

ATTACHMENT 1

FILED/REC'D

COMPLAINT FORM

2022 JUN 24 A 11:57

(for filers who are prisoners without lawyers)

CLERK OF COURT
U.S. DISTRICT COURT
WD OF WI

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

(Full name of plaintiff(s))

MENG XIONG,

vs

(Full name of defendant(s))

Case Number:

22 CV 348 JDP

(to be supplied by clerk of court)

See the attached List of Five Defendants

A. PARTIES

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

P. O. BOX 1000, OTISVILLE, NY 10963

(Address of prison or jail)

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

FULL NAMES AND ADDRESSES OF ALL THE DEFENDANTS

1. Defendants, John and Jane Does of United States Marshal Service--a Federal Government Agency who works for United States of America--who were responsible for making Petitioner's health care decisions during his pre-trial and post-trial detention;
2. Defendants John and Jane Does, the Health Care Providers for Petitioner during his pretrial and post-trial detention at the Dane County Jail, located at 115 West Doty St., Madison, WI 53703;
3. Defendant, Dr. T. Michael Nork of UW Health Madison, at 2880 University Ave., Madison, WI 53705, who performed the "silicone oil" removal eye surgery of Petitioner during his pre-trial and post-trial detention;
4. Defendants John and Jane Does, the Health Care Providers for Petitioner during his pretrial and postconviction detention at the Columbia County Jail, 711 E. Cook St., Portage, WI 53901;
5. Defendants John and Jane Does, the Health Care Providers for Petitioner during his pretrial and postconviction detention at the Marathon County Jail at 500 Forest St., Wausau, WI 54403.

2. Defendant See the attached List of Five Defendants
(Name)

is (if a person or private corporation) a citizen of See the attached list
(State, if known)

and (if a person) resides at See the attached list of Defendants
(Address, if known)

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

worked for See the attached list of Defendants
(Employer's name and address, if known)

(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.

SEE THE ATTACHED COMPLAINT AND AFFIDAVIT

SWORN AFFIDAVIT AND COMPLAINT OF MENG XIONG

FILED/REC'D

2022 JUN 24 A 11:58

1. My name is Meng Xiong, #11661-090. I am a Federal Inmate in FCI Otisville, New York. I am a 100% blind.

2. Following an unsuccessful eye surgery during my pretrial detention in Dane County Jail in Madison, WI in 2019-2020 involving a silicone oil removal surgery, I was rendered 100% blind due to defendants' continued negligence and reckless disregard for my health;

3. Sometimes in 2018 when I was still free, I was diagnosed with "detached retina." Dr. Thaddeus J. Krolicki of Eye Clinic of Wisconsin performed a successful surgery. Two weeks later in a follow up surgery, Dr. Krolicki described the procedure to be "complicated," yet my progress to be "very good;

4. Dr. Krolicki emphasized that I will have to have another surgery to remove the silicone oil from my eye, no later than 9 months from the date of my "retina surgery," which was in the beginning of March 2019. He scheduled my "silicone oil" removal surgery for November 2019;

5. On September 21, 2019 I was arrested by the Wisconsin Department of Corrections for failure to report, and was transported to Marathon County Jail. Immediately upon my arrival, I informed the Jail officials that my eye was unduly red, and that I was due for "silicone oil" removal surgery, no later than December 2019. All through my 3 week stay at the Marathon County Jail, I was never seen or referred to any eye specialist or to any other health care official;

6. On October 14, 2019, I was arraigned in the Federal Court for possession with intent to distribute methamphetamine and transferred to Dane County County Jail. Upon my arrival at the Dane County Jail, I immediately informed the medical officials about the urgency of my eye surgery which had to be done no later than December 2019; because Dr. Krolicki had performed my "detached retina" surgery in the first or second week of March 2019; but the health care officials kept telling me that they could not do anything, because they were waiting for the permission of the U.S. Marshal's Office;

7. In spite of my numerous verbal and written reminders, it was not until January 2020 that I was seen by Dr. Nort, an retina specialist who had been contracted by the Dane County Jail and/or U.S. Marshals; by then my "silicon-oil" removal

surgery was already over due by TWO FULL MONTHS;

8. During the meetings with Dr. Nort, I appraised him of the fact how Dr. Krolicki had classified my eye surgery to be "complicated," due to the fact I am an albino, and insisted that he either let Dr. Krolicki perform the "silicone oil" removal surgery, or at the very least consult him; more so because my surgery was over due by at least 2 months. Dr. Nort called my "silicone oil" removal surgery to be a simple surgery which could be done by ANY retina specialist. Dr. Nort and/or U.S. Marshals denied my request calling it to be an unnecessary expense;

9. Slightly more than 2 months after the recommended 9 months, in Feb 2020, I was taken to UW Health Hospital and Dr. Nort performed the "silicone oil" removal surgery, which he had categorised to be a "simple surgery." After 45 mins procedure, I was prescribed 4 different eye drops and carried back to County Jail. Although, my eye hurt but I could still see the shadows of light;

10. Two days later when I was sitting in the jail cell my eye hurt and all my perception of light suddenly disappeared. My cell-mate told me that my eye was blood red. I was taken to the Emergency Room, where I was seen by Dr. Nort's colleague, who told me that my eye pressure had increased to 63. After some treatment the pressure was reduced to 32; which was still higher than the normal eye pressure of 14 to 21. I was told by Dr. Nort's colleague, that during the surgery, some of the silicone oil had seeped into my eye drain and had blocked it, which had increased the pressure, as a result I had suffered a permanent nerve damage and that I will never be able to see again. Since I was already blind in my other eye, I was now 100% blind for life at the age of 26;

11. A few days later I was seen by Dr. Nort who confirmed the above prognosis, but without further answering my questions, he handed me over to a Glaucoma specialist and was gone and I never saw him again;

12. After a brief examination, the Glaucoma specialist told me that to reduce the eye pressure and the related pain, I had two options: Laser surgery or eye drops. I once again requested the doctor if I could have a second opinion of Dr. Krolicki who had successfully conducted my "detached retina" surgery. I was later told that my request had been turned down by the U.S. Marshals as an unnecessary expense;

13. On July 7, 2020 I was transferred to the Columbia County Jail. Three months later I was seen by Dr. Liu. I requested her to get a second opinion of Dr. Krolicki, but the Colombia County and/or U.S. Marshal Officials once again denied my request calling it an unnecessary expense;

14. I was once again taken to UW Health Hospital where Dr. Liu performed a laser surgery on my right eye. After the surgery I was taken back to county jail. In a follow up check up, it was revealed that the laser surgery had not helped, and that my eye pressure had risen back to 50 and it had to be reduced by eye drops;

15. In June 2021, I was transferred to USP Leavenworth, KS, where, sometimes in June 2021, I was seen by Dr. Sabotez of Sabotez Eye Clinic, who once again gave me an option to choose between laser surgery or eye drops. By now I had lost all faith in the surgeries of county jails and prisons which had brought me nothing but misery and had left me blind for life. So I opted to be on eye drops for the rest of my life;

16. My claim against all the defendants arises from one and the same incidence where in I was arrested by Wisconsin Department of Corrections, and later held by United States Marshals during my pretrial and post trial detention in Marathon County Jail, Dane County Jail, and Columbia County Jail;

17. Sometime in Nov-Dec 2021, when I was transferred to FCI Otisville, NY, I wrote several letters and requested all the above agencies, and also Dr. Nort, to mail me my medical records. So far I have only received the records from FBOP and Columbia County Jail. Although I have not only signed all the necessary releases but have also mailed the required fees for my medical records, but as of the day of this Complaint, I have not yet received my medical records from Dane County Jail, Marathon County Jail, United States Marshal Service and Dr. Nort's UW Clinic. See the copies of requests for Medical Records, Exhibits 1 to Exhibit 5;

18. Sometimes in Nov-Dec 2021, I also filed Tort Claims with the office of United States Marshall Service in Washington, DC; Columbia County Jail; Marathon County Jail; and Dane County Jails. As of the day of this Complaint, I have not received any reply from any of the above mentioned parties. See the copies of Tort Claims, Exhibits 6 to Exhibit 9;

19. I bring this Civil Action under the Federal Tort Claims Act (FTCA) and State Tort Act because the defendants have at each stage continued to violate my constitutional rights during my pretrial and post trial stages by their negligent and reckless disregard to my health; as a result I have been rendered 100% blind ever since the age 26;

20. Defendants John and Jane Does of Marathon County were deliberately negligent and reckless and failed to recognize the need, urgency and timeliness for my "silicone oil" removal surgery and did nothing for 3 weeks, although they knew time was of essence;

21. Defendants John and Jane Does of Dane County Jail were deliberately negligent and reckless and failed to recognize the need, urgency, and timeliness of my "silicone oil" removal surgery and waited for 4 full months for me to see the eye doctor, and delayed my surgery by more than 3 months more than Dr. Krolicki had warned of;

22. Defendants John and Jane Does of United States Marshal Service repeatedly were deliberately negligent and reckless and failed to recognize the need, urgency, and timeliness of the needed "silicone oil" removal surgery and failed to provide the needed permission for me to be seen by an eye doctor, and also denied all my requests to let Dr. Krolicki perform the surgery or to seek his second opinion, although he was the primary surgeon who had performed my initial "detached retina" surgery. Defendants did so because it would be an unnecessary expense. As a result of defendants' negligence and recklessness, my surgery was delayed by more than 3 months more than Dr. Krolicki had warned of;

23. Defendant Dr. Nort, was deliberately negligent and reckless to my health needs when he ignored all my supplications to let Dr. Krolicki perform my "silicone oil" removal surgery, or at the least seek his second opinion, although he was the primary eye surgeon who had performed my initial "detached retina" surgery and had classified my surgery to be anything but normal; because I am an albino. Dr. Nort said that my "silicone oil" removal was a simple and normal surgery which could be performed by any retina specialist.

24. Due to Dr. Nort's negligence and recklessness, silicone oil seeped into my eye drain, thus causing a permanent nerve damage, leaving me to be 100% blind for life. After my blindness Dr. Nort was callous and had no remorse because I was a Federal inmate. Without offering me any explanation, or hope, having handed me over to a Glaucoma specialist, he was gone never to return;

25. Defendants John and Jane Does of Columbia County were deliberately negligent and reckless and failed to authorize the second opinion of Dr. Krolicki. Defendants left me with no choice but to go back to the same UW Clinic doctors who were responsible for my 100% blindness and misery; who performed another unsuccessful laser surgery which has left me blind and paranoid for life.

26. Since I am a 100% blind inmate, I am in no situation to even read my own medical records, or read my mail, or read my legal documents, or to be able to send my own letters or e-mails, or to be able to ask for any help to research and investigate my case. I am limited to reciting the incidences to the best of my recollection. Currently I am being helped by an inmate who is ready to be transferred to another institution. Upon his transfer, I will be completely at loss,

because for the past 2 years this institution has continued to be on a Red Locked Down Schedule where we are limited to our Units. The Law Library is closed and is only for the inmates to be able to make copies and computer print outs for 2-to 3 hours per week; with no one to help. See the attached Red Locked Down Schedule, Exhibit 10.

27. I request this court to appoint me a counsel, who can help me with my civil litigation in this court.

FURTHER THE AFFIANT SAYETH NAUGHT.

Meng Xiong
Meng Xiong, #11661-090

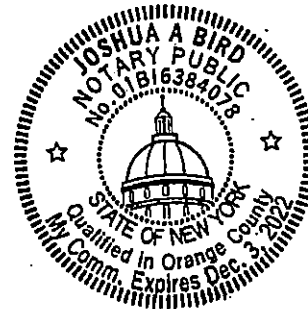
6/16/2022
Date

Notary Public

Subscribed and Sworn to
Before me on 6/16/2022

Joshua A. Bird

[Signature]
Notary Public



This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook or a sheet of stationery designed for writing. There is no handwriting or other markings on the page.

C. JURISDICTION

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

OR under FTCA

☐ 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.

I seek damages for my personal injuries and for the violation of my constitutional rights as I have been rendered 100% blind for life due to Defendants' negligence and deliberate indifference. I seek damages in the amount of \$10,000,000 (Ten Million Dollars)

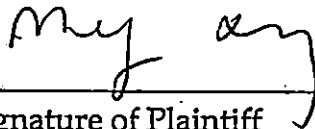
E. JURY DEMAND

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

☐ Court Trial - I want a judge to hear my case

Dated this 21 st day of June 20 22.

Respectfully Submitted,



Signature of Plaintiff

11661-090

Plaintiff's Prisoner ID Number

P.O. Box 1000

Otisville, NY 10963

(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.