

United States District Court  
Western District of Wisconsin

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PETER OPPENEER  
CLERK US DIST COURT  
WD OF WI

Walker, Lamont

Plaintiff,

v.

Case No. **15 C 686-jdp**

**VERIFIED COMPLAINT**

Doctor Burton Cox et al.

Defendants.

I. Jurisdiction ; Venue

1) This is a civil action authorized by 42 U.S.C. Section 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. Section 1331 and 1343 (2)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff's claims for Injunction relief are authorized by 28 U.S.C. Section 2283 ; 2284 and Rule 65 of the Federal Rules of Civil Procedures.

2) The United States District Court for the Western District of Wisconsin, is an appropriate Venue Under 28 U.S.C. Section 1391 (b)(2) because it is where the events giving rise to this claim occurred.

II. Plaintiff's

3) Plaintiff, Walker, Lamont, is and was at all times mentioned herein a prisoner of the State of Wisconsin in the Custody of the Wisconsin Department of Corrections. He is currently confined in Wisconsin Secure Program Facility, in Boxobel, Wisconsin.

### III. Defendants.

- 4.) Defendant, Doctor Burton Cox is and was a medical doctor of the Department of Corrections who, at all times mentioned in this Complaint, held the rank of medical doctor and was assigned to Wisconsin Secure Program Facility.
- 5.) Defendant, Jonna, Anderson is a registered nurse of the Department of Corrections who at all times mentioned in this Complaint, held the rank of registered nurse / Special Needs Committee and was assigned to Wisconsin Secure Program Facility.
- 6.) Defendant, Yolinda, Waterman is a registered nurse / Health Service manager of the Department of Corrections who at all times mentioned in this Complaint, held the rank of registered nurse / Health Service manager / Special needs Committee and was assigned to Wisconsin Secure Program Facility.
- 7.) Defendant, Carrie, Sitter is a Business office Assistance / Health Service Special needs Committee of the Department of Corrections who at all times mentioned in this Complaint, held the rank of Business Office Assistance / Health Special needs Committee and was assigned to Wisconsin Secure Program Facility.
- 8.) Defendants, Joni, Shannon - Sharpe is a Lieutenant / Health Special needs Committee of the Department of Corrections who at all times mentioned in this Complaint, held the rank of Lieutenant / Health - Special needs Committee and was assigned to Wisconsin Secure Program Facility.

9.) Defendant, Jerry Sweeney, is and was a Security Director / Special needs Committee of the Department of Corrections who at all times mentioned in this Complaint, held the rank Security Director / Special need Committee and was assigned to Wisconsin Secure Program Facility.

10.) Each defendant is sued individually and in his / her Official Capacity. At all times mentioned in this Complaint each defendant acted under color of State Law.

### III. Facts.

11.) To this the best of my knowledge and belief in 2011-2012, I Lament Walker, - Complained Verbally to several Registered nurses and Doctor Burton Cox that the Segregation mattress are giving me serious back pain and that I need an extra mattress to alleviate the Chronic Pain I am having. This request was denied for a very long time Subjecting me to suffer.

12.) As this pain continued throughout my stay, I continued to request for an extra mattress for my medical condition because I was in Segregation and prisoners / inmates are being restricted from certain medical addresses, not "One-time" (to the best of my knowledge and belief) referred to any "special needs committee", due to the impression of it not being one established here at The Wisconsin Secure Program Facility (2010-2013).

13.) To the best of my knowledge and belief from 2011-2013 possibly 2014, Doctor Burton Cox assessed me and stated, "you do have a lot of stiffness in the mid-lower portion of your back," I explained to Doctor Cox that, "the mattress I have is hard and rigidly it feels like I am sleeping on concrete." He (Cox) did

not recommend nor attempt to provide me with a medical restriction for an extra mattress (in which he can, but refuses to provide an extra mattress) or any other instruments to alleviate my chronic back pain. Doctor Burton Cox ordered physical therapy and physical therapy also acknowledges that I have "Chronic Back Pain" and that the home-based-exercises are not improving my condition.

14.) I continued to have these "severe pains" shoot through my mid-lower back from consuming these extra, hard, concrete-like mattresses in segregation. By Doctor Burton Cox deliberately disregarding the facts (based off his diagnosis which "mandated" treatment and subjected me to chronic pain) of me needing an extra mattress and other medical restriction, while in segregation, demonstrated deliberate indifference to my serious medical needs.

15.) I, Lamont Walker, continued to request medical restrictions and all of a sudden my requests are being referred to some "Special needs Committee" which consist of medical staff's and non-medical staff's.

16.) To the best of my knowledge and belief, I was kept on the "Special needs Committee" for approximately 3 mos. or more just to be denied by majority of non-medical staff's who have no medical credentials to make a sound judgment on who qualifies for medical restriction / medical treatment. These non-medical staff's are; (1) Jerry Sweeney (Security Director), (2) Carrie Sitter (Business Office Assistance), and (3) Joni Shannon-Sharp (Security Administrator / Lieutenant).

17.) By these non-medical staff's making inherently, sound decisions subjects

me to suffer in chronic pain, because I was denied by this "Special needs Committee" provided a policy (that they use to justify their reasons for denial) that seemed to exist in the Institutions law library or it's restricted from prisoners/inmates reviewal. Also, they demonstrated Deliberate Indifference to my serious medical on several occasions, to my knowledge and belief.

18.) The actual medical staff's that does have medical credentials conspired against me with the non-medical staff's to punishment, cruelly and unusually and subject me to suffer in chronic pain, when they should have prohibited these non-medical staff's the opportunity to over-ride the Health Service manager (Jolinda Waterman) who manages the medical unit and the registered nurse (Jonya Anderson) decision on approving me of an extra mattress, ICE-bag, Back brace etc. to treat my chronic Back pain.

19.) On September 8<sup>th</sup> 2015 J. Lamont Walker, sent an "Informal Grievance" to the Health Service manager (Jolinda Waterman) stating Verbatim as follows:

(1) As a Health Service Manager, your duties are to manage the Health Department and declare that "prisoners receives adequate medical treatment."

(2) "Special needs Committee", The medical staff's and non-medical staff's are "Deliberately" making inadequate decisions to whom and what prisoners are eligible for certain medical treatments as well as medical restriction. The non-medical staff are not medical Graduates or have "professional medical knowledge" to say whether or not "Prisoners" are required, let alone qualifies for medical restriction which is Unconstitutional. The "medical staff's" Health Service manager or Doctors are to make these

Kind of medical decisions?"

(3) "Health Service Manager"; So, by you permitting these "non-medical staff's" to decide such medical treatment (requires) Shows - demonstrates your cruel & unusual punishment by subjecting me to suffer in pain and deliberate indifference to my serious medical needs by not approving of an extra mattress, ICE Bag, Back Brace, massage - Therapy and multiple other required medical restriction / treatment, as well as providing a Health Service Policy Procedure (300:07) that does not exist in the Institution (Law Library).

20) The Health Service manager (Dolinda Waterman) refuses to address the concerns and continues to deprive me of these "Basic necessities" of medical treatment. There's no medical Doctor assigned to the Wisconsin Secure Program Facility leaving all inmates / prisoners to suffer in great deals of pain.

21) The Chronic Back Pain causes me serious discomfort to where it's hard for me to lie on my stomach and side. It causes me stiffness and immobility; when I go to pick something up - off the ground my spine and muscles in my back begins to pop, and ache due to not being provided with the basic necessities to treat my medical condition.

22) So, by the medical staff allowing the non-medical staff to decide medical qualifications on or for medical restriction and treatments demonstrates the conspiracy of deliberate indifference to serious medical need and subjections to cruel & unusual punishment, and pain and suffering.

23.) Defendant, Doctor Burton Cox is and was the initiator of subjecting me to suffer in pain from his demonstration of Deliberate Indifference to my serious medical need and punished me by refusing me an extra mattress and other medical restriction and delaying the process by putting it off on the "Special needs Committee" that consist of non-medical staff's that are not medical experts, or have medical credentials to soundly judge - whether a prisoners qualifies for any type of medical restrictions / - Treatment.

24.) The non-medical staff's (defendants) played a crucial role in subjecting me to suffer in pain as well; defendants, Jerry Sweeney (Security - Director), Carrie Sutter (Business Office Assistance), and Jonie Shannon-Sherpe (Security Administrator / lieutenant) which demonstrates Cruel - Unusual Punishment. And the medical staff's that played and acted on the "Special needs Committee" demonstrated Deliberate Indifference to a serious medical need and Cruel Unusual punishment by "allowing the non-medical staff's" to over-ride their decisions. - when it's suppose to be "strictly medical staff's".

#### IV. Legal Remedies.

25.) Plaintiff, Lambert Waller, used the prisoner grievance procedure - available at The Wisconsin Secure Program Facility to try and solve the Program / Problem. "All legal remedies are well Exhausted."

#### V. Legal Claims.

(26.) (A) Cruel & Unusual Punishment:

Plaintiff, By the non-medical staff's acting as part of the "Special needs Committee", (Jerry Sweeney, Carrie Sutter, Jome - Shannon - Sharpe) Subjects me to being tortured by their gross - inherently decisions on receiving the proper treatment required - medically. By the non-medical staff's acting on and as part of the "Special needs Committee", it Subjects me to being "punished - Cruelly & Unusually," to suffer in pain and also being provided none existing health policies : procedures. which constitutes an 8<sup>th</sup> Amend. Violations.

### (b7) (b) Deliberate Indifference to a Serious medical need:

On Several Occassions I have made Several attempts to have my medical issue (Agonizing back pain) addressed by nurses & Doctor Cox here at the Wisconsin Secure Program Facility, but I am being disregarded in such a way. Prior to 2014-2015 I've made verbal attempts to obtain an extra mattress to alleviate my serious back pain, but was steady being disregarded by nurses & Doctor with long periods of delays of /by references to "Special needs Committee" which is up to their discretion by being deliberate indifference to my medical needs, extra mattresses etc.

By the demonstration of the Special need Committee (medical staffs & non-medical staffs) deliberate indifference and blatantly disregarding my medical condition constitutes an 8<sup>th</sup> Amend. Violation and Subjected me to suffer in pain.

### VI. Prayer of Relief

28.) wherefore, Plaintiff respectfully prays that this Court enter

judgment granting plaintiffs:

29) A declaration that the acts and Omissions described herein violated plaintiffs rights under the Constitution and laws of the United States.

30) Plaintiff, Lamont Walker, seeks \$25,000<sup>00</sup> for each United States Constitutional Violated.

31) Compensatory damages in the amount of \$100,000<sup>00</sup> against each defendant, jointly and severally.

32) Punitive damages in the amount of \$100,000<sup>00</sup> against each defendant.

33) A jury trial on all issues triable by jury

34) Plaintiff's costs in this suit

35) Any additional relief this Court deems just, proper, and equitable.

### Verification

I have read the foregoing Complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to these, I believe them to be true. I Certify Under penalty of perjury that the foregoing is true and correct.

Executed: Sept. 17, 2015

Lamont D. Walker #424869

Lamont D. Walker #424869

Address: Wisconsin Secure Program Facility  
P.O. Box 9400  
Boscobel, Wisconsin 53805-9900

LEGAL CORRESPONDENCE