

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
COLORADO**

Civil Action No. **11 - CV - 00813 CMA - CBS**

FILED
DISTRICT COURT
COLORADO
2011 MAR 30 PM 3:35
GREGORY S. LANGHAM
CLERK

DANIEL SELF,

BY _____ DEP. CLK

Plaintiff,

v.

KEVIN MILYARD, in his individual capacity as warden of Sterling Correctional Facility (SCF),

ARISTEDES W. ZAVARAS, in his individual capacity as Executive Director of the Colorado Department of Corrections (CDOC),

CHERYL SMITH, in her individual capacity as Chief Medical Officer of CDOC,

DR. GARY FORTUNATO, in his individual capacity as physician at SCF,

KATHY LOVELL, in her individual capacity as a nurse working at SCF,

GATBEL CHAMJOCK, in his individual capacity as a Physician's Assistant working at SCF,

BEVERLY DOWIS, in her individual capacity as Health Service Administrator

PHYSICIAN HEALTH PARTNERS, Inc. a Colorado Corporation and managed care provider for DOC,

LIFECARE, Inc., a Colorado corporation,

NICOLE HENSMAN, EMT, as an individual, and agent/employee of Defendant LifeCare Inc.

DANIEL SCHELLENGER, as an individual, and agent/employee of Defendant LifeCare Inc.

Defendants.

COMPLAINT

Plaintiff, Daniel Self, a prisoner at Sterling Correctional Facility (“SCF”) submits this complaint for Defendants’ deliberate indifference to Mr. Self’s right to refuse emergency medical treatment, and Defendants’ deliberate indifference to his serious medical need, resulting in violations of his Eight and Fourteenth Amendment Rights under the U.S. Constitution.

FACTS

1. Mr. Self is a prisoner at Sterling Correctional Facility (“SCF”) in Sterling Colorado. The Colorado Department of Corrections (“DOC”) operates Sterling Correctional Facility.
2. Mr. Self suffers from bipolar disorder and at times a debilitating mental illness.
 - a. **Mr. Self Exercised A Constitutionally Protected Right to Be Free From Medical Treatment**
3. On 22 January 2009, Mr. Self executed a valid CPR Directive (“Directive” or “DNR”) on a form SCF medical staff provided him.
4. The operative language of the DNR directed “emergency medical services personnel, health care providers, and other persons to withhold cardiopulmonary resuscitation in the event that [his] heart or breathing stops or malfunctions.”
5. Mr. Self signed the form after being fully informed of the implications of doing so by his treating physician, Defendant Fortunato. Defendants promised that, going forward, Mr. Self would not receive cardiopulmonary resuscitation under any circumstances.
 - b. **Defendants Were Deliberately Indifferent to Mr. Self’s Right to Refuse Medical Treatment**
6. On the evening of 4 April 2009, correctional officers found Mr. Self unresponsive and unconscious in his cell.

7. According to medical records, correctional officers and other prison employees tried unsuccessfully to revive Mr. Self, ignoring his DNR.
8. Defendants Schellenger and Hensman an Emergency Medical Technician-Paramedic (EMT-P) and EMT, respectively, arrived at SCF ninety minutes after correctional officers first found Mr. Self unresponsive.
9. After several minutes spent evaluating Mr. Self's condition, Defendants Schellenger and Hensman proceeded to institute lifesaving measures. By doing so Lifecare Defendants wrongfully, and negligently, intubated Mr. Self by ignoring his DNR.
10. The intubation resulted from either the Defendants' failure to make Mr. Self's DNR or full medical chart available; or the Defendant-EMTs negligence in failing to ask whether Mr. Self had a valid DNR order in place before EMT-Defendants initiated lifesaving treatment. The Defendant-EMTs also negligently failed to ask prison staff for access to Mr. Self's prison medical chart.
11. EMTs brought Mr. Self to Sterling Medical Center where the hospital admission records note Mr. Self was "intubated despite presence of DNR."
12. Mr. Self was later extubated and transported back to SCF, where he remains as of the date of this filing.

c. Defendants Failed to Enact Policies and Procedures to Protect Mr. Self's Constitutionally-Protected Right to Refuse Medical Treatment During an Emergency

13. At the time Mr. Self signed his DNR, Defendants Physician Health Partners or other DOC Defendants had no policy of providing a medical bracelet or other means of warning emergency responders of a patient's DNR status.
14. Defendants knew prisoners were executing No CPR/DNR directives. Despite Defendant's knowledge, they failed to develop or institute policies to protect the inmate-patients right to refuse emergency medical care such that if an emergency were to occur, an inmate-patient's constitutional right to refusal of treatment would be ignored.

15. Defendants failed to institute policies, regulations, or procedures to train DOC personnel how to determine an inmates DNR-status in the event of a emergency.
16. Defendants never made policies, rules, or regulations to make CPR or DNR directives readily available to emergency responders.
17. The DOC Defendants and LifeCare, Inc. Defendants failed to adequately staff healthcare professionals: at certain hours, appropriate personnel were not available to access or review Mr. Self's medical chart; or provide the chart to EMTs.
18. Prison guards were not properly trained or prepared to check on the DNR status of Mr. Self. or other prisoners, and were not otherwise notified of Mr. Self's DNR status at the time of the incident.
19. On 19 April 2009 Mr. Self, horrified and shocked that he had been resuscitated against his express consent, filed a grievance against the prison.
20. Nurse Greg Dyson responded to Mr. Self's grievance by letter, which stated in part: "Please understand Emergency Medical Technicians are trained to respond to unresponsive persons in a certain way and will do so no matter what the situation." Nurse Dyson continued, " Since [EMTs and Officers] do not have access to your records they would not realize that you had a CPR Directive Signed and in your chart."
21. Nurse Dyson's response to Mr. Self's grievance constitutes a plain admission of Defendants failure to enact policies to protect Defendant's Constitutional right to be free from unwanted treatment.
22. To date, Defendants have failed to provide Mr. Self a bracelet, necklace, or paperwork to make future emergency care providers are alerted to Mr. Self's DNR status.

WRIST SURGERY

23. Mr. Self also brings this action for redress of a separate violation of his Eighth Amendment Constitutional right to be free from cruel and unusual punishment. This claim relates to Defendants' deliberate failure to arrange necessary, doctor-recommended surgery for Mr. Self's fractured wrist, and Defendants' failure to

institute follow-up treatment for the wrist ordered by Mr. Self's physician specialist.

24. On 5 October 2009, Mr. Self severely injured his wrist when he fell from his top bunk. Sterling correctional officers brought Mr. Self to Sterling Regional Medical Center ("Sterling Regional") for treatment.
25. A doctor at Sterling Regional, Darrel Fenton, examined Mr. Self's wrist. Dr. Fenton found Mr. Self had sustained a complex, dorsally angulated fracture, and determined the break would require surgery.
26. A different surgeon, Dr. Lambert, performed the recommended wrist surgery on 8 October 2009. After the surgery Mr. Self was returned to SCF where he immediately noticed his hand and wrist appeared deformed, noticeably out of alignment with the rest of his arm. Mr. Self also suffered from excruciating post-surgical pain.
27. During a 4 November 2009 follow-up visit, Dr. Fenton reexamined the surgically repaired wrist. Dr. Fenton essentially told Mr. Self that Dr. Lambert had improperly performed the wrist surgery.
28. Dr. Fenton explained he would likely have to re-break Mr. Self's wrist and then surgically repair the wrist for it to be normal again. Dr. Fenton placed Mr. Self's wrist in a "cockup splint" and ordered a course of treatment to include "volar flexion, not dorsal flexion".
29. In a letter to Defendants, Dr. Fenton explained his concerns with respect to the misalignment of Mr. Self's wrist.
30. Dr. Fenton told prison officials he wanted to see Mr. Self for a second follow-up in "one month" for an x-ray. Finally, Dr. Fenton noted that he would need to perform a "distal radial osteotomy"--a corrective surgery--if Mr. Self had not made satisfactory progress during that month.
31. Defendants never instituted the treatment plan Dr. Fenton ordered for Mr. Self despite Mr. Self's documented complaints of severe daily pain and daily discomfort.
32. More troubling, Defendants failed to return Mr. Self as ordered by Dr. Fenton within thirty days of his 4 November 2009 appointment. Defendants ignored

Mr. Self's regular pleas to be returned to Dr. Fenton for further evaluation and corrective surgery of his deformed wrist.

33. Defendants also ignored Mr. Self's request for medication to treat his constant pain, which made it difficult for him to sleep and work. Mr. Self worried his wrist would remain permanently disfigured if not addressed by timely corrective surgery, as ordered by Dr. Fenton.
34. As a result of Defendants' deliberate indifference to his serious medical need, Mr. Self's was denied access to his specialist for over eight months. During that time, his deformed wrist remained untreated. It was only after Mr. Self's counsel contacted Dr. Fenton directly that Defendants returned Mr. Self to Sterling Regional for an appointment on 11 June 2010.
35. On that day, Dr. Lambert analyzed Mr. Self's wrist, and renewed his previous prognosis that surgery was necessary to correct the dorsal displacement, which would "stop a lot of [Mr. Self's] pain." He further noted that the surgery could be done on an outpatient basis "as soon as the prison lets us schedule it."
36. At the 11 June meeting 2010 between Dr. Fenton and Mr. Self, Dr. Fenton also provided Mr. Self with a prescription for Darvocet, a pain medication. When Mr. Self was returned to SCF, on-site nurse Schadeegg confirmed Mr. Self's prescription for Darvocet.
37. After a series of days passed without Mr. Self receiving his prescribed medication, an on-site physician's assistant determined unilaterally that, after reviewing Mr. Self's chart, he did not need the prescribed medication.
38. Additionally, the existence of Mr. Self's prescription from Dr. Fenton for Darvocet disappeared.
39. Almost three months later, Mr. Self was finally transported to Sterling Regional for corrective surgery to his wrist. Even after the second surgery, however, Mr. Self's wrist remains grossly deformed and is now permanently disfigured. Defendants have told Mr. Self nothing more could be done to improve the condition of his wrist.
40. Mr. Self has difficulty reaching his top bunk as a result of his injuries. Defendants have denied his repeated requests to be permanently assigned a bottom bunk.

41. Mr. Self's suffering could have been avoided had Defendants simply called to schedule the follow-up visit Dr. Fenton ordered back in November of 2009. Instead, Defendant's deliberate indifference to Mr. Self's serious medical need caused, and continues to cause, worry, stress, anxiety and other emotional distress.

PARTIES

42. Plaintiff DANIEL SELF is a resident of the State of Colorado and a citizen of the United States.
43. Defendant KEVIN MILYARD is the warden of SCF, and as such, was responsible for the custody and care of Mr. Self and other prisoners at SCF. He oversees all employees at SCF, including medical staff, and has authority for the establishment and implementation of all policies and procedures at SCF.
44. Defendant, ARISTEDES W. ZAVARAS, is the Executive Director of CDOC, and as such, was responsible for the custody and care of Mr. Self and other prisoners at SCF. He oversees all employees in CDOC, including the medical staff, and has the authority to establish, alter, and implement all policies and procedures at that institution.
45. Defendant CHERYL SMITH, is the Chief Medical Officer of CDOC, and as such is responsible for monitoring and directing the total process by which health care services are provided to prisoners. Defendant Smith's duties include ensuring health care provided throughout CDOC is adequately delivered. Defendant Smith has a duty to put policies in place to ensure DOC staff and outside medical personnel have access to, and therefore honor, inmate CPR directives.
46. DR. GARY FORTUNATO, is a doctor at SCF. Dr. Fortunato was responsible for ensuring Mr. Self's DNR Order was honored at all times. He was responsible for instructing medical staff regarding the proper charting of Mr. Self's CPR Directive. Along with other Defendants, Dr. Fortunato was also responsible for ensuring Mr. Self received proper follow-up care as directed independent physician specialists.

47. NURSE LOVELL is a registered nurse at SCF. She was responsible for documenting Mr. Self's DNR status so that it would be accessible and available to other medical staff and to EMTs. Nurse Lovell was also responsible for providing Mr. Self a copy of his DNR.
48. GATBEL CHAMJOCK is a Physician's Assistant. He was responsible for documenting Mr. Self's DNR status so that it would be accessible and available to other medical staff and to EMTs. He, along with other Defendants, was responsible for providing Mr. Self with the means to alert potential first responders of Mr. Self's DNR status.
49. BEVERLY DOWIS, is a health administrator at SCF. She is responsible for scheduling of doctor's appointments and instituting policies and procedures that adequately ensure Mr. Self and other inmates at SCF are scheduled for and transported to appointments outside SCF.
50. Defendant LIFECARE, Inc. is a private Colorado corporation with its principle place of business in Sterling, Colorado. Defendant LifeCare is properly sued for common law negligence as it is a private corporation and therefore not entitled to immunity under the Colorado Governmental Immunity Act.
51. Physician Health Partners, is the managed care provider for DOC and is responsible, for among other responsibilities, for pre-approving and scheduling inmate visits to specialists. Its principal place of business is 1515 Arapahoe St., Tower 1 Suite 300, Denver, CO 80202.

JURISDICTION, VENUE, AND NOTICE

52. This action arises under the Constitution and laws of the United States, including Article III, Section 1 of the United States Constitution and 42 U.S.C. § 1983 and 42 U.S.C. § 1988. The jurisdiction of this Court is further invoked pursuant to 28 U.S.C. § § 1331, 1343, 2201.
53. The United States District Court for the District of Colorado is the proper venue for this action pursuant to 28 U.S.C. §1391(b), as all of the events giving rise to the claims occurred in the District of Colorado.
54. Supplemental pendent jurisdiction is based on 28 U.S.C. §1367 because the violations of federal law are substantial and the pendent causes of action derive from a common nucleus of operative facts.

CAUSE OF ACTION

**Against DOC Defendants & Physcian Health Partners: Defendants
Failure to Honor right to refuse medical care violated Mr. Self's Right to Be
Free From Cruel and Unusual Punishment under the Eighth Amendment.**

**(42. U.S.C. §1983-Eighth Amendment Violation of Plaintiff's Right to be Free of
Cruel and Unusual Punishment)**

55. The Eighth Amendment to the United States Constitution forbids cruel and unusual punishment. The Eighth Amendment prohibits infringing on a prisoner's right to refuse medical treatment. The Eighth Amendment prohibits deliberate indifference to serious medical needs of prisoners.
56. 42. U.S.C. §1983 provides a remedy for constitutional violations where the violations are committed under color of State law.
57. Defendants violated Mr. Self's Eighth Amendment rights by their deliberate indifference to Plaintiff's serious medical needs; to wit, ignoring Mr. Self's express intention to be free of certain medical interventions, despite being expressly aware of Plaintiff's express intentions.
58. Defendants demonstrated deliberate indifference to Plaintiff's serious medical needs by gross deficiencies in staffing, and training; and procedures to ensure that Plaintiff's right to refuse medical treatment in the event of an emergency would be honored.
59. Defendants failure to implement uniform policies and procedures to protect Plaintiff's right to refuse medical treatment further violated Mr. Self's clearly established constitutional rights under the Eighth Amendment.
60. Defendants refusal to properly treat Mr. Self's broken wrist, provide pain medication, or schedule him a follow-up appointment with a specialist as ordered, constitutes cruel and unusual punishment. Mr. Self's serious medical condition is documented in his medical records at Sterling Regional and SCF. A botched surgical procedure resulting in severe pain, which requires corrective surgery, is a serious medical condition.

61. As a result of Defendants' failure to provide Mr. Self with proper medical treatment, Mr. Self has suffered damages, injuries, pain and suffering, inconvenience, emotional distress, impairment of quality of life, past and future economic losses, and reasonable and necessary medical, hospital and other expenses.
62. Defendants were personally involved in the alleged constitutional violation in that each of them: (1) directly participated in the infraction; (2) failed to remedy the wrong after learning of the violation through a report or appeal; (3) created a policy or custom under which unconstitutional and unlawful practices occurred; (4) allowed such a policy or custom to continue; and/or (5) was deliberately and recklessly indifferent in managing subordinates who caused the unlawful conditions and events.

NEGLIGENCE I

(Failure to Train and Supervise Agents and Employees)
(LifeCare Corporate Defendants)

1. LifeCare Defendants had a duty to institute policies and rules that trained its employees to understand the standard of care with respect to first-responder medical treatment.
2. LifeCare breached that duty to Defendant, who was a foreseeable victim of LifeCare Defendants' negligence.
3. LifeCare's actions caused Mr. Self damages.

NEGLIGENCE II

(Defendants Hensman and Schellenger)

1. Defendants Hensman and Schellenger had a duty to Mr. Self to ensure whether Mr. Self has a valid DNR in place before they providing life-saving treatment.
2. Defendants breached their duty to Mr. Self, a foreseeable victim of the Defendants' breach of duty.
3. Defendants' actions and inactions, caused Mr. Self damages.

BATTERY

1. Defendants battered Mr. Self while he was unconscious, by touching him without his consent.

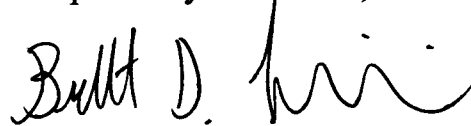
PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests:

- A. A declaration that Mr. Self has been deprived by Defendants of his right to be free from cruel and unusual punishment in violation and contravention of the Eighth Amendment to the United States Constitution;
- B. An award of attorneys fees and costs of this action, including expert witness fees, on all claims allowed by law;
- C. An award of punitive damages for violation of the Eighth Amendment of the United States Constitution, 42. U.S.C. §1983;
- D. An award of all damages allowed by law, including compensatory damages for violations of the Eighth Amendment to the United States Constitution, 42 U.S.C. §1983; and that this Court award pre-judgment and post-judgment interest at the lawful rate;
- E. A permanent injunction ordering the appropriate Defendants to give Mr. Self a bottom bunk; and
- F. Any additional or alternative relief as may be just, proper, and equitable.

Dated this 27th day of March, 2011.

Respectfully submitted,



/s/ Brett D. Lampiasi, #39317

Attorney Brett Lampiasi, #39317
P.O. Box 347
Hatfield, MA 01038
blampiasi@me.com
413-349-4111

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

ATTACHMENT A

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DANIEL SELF

(b) County of Residence of First Listed Plaintiff LOGAN COUNTY, CO
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorney's (Firm Name, Address, and Telephone Number) BRETT LAMPEASE
413-349-4111
P.O. BOX 347, HATFIELD, MA 01038

DEFENDANTS

KEVIN MILYARD

County of Residence of First Listed Defendant UNKNOWN
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | ☒ 1 | ☒ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury PERSONAL INJURY ☐ 362 Personal Injury - Med. Malpractice ☐ 365 Personal Injury - Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 610 Agriculture ☐ 620 Other Food & Drug ☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 630 Liquor Laws ☐ 640 R.R. & Truck ☐ 650 Airline Regs. ☐ 660 Occupational Safety/Health ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 730 Labor/Mgmt. Reporting & Disclosure Act ☐ 740 Railway Labor Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 463 Habeas Corpus - Alien Detainee ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395f) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 810 Selective Service ☐ 850 Securities/Commodities/Exchange ☐ 875 Customer Challenge 12 USC 3410 ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 892 Economic Stabilization Act ☐ 893 Environmental Matters ☐ 894 Energy Allocation Act ☐ 895 Freedom of Information Act ☐ 900 Appeal of Fee Determination Under Equal Access to Justice ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 444 Welfare ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☒ 440 Other Civil Rights	PRISONER PETITIONS ☐ 510 Motions to Vacate Sentence Habeas Corpus: ☐ 530 General ☐ 535 Death Penalty ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. 1983

Brief description of cause:

PRISONER'S 1983 CIVIL SUIT

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

500,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

DATE

SIGNATURE OF ATTORNEY OF RECORD

3/29/11BRETT D. LAMPEASE

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

11-CV-00813 CMA-CBS

Court Name: U.S. District Court, Colorado
Division: 1
Receipt Number: COX036476
Cashier ID: sq
Transaction Date: 03/30/2011
Payer Name: LAMPIASI TONEY

CIVIL FILING FEE
For: LAMPIASI TONEY
Amount: \$350.00

PAPER CHECK CONVERSION
Check/Money Order Num: 1010
Amt Tendered: \$350.00

Total Due: \$350.00
Total Tendered: \$350.00
Change Amt: \$0.00

11-CV-813

A fee of \$45.00 will be assessed on
any returned check.