

UNITED STATES DISTRICT COURT
REC'D/FILED
WESTERN DISTRICT OF WISCONSIN
2016 SEP 26 AM 10:58

Erick Peterson

Plaintiff

PETER OPPENEER
CLERK US DIST COURT
WD OF WI

Vs

Case No. 15-CV-49

Michael Meisner, et al

Defendants

AMENDED COMPLAINT

This is a civil action authorized by 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by The Constitution of The United States. The court has jurisdiction under 28 U.S.C. § 1331 and 1343 (A)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. § 2201 and 2202. Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. § 2283 and 2284 and Rule 65 of The Federal Rules of Civil Procedure.

The Western District of Wisconsin is the appropriate venue under 28 U.S.C. § 1391(b)(2) because it is where the events giving rise to this claim occurred.

PLAINTIFF

Plaintiff Erick Peterson is and was at all times mentioned herein a prisoner of The State of Wisconsin in the custody of The Department of Corrections. He is currently confined at The Green Bay Correctional Institution at 2833 Riverside Drive, Green Bay, WI 54307.

DEFENDANTS

1. Michael Meisner, individually and in his personal capacity as a warden at The Columbia Correctional Institution at P.O. Box 950, Portage, WI 53901.

2. Janel Nickel, individually and in her personal capacity as a security director at The Columbia Correctional Institution at P.O. Box 950, Portage, WI 53901.

3. Lon Becker, individually and in his personal capacity as a deputy warden at The ~~Exxx~~ Columbia Correctional Institution at P.O. Box 950, Portage, A WI 53901.

4. Timothy Cahilna, individually and in his personal capacity as a captain at The Columbia Correctional Institution at P.O. Box 950, Portage, WI 53901.

5. Blount, individually and in his personal capacity as a lieutenant at The Columbia Correctional Institution at P.O. Box 950, Portage, WI 53901.

6. Nathan Preston, individually and in his personal capacity as an officer at The Columbia Correctional Institution at P.O. Box 950, Portage,,WI 53901.

7. Tracy Kopfhamer, individually and in his personal capacity as an officer at The Columbia Correctional Institution at P.O. Box 950, Portage, WI, 53901.

8. Benjamin Neumaier, individually and in his personal capacity as an officer at The Columbia Correctional Institution at P.O. Box 950, Portage, WI 53901.

9. Scott Royce, individually and in his personal capacity as an officer at The Columbia Correctional Institution at P.O. Box 950, Portage, WI 53901.

10. Travis Haag, individually and in his personal capacity as an officer at The Columbia Correctional Institution at P.O.Box 950, Portage, WI 53901.

11. Morgan, individually and in his personal capacity as an officer at The EX Columbia Correctional Institution at P.O.~~Exxx~~ Box 950, Portage,WI 53901.

12. Hautanaki, individually and in his personal capacity as an officer at The Columbia Correctional Institution at P.O.Box 950, Portage, WI 53901.

13. Mary Leiser, individually and in her personal capacity as an advocate at The Columbia Correctional Institution at P.O.Box 950, Portage, WI 53901.

14. Dahlia Suliene, individually and in her personal capacity as a doctor

at The Columbia Correctional Institution at P.O.Box 950, Portage, WI 53901.

15. Melissa Thorne, individually and in her personal capacity as a nurse at The ~~21~~ Columbia Correctional Institution at P.O.Box 950, Portage, WI 53901.

16. ~~Emily~~ Emily Steele, individually and in her personal capacity as a phlebotomist at The Columbia Correctional Institution at P.O.Box 950, Portage, WI 53901.

~~17.~~

17. Karen Anderson, individually and in her personal capacity as a Health Services Manager at The Columbia Correctional Institution at P.O.Box 950, Portage, WI 53901.

18. Joanne Lane, individually and in her personal capacity as a complaint examiner at The Columbia Correctional Institution at P.O.Box 950, Portage, WI 53901.

19. Cindy Francois, individually and in her personal capacity as a complaint examiner at The Columbia Correctional Institution at P.O.Box 950, Portage, WI 53901.

20. Cindy O'Donnell, individually and in her personal capacity as a Secretary for The Dept. of Corrections at P.O.Box 7925, Madison, WI 53707.

21. Deirdre Morgan, individually and in her personal capacity as a secretary for The Dept. of Corrections at P.O.Box 7925, Madison, WI 53707.

22. Charles Cole, individually and in his personal capacity as a security for The Dept. of Corrections at P.O.Box 7925, Madison, WI 53707.

23. Dennis Schuh, individually and in his personal capacity as a security for The Dept. of Corrections at P.O.Box 7925, Madison, WI 53707.

24. Charles Facktor, individually and in his personal capacity as a complaint ~~exa~~ examiner in Madison at P.O.Box 7925, Madison, WI 53707.

25. Dennis Richards, individually and in his personal capacity as Sheriff for Columbia County at 711 Cook St., Portage, WI 53901.

26. Alexander Agnew, individually and in his personal capacity as a serge-

ant for The Columbia County Sheriff's Dept. at 711 Cook St., Portage, WI 53901.

27. Each defendant is sued individually and in his or her personal capacity at all times mentioned herein at all times, And each defendant acted under the color of state law.

28. Each and every defendant criminally and civilly have conspired together with each other under 42 U.S.C. § 241~~xxx~~ + 242 and 42 U.S.C. § 1983, 1985, (3) 1986 and class (1) discrimination, as equal protection of the laws and rights secured by The United States Constitution, and deprive the plaintiff of his 1st, 4th, 5th, 8th, and 14th Amendment rights.

29. The defendants criminally and civilly conspired together to assault and commit a battery on the plaintiff, and used excessive force during an illegal cell extraction, and used their positions to malfeasance to cover up this assault.

30. The defendants criminally and civilly conspired together to sexually assault the plaintiff, commit misconduct in public office, used their positions to fabricate and plant evidence, and falsify documents.

31. Each and every defendant has criminally and civilly conspired together to illegally deny the plaintiff proper medical treatment, and cover up a battery that was committed on the plaintiff at The Columbia Correctional Institution.

32. At all times mentioned herein the plaintiff was an inmate at The Columbia Correctional Institution at the time of the incidents.

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FACTS

A1. On July 23, 2012 Dr. Suliene prescribed the plaintiff "ice" two times per shift". To cool the plaintiff down. At the time the plaintiff weighed over 400 pounds.

A2. On July 24, 2012 The plaintiff was on a segregation unit(DS-2) at The Columbia Correctional Institution.

A3. On July 24, 2012 Officer Preston was doing a round. The plaintiff sto-

pped Mr. Preston and told him, and showed Mr. Preston that he was prescribed "ice two times per shift" by Dr. Suliene. Mr. Preston got mad and walked away from the plaintiff's cell. Mr. Preston showed up at the plaintiff's cell about one hour later with a bag of ice, which was leaking, and had black pepper in it, sprinkled all over the ice.

The plaintiff tried telling Preston that the ice was to be used to cool him down (drink) not for an injury and told Preston to bring the plaintiff a new bag of ice. Preston got mad and walked away from the plaintiff's cell. As Preston was walking away, the plaintiff told Preston that he wants to see the sergeant. Preston ignored the plaintiff's request. The plaintiff then kicked the door a few times and yelled for the sergeant. About (10) minutes went by, Preston returned to the plaintiff's cell door, the plaintiff told Preston that he was going to sue him ("I'm going to sue you Preston"). About (10) more minutes went by, Preston returned to plaintiff's cell door and told the plaintiff to ("Pack your shit you're going to DS-1"). Plaintiff told Preston that he wants a new bag of ice, or plaintiff is going to ~~xxx~~ file a lawsuit against him for denying plaintiff medical treatment. Preston got mad and walked away from plaintiff's cell. The plaintiff packed all of his property in his cell. About (15) minutes went by and Captain Casiana showed up at the plaintiff's cell door, Casiana told the plaintiff that he is being moved to DS-1. The plaintiff tried telling Casiana what Preston did to his ice. The plaintiff even gave Casiana the plastic bag with the black pepper in it, and his medical slip. Casiana told the plaintiff he doesn't care what the plaintiff claims Preston did to his ice. The plaintiff needs to place his hands out of the trap door, so plaintiff can be handcuffed and moved to DS-1. Plaintiff refused to place his hands out of the trap door. Plaintiff asked Casiana why is he being moved to DS-1? Casiana told the plaintiff "because you threatened to kill officer Preston". Plaintiff tried telling Casiana that he did not threaten to kill Preston, but plaintiff told Casiana that he told Preston that he was going to file a lawsuit against Preston

for denying the plaintiff medical treatment. Casiana told plaintiff that that is also a ~~xx~~ threat here at The Columbia Correctional Institution. The plaintiff told Casiana that he wants his medical slip and his icebag back, so he can use them all evidence when he files his lawsuit. Casiana refused to return the icebag and medical slip. Plaintiff told Casiana that he is not coming out of his cell until Casiana returns his icebag and medical slip and that he can get his buddies with their chickensuits on and ~~gab~~ get the plaintiff out of his cell, with that Capt. Casiana walked away from the plaintiff's cell.

Casiana came back to the plaintiff's cell door about (15) minutes later with (2) or (3) more officers, and the plaintiff refused to come out of his cell. After about the second or third time Casiana came back to the plaintiff's cell with (3) officers and a camera. Plaintiff went to his cell door and looked out the window and saw Casiana holding onto a camera which had a light on it, Casiana again ordered the plaintiff to put his hands out of the trap door. Plaintiff saw Casiana, Kopfhamer, Neumaier, and Royce standing by his door when the plaintiff put his hands out the trap door, and the plaintiff was handcuffed. There was also a "bullstrap" placed on the plaintiff's wrist along with the handcuffs, which connected directly to the cell door. At this point the plaintiff was ordered to step out, because the cell door was only opened part way, the plaintiff had to step out sideways, due to his size at the time (400 lbs, 5 feet and 9 inches tall). At this point Casiana handed the video camera to another officer. The plaintiff had to be cuffed in front because of his size. There wasn't any reason Casiana showed up at the plaintiff's door with (3) other officers, since the plaintiff refused several orders to come out of his cell. The only reason why Casiana showed up at the plaintiff's cell door with (3) other officers, and a video camera(which Casiana claimed didn't work), was to assault the plaintiff.

The plaintiff points out for the court that the State of Wisconsin's own

cell extraction policy manual requires all prison officials use between (8) to (10) correctional officers when moving or extracting an inmate out of their cell, who is disobeying orders.

A4. On July 24, 2012, Casiana ordered the plaintiff to back out of his cell. The plaintiff was too overweight to fit through the door backwards. So the plaintiff stepped out of his cell sideways. One of the defendants then placed a waistbelt on the plaintiff then chained it to the handcuffs. One of the defendants then disconnected the bullstrap from the plaintiff's right wrist. At this point Casiana was standing on the plaintiff's right side. Casiana then grabbed the plaintiff's right wrist and intentionally twisted the plaintiff's right wrist inside the handcuff. The handcuffs were tight on the plaintiff's wrists at one click, and when handcuffs are closed they form an oval shape around the wrist. Casiana intentionally torqued the plaintiff's right wrist inside the cuff, causing the plaintiff severe pain in the plaintiff's right wrist and arm. And even caused nerve damage to the plaintiff's wrist from the illegal assault which Casiana committed on the plaintiff when Casiana intentionally twisted the plaintiff's right wrist inside the handcuff. After Casiana twisted the plaintiff's right wrist inside the handcuff, the plaintiff reacted to the pain by grabbing his right wrist with his left hand and pulled his right hand away from Casiana. Then the plaintiff locked his fingers ~~together~~ of both hands together to stop Casiana from further injuring the plaintiff's right wrist. As the plaintiff locked his fingers together, one of ~~the~~ the defendants slammed the plaintiff's head into the concrete wall almost knocking the plaintiff out and causing the plaintiff's head to bleed, and caused severe pain to the plaintiff's head. After the plaintiff's head was slammed into the wall, the ~~xxx~~ plaintiff grasped a cell door handle to keep from falling to the floor, from the assault the defendants were committing on ~~him~~ the plaintiff. As the plaintiff was holding onto the cell door handle, Neumaier kicked the plaintiff's right leg severa-

1 times, knocking the plaintiff to the floor as Casiana wrapped his arms around the plaintiff's face and throat choking the plaintiff while pulling so hard on the plaintiff's face that Casiana's arm was forced into the plaintiff's mouth. Casiana was then pulling so hard on the plaintiff's jaw that he cut himself on the plaintiff's teeth. As soon as the plaintiff was on the floor the (4) defendants then jumped on the plaintiff punching and kicking the plaintiff in his sides and legs, causing all kinds of pain to the plaintiff's body. The defendants were assaulting the plaintiff so bad that they almost made the plaintiff pass out from lack of air. Casiana caused all kinds of pain to the plaintiff's neck, mouth, and head. It was so that the plaintiff believed that Casiana was attempting to break the plaintiff's neck and jaw. As this assault was taking place against the plaintiff, the plaintiff tried to ball up on the floor to prevent further injury, from being battered, by the defendants. One of the defendants was pounding on the plaintiff's leg with a set of leg irons, while another was using a black metal baton, the telescoping kind, ~~that~~ causing all kinds of pain to the plaintiff's body. During this entire assault the ~~plaintiff~~ plaintiff remained in handcuffs and a waistbelt, with the handcuffs chained to the waistbelt, which prevented the plaintiff from lifting his hands beyond his waist. The plaintiff ~~was~~ was not even able to block his own face as Casiana was attempting to break the plaintiff's neck and jaw. After this initial assault ceased the defendants placed the leg irons on the plaintiff. The entire rear side of the plaintiff's right calf was black, purple, and red from being beaten ~~with the baton~~ with the ~~baton~~ baton.

A5. On July 24, 2012, after Casiana, Kopfhamer, Neumaier, and Royce were done with this initial assault on the plaintiff, in the hallway by his cell. The defendants dragged the plaintiff down the hall, down the stairs to the dayroom, where the defendants completely restrained the plaintiff in a restraint-c-

hair(which is similar to a wheelchair, but with full restraints). The defendants then transported the plaintiff to HSU. Once in HSU, the plaintiff attempted to tell Nurse Thorne about the assault and his injuries, CO-Haag was applying assaulting pressure to the plaintiff's jaw and the underside of his chin causing all kinds of pain to the plaintiff, and preventing the plaintiff from disclosing to the nurse the plaintiff's beating and subsequent injuries, everywhere that he was injured.

As this ~~xxx~~ second assault was taking place in HSU(a continuation of the initial assault as CO-Haag never released the plaintiff's pressure points from the initial assault all the way to the HSU and to the DS-1 unit, through HSU, to the tier stairs. As this assault was taking place the plaintiff was unable to disclose his injuries to Nurse Thorne, so Casiana told the nurse what the plaintiff's injuries were, denying the plaintiff medical treatment. Thorne looked at the plaintiff's head and wiped the blood off then looked at the plaintiff's (left) ankles and told the plaintiff and the defendants that there isn't anything wrong with the plaintiff, and told the defendants they can take the plaintiff and put him in a cell. The defendants then wheeled the plaintiff into DS-1.

A6. On July 24, 2012, when the defendants got the plaintiff to DS-1, and by the stairs to the tier, the defendants then released the plaintiff from the restraint chair and helped the plaintiff to his feet, then the defendants told the plaintiff to walk up the stairs. The plaintiff told the defendants that he is not able to walk up the stairs because of the injury to his legs and calves. At this point Casiana ordered the other defendants to drag the plaintiff up the stairs. Once up the stairs, the defendants slammed the plaintiff face first into the shower door, then pinned the plaintiff to the shower door and proceeded to cut the plaintiff's clothing off of his body with a scissors. At this point the plaintiff was completely naked and still pinned to the shower door face

first, one of the defendants then illegally sexually assaulted the plaintiff reaching between the plaintiff's legs and grabbed the plaintiff's penis and testicles and felt around on them. Then illegally spread open the plaintiff's ~~xxx~~ buttocks without the plaintiff's permission.

After the defendants ~~XXXXXXXXXX~~ were done sexually assaulting the plaintiff, the defendants dragged the plaintiff completely naked, down the entire tier, for no other ~~XXXXXXXXXX~~ reason than to humiliate the plaintiff by parading the plaintiff naked in front of the entire tier. The plaintiff lived in a cell for about (3) three days without any bedding, mattress, clothing, not even a ~~XXXXX~~ simple bag of ice for the plaintiff's injuries to control ~~xxx~~ swelling, and no running water in his cell. The plaintiff had to sleep on either a cold concrete floor or ~~an~~ a cold metal bunk frame with no mattress of any kind at all. Captain Casiana ordered that the plaintiff be kept in these conditions until further notice.

On the fourth day the plaintiff was given bedding, clothes, and a mattress, but the water still wasn't turned on. ~~xxx~~ For (3) or (4) days the plaintiff told the defendants over and over that there was no water in his cell, not even to flush the toilet. The defendants just ignored his requests for water.

A7. Between July 24, 2012 thru August 10, 2012 the plaintiff told the defendants Casiana and Thorne that there was something wrong with his right leg(which later required physical therapy at ~~EMM~~ GBCI after January of 2013), right wrist(which was x-rayed for the first time at Waupun Memorial Hospital in February of 2013 and the x-ray showed the plaintiff's right ulnar styloid was fractured), and right hand was not working properly(EMG at The UW-Hospital in Madison showed that there ~~XXXXXXXXXX~~ was both radial nerve damage and ulnar nerve damage, the plaintiff's right wrist also had Carpal Tunnel Syndrome, ~~xxxxx~~ which had been diagnosed in the mid 90s at St. Vincent Hospital in Green Bay but had nothing to do ~~XXXXX~~ with the radial or ulnar nerve damage.). The plaintiff

plaintiff even showed the defendants the bruises on his body and the swelling in these areas. Casiana and Thorne, and Dr. Suliene just ignored plaintiff's medical needs and told the plaintiff that there is nothing wrong with him.

A8. On or about July 27, 2012 the plaintiff was taken out of his cell and taken to HSU. Plaintiff tried showing Dr. Suliene and nurse Emily the bruises and swelling on his calf(right calf), and right wrist. Nurse Emily told the plaintiff that he is not at HSU for that. Emily told the plaintiff that he was only at HH HSU for a "routine" blood draw, and told the plaintiff if he has any concerns that he has to file a blue slip(HSU Request form) for medical, to have his problems taken care of.

A9. On July 27, 2012 the plaintiff filed an inmate complaint about being denied medical treatment for his injuries that he received from the assault and battery on July 24, 2012 and HSU not taking any pictures of the bruises on his legs, arms, right wrist, hands, ribs, that Casilina, Kopfhamer, Neumaier, and Royce inflicted on the plaintiff during the illegal cell extraction.

On September 6, 2012 Lane conspired with Anderson, Thorne, Casilina, Kopfhamer, Neumaier, and Royce and made all kinds of lying excuses as to why the plaintiff didn't receive any medical treatment or have pictures taken of the injuries the defendants intentionally inflicted on the plaintiff's body without the plaintiff's permission during the illegal cell extraction on July 24, 2012. The plaintiff was denied medical treatment and to have pictures taken, to cover up the assault and battery the defendants committed on the plaintiff on July 24, 2012.

On September 24, 2012 Becker conspired with Anderson, Lane, Casiana, Kopfhamer, Neumaier, Royce, and Thorne and illegally affirmed Lane's ruling on complaint number 12-16883 to cover up the assault and battery that was committed on the plaintiff July 24, 2012.

The plaintiff appealed his complaint to the complaint examiner in Madison.

on. On October 4, 2012 Facktor admitted that the plaintiff is experiencing weakness in his arm, hand, leg, and is in all kinds of pain when the plaintiff tries to grip something in his right hand, and there's bruising to his right calf, and it seems like it is healing and dismissed complaint number 12-16553.

On October 5, 2012 Cole affirmed complaint number 12-16553.

A10. On August 8, 2012 the plaintiff filed an inmate complaint 12-16886 about being denied medical treatment for his ankle, calves, legs, wrist, and hand, that he sustained on July 24, 2012 from the illegal assault and battery that Calliana, Kopfhamer, Neumaier, and Royce committed on him.

On August 14, 2012 Anderson again conspired with Lane and lied claiming the plaintiff refused medical treatment between July 25, 2012 thru August 6, 2012.

On September 6, 2012 Lane conspired with Anderson and dismissed the plaintiff's complaint to cover up that the plaintiff is being denied medical treatment at Columbia Correctional Institution, complaint number 12-16886.

On September ~~XXXXXX~~ 21, 2012 Becker conspired with Lane, and Anderson and affirmed Lane's frivolous ruling on complaint number 12-16886.

The plaintiff appealed complaint number 12-16886 to the complaint examiner in Madison.

On October 24, 2012 Facktor conspired with Lane, Anderson, and Becker and affirmed Lane's ruling on complaint number 12-16886 to cover up denying the plaintiff medical treatment.

On October 5, 2012 Cole affirmed Facktor's ruling on complaint number 12-16886.

A11. On August 29, 2012 the plaintiff filed another complaint about being denied medical treatment.

On September 1, 2012 Anderson again conspired with Lane and made all k-

inds of excuses claiming the plaintiff has been receiving medical treatment.

On September 17, 2012 Lane dismissed ~~thw~~ the plaintiff's complaint number 12-18454, claiming that the plaintiff is receiving medical treatment for his injuries.

On October 1, 2012 Becher conspired with Lane and Anderson and affirmed Lane's ruling on complaint number 12-18454, but made the following modification to the complaint: That if an inmate is denied medical treatment, the nurse shall still see the inmate and explain to him why he is being denied medical treatment etc.

On October 5, 2012 the plaintiff appealed his complaint to Madison. On October 10, 2012 Facktor affirmed complaint number 12-18454.

On October 23, 2012 Schuh affirmed Facktor's ruling on complaint number 12-18454.

A12. On October 3, 2012 the plaintiff filed an inmate complaint about staff at The Columbia Correctional Institution not taking x-rays of his hand(right) wrist or right calf, complaint number 12-20504, and even stated the injuries he received from the beating on July 24, 2012 are still causing all kinds of pain to these areas, and causing him all kinds of emotional distress.

On September 29, 2012 Lane conspired with HSU and Anderson and rejected plaintiff's complaint claiming the plaintiff didn't allege sufficient facts.

On October 29, 2012 Meisner affirmed Lane's ruling on complaint number 12-20504.

A13. On September 27, 2012 the plaintiff filed an inmate complaint number 12-20835 about being denied medical treatment, and that he is still in pain from the injuries from the assault and battery committed on him on July 24, 2012. Also note that ~~even~~ at even this point, the ~~upk~~ plaintiff was still not provided even so much as a simple icepack for the swelling in his wrist or calf.

On October 19, 2012 Lane dismissed the plaintiff's complaint claiming t-

hat the plaintiff is receiving proper medical care.

On November 2, 2012 Becher affirmed Lane's ruling on complaint number 12-20835.

Plaintiff appealed complaint number 12-20835 to the complaint examiner in Madison.

On November 9, 2012 Facktor affirmed Lane's ruling, making all kinds of excuses in his reply to cover up the assault and battery that was committed on the plaintiff July 24, 2012, and never addressed the plaintiff's medical problem.

On November 19, 2012 Morgan conspired with Lane and Facktor and affirmed Facktor's ruling on complaint number 12-20835.

A14. On or about March 20, 2013 After the plaintiff was transferred to The Green Bay Correctional Institution. The plaintiff had x-rays done on his hand, and there was a bone chip in his right wrist(the plaintiff's right ulnar styloid was fractured). This fracture was caused by the assault and battery that the defendants committed on the plaintiff July 24, 2012. This was also the first time that the plaintiff's right wrist and hand was x-rayed since before July 24, 2012.

All the time the plaintiff was at The Columbia Correctional Institution after July 24, 2012, the plaintiff didn't receive any proper medical treatment for the injuries he received from the assault and battery on July 24, 2012.

A15. On July 26, 2012 Captain Casiana wrote the plaintiff conduct report number 2250867, for 303.12 battery, 303.24 disobeying orders, and 303.16 threats. This conduct report was written on the plaintiff to cover up the assault and battery Casiana, Kopfhamer, Neumaier, and Royce committed on the plaintiff during an illegal cell extraction on July 24, 2012.

A16. On July 26, 2012 the plaintiff took a full due process hearing on conduct report #2250867 and was appointed advocate Westaby to help the plain--

~~XXXX~~ tiff gather evidence, and question witnesses.

A17. On July 30, 2012 the plaintiff filled out a witness form to have inmates Brandon Muller and Jerome Berry called all witnesses for the hearing on Conduct report #2250867.

A18. Between July 26, 2012 thru August 10, 2012 Westaby didn't do anything to help the plaintiff with his defense. Westaby didn't do any kind of investigation into the CR, talk to witnesses or get statements, or get the video tape of the assault and battery Casiana, Kopfhamer, Neumaier, and Royce committed on the plaintiff July 24, 2012. Instead Westaby conspired with these defendants to help cover up the assault and battery.

A19. On August 10, 2012 the plaintiff went on a hearing on conduct report #2250867. During this hearing Westaby didn't make one objection or argument on the plaintiff's behalf about his witnesses not being present to testify, or that there wasn't even any evidence to be able to find the plaintiff guilty of CR# 2250867 but lies.

A20. On August 10, 2012 Anthony Ashworth, Franson, criminally and civilly conspired with Westaby, Casiana, Kopfhamer, Neumaier, and Royce and illegally found the plaintiff guilty of CR# 2250867, of 303.12, 303.16, and 303.24 to cover up the assault and battery that the defendants committed on the plaintiff on July 24, 2012.

A21. On August 13, 2012 the plaintiff filed an appeal on CR# 2250867 to the warden(Michael Meisner).

A22. On September 17, 2012 Meisner criminally and civilly conspired with Westaby, Ashworth, Franson, Casiana, Kopfhamer, Neumaier, and Royce and illegally affirmed CR# 2250867 claiming no due process violations, to cover up the assault and battery the defendants committed on the plaintiff on July 24, 2012.

A23. On October 4, 2012 the plaintiff filed an inmate complaint number

12-21010 about being denied his due process right to call witnesses or have them testify in his behalf at the hearing on August 10, 2012 for CR#2250867.

On November 5, 2012 Ray recommended that the plaintiff shall get a new hearing on CR# 2250867, and the witnesses shall be at this new hearing.

On November 13, 2012 Meisner affirmed Ray's ruling on complaint number 12-21010 granting the plaintiff a new hearing on CR# 2250867.

A24. On November 14, 2012 the plaintiff filled out a new witness list to have inmates Taylor, Hudson, x and Scholar present at the new hearing on CR# 2250867.

A25. After November 14, 2012 Nickel denied the plaintiff his due process right to call ~~witnesses~~ these witnesses for CR# 2250867.

A26. Between November 13, 2012 thru November 27, 2012 the plaintiff's new advocate Leiser didn't do any kind of investigation into conduct report#2250-867, didn't gather evidence, talk or gather statements from witnesses or get a copy of the video tape showing the assault ~~at~~ and battery being committed on the plaintiff on July 24, 2012.

A27. On November 27, 2012 Blount and Hautamaki conspired with Casiana, Kopfhamer, ~~Neumaier~~ Neumaier, and Royce and illegally found the ~~plaxax~~ plaintiff guilty on x CR# 2250867x to cover up the assault and battery they committed on the plaintiff on July 24, 2012, plaintiff was sentenced to (360) days p Program Segregation, and (8) days Adjustment which extended the plaintiff's prison confinement by (184) additional days in prison, by extending the plaintiff's "Extended Supervision" date.

A28. On November 28, 2012 the plaintiff appealed CR# 2250867 to the warden.

On February 12, 2013 Meisner conspired with Blount, and Hautamaki and illegally affirmed CR# 2250867 to cover up the assault and battery Casiana, Kopfhamer, Neumaier, and Royce committed on the plaintiff July 24, 2012.

A29. On February 8, 2013 the plaintiff filed an inmate complaint number 13-2747 about his Advocate not gathering evidence or having witnesses at the hearing on CR# 2250867.

A30. On March 1, 2013 Francois conspired ~~witxh~~ with Meisner, Nickel, Ashworth, Franson, Casiana, Kopfhamer, Neumaier, and Royce and made all kinds of excuses about the plaintiff being denied to call witnesses, and to cover up the assault and battery the defendants committed on the plaintiff July 24, 2012, during an illegal cell extraction, complaint number 13-2747.

A31. On March 29, 2013 Facktor conspired with Francois and illegally affirmed Francois's ruling on complaint number 13-2747. Facktor also made all kinds of excuses about the plaintiff's due process rights being denied on conduct report # 2250867 about why the plaintiff's witnesses were not called for the hearing.

A32. On April 4, 2013 O'Donnell conspired with Facktor's and Francois's and affirmed Facktor's ruling on complaint number 13-2747 to cover up the due process violations on CR# 2250867.

A33. On August 30, 2012 the plaintiff filed an inmate complaint number 12-18201 about Preston putting black pepper in the plaintiff's bag of ice.

A34. On September 17, 2012 Lane conspired with Casiana and dismissed complaint number 12-18201 to cover up Preston's misconduct and ~~Casiana's~~ Casiana's lies about Preston not putting black pepper in the plaintiff's bag of ice on July 24, 2012 that led to the assault and battery that Casiana, Kopfhamer, Neumaier, and Royce committed on the plaintiff on July 24, 2012.

A35. On December 5, 2013 the plaintiff received a letter from Attorney Holtz, where Casiana admitted to D.A. Genda that Preston put black pepper in the plaintiff's bag of ice on July 24, 2012, this letter proves that Casiana is nothing but a liar.

A36. On August 30, 2012 Agnew interviewed the plaintiff at The Columbia

Correctional Institution about the assault and battery which at this time had occurred over a month prior to this interview on July 24, 2012. The plaintiff told Agnew that he wanted Casiana, Kopfhamer, Neumaier, and Royce all criminally charged for assault and battery that they committed on him July 24, 2012, during an illegal cell extraction. The plaintiff was still able to show Agnew, over a month after the incident took place, the bruises that these defendants intentionally inflicted on the plaintiff's right wrist and right calf, Agnew even refused to photograph these bruises. Agnew refused to have the defendants criminally ~~xxxxxx~~ charged, to ~~x~~ cover up the assault.

A37. On October 3, 2012 Richards and Agnew criminally ~~charged~~ and civilly conspired with Meisner, Casiana, Kopfhamer, Neumaier, and Royce and had the district attorney Linda Hoffman criminally charge the plaintiff with one (1) count of battery against Casiana, to cover up the assault and battery the defendants Casiana, Kopfhamer, Neumaier, and Royce committed on the plaintiff on July 24, 2012.

A38. On January 19, 2013 the plaintiff sent R# Richards a letter requesting g him to have an investigator appointed to investigate the assault and battery that were committed against the plaintiff on July 24, 2012, and have Casiana, ~~Kp~~ Kopfhamer, Neumaier, and Royce criminally charged for ~~assaulting~~ assaulting and battering the plaintiff.

A39. Richards gave the plaintiff's letter to Mr. Agnew to have him investigate it. Agnew ~~didn't~~ didn't investigate anything.

A40. On January 21, 2013 Agnew sent the plaintiff's letter, and a report of Agnew's to the D.A. Hoffman's office, but never requested Casiana, Kopfhamer, Neumaier, and Royce be criminally charged for assault and battery on the plaintiff on July 24, 2012.

A41. After July 24, 2012 or to date the defendants Casiana, Kopfhamer, Neumaier, or Royce have not been charged criminally by The ~~Columbia~~ Columbia

County District Attorney's Office for the assault and battery that the defendants committed against the plaintiff on July 24, 2012 at The Columbia County Correctional Institution.

RELIEF REQUESTED

A. The plaintiff requests \$100, 000 in compensatory damages from each of the defendants.

B. The plaintiff requests \$100,000 in punitive damages from each of the defendants.

C. The plaintiff requests that ~~the~~ the following defendants: Meisner, Nickel, Casiana, Kopfhamer, Neumaier, and Royce all be criminally charged with criminal conspiracy to committing a battery on the plaintiff on July 24, 2012.

D. The plaintiff requests that the following defendants: Meisner, Nickel, ~~xxxx~~, Casiana, Kopfhamer, Neumaier, Royce, Rataczak, Kyburz, Risen, and Hag all be criminally charged with criminal conspiracy to sexually assault the plaintiff on July 24, 2012.

E. The plaintiff requests that the following defendants pay all costs, all attorney's fees and taxes and other relief the judge or jury finds just and ~~proper~~ proper.

I declare under the penalty of perjury 18 ~~XXXX~~ U.S.C. § 1746 that the foregoing is true and correct to the best of my personal knowledge and belief. Jury trial demanded.

September 24, 2016

Dated

Erick Peterson

Erick Peterson

P.O. Box 19033

Green Bay, WI ~~XXXX~~ 54307-9033