

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
CHRISTOPHER JONES,

ORDER

Plaintiff,

15-cv-831-bbc

v.

ANDREA NELSON and JOHN DOE,

Defendants.  
-----

Plaintiff Christopher Jones, an inmate at Columbia Correctional Institution in Portage, Wisconsin, has filed this civil lawsuit against one of the prison's psychologists, Andrea Nelson, and an unnamed prison correctional officer, John Doe. Plaintiff contends that defendants violated the Eighth Amendment's prohibition on cruel and unusual punishments by failing to provide him medical attention defendants knew he needed.

Plaintiff has made an initial partial payment of the filing fee in accordance with 28 U.S.C. § 1915(b)(1), so his complaint is ready for screening under 28 U.S.C. § 1915 and 1915A. Having reviewed the complaint, I conclude that plaintiff has stated a claim that defendants Nelson and Doe violated plaintiff's Eighth Amendment rights. Plaintiff's allegations are sufficient to support an inference that defendants knew he needed additional medical care and attention, but failed to provide it, thereby causing plaintiff significant harm.

Plaintiff's complaint contains the following allegations, which for screening purposes,

I must accept as true and read in the light most favorable to him. Perez v. Fenoglio, 792 F.3d 768, 774 (7th Cir. 2015).

#### ALLEGATIONS OF FACT

On July 7, 2010, plaintiff notified prison staff that he was having vision problems and that he did not feel well. Plaintiff was taken to the prison's restrictive housing unit and placed in an observation cell, where he was seen by the prison's psychiatrist, defendant Andrea Nelson. Plaintiff told Nelson he was "going blind" and "didn't feel well." Nelson told plaintiff to lie down; she did not provide any additional care or summon additional medical staff.

Plaintiff did as Nelson advised, but lying down did not seem to help, so plaintiff told an unnamed prison staff member, defendant John Doe, that he still was not feeling well. Specifically, plaintiff asked defendant Doe for medical attention because he was feeling dizzy. Defendant Doe refused plaintiff's request for additional medical attention and left plaintiff alone in his cell.

Between six and eight hours later, plaintiff was found comatose in his cell and covered in his own vomit. Prison medical staff provided immediate care. When they attempted to take plaintiff's blood glucose level, they discovered that plaintiff's blood sugar was so high that it would not register on the prison's glucose meter. Plaintiff was immediately taken to Divine Savior Hospital in Portage, Wisconsin. Plaintiff remained in a coma for five days at the hospital before he was discharged.

## OPINION

A prison official's "deliberate indifference" to an inmate's serious medical needs violates the Eighth Amendment. Farmer v. Brennan, 511 U.S. 825, 828 (1994). Serious medical needs exist when a doctor has determined that an inmate needs treatment or when the inmate has a condition for which the need for treatment is obvious to a lay person. Johnson v. Snyder, 444 F.3d 579, 584-85 (7th Cir. 2006). Prison officials are "deliberately indifferent" to those medical needs when they are aware that the prisoner needs medical treatment, but they disregard those needs and the risk of harm they entail. Berry v. Peterman, 604 F.3d 435, 440 (7th Cir. 2010). Plaintiff's allegations are sufficient to state a claim that defendants were deliberately indifferent to his serious medical needs and they thereby violated plaintiff's Eighth Amendment rights.

As an initial matter, it is obvious that plaintiff's medical condition and the harm he suffered—an apparent diabetic episode that put him in a coma for five days—was sufficiently serious to implicate his Eighth Amendment rights. The question then becomes whether defendants Nelson and Doe were aware of plaintiff's medical condition and his need for treatment but failed to provide necessary care.

With respect to defendant Nelson, plaintiff alleges that he told her he was "going blind" and did not feel well. In response to these complaints, Nelson simply responded that plaintiff should lie down and left him alone in his cell. At the screening stage, these allegations, particularly plaintiff's allegation that he said he was "going blind," are sufficient to support an inference that Nelson was aware of the fact that plaintiff was suffering from

a medical condition that needed some form of treatment beyond bed rest. However, to ultimately succeed on his Eighth Amendment claims plaintiff will need to provide additional evidence to establish that Nelson actually knew plaintiff was suffering from a serious medical problem that required additional treatment. It will not be enough for plaintiff to simply demonstrate that Nelson should have known he needed additional care. Farmer, 511 U.S. at 838 (1994) (“[A]n official’s failure to alleviate a significant risk that he should have perceived but did not . . . cannot under our cases be condemned as the infliction of punishment.”).

Similarly, plaintiff’s allegations with respect to defendant Doe are sufficient to support an inference that Doe was aware of plaintiff’s condition but failed to take adequate steps to treat him. Plaintiff alleges that he told Doe that resting did not help him feel better, that he was “feeling dizzy” and made an explicit request for medical attention. However, instead of summoning a medical professional to examine plaintiff, defendant Doe completely ignored plaintiff’s complaints and left him unattended for a period of between six to eight hours. At the pleading stage, it is reasonable to assume that plaintiff’s complaints about dizziness and his requests for care put defendant Doe on notice that plaintiff required some form of treatment, or at the very least, close monitoring while he continued to rest.

Plaintiff will have to conduct discovery to learn the name of defendant John Doe. Early on in this lawsuit, Magistrate Judge Stephen Crocker will hold a preliminary pretrial conference. At the time of the conference, the magistrate judge will discuss with the parties the most efficient way to identify defendant Doe and will set a deadline within which

plaintiff is to amend his complaint to include the unnamed defendant.

## ORDER

IT IS ORDERED that

1. Plaintiff Christopher Jones is GRANTED leave to proceed on his claim that defendants Andrea Nelson and John Doe violated his Eighth Amendment rights by failing to provide him medical care and properly monitor his condition.

2. Pursuant to an informal service agreement with the Wisconsin Department of Justice and this court, copies of plaintiff's complaint and this order are being sent today to the Attorney General for service on defendant Nelson. Once plaintiff identifies the name of defendant John Doe, the court will direct that defendant to answer the complaint.

3. For the time being, plaintiff must send the defendants a copy of every paper or document he files with the court. Once plaintiff has learned what lawyer will be representing defendants Nelson and Doe, he should serve the lawyer directly rather than the defendants. The court will disregard any documents submitted by plaintiffs unless plaintiff shows on the court's copy that he has sent a copy to the defendants or to defendants' attorney.

4. Plaintiff should keep a copy of all documents for his own files. If plaintiff does not have access to a photocopy machine, he may send out identical handwritten or typed copies of his documents.

5. If plaintiff is transferred or released while this case is pending, it is his obligation to inform the court of his new address. If he fails to do this and defendants or the court are

unable to locate him, his case may be dismissed for failure to prosecute.

Entered this 22d day of February, 2016.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge