

James Kenneth McCallum
 Name
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070
96779
 Prison Number

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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

James Kenneth McCallum,)
 Plaintiff,)
)
 vs.)
)
Doctor, Koehn)
)
Nurse, Ned Schwering)
)
Nurse, Jane Doe # 1 *)
)
Nurse, Jane Doe # 2 *)
)
Nurse, John Doe # 1 *)
 Defendant(s).)

3:16-cv-00658
 CASE NO. _____
 (To be supplied by the Clerk)

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

A. JURISDICTION

- 1) This complaint alleges that the civil rights of Plaintiff, James McCallum,
 (Print Plaintiff's name)
 who presently resides at High Desert State Prison, were
 violated by the actions of the below named individuals which were directed against
 Plaintiff at Ely State Prison, Ely Nevada on the following dates
 (institution/city where violation occurred)
Deliberate Indifference, Cruel and Unusual Punishment, and _____
 (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 Doctor Boehn resides at N/A
(full name of first defendant) (address if 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: Deliberate Indifference. Ignored plaintiff's blood pressure and allowed medication to continue.

3) Defendant Ned Schvering resides at N/A
(full name of first defendant) (address if 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: Deliberate Indifference. Did not report and/or record plaintiff's blood pressure and continued to give medication.

4) Defendant Jane Doe #1 resides at N/A
(full name of first defendant) (address if 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: Deliberate Indifference. Did not report and/or record plaintiff's blood pressure and continued to give medication.

5) Defendant Jane Doe #2 resides at N/A
(full name of first defendant) (address if 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: Deliberate Indifference. Did not report and/or record plaintiff's blood pressure and continued to give medication.

6) Defendant John Doe #1 resides at N/A
(full name of first defendant) (address if 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: Deliberate Indifference: Didn't report and/or record plaintiff's blood pressure and continued to give medication.

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.

From 1-14-16 to 1-29-16, plaintiff was on a Hunger Strike. On the night of 1-19-16, plaintiff was placed into the infirmary at Ely State Prison. From 1-21-16 to 1-29-16, defendants periodically checked plaintiff's weight and vitals including his blood pressure. Plaintiff watched all defendant nurses write down his blood pressure readings on a scratch piece of paper, and even though his blood pressure was below normal, they continued to give plaintiff 10mgs of Lisinopril. Plaintiff did not take the medication while not eating but did when he started eating again. Defendants stopped checking plaintiff's vitals, continued to give medication which resulted in plaintiff's black out.

C. CAUSE OF ACTION

COUNT I

The following civil rights has been violated: Cruel and Unusual Punishment; Deliberate Indifference.

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].

Plaintiff was on a hunger strike from 1-14-16 to 1-29-16. On 1-19-16, Plaintiff was put into the infirmary at Ely State Prison. On 1-21-16, Defendant John Doe # 1 took plaintiff's blood pressure and plaintiff watched him write down the reading on a scratch piece of paper. Plaintiff was told the reading, but can't remember the exact numbers, but knows it was way below normal. Between 1-21-16, and 1-29-16, nurses Jane Does # 1 + 2 also took plaintiff's blood pressure and it continued to stay below normal. Through out that whole time, defendants continued to offer plaintiff his blood pressure medication, 10 mgs of Lisinopril. Because plaintiff wasn't eating, he refused it, but when he did eat again he took it. Nobody continued to check plaintiff's vitals after starving for 14 days. Plaintiff is the layman. He relied on the knowledge and professionalism of the nursing staff and took the medication. After 9 days of eating and taking the medication, plaintiff suffered a "black out", fell hard to the ground and hurt his back and ~~the~~ knee. When plaintiff came to, he called for a nurse.

(cont.)
on page 9

COUNT II

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].

COUNT III

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].

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: _____
- 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 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: _____
- 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: _____
- 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 2006-3018056
Date and institution where grievance was filed 2-11-16; Ely State Prison.

Response to grievance: Grievance Denied because plaintiff was moved to a different cell and medication was discontinued after he suffered his blackout.

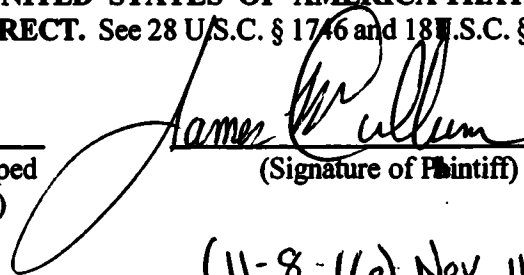
E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

Monetary Damages For Pain and Suffering.
All Medical Personnel responsible for inflicting
cruel and unusual punishment on plaintiff to
be held accountable for their actions.

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)

(11-8-16) Nov. 11, 2016
(Date)

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

(cont. from page 4) When his blood pressure was checked it was 60 over 40
in one arm and 70 over 50 in the other. Plaintiff's blood pressure

1 (Cont. from page 9)

2 was so low, Doctor Koehn almost had him sent to the
3 Emergency Room at the local hospital.

4 Doctor Koehn ~~immediately~~ immediately ceased plaintiff's
5 blood pressure medication and had him moved to another
6 cell in the infirmary so the nursing staff could keep
7 a better watch of him. After several days of
8 monitoring plaintiff's vitals again, his blood pressure
9 returned to normal.

10 Plaintiff would never have suffered his black-out and
11 ensuing injuries if Ely State Prisons nursing personnel
12 weren't so negligent. They were not reporting and/or
13 recording plaintiff's blood pressure even though it was
14 below normal and they continued to offer him his
15 High Blood Pressure medication. Then when plaintiff started
16 eating and taking the medication again, defendants
17 immediately stopped checking his vitals. That is
18 where all parties are negligent. And their
19 Deliberate Indifference is when they didn't
20 report or record plaintiff's low blood pressure
21 readings and continued to give him medication for
22 high blood pressure.

23 * At the present time, plaintiff is unaware of the
24 names of defendants Jane Does #1 and 2, and John Doe
25 #1. Plaintiff is unable to view his medical records and
26 asks this honorable court for leeway until he's able to
27 find out the names of all defendants.