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PETER OPPENEER  
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# ATTACHMENT 1

## COMPLAINT FORM

(for filers who are prisoners without lawyers)

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

(Full name of plaintiff(s))

JUAN NIETO

COLUMBIA CORRECTIONAL INSTITUTION

P.O. Box 900, PORTAGE WI. 53901

vs

Case Number:

16 C 163-jdp

(Full name of defendant(s))

(to be supplied by clerk of court)

KARL HOFFMAN, MD.

KEISHA PERRWOOD, HSU MANAGER

KAREN ANDERSON, HSU MANAGER

CANDICE WARNER, HSU MANAGER

COLUMBIA CORRECTIONAL INSTITUTION,

WISCONSIN DEPARTMENT OF CORRECTIONS,

WISCONSIN DIVISION OF ADULT INSTITUTION.

### A. PARTIES

1. Plaintiff is a citizen of WISCONSIN, and is located at  
(State)

COLUMBIA CORRECTIONAL

2925 COLUMBIA DRIVE, P.O. Box 950 PORTAGE

(Address of prison or jail)

WI. 53901-0950

(If more than one plaintiff is filing, use another piece of paper).

"MORE"

DEFENDANTS OTHER THAN PAGE - 2 -

- 2) KAREN ANDERSON, 2925 COLUMBIA DRIVE  
P.O. BOX 950 PORTAGE, WI. 53901-0950
- 3) COLUMBIA CORRECTIONAL INSTITUTION, 2925 COLUMBIA DRIVE  
P.O. BOX 950 PORTAGE, WI. 53901-0950
- 4) WISCONSIN DEPARTMENT OF CORRECTIONS, 3099 E. WASHINGTON  
AVENUE P.O. BOX 7925 MADISON, WI. 53707-7925
- 5) WISCONSIN DIVISION OF ADULT INSTITUTIONS, 3099 E. WASHINGTON  
AVENUE P.O. BOX 7925 MADISON, WI. 53707-7925
- 6) KEISHA PERRAUD, 2925 COLUMBIA DRIVE  
P.O. BOX 950 PORTAGE, WI. 53901-0950
- 7) CANDICE WARNER, 2925 COLUMBIA DRIVE  
P.O. BOX 950 PORTAGE, WI. 53901-0950

2. Defendant KARL HOFFMAN (Name)

is (if a person or private corporation) a citizen of WISCONSIN (State, if known)

and (if a person) resides at NOT KNOWN (Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for COLUMBIA CORRECTIONAL INSTITUTION  
2925 COLUMBIA DRIVE, P.O. BOX 950 (Employer's name and address, if known)  
PORTAGE, WI. 53901-0950

(If you need to list more defendants, use another piece of paper.)

#### B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

IN THIS PROPOSED CIVIL ACTION FOR MONETARY RELIEF BROUGHT PURSUANT TO  
BIVENS V. SIX UNKNOWN AGENTS, 403 U.S. 388 (1971) AND THE FEDERAL TORT  
CLAIMS ACT 28 U.S.C. §§ 2671-2686, FOR COMPENSATORY AND PUNITIVE  
DAMAGES, MORAOE V. PAPE, 365 U.S. 167 (1961), PLAINTIFF CONTENDS THAT  
EMPLOYEES OF THE DEFENDANT AND THE D.O.C., D.A.I. AND THE C.C.I.  
INSTITUTION COMMITTED MEDICAL NEGLIGENCE IN VIOLATION OF STATE LAW  
AND EXHIBITED DELIBERATE INDIFFERENCE TO HIS SERIOUS MEDICAL NEEDS  
IN VIOLATION OF THE EIGHTH AMENDMENT. PLAINTIFF ALLEGES THAT STAFF  
AT THE COLUMBIA CORRECTIONAL INSTITUTION AND DEFENDANTS, IN THE

HSU DEPARTMENT FAILED TO TAKE REASONAL MEASURES IN THE INJURY  
FOR WHICH ASSISTANCE WAS REQUESTED. ON OR ABOUT 11-12-2013 THE  
PLAINTIFF COMPLAINED TO THE HSU DEPARTMENT OF A PAINFUL AND  
SERIOUS FOOT INJURY. THE FOOT WAS SWOLLEN AND THE PLAINTIFF HAD  
DIFFICULTY WALKING. ON 11-17-2013 STILL IN PAIN THE NURSE SAW  
THE PLAINTIFF AND INSTRUCTED THE PLAINTIFF TO TAKE IT EASY AND  
THE DOCTOR WOULD SEE HIM IN TWO WEEKS. THE PLAINTIFF WAS  
NEVER SEEN BY THE DOCTOR AND THE NURSE COULD ONLY PROVIDE  
ASPIRIN. SEVERAL REQUEST BY THE PLAINTIFF WERE MADE TO HSU  
WHILE AWAITING ASSISTANCE BY THE HSU DEPARTMENT AND DOCTOR.  
ON OR ABOUT 11-14-2014 NEARLY A YEAR OF NEGLIGENCE AND  
DENIAL OF THE PLAINTIFFS NEEDED MEDICAL TREATMENT, THE NURSE  
RECOMMENDS TO THE DOCTOR THAT A EX-RAY BE TAKEN OF PLAINTIFF  
FOOT. ON OR ABOUT 01-20-2015 AN EX-RAY WAS TAKEN. ON OR  
ABOUT 06-25-2015 INQUIRES AS TO WHAT IS BEING DONE AND  
REQUEST ANY AND ALL PAPERWORK. ON OR ABOUT 08-04-2015 AND  
09-01-2015 MORE EX-RAY TAKEN, ON 09-11-2015 DOCTOR CONFIRMS  
THAT PLAINTIFFS TOE WAS FRACTURED CAUSING SEVERE PAIN AND THE  
EXISTENCE OF BONE SPURS. THE DELIBERATE INDIFFERENCE VIOLATED  
THE EIGHTH AMENDMENT AND THE CRUEL AND UNUSUAL PUNISHMENT  
CLAUSE.

How EACH DEFENDANT IS INVOLVED

KARL HOFFMAN, MD. INVOLVEMENT: FOR PURPOSES OF 42 U.S.C. § 1983

CLAIMS THE DEFENDANT KARL HOFFMAN KNOWINGLY AND WILLINGLY COMMITTED A PRIVATE AND OR A CIVIL WRONG IN HIS OFFICIAL AND OR INDIVIDUAL CAPACITY UNDER COLOR OF LAW; SEE MONROE V. PAPE, 365 U.S. 167 (1961); BIVENS V. SIX UNKNOWN NAMED AGENTS OF FEDERAL BUREAU OF NARCOTICS, 403 U.S. 388 (1971), UNDER COLOR OF LAW THE DEFENDANT IDENTIFIED HIMSELF AS A DOCTOR FOR THE COLUMBIA CORRECTIONAL INSTITUTION 2925 COLUMBIA DRIVE P.O. BOX 950 PORTAGE, WI. 53901-0950.

THE DEFENDANT ACTING WITH OR AS A AGENT FOR THE COLUMBIA CORRECTIONAL INSTITUTION, STATE OF WISCONSIN, WISCONSIN DEPARTMENT OF CORRECTIONS AND WISCONSIN DIVISION OF ADULT INSTITUTION MISUSED HIS POWER, POSSESSED BY VIRTUE OF STATE LAW AND DEPRIVED THE PLAINTIFF OF HIS CONSTITUTIONAL RIGHTS, MADE POSSIBLE BECAUSE THE DEFENDANT WAS CLOTHED WITH AUTHORITY OF STATE LAW.

THE DEFENDANT FAILED TO EXERCISE THE PROPER DEGREE OF CARE IN THE CARE FOR THE PLAINTIFF COMMITTING MEDICAL NEGLIGENCE IN VIOLATION OF STATE LAW AND EXHIBITED DELIBERATE INDIFFERENCE TO THE PLAINTIFFS SERIOUS MEDICAL NEEDS IN VIOLATION OF THE PLAINTIFF'S EIGHTH AMENDMENT RIGHT OF THE UNITED STATES CONSTITUTION AND WISCONSIN CONSTITUTION. THE DEFENDANT FAILED TO PROVIDE THE PLAINTIFF WITH THE REQUEST OR MEDICAL CARE OF MRI OR EX-RAYS (X-RAYS) OF THE PLAINTIFFS INJURY.

HSU MANAGERS - KEISHA PERRINOU, KAREN ANDERSON, CANDICE WARNER:  
INVOLVEMENT:

FOR PURPOSES OF 42 U.S.C. § 1983 CLAIMS THE DEFENDANTS, KEISHA PERRINOU, KAREN ANDERSON, CANDICE WARNER KNOWINGLY AND WILLINGLY COMMITTED A PRIVATE AND OR A CIVIL WRONG IN THEIR OFFICIAL AND OR INDIVIDUAL CAPACITY UNDER COLOR OF LAW; SEE MONROE V. PAPE, 365 U.S. 167 (1961); BIVENS V. UNKNOWN NAMED AGENTS OF FEDERAL BUREAU

OF NARCOTICS, 403 U.S. 388 (1971). UNDER COLOR OF LAW THE DEFENDANTS IDENTIFIED THEMSELVES AS MANAGERS OF THE HSW DEPARTMENT FOR THE COLUMBIA CORRECTIONAL INSTITUTION, 2925 COLUMBIA DRIVE P.O. BOX 950 PORTAGE, WI. 53901-0950.

THE DEFENDANTS ACTING WITH OR AS A AGENT FOR THE COLUMBIA CORRECTIONAL INSTITUTION, WISCONSIN DEPARTMENT OF CORRECTIONS AND WISCONSIN DIVISION OF ADULT INSTITUTIONS MISUSED THEIR POWER AND DUTY UNDER THE EIGHTH AMENDMENT BY FAILING TO ENSURE THAT THE PLAINTIFF RECEIVE ADEQUATE MEDICAL CARE, SEE *FARMER V. BRENNAN*, 511 U.S. 825, 832, 114 S. CT. 1970, 128 L. ED. 2D 811 (1994). DELIBERATE INDIFFERENCE ON THE PART OF THE DEFENDANTS TO THE PLAINTIFFS SERIOUS MEDICAL NEED GIVES RISE TO AN EIGHTH AMENDMENT VIOLATION, SEE *ESTELLE V. GABLE*, 429 U.S. 97, 104, 97 S. CT. 285, 50 L. ED. 2D 251 (1976); *DURMER V. O'CARROLL*, 991 F.2D 64, 68-69 (3D CIR. 1993).

THE DEFENDANTS WERE AWARE THAT THE PLAINTIFF NEEDED MEDICAL TREATMENT, BUT DISREGARDED THE TREATMENT BY FAILING TO TAKE REASONABLE MEASURES CAUSING THE PLAINTIFF TO SUFFER IN PAIN, THAT EFFECTED THE PLAINTIFF'S DAILY ACTIVITY, *MORFIN V. CITY OF CHICAGO*, 349 F.3D 989 (7TH CIR. 2003).

ALSO THE DEFENDANTS FAILED TO INTERVENE, *WINDLE*, 321 F.3D 658 (7TH CIR. 2003).

COLUMBIA CORRECTIONAL INSTITUTION, WISCONSIN DEPARTMENT OF CORRECTIONS, WISCONSIN DIVISION OF ADULT INSTITUTIONS, INVOLVEMENT:

THE DEFENDANT'S COLUMBIA CORRECTIONAL INSTITUTION, WISCONSIN DEPARTMENT OF CORRECTIONS AND WISCONSIN DIVISION OF ADULT INSTITUTIONS ARE STATE AGENCY'S AND NOT A PERSON FOR PURPOSES OF 42 U.S.C. § 1983, SEE *WAGNER V. LEMMON*, 778 F.3D 586, 592 (7TH CIR. 2015); ACTING UNDER COLOR OF STATE LAW, SEE *MONROE V. PAPE*, 365 U.S. 167 (1961).



THE DEFENDANTS ARE EXTREMELY INTERTWINED IN NEGLIGENCE AND OR IN DELIBERATE INDIFFERENCE FOR THE PLAINTIFFS MEDICAL NEED AND FAILURE TO INTERVENE ESTABLISHING AND ENFORCING THE PROPER DEGREE OF CARE ESTABLISHED BY LAWS AND STATUTES.

THE DEFENDANTS VIOLATED THE PLAINTIFFS CONSTITUTIONAL RIGHT UNDER THE EIGHTH AMENDMENT BY FAILING TO TRAIN THE EMPLOYEES ON PROCEDURE AND OR STANDARDS, COLLINS V. CITY OF HARKER HEIGHTS, 503 U.S. 115, 123 - 24, 112 S. CT. 1061 (1992).

THE SAME PROBLEM HAS ARISEN MANY TIMES WITH OVER THE PLAINTIFF'S CLAIM AND THE DEFENDANTS HAVE ACQUIESCED IN THE OUTCOME, SO IT IS POSSIBLE TO INFER THAT THERE IS A POLICY AT WORK, SEE LEWIS V. CITY OF CHICAGO, 496 F. 3D 645, 656 (7TH CIR. 2007) (CITING PHELAN V. COOK COUNTY, 463 F. 3D 773, 789 (7TH CIR. 2006)); VIOLATING THE PLAINTIFF'S CONSTITUTIONAL RIGHT TO RECEIVE ADEQUATE MEDICAL CARE, SEE FARMER V. BRENNAN, 511 U.S. 825, 832, 114 S. CT. 1970, 128 L. ED. 2D 811 (1994).

THE PLAINTIFF WAS DENIED ADEQUATE MEDICAL CARE IN THE STATE OR LOCAL INSTITUTION AND MAY USE 42 U.S.C. SECTION 1983, WEST V. ATKINS, 487 U.S. 108 S. CT. 2250 (1988).

SOME POLICIES ARE UNCONSTITUTIONAL ON THEIR FACE, WHICH SATISFIES THE FAULT REQUIREMENT, BOARD OF COUNTY COMM'R'S V. BROWN, 520 U.S. 397, 404, 117 S. CT. 1382 (1997) (QUOTING CANTON V. HARRIS, 489 U.S. 378, 388, 109 S. CT. 1197 (1989)).

C. JURISDICTION

I am suing for a violation of federal law under 28 U.S.C. § 1331.  
OR

I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$\_\_\_\_\_.

D. RELIEF WANTED

Describe what you want the court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or stop doing something.

• ISSUE AN ORDER FOR COMPENSATORY DAMAGES AGAINST EACH DEFENDANT

IN THERE INDIVIDUAL AND OR OFFICIAL CAPACITY IN THE AMOUNT OF \_\_\_\_\_

\$285,000.00 (TWO HUNDRED EIGHTY FIVE THOUSAND DOLLARS),

• ISSUE AN ORDER FOR PUNITIVE DAMAGES AGAINST EACH DEFENDANT IN

THERE INDIVIDUAL AND OR OFFICIAL CAPACITY IN THE AMOUNT OF \$450,000.00

(FOUR HUNDRED FIFTY THOUSAND DOLLARS),

• ISSUE A ORDER AS STATED ABOVE PLUS ANY AND ALL COST

AND FUTURE MEDICAL COST AND TREATMENT RELATED TO THE

PLAINTIFF INJURY.



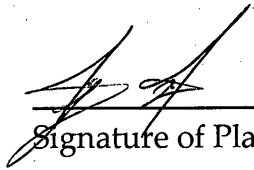
E. JURY DEMAND

Jury Demand - I want a jury to hear my case  
OR

Court Trial - I want a judge to hear my case

Dated this 10 day of March 2016.

Respectfully Submitted,

  
\_\_\_\_\_  
Signature of Plaintiff

490558  
\_\_\_\_\_  
Plaintiff's Prisoner ID Number

COLUMBIA CORRECTIONAL INSTITUTION  
\_\_\_\_\_

P.O. Box 900, PORTAGE, WI. 53901  
\_\_\_\_\_  
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper).

**REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FILING FEE**

I **DO** request that I be allowed to file this complaint without paying the filing fee. I have completed a request to proceed in the district court without prepaying the fee and attached it to the complaint.

I **DO NOT** request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.