

Pro SE

MARRITTE Funches

Name

P.O. Box 650

Address

Indian Springs, NV. 89070

Prison Number

37050

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARRITTE FUNCHES,
Plaintiff,

vs.

E.K. McDaniel,

Bill Donet,

Dwight Neven,

Mike Stolk,

Martin Sorenson,
Defendant(s).

) CASE NO. 3:09-cv-0343-LRH-VPC

) (To be supplied by the Clerk)

) FIRST AMENDED

) CIVIL RIGHTS COMPLAINT
PURSUANT TO
42 U.S.C. § 1983

) Jury Trial Demanded

A. JURISDICTION

1) This complaint alleges that the civil rights of Plaintiff, MARRITTE FUNCHES,
(print Plaintiff's name)

who presently resides at HDSP-P.O.B. 650 Indian Springs, NV., were
(mailing address or place of confinement) 89070

violated by the actions of the below named individuals which were directed against

Plaintiff at ESP - HDSP - NSP - NNCC on the following dates
(institution/city where violation occurred)

9-25-07, 4-19-04 to 6-21-09, and 9-6-07 to 10-3-07.
(Count I) (Count II) (Count III)

1-16-08
(Count IV) 10-2-08 to 1-2-09.
(Count V)

(See additional page for defendants)

Gerald Thompson
Troy Willis
Terri Curto
Gene Christensen
Steven MacArthur
James Stogner
Adam Endel
Terrance Deeds
Stan Donahue
Tom Stubbs
Richard Ashcraft
Glenn Perkins
Adam Watson
James Baca
Randall Nixon
Rick Stalnaker
Janice Daniel
Kathy King
Delmar Snider

Susana Taylor
Kay Long
James Benedetti
John Doe 1-17
Jane Doe 1-3
Howard Skolnik
Bruce Bannister

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants P.O. Box 7011

2) Defendant GERALD THOMPSON resides at CARSON CITY, NV. 89702,
(full name of first defendant) (address of first defendant)
and is employed as Investigator. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As an Employee of the NDOC, office of
the Inspector general.

3) Defendant MARTIN Sorenson resides at 1785 Great Basin Blvd.
Ely, NV. 89301,
(full name of first defendant) (address of first defendant)
and is employed as Detective. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a State Employee of Nevada, and
Detective with the White Pine County Sheriff's Department.

4) Defendant MIKE Spolk resides at 1785 Great Basin Blvd.
Ely, NV. 89301,
(full name of first defendant) (address of first defendant)
and is employed as Detective. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a State Employee of Nevada, and Detective
with the White Pine County Sheriff's Department.

5) Defendant JAMES BENTDETTI resides at CARSON CITY, NV. 89702,
(full name of first defendant) (address of first defendant)
and is employed as Warden. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As an Employee of the NDOC, and Warden
of The Northern Nevada Correctional Center.

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

2) Defendant Glenn Perkins resides at P.O. 1989, Ely, NV. 89301,
(full name of first defendant) (address of first defendant)
and is employed as Corrections Officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC Employee, and Corrections
Officer at Ely State Prison.

3) Defendant Rick Stalnaker resides at Carson City, NV. 89702,
(full name of first defendant) (address of first defendant)
and is employed as Corrections Officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC Employee, and Corrections
Officer at Nevada State Prison.

4) Defendant Delmer Smidt resides at Carson City, NV. 89702,
(full name of first defendant) (address of first defendant)
and is employed as Doctor. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC Employee, and Doctor at
Nevada State Prison.

5) Defendant Susan Taylor resides at Carson City, NV. 89702,
(full name of first defendant) (address of first defendant)
and is employed as Nurse. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC Employee, and Nurse
at Nevada State Prison.

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

2) Defendant Terrance Deeds resides at P.O.B. 1989 Ely, NV. 89301,
(full name of first defendant) (address of first defendant)
and is employed as Corrections Officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC Employee, and corrections
officer at the State prison.

3) Defendant Kay Long resides at P.O. Box 607 Carson City, NV. 89702,
(full name of first defendant) (address of first defendant)
and is employed as Nurse. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC Employee, and a nurse
at Nevada State Prison.

4) Defendant Adam Endel resides at 1677 Old Hot Springs Rd, Ste. A Carson City, NV. 89711,
(full name of first defendant) (address of first defendant)
and is employed as Associate Warden. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC Employee, and Associate
Warden of the State Prison.

5) Defendant Steven MacArthur resides at William B. Ritter Hospital
6 Steptoe Circle Ely, NV. 89301,
(full name of first defendant) (address of first defendant)
and is employed as Doctor. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As an Employee of the NDOC, contracted
by and for the State Prison.

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

2) Defendant Stan Donahut resides at P.O.B. 1989 Ely, NV. 89301,
(full name of first defendant) (address of first defendant)
and is employed as Corrections officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC employee, and Corrections
officer at Ely State Prison.

3) Defendant Troy Willis resides at P.O.B. 1989 Ely, NV. 89301,
(full name of first defendant) (address of first defendant)
and is employed as Nurse. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As an NDOC employee, and a nurse at
Ely State prison.

4) Defendant Terry Curtis resides at P.O.B. 1989 Ely, NV. 89301,
(full name of first defendant) (address of first defendant)
and is employed as Nurse. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC employee, and a nurse
at Ely State Prison.

5) Defendant Bill Donet resides at P.O.B. 607 Carson City, NV.
89702,
(full name of first defendant) (address of first defendant)
and is employed as Warden. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC employee, and warden
of Nevada State Prison.

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

2) Defendant E.K. McDowell resides at P.O.B. 1989, Ely, NV. 89301,
(full name of first defendant) (address of first defendant)
and is employed as Warden. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC employee, and warden
at Ely State Prison.

3) Defendant Dwight Nevin resides at P.O. Box 650, Indian Springs, NV. 89070,
(full name of first defendant) (address of first defendant)
and is employed as Warden. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC employee, and warden
at High Desert State Prison.

4) Defendant John Dog #1 resides at _____
(full name of first defendant) (address of first defendant)
and is employed as Transport Officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC employee, and Transport
Officer.

5) Defendant John Dog #2 resides at _____
(full name of first defendant) (address of first defendant)
and is employed as Transport Officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC employee, and Transport
Officer.

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

2) Defendant John Doe #3 resides at _____
(full name of first defendant) (address of first defendant)
and is employed as Transport officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: AS a NDOC employee, and Transport
officer.

3) Defendant John Doe #4 resides at _____
(full name of first defendant) (address of first defendant)
and is employed as Transport officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: AS a NDOC employee, and Transport
officer.

4) Defendant John Doe #5 resides at P.O. Box 607
Carson City, NV. 89702
(full name of first defendant) (address of first defendant)
and is employed as Correctional officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: AS a NDOC employee, and Corrections
officer at Nevada State Prison.

5) Defendant John Doe #6 resides at P.O. Box 607
Carson City, NV. 89702
(full name of first defendant) (address of first defendant)
and is employed as Corrections officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: AS a NDOC employee and a
Corrections officer at Nevada State Prison.

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

2) Defendant John Dog #7 resides at P.O.B. 607 Carson City, NV. 89702,
(full name of first defendant) PP (address if first defendant)
and is employed as Corrections Officer. This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: As a NDOC employee, and corrections
officer, at Nevada State Prison.

3) Defendant John Dog #8 resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as Transportation Officer. This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: As a NDOC employee, and transportation
officer.

4) Defendant John Dog #9 resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as Transportation Officer. This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: As a NDOC employee, and transportation
officer.

5) Defendant John Dog #10 resides at _____
(full name of first defendant) _____ (address if first defendant)
and is employed as Transportation Officer. This defendant is sued in his/her
(defendant's position and title, if any)
 individual official capacity. (Check one or both). Explain how this defendant was
acting

under color of law: As a NDOC employee, and transportation
officer.

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

2) Defendant John Dog # 11 resides at _____
(full name of first defendant) (address of first defendant)
and is employed as Transportation officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: AS A NDOC Employee, and
Transportation officer.

3) Defendant John Dog # 12 resides at P.O. Box 7000, Carson City, NV. 89702,
(full name of first defendant) (address of first defendant)
and is employed as Corrections officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC Employee, and Corrections
officer at NNCC.

4) Defendant John Dog # 13 resides at P.O. Box 7000, Carson City, NV. 89702,
(full name of first defendant) (address of first defendant)
and is employed as Corrections officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC Employee, and Corrections
officer at NNCC.

5) Defendant John Dog # 14 resides at P.O. Box 7000, Carson City, NV. 89702,
(full name of first defendant) (address of first defendant)
and is employed as Corrections officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: AS A NDOC Employee, and Corrections
officer at NNCC.

Make a copy of this page to provide the below

information if you are naming more than five (5) defendants P.O. Box 7000

2) Defendant John Doe # 15 resides at Carson City, NV. 89702,
(full name of first defendant) (address of first defendant)
and is employed as Corrections Officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC Employee, and Corrections
Officer at NNCC.

3) Defendant John Doe # 16 resides at Carson City, NV. 89702,
(full name of first defendant) (address of first defendant)
and is employed as Corrections Officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC Employee, and Corrections
Officer at NNCC.

4) Defendant John Doe # 17 resides at Carson City, NV. 89702,
(full name of first defendant) (address of first defendant)
and is employed as Corrections Officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC Employee, and Corrections
Officer at NNCC.

5) Defendant Jane Doe # 1 resides at Carson City, NV. 89702,
(full name of first defendant) (address of first defendant)
and is employed as Doctor. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC Employee, and doctor
at NNCC.

Make a copy of this page to provide the below information if you are naming more than five (5) defendants P.O.B. 7000

2) Defendant JANE DOE #2 resides at Carson City, NV. 89702,
(full name of first defendant) (address of first defendant)
and is employed as NURSE. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: AS A NDOC Employee, and NURSE
AT NNCC.

3) Defendant JANE DOE #3 resides at P.O. Box 7000
(full name of first defendant) (address of first defendant)
and is employed as Corrections Officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: AS A NDOC Employee, and Corrections
Officer AT NNCC.

4) Defendant ADAM WATSON resides at P.O. Box 607,
(full name of first defendant) (address of first defendant)
and is employed as Associate Warden. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: AS A NDOC Employee, and Associate
Warden of NSP.

5) Defendant Randall Nixon resides at P.O. Box 7000,
(full name of first defendant) (address of first defendant)
and is employed as Doctor. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: AS A NDOC Employee, contracted by
and for NNCC.

Make a copy of this page to provide the below information if you are naming more than five (5) defendants

2) Defendant Richard Ashcraft resides at P.O.B. 1989 Ely, NV. 89301,
(full name of first defendant) (address of first defendant)
and is employed as Corrections Officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was acting under color of law: As a NDOC Employee, and corrections officer at ESP.

3) Defendant James Stogner (full name of first defendant) resides at P.O.B. 1989 Ely, NV. 89301 (address of first defendant) and is employed as Chaplain (defendant's position and title, if any). This defendant is sued in his/her

individual official capacity. (Check one or both). Explain how this defendant was acting under color of law: AS A NDOC EMPLOYEE, AND CHAPLAIN AT ESP.

4) Defendant JAMES BACA resides at P.O. Box 607
CARSON CITY, NV 89702,
(full name of first defendant) (address of first defendant)
and is employed as ASSOCIATE WARDEN. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was acting under color of law: As a employee of the NDOC, and
associate warden of NSP.

individual official capacity. (Check one or both). Explain how this defendant was acting under color of law: AS A NDOC EMPLOYEE, CONTRACTED BY
and for ESP.

Make a copy of this page to provide the below
information if you are naming more than five (5) defendants

2) Defendant TOM STUBBS resides at P.O.B. 1989 Ely, NV. 89301,
(full name of first defendant) (address of first defendant)
and is employed as Corrections Officer. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC Employee, and Corrections
Officer at ESP.

P.O. Box 607
3) Defendant Janice Daniel resides at Carson City, NV. 89702,
(full name of first defendant) (address of first defendant)
and is employed as Nurse. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC Employee, and Nurse at
NSP.

P.O. Box 607
4) Defendant Kathy King resides at Carson City, NV. 89702,
(full name of first defendant) (address of first defendant)
and is employed as Nurse. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a NDOC Employee, and Nurse at
NSP.

P.O.B. 701/5500 Snyder Ave.
5) Defendant Howard Skolnik resides at Carson City, NV. 89701,
(full name of first defendant) (address of first defendant)
and is employed as Director of Prisons. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was
acting under color of law: As a Employee for The State of Nevada
and Director of prisons with the NDOC.

P.O.B. 7011/5500 Snyder Ave.

6) Defendant Bruce Bannister resides at Carson City, NV. 89701,
(full name of first defendant) (address of first defendant)

and is employed as Medical Director. This defendant is sued in his/her
(defendant's position and title, if any)

individual official capacity. (Check one or both). Explain how this defendant was

acting under color of law: AS A NDOC EMPLOYEE, AND DIRECTOR

OF THE MEDICAL FOR THE NDOC.

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish
to assert jurisdiction under different or additional statutes, list them below.

28 U.S.C. Section 1367 - Pendant Jurisdiction 28 U.S.C. 1343,

and 42 U.S.C. § 1985.

B. NATURE OF THE CASE

1) Briefly state the background of your case.

Defendants, acting under color of law, willfully and wantonly
violated plaintiff's rights. Subjecting plaintiff to an unyielding
systematic pattern of abuse and harassment spanning over five
years, three counties, and four prisons. Including conspiracy,
deliberate indifference to plaintiff's serious medical needs, den
ial of due process, false arrest, malicious prosecution, cruel
and unusual punishment, assault, deprivation of property with
no due process - just cause - or compensation. Further defendant
was intentionally discriminated against plaintiff for his
religious and political beliefs.

C. CAUSE OF ACTION

COUNT I

The following civil right has been violated: Defendants herein have violated plaintiffs 1st, 4th, 5th, 8th, and 14th Amendment rights to the U.S. Constitution.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

- (1.) DUE TO THE CONSPIRATORIAL ACTIONS, MANUFACTURED EVIDENCE, AND FALSE REPORTS OF THE DEFENDANTS. ON SEPT. 18, 2007 PLAINTIFF STOOD FALSELY ACCUSED AT TRIAL ON CHARGES OF 1ST DEGREE MURDER, AND POSSESSION/CONTROL OF A DANGEROUS WEAPON.
- (2.) ON 9-25-07 PLAINTIFF WAS PROVED "NOT GUILTY" ON ALL COUNTS.
- (3.) THE FALSE ARREST AND MALICIOUS PROSECUTION OF PLAINTIFF BEGAN 4-19-04 WHEN FELLOW INMATE CARL GREEN WAS STABBED AT ESP, AND LATER DIED AT THE WILLIAM BEE RICE HOSPITAL.
- (4.) ON 4-19-04 AT ESP PLAINTIFF WAS INTERROGATED BY DEFENDANTS MARTIN SORSENSEN AND MIKE STOLK (HEREINAFTER SORSENSEN AND STOLK), WHO INFORMED PLAINTIFF THAT HE HAD MURDERED CARL GREEN. BUT PRIOR TO HIS DEATH THE VICTIM IDENTIFIED PLAINTIFF AS HIS KILLER. PLAINTIFF THEN STATED HIS INNOCENCE AND REQUESTED AN ATTORNEY. WHEREUPON STOLK AND SORSENSEN READ PLAINTIFF HIS RIGHTS AND PLACED HIM UNDER ARREST.
- (5.) THE CONSPIRACY TO FALSELY ARREST AND MALICIOUSLY PROSECUTE PLAINTIFF BEGAN WHEN DEFENDANTS SORSENSEN, STOLK, AND GERALD THOMPSON (HEREINAFTER THOMPSON) LIED IN THEIR REPORTS AND TESTIMONY UNDER OATH THAT THE VICTIM HAD IDENTIFIED PLAINTIFF AS HIS KILLER.
- (6.) ON 4-19-04, AND IN THE DAYS AFTER, THOMPSON AND SORSENSEN FALSIFY INFORMATION FROM MEDICAL STAFF. TO WHICH DEFENDANTS TROY WILLIS AND TERRI CURTO DID PERJURE THEMSELVES UNDER OATH AT TRIAL, IN FURTHERANCE OF THE CONSPIRACY AGAINST PLAINTIFF. BOTH TESTIFIED THAT

Continuation of Count I

When asked who stabbed him, the victim identified his attacker. But this encounter was both video and audio recorded. And when played in open court showed no such occurrence took place.

(7.) While conducting interviews of potential witnesses, defendants Sorenson, Stolk, and Thompson, in furtherance of their conspiracy to bring false charges on plaintiff. Did ignore and refuse to take statements from witnesses who could have exonerated plaintiff of guilt.

(8.) Defendants Stolk, Sorenson, and Thompson each maliciously and intentionally ignored and failed to investigate other credible leads.

(9.) Witness Keith Edwards gave statements that he saw two men attack the victim, that plaintiff was not among them. This witness gave direct testimony identifying who the assailants were, and which was supported by statements of corrections officers who were present. But in furtherance of their conspiracy against plaintiff, defendants ignored this evidence and attempted to coerce Keith Edwards to change his testimony and lie under oath at trial to identify plaintiff.

(10.) Defendants Stolk, Sorenson, and Thompson did seek payment for known jailhouse informant, James Beverly # 18099, to lie under oath against plaintiff.

(11.) As warden of ESP, defendant E.K. McDaniels (herein after McDaniels) must approve any such payments, first ensuring the information is credible. Failing to do so McDaniels played an active role in the malicious prosecution of plaintiff.

(12.) On 11-4-04 defendants Sorenson, Stolk, and Thompson used false statements from a confidential informant who did not exist, in order to further their conspiracy to maliciously prosecute plaintiff, and thus did cause plaintiff to face trial, and the death penalty, for crimes he did not commit.

continuation of count I

(13) On 12-9-04 defendant Thompson did COMMIT PERJURY at plaintiffs preliminary hearing, by stating the victim had identified plaintiff as his been attacker, and by changing his previous reports and statements. To further incriminate and continue the malicious prosecution of plaintiff.

(14) On 12-9-04 defendant Gene Christensen, did COMMIT PERJURY, to cover the fact the victims initial stab wounds had been stabilized and were not life threatening. The death of Carl Green was caused by a botched surgery, performed by Gene Christensen himself.

(15) Defendant Steven MacArthur did conspire to cover up the botched surgery of Carl Green. By submitting false reports.

(16) On 3-17-05 defendant James Stogner did willfully, and maliciously discriminates against plaintiff for his religious beliefs during a security hearing, where the prosecution wanted ETC, less and incriminating security measures to be taken.

(17) Defendant James Stogner claimed under oath that due to plaintiffs charitable contributions of religious literature etc. And due to plaintiffs religious beliefs, plaintiff was a Suzuki Monk. He further stated that he'd been allowed to read plaintiff's institutional files in years prior, which caused him to fear for his safety while in plaintiffs presence when he was unescorted. And thus purged himself under oath.

(18) The false and discriminatory statements of James Stogner caused plaintiff to be forced to wear a 50,000 shock belt over his kidneys, along with full wrist and leg restraints ~~at~~ all for their hearings, causing plaintiff great physical pain and psychological distress.

(19) By and through the unlawful acts of the above named defendants, plaintiff was denied rights reserved for other similarly situated individuals, forced to face trial, and

continuation of count I

indeed the death penalty, for a crime he did not commit. Plaintiff was not allowed to confront his accusers, as defendants created a witness who did not exist, and used statements from this non-existent witness to have plaintiff bound over for trial.

(20) Plaintiff has endured many years of humiliation and harassment. And remains in segregation to this day deprived of numerous privileges he would otherwise have. And locked in a cell 24 hours a day, which has caused plaintiff to suffer both mental and physical harm.

(21.) Court / criminal proceedings are not subject to the prison grievance process. This action under 42 U.S.C. § 1983 is plaintiffs only available recourse / remedy.

COUNT II

The following civil right has been violated: Defendants herein have violated plaintiffs 5th, 8th, and 14th amendment rights under the U.S. Constitution.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

- (1) On 4-19-04 plaintiff was removed from general population at ESP and placed in administrative Segregation pending investigation for the stabbing of Carl Green. Another inmate who later died.
- (2) On 4-20-04 defendant McDaniel, as warden of ESP, classified plaintiff as a High Risk Potential (HRP) & threat to the safety and security of the prison, staff, and other inmates. Without a hearing or any opportunity for plaintiff to speak or present evidence on his behalf.
- (3) Though plaintiff has not received a write up for the stabbing of Carl Green in over five years. And in fact stood trial and was proved "NOT Guilty" at court on 9-25-07. McDaniel has used his position as warden, to arbitrarily and maliciously punish plaintiff without due process. Keeping plaintiff on HRP to the present date, with no explanation, in a cell 23-24 hours a day more than five years.
- (4) Unlike the administrative Segregation classification, which is not meant to be a punishment. Inmates classified as HRP are not allowed certain property items, are subject to contention and other restrictions, loss of privileges such as hobby craft etc. And are forced to take visits behind glass, while in full wrist and leg restraints. Excessive Searches, mail monitoring etc.
- (5). Due to Plaintiff's HRP classification normal procedures and policies governing plaintiff's movement and medical care were and are subject to the approval of E.K. McDaniel alone.

Continuation of Count II

(6) Due to the policies set forth by McDaniel plaintiff was forced to miss medical appointments on numerous occasions, causing confusion and interfering in plaintiff's medical care. As well as causing plaintiff's condition to get worse, and causing plaintiff to endure unnecessary pain, each to the present date.

(7.) As the sole decider whether or not plaintiff could be transferred outside the prison, due to his HRP status. McDaniel did deny doctors recommendations for plaintiff to be transferred or to see an outside specialist to treat plaintiff's serious medical needs, not only at ESP, but also while housed at HDSP.

(8.) As part of the ACHI investigation into the medical conditions and practices at ESP, on 1-16-08 plaintiff was transferred to H.D.S.P., where defendant Dwight Neven is the warden.

(9.) While housed at HDSP defendant Neven too used plaintiff's HRP status to deny doctors recommendations for plaintiff to be transferred or seen by a specialist to address plaintiff's serious medical needs. Here plaintiff again was forced to miss numerous medical appointments, causing pain and untold harm.

(10) Inspite of the associate warden of HDSP Jim Henson, willingness to REMOVE me from HRP STATUS and release me to the general population. Allowing plaintiff to program and receive medical care without the restraints of plaintiff's HRP classification as any other inmate would. Defendant Neven would not allow this without approval of McDaniel, and McDaniel refused, causing plaintiff to suffer till this day.

(11) Plaintiff has suffered untold psychological and physical harm due to actions of the defendants detailed above.

(12) Plaintiff has exhausted available remedies.

(13) Plaintiff has suffered great psychological stress and harm due to being locked in a cell 23-24 hours a day for no wrong of his own.

continuation of Count II

(14.) As plaintiff did write numerous letters to defendant Howard Skolnik, informing him of each and all violations against plaintiff described herein. And as defendant is the director of prisons, and last in the list of available remedies, and with ultimate authority to investigate and put an end to any abuses within the NDOC. This defendant did, by his failure to investigate plaintiff's claims and complaints, and failure to ensure the enforcement of the practices and policies of the NDOC. Allow plaintiff to languish and suffer each of the claims detailed herein, without recourse, and unnecessarily. causing undue harm and pain. As well as mental anguish.

(15) As director of medical for the NDOC, defendant Brice Bannister, who has the authority and responsibility to investigate all serious medical claims. Plaintiff did write numerous letters to this defendant, begging for help.

(16.) Defendant Bammister's failure to investigate plaintiff's claims and complaints, and his failure to ensure that plaintiff's HRP classification would not be used to deny him vital medical care. Did cause plaintiff to suffer undue harm and pain. As well as mental anguish.

COUNT III

The following civil right has been violated: Defendants herein have violated plaintiffs 8th and 14th Amendment rights to the U.S. Constitution.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

- (1) On or about 9-6-07 defendants John Doe 1-4 did transport plaintiff from ESP to NSP.
- (2) Defendant McDaniels wanton misuse of the HRP classification against plaintiff, did cause plaintiff to be treated differently even than other HRP inmates. As normally all other inmates, except the most extremely violent, are placed in belly chains that allow movement of the hands and arms to eat, drink, and use the toilet.
- (3) Defendants John Doe #1 and #2 placed plaintiff in handcuffs with a black box, tightly strapped to his waste so plaintiff had no use of his arms or hands. Plaintiff was placed in leg irons, and padlocked inside a tiny steel cage with barely room to sit. Which was built into the transport bus.
- (4) Plaintiff informed John Doe #1 (lead transport officer) he suffers from medical issues and would need use of the onboard urinal.
- (5) Plaintiff's request was denied, as he was not allowed to use the toilet or drink any water at any point during the approximately 12 hour trip.
- (6) Plaintiff endured agonizing kidney and bladder pain, as well extreme thirst. Resulting from this 12 hour bus ride in the longhitting SUMMER heat.
- (7) The excessive restraints themselves did cause plaintiff great pain and suffering, which lingered for WEEKS after.
- (8) There were no seat belts or any way for plaintiff to secure himself in case of a traffic accident.
- (9) Defendants John Doe #2, 3, and 4 were present and party to

Continuation of Count III

The aforesmentioned violations of plaintiff's rights.

- (10) On or about 10-3-07 defendants John Doe # 1, 2, 3, and 4 did transport plaintiff back to ESP from NSP Repeating all and each of the same violations described above. Causing plaintiff More of the same pain and humiliations.
- (11) Prior to his return to ESP from NSP, plaintiff did inform defendant Bill Donet of all the above mentioned violations. And as warden of NSP this defendant had the authority, and the responsibility, to ensure plaintiffs constitutionally protected rights.
- (12) Due to the pain and suffering of the initial transport conditions, plaintiff did seek medical attention and was diagnosed as having an enlarged prostate.
- (13) Even with this 9-27-07 diagnosis as proof of plaintiffs medical needs. Defendant Bill Donet did nothing to stop any of the previously mentioned violations from occurring a second time.
- (14) In spite of the fact plaintiff exhibited no acts of violence to justify such extreme use of restraints. It was the direct misuse of the classification process by defendant McDaniels, who knew of plaintiffs medical condition. which allowed for plaintiff pain and suffering.
- (15) Plaintiff has been forced to endure these same conditions of transport at least two other times since. with each of the same results, due to McDaniels refusal to address the problem. Continuing to cause plaintiff greater pain and suffering.
- (16) Plaintiff has exhausted all available remedies.

C. CAUSE OF ACTION

COUNT IV

The following civil right has been violated: Defendants herein have violated plaintiffs 1ST, 4TH, 5TH, 8TH, and 14TH AMENDMENT rights to the U.S. Constitution.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

- (1) on 1-16-08 defendants Deeds, Sean Donahue, and Tom Stubbs, arrived at plaintiff's cell (unit 1-A-14) to take him and his property to the property room, for plaintiff to conduct an inventory of, and pack his property for transport, from ESP to ADSP, for medical.
- (2) Plaintiff was placed in leg irons, hands cuffed behind his back, with kash.
- (3) Defendants Deeds and Stubbs loaded plaintiff's property onto a wooden cart, the total weight of which was approximately 250 lbs.
- (4) Defendants Stubbs and Donahue walked plaintiff approx 70 Ft. to the unit Sallyport. As Deeds struggled to pull the cart behind.
- (5) Once inside the Sallyport, complaining of how heavy the cart was, Deeds ordered plaintiff to pull the cart the rest of the approx 100 yards to the property room, up slopes, down hills, around corners etc.
- (6) Plaintiff informed Deeds that being in full restraints, plus a bad back, and his illness, made it impossible.
- (7) Defendant Deeds became verbally abusive, and complained to defendant Adam Endel, associate warden of ESP, who oversaw the entire situation.
- (8) Defendant Endel also ordered plaintiff to the heavy cart, to which plaintiff again explained why he was unable.
- (9) Under normal circumstances, and with other inmates similarly situated. In accordance with all prevailing policies and procedures, a 3rd party corrections officer would be called to transport the

Continuation of count IV

INMATES PROPERTY, WITH THE INMATES.

(10.) Instead defendant Endel ordered plaintiff be taken back to his empty cell, and all of plaintiff's property destroyed.

(11.) Plaintiff did file an emergency grievance on 1-16-08, in attempts to resolve the situation according to the rules. But as the defendants were now conspiring to harass plaintiff and deprive him of his property. Plaintiff was informed that per Endel's orders his property was classified as unauthorized, and would be destroyed or sent out.

(12.) On 1-17-08 plaintiff was transferred from ESP to HDSP, he had to believe all of his property had been destroyed.

(13.) Several days later plaintiff did receive some property, but most of plaintiff's most important and personal items, legal materials, religious and political literature, family photos and contact information were all missing.

(14.) In furtherance of the conspiracy to harass and deprive plaintiff of his property, punishing plaintiff without due process. Defendant Richard Ashcraft did falsify official documents and cause plaintiff's property to be taken and destroyed.

(15.) Plaintiff did pursue this matter via the grievance process, which again in furtherance of the conspiracy against him, defendant Endel and McDaniel denied plaintiff's grievances, ignoring all prevailing policies and procedures.

(16.) AS the senior corrections officer present and party to the above, defendant Glenn Perkins failed to follow policies in not calling for a 3rd party corrections officer to transport plaintiff's property. albeit at the direction of Adam Endel.

(17.) Plaintiff has exhausted all available remedies.

COUNT **V**

The following civil right has been violated: Defendants herein have violated plaintiffs 5th, 8th, and 14th Amendment rights to the U.S. Constitution.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

- (1) On 10-2-08 plaintiff was transferred from HDSP to NSP, to be placed under the care of urologist Randall Nixon.
- (2) Defendants Bill Doner, Adam Warson, and James Baca, did intentionally and maliciously create conditions making it impossible for plaintiff to receive proper medical care, unlike other prisoners similarly situated.
- (3) Plaintiff was housed in the building furthest from medical staff, in a cell with no intercom system, rather than in the infirmary, as would normally occur. Causing plaintiff to languish in pain with no way to contact medical staff.
- (4) On 10-24-08, instead of being taken to Dr. Nixon's office with all of the equipment to properly examine plaintiff, as would normally occur. Plaintiff was taken to NNCC where there was none of the necessary equipment to do a full or proper exam. Further complicated by defendants Rick Strahaker, John Dots # 5, 6, and 7 refusal to remove plaintiff's restraints. His hands were cuffed with black box, strapped to his waist with a heavy chain, and leg irons. While surrounded by four guards with Taser guns.
- (5) Defendant Randall Nixon had a Moral and Ethical obligation to properly exam and diagnose plaintiff. Yet as the conditions of plaintiff's examination were barbaric at best. Without review of medical records or history, Dr. Nixon did misdiagnose plaintiff's condition, prescribing treatment that caused plaintiff's illness to worsen, causing greater pain, stress, untold harm.
- (6) Based on this brief exam, two medications were ordered, including Elavil. with a follow up exam to follow several days.
- (7) On 10-26-08 plaintiff told defendant Janice Daniel he could not take

Continuation of count V

Elavil, as he'd experienced an adverse reaction to it previously.

(8.) Defendants Kathy King and Daniel did threaten plaintiff's refusal to take Elavil, a psychotropic drug, would be considered a refusal of medical treatment.

(9.) On 10-26-08 plaintiff mailed a letter, sealed, addressed, and postage affixed, to Dr. Nixon. Informing him of plaintiff's symptoms and medical history, as well plaintiff's past experience with Elavil, and the threats made by King and Daniel.

(10.) Defendant King intercepted said letter. And against all legal standing, against all NDOC policies and procedures. The defendant opened and read said letter, thus a pattern of harassment and retaliation began.

(11.) Defendants King, Daniel, and Delmar Snider did conspire to retaliate against and cause plaintiff unaid/serious harm, by withholding vital information from Dr. Nixon to keep plaintiff from being properly diagnosed and treated. Attempting to administer/person plaintiff with powerful psychotropic drugs not prescribed to plaintiff, and against his will. And by overriding the appointments and authority of Dr. Nixon, to have plaintiff sent back to HDSP without diagnosis or treatment, causing plaintiff to languish in pain till this day.

(12.) On 11-1-08 defendant Daniel attempted, with malice and force the right, to give plaintiff another inmates medication. A very powerful psychotropic drug which would have made plaintiff very sick.

(13.) On 11-3-08 defendant Susana Taylor did attempt, with malice and force/ought, to give plaintiff another inmates medication. A very powerful psychotropic drug that would've made him sick.

(14.) As plaintiff was suffering great pain due to his illness, and the only thing stronger than tylenol that defendant Snider would give plaintiff was Elavil. Plaintiff was forced to take this medication, which did cause his condition to become much worse.

(15.) Defendant Ray long did participate in the harassment

continuation of count v

and retaliation against plaintiff, by denying him prescribed medical care and causing plaintiff to languish in pain.

(16) On 12-18-08 defendant King did inform plaintiff that she and Dr. Snider had canceled his follow up exam with Dr. Nixon, to send plaintiff back to HDSP, ensuring his illness would not be properly diagnosed or treated, and that he'd continue to languish in pain.

(17) On 12-29-08 though plaintiff was deathly ill having lost over 20 lbs. Defendant Bill Donst, in full knowledge of all described herein, ordered plaintiff transferred back to HDSP.

(18) Defendants Stralnaker, John Does # 8, 9, 10, and 11. Did force plaintiff to leave his property behind, against all policies. As plaintiff was placed in full restraints, placed in a tiny cage on the transport bus, and allowed no water or use of the toilet.

(19) Several hours into the trip plaintiff became very sick, bleeding from the nose, losing consciousness, and falling hard to the floor.

None of the defendants John Does # 8 thru 11, did anything to help or provide immediate medical care. John Doe # 8 phoned Warden Donst, who ordered no immediate care be given, as plaintiff laid unconscious for an undetermined amount of time on the floor. Plaintiff was driven that way, the 2-3 hours back to Carson City, and to NNCC.

(20) Upon arriving at NNCC John Does # 12 and 13 boarded the bus, and while dragging plaintiff off the bus, each of them struck plaintiff about the head.

(21) Plaintiff was taken to the infirmary where defendant John Doe # 14 also assaulted plaintiff, dragging him across the room by the leg irons, causing plaintiff to scream out in agony.

(22) Defendants Jane Doe # 1 and 2, as doctor and nurse, did not examine plaintiff in a professional manner. Instead accused plaintiff of being high or faking illness. So no diagnosis or x-rays were taken, leaving plaintiff to suffer with

Continuation of Count V

his injuries to the present date.

(23.) Plaintiff was taken to an empty cell where John Doe #15 forced plaintiff to strip naked at tazer/gun point. John Doe #16 took plaintiff's clothes. John Doe #17 filmed the entire occurrence from start to finish. And Jane Doe #3 was present and party to each of the points detailed in paragraphs 21-23.

(24.) Defendant James Bendetti, as warden of NNCC, and by refusing to give plaintiff the names of his employees who assaulted plaintiff, to obstruct any and all written reports and other evidence, or to lodge an investigation of plaintiff's claims with the investigator general's office as per NDOC policy. Did participate in a cover up of the incident. Causing undue and irreparable harm to plaintiff's pursuit of the present action.

(25.) Plaintiff suffers greatly to the present date, both physically, as his illness and injuries go undiagnosed and untreated; and mentally. As plaintiff has endured up to now a unyielding pattern of harassment and abuse. Causing great psychological distress.

(26.) In denying each of plaintiff's numerous grievances and personal letters pleading for medical care, and to put an end to the harassment against him by medical staff. Defendant Bruce Bannister has allowed plaintiff to endure to this day great physical pain and untold harm as his illness continues to worsen.

(27.) Rather than returning plaintiff to HDSP to be reevaluated as stated by King and Smith. Defendants Skolnik and Dorner returned plaintiff to ESP, ensuring he would not be properly diagnosed or treated as there is no urologist available at ESP.

(28.) Plaintiff has exhausted all available remedies.

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action? Yes No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below outline).

a) Defendants: E.K. McDaniels, Steven MacArthur

b) Name of court and docket number: DISTRICT COURT 3:05-cv-0174-LRH-VPC

c) Disposition (for example, was the case dismissed, appealed or is it still pending?):
DISMISSED.

d) Issues raised: Intentional indifference to serious medical needs.

e) Approximate date it was filed: 2005

f) Approximate date of disposition: 2006

2) Have you filed an action in federal court that was **dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?**
 Yes No. If your answer is "Yes", describe each lawsuit. (If you have had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline).

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: E.K. McDaniels, Steven MacArthur

b) Name of court and case number: DISTRICT COURT 3:05-cv-0174-LRH-VPC

c) The case was dismissed because it was found to be (check one): frivolous
 malicious or failed to state a claim upon which relief could be granted.

d) Issues raised: Intentional indifference to serious medical needs.

e) Approximate date it was filed: 2005

f) Approximate date of disposition: 2006

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: _____.

b) Name of court and case number: _____

c) The case was dismissed because it was found to be (check one): frivolous
 malicious or failed to state a claim upon which relief could be granted.

d) Issues raised: _____

e) Approximate date it was filed: _____

f) Approximate date of disposition: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: _____

b) Name of court and case number: _____

c) The case was dismissed because it was found to be (check one): frivolous
 malicious or failed to state a claim upon which relief could be granted.

d) Issues raised: _____

e) Approximate date it was filed: _____

f) Approximate date of disposition: _____

3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? Yes No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) disciplinary hearing; (2) state or federal court decision; (3) state or federal law or regulation; (4) parole board decision; or (5) other _____.

If your answer is "Yes", provide the following information. Grievance Number _____.

Date and institution where grievance was filed _____.

Response to grievance: See additional page (10-A) for

complete information.

Additional information - Exhaustion of remedies

COUNT I : (Malicious prosecution, 1983 only remedies.)

COUNT II :

<u>Grievance #'</u>	<u>DATES</u>	<u>INSTITUTION</u>	<u>Response</u>
2006-26-53977	11-1-07	ESP	Denied

COUNT III :

2006-26-51481	10-15-07	ESP	Denied
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COUNT IV :

2006-26-78967	1-22-08	HDSP	Denied
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COUNT V :

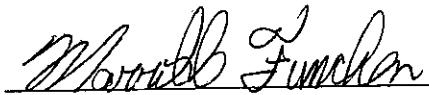
2006-28-11933	11-7-08	NSP	Denied
2006-28-35275	12-18-08	NSP	Denied
2006-28-11909	10-30-08	NSP	Denied
2006-28-41428	12-19-08	NSP	Denied
2006-28-11930	11-3-08	NSP	Denied
2006-28-11911	11-1-08	NSP	Denied
2006-28-11948	11-9-08	NSP	Denied
2006-28-06988	10-26-08	NSP	Denied
2006-28-42909	1-8-09	ESP	Denied
2006-28-56328	2-4-09	ESP	Denied
2006-28-42113	1-4-09	ESP	Denied
2006-28-41901	12-27-09	NSP	Denied

E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief: (1) Declaratory Judgment. (2) General damages of \$10,000.00 from each defendant, on each count. (3) Compensatory damages of \$10,000.00 from each defendant, on each count. (4) Punitive damages of \$10,000.00 from each defendant, on each count. (5) Injunction compelling defendants to stop practice of having inmates transport property in restraints, remove plaintiff from HRP status, and place plaintiff in care of a urologist to be fully diagnosed and treated. (6) Cost and attorney fees. (7) Any and all other relief the court may deem just and equitable.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

(Name of person who prepared or helped prepare this complaint if not Plaintiff)


(Signature of Plaintiff)

(Date)

(Additional space if needed; identify what is being continued)

Page 1-A 8

NSP = Nevada State Prison

HDSP = High Desert State Prison

ESP = Elko State Prison

NNCC = Northern Nevada Correctional Center

NDOC = Nevada Department of Corrections

TOP, UNSHADED PORTION TO BE FILLED OUT BY INMATE PATIENT

Signature _____ DOC # _____
(also print name and DOC # at the bottom of this form)

Institution _____ Date Submitted _____ Unit/House _____

Reason for request: _____

Per AB 389, there may be a \$4.00 charge for any visit and a \$2.00 charge for any prescription issued.

DO NOT WRITE IN SHADED AREA BELOW

RESPONSE TO KITE

() Appointment scheduled for _____ Rescheduled for _____
() No visit necessary. See type of service or service provided below.
() Not entitled to requested care. Reason _____
() No show for appointment.
() Refused to be seen. DOC 2524 Release of Liability _____

TYPE OF SERVICE () Medical () Dental () Mental Health () Nursing () Dietary () Other
() Inmate requested charge () Inmate requested no charge
() Emergency Charge () Emergency no charge
() Prison required no charge

Enter ICD-9 code(s) and/or diagnosis(es).

SERVICE(S) PROVIDED: Check all that apply

VISITS (<input type="checkbox"/>) New minimal (<input type="checkbox"/>) New moderate (<input type="checkbox"/>) New high (<input type="checkbox"/>) Established minimal (<input type="checkbox"/>) Established moderate (<input type="checkbox"/>) Established high (<input type="checkbox"/>) Consultation visit (<input type="checkbox"/>) Intake PE/classification (<input type="checkbox"/>) Recurrent PE/classification (<input type="checkbox"/>) Re-classification only (<input type="checkbox"/>) Nursing assessment	PROCEDURES DIAGNOSTICS (<input type="checkbox"/>) Biopsy (<input type="checkbox"/>) BP (<input type="checkbox"/>) Ear Lavage (<input type="checkbox"/>) EKG (<input type="checkbox"/>) Excision (<input type="checkbox"/>) Eye Exam (<input type="checkbox"/>) I & D (<input type="checkbox"/>) Immunization (<input type="checkbox"/>) Hepatitis B (<input type="checkbox"/>) Influenza (<input type="checkbox"/>) Tetanus (<input type="checkbox"/>) Other	PROCEDURES DIAGNOSTICS cont'd (<input type="checkbox"/>) Whipple (<input type="checkbox"/>) X-ray (<input type="checkbox"/>) Other	SPECIALTY CLINICS (<input type="checkbox"/>) Cardiology (<input type="checkbox"/>) Neurology (<input type="checkbox"/>) Infectious disease (<input type="checkbox"/>) Endocrine (<input type="checkbox"/>) Internal Medicine (<input type="checkbox"/>) Pulmonary (<input type="checkbox"/>) Mental Health (<input type="checkbox"/>) Other
CONTRACT PROVIDERS (<input type="checkbox"/>) Physician/geral practice (<input type="checkbox"/>) Neurology (<input type="checkbox"/>) Ophthalmology (<input type="checkbox"/>) Orthopedic (<input type="checkbox"/>) Physical therapy (<input type="checkbox"/>) Other	CHART REVIEW ONLY (<input type="checkbox"/>) By medical personnel (<input type="checkbox"/>) By inmate patient	LABORATORY (<input type="checkbox"/>) Acupuncture (<input type="checkbox"/>) Specimen collection	EMERGENCY SERVICES (<input type="checkbox"/>) Mandown (<input type="checkbox"/>) Non-mandown (<input type="checkbox"/>) Suicide attempt (<input type="checkbox"/>) Self-mutilation (<input type="checkbox"/>) Altercation (<input type="checkbox"/>) Accident (<input type="checkbox"/>) Recreational injury
PRESCRIPTIONS: KOP Medications: Total # _____ Non-KOP Medications: Total # _____	ITEMS ISSUED (<input type="checkbox"/>) Prosthetic (<input type="checkbox"/>) Eye glasses (<input type="checkbox"/>) Rx REFILL ONLY	# started by nursing # started by nursing	

PLAN: () Follow-up appointment ordered () Return if needed () Follow-up not required

Name / Title OR Position # _____ Date _____ Time _____ Name / Title OR Position # _____ Date _____ Time _____

Distribution: **ORIGINAL** to medical record, **COPY** to date entry, then to inmate patient if necessary

NEVADA DEPARTMENT OF CORRECTIONS
MEDICAL KITE and / or
SERVICE REPORT

NAME _____

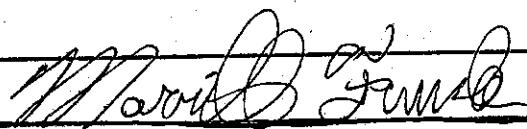
DOC # _____ DOC 2500 (REV. 7/01)

Certificate of Mailing

I, Marritte Funches, have mailed a true and correct copy of the enclosed "First Amended Civil Rights Complaint, Case No. 3:09-cv-0343-LRH-VPC", to the following:

Office of the Attorney General
of the State of Nevada
c/o Pamela Sharp,
Supervising Legal Secretary
100 North Carson St.
Carson City, NV 89701-4717

Signed and dated this March 2nd 2010.



Marritte Funches #37050

HDSP

P.O. Box 650

Indian Springs, NV 89070-0650