #315788 later resulting in Plaintiff being assaulted and injured;

(ii) refused/failed to ensure defendant Garner followed all TDOC/MCCX policies, rules, and post orders regarding filing incompatible placement between Plaintiff and gang member who assaulted and injured him;

(iii) approved assigning gang member who assaulted and injured Plaintiff to the P.C. Unit with him;

(iv) refused/failed to ensure Plaintiff was monitored and received medical attention during his 30 day hunger strike required by TDOC Policy #113.36, medical protocols, post orders and Centurion's Contract with TDOC; and

(v) refused/failed to discipline subordinates who harassed, abused, and inflicted other inhumane treatment on Plaintiff for exposing MCCX prison officials and staff wrongdoing.

7. Defendant inflicted cruel and unusual punishment on Plaintiff violating his Eighth Amendment rights to the U.S. Constitution when defendant:

(i) supported subordinates violating Tier Management policies in grievance #315788 later resulting in Plaintiff being assaulted and injured;

(ii) refused/failed to ensure defendant Garner followed all TDOC/MCCX

policies, rules, and post orders regarding filing incompatible placement between Plaintiff and gang member who assaulted and injured him;

(iii) approved assigning gang member who assaulted and injured Plaintiff to the P.C. Unit with him;

(iv) refused/failed to ensure Plaintiff was monitored and received medical attention during his 30 day hunger strike required by TDOC Policy # 113.36, medical protocols, post orders, and Centurion's Contract with TDOC; and

(v) refused/failed to discipline subordinates who harassed, abused, and inflicted other inhumane treatment on Plaintiff for exposing MCCX prison officials and staff wrongdoing.

8. Defendant violated Plaintiff's right to Due Process under the Fourteenth Amendment to the U.S. Constitution when defendant:

(i) lost, destroyed, and/or permitted/encouraged the losing and/or the destruction of Plaintiff's disciplinary appeal filed August 1, 2017;

(ii) refused/failed to have investigated why and how Plaintiff's disciplinary appeal came up missing; and

(iii) denied Plaintiff the opportunity to have his disciplinary appeal reviewed at Levels II and III.

9. Defendant violated Plaintiff's right to Equal Protection of the Law under the Fourteenth Amendment to the U.S. Constitution when defendant:

(i) lost, destroyed, and/or permitted/encouraged the losing and/or destruction of his disciplinary appeal filed August 1, 2017;

(ii) refused/failed to investigate why and how Plaintiff's disciplinary appeal came up missing; and

(iii) denied Plaintiff the opportunity to have his disciplinary appeal properly reviewed at Levels II and III.

10. Defendant violated his oath of office under §41-1-103(a) and TDOC Policy #302.08 when defendant:

(i) denied Plaintiff the same protections and services afforded other Tennessee prisoners;

(ii) refused/failed to ensure Plaintiff was treated with humanity and kindness and protected from harsh and cruel treatment under §41-21-201; and

(iii) refused/failed to ensure proper standards were maintained at MCCX under §41-1-104(b).

DEFENDANT ERICK THOMPSON

11. Defendant Erick Thompson violated Plaintiff's rights to Due Process under the Fourteenth Amendment to the U.S. Constitution when defendant:

(i) refused/failed to provide Plaintiff:

(A) copy of his disciplinary report; and

(B) 24-hour notice prior to his June 7, 2017 disciplinary hearing.

12. Defendant violated Plaintiff's rights to Equal Protection of the law under the Fourteenth Amendment to the U.S. Constitution when defendant denied him the same protections and services provided other Tennesseean prisoners by:

(i) refused/failed to provide Plaintiff:

(A) copy of his disciplinary report; and

(B) 24-hour notice prior to his June 7, 2017 disciplinary hearing.

DEFENDANT JUSTIN MOORE

13. Defendant violated Plaintiff's rights to Due Process under the Fourteenth Amendment to the U.S. Constitution when defendant:

- (i) refused to give Plaintiff a continuance after making defendant aware:
  - (A) defendant Thompson denied him a copy of his disciplinary report;
  - (B) Plaintiff wanted his case investigated by staff; and
  - (C) defendant Thompson never gave him a 24-hour notice.

(ii) denied Plaintiff a fair hearing by not providing sufficient time to prepare a defense.

14. Defendant violated Plaintiff's rights to Equal Protection of the Law under the Fourteenth Amendment to the U.S. Constitution when defendant denied him the same protections and services provided other Tennessee prisoners by:

- (i) refusing to give him a continuance after making defendant aware:
  - (A) defendant Thompson denied him a copy of his disciplinary report;
  - (B) he wanted his case investigated by staff; and
  - (C) defendant Thompson never gave him a 24-hour notice.

(ii) denying Plaintiff a fair hearing by not providing sufficient time to prepare a defense.

DEFENDANT ANTHONY HILL

15. Defendant violated Plaintiff's First Amendment rights to the U.S. Constitution when defendant, in retaliation for his wanting to first check his property to ensure nothing was missing prior to signing a document stating he received all of his property, when defendant:

- (i) Confiscated Plaintiff's boots he purchased from Union Supply;
- (ii) threatened to destroy all of Plaintiff's property; and
- (iii) denied Plaintiff his property, bedroll, and hygiene kit.

16. Defendant was deliberately indifferent to Plaintiff's health violating his Eighth Amendment rights to the U.S. Constitution when defendant:

- (i) denied him a bedroll and hygiene kit.

DEFENDANT GILLWEATHER (A.K.A. "GILLEY")

17. Defendant was deliberately indifferent to Plaintiff's safety violating his Eighth Amendment rights to the U.S. Constitution when defendant:

- (i) failed/refused to follow TDOC/MCCX Tier Management policies and post orders that resulted in him being assaulted and injured;
- (ii) opened top tier inmates cell doors at same time bottom tier inmates had pod activities resulting in him being assaulted and injured; and
- (iii) knowingly and/or intentionally abandoned his (defendant) post (A-Pod) without being properly relieved for approximately 30 minutes or longer.

18. Defendant inflicted cruel and unusual punishment on Plaintiff violating his Eighth Amendment rights to the U.S. Constitution when defendant:

- (i) failed/refused to follow TDOC/MCCX Tier Management policies and post orders that resulted in him being assaulted and injured;
- (ii) opened top tier inmates cell doors at same time bottom tier inmates had pod activities resulting in him being assaulted and injured; and
- (iii) knowingly and/or intentionally abandoned his (defendant) post (A-Pod) without being properly relieved for approximately 30 minutes or longer.

DEFENDANT J. YORK

19. Defendant was deliberately indifferent to Plaintiff's safety violating his Eighth Amendment rights to the U.S. Constitution when defendant:

(i) stated to Plaintiff that he would not receive P.C. status unless he told defendant where drugs or a cell phone were at;

(ii) stated to Plaintiff:

(A) "Tell you what. We're going to go and tear up their [gang members] cell and tell them you sent us up there. After they get done with you, then we'll do what we have to;" and

(B) "This is your last chance fellas. I've already told them [gang members] both of you sent us up there. If you don't give us something now, it's over with."

(iii) carried out the threatening statements defendant made to Plaintiff identified above in (ii) (A), (B).

20. Defendant inflicted cruel and unusual punishment on Plaintiff, violating his Eighth Amendment rights to the U.S. Constitution when defendant:

(i) stated to Plaintiff that he would not receive P.C. status unless he told defendant where drugs or a cell phone were at;

(ii) stated to Plaintiff:

(A) "Tell you what. We're going to go and tear up their [gang members] cell and tell them you sent us up there. After they get done with you, then we'll do what we have to;" and

(B) "This is your last chance fellas. I've already told them [gang members] both of you sent us up there. If you don't give us something now,

its over with."

(iii) carried out the threatening statements defendant made to Plaintiff identified above in (ii) (A), (B).

DEFENDANT JOHN DOE #3

21. Defendant violated Plaintiff's First Amendment rights to the U.S. Constitution when defendant:

- (i) destroyed the first draft of this lawsuit; and
- (ii) filed a false disciplinary report against him.

DEFENDANTS JOHN DOE #1 AND JOHN DOE #2

22. Defendants violated Plaintiff's First Amendment rights to the U.S. Constitution when defendants:

- (i) ratified John Doe #3 unlawful conduct of destroying the first draft of this lawsuit by not intervening to stop the destruction and/or not reporting the unlawful conduct to their shift supervisor; and
- (ii) ratified John Doe #3 unlawful conduct of filing a false disciplinary report against Plaintiff by not reporting John Doe #3 unlawful conduct to their shift supervisor.

DEFENDANT JOHN DOE #4

23. Defendant was deliberately indifferent to Plaintiff's safety violating his Eighth Amendment rights to the U.S. Constitution when defendant threatened him, making him fearful of having his food poisoned causing him to go on a 30 day hunger strike in which he almost died, by:

- (i) stating Plaintiff needed to "check in" the P.C. Unit; and
- (ii) warning Plaintiff to "Be Careful back there."

24. Defendant inflicted cruel and unusual punishment on Plaintiff violating his Eighth Amendment rights to the U.S. Constitution when defendant threatened him, making him fearful of having his food poisoned causing him to go on a 30 day hunger strike in which he almost died, by:

- (i) stating Plaintiff needed to "check in" the P.C. Unit; and
- (ii) warning him to "Be careful back there."

DEFENDANT MICHELLE MULRAY

25. Defendant was deliberately indifferent to Plaintiff's health and safety violating his Eighth Amendment rights to the U.S. Constitution when defendant:

- (i) refused to take Plaintiff's hunger strike notice to her supervisor;
- (ii) refused to notify her supervisor of his hunger strike;
- (iii) stated she did not care if Plaintiff lived or died;
- (iv) refused to carry out medical duties as low level medical provider consistent with TDOC Policy #113.36, medical protocol, post orders, and Centurion's contract with TDOC; and

(v) action/inaction resulted in Plaintiff almost dying and being transported to U.T. Hospital to stabilize him.

26. Defendant inflicted cruel and unusual punishment on Plaintiff violating his Eighth Amendment rights to the U.S. Constitution when defendant:

- (i) refused to take Plaintiff's hunger strike notice to her supervisor;
- (ii) refused to notify her supervisor of his hunger strike;
- (iii) stated she did not care if Plaintiff lived or died;
- (iv) refused to carry out medical duties as low level medical provider consistent with TDOC Policy #113.36, medical protocol, post orders, and

Centurion's contract with TDOC; and

(v) action/inaction resulted in Plaintiff almost dying and being transported to U.T. Hospital to stabilize him.

DEFENDANTS RONALD HIGGS AND EDMUND LAWE

27. Defendants was deliberately indifferent to Plaintiff's health and safety during his hunger strike violating his Eighth Amendment rights to the U.S. Constitution when defendants:

(i) refused/failed to ensure subordinates carried out their duties consistent with TDOC Policy #113.36, medical protocol, post orders, and Centurion's contract with TDOC;

(ii) ratified defendant Murray's unlawful conduct by refusing/failing to report her to the medical board and/or discipline her;

(iii) ratified the unknown nurse's conduct on June 14, 2017 who unlawfully allowed non-medical personnel to make a medical decision; and

(iv) action/inaction ratified all subordinates unlawful conduct inconsistent with TDOC Policy #113.36, medical protocol, post orders, and Centurion's contract with TDOC who refused/failed to take action concerning his hunger strike as described in this complaint.

28. Defendants inflicted cruel and unusual punishment on Plaintiff during his hunger strike violating his Eighth Amendment rights to the U.S. Constitution when defendants:

(i) refused/failed to ensure subordinates carried out their duties consistent with TDOC Policy #113.36, medical protocol, post orders, and

Centurion contract with TDOC;

(ii) ratified defendant Murray's unlawful conduct by refusing/ failing to report her to the medical board and for discipline her;

(iii) ratified the unknown nurse's conduct on June 14, 2012 who unlawfully allowed non-medical personnel to make a medical decision; and

(iv) action/inaction ratified all subordinates unlawful conduct inconsistent with TDOC Policy #13.36, medical protocol, post orders, and Centurion's contract with TDOC who refused/ failed to action concerning Plaintiff's hunger strike as described in this complaint.

DEFENDANT M. MONKHOUSE

29. Defendant violated Plaintiff's First Amendment rights to the U.S. Constitution when defendant:

- (i) delayed and destroyed his grievances;
- (ii) constantly violated federally approved grievance procedures;
- (iii) returned numerous grievances as inappropriate violating federally approved grievance procedures; and
- (iv) knowingly and intentionally engaged in the actions of (i), (ii), and (iii) in order to hinder his ability to file this lawsuit.

30. Defendant violated Plaintiff's rights to Due Process under the Fourteenth Amendment to the U.S. Constitution when defendant:

- (i) delayed and destroyed his grievances;
- (ii) constantly violated federally approved grievance procedures;
- (iii) returned numerous grievances as inappropriate violating

federally approved grievance procedures; and

(iv) knowingly and intentionally engaged in the actions of (i), (ii), and (iii) in order to hinder his ability to file this lawsuit.

#### DEFENDANT STEVE KENNEDY

32. Defendant was deliberately indifferent to Plaintiff's health violating his Eighth Amendment rights to the U.S. Constitution when defendant forced him to stand in the rain getting soaking wet for approximately 35 minutes in total.

33. Defendant violated Plaintiff's First Amendment rights to the U.S. Constitution when defendant retaliated against him for challenging defendant's unlawful conduct by taking him to defendant Collins and had defendant Collins scold him for challenging defendant's unlawful conduct.

#### DEFENDANT BRANDON FOSTER

34. Defendant was deliberately indifferent to Plaintiff's safety violating his Eighth Amendment rights to the U.S. Constitution when defendant supported subordinates violating Tier Management policies in grievance # 315788 later resulting in his being assaulted and injured.

35. Defendant inflicted cruel and unusual punishment on Plaintiff violating his Eighth Amendment rights to the U.S. Constitution when defendant supported subordinates violating Tier Management policies in grievance # 315788 later resulting in his being assaulted and injured.

36. Defendant violated Plaintiff's First Amendment rights to the U.S. Constitution when defendant retaliated against him by satisfying subordinates defendants Farmer, Kennedy, and Collins when defendant Collins scolded him for challenging defendants Kennedy and Hill's unlawful conduct.

by not intervening or disciplining Farmer, Kennedy, and Collins.

DEFENDANT RONALD FOSTER

37. Defendant was deliberately indifferent to Plaintiff's safety violating his Eighth Amendment rights to the U.S. Constitution when defendant, on June 2, 2017, told an officer that he is "a problem" and to "take care of him," placing a hit on him.

38. Defendant violated Plaintiff's First Amendment rights to the U.S. Constitution when defendant retaliated against him by ratifying defendant Collins scolding him for challenging defendants Kennedy and Hill's unlawful conduct by not intervening or reporting defendant Collins unlawful conduct to shift supervisor or higher.

DEFENDANT ANTHONY COLLINS

39. Defendant violated Plaintiff's First Amendment rights to the U.S. Constitution when defendant retaliated against him by:

- (i) scolding Plaintiff for challenging defendants Kennedy and Hill's unlawful conduct;
- (ii) threatening to send him to HSA; and
- (iii) conspiring with defendants John Doe #1, John Doe #2, and John Doe #3 to lock him in HSA and filing a false disciplinary report against him.

B. Issue An Injunction Ordering:

1. Expunge Plaintiff's Class "A" disciplinary report issued June 6, 2017 at MCCX.

2. Defendant Contention to:

- a) follow TDOC Policy #113.3b, medical protocols, postorders, and its Contract with TDOC regarding hunger strikes;
- b) ensure any offender engaging in a hunger strike immediate action be taken;
- c) fire any Correction officer or employ who fails/refuses to comply with provisions in (a) and (b) above; and
- d) prohibit non-medical personnel from making medical decisions.

3. All disciplinary appeals be closely monitored to ensure no disciplinary appeals are lost or destroyed.

4. Any person assigned to the position of disciplinary chairman/hearing officer be required to follow TDOC Policies #502.01, #502.05, and #506.15, comply with Wolff v. McDonnell, 44 S.Ct. 2963 (1974), and annually receive 50 hours of training in offenders due process rights and procedures.

5. Any disciplinary appeal believed to be lost or destroyed it shall be investigated to determine what happened to it.

6. Defendant Tony Parker to:

- a) investigate all claims of prison officials or employees abuse of any offender by trained law enforcement personnel alleged to have violated their §41-1-103 oath;
- b) criminally prosecute:
  - i) any prison official or employee who violates their §41-1-103 oath; and
  - ii) any person found to have filed a false report or false statement alleging a prison official or employee violated their §41-1-103 oath.

- c) annually provide all TDOC officers and employees with 20 hours of training in statutes, rules, and regulations regarding offender/employee interaction; and
- d) prohibit close family members (i.e. father, mother, husband, wife, ~~son~~, daughter) from working at the same facility.

7. Identify, and permanently separate, all offenders involved in Security Threat Groups ("STG") activity from all inmates who have never engaged in STG activity in separate facilities.

8. Closely monitor the treatment of Plaintiff to ensure:

- a) his health or safety is not threatened or jeopardized by any TDOC officer or employee;
- b) he is not deprived any right, privilege, or opportunity enjoyed by other TDOC offenders until his sentence expires February 26, 2020; and
- c) he is not transferred by prison officials without good cause to prevent retaliatory acts by prison officials.

9. Any person assigned to the position of grievance chairman be required to:

- a) follow TDOC Policy # 501.01 and TDOC Inmate Grievance Procedures Handbook;
- b) ensure no grievances are improperly handled;
- c) annually receive 50 hours of training in offenders due process rights and all relevant statutes, rules, and regulations regarding grievances.

d) develop a system that:

- i) closely monitors grievance appeals; and
- ii) ensures no grievance appeals are lost or destroyed.

C. Award Compensatory Damages Jointly and Severally against:

1. Defendants Phillips and Foster pay \$3,000.00 for supporting subordinates violating Tier Management policies in grievance #315788 later resulting in Plaintiff being physically assaulted and injured and emotionally placing him in fear of his safety;
2. Defendants Phillips and Horner pay \$3,000.00 for refusing/failing to:
  - a) file incompatible between Plaintiff and the gang member who assaulted and injured him causing him to fear for his safety; and
  - b) ensure the gang member who assaulted and injured him was not assigned to the same unit with him causing him to fear for his safety.
3. Defendant Gillbreath pay \$3,000.00 for refusing/failing to follow Tier Management policies and post orders that resulted in Plaintiff:
  - a) being physically assaulted and injured; and
  - b) causing him to fear for his safety.
4. Defendant John Doe #4 pay \$3,000.00 for making verbal threats to Plaintiff causing him to go on a hunger strike for fear of being poisoned through his food that almost resulted in his death.
5. Defendants Centurion, Niggs, and Lane and Murray pay \$3,000.00 for refusing/failing to monitor Plaintiff's hunger strike and provide him medical attention after being made aware of his hunger strike.

D. Award Punitive Damages in the Following Amounts:

1. \$30,000 against:

- a) defendant Hillbreath for the physical and emotional injuries sustained as a result of Plaintiff's assault; and
- b) each against defendants Phillips and Foster for supporting subordinates violating her Management policies and post orders in grievance #315788 later resulting in Plaintiff being assaulted and injured.

2. \$20,000 each against defendants Phillips and Harner for the emotional injuries sustained as a result of defendants: (i) refusing/failing to file incompatible between Plaintiff and gang member who assaulted and injured him, and (ii) assigning gang member who assaulted him to P.C. Unit with him.

3. \$15,000 against defendant J. York for emotional injuries as a result of defendant telling Plaintiff: (i) he would not receive P.C. status unless he told where drugs/cell phones were, (ii) defendant told gang members he sent them (defendant/subordinates) to shake down gang members, and (iii) he would only get P.C. status after being assaulted again.

4. \$10,000.00 against defendant John Doe #4 for the physical and emotional injuries that Plaintiff received as a result of defendant threatening him that lead him to believe his food might be poisoned inducing him to go on a hunger strike that almost resulted in his death.

E. Grant such Other Relief as it may appear that Plaintiff is entitled to.