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

JUSTIN WILLIAM VANDERA.
Plaintiff,

v.

Case No. 17-CV-15-jdp

BRIAN FOSTER,SGT. TRITT,Lt.Tritt,
Lt.Larson,CPT.HAYNES,SGT.KOOTZ,
JONATHAN S.PAWLYK,DR.VAN BUREN,
CO.BIKOWSKI,DR.SCHMIT,MISS HALPER,
JON E.LITSCHER, **CO. HOUSTON MARX**, **CAPT. COBY SABISH**, (John Doe Defendants)
AND SGT. Bouzack,CO.BROCKMAN,RHU SUPERVISOR
PAUL LUDVINGSTON,RHU PROGRAM SUPERVISOR,
Lt. Radke, (John Doe Defendant) **Defendants.**

AMENDED COMPLAINT
John Doe, Jane Doe Defendants

COMES NOW, the plaintiff, **Justin William VanDera,** "VanDera" hereafter, with Civil Rights Complaint brought pursuant to **Title 42 U.S.C. §1983,** against the above named defendants.

PARTIES

1. **PLAINTIFF, JUSTIN WILLIAM VANDERA,** IS A CITIZEN of the United States and a adult resident of the State of Wisconsin and at all times relevant to this action was confined as a Prisoner at the Waupun Correctional Institution, (W.C.I.), whose address is: P.O. Box 351 Waupun, WI 53963-0351.

2. **DEFENDANT, BRIAN FOSTER,** is a Unites States citizen and adult resident of the State of Wisconsin and at all times relevant to this action was employed by the W.D.O.C., as the Warden of W.C.I., who's employment address is: 200 S. Madison St. Waupun, WI 53963.

3. **DEFENDANT, SGT. TRITT,** is a United States citizen and adult residant of the State of Wisconsin and at all times relevant to this action was employed by the Wisconsin Department of Corrections (W.D.O.C.) as a Sargeant at W.C.I., who's employment address is: 200 S. Madison St. Waupun, WI 53963.

4. **DEFENDANT, LT. TRITT,** is a United States citizen and adult residant of the State of Wisconsin and at all times relevant to this action was employed by the Wisconsin Department of Corrections (W.D.O.C.) as a Lieutenant at W.C.I., who's employment address is: 200 S. Madison St. Waupun, WI 53963.

5. **DEFENDANT LT. LARSON,** is a United States citizen and adult residant of the United States State of Wisconsin and at all times relevant to this action was employed by the W.D.O.C. as a Lieutenant at W.C.I., who's employment address is: 200 S. Madison St. Waupun, WI 53963.

6. DENFENDANT, CPT. HAYNES, is a United States citizen and adult residant of the State of Wisconsin and at all times relevant to this action was employed as a Captain by the W.D.O.C. at W.C.I., who's employment address is: 200 S. Madison St. Waupun, WI 53963.

7. DEFENDANT, SGT. KOOTZ, Is a United States citizen and adult residant of the State of Wisconsin and at all times relevant to this action was employed as a Sargeant by the W.D.O.C. at W.C.I., who's employment address is: 200 S. Madison St. Waupun, WI 53963.

8. DEFENDANT, JONATHAN S. PAWLYK, CO, is a United States citizen and adult residant of the State of Wisconsin and at all times relevant to this action was employed by the W.D.O.C., as a Officer at W.C.I., who's employment address is: 200 S. Madison St. Waupun, WI 53963.

9. DEFENDANT, DR. VANBUREN, is a United States citizen and adult resident of the State of Wisconsin and at all times relevant to this action was employed by the W.D.O.C. and Department of Health and Human Services at W.C.I. who's employment address is: 200 S. Madison St. Waupun, WI 53963.

10. DEFENDANT, CO. BIKOWSKI, is a United States citizen and adult residant of the State of Wisconsin and at all times relevant to this action was employed by the W.D.O.C., as a Officer at W.C.I., who's employment address is: 200 S. Madison St. Waupun, WI 53963.

11. DEFENDANT, DR. SCHMIT, is a United States citizen and adult residant of the State of Wisconsin and at all times relevant to this action was employed by the W.D.O.C., as a Mental Health Supervisor at W.C.I., who's employment address is: 200 S. Madison St. Waupun, WI 53963.

12. DEFENDANT, MISS. HALPER, is a United States citizen and adult residant of the State of Wisconsin and at all times relevant to this action was employed by the W.D.O.C., as a Mental Health Psycologist at W.C.I., who's employment address is: 200 S. Madison St. Waupun, WI 53963.

13. DEFENDANT, Jon E. litscher, is a United States citizen and adult residant of the State of Wisconsin and at all times relevant to this action was employed by the State Of Wisconsin as the secretary of the Department of Corrections. who's employment address is 3099 East Washington Ave. P.O. Box 7925 Madison WI 53707.

14. DEFENDANT, SGT. BOUZACK, is a United States citizen and adult residant of the State of Wisconsin and at all times relevant to this action was employed by the W.D.O.C., as a Sargeant at W.C.I., who's employment address is: 200 S. Madison St. Waupun, WI 53963.

15. DEFENDANT, CO. BROCKMAN, is a United States citizen and adult residant of the State of Wisconsin and at all times relevant to this action was employed by the State of Wisconsin as the Corrections Officer at W.C.I., who's employment address is: 200 S. Madison St. Waupun, WI 53963.

16. DEFENDANT, CPT. RADKE, is a United States citizen and adult resident of the State of Wisconsin and at all times relevant to this action was employed by the W.D.O.C., as a captain at W.C.I., who's employment address is: 200 S. Madison St. Waupun, WI 53963.

17. **DEFENDANT, CO. BEAHM,** is a United States citizen and adult residant of the State of Wisconsin at all times relevant to this action was employed as a Corrections Officer by the W.D.O.C. at W.C.I., who's employment address is: 200 S. Madison St. Waupun, WI 53963.

18. **DEFENDANT, PAUL LUDVIGSON,** is a United States citizen and adult residant of the State of Wisconsin at all times relevant to this action was employed by the W.D.O.C. as a RHU Supervisor at W.C.I., who's employment address is: 200 S. Madison St. Waupun, WI 53963.

19. **DEFENDANT, CO. MARX,** is a United States citizen and adult residant of the State of Wisconsin and at all times relevant to this action was employed by the W.D.O.C., at W.C.I., who's employment address is: 200 S. Madison St. Waupun, WI 53963.

20. **DEFENDANT, CPT.SABISH,** is a United states citizen and adult residant of the State of Wisconsin and at all times relevant to this action was employed by the W.D.O.C., at W.C.I., who's employment address is: 200 S. Madison St. Waupun, WI 53963.

II.JURISDICTION

21. Jurisdiction of this court arises under federal law and 42 U.S.C. §§ 1983, 1986, 1988, and 1985.

III. FACTUAL BACKGROUND

22. At all times relevant hereto, the Plaintiff was incarcerated at the Waupun Correctional Institution in Waupun, Wisconsin (Waupun).

23. On or about January 31 st., 2016 upon information and belief, Plaintiff was having a lot going on with his family which caused him to have suicidal thoughts. Plaintiff has a long history of multiple suicidal attempts.

24. At all times relevant hereto, defendants Brian Foster, Sgt. Tritt, Lt. Tritt, Lt. Larson, Cpt. Haynes, Sgt. Kootz, CO. Jonathan S. Pawlyk, Dr. Van Buren, CO. Bikowski, Dr. Schmidt, Miss Halper, Jon E. Litscher, John Doe, and Jane Doe were acting under the color of law and were acting within the scope of their employment.

25. The above defendants by their actions or inactions, injured the plaintiff by allowing him to continuely harm himself without intervening.

26. On **JANUARY 31st. 2016,** at approximately 5:30 P.M. VanDera was suffering from suicidal and depressed thoughts of his father's continued terminal illness which caused VanDera to want to harm himself. As a result, when he notified the range officer about his thoughts of self harm, Sgt. Tritt came to talk to him and the determination was made to place Plaintiff in handcuffs, shackles and escort him to a strip cell in the front of the Restricted Housing Unit (RHU) to talk to a supervisor.

27. After it was determined that the plaintiff should be placed in observation, Plaintiff overheard officers say that he would be placed in observation cell A-103. VanDera refused to be placed back in cell

A-103 due to his prior placement there earlier in the month, Cell A-103 "The Poop Cell" As it is refered to as, by Security Officers in RHU was covered in feces the last time Plaintiff was forced to be place in it from 12-30-12 to 1-4-16. The only way Plaintiff aggreed to be place in cell A-103 was if Officer Pawlyk took a disinfectant spray bottle and rag in there and cleaned up the feces and blood all over the walls, trap door, bed, and door and windows. CO. Pawlyk did in fact take a spray bottle and rag into the cell A-103 and went to clean it all up personally before Plaintiff was placed in it. Obviously this fact proves that the Observation cells, mainly A-103 do not get cleaned that often because I had not been in cell A-103 for 26 days and VanDera knew about the cell still being covered in feces.

28. After being placed in cell A-103 without any clothes only wearing a security smock Plaintiff requested to Sgt. Tritt to be placed in full security restraints because VanDera felt like slamming and splitting his head open against the steel door, cinderblock wall and security window. Plaintiff verbalized his intentions to Sgt. Tritt who then suposedly relayed it to her supervisors and on the phone call with psychologist Miss. Halper (who is not professionally licensed to make any suicidal placement call/deciciounse.) Miss Halper denide the use of mechanical restraints for Plaintiff's safety.

29. Dr. VanBuren and Dr. Schmidt are guilty of being deliberately indifferent to the Plaintiff's safety by allowing an unlicensed psychoiogist (Halper) who only has a Masters degree to work as an oncall psychologist that doesn't have the expierience or license to place the plaintiff on observation or make the decision not to have Plaintiff placed into mechanical restraints for his own safety. By failing to properly train and make sure to have an adequate person on call they both are just at fault as (Halper)

30 . At 6:20 P.M. Sgt. Tritt told Plaintiff she contacted Lt. Larson, who called Cpt. Haynes, who called PSU Miss Halper who refused to have Plaintiff placed into full mechanical bed restraints for his own safety. By failing to take charge when they realised the Plaintiff was not just posturing defendants Lt. Larson, Cpt. Haynes are guilty of being deliberately indifferent to the plaintiff's safety. Security personnel have a professional obligation to take charge when they witness an injustice or something that can be harmful to someone and by not stepping in and haveing the plaintiff placed into full security bed mechanical restraints they are liable.

31 . Upon information and belief Sgt. Tritt told Plaintiff that she did in fact tell her supervisor and PSU the likelyhood of VanDera seriously hurting himself and that he has a history of slamming his head against cement walls until it splits open with blood everywhere and that the mechanical restraints were used before to stop plaintiff from further hurting himself in this manner on prior occasions where he was place in observation. as Sgt. Tritt turns around Plaintiff starts forcefully slamming his head into the door, window, and cinder-block wall sending blood everywhere all over the window and Sgt. Tritt just walked away after hearing him slam his head against the door and glancing over her shoulder at him through the blood covered window.

32. From 6:20 - 9:36 P.M. multiple defendants Pawlyk, Sgt. Tritt, Bikowski, Cpt. Haynes and Lt. Larson personally witnessed Plaintiff continue to forcefully and repeatedly slam his head against the window, door, and

wall further splitting it open which in turn caused more and more blood to come out of the inch plus gash on his forehead.

33. Upon information and belief Sgt. Kootz (who was working in the security control the night of 1-31-16) Told Plaintiff that he personally sat and watched Plaintiff continue to forcefully slam his head against the window, door, and walls at least 25-35 times.

34. C.O's Pawlyk, Bikowski, John and Jane Doe, Sgt. Tritt and other unknown officers made several 15 minute OBS checks and visually witnessed Plaintiff furhter hurting himself and still failed to stop him. Security officers working within the institution have a profession obligation to stop someone from hurting themselves if they personally witness it or have knowledge of the possibility of harming themselves, not just sit or stand there watching them harm themselves as they did with the Plaintiff.

35. Upon information and belief Plaintiff pressed the emergancy call button in the cell to request to see a nurse because of blood draining down the back of his head and throat, and all the bleeding split open head, but all Sgt. Kootz only told Plaintiff that he would let his supervisor know of his request for medical attention. The Plaintiff was not given any medical attention until he was taken out of observation some days later. This inaction on the part of Sgt. Kootz and his supervisors clearly violated the Plaintiff's civil rights.

36. Plaintiff was allowed to continually harm himself for three hours without anyone intervening. This inaction on part of the security officers and supervisors was a clear violation of the Plaintiff's civil rights.

37. When later asked about inmates harming themselves while in observation Dr. Van Buren told Plaintiff "inmates are allowed to harm themselves, because that is what they do and why they are in observation in the first place." This statement coming from a licensed Mental Health Professional is a real big concern and should make the D.O.C. Administration worried about what kind of heartless, callious people they are hiring to oversee the Mental Health of incarcerated individuals such as the Plaintiff. Dr. Van Buren also stated this remark to the Inmate complaint examiner and it is cited in the Plaintiff's inmate complaint. This shows the collective thinking and the way the Psychologists that work in the Waupun correctional Institution and it violates the civil rights of the plaintiff bilaterally allowing him to harm himself.

38. Upon information and belief, defendants Sgt.'s Tritt, Kootz, Lt's Larson, Tritt, and Cpt. Haynes, C.O.'s Pawlyk. Bikowski, Dr. VanBuren, John and Jane Doe, deliberately and maliciously allowed Plaintiff to harm himself which caused a serious threat to his safety and health.

39. On 2-2-16 Plaintiff filed an inmate complaint WCI-2016-3890, regarding the defendants actions and lack there of and subsequent failure to intervene with the plaintiffs allowing himself to harm himself.

40. As a direct and proximate cause of the defendant's actions and inactions and or omissions, Plaintiff was refused medical treatment for his self inflicted injurys for three days causing him unneccessary continuous pain and suffering in the form of head aches, dizzyness and

and loos of sleep, along with continuous fear of more serious consequences coming from his head injurys.

41 . All defendants named herein conduct was outrageous, wrongful and arditnary and shocking the consience.

FIRST CAUSE OF ACTION

Incorporating and Realleging paragraphs 1 thru 41 of the statement of claims in the complaint, Plaintiff alleges the defendants violated his Constitutional Rights against Cruel and Unusual Punishment and Deliberate Indifference when they neglected to intervene and stop plaintiff from further hurting himself and just chose to watch him forcefully and repeatedly slam his head over and over against the wall, door, and window. See, **Scott v.Pimbani**, 577 F. 3d 642 (6th Cir. 2009), **Spruill v. Gillis**, 372 F. 3d 218 (3rd Cir. 2004), **Meloy v. Bachmeier**, 302 F. 3d 845, 849 (8th Cir. 2002). A prison doctor or security officer fails to respond appropriately or does not respond at all to your serious medical needs are guilty of Deliberate Indifference, and Failure to Protect.

SECOND CAUSE OF ACTION

Incorporating and Realleging Paragraphs 1 thru 41 of the statement of claims, Plaintiff alleges that all defendants herein violated his right to Procedural and Substantive Due Process when they intentionally and maliciously allowed plaintiff to harm himself and neglected to do anything to try and stop him along with denying him medical attention when he asked for it. And also violated these rights when the administration failed to fully investigate the Plaintiff's claims of the security staff intentionally allowing Plaintiff to harm himself.

SECOND STAEMENT OF CLAIM

42. Upon information and belief, there were several other inmates reported to cause self harm to themselves, and thus, had to be removed from their cells and placed in observation cells by Restricted Housing Unit (RHU) correctional staff this same day and it was beginning to irritate them.

43. On DECEMBER 30th, 2015, at approximately 10:50 P.M. VanDera was suffering from suicidal and depressed thoughts of his father's terminal illness which cause VanDera to want to caus harm to himself. As a result, he was first escorted to a holding cell where he was attemped to be interviewed by security staff which he refused. And there after it was determined Plaintiff should be placed in Clinical Observation.

44. After it was determined Plaintiff should be placed in observation there was words said about cell A-103 being reffered to as the "POOP CELL" between Sgt. Bouzack and two other officers, unknown at this time. Sgt. Bouzack was trying to decide whether to put me (the Plaintiff) in the "POOP CELL" or another OBS cell. Plaintiff was then strip searched and placed on linen restriction and escorted by Sgt. Bouzack and another officer to cell A-103 in the RHU. Plaintiff was only allowed to have a security smock and a rubber mat to sleep on. All other clothing was removed.

45. Due to being forced to sleep on this solid rubber mat Plaintiff was subjected to unneccesary and wanton pain because officers have prior knowledge of plaintiff's degenerative disc disease.

46. Soon after being placed in cell A-103, Plaintiff smelled Feces. After examining the cell, plaintiff noticed feces in the window, food trap, door, walls, floor and bed.

47. C.O's Pawlyk, Beahm, Brockman, Sgt's Tritt, Bouzack, Kootz, John Doe and Jane Doe all served meals to Plaintiff while in cell A-103. Every person including all of the above named defendants were asked by the plaintiff for some cleaning supplies, but he was denied at every turn by all. According to protocal these defendants made many 15 minute rounds to check on the plaintiff while he was in this Feces, blood, dirt infested cell and on each occassion plaintiff showed each of the above named defendants the feces, blood and dirt all over the trap, door, window and bed. Plaintiff also informed all of the defendants that he could not possibly eat any food after being passed through the food trap or door and that plaintiff needed to be moved to a different cell or at the very least get some cleaning supplies to clean the cell himself. Hougver, on each occasion, I was told that they have no authority to move me, but would notify their supervisors about the request for cleaning supplies, but their supervisors in turn denied every request for cleaning supplies too.

48. On January 4th, 2016 Plaintiff was subsequently removed from cell A-103 and taken out of observation.

49. On January 4th, 2016 Plaintiff was given all of his personal property. Plaintiff then submitted an interview request to the RHU Supervisor and the RHU programs supervisor where the RHU supervisor Paul Ludvingston apologizes for the late reply and unexpected time off and vacations having affected the mail in the RHU office and stating the RHU security staff have been directed to have inmates janitors clean observation cells with a "POWERWASHER". This response was recieved by Plaintiff on January 25, 2016, 21 days later.

50. Upon information and belief, between december 30, 2015 and January 4, 2016 For the entire 6 days plaintiff was kept in A-103 OBS cell infested with Feces, Blood, and Dirt. Inmate Daniel Peace #508684 witnessed plaintiff repeatedly requested cleaning supplies, to be moved to a cleaner cell, and to be taken out of cell A-103 so security staff could have an inmate worker clean the cell and each time Mr. Peace witnessed the security staff's repeated denials to the plaintiff.

51. On Janaury 4, 2016 Plaintiff went and filed an inmate complaint WCI-2016-354, regarding the defendants placement of the plaintiff and subsequent failure to remove or provide plaintiff with cleaning supplies for cell A-103 "THE POOP CELL" that was covered in Feces, Blood & Dirt.

52. As a direct and proximate cause of the Defendants actions and/or omissions, plaintiff was unable to maintain an adequate and nutritional diet for six consecutive days, causing him pain and suffering in the form of stomach cramps, head aches, dizzyness and loss of sleep due to the continued hunger pains for six days.

53. On January 3, 2016 Plaintiff went around cell A-103 and collected

samples of the feces, blood and dirt using a tissue to scrape the samples into saltine cracker wrappers and securing them in a piece of paper that was wrapped around the sample pack. Plaintiff then sent them out to his mother Lori Ray to get photographed and for safe keeping, but on January 5, 2016 Plaintiff recieved a conduct report for unauthorized use of the mail when the letter containing the samples was seized, opened and photographed.

54. On February 1 2016 Plaintiff requested to the Adjustment commitee to have all of the evidence present at the Due Process hearing and was approved to have all of the evidence present, but on February 4, 2016 the evidence was destroyed and the plaintiff was found guilty of unauthorized use of the mail and given 30 days in disiplinary segregation. Due to being wrongfully denied the oppertunity to physically show the Adjustment committee that the samples of feces were alredy turning powdery white and the commun knowledge (to anyone who has ever owned a dog) it takes a very long time thatmakes a piece of feces turn white with decay, The plaintiff was denied the right to full due process without interference or destruction of evidence that he previously requested to be preserved for the specific purposes of his due process hearing to show his innocence.

55. Upon information and belief all defendants named herein were and are being dishonest by stating the plaintiff would not communicate with officers during observation placement. Plaintiff attempted, to no avail, to notify every officer coming past cell A-103 about the feces, blood and dirt all over the cell. Plaintiff was told by all security staff that he would have to talk to security supervisors. Which none ever did anything to remidy the unsanitary and inhumane living conditions the Plaintiff was being forced to live in for six days in cel A-103.

56. Upon information and belief inmate Lorenzo Johnson #295855 has also previously had problems with officers placing him in cell A-103 known then and now by security staff and inmates as the "POOP CELL" located in the RHU building.

57. Upon information and belief, defendants Sgt. Bouzack, Kootz Tritt, C.O's Beahm, Brockman, Bikowski, RHU Supervisor Paul Ludvingston, RHU program supervisor/ Toni Meli, John Doe and Jane Doe, Deliberately and intentionally placed the Plaintiff in cell A-103 full of feces, blood and dirt as a punishment for having to be taken from his original cell and placed in a observation cell, as they knew or should have known that cell A-103 was covered in feces, blood, and dirt per DAI policys with each vaceny of observation cells they are to be pressure washed and then inspected for cleanliness before another inmate is placed in it. This was obviously not done before Plaintiff was involuntarily place in the "POOP CELL".

58. All defendants named herein conduct was outragiuos, wrongful and arbitrary and shocked the consience.

59. Cpt. Radke violated the Pliantiff's Constitutional Civil Rights by writing him a conduct report, disciplining the plaintiff for only trying to secured and send out proof (the feces, blood, and dirt collected from Observation cell A-103) The plaintiff was wrongfully disciplined and therefore violated his civil rights making plaintiff sign and take the segregation time or he wouldn't get out of segregation. This furthur action stopped the plaintiff from being able to deny the conduct report so he could possibly fight it. Cpt. Radke told plaintiff to just take the time so he could get out of seg on time.

60. CO. Marx, previously a John Doe defendant, now identified, violated plaintiffs rights by continuelly doing observation rounds, seeing blood all over the window, wall, and plaintiffs forehead coming out of the wound and failing to do anything to stop plaintiff from furthur harming himself. Co Marx stopped at cell A-103 and talked to the plaintiff so he for sure knew about the plaintiff continued self harm over the course of a three hour period.

61. Co. Marx also failed to mention anything in the observation logs about the plaintiffs self harm or the need to intervene. This is proof that CO Marx perposefully ommitted pertinant info about plaintiff's self harming behaviors in the three hours in question.

62. CO Marx's actions and or inactions are a clear violation of the plaintiff's civil rights for failure to protect and deliberate indiffernence.

63. CO Marx's actions and or inactions were during the dates of 1-31-16 to 2-1-16.

64. Cpt. Sabish previously a Jane Doe defendant, now identified, violated plaintiff's rights by personally seeing the plaintiff with a wound and blood all on his face and forehead and failed to order the corrections officers working to do a cell entry and stop plaintiff from furthur harming himself. By failing to do so seriously violates the plaintiffs rights and caused the serious potential of fatal injury. By failing to protect the plaintiff from himself during a mental observation placement this is also a serious violation of the plaintiff's rights.

65. Cpt. Sabish's actions and or inactions happened during the dates of 1-31-16 and 2-1-16.

66. ¶'s # 58-63 are pretaining to the **AMENDMENT OF THE CIVIL COMPLAINT.**

67. Upon information and belief José A. Adames witnessed/overheard officer Marx and others verbally recognize and observe the plaintiff's head, face, cell door and window with a lot of blood all over them coming from the wound of his forehead drom splitting it open against the cell door.

68. Mr. Adames has provided the plaintiff with a decloration stating that he personally overheard the officer's observation of a lot of blood and wound on the defendants forehead.

THIRD CAUSE OF ACTION

Incorporating and realleging paragraphs 41 thru 68 of the statement of claims in the complaint, Plaintiff alleges the Defendants violated his Constitutional Rights against Cruel and Unusual Punishment when they

placed him knowingly in a Feces, Blood, and Dirt filled cell for six days and refused to move him or provide him any type of cleaning supplies. See, **Vinning-El v. Long,** 482 F. 3d. 923, 925 (7th Cir. 2007), **McBride v. Deer,** 240 F. 3d. 1287, 1291 (10th Cir. 2001) (quoting **Fruit v. Norris,** 905 F. 2d. 1147, 1151 (8th Cir. 1990) "Not surprisingly, humane waste has been considered particularly offensive so that [courts] have been especially cautious about condoning conditions that include an inmate's proximity to it"). Defendants named herein violated plaintiff's Constitutional Civil Rights and 8th Amendment that protect against unsanitary conditions of confinement.

FOURTH CAUSE OF ACTION

Incorporating and Reallring Paragraphs 41 thru 56 of the satement of claims, Plaintiff alleges that all Defendants herein violated his right to Procedural and substantive Due Process when they Intentionally Placed Plaintiff in a cell covered in feces, blood, and dirt. And also violated Plaintiff's civil rights that protect against unhealthy and unsanitary living conditions and inhumane treatment of prisoners.

REQUESTED RELIEF

1. DECLARATORY JUDGEMENT, that Defendants violated Plaintiff's Constitutional rights under the 8th and 14th Amendments.

2. COMPENSATORY DAMAGES, from each Defendant in the amount of Fifty Thousand ($50,000) Dollars.

3. PUNITIVE DAMAGES, FROM EACH Defendant in the amount of One Million ($1,000,000) Dollars.

4. For an injunction against the Waupun Correctional Institution to have the plaintiff transferred out to another institution for fear of retaliation by the Defendants in this case because of filing this civil suit against them. Plaintiff requests for this injunction to be ordered as soon as possible during the litigation of this case.

5. Any and all other relief this court may deem just and fair.

6. Plaintiff Demands a trial by jury on all matters triable.

7. Defendants are sued in their Personal and Individual capacities.

CONCLUSION

I, JUSTIN VANDERA, hereby declares under penalty of Perjury that all statements made herein are true and correct and based upon my personal knowledge and expieriences with the defendants.

WHEREFORE, Plaintiff respectfully prays this Honorable Court to GRANT THE requested relief sought herein.

Dated this 5th day of August 2017.

Plaintiff, Pro-Se.
Waupun Correctional Institution
P.O.BOX 351
Waupun, WI 53963-0351

Plaintiff has sent copies to all herein named defendants.