

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

BOBBY JONES

PLAINTIFF

v.

Civil No. 08-2054

SHERIFF MIKE ALLEN;
JAIL ADMINISTRATOR JEFF
MARVIN; ASSISTANT JAIL
ADMINISTRATOR LT. VENA CUPP;
and NURSE NICK TAYLOR

DEFENDANTS

ORDER

Defendants filed a motion for summary judgment (Doc. 20). To assist plaintiff in responding to the motion, the court is propounding a questionnaire. The plaintiff's answers to the questionnaire will be considered by the court to be response to the motion for summary judgment. For this reason, Bobby Jones is hereby directed to complete, sign, and return the attached response to the defendants' motion for summary judgment on or before **July 24, 2009**. **Plaintiff's failure to respond within the required period of time may subject this matter to dismissal for failure to comply with a court order.**

IT IS SO ORDERED this 22nd day of June 2009.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

BOBBY JONES

PLAINTIFF

v.

Civil No. 08-2054

SHERIFF MIKE ALLEN;
JAIL ADMINISTRATOR JEFF
MARVIN; ASSISTANT JAIL
ADMINISTRATOR LT. VENA CUPP;
and NURSE NICK TAYLOR

DEFENDANTS

RESPONSE

TO: BOBBY JONES

These questions and answers will serve as your response to defendants' motion for summary judgment. You may use additional sheets of paper in responding to these questions. You must file this response by **July 24, 2009**.

1. On May 2, 2008, you were surrendered to the Crawford County Sheriff's Office by a bail bondsman after you failed to appear for a court date. You were then booked into the Crawford County Detention Center (CCDC).

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit A at page 1.

2. You remained incarcerated until June 6, 2008.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit A.

3. When you were booked in, you completed a medical intake form. You indicated you had been in a car wreck several months ago and had some back trouble as a result.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain in doing so please refer to Defendants' Exhibit B at page 1.

4. You also indicated you had last been seen by a doctor 9 months ago. You stated your current physician was the prison doctor.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit B at page 3.

5. On May 15th you submitted a request noting you had been in a car accident on May 5, 2007, and had back problems as a result. You stated the accident had occurred while you were being transported from Hodges prison to Salisaw, Oklahoma. You stated no x-rays or MRI had been performed. You asked for help in determining if Oklahoma was going to pay for your medical treatment. In response, Lt. Cupp stated she had no authority to contact another agency. She told you to have your family do that.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit C at page 1.

6(A). On May 19th you submitted a grievance asking that no one be put on the floor in your cell. You stated you were having back problems and the nurse was doing you no good. You stated you were having difficulties getting around and did not need the additional problems caused by someone being on the floor in your cell.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit C at page 2.

(B). In response, Lt. Cupp asked who your doctor was.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit C at page 2.

7. On May 21st you asked to see the outside facility doctor and not the nurse. You said you were having numbness in your arms and legs. You also asked that no one be put in your cell on the floor.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit C at page 4.

8. In response, Lt. Cupp said she could not guarantee that no one would be placed in your cell. She also said that to see a physician you would have to see the facility nurse.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit C at page 4.

9. On May 27th you submitted a grievance stating that you had serious back injuries and were requesting medical attention. You stated you were also requesting that no one be put on the floor in your room. You stated that you could hardly walk much less move around while an inmate is on the floor. You also stated that your toilet leaks water leaving water on the floor. You stated this could cause you to further injure yourself by slipping.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit C at page 5.

10. In response, Lt. Cupp told you to be very careful and watch yourself. She also said she could not guarantee your cell would not have someone else in it.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit C at page 5.

11. On May 27th you submitted a grievance asking why the nurse after acknowledging your

pain and saying he was going to send you to a doctor wasn't doing so. You also said the nurse took away your Naproxen. You stated this was intentional neglect. You asked to be sent to the emergency room.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit C at page 6.

12. In response, Lt. Cupp stated you would have to speak to the nurse. She stated she could not speak for the nurse. She indicated the nurse had not scheduled a doctor's appointment for you.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit C at page 6.

13. On May 28th you submitted another grievance about medical issues. You stated that you went to the nurse and he had told you that an appointment was going to be made for you with the doctor. You indicated you had been in jail a month now and still hadn't been see by a doctor. If Lt. Cupp did not have authority to answer the grievance, you asked that she get the grievance to someone who did.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit C at page 11.

14. In response, Lt. Cupp stated: "already answered previously."

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendant's Exhibit 2 at page 8.

15. On May 30th you submitted a grievance about the nurse. You asked why the nurse did not come on a daily basis. You said you went weeks without being able to see the nurse. You said it was Friday and it had been over a week you had been back there like a "dog that's been run over." You stated you were in severe pain.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit C at page 13.

16. In response, you were told the nurse would be there on May 31st.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit C at page 13.

17. On May 31st you were treated at the Department of Health. You were to have a repeat chest x-ray in one month.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendant's Exhibit 2 at page 10.

18. You were seen by the nurse on May 15, 2008, for complaints of back pain. You were prescribed Naproxen, two times a day, for seven days. A second mat was also approved that day.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit D.

19. You were seen by the nurse again on May 22nd for complaints of back pain. You were placed on a twenty-four hour observation. You were prescribed two Naproxen at bedtime for three days.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit D.

20. You were seen by the nurse again on May 31st for complaints of back pain. The nurse noted that you appeared by observation to be asymptomatic. The nurse stated you were asking to be sent to the emergency room. At the time you also complained of sinus related problems. You were prescribed Naproxen two times a day for seven days and Benadryl.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit D.

21(A). You were able to submit grievances while incarcerated at the CCDC.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit C.

(B). Although you did not always agree with the response you received, each grievance was responded within a day or two of its submission.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain and in doing so refer to Defendants' Exhibit C.

(C). You had no problems obtaining grievance forms and a pen or pencil to write with.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain.

22. You received all medication prescribed to you by Nurse Taylor.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain.

23. Nurse Taylor was the individual who made appointments for inmates to be seen by a physician.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, please explain.

24. Please explain in detail how you believe Nurse Taylor exhibited deliberate indifference to your serious medical needs.

Answer:

31. With respect to your cell, please state: (a) the approximate size of the cell; (b) whether it had bunks, a toilet, sink, shower, table, bench, stools, etc., in it; (c) how many inmates were assigned to it; (d) how many hours a day you were locked in your cell; (e) whether you had recreation each day; (f) if you had access to a day-room or other area of the jail for part of each day; (g) whether you had a bunk, mat, blanket, and sheet; (h) whether you received three meals a day; (i) whether you received something to drink with each meal; (j) whether you had access to drinking water between meals; (k) whether you received adequate clothing; and (l) whether you were given access to cleaning supplies on a regular basis or who was responsible for cleaning the cells including the toilet and shower.

Answer: Yes _____ No _____.

If you answered yes, please explain in detail.

33. You indicate the guards wore gloves when serving the food but left the gloves on when touching the keys and bean holes and moving the bread around to see if there is meat. Do you contend this practice violated your federal constitutional rights?

Answer: Yes _____ No _____.

If you answered yes, please explain in detail how you believe this practice violated your federal constitutional rights.

34. You received a diet sufficient to maintain your health.

Agree _____ Disagree _____ Without knowledge to agree or disagree _____.

If you disagree, explain.

35. Do you contend a custom, policy, or practice of Crawford County was the moving force behind the violation of your federal constitutional rights?

Answer: Yes _____ No _____.

If you answered yes, please describe in detail the custom, policy, or practice of Crawford County and how it operated to deprive you of your federal constitutional rights.
