

3:09-CV-00502-

RCJ-RAM

Monteneque Nakia Knox
Name

P.O. Box 607 NSP

Carson City, NV 89701
Address

#72611
Prison Number

Knox v Smith et al

<input type="checkbox"/> FILED	<input checked="" type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
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SEP 23 2009	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

3:09-CV-00559

Monteneque Nakia Knox,
Plaintiff,

vs.

JAMES BACA ASST WARDEN
MATT TILLEY
ZAPPATINI
C/O SHOREY
C/O FRECHER
Defendant(s).

CASE NO. 07-0379 (50383)
(To be supplied by the Clerk)

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, Monteneque N. Knox,
(print Plaintiff's name)
who presently resides at P.O. Box 607 NSP, were
(mailing address or place of confinement)
violated by the actions of the below named individuals which were directed against
Plaintiff at Nevada State Prison on the following dates
(institution/city where violation occurred)
03.14.09, 03.28.09, and 04.23.09
(Count I) (Count II) (Count III)

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

- 2) Defendant TANIA ARGUELLO resides at P.O. Box 607 NSP,
(full name of first defendant) (address of first defendant)
and is employed as DISCIPLINARY LT. 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: Plaintiff received 18 months for a fight and
was treated with deliberate indifference & callous indifference
- 3) Defendant PATRICK MCNAMARA resides at P.O. Box 607 NSP,
(full name of first defendant) (address of first defendant)
and is employed as "SAT" 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: verbally assaulting Plaintiff and illegal search
of Plaintiff's person by female employees,
- 4) Defendant TABITHA CREON resides at P.O. Box 607 NSP,
(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: Delivery of Plaintiff mail to other inmates for
diversity issues of citizenship.
- 5) Defendant C/O DAVIS resides at P.O. Box 607 NSP,
(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: Illegal searching of Plaintiff's cell and ver-
bally assaulting Plaintiff by calling him racial terms.

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

2) Defendant JAMES BACA resides at P.O. Box 607 NSP,
(full name of first defendant) (address of first defendant)

and is employed as ASSOCIATE WARDEN PROGRAMS. 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: Repeated attacks verbally about the abuse where
in from. also refusing to keep tension down for inmates

3) Defendant MATT TILLEY resides at P.O. Box 607 NSP,
(full name of first defendant) (address of first defendant)

and is employed as LAW LIBRARY SUPERVISOR. 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: Refusing to submitted request forms, access to
legal library, preventing plaintiff to receive any supplies

4) Defendant ZAPPATINI resides at P.O. Box 607 NSP,
(full name of first defendant) (address of first defendant)

and is employed as HEAD CASE WORKER. 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: DENIAL of any request made by inmate to divers-
ify of citizenship. Refusal to help in any things asked for

5) Defendant C/O SHOREY resides at P.O. Box 607 NSP,
(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: deliberate racial statements and derogatory com-
ments, toward inmate and other "out of towners" racial discrimination

6) Defendant C/O FRECHER resides at P.O. Box 607 USP,
(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: ACTING LIKE HE DIDN'T SEE THE ATTACK AND AVOIDING INTERVENTION. ALLOWING PETITIONER/PLAINTIFF TO BE ATTACKED

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.

B. NATURE OF THE CASE

1) Briefly state the background of your case.

ON FEBRUARY 27, 2009 PLAINTIFF MONTENEQUE KNOX AND INMATE CARL JOSHUA EXCHANGED A FEW BAD WORDS. AS A RESULT INMATE WAS MOVED INTO PLAINTIFFS ROOM MIRACULOUSLY. ON MARCH 14TH, 2009. AFTER A LENGTHY DISCUSSION AND ACKNOWLEDGMENT OF FAULT, BOTH INMATE AND PLAINTIFF AGREED TO SETTLE THEIR DIFFERENCES OF DIVERSITY. THROUGHOUT MARCH 14 - 28 PLAINTIFF RECEIVED AND IGNORED MULTIPLE THREATS MADE BY INMATE JOSHUA'S GANG. ON MARCH 28TH, 2009 JOSHUA WAS MOVED FROM PLAINTIFFS CELL DUE TO ONE OF HIS NUMEROUS "INVESTIGATIONS" OVER THE LAST COUPLE MONTHS. "SETTING UP INMATES" AFTER COMING FROM THE WHOLE INMATE WAS PLACED BACK IN CP ON APRIL 23 PLAINTIFF WAS NOTIFIED BY ASS WARDEN RACA THAT HE WAS BEING REQUESTED @ THE GYM. @ APPROXIMATELY 1:30 PLAINTIFF WAS ATTACKED BY GANGE

C. CAUSE OF ACTION

COUNT I

The following civil right has been violated: Eight Amendment violation Prohibiting CRUEL and UNUSUAL punishment. imposing duty to provide Reasonable Protection.

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].

PLAINTIFF INCORPORATED BY REFERENCE THE ALLEGATIONS SET FORTH IN THIS COMPLAINT WHICH HE FILED SEPTEMBER 25, 2009. ON MARCH 31ST 2009, C/O CREON AND OTHER STAFF WAS NOTIFIED OF THE THREAT RECEIVED BY MEMBERS OF INMATE JOSHUA'S ENTOURAGE. AT WHICH TIME PLAINTIFF REQUESTED PROTECTIVE CUSTODY. ON APRIL 7TH 2009, THE ASSOCIATE WARDEN AND LEAD CASE WORKER ZAPPATINI WAS ALSO MADE AWARE OF POTENTIAL SPIRIT OF OPPRESSIVE MALICE OF WANTONNESS AND/OR THE TOTALITY OF DEFENDANT ACTED AS PART OF A CONSPIRACY TO VIOLATE PLAINTIFF'S CIVIL RIGHTS. CAUSING SUBSTANTIAL MENTAL DISTRESS AND PAIN AND SUFFERING DUE TO DELIBERATE INDIFFERENCE. DEFENDANT BACA WARDEN OWED PLAINTIFF A DUTY OF REASONABLE CARE, BY PERMITTING PLAINTIFF REQUEST TO BE REMOVED FROM THE YARD. TO AVOID ATTACK AS ALL OUT OF TOWNERS. BACA BREACHED THIS DUTY BY REFUSING TO ALLOW PLAINTIFF TO BE TRANSPARENT AND STATING THAT I COULDN'T GO ANYWHERE. THIS BREACH RESULTED IN UNNECESSARY ATTACK. THIS BREACH ALSO CAUSED CONSTRUCTIVE DAMAGE TO FACIAL FEATURES. SHIPMENT TO THE HOLD AND TREATMENT BY STAFF @ THE WHOLE SO UNFAIRLY THAT PLAINTIFF HAS TO WRITE THIS COMPLAINT WITH A PIECE OF LEAD NO PENCIL OR PEN JUST A PIECE OF LEAD. I LUCKED UP AND GOT THIS ENVELOPE

COUNT II

The following civil right has been violated: FIRST AMENDMENT VIOLATION
Denial of access to legal LIBRARY, interference with mail, litigation, production of Access to supplies.

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].

Plaintiff incorporates by reference the allegations set forth in this complaint that on or about May 25th was when I first started having difficulties with the LAW LIBRARY and staff, via the Associate warden of programs. Plaintiff believes that certain staff has conspiracy theory as of evidence from the protective custody yard and the particular area of where those guys are from all cases workers refusal to submit any request and do tampering with mail to deliver mail to other inmates. Matt Tilley, LAW LIBRARY supervisor interference of mail and denial of legal supplies what so ever. Plaintiff also asserts denial of religious freedom, deliberate indifference to any individual of another belief, Patrick McNamara, a female staff. Strip search inmate Knox was inappropriate, on September 02, 2009 Plaintiff received mail from home, Plaintiff's cell was searched over time he received mail in belief that clo- acted as agent of a conspiracy involved with setting plaintiff up because of particular reasons, and denial of religious freedom and discrimination towards Plaintiff because of this reason.

COUNT III

The following civil right has been violated: FOURTEEN AMENDMENT VIOLATION UNDER THE STATE AND FEDERAL CONSTITUTIONAL GUARANTEES, EQUAL PROTECTION OF THE LAWS.

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].

Plaintiff incorporates by reference allegations set forth in this complaint. That ever since recognition of my religious backgrounds and foundation has been made the enemy of the state, all conceived in the spirit of mischief or criminal indifference. On May 25th TANIA AREVALLO gave plaintiff 18 months for a fight and the guys jump on him in the gym. Plaintiff was entitled to have guard present (also, have witnesses) ANTHONY HURDSAMUELS #51023. All C/O's basically treated any inmate of color w/ indifference and subjected them to the harshest of treatment i.e. (spitting in the food) anything that'll upset plaintiff. banned diet conforming to muslim belief and a 3 hour lockdown for getting jumped. Prohibiting deprivation of civil rights under color of state law and not subject to informal. plaintiff also asserts that he was set up with numerous collies in conspiracy to get my address and attack my family. no proof is obtained yet to prove this but, as soon as possible i will find out. Plaintiff received many threats confirming the belief.

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: N/A
- b) Name of court and docket number: _____
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):

- d) Issues raised: _____

- e) Approximate date it was filed: _____
- f) Approximate date of disposition: _____

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: N/A
- 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 #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: N/A
- 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: N/A
- 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 N/A
- Response to grievance: _____

E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

Plaintiff seeks compensatory damages, punitive damages, because of the conduct of the defendants in diversity of citizenship & as acting as a conspiracy to violate my civil rights as far as punitive, this has been going on for several years and it must be acknowledged that this will not go unacknowledged, further more under the new diversity, im seeking 50,000 in the minimum

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)

Montague Neal
(Signature of Plaintiff)

(Date)

COUNT IV

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

FOURTH AMENDMENT VIOLATION OF THE STATE AND FEDERAL CONSTITUTION GUARANTEES OF EQUAL PROTECTION OF THE LAWS. C/O BAUIS AND C/O REDD - SALES SEARCHED PLAINTIFFS CALL ONLY AFTER RECEIVING ANY MAIL OR PERSONAL ITEMS, AND PERSONALLY STATED THAT THEY WAS SEEKING REVENGE, BECAUSE OF A FIGHT BETWEEN KNOX & IMMATE CARRAGE.