

Balmora Villatoro
 Name
L.C.C. 1200 prison RD.
Lowellock, Nevada.
1039072
 Prison Number

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COUNSELMANIES OF RECORD	
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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Balmora Villatoro
 Plaintiff,
 vs.
S. C/O Preston
Nevada Dept. of Corrections
The State of Nevada
 Defendant(s).

3:16-cv-00531
 CASE NO. _____
 (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, Balmora Villatoro,
 (Print Plaintiff's name)
 who presently resides at Lowellock Correctional Center, were
 violated by the actions of the below named individuals which were directed against
 Plaintiff at Lowellock Corr. Center on the following dates
 (institution/city where violation occurred)
February 24, 2015, June 22, 2015, and _____
 (Count I) (Count II) (Count III)

LCC LI. FORM 36-022

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

2) Defendant S. G. Preston resides at Lovelock Correctional Center 1200 Prison Rd. Lovelock, NV
(full name of first defendant) (address if first defendant)
and is employed as Senior 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: Took my prescription glasses and caused physical injury.

3) Defendant Nevada Dept. of Corr resides at 5500 Myer Ave. Carson City, NV
(full name of first defendant) (address if first defendant)
and is employed as Entity. 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: Failed to provide safety for legally blind people, adequate medical care, due process and equal protection in its custody.

4) Defendant The State of Nevada resides at Entity
(full name of first defendant) (address if first defendant)
and is employed as Entity. 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: Failed to provide safety for legally blind people, adequate medical care, due process and equal protection in its custody.

5) Defendant _____ resides at _____
(full name of first defendant) (address if first defendant)
and is employed as _____. 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: _____

6) Defendant _____ resides at _____
(full name of first defendant) (address if first defendant)
and is employed as _____. 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: _____

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.
Nevada Statute 41.0322

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B. NATURE OF THE CASE

1) Briefly state the background of your case.
This is a case about a legally blind person who was
denied a medical need for transitional prescribed eye glasses
housed on the second floor despite his medical condition,
then having his glasses taken resulting in serious injury
followed by administrative segregation without a hearing
for obtaining medical services.

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C. CAUSE OF ACTION

COUNT I

The following civil rights has been violated: 8th amendment right under the united states constitution to safety, and adequate medical care.

Supporting Facts: [Include all fact 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].

I entered the Nevada department of Correctional (CNDOC) in 2009 and immediately informed both prison and medical officials that I was born blind legally and that after multiple surgeries I never gained sight in my left eye, but did gain partial sight in my right eye, only with transitional prescription eye glasses. After repeated requests for transitional prescription glasses, including a prescription for same issued by the prison eye doctor, all requests and prescription was denied by the director of Nursing at the Northern Nevada Correctional Center (NNCC) and at the Lovelock Correctional Center (L.C.C.) on April 14, 2015. Then I was forced to attach clip on tinted lens to my prescription glasses to improve my right eye vision by opening the lids wider without pain from the intense light both indoor and outdoors and, on February 21, 2015 Senior Correctional officer Preston took my glasses stating that they were unauthorized, I stated that the tinted lenses are

Continued next page 4A

COUNT I Continued

The following civil rights has been violated: _____

Supporting Facts: [Include all fact 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].

detachable and asked him to simply detach the lenses because I am legally blind and have no vision at all in my left eye and barely can see in my right eye without my glasses, he refused to simply detach the lenses and instead confiscated my glasses. At about 8:15 pm that evening I was going down the stairs carrying a bowl of food when I missed a step due to blurred vision in my right eye without my glasses and fell down nearly the whole flight of stairs and hurt myself in various places. Other inmates helped me up, and unit 2B officer Thompson asked me what happened? I explained to him that my glasses were taken from me earlier in the day and I cannot see too well without and missed a step and fell down. I submitted an emergency grievance requesting the return of my glasses and I showed the responding officers and my unit officer my injuries, but the grievance was denied. The following Monday the property room sergeant returned

Continued next page 4B

COUNT I Continued.

The following civil rights has been violated: _____

Supporting Facts: [Include all fact 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].

my glasses after detaching the tinted lenses. I saw the doctor who ordered X Rays on my right rear hip, leg, and knee. I then saw a second different doctor who ordered a MET. The MRT showed damage to my knee called "spondylosis." A third doctor then conducted a MRT on the back of my head only. Since the last MRT, I have been given pain killers and pills which cause sleepiness. I am still in pain, still numb, and uncontrollable shaky and twitching, and I have not been given no prognosis for recovery. My right to adequate medical care is denied because of this, and my right to safety is denied because both prison and medical officials knew I was legally blind and never should have housed me on the second floor, and my glasses never should have been taken.

COUNT II

The following civil rights has been violated: 14th amendment right to due process and equal protection.

Supporting Facts: [Include all fact 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].

OK June 22, 2015 I was transferred to the KWCC from the LCC in order to have the MRI as discussed in ground one on page 48. However, immediately upon my arrival I was placed in administrative segregation (The Hole) without any type of hearing to determine justification. After repeated requests to the caseworker to be housed in general population and receive the same benefits and, or a hearing by the prison classification committee for a reason why I am being treated different from other prisoners similarly situated, the caseworker had no explanation but advised me to initiate the grievance process which I did on August 4, 2015. On March 1, 2016 I returned from the Hole at KWCC to general population at LCC. As of this writing, August 12, 2016, I received no response from the level 2 grievance process that initiated back on August 4, 2015.

COUNT III

The following civil rights has been violated: N/A

Supporting Facts: [Include all fact 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].

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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: N/A
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):
N/A
- d) Issues raised: N/A
N/A
- e) Approximate date it was filed: N/A
- f) Approximate date of disposition: N/A

- 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 x No. If your answer is "Yes", describe each lawsuit. (If you 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: N/A
- 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: N/A
N/A
- e) Approximate date it was filed: N/A
- f) Approximate date of disposition: N/A

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

- a) Defendants: N/A
- b) Name of court and case number: N/A

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: N/A

e) Approximate date it was filed: N/A

f) Approximate date of disposition: N/A

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

a) Defendants: N/A

b) Name of court and case number: N/A

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: N/A

e) Approximate date it was filed: N/A

f) Approximate date of disposition: N/A

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 See below.

Date and institution where grievance was filed See below

3/30/15 LCC # 20062995546

8/4/15 WKCC # 20063005853

Response to grievance: Denial on first grievance, no final answer to second grievance.

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E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

1. Permit me to possess medically prescribed transitional
eye glasses. 2. Provide me adequate medical care that
heal my injuries. 3. Compensation for both physical pain,
injuries, and mental anguish in the amount of \$50,000.
4. punitive damages of \$25,000. 5. Costs of this litigation
any other relief later discarded or determined.

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)

Bahar Ullabris
(Signature of Plaintiff)

Sep - 8 - 2016
(Date)

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