

United States District Court
Eastern District of Wisconsin
125 South Jefferson St. Room 102
Green Bay, Wisconsin 54301-4541

Civil Class Action Rights Lawsuit

Dominique DeWayne Melvontae Gulley-Fernandez, Doc # 528853

Damien M. Griffin, Doc # 579470

Carlos Deontay Lindsey, Doc # 524927

DeAndre Jerome Bernard, Doc # 516531

Plaintiffs/Pro Se litigators

V.

Tracy Johnson, Stacey L. Hoem, T. Sebraneh, Gary Ankarlo,
David Gardner, Gary A. Boughton, Cathy A. Jess, and Mark Heise.
Wisconsin Dept. of Corrections - Wisconsin Secure Program Facility
All defendants are being sued in their individual capacities and
the Dept. of Corrections - WSPF being sued in its government
capacities if possible.

Defendants-Respondants

D. Gulley-Fernandez, Damien Griffin, and Carlos Lindsey (Plaintiffs)
(addresses)

Wisconsin Secure Program Facility

Alpha Segregated Housing Unit

1101 South Morrison Dr, P.O. Box 9900

Boscobel, Wisconsin 53805-9900

DeAndre J. Bernard (address) Co-Plaintiff

Green Bay Correctional Institution

P.O. Box 19033

Green Bay, Wisconsin 54307-9033

STATEMENT OF CLAIM

- Dominique DeWayne Maurice Guilley-Fernandez b. July 12, 1992. ^{Mil, WI} ~~NEW ORLEANS~~
- ① I'm a 22 year old Nigerian, Cuban, Australian, African American and Hispanic-French American homosexual man who identifies as a woman.
 - ② This is my first adult incarceration. ③ In May 2011 I agreed to a psychological evaluation for diagnostic Clarification. ④ Information used was a file review, Wechsler Adult Intelligence Scale - Fourth Edition (WAIS-IV), Cognistat, Rorschach Inkblot Technique, Psychopathy Checklist Revised (PCL-R) - administered and reported in a separate evaluation by Dr. Anna Salters, A Doc Contract Licensed Psychologist.
 - ⑤ Her report still hasn't been turned in. ⑥ The Minnesota Multiphasic Personality Inventory - Second Edition (MMPI-2) administered and reported in a clinical note dated April 15, 2011 by Dr. Shana Becker, Psychologist. ⑦ I have been hospitalized at a number of treatment centers. ⑧ A psychiatric hospital in New Orleans, Louisiana, Atlanta, Georgia, Miami, Florida, Manhattan, New York, and Chicago, Illinois and West Allis, Wisconsin. ⑨ Including Carmelite, Ladd Lake, CATC, Charter Hospital, Roger Memorial Hospital, St. Annilians Residential Treatment Center, Serenity Residential Treatment Center, Haven House, Milwaukee Psychiatric Hospital, and Mendota Mental Health Institution. ⑩ While at Ethan Allen from January 2008 - April 2010, I was diagnosed with Attention Deficit Hyperactivity Disorder (ADHD), Conduct Disorder, Borderline Personality, Bipolar Manic Depression Disorder, Mood Disorder, and Post Traumatic Stress Disorder and Gender Identity Disorder.
 - ⑪ I also have Dyssomnia, Personality Disorder and Anxiety Disorder. ⑫ While at Dodge Correctional Institution from October 1, 2010 - March 10, 2011, Psychiatrist Dr. Shirley Dawson

and Dr. Dawn Landers changed my diagnoses of Bipolar Manic Depressive Disorder to Bipolar Affective Disorder.^⑬ Then On February 11, 2011 Dr. Dawson changed my diagnoses and mental Health code from MH-2 to MH-1 and saying I told them too, just to send me to the Wisconsin Secure Program Facility On Thursday March 10, 2011.

^⑭ My records also indicate that I have been prescribed Adderall, Concerta, Focalin, Mirtazapine, Trazodone, Depakote, Bupropion, Zoloft, Abilify, Ambien, Prozac, ~~and~~ Seroquel and Chlorpromazine

^⑮ When I was in the Community, I was prescribed several other psychiatric medications including Risperdal, Prozac, Zoloft, Topamax, Benadryl, Seroquel, Tearetol, Lexapro, Lamotrigine, Mirtazapine and Folic acid for Bipolar Disorder, ADHD, Mild Mental Retardation, Major Depression, and Post Traumatic Stress Disorder.

^⑯ I was also taking estrogen treatments, progestin creams, testosterone blockers and anti-androgen medication for 6 years.^⑰ Since I been in the adult prison system, prison authorities terminated my hormone therapy.^⑱ I have a history of gender Identity disorder.

^⑲ Capt. David Gardner is the Administrative Captain here at the Wisconsin Secure Program Facility.^⑳ I have written him three difference letters about my gender Identity disorder, and other mental health treatment needs.^㉑ He still hasn't responded to my letters.^㉒ This is deliberate indifference because he's aware of my situation and he's overlooking my mental health treatment needs.^㉓ Which is causing me emotional distress, pain and suffering, and causing me to suffer immediate and irreparable psychological/mental distress.

(24) Tracy Johnson is the psychology department licensed Psychologist and Supervisor. (25) Tanya Sebranek is a psychological Associate, Gary Anharlo, Ph.D. is the Psychology Director with the Bureau of Health Services. (26) Dr. Johnson and Tanya Sebranek are denying me adequate mental health treatment for my mental health problems. (27) They keep saying that I'm malingering and exaggerating my diagnoses. (28) I'm not making up these mental health disorder or symptoms. (29) They continue to misdiagnose me due to them knowing that I ~~am~~ ^{do} have these mental health problems for real and that I'm not suppose to be here, they continue to misdiagnose me and keeping my mental health code at MH-1 instead of MH-2. (30) They do this just to keep me and other inmates with serious mental health problems here at WSPF and not give us adequate mental health treatment. (31) All my life I have been diagnosed with AD/HD, Major Depression, Bipolar Disorder, PTSD, Borderline Personality Disorder, OCD, ODD, Conduct Disorder and gender identity disorder. (32) There's absolutely no way someone can be diagnosed with these mental illnesses since the age of 5 and up, then get incarcerated in the prison system to be voluntarily evaluated by psychology staff and then you no longer have those diagnoses. (33) The problem is psychologist's changed my diagnoses and dropped me to MH-1 and misdiagnosed me just to keep me here at WSPF. (34) I'm Not Malingering and I'm not exaggerating the diagnoses I know I do have - what PSU staff continues to not diagnose me with. (35) I do have a degree in the Psychology and Social Work field.

(36) I know I still have these mental illnesses and symptoms.

(37) I have PTSD, and Bipolar Manic Depression Disorder, and gender Identity Disorder. (38) My symptoms of PTSD includes constantly having nightmares and flashbacks of me witnessing childhood friends being shot and killed. (39) me being beaten, and ~~sexually~~ brutally sexually molested and raped. (40) Sexually, physically and emotionally abused by my Stepfather, some uncles and older cousins. (41) I constantly have flashbacks - recalling the past of these traumatic events in which I suffer from. (42) I get goose bumps, chills, and a fast and pounding heartbeat when I'm reminded of the events. (43) I also have difficulty and trouble spending time with relatives and friends and inmates and lose interest in doing some enjoyable things. (44) I easily get stressed and hurt emotionally. (45) I also think the longer I stay housed at WSPF I will get hurt, or kill myself.

(46) Ms. Cathy A. Jess, is the Division of Adult Institutions Administrator. (47) I have wrote her several times explaining to her what I'm going through and asked her to have the warden transfer me to another institution where I can get the treatment I need for my mental health disorders and be re-evaluated by an independent licensed and experienced Psychologist and Psychiatrist.

(48) To prove that I do in fact have PTSD, Bipolar Manic Depression Disorder, gender Identity disorder, etc, because I know I have these mental illnesses and that I'm NOT malingering. (49) And have a experienced and licensed Psychologist - Psychiatrist recommend treatment.

(50) Gary A. Boughton is the Warden at the Wisconsin Secure Program Facility. (51) I wrote him several letters and requests about my problems and what I'm going through. (52) He told me to continue to work with PSU staff. (53) How can I work with PSU staff when PSU can't provide me with the mental health treatment I need? (54) I can't because it's worthless.

(55) Mark Heise is Director of Bureau of Offender Classification and Movement. (56) I wrote him several letters asking if he can have WSPF Security staff transfer me to another prison where I can get the adequate mental health treatment I need. (57) This constitutes as deliberate indifference and cruel and unusual punishment.

(1) I have also exhausted all my informal and outside available administrative remedies. (2) Including filing offender complaints in which ICRS staff deliberately misplaced my complaints. (3) I have also wrote to everybody listed as defendants in this case. They fail to acknowledge my mental health treatment needs. (4) And also fails to acknowledge that WSPF don't have no programs for mental health treatment.

(5) I'm filing this class action lawsuit with the co-plaintiffs Damien M. Griffin and Carlos D. Lindsey for inadequate mental health treatment, Deliberate Indifference, Negligence towards our mental health treatment needs, Discrimination, Cruel and Unusual Punishment, Staff misconduct, Retaliation, Emotional Distress, Intentional Infliction of Emotional Distress, Pain and Suffering, mental anguish, and Violation of our 8th Amendment and Americans w/ Disabilities Act.

⑥ We demand Monetary Judgements of \$ 25.5 million dollars, Preliminary Injunctions on our behalf and we seek Jury Demand. ⑦ And we all want this court to handle this case. ⑧ Due to conflicts of interest with the United States Western District Court and the defendants in this class Action civil Rights lawsuit.

⑨ Each Plaintiff also demand \$ 500,000.00 in compensatory damages and \$300,000 for punitive damages or what ever the Jury and Court deems appropriate for monetary judgements.

Plaintiff Damien M. Griffin;

⑩ Damien M. Griffin is a 21 year old African American male born and raised in Milwaukee, Wisconsin. ⑪ On October 31, 2011 Damien was transferred to the Dodge Correctional Institution from Milwaukee Co. Jail. ⑫ He was 17 years old at the time.

⑬ While at Dodge he was diagnosed with Antisocial Personality Disorder. ⑭ Throughout his time in the Doc he seem to have a hard time coping with his surroundings. ~~He is a~~ ⑮ Due to his Maladaptive Conscious Reasoning Mr. Griffin continue to display erratic and impulsive behaviors which ^{leads} to him being voluntarily and involuntarily placed in clinical observation status. ⑯ And leads to him acting out self-destructively and getting conduct Reports for Disobeying ~~less~~ orders, Disruptive conduct, Disrespect and Possession, manufacture or use of weapons, fighting and Soliciting Staff. ⑰ On ~~March~~

⁽¹⁸⁾ ~~2015~~ March 1, 2012 Mr. Griffin was transferred to Stanley Correctional Institution from St. Croix County Jail, which exceeds to him being kicked out of the Challenged Incarceration Program. ⁽¹⁹⁾ Due to Mr. Griffin's poor, out of control and extremely erratic behavior he was terminated from the Challenged Incarceration Program and due to this behavior he was transferred to Stanley Correctional Institution. ⁽²⁰⁾ While at Stanley Damien Griffin was placed in clinical Observation Status for trying to drown himself in the toilet. ⁽²¹⁾ It is perceived by me that Mr. Griffin displays symptoms of (i.e. Post Traumatic Stress Disorder, Bipolar Mood Disorder, Borderline Personality Disorder, Adjustment Disorder ~~Conduct Disorder, Oppositional Defiant Disorder, and~~ and Maladaptive Conscious Reasoning). ⁽²²⁾ Mr. Griffin is not Malingering or exaggerating his mental health problems.

⁽²³⁾ On March 23, 2015 Damien Griffin was transferred to the Wisconsin Secure Program Facility from Dodge Correctional Institution. ⁽²⁴⁾ On Friday March 27, 2015 Damien Griffin was placed on Clinical Observation as a Voluntary placement. ⁽²⁵⁾ Due to him wanting to be monitored due to having suicidal thoughts of self-harm. ⁽²⁶⁾ Sgt. Matthew Scullion placed Mr. Griffin in Observation due to him stating he was going to kill himself. ⁽²⁷⁾ Mr. Griffin didn't see psychology staff for assessment until the next day. ⁽²⁸⁾ While on Clinical Observation Damien Griffin's mental health deteriorated and he became unresponsive. ⁽²⁹⁾ He didn't eat his dinner on March 26th 2015, and he

- didn't eat none of his meals on March 27th, or March 28th 2015.
- (30) While on clinical observation he was given a Suicide Smock, and a hard flat rubber mat. (31) It's known by PSU, HSU and WSPF Security personnel that rubber can not be sterilized or sanitized thoroughly. (32) And observation placement is suppose to be a non punitive status. (33) Security Staff and Sgt. Matthew Scullion wrote a incident report due to him being put in observation.
- (34) Damien Griffin has a history of Chronic depression, Post traumatic stress disorder, Anxiety, Schizotypal, ADHD, Bipolar Mood Disorder and Maladaptive Conscious reasoning.
- (35) Mr. Griffin has been asking Psychology Staff to evaluate him for mental health treatment for his mental health disorders. (36) Psychology Staff continues to ignore his treatment needs and only diagnose him with Antisocial Personality Disorder. (37) It's known by experienced, independent and licensed psychologists that every individual with a Criminal history and ~~and~~ a history of dysfunctional families and no respect for others well beings, etc, have a history of Antisocial personality Disorder. (38) Also Antisocial Personality Disorder also have nothing to do with individuals mental State of mind or mental Stability.
- (39) He talked to psychologist Stacey Hoem about his mental health problems and treatment needs. (40) And asked her to evaluate him. (41) Dr. Hoem overlooked and ignored his mental treatment needs. (42) Ms. T. Selmanek, talked to Mr. Griffin and told him to try the New Freedom in Cell Coping Skills program. (43) I Dominique Gulley-Fernandez know

First handingly that these PSU New Freedom in cell programs/ Work packets do not help, as I have completed three of them and still need accurate mental health treatment for symptoms of my Bipolar, PTSD, ADHD, and gender identity disorder.⁽⁴⁴⁾ And just like with Mr. Damien Griffin PSU staff continues to misdiagnose us and only diagnose us with Antisocial Personality Disorder and drop our mental health code from MH-2 to MH-1 status just to keep us here at WSPF and say there's nothing wrong with us.

⁽⁴⁵⁾ We have a history of PTSD, Bipolar, ADHD and Bipolar Disorder and I also have a history of Gender Identity Disorder.⁽⁴⁶⁾ Why is Wisconsin Department of Corrections - Prison Psychology staff telling us we no longer have these mental health disorders?⁽⁴⁷⁾ When we still experience all the symptoms for these mental health disorders.

⁽⁴⁸⁾ Mr. Griffin is suing the defendants for violating his Eighth Amendment Rights, Cruel and Unusual punishment, deliberate indifference, inadequate mental health treatment, negligence towards mental health treatment needs, Emotional Distress, Pain and Suffering and Harassment-Retaliation.

⁽⁴⁹⁾ Damien Green, seeks a monetary judgement of \$25.5 million plus \$50,000 for compensatory damages and \$25,000 in punitive damages.

⁽⁵⁰⁾ Due to him enduring this extreme pain and suffering, emotional distress, cruel and unusual punishment and inadequate mental health treatment.

Plaintiff Carlos D. Lindsey;

① Carlos D. Lindsey is a 23 year old black man born on November 29, 1991 in Greenville, Mississippi. ② His grandmother Patricia is his legal guardian. ③ Carlos was first admitted to a psychiatric hospital in Jackson, Mississippi at the age of 6 when he was setting fires. ④ After Carlos' mother killed herself by setting herself on fire when Carlos was 8 years old; he reported that he has never been happy since that time. ⑤ He has been hospitalized at CATC in Milwaukee, Wisconsin on 10 occasions since age 11 due to aggressive and threatening behavior often toward family members. ⑥ He was also admitted to Rogers Memorial Hospital when he was 12 years old but was discharged as he was deemed too volatile for their day treatment program. ⑦ When Carlos was 13, he attempted to set his grandmother's trailer on fire a couple of times. ⑧ He had threatened suicide on several occasions but had not made any attempts prior to Ethan Allen School. ⑨ Carlos has been diagnosed with a Mood Disorder, NOS, Major Depression, ADHD, Post Traumatic Stress Disorder, Conduct Disorder, childhood onset and Mild Retardation. ⑩ He has been on a number of medication trials including Zoloft, Risperdal, Adderall, Prozac, Abilify, Concerta, Topamax, Seroquel, Tegretol, Lexapro, Trazodone, Mirtazapine, Strattera and chlorpromazine. ⑪ These medications has not helped him with his behavior or mental health problems.

⑫ Carlos was placed out of his home at Carmelite in 2006 following his adjudication for Operating a Motor Vehicle —

Without Owner's Consent. (13) However, he ran away from Carmelite within a few days on two separate occasions and was subsequently transferred to Ladd Lake where he remained for 7 months and then returned in 2007 for a 4 month period. (14) Attempts were made to place him at Willow Glen and at Haven House Group Home in Waukegan, Wisconsin but he ran away from those placements. (15) Mr. Lindsey's mental health status is deteriorating to the point he has been on clinical observation placements a number of times for self-injurious/self-harm behaviors. (16) Carlos was hit by a car while riding his bike in 2006 and suffered a broken ankle for which he had to have surgery. (17) Carlos is a 23 year old male who is the result of incest between siblings. (18) He has experienced neglect by his parents and physical and emotional abuse. (19) He has experienced significant trauma with his mother's death and has had chronic difficulties with regulating his emotions. (20) Carlos continues to show problems with anger, anxiety and aggressive behavior which has escalated during his current placement. (21) He has constantly reported to psychologist's Dr. Stacey Hoem, Tracy Johnson, and T. Sebranek, that he's having auditory and visual hallucinations which is related to him having PTSD. (22) Carlos will need further psychiatric and psychological evaluation to rule out a possible thought disorder, Maladaptive Conscious reasoning and his risk for self harm and harm to others. (23) Dr(s) Tracy Johnson, Stacey Hoem, T. Sebranek, Kevin Kallas, or Gary Ankarlo, are not providing Carlos Lindsey with the adequate mental health treatment he needs in order to

treat Carlos' diagnosis of Axis I: (1) Conduct Disorder, Childhood Onset, (2) ADHD by History, (3) Major Depression Disorder, with Narcissitic traits, (4) Posttraumatic Stress Disorder, and, (5) R/O Thought Disorder, Axis II: ~~(1)~~ R/O Borderline Intellectual Functioning, Personality Disorder, Maladaptive Conscious Reasoning and Bipolar Manic Disorder. (24) Wisconsin Secure Program Facility Department of Corrections- Psychology-Clinical Staff continues to provide Carlos Lindsey, Damien Griffin, and myself-Dominique Gulley-Fernandez, with inadequate mental health care/treatment, lack of communication, misdiagnosing us, and torture. (25) This is a violation of our ~~eight~~ eighth Amendment Rights, Americans with Disabilities and Rehabilitation Act and other accurate Constitutional rights to which we have. (26) We Plaintiffs Seek a Preliminary Injunction

- (1) DeAndre Jerome Bernard, was born December 18, 1992, in Joliet, Illinois, and later moved to Madison, Wisconsin.
- (2) DeAndre Bernard has been incarcerated at the Green Bay Correctional Institution at all times prior to this Class Action Civil Rights lawsuit. (3) DeAndre has a long history of Axis I: Conduct Disorder, Childhood Onset, Mood Disorder, with Narcissitic traits, Axis II: Bipolar Manic Depression Disorder, Attention Deficit Hyperactivity Disorder, and Post traumatic Stress Disorder, Axis III: Maladaptive Conscious Reasoning, with NOS, Personality Disorder with NOS, and Adjustment Disorder.
- (4) Mr. Bernard is receiving inadequate mental health treatment from his psychological staff and security staff at the Green Bay Correctional Institution.

(5) DeAn'dre has constantly requested adequate mental health treatment from Clinical Staff and they fail to acknowledge his mental health treatment needs. (6) The Psychiatrists at the Dane County Jail, in Madison, Wisconsin, (2009-2010), Dodge Correctional Institution (2010-2011), and Green Bay Correctional Institution (2011-present), has prescribed him numerous psychotic-antidepressant medications including Risperidone, Trazodone, Ritalin, Adderall, Seroquel and I believe he's currently prescribed Chlorpromazine aka Thorazine 150 mg. (6) DeAn'dre is experiencing emotional distress, pain and suffering, Cruel and Unusual punishment, Stress, Anxiety, anger, discriminate, and torture. (7) Which is a violation of his eighth Amendment Rights.

I, Dominique Gulley-Fernandez along with Co-Plaintiffs, Damien Griffin, Carlos Lindsey and DeAn'dre Bernard, would like the Court (this District Court) to grant and issue a preliminary Injunction, on our behalf, to prevent us from suffering irreparable torture, harm and inadequate mental health treatment, while we await the court's decision of this case being filed. And A Temporary Restraining Order and or Motion for Injunction should definitely be granted, to prevent us from suffering immediate torture, more inadequate mental health treatment, emotional distress, and irreparable injury, and, Order the Wisconsin Secure Program Facility Warden Gary Boughton and David Gardner to transfer myself- Dominique Gulley Fernandez, Damien M. Griffin, and Carlos D. Lindsey to either the Wisconsin Resource Center, or the Columbia

Correctional Institution, so that we can be psychologically and psychiatrically evaluated by an independent and licensed psychologist/and psychiatrist., And Order the Green Bay Correctional Facility to transfer Inmate DeAndre J. Bernard Doc # 516531, to either the Wisconsin Resource Center or the Waupun Correctional Institution or Columbia Correctional, so that he can get the evaluations and adequate mental health treatment he needs as well from independent licensed psychologist/psychiatrists.

There is an actual life or death situation here. We all fear for our safety and we're all in danger of future violations of our rights if we remain at the current prisons we're at. The risk of future harm will affect us personally, physically, emotionally and mentally. ~~IN~~^{IN} Order to avoid ~~more~~ more harassment, inadequate mental health treatment, torture, discrimination, cruel and unusual punishment, etc, we also ask and demand a jury trial/ jury demand and ask the ~~court~~ court to grant our Class Action - Civil Rights lawsuit.

I, Plaintiff, Dominique Gulley-Fernandez and co-plaintiffs Damien Griffin, and Carlos Lindsey demand monetary judgments of \$ 9.25 million dollars, \$ 100,000 compensatory damages and \$ 50,000 punitive damages. Co-plaintiff DeAndre Bernard demand monetary judgments of \$25 million, \$100,000 compensatory damages and \$ 50,000 punitive damages.

Due to conflict of interest with the U.S. Western District

Court in Madison, Wisconsin, and the defendants, and due to that court being more familiar with the corrupted WSPF Security Personnel and the defendants, we the plaintiffs would like and ask that this Eastern District Court handles this case and its proceedings. To ensure that everything goes right and our case actually be heard.

Dated this 20th day of May 2015

WSPF Signatures of Plaintiffs/co-Plaintiffs @ WSPF/GBCI
Inmates

* Dominique Gulley-Fernandez

Dominique Gulley-Fernandez #528853

Plaintiff, Pro Se litigant Signed June 4, 2015

* Damien M. Griffin

Damien M. Griffin #57947

Co-Plaintiff, Pro Se litigant Signed June 4, 2015

* Carlos D. Lindsey

Carlos D. Lindsey #524927

Co-Plaintiff, Pro Se litigant Signed June 4, 2015

* DeAndre J. Bernard

(Signed June 23, 2015) DeAndre J. Bernard 516531

Co-Plaintiff, Pro Se litigant

GBCI
Inmate