

FILED LODGED
Nov 14 2018
CLERK U.S. DISTRICT COURT
DISTRICT OF ARIZONA

Michael Fuqua #215717
Name and Prisoner/Booking Number

ASPC Lewis - Rust
Place of Confinement

P.O. Box 3600
Mailing Address

Buckeye Az. 85326
City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

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

Michael Fuqua
(Full Name of Plaintiff)

Plaintiff,

v.

CASE NO. CV-18-2337-PHX-DSH
(To be supplied by the Clerk)

(1) Charles L. Ryan
(Full Name of Defendant)

(2) Ph. D. D. Webster

(3) Higuera

(4) Jones

Defendant(s).

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

Trial By Jury Demanded.

- Original Complaint
- First Amended Complaint
- Second Amended Complaint

Check if there are additional Defendants and attach page 1-A listing them.

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

- 28 U.S.C. § 1343(a); 42 U.S.C. § 1983
- 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).
- Other: Title 18, U.S.C., § 242 - Deprivation of Rights Under Color of Law.

2. Institution/city where violation occurred: ASPC Lewis, Buckeye, Az / Salt Lake City, Utah

Defendants (Continued)

5. Captain Suckle
6. ADW Golder
7. CO III Troman
8. D.W. Mooney
9. Captain Swirsky
10. Lt. Hoszn
11. CO IV Metzler
12. ADW KCAATZ
13. Lt. Oshita
14. CO III Swayne
15. Ph.D. BAAK
16. Captain Baker
17. Lt. Pucket
18. AF.HA. D. Labar
19. F.HA. K. Rodgers
20. Sgt. Loren
21. CO IV Oshita
22. DW. Prode
23. DW. C. Cantrell
24. J. Lind, Chaplain
25. Chaplain MacLarens
26. Sr Chaplain Kingstrand
27. Chaplain Thomas
28. DW. Roxanne Hill

B. DEFENDANTS

1. Name of first Defendant: Charles L. Ryan. The first Defendant is employed as: Director at Arizona Department of Corrections.
(Position and Title) (institution)
2. Name of second Defendant: Ph.D. D. Webster. The second Defendant is employed as: Psychologist at Cocoron Health Services.
(Position and Title) (Institution)
3. Name of third Defendant: Higuera. The third Defendant is employed as: Kitchen Manager at Trinity Food Services.
(Position and Title) (Institution)
4. Name of fourth Defendant: Jones. The fourth Defendant is employed as: Complex Manager at Keefe Commissary Network.
(Position and Title) (Institution)

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

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? Yes No
2. If yes, how many lawsuits have you filed? 7. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: Michael Fugua v. Gary H. Butler, et al.
 2. Court and case number: CV-07-8051-PCT-NVW
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) Settled in Plaintiff's favor.
 - b. Second prior lawsuit:
 1. Parties: Michael Fugua v. Soren Johnson, et al.
 2. Court and case number: CV-07-8047-PCT-NVW
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) Trial by Jury
 - c. Third prior lawsuit:
 1. Parties: Michael Fugua v. Sgt. L. Land, et al.
 2. Court and case number: CV-07-2306-PHX-NVW
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) Dismissed

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

B. Defendants (Continued).

5. Capt. Suckle	Captain	ADOC LEWIS
6. ADW Eolder	Assistant Deputy Warden	ADOC LEWIS
7. CO III TROMAN	Correctional Officer III	ADOC LEWIS-RAST
8. DW. MOONEY	Deputy Warden	ADOC LEWIS-RAST
9. Capt. Swirsky	Captain	ADOC LEWIS-RAST
10. Lt. Horn	Lieutenant	ADOC LEWIS
11. CO IV Metzler	Correctional Officer IV	ADOC LEWIS
12. ADW KRAATZ	Assistant Deputy Warden	ADOC LEWIS
13. Lt. Oshita	Lieutenant	ADOC LEWIS-RAST
14. CO III Swayze	Correctional Officer III	ADOC LEWIS-RAST
15. Ph.D. PAAK	Psychologist	Corizon Health Services
16. Capt. Baker	Captain	ADOC LEWIS-BARCHEY
17. Lt. Pucket	Lieutenant	ADOC LEWIS-BARCHEY
18. AFHA D. Zabar	Assistant Facility Health Admin.	Corizon Health Services
19. FHA K. Rodgers	Facility Health Administrator	Corizon Health Services
20. Sgt. Loren	Sergeant	ADOC LEWIS-MOREY
21. CO IV Oshita	Correctional Officer IV	ADOC LEWIS-MOREY
22. D.W. Bode	Deputy Warden	ADOC LEWIS-MOREY
23. D.W. C. Catrell	Deputy Warden	ADOC LEWIS-BARCHEY
24. J. Lind,	Chaplain	ADOC Safford
25. Chaplain Michaels	Chaplain	ADOC LEWIS
26. Sr. Chap. Kingstand	Senior Chaplain	ADOC LEWIS
27. Chaplain Thomas	Chaplain	ADOC LEWIS
28. Roxanne Hill	Deputy Warden	ADOC Safford-Tonto

C. Previous Lawsuits (Continued).

d. Fourth prior lawsuit

1. MICHAEL FUQUA v. Benjamin Cole, et. al.
2. CV-07-8046-PCT-NVW
3. Dismissed

e. Fifth prior lawsuit

1. MICHAEL FUQUA v. Sue K. Baquet, et. al.
2. CV-11-8000-PCT-NVW
3. Dismissed

f. Sixth prior lawsuit

1. MICHAEL FUQUA v. Charles L. Ryan, et. al.
2. CV-0286-PHX-NVW
3. Still pending

g. Seventh prior lawsuit

1. MICHAEL FUQUA v. Chris Moody, et. al.
2. CV-15-1298-PHX-NVW
3. could not pay filing fee. Dismissed.

D. CAUSE OF ACTION

COUNT I

1. State the constitutional or other federal civil right that was violated: XIII Amendment
Cruel & Unusual Punishment

2. **Count I.** Identify the issue involved. Check only one. State additional issues in separate counts.
 Basic necessities Mail Access to the court Medical care
 Disciplinary proceedings Property Exercise of religion Retaliation
 Excessive force by an officer Threat to safety Other: _____

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

1) Charles Ryan knowingly acquiesced the unconstitutional behavior of his subordinates persistently violating his statutory duty to inquire about such behavior and to be responsible for preventing it. 2) From 9/22/17 to 11/23/17 I was forcibly housed at the East Texas Mental Health Watch Pad (3-A) without any Mental Health rationale for placement there. 3) During this time, I was intentionally and knowingly deprived of basic necessities: clothing, bedding, nutritional/edible food, eating ware, hygiene supplies, sanitation supplies, livable temperature, reduced lighting, constant noise from fire alarm. 4) 24 hours a day I was subjected to extreme cold and constant lighting. Temperatures of 65° and below, with the outside pad doors open. To combat the cold I was given inadequate clothing consisting of 1 t-shirt and one pair of boxers, no socks, no shoes/slippers, pants/shorts. Without clothing exchange, I was forced to wash the t-shirt and boxers on shower days and had to remain naked the remainder of the day for them to dry. 5) My bedding consisted of an inch-thick plastic mattress, a stiff, abrasive blanket (suede) that held no body heat. 6) The nutritionally deficient meals at every meal were 2 times daily "Thruway Snacks". Thruway snacks have less calories, no vegetables or fruit. No drinks or utensils for foods like cereal & milk. Served in paper bowls held by Correctional officers who do not change their gloves prior to food handling. 7) No toothbrush, deodorant, 8) No materials and chemicals to clean the cell that was infested by previous occupants urine, feces, blood, dried food particles on all surfaces. 9) On multiple occasions I spoke to the following Defendants at my cell front, everyone of which acknowledged the deplorable & unconstitutional deprivations I was being subjected to and expressed their indifference to.

Continued pg 3-A

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).
Weight loss, severe headaches, body aches & mouth sores, lack of healing, bruising, sleep loss, hallucinations, mental health decomposition, diarrhea, fatigue, blackouts, total loss of body, muscle loss, loose teeth

5. **Administrative Remedies:**
 a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
 b. Did you submit a request for administrative relief on Count I? Yes No
 c. Did you appeal your request for relief on Count I to the highest level? Yes No
 d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

3. Supporting Facts (Continued)

them and expressing that it was being done deliberately and intentionally to drive inmates out of the 'Watch Pod' and back to the chits that they came from: Ph. D Webster (2), Captain Suckile (5), ADW Golder (6), CO III Troman (7), DW Mooney (8), Captain Switsky (9), Lt. Horn (10), CO IV Metzler (11), ADW Kraatz (12), Lt. Oshita (13), Ph. D. PAAK (15). I put in an informal resolution form to CO III Troman, an Grievance Form, and Grievance Appeal Form to CO III Swayne (Grievance Coordinator) with no responses. 11) I relayed to each Defendant the Judges Ruling in *Fuqua v. Butler, et al.*, CV-07-8051-PCT-NVW; cited policy, state and federal law, referred them to "The Rights of Prisoners" books in each ADC Library and offered to provide copies to them yet Defendants remained indifferent to my pleas/situations. 12) Lt. Oshita (13) emitted Captain Baker (16) and Lt. Pucket (17) at Barclay Unit, where my property was held hostage. They refused to send my property. 13) I sent an Inmate Letter to Higuesca⁽³⁾ about the meals and how they were served to me and to Jones (4) about not being able to order basic necessities. They both ignored me. I put in a step I Medical Grievance to medical and was answered by Assistant Facility Health Administrator, D. Zabar (18) then a Step II Medical Grievance and was answered by Facility Health Administrator, K. Rodgers (19). No remedy was forthcoming ~~throughout~~ 14) During this time I was refused my recreation time, exercise

COUNT II

1. State the constitutional or other federal civil right that was violated: I Amendment
Cruel & Unusual Punishment

2. **Count II.** Identify the issue involved. Check only one. State additional issues in separate counts.
 Basic necessities Mail Access to the court Medical care
 Disciplinary proceedings Property Exercise of religion Retaliation
 Excessive force by an officer Threat to safety Other: _____

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

Charles Byers knowingly requires exceed the unconstitutional behavior of his subordinates, personally violating his statutory duty to inquire about such behavior and to be responsible for preventing it. From 9/22/17 to 11/23/17 I was forcibly housed at Post Max Mental Health Watch Pool (3-A-6) without any Mental Health rationale for placement there. During this time my mail was confiscated from me that was sent in to me and I was denied access to paper, envelopes, pen/pencil and all writing implements. I was prevented from communicating with my family, friends and attorney and courts. Defendants Ph.D Webster (2), Captain Seftle (5), ADW Golder (6) CO III Timman (7), DW Mooney (8), Captain Svirachy (9), Lt. Hoan (10), CO IV Metzler (11), ADW Krantz (12), Lt. Oshita (13) and Ph. D. Parris (13) were told of the situation and deliberately refused from stopping the behavior, stating that 3-A-6 is done this way to force inmates in the Watch Pool back to the units they came from. Defendants actions in denying me in-coming/out-going personal and legal mail had no valid, rational penological interest, were unnecessary and their actions were at best capricious and arbitrary. At worst, malicious and vindictive. Lt. Oshita emailed Captain Baker (16) and Lt. Puckett (17) at Buckley Unit, where my property was held hostage, to obtain my mail/writing implements. I wrote to Jones (4) about being denied the ability to purchase the needed writing implements. He ignored me. I sent an Informal Petition to CO III Timman and a Grievance Form and Grievance Appeal Form to CO III Svirachy (14), the Grievance Coordinator to forward to the Deputy Warden of Warden and Director Byers. No relief was given.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).
Lack of ability to communicate with family, attorney and courts. Strain on relationships, Loss of mental stability

5. **Administrative Remedies.**
 a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
 b. Did you submit a request for administrative relief on Count II? Yes No
 c. Did you appeal your request for relief on Count II to the highest level? Yes No
 d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

COUNT III

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

2. **Count III.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

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

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

Charles Ryan knowingly acquiesced the unconstitutional behavior of his subordinates, persistently violating his statutory duty to inquire about such behavior and to be responsible for preventing it. Defendants: Captain Baker (16) Lt. Puckett (17), Ph.D. Webster (2), Captain Saffle (5), ADW Golden (6), Capt. Traxman (7), DW Moorey (8), Captain Swickard (9), Lt. Hosen (10), COIT Metzler (11), ADW Kraatz (12), Lt. Omita (13), Ph.D. Rank (15), AFHA D. Tabac (18), FHA, K. Rodgers (19) were directly responsible for having the entirety of my possessions taken and withheld from me for no legitimate, penological purpose or disciplinary rationale. From 9/22/17 to 11/23/17 I was forcibly housed at Post Max Mental Health Unit (3-A-6) without any Mental Health rationale for placement there. While in 3-A-6, all of my property was confiscated and held at Breckley Unit. My legal papers, K and books, legal and personal mail, Bibles and religious materials, personal hygiene products, electronics, personal toiletries and legal books and publications, personal clothing, licenses - everything that I own and having all of my property taken from me without cause or explanation subjected me to atypical and significant hardships that were substantially greater hardships I would otherwise endure as a consequence of the ordinary administration of the prison. I was not a security threat, Max Custody, or on disciplinary. I spoke with Defendants to advise at my cell front or utilized the grievance system for ADC, making them aware of the constitutional violations and giving them an opportunity to remedy them. None did so.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

Loss of hygiene, mental instability, sores in mouth & body, lack of nutrition, weight loss, burnings

5. **Administrative Remedies.**

- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- Did you submit a request for administrative relief on Count III? Yes No
- Did you appeal your request for relief on Count III to the highest level? Yes No
- If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

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

Court IV

1. A.L.U.I.P.A.

2. Exercise of Religion

3. Supporting Facts: 1) Charles Ryan knowingly acquiesced the unconstitutional behavior of his subordinates, persistently violating his statutory duty to inquire about such behavior and to be responsible for preventing it. 2) Defendants: Captains Baker (16), Lt. Puckett (17), Ph.D. Webster (2), Captains Suttle (5), ADW Golden (6), CO III Treiman (7), DW Conway (8), Captain Swirsky (9), Lt. How (10), CO III Metzler (11), ADW Kuntz (12), Lt. Oshita (13), Ph.D. Rank (15), AFHA D. Baker (18), FHA K. Rodgers (19) were directly responsible for confiscating and withholding denying access to my religious materials and foods. 3) From 9/22/17 to 11/23/17 all of my religious items and books, literature, Bibles, etc... were taken from me and held at Burshey Unit while I was forcibly housed at First Max Wash Health Watch Pod (3-A-6) for no legitimate mental health reasoning. 4) By intentionally confiscating my religious materials & foods I was compelled to conduct that violates my religious beliefs and practices and was denied all reasonable opportunity to engage in activities fundamental to my religion. Defendants also took all of my hygiene items, which curtailed my ability to adhere to ablutions. 5) I spoke to the above Defendants at my cell front, sent an inmate letter to Keele Wasker Jones (4) and sent Grievance and Grievance appeal to CO III Swaine (Grievance Coordinator) to be reviewed by the Deputy Warden or Warden and Director Ryan. 6) I was not allowed mail or commissary from Keele. Therefore there was no alternative method to practice the mandates of my religion, (i.e. ablutions, 7th Day Sabbaths and New Moon Sabbaths. Cleansing (Hygiene) and food required). 7) I was told that 3-A-6 is intentionally done this way to drive inmates out of the Mental Health Watch Pod and back to the Units they come from.

4. Injury: Weight loss, inability to participate in 7th day & New Moon Sabbaths and Ablutions, loss of ALUIPA rights, mental instability my religion affords me, communication with Yahweh.

5. Administrative Remedies: A) Yes. B) Yes. C) Yes.

Court VI

1. I Amendment

2. Exercise of Religion

3. Supporting Facts: 1) Charles Ryan (1) knowingly acquiesced the unconstitutional behavior of his subordinates, persistently violating his statutory duty to inquire about such behavior and to be responsible for preventing it. 2) Defendants: Captain Baker (16), Lt. Pocket (17), Ph.D. Webster (2) Captain Sucke (5), ADW Golder (6), COIT Trauman (7), Det. Mooney (8), Captain Swinsky (9), Lt. Horn (10), COIT Metzler (11), ADW Krantz (12), Lt. Oshita (13), Ph.D. Rank (15), AFHA D. Zabic (18), FHA K. Rodgers (19), COIT Smyrne (14), Keefe Jones (4) were directly responsible for confiscating withholding and denying me access to my religious materials and foods and obtaining new replacements. 3) From 9/22/17 to 11/23/17 I was forcibly housed at the Post Max Mental Health Watch Pod (3-A-6) without my Mental Health criteria for placement there. 3) During this time, all of my religious materials and foods were confiscated from me and held at Buckley Unit, including my Bibles, Dictionaries, Foods for 7th day Sabbath and New Moon Sabbath observance, hygiene for Ablutions, publications, ect... 4) By intentionally confiscating my religious materials, foods & hygiene items I was compelled to conduct that violates my religious beliefs and practices and was denied all reasonable opportunity to engage in activities fundamental to my religion. 5) I spoke to the above Defendants at my cell front, wrote inmate letters to Keefe Jones (4) to be allowed to purchase Food and Hygiene and submitted an Informal Complaint Resolution to COIT Trauman (7) and a Grievance and Grievance Appeal to COIT Smyrne, Grievance Coordinators, to be reviewed by the Deputy Warden or Warden and Director Ryan. I also submitted a Step I medical grievance that was answered by AFHA D. Zabic and a Step II Medical Grievance, answered by FHA K. Rodgers. No relief was offered.

4. Injury: Weight loss, inability to participate in 7th day and New Moon Sabbaths and Ablutions, loss of 1st Amendment rights, mental instability, my religion affords me, communication with Yahweh

5. Administrative Remedies: A) Yes. B) Yes. C) Yes.

Court VI

1. XIV Amendment - Equal Protection

2. Retaliation

3. Supporting Facts: 1) Charles Ryan (1) knowingly acquiesced the unconstitutional behavior of his subordinates, persistently violating his statutory duty to inquire about such behavior and to be responsible for preventing it. 2) On 9/22/17 to 11/23/17 I was forcibly housed in the First Max Mental Health Watch Pod (3-A-6) without any Mental Health substitute for placement there. 3) On 9/22/17 I was moved from ASPC Safford, To its Unit to ASPC DEWES, Barclay Unit. 4) I refused to be housed at Barclay Unit, exercising my VIII Amendment right to be free from harm. 5) In 2015 I filed *Fugua v. Ryan et al.*, CV-15-0286-PHX-UVW. LOUIE Studley, at Barclay Unit told the inmate population that I was an SSC informant in retaliation - I am not and have never been one. 6) As a result of this I was jumped in 2015 at Barclay Unit and again in 2016 and have been in numerous fights because of this lie. 7) My property has been stolen numerous times due to this at multiple Units. 8) Barclay Unit is notorious as a dumping ground for violent drug addicted inmates with copious amounts of drugs being brought in by ADC employees; inmate gangs extortion who assault lone inmates such as myself to obtain money and trade items to support their drug habits. 9) Inmates in ADC do not care and have given up hope as ADC offers no substantial rehabilitative programs. 10) Knowing A.D.C.'s inability and apathy towards preventing drug use and the resulting violence, along with the threat to my safety ongoing, I refused to place myself in an environment that poses such a clear and imminent threat to my physical and mental well-being. I reasonably explained to Lt. Puckett (17) and Captain Baker (18) at Barclay Unit my situation, explaining that if they housed me at Barclay I would have no choice but to kill an inmate if threatened because I'd had enough and it kept happening to me but that I did not want this to happen as I am trying to make parole and be violence free, asking for their help. 11) Instead of helping me, they sent me to First Max Watch Pod (3-A-6) 12) I reallege and incorporate by reference the Supporting

Facts in Counts I-V. 13) Once in 3-A-6 and subjected to the unconstitutional conditions of confinement I spoke to and/or wrote inmate letters to and grievred the situation to Defendants: Ph.D. Webster (2), Captain Suckle (5), Higuera (3), Jones (4), ADW Golder (6), COIT Trainor (7) DWJ Mooney (8), Captain Swirsky (9), Lt. Hosen (10), COIT Metzler (11), ADW Krantz (12), Lt. Osulka (13), Ph.D. Bank (15), AFHA D. Labar (16), FHA K. Rodgers (19), COIT Swayne (14) and was systematically told that no relief would be forthcoming and that 3-A-6 was deliberately done this way to force inmates out of the Watch Pod, back to the Units that they came from. 14) None of the Defendants made any attempt to obscure the fact that I was put in the Watch Pod for any other reason but to punish me for refusing to house at Barclay Unit.

4. Injury: Weight loss, severe headaches, sores on body and in mouth, sleep loss, hallucinations, dizziness, fatigue, loss of communication with family and attorney, anxiety, blackouts.

5. Administrative Remedies: A) Yes. B) Yes. C) Yes.

Court VII

1. VIII Cruel & Unusual Punishment

2. Conditions of Confinement, Basic Necessities

3. Supporting Facts: 1) Charles Pyram (1) knowingly acquiesced the unconstitutional behavior of his subordinates, persistently violating his statutory duty to inquire about such behavior and to be responsible for preventing it. 2) On 11/23/17 I was moved from First Max Mental Health Watch Pod to Mosey Chest Isolation Cell until 12/6/17. 3) During this time I was deprived of all light. 4) There was no natural light available to the Isolation cells and the light in my cell was turned off, which I had no control over, the entire duration of my placement there. 5) I was given no bedding or mattress for the 1st 8 days. 6) Food was served in styrofoam trays hours after being made and left out in open racks with bugs and blood and no debris in it. 7) No toilet paper for the first 2.5 days. 8) No toothbrush or hygiene for the first 7 days. 8) No laundry service or way to clean my clothes. 9) No way to clean my cell. 10) Feces, urine, stacks of old trays with molded food and trash in the cell. 11) I spoke to Defendants Sgt Losen⁽²⁰⁾, Capt Oshtis (21), D.W. Rade (22) and D.W. C. Cantrell at his cell front about these conditions. 12) I was given no relief. 13) I utilized the Inmate Grievance process and was given no response at any level, excepting the 1st step 'Informal Resolution' which admitted the conditions of confinement in the Isolation cells and related them to the Watch Pod conditions.

4. Injury: Weight loss, severe headaches, body sores & mouth sores, lack of healing, bruising, sleep loss, eye pain/stress, dizziness, fatigue, muscle loss, blackouts.

5. Administrative Remedies: A) Yes. B) Yes. C) Yes.

Count VIII

1. PLU.I.P.A

2. Exercise of Religion

3. Supporting Facts: 1) Charles Ryan (1) knowingly acquiesced the unconstitutional behavior of his subordinates, persistently violating his statutory duty to inquire about such behavior and to be responsible for preventing it. 2) Every year I attempt to follow my religious beliefs by observing the Passover and Feast of Unleavened Bread. 3) To do this, I can not accept trays that have leavened foods on them, have leavened foods in my area, or ingest the same. 4) These High Sabbaths of my Christian Identity Faith last 8 consecutive days. 5) If ADC officials do not accommodate me, I have to go 8 days without eating. 6) I do just that every year because ADC officials refuse to accommodate me. 7) Defendants J. Lind (24), MacLaren (25), Sr. Chaplain Kingsland (26), Thomas (27), Roxanne Hill (28) and Charles Ryan (1) knowingly and willingly are deliberately indifferent to my PLU.I.P.A rights when I notify them of my Passover and Feast of Unleavened Bread needs and they refuse to accommodate me in this reasonable request to add me to a list they have of other inmates who follow the same High Sabbaths but are of different religions. J. Lind (24) went so far as to, in writing, dispute the validity of my Faith stating "The belief is not substantiated by history... not documented by history... No evidence..."

4. Injustice: Every year I am forced to starve for 8 days, lose 15 to 20 lbs. severe hunger pains and do not properly purge my body of bacteria that is built-up in the body per Biblical health, which causes long-term health problems.

5. Administrative Remedies: A) Yes. B) Yes. C) Yes

Count IX

1. I Amendment

2. Exercise of Religion

3. Supporting Facts: 1) Charles Ryan knowingly acquiesced the unconstitutional behavior of his subordinates, persistently violating his statutory duty to inquire about such behavior and to be responsible for preventing it. 2) Every year I attempt to follow my religious beliefs by observing the Passover and Feast of Unleavened Bread. 3) To do this, I can not accept food trays that have leavened food on them, have leavened foods in my area, or ingest the same. 4) These High Sabbaths of my Christian Identity Faith last 8 consecutive days. 5) If ADC officials do not accommodate me, I have to go 8 days without eating. 6) I do just that because ADC officials refuse to accommodate me. 7) Defendants: J. Lind (24), Mickens (25), Sr. Chaplain Kingham (26), Thomas (27), Boxmore Hill (28), Dan Poole (29), and Charles Ryan (1) knowingly and willingly are deliberately indifferent to my 1st Amendment right to freely exercise my religion when I notify them of my Passover and Feast of Unleavened Bread needs and they refused to accommodate in this reasonable request to add me to a list they already have of other inmates who follow the same High Sabbaths but are of different religions. J. Lind (24) went so far as to, in willing, refute my religious beliefs with his own unfounded opinions.

4. Injury: Every year I am forced to starve for 8 days, lose 15 to 20 lbs, severe hunger pains and can not properly purge my body of bacteria that is built up in the body per Biblical health, which causes long term health problems.

5. Administrative Remedies: A) Yes. B) Yes. C) Yes

Count X

1. XIV Amendment - Equal Protection

2. Exercise of Religion

3. Supporting Facts: 1) Charles Ryan (1) knowingly acquiesced the unconstitutional behavior of his subordinates, persistently violating his statutory duty to inquire about such behavior and to be responsible for preventing it. 2) Every year I attempt to follow my religious beliefs by observing the Passover and Feast of Unleavened Bread. 3) To do this, I can not accept food trays that have leavened food on them, have leavened food in my area, or ingest the same. 4) These High Sabbaths of my Christian Identity Faith last 8 consecutive days. 5) If ADC officials do not accommodate me, I have to go 8 days without eating. 6) I do just that every year because ADC officials refuse to accommodate me. 7) Defendant J. Lind denied my request to observe these High Sabbaths and argued his own unfounded and unsubstantiated beliefs about my religion. 8) Defendant J. Lind allowed other inmates of different religions to observe the same Biblical High Sabbaths. 9) Defendant Charles Ryan (1) upheld Defendant J. Lind's (24) opinion and denial while simultaneously allowing Jewish inmates to observe their religious holidays, Judeo-Christians to observe Christmas, Easter, ect... and Muslims to observe Ramadan and allows native Americans to participate in smudging ceremonies, ect... which is a deliberate indifference to my right to freely exercise my religious beliefs while simultaneously granting the same rights to other religions - some of which follow the same High Sabbath days.

4. Injury: Every year I am forced to starve for 8 days, lose 15-20 lbs, severe hunger pains and can not properly purge my body of bacteria that is built up in the body per Biblical health, which causes long-term health problems, while being discriminated against due to my religion.

5. Administrative Remedies: A) Yes. B) Yes. C) Yes.

Count XI

1. VIII Amendment

2. Totality of Circumstances

3. Supporting Facts: 1) Charles Ryan (1) knowingly acquiesced the unconstitutional behavior of his subordinates, possibly violating his statutory duty to inquire about such behavior and to be responsible for preventing it. 2) I collate and incorporate by reference Counts I through X Supporting Facts. 3) I fully utilized the Inmate Grievance Process in every Count and received no administrative relief. 4) Since Charles Ryan has become the ADC Director, I have submitted over 40 Appeals to him through the Grievance and Disciplinary Appeal process. 5) I am known as a "Jailhouse Lawyer" in ADC and have advised many inmates on various appeals to Charles Ryan. 6) Neither I or any inmate I've heard of or help has ever received relief in an appeal to Charles Ryan. 7) I have never been labeled as a Vexatious Grievant by ADC officials. 8) It is Charles Ryan's practice to systematically deny every appeal to him regardless of its merits. 9) This practice has created an unsafe, unhealthy, dehumanizing and hopeless environment with all ADC inmates. 10) This practice has sent a message to all ADC employees that they have Carte Blanche to treat inmates however they want without being censured. 11) This practice of Charles Ryan has created an unsafe environment for inmates and employees where drug addiction and the resulting violence are the prevalent way of prison life in ADC. 12) This practice discourages rehabilitation, encourages recidivism, dehumanizes inmates and creates victims inside and outside of the prison system when violent, drug addicted inmates are released.

4. I have been assaulted numerous times, property stolen, loss of hope and faith, constant fear and being surrounded by excessive drug use and violence daily.

5. Administrative Remedies: A) Yes. B) Yes. C) Yes.

E. REQUEST FOR RELIEF

State the relief you are seeking:

Plaintiff requests that the following relief be granted by the court: 1) Declaratory judgment against Charles Ryan and all other Defendants stating that the violations herein violated plaintiff's rights. 2) Issue injunctions to Charles Ryan (1), FHM K. Bridges (9), Old Providence Hill (20), and Old Mansey (8) in the following forms: Start a comprehensive rehabilitation program, No Drug, No Violence Program (NDNV); 2) will be a zero tolerance program for drugs, violence, cheating, theft and other behaviors; For inmates serving 85% will agree to do 100% of sentence, lifers with parole do that sentence flat, natural lifers are capped at 20 years and all NDNV inmates can then earn up to 50% off that sentence. 3) Any inmate kicked out of the NDNV Program will.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/14/18
DATE


SIGNATURE OF PLAINTIFF. Pro Se
Michael Furqua

(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.

do 100% of their original sentence, be charged with new crimes committed and have those sentences run consecutive to the original sentence and be black-listed from any future involvement in the NDNU Programs.

2.3 Inmates enrolled in the NDNU Program will earn percentages off their sentence through the following means: College level education - must have GED to enroll - each degree will earn 5% back. Must earn 2 Masters before you can branch out to other AAS and Bachelors; Once a Masters is earned, inmates get a bonus 10% - placing them at 25%; College Certificates will be 3%; Self-Help certificates will be 1% up to 5% total (AA/NA, anger management, etc);

2.4 WIPP jobs start at 20% of Minimum Wage; 2.5 ADC employees on NDNU Units start at 200% of Minimum Wage; ^{2.5} Laptops issued for education with progressive internet access; 2.6 NDNU units converted to Central Heating and Air; 2.7 NDNU Units will encourage inmates to strengthen and build Family relationships through enhanced visitation, conjugal visits, family therapy/counseling; 2.8 Encourage community interaction through volunteer programs after 20% earned back; 2.9 Start employment through work furloughs after 25% earned back; 2.10 Inmates on NDNU Units are to wear street clothing except ADC shirt; 2.11 Inmates with longer sentences priority ranked to fill open spaces; 2.12 Any prior College Education counts toward time earned; 2.13 Tattoo removal program, banking account/practices and work release will earn 5%; 2.14 Successful NDNU inmates granted Flat-time - no parole board or parole/probation and record expunged if no new charges for 3 years; 2.15 All NDNU Units single-man cells; 2.16 Free weight exercise equipment on NDNU units; ^{2.17} Washers and Dryers on NDNU Units; 2.18 Complete Video coverage with free world access to all areas in NDNU Units; ^{2.19} NDNU Units tobacco free; 2.20 NDNU units converted to green energy, training and certifying inmates in solar/wind energy and energy saving techniques - all electric money saved go towards AZ Public Schools children's education to keep them out of ADC.

3) That all ADC inmates pay from WIPP be placed on a ^{1.50} per hour pay scale per ARS 931-254. 3.1 A population management plan where all new number inmates are housed together to reduce the

influence of older numbered inmates/Security Threat Groups and to change the overall prison culture. 3.2 ADC Complexes implement an Inmate Counsel with 2 inmates from each side of each unit to meet with an inmate attorney and complex level Administration. 3.3 Food and Commissary contracts be voided with Kreefe Commissary Network and Trinity Food Services and run by ADC and inmates and profits go towards prison education and rehabilitation. 3.4 All inmates purchase own gaming systems. 3.5 The Inmate Grievance and other Appeals systems be overseen by a outside 3rd party attorney to reduce inmate litigation; 3.6

Granting Plaintiff Compensatory damages against all Defendants Jointly and severally.

Granting Plaintiff Punitive Damages against all Defendants Jointly and severally.

Granting Plaintiff Nominal Damages against all Defendants Jointly and severally.

Granting Plaintiff fees and costs

Granting Plaintiff such other relief as it may appear that is entitled.