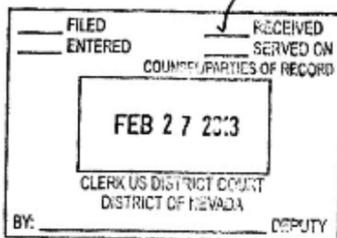


Inmate Alleges Torture At Ely State Prison

MIKE NEWCASTLE
Name
ESP, P.O.B 1789, ELY, NV 89301
Address
1026717
Prison Number



UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MIKE NEWCASTLE)
Plaintiff,)
)
vs.)
)
SEE)
)
ADDITIONAL)
)
PAGE)
)
FOR)
)
DEFENDANTS)
Defendant(s).

3:13-cv-00091

CASE NO. _____
(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT
PURSUANT TO
42 U.S.C. § 1983

JURY TRIAL DEMANDED

A. JURISDICTION

1) This complaint alleges that the civil rights of Plaintiff, MIKE NEWCASTLE, (print Plaintiff's name) who presently resides at ESP, P.O.B 1789, ELY, NV 89301, (mailing address or place of confinement) violated by the actions of the below named individuals which were directed against Plaintiff at ELY STATE PRISON AND HIGH DESERT PRISON on the following dates (institution/city where violation occurred) MARCH 7, 2011, APRIL 8, 2011, and MARCH 7, 2011. (Count I) (Count II) (Count III)

6) Defendant N/A resides at _____ (full name of first defendant) (address if first defendant) and is employed as _____ (defendant's position and title, if any). This defendant is sued in his/her _____ individual _____ official capacity. (Check one or both). Explain how this defendant was acting under color of law: _____

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.
N/A

B. NATURE OF THE CASE

1) Briefly state the background of your case.
BATTERY AND ABUSE: 3/7/11 REPEATEDLY BEATEN BY OFFICERS. 3/7/11 TO 3/16/11 DEPRIVED OF ALL PROPERTY—EVEN EYEGLASSES—AND KEPT IN CONSTANT ILLUMINATION IN DARK VIEW. DUE PROCESS VIOLATIONS: 4/3/11 DEPRIVED OF ALL REQUIREMENTS OF DISCIPLINARY PROCEDURES INCLUDING NOTIFICATION OF CHARGES, CALLING WITNESSES, AND PRESENTATION OF EVIDENCE. 4/27/11 LEARNED OF CLASSIFICATION AS "SECURITY THREAT GROUP" WITHOUT DUE PROCESS. 4/25/12 TO 11/15/12 KEPT IN INFIRMARY WITHOUT EXPLANATION. 4/25/12 TO PRESENT NOT ALLOWED PERSONAL PHONE CALLS. PROPERTY: 3/7/11 TO 5/30/11 DEPRIVED OF ALL AUTHORIZED PROPERTY INCLUDING SHOWER, DEODORANT, ADDRESS BOOKS, SHOWER-SHOES, ET AL. 3/24/11 TO 3/30/11 DEPRIVED OF EVEN MINIMUM REQUIRED PROPERTY—BEING AN EATING UTENSIL, CUP, AND TOWEL.

C. CAUSE OF ACTION

COUNT I

The following civil rights has been violated: 8TH AMENDMENT RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

ON 3/7/11 AS I WAS WEARING FULL RESTRAINTS, DEFENDANT JAMES BRUFFY DID INTENTIONALLY CHASE ME UNCONSCIOUS NO LESS THAN 2 TIMES; CAUSED ME TO VOMIT THEN ASPHYXIATED ME IN MY WAIST; DISLOCATED MY JAW; INJURED MY RIGHT SHOULDER AND RIGHT ELBOW; REPEATEDLY KNEED ME IN MY FACE, RIGHT EYE, AND BACK OF MY HEAD; RESULTING IN ABRASIONS, BRUISES, AND SWELLING—WHICH WERE PHOTOGRAPHED—AND PERMANENT SCARS, SWELLING, AND NUMBNESS. SIMULTANEOUSLY, ON 3/7/11, AS I WAS WEARING FULL RESTRAINTS, DEFENDANT BENJAMIN KELLY DID INTENTIONALLY TWIST BOTH MY ANKLES, AND BATTER MY KNEES AND LOWER BACK RESULTING IN PERMANENT SWELLING AND PAIN IN MY LEFT ANKLE AND LEFT KNEE, AND A LARGE NUMB AREA ON MY RIGHT HIP AND THIGH. SIMULTANEOUSLY, ON 3/7/11, AS I WAS WEARING FULL RESTRAINTS, DEFENDANT MICHAEL CARDENAL DID INTENTIONALLY KICK ME REPEATEDLY IN MY REAR ON 3 SEPARATE OCCASIONS; CUT BOTH MY WRISTS WITH THE HANDCUFFS; BREAK MY RIGHT THUMB; INJURE BOTH MY INDEX FINGERS; THEN, FOR THE FOLLOWING 8 HOURS PUNCHED AND ELBOWED ME IN MY BACK EACH TIME THE VIDEO CAMERA WAS TURNED OFF DURING TAPE CHANGES—ALL WHILE I WAS FULLY RESTRAINED—RESULTING IN PERMANENT SWELLING WITH SPASMS IN MY UPPER-RIGHT BACK, CRACKED RIBS, (CONTINUED ON PAGE 9)

COUNT II

The following civil rights has been violated: 14TH AMENDMENT RIGHT TO DUE PROCESS.

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

ON 3/7/11 DEFENDANT PAUL HUNT DID DELIBERATELY FAISREY STATE DOCUMENTS—UNLAWFULLY SIGN ONE AND TWO— THEN DID DELIBERATELY FAIL TO DELIVER THESE DOCUMENTS AS REQUIRED, RESULTING IN DENIAL OF MY RIGHTS. ON 4/3/11 DEFENDANT R. PLUMMER DID DELIBERATELY FAIL TO ACT OR REMEDY AFTER BEING INFORMED OF FACTS REGARDING DENIAL OF MY RIGHTS; THEN DID DELIBERATELY DENY MY RIGHTS TO REPRESENTATION, WITNESSES, AND PRESENTATION OF EVIDENCE; THEN DID DELIBERATELY DENY MY RIGHT TO A HEARING REGARDING RESTRICTION—REFUSING TO PRODUCE ANY PROOF OF COST— RESULTING IN MY ASSIGNMENT TO PUNITIVE CONFINEMENT, DENUDATION OF \$1,648. FROM MY INMATE ACCOUNT, AND REMOVAL OF GOODTIME AND WORKTIME CREDITS. ON 4/24/11 DEFENDANT RENEE BAKER DID DELIBERATELY FAIL TO ACT OR REMEDY AFTER BEING PRESENTED WITH FACTS REGARDING THE DENIAL OF MY RIGHTS WORK SHE REPLIED IN WRITING THAT I CAN SUE AFTER I'M CONVICTED, RESULTING IN MY SIGNIFICANT HARDSHIP. ON 5/10/11 DEFENDANT D.W. NEVEN DID DELIBERATELY FAIL HIS DUTY AS PRIMARY PROCEDURAL SAFEGUARD BY INTENTIONALLY FAILING TO ACT OR REMEDY AFTER BEING INFORMED OF FACTS REGARDING HIS OFFICERS VIOLATING MY RIGHTS RESULTING IN MY SIGNIFICANT HARDSHIP. ON 5/14/11 DEFENDANT COLE MADDON DID DELIBERATELY FAIL HIS DUTY AS SECONDARY PROCEDURAL SAFEGUARD BY INTENTIONALLY FAILING TO ACT OR REMEDY AFTER BEING PROVIDED WITH FACTS REGARDING HIS OFFICERS

(COUNT TWO CONTINUED)

PART OF A "SECURITY THREAT GROUP—STG," RESULTING IN ME BEING CLASSIFIED AND TREATED AS A KNOWN GANG ASSOCIATE. ON 12/12/11 DEFENDANT L.C. ADAMS DID DELIBERATELY FAIL THEIR DUTY AS PRIMARY PROCEDURAL SAFEGUARD TO MY RIGHTS BY INTENTIONALLY FAILING TO ACT OR REMEDY AFTER BEING INFORMED OF FACTS, RESULTING IN MY MEDICAL FILE FALSELY LABELING ME SUICIDAL. ON 2/27/12 DEFENDANT DR. JENNINGS DID DELIBERATELY FAIL THEIR DUTY AS SECONDARY PROCEDURAL SAFEGUARD TO MY RIGHTS BY INTENTIONALLY FAILING TO ACT OR REMEDY AFTER BEING INFORMED OF FACTS, RESULTING IN MY MEDICAL FILE FALSELY LABELING ME AS SUICIDAL. ON 4/3/12 DEFENDANT R. BANNISTER DID DELIBERATELY FAIL THEIR DUTY AS TERTIARY AND FINAL PROCEDURAL SAFEGUARD TO MY RIGHTS BY INTENTIONALLY FAILING TO ACT OR REMEDY AFTER BEING INFORMED OF FACTS, RESULTING IN MY MEDICAL FILE FALSELY LABELING ME AS SUICIDAL. FROM 4/25/12 TO 11/15/12 DEFENDANT RENEE BAKER DID DELIBERATELY CONFINE ME TO THE INFIRMARY WITHOUT ANY EXPLANATION OR HEARING, RESULTING IN ACUTE ANXIETY FROM ISOLATION. FROM 4/25/12 THROUGH THE PRESENT DEFENDANT RENEE BAKER IS DELIBERATELY PROHIBITING ME FROM PERSONAL PHONE CALLS WITHOUT ANY EXPLANATION OR HEARING, RESULTING IN ME BEING DENIED PHONE ACCESS TO FAMILY AND FRIENDS.

COUNT III

The following civil rights has been violated: 8TH AMENDMENT RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

FROM 3/24/11 TO 3/30/11 DEFENDANT OSBORN DID DELIBERATELY DEPRIVE ME OF MINIMUM AUTHORIZED PROPERTY INCLUDING AN EATING UTENSIL, CUP, AND TOWEL, RESULTING IN MY SIGNIFICANT HARDSHIP AND HUMILIATION. FROM 3/21/11 TO 4/18/11 DEFENDANT RITZ DID DELIBERATELY DEPRIVE ME OF AUTHORIZED PROPERTY INCLUDING SHOWER-SHOES, UNDERWEAR, AND SOCKS, RESULTING IN MY SIGNIFICANT HARDSHIP. FROM 3/7/11 TO 5/30/11 DEFENDANTS MARSHAL, SHIELDS, RITZ, K. ROBERTSON, D.W. NEVEN, AND S.L. FOSTER DID DELIBERATELY DEPRIVE ME OF AUTHORIZED PROPERTY INCLUDING MY SHOWER, DEODORANT, AND WRITING MATERIALS, RESULTING IN MY SIGNIFICANT HARDSHIP.

E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

RETURN OF \$1,648. DEDUCTED FROM MY INMATE ACCOUNT; COMPENSATION FOR LOST WAGES OF \$45. PER MONTH; COMPENSATORY RELIEF OF \$50. PER DAY OF PUNITIVE CONFINEMENT; COMPENSATORY RELIEF NOT LESS THAN \$300,000. FOR PAIN AND SUFFERING, BROKEN BONES, SCARS, RESIDUAL PAIN, AND EMOTIONAL INJURY MANIFESTING AS HEART PALPITATION, PANIC ATTACKS, AND NIGHT SWEATS; AND PUNITIVE MONETARY DAMAGES TO BE DETERMINED BY A JURY.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.