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CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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Your name, Mitchell Keith Goodrum Case # 3:20-CV-00173-MMD(wgc)
Plaintiff,

v.

TITLE OF DOCUMENT

Name(s) of Defendants,
STATE OF Nevada et al
Defendants.

First Amended Complaint
Pursuant to 42 USC § 1983

EXHIBIT A

1 Mitchell Keith Goodrum

2 PO Box 1989

3 Ely Nevada 89301

4 89301-1989

5 Inmate No. 1213846

6
7 United States District Court
8 District of Nevada
9

10 Mitchell K. Goodrum
11 Plaintiff,

12 vs. State of Nevada.
13 Governor

14 Steve Sisolack
15 Director of Prisons

16 Mr. McDaniels
17 Warden

18 Mr. Isirido Baca
19 John Does 1-3

20 inclusive

21 Defendants,

Case No. 3:20-CV-00173-MMD-WGC

First Amended

Complaint Pursuant to
42 USC § 1983

"Deliberate Indifference"

"Deprivation" under the

Eighth Amendment

"Cruel and Unusual Punishment"

Under Fourteenth Amendment

"TORT" of Negligence Biven

Failure to Protect Claim.

Demand for Jury
TRIAL

22
23
24 Introduction

25 1) This is a amended civil rights action filed by Mitchell
26 K. Goodrum, a state prisoner, for damages under
27 42 USC § 1983, alleging attempted rape in violation of

28 (1)

1 Eighth and Fourteen amendments to the United States
2 Constitution. Violation committed by persons under
3 color of state law. (See) West v. Atkins, 487 US 42, 48
4 (1988). the violation of a right secured by the Con-
5 stitution or Laws of the United States, and that the
6 alleged violation was committed by a person acting
7 under color of State Law. Furthermore, secured un-
8 der screening requierments of §1915A, pursuant to
9 Prision Litigation Reform Act ("PLRA") Under federal
10 Rule of Civil Procedure (12)(b)(6) in review of ad-
11 equacy of the complaint or an amended Complaint.
12 The court should take this complaint as true in all
13 light most favorable to the plaintiff "Mr. Goodrum".
14 (See) Warshaw v. Xoma Corp., 74 F3d 955, 957 (9th
15 Cir 1996). Additionally, allow for this "pro se" com-
16 plaint to be held to a less strigent Standard than
17 formal pleading written by an attorney. (see) Hughes
18 v. Rowe, 449 us 5, 9 (1980). Being that Rule 12
19 (b)(6) does not require detailed factual allega-
20 tions this plaintiff will show/provide more then
21 labels and conclusions (see) Bell Atl v. Twombly
22 550 us 544, 555 (2007) Plaintiff is presenting
23 well-pleaded factual allegations, therefore the
24 court should assume their veracity and then
25 determine that they plausibly give rise to an
26 entitlement to relief. Furthermore, find def-
27 endants not immune from suit or claim of in-
28 (see) Ayala Serrano v. Lebron Gonzales 909 F.2d 8, 14 (1st Cir 1990)

1 Fringement of legal interest (see) Neitzke v. Williams,
2 490, US 319, 327-28 (1989) where the opposite
3 was the reality. In this complaint, Plaintiff sues
4 multiple defendants for events that took place
5 while plaintiff was incarcerated at Northern Nevada
6 Corretional Center ("NNCC"), and followed-up with
7 treatment both at "NNCC" and Ely State Prison
8 over the next fourteen months. Plaintiff also
9 alleges claims of violation of Federal Constitution-
10 al Rights under 42 USC § 1331 (1) and 1343.
11 Plaintiff also alleges the tort of negligence.
12 Plaintiff reincorporates by reference paragraphs in this com-
13 plaint in full length herein. A Bive claim of tort damages.

14 Jurisdiction

15 2) The court has jurisdiction over the plaintiff's
16 Federal Constitutional Rights under 42 USC § 1331
17 (1) and 1343. The court has supplemental jur-
18 isdiction over plaintiff's state law tort claim
19 under 28 USC § 1367. Plaintiff sues Defendant's
20 Govenor Mr. Steve Sisolack, Director Mr. McDaniel's,
21 Warden Mr. Isirido Baca, and John Does 1-3
22 inclusive. Plaintiff alleges claims and seeks
23 declaratory, injuctive, and monetary damages,
24 against all defendants named in this complaint,
25 for all listed violations of plaintiff's Eighth and Four-
26 teenth Amendments, protected by the US Constitution.
27 of the United States of America.

Parties

1
2 3) The plaintiff Mitchell K. Goodrum, was incarcerated at (NCC) during the events described in
3 this Complaint, with follow-up medical treatment
4 at Ely State Prison and Ely Medical Center
5 Ely Nevada. Alleges the following: adverse action against plaintiff,
6 and said action did not advance a legitimate correctional goal.

7 4) Defendant, Governor Mr Steve Sisolack is the
8 current governor at the time of this filing. He
9 had direct knowledge of the complaint by plaintiff
10 when the governor made a visit to Ely State Prison,
11 building 2B in front of Cell 14 plaintiff's
12 cell. Followed up with letters from plaintiff and
13 plaintiff's family from Dec, 2019 to March, 2020.
14 He is being sued in his official capacity and his
15 individual capacity. His address is known to plaintiff
16 as supervision powers over all prison employees,
17 He has an address of 101 N Carson Street Carson City NV 89701

18 5) Defendant, Mr. McDaniel the director of prisons
19 for the State of Nevada also has first hand knowledge
20 of the complaint, as he also was present with the
21 governor on a visit to "NCC" and Ely Prison.
22 He is being sued in his official capacity and his
23 individual capacity, His address is known as
24 5500 Snyder Ave Carson City, Nevada 89701 He is in
25 charge of supervision, operations and discipline.
26

27 6) Warden Isirido Baca, defendant listed
28 in this complaint is being sued in his indivi-

1 dual and official capacity. His address is known to
2 plaintiff as PO Box 7000 Carson City Nevada He
3 is and/or was the Warden at the time of the
4 incident of March 2019. He was directly involved at the time.
5 7) John Doe's 1-3 all defendant's listed in this
6 Complaint are being sued in both their individ-
7 ual and official capacity's The address is known
8 as PO Box 7000 Carson City Nevada. They are
9 Correctional officers at "NNCC". whos names
10 are unknown to plaintiff. (one c/o's id is #1005)
11 One Correctional officer is known as a Senior off-
12 icer, two are known as officers. They showed
13 "Deliberate Indifference to plaintiff need for protection.

14 Claim 1

15 Facts of allegations

16 8) In the interim of March 23 thru April 3, 2019
17 plaintiff was incarcerated at "NNCC" for the purpose
18 of Nevada Department of Corrections intake process.
19 During which time plaintiff was housed in building 7.
20 9) Defendant known as John Doe (3) employee No.
21 #1005 on or about March 23 to March 27, 2019
22 intentionally set into motion an act of rape
23 upon plaintiff by contacting Six male (African
24 American) males, inmates also housed in build-
25 ing 7 with plaintiff.
26 10) on or about March 24 + March 25, 2019 the
27 five of Six inmates were witnessed by plaintiff
28 iff

1 Sitting in front of plaintiff's cell door at a table
2 discussing how to go about the act of rape on
3 the plaintiff. By doing so plaintiff alleges %
4 #1005 John Doe⁽³⁾ was in violation to plaintiff's
5 civil rights under the United States Constitution
6 of "equal protection" covered under the Eighth
7 Amendment Right % #1005 John Doe⁽³⁾ showed Deliberate
8 Indifference" to protection under the Eighth Amend-
9 ment. Cause physical harm as plaintiff suffered
10 heart related stress pain, extreme depression,
11 nightmares and mental issues, all of which plaintiff
12 has been ongoing treatment by a heart
13 specialist at Ely Medical Center in Ely NV and
14 the medical provider at Ely prison and thru
15 tel-a-med with the psychiatrist and medications
16 for nightmares, depression, heart stress, anxiety.
17 plaintiff also claims John Doe⁽³⁾ violated plaintiff's
18 Fourteenth Amendment "Cruel and Unusual Punish-
19 ment", "Deprivation" under the Eight Amendment
20 by planning a rape of plaintiff by inmates. Add-
21 itionally, John Doe⁽³⁾ #1005 had made plans for
22 the inmates to force plaintiff to preform oral
23 copulation on John Doe⁽³⁾ #1005 or inmates would
24 remove plaintiff's testicals if plaintiff failed to
25 comply. All of which sent plaintiff to the hospital
26 at "NNCC" and infirmary to recover prior to be-
27 ing transported to Ely State Prison. Plaintiff did not
28 recover prior to being sent to Ely State Prison,

1 11) Defendant, Mr Isirido Baca the warden at the time
2 at "NNEC" became aware of the planned rape and
3 confronted John Doe[#]1005 on or about March 23rd
4 2019 along with a female of Authority.

5 12) John Doe[#]1005 admitted to the act of planning the
6 rape upon plaintiff. Stating he^(#1005) had brought
7 Condoms so thier would be no evidence of the
8 rape upon plaintiff.⁽¹³⁾ Mr. Baca was an active
9 participant in the cover-up of the plan to
10 assault plaintiff. Mr. Baca therefore was in viol-
11 ation of plaintiffs Eighth Amendment Right to equal
12 protection from Cruel and unusual punishment.
13 Violated plaintiffs right to equal protection aff-
14 orded plaintiff under the Fourteenth Amend-
15 ment of the US Constitution, by not terminat-
16 ing John Doe^(#1005) he was therefore able to
17 continue the planned rape with the inmates,
18 thus was the cause of plaintiff's illness. Mr.

19 14) Baca knew or should have known John Doe[#]1005
20 was a threat to the health and Safety of plaint-
21 iff. Mr. Baca showed a colorable denial of
22 plaintiffs Constitutional Rights to equal protect-
23 ion, cruel and unusual punishment, actual
24 prejudice towards plaintiff. Plaintiff has and
25 does suffer irreparable injury by way of
26 nightmares, deepened depression, highten anxiety
27 suicidal thoughts and actions, heart and chest
28

1 related pain. All of which plaintiff is currently
2 receiving medication for and mental health and
3 physical health related treatment, as will be provided
4 upon trial and/or discovery process.

5 15) John Doe's 1-3 inclusive refused plaintiff's
6 calls for help. Failure of defendant's 1-3 inclusive
7 to take action to protect plaintiff or any act-
8 ion to curb the attempted planning of rape of
9 plaintiff constitutes "Deliberate Indifference" to
10 plaintiff safety and health and contributed to
11 the proximately caused the above described
12 violation of plaintiff's Eighth Amendment Right

13 16) The failure of all defendants to take proper
14 disciplinary or other actions against defend-
15 ants John Doe[#]1005, John Doe(1-2) inclusive
16 violates inmate Goodrum Fourteenth Amendment
17 right to equal protection of the law. Defendants
18 showed "Deliberate Indifference", "Deprivation", and
19 "cruel and unusual punishment" by the act of
20 planing the rape, and then by superiors
21 not acting to prevent John Doe[#]1005 from
22 continuing the planning, causing plaintiff to
23 become ill. All in violation of plaintiff's Eighth and
24 Fourteenth Amendment Right and plaintiff claims the
25 Tort of negligence by Ely administration for failure to act
26 timely and appropriately. These actions against plaintiff were
27 without provocation was done Sadistically and maliciously
28 constituting "Cruel and unusual punishment."

Claim 2

Facts of allegations

17) Plaintiff alleges the following: Mr. Baca refused to take responsibility for his non-action as stated in the grievance process. Mr. Baca denied the incident ever took place. Mr. Baca failed to provide any remedies or resolutions to plaintiff's grievances and willfully rejected plaintiff's grievances. Deceived the Inspector General in the investigation by claiming it did not happen as alleged, (NOT That it did not happen) just not as alleged. The grievance process was unconstitutional because prison officials denied or rejected plaintiff's complaints in the form of grievances, stating timeliness or would say that something was missing, never addressing the very serious issue of a % rapping inmates and therefore protecting correctional officers and officials, even though the % #1005 openly admitted to the crime.

18) The Governor Mr Steve Sisolack was face-to-face with plaintiff on or about the second week in December 2019. He heard the plea for help from door number 14 in building 2B at Ely State Prison, his deputy director received a hand written statement from plaintiff at that meeting yet has failed to address the issue or take appropriate action. Causing "Deliberate Indifference,"

1 19) Although plaintiff challenging of the non-response
2 by prison officials, and realizes prisoners have no
3 right to stand allown due process rights related to
4 the administrative grievence process. (See) Mann v.
5 Adams, 885 F.2d 639, 640 (9th Cir 1988) Prisoners
6 do have a constitutional right of protection under the
7 US Constitutional Rights. Plaintiff did suffer actual-
8 injury by way of heart related stress causing hospital-
9 azation, Nitro pills "ongoing", increased depression to
10 Sevier depression, nightmares needed night terror med-
11 ications, sleep aids and anxiety medication. As well as
12 need/Serious need for psychological counseling, a psychi-
13 atric, and heart specialist procedure and a medical
14 doctors visits, all ongoing. Therefore, plaintiff alleges
15 his constitutionally protected liberty interest has
16 been violated including but not limited to his Eighth, Four-
17 teenth Constitutional rights, that he was actually
18 injured as a result of the action and the non-
19 actions of Department of Corrections employees and
20 by the State Government Mr. Steve Sisolack who
21 has to the best of plaintiff knowlege done nothing
22 to disipline staff, as he oversees the operations,
23 proceedures, and disipline of employees under his
24 was, and is watch, Thus showing "Deliberate Indifference"
25 and violated plaintiffs "due process" Additionally, violated
26 plaintiff First Amendment right against Verbal Sexual
27 harassment, and/or the Eighth Amendment to protect
28 against Sexual harassment.

1 20) Under the Eighth Amendment, prisoners officials oversee-
2 ing, have a duty to protect prisoners from violence at
3 the hands of other prisoners Farmer v Brennan, 511 US
4 825, 833 (1994) Mr Baca was in fact "Deliberately
5 Indifferent" to a serious threat to plaintiff's health
6 and Safety. Mr. Baca knew by way of correctional
7 officer (#1005 John Doe openly admitting to the
8 planned Sexual assault "Rape" of plaintiff
9 along with help from inmates. Mr. Baca dis-
10 regarded an excessive risk to plaintiff by allow-
11 ing John Doe (#1005 to continue to work at the
12 prison in building 7, and John Doe (#1005
13 was able to continue planning to execute the
14 rape assault on Mr. Goodrum, thus causing him
15 to become so stressed it affected his health. Mr

16 21) Baca was both aware of the facts from which the
17 inference could be drawn that a substantial risk
18 of serious harm existed. Therefore, Mr. Baca,

19 22) John Doe's 1-2 and John Doe 3 #1005 all could
20 draw the inference substantial harm exists.

21 23) The Governor and Director both failed to add-
22 ress the issues timely. Therefore, officials
23 may not escape liability because they claim they
24 cannot, or did not, identify the specific source
25 of the risk, that even a lay person could
26 see the serious threat which plaintiff was
27 exposed to, and failed to address it properly.

28 (See) Farmer v. Brennan 511 US, 825, 114 S Ct 1970 (1974)

1 24) This complaint (amended) supersedes the original
2 (see) Hal Roach Studios, Inc. v Richard Feiner &
3 Co, Inc., 896 F.2d 1542, 1546 (9th Cir 1989) Also (see)
4 Lacey v. Maricopa County, 693 F.3d 896, 928 (9th Cir 2012)
5 Therefore, plaintiff has satisfied all claims, defend-
6 ant's, and factual allegations that plaintiff wishes
7 to pursue in this lawsuit. Having a constitutional right to sue
8 in court (see) Lewis v. Casey, 518 U.S. 343, 346 (1996) And having filed
9 prison grievance, now pursue civil rights litigation in the court
10 (see) Rhodes v. Robinson, 408 F.3d 559, 567 (9th Cir 2004)

11 Exhaustion of Administration 12 Remedies

13 25) The plaintiff has exhausted all administrative rem-
14 edies pursuant to AR 740 in respect to all claims and
15 all defendants, complied with all grievance procedures,
16 reported to the Inspector General and chain of com-
17 mand via the Director and Governor offices.

18 Relief Requested

19 26) Wherefore, plaintiff respectfully request that the
20 court grant the following:

21 A) Issue a declaratory judgement stating that:

22 1.) The attempted rape of the plaintiff by def-
23 endant John Doe (3) #1005 violated plaintiff's
24 Eighth Amendment Right and constituted
25 attempted rape and Fourteenth Amendment.

26 2) Defendant Isirido Baca and seniors
27 C/O's (1-2) failed to take action against
28 John Doe known as #1005 (3) constitutes

(12)

1 a violation of plaintiff's Eighth Amendment Right
2 and constitutes attempted rape under state law.

3 3) Defendant's Warden Baca and Director of Prisons
4 Mr. McDaniels failed to take action of discipline or
5 release of John Doe #1005(3) who continued to viol-
6 ate plaintiff's Eighth Amendment and Fourteenth Amend-
7 ment Rights by allowing John Doe to continue planning the rape.

8 4) Issue an injunction ordering defendant Mr. Daniels
9 to immediately order the demand for resignation from
10 John Doe # (3) also known as employee # 1005.

11 5) Award Compensatory damages in the following amounts:

12 A) \$ 250,000.00 Jointly and Severally against defendants
13 Governor Steve Sisolack, Warden Baca, Director Mr.
14 McDaniels for the physical injury's to plaintiff's
15 heart chest pain issues, as well as emotional trauma.

16 B) \$ 150,000.00 Jointly and Severally against defend-
17 ant's John Doe (1-3) inclusive for the physical
18 and emotional damages "injuries", resulting from
19 the denial of equal protection of the plaintiff,
20 which also applies to (A) defendants listed above

21 c) Award punitive damages in the following
22 amounts for the tort of negligence:

23 \$ 50,000.00 each against ^{ALL} defendants Mr. Baca,
24 MR. McDaniels, Mr. Sisolack, and defendants
25 John Does (1-3) inclusive. Violated Rights

26 Grant such other relief as the court may

27 See plaintiff is entitled, Plaintiff makes this amended Com-
28 plaint (See) Valandingham V. Bojorquez. 866, F2d 1135, 1138 (9th Cir 1989)

1 Respectfully submitted this 25 day of July 2020

2
3
4 by: Mitchell K Goodrum
5 Mitchell Keith Goodrum
6 plaintiff
7

8 Legal case law: Injunctive relief. The injunctive relief is
9 in the public interest to avoid further denial of action,
10 (See) AT Trucking Ass'n's Inc v. City of Los Angeles, 559 F.3d
11 1046, 1052 (9th Cir 2009) Furthermore, it allows for
12 the intrusive means necessary to correct harm 18 USC
13 § 3626(a)(2) Also (See) Roland 854 F.2d at 770, Officials warned
14 about sexual predators, yet ^{failed for} reclassifying them from general population.
15 Previous Lawsuits: 3:20-CV-00173-MMD-WGC.org.complaint.
16 3:20-CV-00185-RFB-WGC.org.complaint.
17

18 Plaintiff is indigent and therefore request an Civil Rights
19 attorney be assigned to this claim at no up-front cost
20 to plaintiff.
21

22 Mitchell K Goodrum
23 PO BOX 1989
24 Ely Nevada 89301-1989
25 Inmate No 1213846
26
27
28

AFFIRMATION PURSUANT TO NRS 239B.030

I, Mitchell Keith Goodrum, NDOC# 1213846,

CERTIFY THAT I AM THE UNDERSIGNED INDIVIDUAL AND THAT THE

ATTACHED DOCUMENT ENTITLED First Amended Complaint

42 USC § 1983 Case # 3:20-cv-00173-MHD-WGG

DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY

PERSONS, UNDER THE PAINS AND PENALTIES OF PERJURY.

DATED THIS 25 DAY OF July, 2020.

SIGNATURE: Mitchell Goodrum

INMATE PRINTED NAME: Mitchell Goodrum

INMATE NDOC # 1213846

INMATE ADDRESS: ELY STATE PRISON
P. O. BOX 1989
ELY, NV 89301

DECLARATION PURSUANT TO: N.R.S. 208.165

I, Mitchell Keith Goodrum, OF INMATE IDENTIFICATION NUMBER: 320 CV-00173-MMD-WGC, AM A LAWFULLY COMMITTED PRISONER OF THE NEVADA DEPARTMENT OF CORRECTIONS, PRESENTLY IN THE LAWFUL CARE AND CUSTODY OF ELY STATE PRISON, LOCATED AT: 12000 NORTH BOTHWICK ROAD, (MAILING) P.O. BOX 1989, IN CITY OF: ELY, COUNTY: WHITE PINE, STATE: NEVADA, 89301. DOES AFFIRM THAT THE ATTACHED DOCUMENT ENTITLED: First Amended Complaint 42 USC § 1983, IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE & BELIEF, AND ANY FALSE STATEMENT OF MATERIAL FACT MADE THERE IN SHALL BE SUBJECTED TO THE PAINS AND PENALTIES OF PERJURY PURSUANT TO: N.R.S. 208.165, THIS, 25, DAY OF: July, 2020

INMATE SIGNATURE: Mitchell Keith Goodrum

INMATE NAME (PRINTED): Mitchell Keith Goodrum

ADDRESS: ELY STATE PRISON

P.O. BOX 1989, ELY, NEVADA 89301