

Michael Miller #1249108

Name and Inmate Booking Number

Northern Nevada Correctional Center

Place of Confinement

PO Box 7000

Mailing Address

CARSON CITY, NEVADA, 89702

City, State, Zip Code

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Michael Miller _____ ,
Plaintiff

vs.

(1) L.T Ashcraft _____ ,

(2) Senior Court Officer (Jon Doe) _____ ,

(3) Shift Command Sgt. (Jon Doe) _____ ,

(4) Warden _____ ,

(5) Correction Officer Ralston _____ ,
Defendant(s).

Case No. _____
(To be supplied by Clerk of Court)

**CIVIL RIGHTS COMPLAINT
BY AN INMATE**

- Original Complaint
- First Amended Complaint
- Second Amended Complaint

Jury Trial Demanded

A. JURISDICTION

- 1) This Court has jurisdiction over this action pursuant to:
 - 28 U.S.C. § 1343(a)(3); 42 U.S.C. § 1983
 - 28 U.S.C. § 1331; *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971)
 - Other: _____
- 2) Institution/city where Plaintiff currently resides: Northern Nevada Corr. Center / Carson City
- 3) Institution/city where violation(s) occurred: Northern Nevada Corr. Center / Carson City

B. DEFENDANTS

1. Name of first Defendant: Kristy Fonoimohana. The first Defendant is employed as:
L.T Ashcroft at NNCC.
(Position of Title) (Institution)
2. Name of second Defendant: Jon Doe. The second Defendant is employed as:
Senior Cert Officer at NNCC.
(Position of Title) (Institution)
3. Name of third Defendant: Jon Doe. The third Defendant is employed as:
Shift Command Sgt. at NNCC.
(Position of Title) (Institution)
4. Name of fourth Defendant: Ms. N. Childers. The fourth Defendant is employed as:
Warden at NNCC.
(Position of Title) (Institution)
5. Name of fifth Defendant: Ralston. The fifth Defendant is employed as:
Correctional Officer at NNCC.
(Position of Title) (Institution)

If you name more than five Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. NATURE OF THE CASE

Briefly state the background of your case.

On 10-14-23 an incident took place in the dorm I was housed in at NNCC, a 12 man dorm, between an inmate and officers. The incident which was across the dorm, turned into a physical altercation that resulted with a taser (ECW electronic control weapon) being deployed. After the incident I and the rest of the prisoners were ordered out of dorm, so the officers could clear the scene for safety and security. After about an hour (camera footage will confirm) we were allowed to re-enter the dorm, under the pretense by officers that the area was "SAFE." Unbeknown to me, during the altercation, an officer mis-fired his weapon, and the projectile landed in my bed. Officers knew they did not follow policy and recover all of the projectiles, I having sensitive skin do to 87% of my body being burned, was ultimately punctured by projectile while sleeping.

D. CAUSE(S) OF ACTION

CLAIM 1

1. State the constitutional or other federal civil right that was violated: 8th amendment
Deliberate Indifference
2. **Claim 1.** Identify the issue involved. Check **only one**. State additional issues in separate claims.
- | | | |
|--|---|--------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Medical care | <input type="checkbox"/> Mail |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Property |
| <input type="checkbox"/> Access to the court | <input type="checkbox"/> Excessive force by officer | <input type="checkbox"/> Retaliation |
| <input checked="" type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. **Date(s) or date range** of when the violation occurred: 6.14.23 - 6.15.23

4. **Supporting Facts:** State as briefly as possible the **FACTS** supporting Claim 1. Describe exactly what **each specific defendant (by name)** did to violate your rights. State the facts clearly in your own words without citing legal authority or argument.

1.) Defendant LITASH. violated my rights, was deliberated indifferent to my safety and health, when he allowed me to re-enter the dorm under the "Lie" that it was safe and secure. LITASH. knew and was fully aware that all of the projectiles had not been recovered. That deliberate, malicious action caused me to endure undue harm, when I rolled over in my bed and the projectile pierced my flesh on my side. My skin being delicate due to 43 surgeries and 87% burns since age of 3.

2.) The Senior cert team officer worked in concert with his competitors to conceal the fact that the dorm, scene of the incident, was not in fact, "SAFE and SECURE". Thus deliberately violating policy - procedure - protocol whenever an ECW (Electronic Control Weapon) is used. This defendant violated my rights by his deliberate acts that caused me injury.

3.) Defendant, shift command Sgt. who all reports of real time activity involving an officer, allowed his officers to resume safe and secure program, being duly aware that all PROJECTILES were not recovered, posing a potential threat of harm to an inmate.

4.) Defendant warden Childers violated my rights by failing to properly train officers in the use of ECW's and enforce policy, procedure, protocol. In a grievance response defendant simply stated "you were collateral damage", REF. grievance #20063153705

CLAIM 2

1. State the constitutional or other federal civil right that was violated: 8th amendment
Deliberate Indifference

2. **Claim 2.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | |
|--|---|--------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Medical care | <input type="checkbox"/> Mail |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Property |
| <input type="checkbox"/> Access to the court | <input type="checkbox"/> Excessive force by officer | <input type="checkbox"/> Retaliation |
| <input checked="" type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. **Date(s) or date range** of when the violation occurred: _____

4. **Supporting Facts:** State as briefly as possible the FACTS supporting Claim 2. Describe exactly what **each specific defendant (by name)** did to violate your rights. State the facts clearly in your own words without citing legal authority or argument.

4.) continued... A 2nd level grievance was filed on 8/17/2023, as of this date the defendant nor anyone else from this administration has answered grievance.

(exhibits to be sent to courts upon request)

5.) Defendant Correctional Officer Ralston violated my rights deliberately, by fully knowing that one of his projectiles did not hit the intended target, and was unsure where it went (stated in grievance response) yet refuse to account for the projectile. This malicious act caused plaintiff's undue, unwarranted injury, affecting my sensitive skin, and my emotional mindstate.

CLAIM 3

1. State the constitutional or other federal civil right that was violated: _____

2. **Claim 3.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- | | | |
|---|---|--------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Medical care | <input type="checkbox"/> Mail |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Property |
| <input type="checkbox"/> Access to the court | <input type="checkbox"/> Excessive force by officer | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____. | |

3. **Date(s) or date range** of when the violation occurred: _____.

4. **Supporting Facts:** State as briefly as possible the **FACTS** supporting Claim 3. Describe exactly what **each specific defendant (by name)** did to violate your rights. State the facts clearly in your own words without citing legal authority or argument.

If you assert more than three claims, answer the questions listed above for each additional claim on a separate page.

E. PREVIOUS LAWSUITS

- 1. Have you filed any other lawsuits while incarcerated? Yes No
- 2. Has this Court or any other court designated you as subject to "three strikes" under 28 U.S.C. § 1915(g)? Yes No
- 3. If you have "three strikes" under 28 U.S.C. § 1915(g), does this complaint demonstrate that you are "under imminent danger of serious physical injury?" Yes No

F. REQUEST FOR RELIEF

I believe I am entitled to the following relief: \$50,000.00 for compensatory and punitive damages, from each defendant in His and Her official capacity and individual capacity. And \$50,000.00 for emotional and mental injury as well

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.

Kareem Wilkes
(name of person who prepared or helped prepare this complaint if not the plaintiff)

Amir Amin
(signature of plaintiff)

2/7/2023
(date)

ADDITIONAL PAGES

You must answer all questions concisely in the proper space on the form. Your complaint may not be more than 30 pages long. It is not necessary to attach exhibits or affidavits to the complaint or any amended complaint. Rather, the complaint or any amended complaint must sufficiently state the facts and claims without reference to exhibits or affidavits. If you need to file a complaint that is more than 30 pages long, you must file a motion seeking permission to exceed the page limit and explain the reasons that support the need to exceed 30 pages in length.