

PEDRO J. AMARO
GCLCF: #44726
P.O. Box 520
SANTA ROSA, N. MEX. 88435

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

SEP 02 2016

MATTHEW J. DYKMAN
CLERK

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

PEDRO J. AMARO, PLAINTIFF

CASE NO. 16 CV 993 KG/WPL

v.

Civil Rights Complaint
Pursuant to 42 U.S.C. § 1983 and
1988, and 28 U.S.C. § 1331 and
1343 (3)

1. State of New Mexico

- Susana Martinez, Governor of the State of New Mexico
- Bill Richardson,, former Governor of the State of New Mexico
- Any other John/Jane Does having acted in the place and/or stead of "Governor of the State of New Mexico" since the State's introduction and use of private 'for-profit' prisons within the State of New Mexico and/or their Designate(s), extending from the first instance of Carbon Monoxide Poisoning at the private facilities
- Hector Balderas, Attorney General for the State of New Mexico
- Gary R. King, former Attorney General for New Mexico
- Any other John/Jane Does having stood over New Mexico in the place and/or stead of "Attorney General" since the State's introduction and use of private 'for-profit' prisons within the State of New Mexico and/or their Designate(s), extending from the first instance of Carbon Monoxide Poisoning at any of the private facilities
- All Unknown/Unidentified "John Does" and/or "Jane Does" acting or having acted in the place and/or stead of 'legal counsel' to/for the State of New Mexico having knowledge of and/or advising State Officials regarding the exposures and/or poisonings of State Prisoners (not sentenced to "Death") to/with Carbon Monoxide, and/or their Designate(s), extending from the first instance of Carbon Monoxide exposure/poisoning at any of the private facilities within the State of New Mexico
- All Unknown/Unidentified "John Does" and/or "Jane Does" acting or having acted for the State of New Mexico in the place and/or stead of "Cabinet Secretary" for the

New Mexico Department(s) of Health and/or Human Services having personal or constructive knowledge of and/or advising State or Private officials in regards to events of Carbon Monoxide exposure/poisoning of State Prisoners at GCCF or any similarly constructed private 'for-profit' prison within the State of New Mexico.

- New Mexico Department of Corrections
 - Gregg Marcantel, Cabinet Secretary - Secretary of Corrections, Corrections Department
 - Joe Williams, former Cabinet Secretary - Secretary of Corrections
 - Any other John/Jane Does having acted in the place and/or stead of "Cabinet Secretary, Secretary of Corrections" since the State's introduction and use of private 'for-profit' prisons within the State of New Mexico and/or their Designate(s), extending from the first instance of Carbon Monoxide exposure/poisoning at any of the private prisons within the State of New Mexico
 - Jerry Roark, Director of Adult Prisons
 - Any other John/Jane Does acting or having acted in the place and/or stead of "Director of Adult Prisons" and/or their Designate(s), for the State of New Mexico, extending from the first instance of Carbon Monoxide exposure/poisoning at any of the private 'for-profit' prisons operating within the State of New Mexico
 - Larry A. Phillips, NMCD Grievance/Disciplinary Appeals Manager
 - Tim LeMaster, NMCD Grievance/Disciplinary Appeals Department, Deputy Secretary
 - Any other John/Jane Does having acted in the place and/or stead of NMCD Grievance/Disciplinary Appeals Manager and/or their Designate(s) extending from the first instance of Carbon Monoxide exposure/poisoning at any private prison within the State of New Mexico
 - Angela M. Martinez (NMCD) Health Services Administrator (HSA) over State of New Mexico
 - Any other John/Jane Does having acted as "HSA" for NMCD and/or their Designate(s), extending from the first instance of Carbon Monoxide exposure/poisoning at any of the private 'for-profit' prisons within the State of New Mexico
 - "Y. Rivera" A.C.A. Monitor/Administrator (for the State of New Mexico) currently assigned to The GEO Group, Inc.'s "Guadalupe County Correctional Facility" (GCCF) at Santa Rosa, New Mexico
 - "Ms. Chavez" former "A.C.A. Monitor/Administrator" (for the State of New Mexico) assigned to The GEO Group, Inc.'s "GCCF" at Santa Rosa, New Mexico
 - All Unknown/Unidentified John/Jane Does having acted in the place and/or stead of "A.C.A. Monitor/Administrator" (for the State of New Mexico) exercising superintendent control over private 'for-profit' prisons within the State of New Mexico and/or their Designate(s)
2. The GEO Group, Inc. ("GEO")
- All Unknown/Unidentified John/Jane Doe members of "The Board (of Directors)" of the GEO Group, Inc. to include but not limited to such persons as:

- CEO George Zoley; Senior Vice-President and general counsel John J. Bultin; Norman A. Carlson; Julie Myers Wood; David Venturella; John Hurley; and, Anne Foreman, and others having actual or constructive knowledge of the episodes and/or events of Carbon Monoxide exposure/poisoning of State Prisoners and/or the design-flaw of the structure's architecture
- The full conglomeration ultimately responsible for "The GEO Group, Inc." and for its business policy
 - Joe R. Williams, Director of Operations for U.S. Corrections for The GEO Group, Inc.
 - All Unknown/Unidentified John/Jane Does acting or having acted in the place and/or stead of "Regional Manager" and/or "District Manager" over the State of New Mexico for The GEO Group, Inc.
 - All Unknown/Unidentified "ACA Monitors/Administrators" for The GEO Group, Inc. over New Mexico and, more specifically, for "GCCF"
 - All "Wardens" jointly, concurrently, or successively acting or having acted in a supervisory role over The GEO Group, Inc.'s "Guadalupe County Correctional Facility" ("GCCF"), currently or previously, having personal or constructive knowledge of any instance or the repetitive episodes of Carbon Monoxide exposure/poisoning of State Prisoners including but not limited to: Warden U. Horton; Warden G. Morris; Warden G. Chavez; Warden Ulibarri; Warden E. Bravo; Warden J. Johnson; Warden Hatch; Warden Foster; Warden Garmand; and, Warden Beaird
 - All John/Jane Does acting or having acted in the place and/or stead of "Chief of Security" at "GCCF" including, but not limited to: Major P. Aragon; Major G. Morris; Major J. Johnson; and Major "Resnick"
 - All John/Jane Does acting or having acted in the position or role of "Grievance Lt." or "Grievance Officer/Tech" in GCCF's "Grievance Department" including but not limited to: "Lt. G. Chavez"; Lt. Krystle Rivera; and Lt. Jessica Rodgers - also known as "Lt. Jessica Vigil"
 - All John/Jane Does acting or having acted in any supervisory role or position at GCCF, having actual or constructive knowledge of any instance or the repetitive episodes of Carbon Monoxide exposure/poisoning of State Prisoners confined at GCCF
 - All other Unknown/Unidentified GEO/GCCF personnel found to have participated in GCCF's inept and/or ineffective Grievance program and/or its process, as a matter of form, particularly regarding the subject of "Carbon Monoxide (exposure/poisoning)," especially from December 2012 through present
 - All Unknown/Unidentified "John/Jane Doe" GEO personnel acting or having acted in a supervisory role over GCCF's "Maintenance Department" during and since the first episode of Carbon Monoxide exposure/poisoning of State Prisoners at (GEO's) "GCCF"
 - All current and previous Unknown/Unidentified "John/Jane Doe" GEO/GCCF "maintenance personnel" having physically worked on and/or directly supervised inmate-workers who performed work on "the boiler(s)" at GCCF, proximately causing the (repetitive)

episodes of Carbon Monoxide exposure/poisoning

- All John/Jane Doe maintenance personnel employed by The GEO Group, Inc. at GCCF with actual or constructive knowledge of the repetitive episodes of Carbon Monoxide exposure/poisoning who has failed or refused or is failing or refusing to address the proximate or underlying cause(s) of the recurring exposures and/or reasonably act so as to thwart, avert, or prevent any future episodes of Carbon Monoxide exposure or poisoning of State Prisoners and thereby failing to protect State Prisoners, including Plaintiff, from serious risk of imminent harm, injury, or death
- All Unknown/Unidentified "John/Jane Doe" Fire, Safety, and Sanitation personnel ("FSSO"s) at (The GEO Group, Inc.'s) "GCCF", extending from the first instance of Carbon Monoxide exposure/poisoning of State Prisoners not lawfully sentenced to death, at GCCF
- Corizon, LLC ("Corizon")
 - Kathy Armijo, Corizon's Health Services Administrator ("HSA") at GCCF
 - All other John/Jane Does having acted in the place and/or stead of "HSA" at GCCF, extending from the first instance of Carbon Monoxide exposure/poisoning of State Prisoners at GCCF
 - Lisa Staber, M.D., Corizon's "Regional Director" over The GEO Group, Inc.'s GCCF
 - All other Unknown/Unidentified "John/Jane Doe" persons acting or having acted in the place and/or stead of "Regional Director" for Corizon with actual or constructive knowledge of Carbon Monoxide exposures/poisonings of State Prisoners at GCCF or any similarly designed 'for-profit' prisons (including but not limited to LCCF and/or MENMDF)
- All Unknown/Unidentified "John/Jane Doe" persons acting or having acted for Corizon as an owner, officer, "Board" member, director, employee, agent or apparent agent with actual or constructive knowledge of any events of Carbon Monoxide exposure/poisoning at GCCF, LCCF, and/or MENMDF who did not act reasonably so as to protect the State Prisoners confined at the defectively designed 'for-profit' prison structures
- All Unknown/Unidentified Corizon personnel responsible for the day-to-day treatment of State Prisoners failing or refusing to apply and/or perform, or cause to be performed, the "community level of care" upon the Persons victimized by Carbon Monoxide exposure/poisoning such as, but not limited to the proper immediate medical treatment, performance of tests normally associated with and/or performed on victims of Carbon Monoxide exposure/poisoning, and/or follow-up treatments normally associated with Carbon Monoxide exposure/poisoning, to include but not limited to Medical Providers (such as M.D.s, D.O.s, P.A.s, and C.N.P.s) as well as the medical "gatekeepers" who determine which Prisoners are allowed to see a physician, medical doctor, or other qualified medical personnel and/or specialists in any specific medical field
- The Unknown/Unidentified "John/Jane Doe" architectural designers and/or engineers, together with their agency(-ies), responsible for the defectively designed and/or engineered structure commonly known as GCCF and any similarly designed/engineered

- 'for-profit' correctional facility such as, but not limited to Lea County Correctional Facility ("LCCF") and North Eastern New Mexico Detention Facility ("NENMDF")
- The Unknown/Unidentified builder(s)/constructor(s) of the physical plant commonly known as "Guadalupe County Correctional Facility" (GCCF), located at Santa Rosa, New Mexico, together with the actual owners of any building/construction company
- All Unknown/Unidentified "John/Jane Doe" owner(s) and superintendents of the physical plant known as "GCCF" at Santa Rosa, New Mexico, whether a person or persons, a corporation and/or conglomeration (together with its "Board") a municipality, or other
- All Unknown/Unidentified "John/Jane Doe" owner(s) and superintendents of the real property housing the defectively designed structure commonly known as "GCCF" - a private 'for-profit' prison
- and,
- Any other Unknown/Unidentified person or persons later determined to have had actual or constructive knowledge of the repetitive events and/or episodes of Carbon Monoxide Exposure/Poisoning at GCCF and/or similarly constructed 'for-profit' correctional facilities including but not limited to LCCF and NENMDF with sufficient power and/or authority, whether under color of (State) law or by any other Superintendent authority (such as, but not limited to the personnel employed by/under State of New Mexico; The GEO Group, Inc.; Corizon, LLC; and/or owner(s), operator(s), manager(s), director(s), and/or superintendents of the physical plant and/or its real property) to address and reasonably act so as to thwart, avert, or prevent any events of Carbon Monoxide exposure/poisoning of State Prisoners - including Plaintiff - extending from the first instance, yet failing or refusing to exercise such power and/or authority, whether directly or as a "whistleblower," and thereby contributing to or causing the continuation of serious risk of imminent harm, injury, and/or death of State Prisoners, including Plaintiff.

PRISONER'S COMPLAINT FOR THE RECOVERY OF DAMAGES CAUSED BY THE DEPRIVATION OF CIVIL RIGHTS

Plaintiff, PEDRO J. AMARO, brings this Complaint for Damages caused by the violation of his Civil and Constitutional Rights: Plaintiff submits and files this Complaint under the Federal Civil Rights Act and the Constitutions of the United States and the State of New Mexico.

Plaintiff also brings Claims under New Mexico civil and/or common law.

Plaintiff Amaro asserts joint, concurrent, and/or successive liability upon each of the Tortfeasors in both their "official" capacities as well as in their "individual" and/or "personal" capacities as each is or was in a position of some authority and has been personally involved and/or aware of the life-threatening problematic issue(s) to a degree sufficient to establish a legally culpable state of mind and has resolutely refused to avoid this litigation (whether affirmatively or passively) by:

- 1) deliberately and intentionally failing or refusing to protect State Prisoners from unnecessary and foreseeable harm
- 2) deliberately and intentionally failing or refusing to protect State Prisoners from general conditions of confinement posing a substantial risk of serious harm, injury, and/or death
- 3) deliberately failing or refusing to remove State Prisoners from conditions of confinement posing an imminent risk of serious harm, injury, and/or death
- 4) deliberately refusing or otherwise failing to meaningfully address and/or rectify the conditions creating or giving rise to the substantial and imminent risk of serious harm, injury, and/or death to the plant's residents
- 5) deliberately and intentionally refusing or otherwise failing to provide affected State Prisoners - including Plaintiff - with the standard and/or community level of medical and/or psychological care normally afforded to victims of Carbon Monoxide Exposure and/or Poisoning
- 6) deliberately and intentionally refusing or otherwise failing to provide exposed, poisoned, and/or otherwise affected State Prisoners with any viable or meaningful avenue of administrative redress, remedy, or relief against any of the episodes, instances of actual Carbon Monoxide Exposure / Poisoning, and/or the underlying cause of the toxic and/or potentially deadly fumes
- 7) deliberately and intentionally refusing or otherwise failing to provide at-risk and/or affected State Prisoners with any viable or meaningful avenue of administrative redress, remedy, or relief against the general conditions of confinement causing or giving rise to the substantial and imminent risk of serious harm, injury, and/or death and/or
- 8) otherwise displaying a severe and reckless level of "deliberate indifference to or for the interests, health, safety, or general well-being of State Prisoners - including Plaintiff - where the harm, injury, and/or risk of death is known and foreseeable, and where, but-for these and other 'failures,' State Prisoners would not still be subjected to the hostile living and potentially deadly conditions of confinement.

In support of this Complaint, Plaintiff alleges the following:

JURISDICTION AND VENUE

9. Jurisdiction over the subject matter of this action is conferred by 28 U.S.C. §1331 and §1343(3), and 42 U.S.C. §1983 and 1988. Pendent jurisdiction exists as to state law claims.

10. This Court has subject matter jurisdiction.
11. This Court has jurisdiction over the parties as the matter arises from Plaintiff's confinement at the Guadalupe County Correctional Facility at Santa Rosa, New Mexico, and all parties are either individuals working or residing in New Mexico or corporations doing business in and/or with the State of New Mexico.
12. Venue is proper in this Court as all of the events leading up to this lawsuit occurred in New Mexico.
13. In accordance with PLRA requirements, Plaintiff has exhausted or attempted to exhaust each and every avenue of administrative remedy available to State Prisoners under NMCD Policy / Procedure.

PARTIES

14. Plaintiff, PEDRO J. "PETE" AMARO, is an individual who is a Prisoner of the State of New Mexico confined at the Guadalupe County Correctional Facility ("GCCF") at Santa Rosa, New Mexico, with the facility being run or managed by "The GEO Group, Inc.", a private 'for-profit' prison-management corporation doing business in and with the State of New Mexico.
15. At all material times Defendant State of New Mexico, by and through its officers, directors, employees, administrators, agents, and/or apparent agents - the governing 'body' - was (directly) responsible under color of law¹ for the overall conditions of confinement to include due care for Prisoner's interests, health and/or safety, and well-being, as well as for ensuring that Prisoners' medical needs are adequately provided for and met with the community level of care;² pursuant to official duties under the Eighth Amendment;³ for failure(s) of its agents to act reasonably in the face of actual and/or constructive knowledge of instances and/or repetitive events of Carbon Monoxide Exposure/Poisoning of State Prisoners; and⁴ pursuant to the doctrines of respondeat superior, agency or apparent agency.
16. Defendant Susana Martinez, Governor of the State of New Mexico, is (directly) responsible under color of law for Prisoners of the State and has a duty under the Eighth Amendment to provide State Prisoners - including Plaintiff - with humane conditions of confinement to include, but not limited to, safe housing environments and adequate medical and/or psychological care commensurate with the normal standard or level of community care.
17. Defendant Bill Richardson, former Governor of New Mexico, was (directly) responsible under color of law for State Prisoners and had a duty under the Eighth Amendment to provide Prisoners with humane conditions of confinement to include, but not limited to, safe housing environments and adequate medical/psychological care.
18. Defendant(s) "John/Jane Doe (#1)" are any other Unknown and/or Unidentified persons acting or who has acted in the place and/or stead of "Governor of New Mexico" with a subjectively culpable state of mind in regards to any of the instances and/or epi-

- sodes of Carbon Monoxide exposure/poisoning of State Prisoners at GCCF or any similarly constructed private 'for-profit' prison within the state of New Mexico (LCCF and/or NENMDF) and/or their Designate(s) extending from the first instance of any such Carbon Monoxide exposure and/or poisoning.
19. Defendant Hector Balderas, "Attorney General" for the State of New Mexico, is (directly) responsible under color of law for enforcement of State Officials' compliance with both State and Federal laws and/or legal requirements as well as acting as legal counsel for the State's agents, including, but not limited to, officers, administrators, directors, and other employees.
 20. Defendant Gary R. King, former Attorney General for New Mexico, was (directly) responsible under color of law for the enforcement of State Officials' compliance with both State and Federal laws and/or legal obligations/requirements as well as acting as legal counsel for the State's agents and/or apparent agents.
 21. Defendant(s) "John/Jane Doe (#2)" are any other persons acting or having acted in the place and/or stead of New Mexico's "Attorney General" or their Designate(s) with actual or constructive knowledge of any Carbon Monoxide exposure/poisoning of any State Prisoner at any of the similarly constructed private 'for-profit' prisons in New Mexico (GCCF, LCCF, and/or NENMDF) (i.e., having a legally culpable state of mind), extending from the first instance of any such Carbon Monoxide exposure/poisoning of State Prisoners.
 22. Defendant(s) "John/Jane Doe (#3)" are all other Unknown/Unidentified persons acting or having acted (under color of law) in the place and/or stead of 'legal counsel' to/for the State of New Mexico or any of its agents/actors, having knowledge of and/or advising State Officials (in any capacity) regarding any and all instances of Carbon Monoxide exposure/poisoning of any State Prisoner not lawfully sentenced to death, and/or their Designate(s), extending from the first instance of any such exposure/poisoning of any Prisoner at GCCF, LCCF, and/or NENMDF.
 23. Defendant Department(s) of Health and/or Human Services and any/all actors and/or agents, in a position of superintendency under color of law with authority over NMCD and the private 'for-profit' prisons (GCCF, LCCF, and/or NENMDF) regarding the exposure/poisoning of any State Prisoners with noxious fumes and/or the toxic(living) environment in which State Prisoners - including Plaintiff - are housed.
 24. Defendant(s) "John/Jane Doe (#4)" are all Unknown/Unidentified persons acting or having acted (under color of law) for the State of New Mexico in the place and/or stead of "Cabinet Secretary" for the New Mexico Department(s) of Health and/or Human Services together with its officers, administrators, directors, inspectors, investigators, employees, and other agents/actors and/or their Designate(s) having actual or constructive knowledge of and/or advising the State's Officials or any private prison personnel or any medical personnel in regards to any Carbon Monoxide exposure/poisoning of any State Prisoner not lawfully sentenced to death at GCCF or the similarly constructed

- private 'for-profit' correctional facilities of LCCF and/or NENMDF.
25. Defendant New Mexico Department of Corrections ("NMCD") and its actors/agents in a position of authority over State Prisoners - including Plaintiff - and directly responsible under color of law for State Prisoners' conditions of confinement, Prisoners' interests, health, safety, and/or general well-being, as well as for adequately supplying and/or ensuring the community level of care for each Prisoner's medical and/or psychological needs for the duration of any State Prisoner's confinement.
 26. Defendant Gregg Marcantel, "Secretary of Corrections," is directly responsible under color of law as "Cabinet Secretary" for the conditions of confinement of the State's Prisoners, Prisoners' interests, health, safety, and/or general well-being as well as for demanding and/or ensuring that each Prisoner's medical and/or psychological needs are adequately supplied for with the community level of care.
 27. Defendant Joe Williams, former "Secretary of Corrections," who was directly responsible under color of law as "Cabinet Secretary" for the conditions of confinement of the State's Prisoners, Prisoner's interests, health, safety, and/or general well-being as well as for demanding and/or ensuring that each Prisoner's medical/psychological needs were adequately supplied for with the community level of care.
 28. Defendant(s) "John/Jane Doe (#5)" are any other Unknown/Unidentified persons acting or having acted under color of law in the place and/or stead of "Secretary of Corrections" and/or their Designate(s) having actual or constructive knowledge of the Carbon Monoxide exposure/poisoning of any State Prisoners at GCCF, LCCF, or NENMDF, extending, from the first instance of any such exposure/poisoning, to include any "Deputy Secretary."
 29. Defendant Jerry Roark, "Director of Adult Prisons," is directly responsible under color of law as "Director of Adult Prisons" for the conditions of confinement of the State's Prisoners, Prisoner's interests, health, safety, and/or general well-being, as well as for ensuring that each Prisoner's medical and/or psychological needs are adequately provided for with the community level of care.
 30. Tim LeMaster "Deputy Secretary, Operations" is directly responsible under color of law for the conditions of confinement of the State's Prisoners as well as for being personally involved with NMCD "Grievance" program and its process.
 31. Defendant(s) "John/Jane Doe (#6)" are any other Unknown/Unidentified persons acting or having acted under color of law in the place and/or stead of "Director of Adult Prisons" for the State of New Mexico and/or their Designate(s) extending from the first instance of any Carbon Monoxide exposure/poisoning of any State Prisoner at GCCF, LCCF, or NENMDF.
 32. Defendant Larry A. Phillips, NMCD "Grievance/Disciplinary Appeals Manager," is directly responsible under color of law for providing a meaningful avenue of redress and/or administrative remedy pursuant to NMCD Policy/Procedure in regards to oversight of NMCD's "Grievance" program, and for ensuring the rights of due process during the course of prison Grievance proceedings.
 33. Defendant(s) "John/Jane Doe (#7)" are any other Unknown/Unidentified persons acting or having acted under color of law in the place and/or stead of an NMCD "Grievance/Disciplinary

- Appeals Manager" and/or their Designate(s) extending from the first instance of Carbon Monoxide exposure/poisoning of any State Prisoner at either GCCF, LCCF, or NENMDF.
34. Defendant James R. Brewster, NMCD "General Counsel."
35. Defendant Angela M. Martinez, "Health Services Administrator" ("HSA") over State of New Mexico for NMCD, directly responsible under color of law for ensuring and/or demanding that State Prisoners are housed in an environment free from toxic conditions as well as for oversight of Prisoner's interests, health, safety, and/or general well-being, and that each Prisoner's medical and/or psychological needs are adequately supplied for with the community level of care.
36. Defendant(s) "John/Jane Doe (#8)" are any other Unknown/Unidentified persons acting or having acted under color of law as "Health Services Administrator" and/or "Chief Medical Officer" over New Mexico for NMCD, and/or their Designate(s), extending from the first instance of any Carbon Monoxide exposure/poisoning of any State Prisoner at either GCCF, LCCF, or NENMDF.
37. Defendant "Y. Rivera", "A.C.A. Monitor/Administrator" (for State of New Mexico - NMCD) at GCCF, directly responsible under color of law for requiring the private 'for-profit' prison's actual compliance with the terms of its contract with New Mexico as well as for the prison's actual compliance with all State and Federal (A.C.A.) requirements and regulations regarding confinement of Prisoners and the conditions of said confinement to include, but not limited to ① oversight responsibility for Prisoner's interests, health, safety, and/or general well-being, and ② to ensure that Prisoner's medical and/or psychological needs are adequately provided for and met with the community level of care.
38. Defendant "Ms. G. Chavez", former "A.C.A. Monitor/Administrator" at GCCF, directly responsible under color of law with oversight for ensuring that GCCF fully complied with all applicable State and Federal (A.C.A.) requirements and/or regulations regarding the confinement of Prisoners to include, but not limited to, the actual conditions of confinement, Prisoner's interests, health, safety, and/or general well-being, and to ensure that Prisoner's medical/psychological needs were adequately provided for with the community level of care.
39. Defendant(s) "John/Jane Doe (#9)" are all other persons acting or having acted under color of law in the place and/or stead of "A.C.A. (Compliance) Monitor" at GCCF and/or their Designate(s), exercising superintendent-control over the facility, having actual or constructive knowledge of any instance of any Carbon Monoxide exposure/poisoning of any State Prisoner extending from the first instance of such said exposure/poisoning.
40. Collectively, Defendants 15 thru 39, as officers, administrators, directors, employees, agents and/or apparent agents of the State of New Mexico, acting on behalf of the State and/or its interests, are hereafter referred to as "the State" or "State Defendants."
41. Defendant "The GEO Group, Inc.," is a corporation registered to do business in New Mexico whose registered address is ONE Park Place, Suite 700, 621 NW 53rd St., Boca Raton, FL 33487, hereafter referred to as "The GEO Group."

42. Defendant The GEO Group at all material times operated under contract with the State of New Mexico or an agency thereof to (ware-)house State Prisoners 'for-profit' in a privately-run correctional facility and, thus, operates (as an agent) for the State under color of law and, so, is directly responsible for humane conditions of confinement and has a duty to fulfill all State and Federal (A.C.A.) requirements and/or regulations regarding the conditions of confinement of State Prisoners including, but not limited to, the 8th Amendment obligations ^①to provide humane and relatively safe living conditions free of inherently dangerous toxic and/or noxious fumes; ^②to provide due care for Prisoners' interests, health, safety, and/or general well-being; and ^③of ensuring that each Prisoner's medical and/or psychological needs are/were adequately supplied for with the community level of care, and also for ensuring that Prisoners are fully afforded due process rights of the 5th and 14th Amendments in the course of all prison "Grievance" proceedings.
43. At all material times Defendant The GEO Group acted through its' owners, board members, officers, administrators, directors, monitors, Wardens, Corrections Officers, maintenance staff and other employees, and/or agents or apparent agents, and is directly responsible for their acts and/or omissions pursuant to the doctrines of respondeat superior, agency or apparent agency.
44. Defendant(s) "John/Jane Doe (#10)" are all persons acting or having acted as a "member of the Board" of The GEO Group, Inc., who was/is directly responsible for the management and operation of The GEO Group's correctional facilities and business policy(-ies).
45. Defendant(s) "John/Jane Doe (#11)" is the full conglomeration of persons, corporations, and/or companies ultimately responsible for "The GEO Group, Inc.," and/or its business policy(-ies), whether as partnerships, controlling parties, or other.
46. Defendant Joe R. Williams, employed by The GEO Group as "Director of Operations for U.S. Corrections," is responsible for oversight of management controlling CCCF and its' operation, to include, but not limited to, conditions of confinement for Prisoners, Prisoner's interests, health, safety, and/or general well-being; for ensuring that each Prisoner's medical and/or psychological needs are adequately provided for with the community level of care; for the proper training of each facility's staff; and for ensuring that each Prisoner is afforded every Constitutional Right including Rights under the 8th Amendment (regarding humane conditions of confinement and prohibiting the infliction of punishments that are cruel and/or unusual - applicable under the 14th Amendment) as well as the Rights of Due Process as enumerated in the 5th and 14th Amendments (regarding due process in the course of prison "Grievance" proceedings, pursuant to the 1st Amendment), with actual personal knowledge of the repetitive instances and/or episodes of the Carbon Monoxide exposure/poisoning of State Prisoners at either CCCF, LCCF, or NENMODF.
47. Defendant(s) "John/Jane Doe (#12)" are all other Unknown/Unidentified persons acting or having acted for The GEO Group in the place and/or stead of "Director of Operations for

- U.S. Corrections" and/or their Designate(s) with actual or constructive knowledge of any instance or event of any Carbon Monoxide exposure/poisoning of any Prisoner confined at GCCF or any similarly designed and/or constructed (private 'for-profit') correctional facility sharing the very same architectural design flaw.
48. Defendant(s) "John/Jane Doe (#13)" are all Unknown/Unidentified persons acting or having acted for The GEO Group in the place and/or stead of "Regional Manager" and/or "District Manager" and/or their Designate(s) (including but not limited to any "A.C.A. Monitor/Administrator") responsible for oversight of The GEO Group's private 'for-profit' prison(s) operating within the State of New Mexico with actual or constructive knowledge of any Carbon Monoxide exposure/poisoning of any Prisoner at GCCF or any similarly designed/constructed correctional facility.
49. Defendant "Wardens" are all "Wardens" jointly, concurrently, or successively acting or having acted in a supervisory role over GCCF, extending from the first instance of Carbon Monoxide exposure/poisoning of State Prisoners directly responsible under color of law for: the day-to-day operations of the facility, proper training of facility staff; conditions of confinement; Prisoner's interests, health, safety, and/or general well-being; ensuring that each Prisoner's medical/psychological needs are adequately provided for with the community level of care; affording to all Prisoners the Rights of Due Process, inherent in the 5th and 14th Amendments, during the course of prison "Grievance" proceedings; and personally responsible for decisions regarding the "Departmental Appeals" - pertaining to the Grievance process and the facility's Grievance program, to include but not limited to: Warden V. Horton; Warden T. Foster; Warden G. Chavez; Warden G. Morris; Warden Ulibarri; Warden E. Bravo; Warden J. Johnson; Warden Hatch; and Warden Beaird.
50. Defendant "Chiefs of Security" are all persons acting or having acted in the role and/or capacity of "Chief of Security" and/or their Designate(s) at GCCF, extending from the first instance of Carbon Monoxide exposure/poisoning to include, but not limited to: Major P. Aragon; Major "Resnick"; Major G. Morris; and Major J. Johnson, responsible under color of law for maintaining the safety and security of the facility to include, but not limited to, Prisoner's interests, health, safety, and/or general well-being on a day-to-day basis.
51. Defendant "Grievance Lieutenants" are all persons acting or having acted in the place and/or stead of "Grievance Lieutenant" and/or their Designate(s) directly responsible under color of law for conducting the affairs of NMCD's "Grievance" program in full accordance with NMCD Policy/Procedure and in compliance with all State and Federal regulations and/or requirements (to include A.C.A. Standards) which includes direct responsibility for ensuring that each Prisoner is afforded all rights of Due Process in the course of the Grievance proceedings (pursuant to the 5th and 14th Amendments); ② conditions of confinement; and ③ Prisoner's interests, health, safety, and general well-being, extending from the first instance of Carbon Monoxide exposure/poisoning of State Prisoners, especially when the issue of concern is specifically raised through the Grievance program or its process.

the issue of concern ("grave," in this instance) is raised and formally addressed via the NMCD "Grievance" program and/or its process, extending from the first instance of Carbon Monoxide exposure/poisoning and including, but not limited to: Lt. K. Rivera; Lt. J. Rodgers/Lt. J. Vigil; and Lt. G. Chavez.

52. Defendant(s) "John/Jane Doe (#13)" are all Unknown/Unidentified persons acting or having acted jointly, concurrently, or successively under color of law in the place and/or stead of any "Grievance Officer" or "Grievance (Dep't.) Tech," and/or any other person(s) participating in the facility's Grievance program and/or its process and/or otherwise responsible for the day-to-day operation of the facility's Grievance program in accordance with the dictates of NMCD Policy/Procedure pursuant to State and Federal requirements (particularly A.G.A. Standards), which includes, but is not limited to, Prisoner's interests, health, safety, and/or general well-being as well as the conditions of confinement, extending from the first instance of Carbon Monoxide exposure/poisoning with actual or constructive knowledge of said exposure/poisoning.
53. Defendant(s) "John/Jane Doe (#14)" are all Unknown/Unidentified persons employed by The GEO Group who acted in any the place and/or stead of any superintendent position and/or in any supervisory role or capacity at GCCF during actual events of known Carbon Monoxide exposure/poisoning of any State Prisoner including, but not limited to all Wardens, Majors, Captains, Lieutenants, Sergeants, Compliance Monitors/Officers, and/or Fire/Safety Officers.
54. Defendant(s) "John/Jane Doe (#15)" are all Unknown/Unidentified persons employed by The GEO Group who acts or has acted in any superintendent position or in the place and/or stead of any supervisory role at GCCF over general staff with actual or constructive knowledge of the (repetitive) episodes of Carbon Monoxide exposure/poisoning of State Prisoners, extending from the first instance of said events and continuing to fail or refuse to act reasonably so as to protect State Prisoners from any risk of serious harm, injury, and/or death.
55. Defendant(s) "John/Jane Doe (#16)" are all Unknown/Unidentified persons employed by The GEO Group acting or having acted in a supervisory role or position over GCCF's "Maintenance Department" and directly responsible at all material times for maintenance of the physical plant commonly known as "GCCF" extending from the first instance of Carbon Monoxide exposure/poisoning of State Prisoners, including but not limited to, a "Mr. Castillo."
56. Defendant(s) "John/Jane Doe (#17)" are all Unknown/Unidentified persons employed by The GEO Group having physically worked on and/or directly supervised any inmate-worker(s) who performed any type of "maintenance" and/or "work" on "the boiler(s)" at GCCF proximately causing, creating, or contributing to any instance of Carbon Monoxide exposure/poisoning and/or the repetitive episodes of such exposure/poisoning of State Prisoners.
57. Defendant(s) "John/Jane Doe (#18)" are all Unknown/Unidentified persons employed by The GEO Group in or for the "Maintenance Department" having actual or constructive knowledge of the (repetitive) events or episodes of the Carbon Monoxide exposure/poisoning of State Prisoners who has failed or refused or is failing or refusing to meaningfully address and/or correct

the underlying cause of the recurring exposures (the architectural design flaws structural defect) and/or reasonably act so as to thwart, avert, or prevent any future episodes of Carbon Monoxide exposure/poisoning of State Prisoners and thereby failing to protect State Prisoners - including Plaintiff - from the imminent risk of serious harm, injury, and/or death.

58. Defendant(s) "John/Jane Doe (#19)" are all Unknown/Unidentified persons employed by The GEO Group at GCCF acting or having acted under color of law in the place and/or stead of "Fire, Safety, and Sanitation Officer" ("FSSO") and/or their Designate(s) extending from the first instance of Carbon Monoxide exposure/poisoning of any State Prisoner, directly responsible for the "safety" of the facility to include Prisoner's interests, health, safety, and/or general well-being, as well as for humane conditions of confinement in accordance with all State and Federal regulations/requirements (including building codes and A.C.A Standards), including but not limited to "Mr. Swaggart" and "Mr. Gerhardt."
59. Collectively, Defendants 41 thru 58, as officers, administrators, directors, managers, agents, employees, and/or apparent agents of The GEO Group, Inc., acting for and/or on behalf of The GEO Group, Inc. and/or in The GEO Group's interest(s) are hereafter referred to as "The GEO Group", "GEO personnel", "GEO Defendants", and/or simply "GEO".

60. Defendant Corizon, L.L.C., ("Corizon"), is a foreign corporation registered to do business in New Mexico whose registered agent for service is CT Corporation System, 123 East Marcy, Santa Fe, New Mexico, 87501.
61. At all material times Defendant Corizon, LLC, was responsible for providing, seeking, demanding, and/or obtaining proper medical care for (State) Prisoners confined at GCCF pursuant to its contract with the State of New Mexico or an agency thereof.
62. At all material times Defendant Corizon acted through its owners, officers, directors, employees, agents or apparent agents, including, but not limited to administrators, management, nurses, doctors, technicians, and other staff, and is responsible for their acts or omissions pursuant to the doctrines of respondeat superior, agency or apparent agency.
63. Defendant Lisa Staber, M.D., is a medical doctor who served as "Regional Director" for Corizon in New Mexico and was directly responsible for the oversight and/or training of Corizon's staff at GCCF, which included "Emergency Response," and was also (directly) responsible for utilization review and authorizing treatment for State Prisoners at Corizon facilities, including GCCF.
64. Defendant "John/Jane Doe (#20)" is any Unknown/Unidentified person(s) acting or having acted in the place and/or stead of "Regional Director" in New Mexico and/or their Designate(s), extending from the first instance of Carbon Monoxide exposure/poisoning of State Prisoners at GCCF or any similarly constructed correctional facility with the above-stated responsibilities and/or liability(-ies).

65. Defendant Kathy Armijo is employed by Corizon as GCCF's "Health Services Administrator" ("HSA") and is directly responsible for the day-to-day treatment of State Prisoners at GCCF as well as for her staff's reaction(s)/response(s) to or in any situation requiring medical care.
66. Defendant(s) "John/Jane Doe (#21)" is any other Unknown/Unidentified person(s) acting, or having acted in the place and/or stead of "HSA" at GCCF, and/or their Designate(s), extending from the first instance of Carbon Monoxide exposure/poisoning of State Prisoners at GCCF with the above-stated responsibilities.
67. Defendant(s) "John/Jane Doe (#22)" are all Unknown/Unidentified persons acting or having acted for Corizon at GCCF in the position, place and/or stead of "Medical Provider" (such as M.D.s, D.O.s, P.A.s, and C.M.P.s), whether directly employed by Corizon or under contract with Corizon, directly responsible for treating State Prisoners - including Plaintiff Amaro - at GCCF or seeking the proper medical attention for said Prisoners.
68. Defendant(s) "John/Jane Doe (#23)" are Medical Staff employed by or contracted with Corizon other than the currently named/specified Defendants who are (directly) responsible for the treatment of State Prisoners as well as for the day-to-day operation of the medical facility at GCCF and/or serve as "gatekeepers" who determine which Prisoners are allowed to see a medical doctor or outside physician.
69. Collectively Defendants 60 thru 68, as officers, administrators, directors, managers, agents, employees, and/or apparent agents of Corizon, LLC, acting for and/or on behalf of Corizon, LLC, or in Corizon's interests, are hereafter referred to as "Corizon Medical Staff," "Medical Staff," and/or "Medical Personnel."
70. Defendant(s) "John/Jane Doe (#24)" are any and/or all Unknown/Unidentified persons serving as "architectural designer(s)/engineer(s)" responsible for the defectively designed structure at Santa Rosa, New Mexico, commonly known as "Guadalupe County Correctional Facility" or "GCCF," and similarly designed 'for-profit' correctional facilities such as Lea County Correctional Facility and North Eastern New Mexico Detention facility, together with their agency and/or agencies.
71. Defendant(s) "John/Jane Doe (#25)" are all Unknown/Unidentified "builder(s)" and/or constructor(s) of the actual physical plant known as "Guadalupe County Correctional Facility," located at Santa Rosa, New Mexico, responsible for the actual construction of GCCF.
72. Defendants "John/Jane Doe (#26)" are all Unknown/Unidentified "owner(s)" of the physical plant known as "Guadalupe County Correctional Facility" at Santa Rosa, New Mexico, whether a person or persons, a corporation and/or conglomeration (together with its "Board"), a municipality, or other ultimately responsible for the structure and liable for any harms, injuries, damages, and/or deaths occurring within and their agency(-ies).

73. Defendant(s) "John/Jane Doe (#27)" are all Unknown/Unidentified 'superintendent(s)' and their agency(-ies), if any, of the physical plant known as "GCCF," at Santa Rosa, New Mexico, responsible for oversight of the structure and/or its maintenance.
74. Defendant(s) "John/Jane Doe (#28)" are all Unknown/Unidentified owners (and their superintendents) of the actual real property housing the structure known as "GCCF" at Santa Rosa, New Mexico, and therefore - by ownership - liable for any injuries and/or damages occurring on the property.
- and,
75. Defendant(s) "John/Jane Doe (#29)" who is any other Unknown/Unidentified person or persons later determined to have had actual or constructive knowledge of the repetitive episodes of Carbon Monoxide exposure/poisoning of State Prisoners at GCCF and/or any other similarly constructed private 'for-profit' correctional facility (including LCCF and/or NENMDF) with sufficient power and/or authority, whether under color of law or by any other superintendent authority (such as, but not limited to, the personnel employed by or under contract with the State of New Mexico, The GEO Group, Inc., Corizon, LLC, and/or owner(s), operator(s), manager(s) of the physical plant and/or its property) to address and/or reasonably act so as to thwart, avert, or prevent any Carbon Monoxide exposure(s) and/or poisoning(s) of State Prisoners, extending from the first instance, yet failing or refusing to exercise such power and/or authority, whether directly or as a "whistleblower," and thereby inheriting tortfeasor liability by actively or passively contributing to or causing the continuation of serious risk of imminent harm, injury, and/or death of any State Prisoner confined at GCCF or any similarly constructed 'for-profit' prison facility (such as Lea County Correctional Facility and North Eastern New Mexico Detention Facility).

FACTS COMMON TO ALL COUNTS

76. Plaintiff PEDRO J. AMARO, is a State Prisoner housed at the "Guadalupe County Correctional Facility" by The GEO Group, Inc., under contract with the State of New Mexico or any agency thereof.
77. Plaintiff, PEDRO J. AMARO, was subjected to a near-fatal episode of acute Carbon Monoxide Poisoning at approximately 700 AM, December 28, 2012.
78. Plaintiff, PEDRO J. AMARO, is known to have been subjected to additional and cumulative episodes of Carbon Monoxide Exposure and/or Poisoning on the actual dates of:
- January 19, 2013;
 - January 21, 2013; and
 - February 6, 2014,
- with a "cause for concern" also taking place on January 4, 2013.

79. It is scientifically proven that Carbon Monoxide is a deadly "toxic substance" which may cause irreversible brain damage due to oxygen deprivation and is a factor in the development of many other diseases and conditions such as: birth defects, endometriosis, infertility, other reproductive and developmental problems, coronary heart disease, respiratory illness, and many other types of cancer, especially of the lung, skin, and breast, which is to say that, beyond its immediate dangers - including that of "death" - Carbon Monoxide causes or may cause or be a factor in future and/or potentially fatal health problems.
80. Plaintiff twice utilized the facility's "Grievance" program under HMCID Policy / Procedure in an attempt to resolve this situation but all "Grievances" were "Denied" and/or remain unanswered/unresolved.
81. Plaintiff has pursued his "Grievances" with the New Mexico Corrections Department to no avail as all "Grievances" are either "Denied", "lost", or otherwise unavailable.
82. Pursuant to State Court requirements and in an effort to exhaust all State-level avenues of "administrative remedy(-ies)", Plaintiff even constructed a 17-page State-Court-level "Notice of Claim" regarding the tort and submitted it to the prison mailbox/mail-system at approximately 4:00 PM on December 29, 2014, within the 90-day time-period specified by State law.
83. Despite the passage of 13 (thirteen) full months, the "Notice of Claim" has drawn no response from any of the tortfeasors, no proactive change in the facility's physical structure, and no attempt(s) at resolution of the matter by any of the parties in a position of liability.
84. Numerous instances and/or multiple episodes of Carbon Monoxide exposure/poisoning of State Prisoners confined at GCCF predate the events Plaintiff Amaro was subjected to - as far back as 2007, and possibly earlier - where Carbon Monoxide exposures and/or poisonings seem to be a theme common to GCCF and similarly designed and/or constructed correctional facilities, such as Lea County Correctional Facility at Hobbs, and the North Eastern New Mexico Detention Facility at Clayton, with the commonality between the repetitive events being a malfunction of any "boiler" and/or its flue as the (boiler/flue) malfunction allows noxious gases (Carbon Monoxide) to escape and accumulate in 'common space' shared with heating/ventilation/A.C. duct-work which is routed to every individual cell, thereby exposing State Prisoners to the toxic fumes.
85. The repetitive episodes seem to stem, ultimately, from a defect in the architectural design of the private 'for-profit' prisons physical structure which inherently subjects State Prisoners to (cumulative) episodes of exposure to the poisonous gas(es) upon failure(s) and/or malfunction(s) of any boiler and/or its flue.
86. As to injuries and/or damages, on December 28, 2012, Plaintiff Amaro was 'filmed' by GEO staff via hand-held audio/video recorder while suffering from symptoms of acute Carbon Monoxide poisoning such as pale skin, bluish lips, dizziness, lightheaded-

ness, incoherence, shortness of breath, inability to 'walk' unassisted, neurological distress, and in dire need of medical attention and/or assistance.

87. On December 28, 2012, while suffering from acute Carbon Monoxide poisoning, Plaintiff Amaro was 'hauled' by wheelchair to GCCF's Medical Department where he continued to suffer a 'grand-mal' -type of seizure at approximately the same time Corizon staff began oxygen-treatment.
88. On December 28, 2012, while being treated with oxygen to combat the toxic poison, Plaintiff Amaro - in and out of consciousness - "quit breathing" - temporarily suffered 'respiratory failure'.
89. On December 28, 2012, Plaintiff Amaro underwent approximately four hours of oxygen treatment during which GEO staff and Corizon Medical staff kept Plaintiff from falling asleep.
90. Besides the administration of oxygen, Plaintiff Amaro received no further treatment for the episode of acute Carbon Monoxide poisoning.
91. Following the near-fatal Carbon Monoxide Poisoning event of December 28, 2012, Plaintiff Amaro began suffering from varying degrees of anxiety, 'panic', fear, and/or nervousness due to the realization of the fact that he was - and is - confined to a veritable "gas-chamber" and, thus, subject to death by Carbon Monoxide poisoning at any given time, completely without warning.
92. Following the near-fatal event, Plaintiff Amaro began having trouble going to sleep as he never knows if he will wake up or not.
93. Following the acute Carbon Monoxide Poisoning event of December 28, 2012, Plaintiff Amaro began suffering from severe anxiety and/or 'panic' everytime the "Hot Water" was not hot which was indicative of a boiler malfunction - the trigger to the Carbon Monoxide exposure/poisoning events.
94. Following the acute Carbon Monoxide Poisoning event of December 28, 2012, Plaintiff Amaro began suffering from severe anxiety and/or 'panic' each time the air 'texture' seemed "different" than 'normal'.
95. Commencing with this near-fatal episode of Carbon Monoxide Poisoning, Plaintiff Amaro has not felt the same mentally and has become somewhat 'disabled' in regards to his mental faculties in terms of ability to concentrate, keep focus, recall information, remember particular words and/or their meaning/spelling, suffers from 'forgetfulness', has short-term memory problems, gets mentally fatigued ('overwhelmed') easily, etc, attributable to irreversible brain damage as a direct result of oxygen deprivation associated with (acute) Carbon Monoxide Poisoning.
96. This near-fatal Carbon Monoxide Poisoning event triggered a long bout of depression compounded by thoughts of dying in his sleep while wrongfully imprisoned pursuant to a legally invalid criminal conviction subsequent to what the State Supreme Court Justices have deemed an "illegal and unconstitutional" Grand Jury Indictment proceeding coupled with the fact that the Court Clerk of the Ninth Judicial District

continues to, essentially, deprive Plaintiff Amaro of his Right to access to the court and Right to Due Process by failing or refusing to complete statutorily decreed administrative duties and/or obligations.

97. As a result of suffering a foreseeable, preventable, and completely unnecessary near-fatal event of Carbon Monoxide Poisoning followed by repetitive episodes of Carbon Monoxide exposure/poisoning, and confined to existence in a veritable "gas-chamber," Plaintiff Amaro has suffered psychological wounds and emotional distresses that have culminated in personal problems with close relatives due to the depression and associated neurological disorders/distresses).

98. In regards to "repetitive episodes of Carbon Monoxide exposure/poisoning," Plaintiff Amaro suffered varying degrees of symptoms of Carbon Monoxide exposure/poisoning (such as nausea, vomiting, light-headed-ness, dizziness, shortness of breath, headaches, eye irritations, nasal irritations, etc) on the additional dates of:

- January 4, 2013;
- January 19, 2013;
- January 21, 2013; and,
- February 6, 2014.

99. On the dates of:

- January 4, 2013;
- January 19, 2013; and
- January 21, 2013,

GEO staff engaged the "big" exhaust fan to "air-out" the noxiously contaminated pod but refused to evacuate or otherwise remove State Prisoners - including Plaintiff - from the potentially deadly toxic environment.

100. On these dates, GEO staff and Corizon Medical staff cracked jokes about State Prisoners getting/being "high" (due to disorientation from the toxic/noxious fumes) and asked if anybody needed aspirin. (This was the running 'joke' - "hang-over".)

101. On February 6, 2014, Plaintiff Amaro was again filmed via hand-held audio/video recorder as "sick" - pale/wane, vomiting, and otherwise mentally affected and/or neurologically distressed/disoriented.

102. During and/or immediately after each episode of Carbon Monoxide exposure and/or poisoning, Plaintiff Amaro experienced symptoms such as, but not limited to: headaches, a 'choking' sensation - had trouble breathing, 'panic', anxiety, fear, nervousness, rapid heartbeat, eye irritation - burning/itchy eyes, nasal irritation, sneezing, extreme hunger and thirst, fatigue, confusion, coughing, hacking-up discolored 'phlegm', respiratory 'discharge', a foul taste in the mouth, ringing in the ears, "hang-overs," worsened indigestion, humiliation, paranoia, and other miscellaneous symptoms that immediately manifested and were known/recognized.

103. Plaintiff Amaro continues to suffer from symptoms associated with acute Carbon Monoxide Poisoning, cumulative episodes of Carbon Monoxide exposure/poisoning, and having survived a completely foreseeable, easily preventable, and totally unnecessary near-fatal event (of Carbon Monoxide Poisoning) such as, but not limited to: eye irritations, burning eyes, nasal irritations, constant issue of respiratory 'discharge', nervousness, anxiety, panic, fear, paranoia, humiliation, nightmares, night-sweats, bouts of depression, emotional distress, and mental and psychiatric problems and neurological distress/disabling mental impairment).
104. As a consequence of suffering through an unnecessary event of acute Carbon Monoxide Poisoning and repetitive episodes of Carbon Monoxide exposure/poisoning that were both foreseeable AND preventable, Plaintiff Amaro has suffered both past and future damages including, but not limited to: pain and suffering, mental anguish, emotional distress, attorney's fees, and loss of quality and enjoyment of life, particularly in light of the unknowable extent of physical damage and/or mental/neurological injuries, and a host of possible 'side-effects' associated with Carbon Monoxide exposure/poisoning, especially when prolonged and/or repetitive, such as, but not limited to: coronary heart disease, respiratory illness, liver damage, kidney disease, birth defects, endometriosis, infertility, and other reproductive and developmental problems, and many types of cancer, especially of the lung, skin, and breast.
105. Despite the inherently faulty and/or flawed architectural design and repetitive episodes of Carbon Monoxide exposure and/or poisoning, the plant's physical structure deliberately continues to remain unchanged with the basic conditions of the underlying cause of the potentially fatal events also remaining unaltered thereby leaving State Prisoners at a substantial yet unnecessary risk of imminent harm, injury, and/or death pending another instance, episode, or event where State Prisoners such as Plaintiff PEDRO J. AMARO are (again) subjected to Carbon Monoxide.

COUNT I: NEGLIGENT OPERATION OF A MEDICAL FACILITY

106. Plaintiff restates each of the preceeding allegations as if fully stated herein.
107. All Defendants know they are entrusted with and/or are directly or ultimately responsible for the health, safety, and/or well-being of the persons confined at "GCCF" by The GEO Group, Inc., pursuant to a contract with the State of New Mexico or any agency thereof, whether directly or as an owner and/or 'Superintendent of the physical plant and/or the real property the defectively designed structure is located on.

108. As a ward of the State of New Mexico, the State is ultimately responsible for the medical care of all State Prisoners, including Plaintiff Amaro.
109. Under contract with the State of New Mexico or any agency thereof, Defendant The GEO Group, Inc., has accepted responsibility and, therefore, liability - for the safekeeping of State Prisoners placed in its care and/or custody; "safekeeping" to include proper medical care as necessary and/or required, consistent with 'the community level of care'.
110. Under contract with the State of New Mexico or any agency thereof, Defendant Corizon, LLC, was/is directly responsible for the medical care of the State Prisoners confined at GCCF, who have no other source of medical care.
111. Defendants were deliberately indifferent and/or recklessly negligent in failing to: (1) provide the proper level of community care to Plaintiff during episodes of Carbon Monoxide exposure/poisoning (especially in the instance of Acute Carbon Monoxide Poisoning); (2) immediately transfer or refer Plaintiff to be transferred to a medical facility capable of providing the proper level of community care in cases of Carbon Monoxide Poisoning (especially in the instance of Acute Carbon Monoxide Poisoning); (3) demand and/or require no less than the immediate evacuation of the affected pod(s) during every instance of toxic contamination of the living environment(s); (4) immediately refer Plaintiff Amaro to be seen by a physician who could professionally and effectively evaluate the degree of Carbon Monoxide saturation (poisoning) and extent of Plaintiff Amaro's immediate injuries as well as risk of future harms due to the individual instances and/or cumulative episodes of Carbon Monoxide exposure/poisoning; and/or (5) perform, or cause to be performed, any of the common medical tests normally considered standard treatment in cases of Carbon Monoxide exposure and/or poisoning such as, but not limited to analysis of blood, urine, hair and/or fatty tissue for chemical content.
112. Defendants owed Plaintiff Amaro a duty to provide at least the community level of care in regards to medical care and standards of decency.
113. By failing or refusing to: (1) provide the community level of care to Plaintiff during episodes of Carbon Monoxide exposure/poisoning; (2) transfer or refer Plaintiff to be transferred to a medical facility capable of providing the proper level of community care in cases of Carbon Monoxide exposure/poisoning; (3) demand or require the immediate evacuation of the affected pod(s) during each and every instance of toxic contamination of the living environment(s); (4) immediately refer Plaintiff to be seen by a physician who could professionally and effectively evaluate the degree of Carbon Monoxide saturation/poisoning and extent of Plaintiff Amaro's immediate injuries as well as risk of future harms due to the individual instances and/or cumulative episodes of Carbon Monoxide exposure/poisoning, and/or possibly render or prescribe medication(s) and/or a treatment plan to combat the effects of the noxious fumes; and/or (5) perform or cause to be performed any of the common medical tests normally considered standard treatment(s) associated with Carbon Monoxide exposure and/or poisoning (especially in the instances of acute Carbon Monoxide poisoning),

Defendants egregiously breached their duty to care for Plaintiff's interests, health, safety, and/or general well-being in a reasonably prudent manner.

114. Such conduct clearly displays the Defendants' severe and deliberate indifference to or for the interests, health, safety, and/or general well-being of State Prisoners, demonstrates a defective health care policy, and amounts to negligence in the running of a prison medical facility.
115. Defendants are legally responsible to Plaintiff for medical negligence under the doctrines of respondeat superior, agency, or apparent agency for the conduct of their employees and/or agents.
116. The actions of all Defendants were negligent, willful, wanton, and in gross and reckless disregard for Plaintiff's well-being and/or very life.
117. Plaintiff suffered immediate injuries as a direct result of Defendants' conduct.
118. Plaintiff is at-risk for and is subject to future harms and health problems consistent with toxic exposures as a direct result of Defendants' conduct.
119. As a result of the foregoing, Plaintiff has suffered damages and injuries including but not limited to (disabling) mental impairment, physical injuries, pain and suffering, loss of quality and enjoyment of life, nightmares, anxiety, paranoia, nervousness, bouts of depression, trouble sleeping, severe psychological and emotional distress, and an unknowable extent of (future) physical damages and/or mental injuries on the grounds that Plaintiff is now subject to serious potential life-threatening health problems consistent with acute Carbon Monoxide poisoning, repetitive/cumulative exposures to the toxic/lethal fumes, and/or chronic inhalation of the toxic/lethal fumes which have been associated with liver damage, kidney disease, respiratory illness, coronary heart disease, and other life-threatening health hazards.

COUNT II: NEGLIGENT OPERATION OF A CORRECTIONAL FACILITY

120. Plaintiff restates each of the preceeding allegations as if fully stated herein.
121. All defendants know and accept that they are/were entrusted with and/or are/were ultimately responsible for the interests, health, safety, and/or well-being of each and every person confined at GCCF, whether directly, charged with custodial guardianship, or as an owner/superintendent of the defectively designed plant and/or the real property the structure is located on.
122. To a severe degree, Defendants were deliberately indifferent and grossly negligent in recklessly refusing or otherwise failing to either: (1) protect State Prisoners from unnecessary risk of foreseeable and/or imminent harm, injury, and/or death; (2) protect State Prisoners from general conditions of confinement posing a substantial risk of serious harm, injury, and/or death; (3) meaningfully address and/or rectify the condition(s) creating or giving rise to the substantial and imminent risk of serious harm, injury, and/or death of State Prisoners confined at the plant known commonly as "GCCF"; or to (4) act in any reasonable manner whatsoever so as to cure the plant's known architectural-engineering defect and thereby prevent any future

harms, injuries, and/or deaths of the plant's Prisoners.

123. To a severe degree, Defendants were deliberately, indifferent and grossly negligent in recklessly enabling and/or maintaining operation of a defectively designed private 'for-profit' prison without regard to the danger(s) it presented to the persons forcibly confined therein especially as the risk of harm, injury, and/or death comes in a particular manner and by way of a particular source.
124. As a Ward of the State, Defendants owed Plaintiff a clear duty under the Eighth Amendment not to confine him within a facility where the operating conditions thereof posed a known and significant threat of harm and/or injury to his health, safety, well-being, and/or very life, where the risk was obvious, as in this case, where several instances and/or events of Carbon Monoxide exposure/poisoning preceeded the cumulative episodes Plaintiff Amaro was subjected to and thereby establishing that the 'obviousness' could not have escaped the Defendants or have been 'overlooked' which, consequently, also serves to establish a subjectively culpable state of mind as the Defendants intentionally and unreasonably disregarded an intolerable risk of harm to the wards they were entrusted with custodial-guardianship of (especially in the cases where Defendants allowed no escape from the environmental toxins and refused to evacuate State Prisoners from the noxiously contaminated area(s)).
125. Defendants were criminally negligent in allowing repetitious Carbon Monoxide exposures and/or poisoning events as, although they may not have deliberately intended exposure to the toxic fumes, they individually and collectively failed to prevent any instances, extending from the very first incident.
126. With the exception of Corizon, all other Defendants are further liable on the grounds that the proximate cause of the repetitive instances of Carbon Monoxide exposure/poisoning - the "boiler/flue" malfunctions - was exacerbated by the failure of GCCF Maintenance personnel to keep the plant operating in full compliance with federally mandated requirements and/or building codes such as, in this case, "airflow" to/from individual cells.
127. For several months, contrary to federal regulations regarding airflow to/from cells, State Prisoners of Housing Unit 2's "B-Pod" - an "Honor Unit" - were deprived of any source of positive or negative airflow in the individual cells they were assigned to.
128. The lack of air flow, especially 'positive', through the ducts allowed the noxious fumes to enter the ductwork routed to the individual cells and thereby toxically contaminate the living environments of State Prisoners with deadly Carbon Monoxide.
129. Adding to the degree of liability, in the weeks/months prior to December 28, 2012, H-2 "B-Pod" had been experiencing an ongoing "boiler-malfunction" issue where GCCF Maintenance personnel were constantly re-light the boiler(s) due (supposedly) to "a pilot-light" malfunction, which had lead to Prisoner complaints for lack of hot water.
130. Intentionally failing and/or deliberately refusing to cure the underlying problem, GCCF Maintenance personnel would merely re-light the defective/faulty pilot-light mechanism and go on about their usual business. (Shoddy maintenance work)

131. On Thursday, December 27, 2012, GCLF Maintenance personnel, again, had to re-light said "boiler pilot-light."
132. At approximately 0700 hrs on Friday, December 28, 2012, Plaintiff Amaro suffered a near-fatal episode of acute Carbon Monoxide Poisoning due to a (claimed) "flue malfunction" on the problematic boiler.
133. Upon notice of poisonous fumes contaminating the living environment of Housing 2's "B-Pod," GCLF security staff - led by Lt. J. Vigil - attempted to have Prisoners "lock it down" in their respectively assigned cells.
134. To save their own lives, Prisoners of H-2 "B-Pod" had to assertively refuse the direct order(s) of Lt. Vigil and her subordinates.
135. Subsequent to multiple profanity-laced refusals from unidentified Prisoners, Lt. Vigil relented and, instead, ordered Prisoners to line up on the Pod's north-west wall (in the "day room") and proceeded - finally - to evacuate State Prisoners from the toxically contaminated area.
136. Plaintiff Amaro was unable to walk straight and had to be seated in a chair in front of his assigned cell - H 2 B #112.
137. GCLF security personnel utilizing a hand-held audio/video recorder captured Plaintiff Amaro on-camera and, despite the dire circumstances, questioned him about having been involved "in a fight".
138. Lt. Vigil and State Prisoner Matthew Gonzales physically removed Plaintiff Amaro from H-2 "B-Pod."
139. U. I. P. s from "the State" and GEO were either called-in or notified of the hazardous incident on December 28, 2012.
140. GCLF Maintenance personnel were not duly qualified to work on the defective and/or malfunctioning boiler(s).
141. GEO Defendants would not hire-out for a qualified 'boiler-work specialist' until several more episodes of Carbon Monoxide exposure/poisoning.
142. By intentionally failing and/or recklessly refusing to either: (1) protect State Prisoners from unnecessary risk of foreseeable and/or imminent harm, injury, and/or death; (2) protect State Prisoners from general conditions of confinement posing a substantial risk of serious harm, injury, and/or death; (3) meaningfully address and/or rectify the structural defect(s) and/or condition(s) creating or giving rise to the substantial and imminent risk of serious harm, injury, and/or death of the State Prisoners confined at the defectively designed plant(s); (4) act in any reasonable manner so as to cure the plants' known structural defect(s) and thereby prevent any future harms, injuries, and/or possible deaths of the plant's Prisoners; (5) act appropriately during deadly and potentially fatal events of Carbon Monoxide exposure/poisoning and/or to train on-site personnel how to correctly respond in and/or to such emergency events as Carbon Monoxide exposure/poisoning - particularly when the specific type of emergency is repetitive; and/or by (6) enabling or maintaining the continued operation of the defectively

designed private 'for-profit' prison(s) without due regard for the high degree of danger presented to the persons forcibly confined therein; and by (7) enabling GCCF to operate, or operating GCCF outside of federally mandated guidelines and/or regulations regarding the operational requirements of State and/or 'for-profit' prisons and/or building codes, Defendants clearly breached their legal obligations and Constitutional duty to house Prisoners - including Plaintiff Amaro - in a reasonably prudent manner and/or in a correctional facility that did not pose a known or significant threat of harm, injury, and/or death to the residents (especially when/where the threat or risk of harm emanated from a particular source) and display a severe degree of deliberate indifference to the patently unsafe prison conditions, which constitutes "reckless endangerment."

143. Such conduct clearly amounts to negligence in the running of a correctional facility.
144. Defendants are responsible to Plaintiff either directly or under the doctrines of respondeat superior, agency, or apparent agency.
145. To a severe degree, all actions, omissions, and/or failures to act by Defendants were negligent, willful, wanton, and in gross and reckless disregard for Plaintiffs' interests, health, safety, well-being, and/or very lives.
146. Plaintiff Amaro suffered immediate injuries as a direct result of Defendants' conduct.
147. Plaintiff Amaro is now at-risk for and faces serious and potentially fatal future harms associated with acute Carbon Monoxide poisoning and cumulative episodes of Carbon Monoxide exposure.
148. As a result of the foregoing, Plaintiff Amaro has unnecessarily suffered preventable damages and injuries including, but not limited to: (disabling) mental impairment, physical injuries, pain and suffering, loss of enjoyment of life, nightmares, headaches, nausea, vomiting, dizziness, cough, nose and eye irritations, diarrhea, indigestion, confusion, blurred vision, memory loss, aching in muscles, aching in joints, difficulty concentrating, fatigue, panic attacks, humiliation, mental/psychiatric problems, mental anguish, emotional distress, respiratory discharge, bouts of depression, anxiety, fear, nervousness, paranoia, trouble sleeping, trauma, and an unknowable extent of (future) physical damages and/or mental/psychological injuries and potential life-threatening health problems consistent with acute Carbon Monoxide poisoning and/or repetitive exposures to the toxic/lethal fumes - such as liver damage, kidney disease, respiratory illness, and coronary heart disease.

COUNT III. DENIAL OF DUE PROCESS IN THE COURSE OF PRISON GRIEVANCE PROCEEDINGS

149. Plaintiff restates each of the preceeding allegations as if fully stated herein.
150. Under the Fifth and Fourteenth Amendments, Plaintiff had a Right to Due

Process and Equal Protection of the Laws.

151. State and GEO Defendants owed a duty to Plaintiff and all State Prisoners to apply NMCD Policy and Procedure in a fair and unbiased manner.
152. All Defendants for the State of New Mexico know they are, custodially, entrusted with and responsible for the interests, health, safety, and/or well-being of State Prisoners confined at GCEF as well as being entrusted with and responsible for adherence to all State and/or Federal laws regarding the State's confinement and/or custody of its Prisoners, whether directly or as an 'official' in a supervisory position of authority over persons charged with the actual restraint of State Prisoners.
153. Under contract with the State of New Mexico or any agency thereof, The GEO Group, Inc., without removing any liability for State Prisoners from the State or its Defendants, has accepted all custodial obligations and responsibilities, and legally assumed liability for both the Prisoners entrusted into its care as well as for complying or failing to comply with all State and/or Federal laws, regulations, mandates, decrees, statutes, policies, and/or procedures related to and/or regarding custody and/or confinement of State Prisoners and/or Prisoners' Rights.
154. Pursuant to Federal requirements and/or ACA Standards, the State of New Mexico has constructed, published, and engaged specific NMCD Policy and Procedure regarding virtually every aspect of Prisoner custody and confinement, to include but not limited to "Policy and Procedure" on how Staff and Prisoners address legitimate Prisoner complaints, formally known as "The Grievance process", NMCD Policy/Procedure 150500.
155. In episodes of Carbon Monoxide exposure/poisoning prior to the events Plaintiff Amaro was subjected to, State Prisoners utilized the NMCD Grievance process to pursue administrative remedy to the unsafe prison conditions and the repetitive problem of Carbon Monoxide exposure/poisoning to no avail and with no reasonable measures taken to avert, thwart, and/or prevent any future events of Carbon Monoxide exposure and/or poisoning.
156. Upon suffering through a near-fatal event of acute Carbon Monoxide Poisoning, Plaintiff Amaro employed the facility's "Grievance" program in full accordance with the published "NMCD Policy and Procedure" in a 'good-faith' attempt to address and positively resolve the potentially deadly problem and underlying structural defect.
157. Numerous State Prisoners engaged the facility's "Grievance program" in accordance with published NMCD Policy/Procedure in an attempt to address and positively resolve this issue.
158. Violating "Due Process" principles of the 5th and 14th Amendments, regarding full and fair hearings, and despite the clear and obvious occurrence of the toxic events, all attempts at administrative remedy (ies) within the institution proved to be futile as each and every assertion was "Denied" on grounds not logically related to averting, thwarting, and/or preventing the unnecessary and undue hazard to State Prisoners or to institutional safety, security, or goals.

159. Pursuant to NMCD Policy/Procedure, institutional "Appeals" to "The Warden or his Designate" were pursued as part of the "Grievance" process.
160. "Institutional Appeals" to "The Warden or Warden Designate" were also futile and "Denied" without justifiable cause or for reasons not logically related to abating the conditions posing a significant risk of serious harm, injury, and/or death to the State Prisoners confined at GCCF.
161. A review of GCCF's response(s) to Prisoners' numerous attempts at administrative remedy(-ies) would provide substantial evidence of Staff's 'across the board policy' of denying attempts at relief at every stage - In formal Complaint, Grievance, Institutional Appeal - especially with reasons not logically related to legitimate penological interests or otherwise related to the safety and/or security of the institution or its goals.
162. The 'findings' of: the prison's "Informal Complaint" personnel, the "Grievance Lieutenant", "Grievance Officer(s)", "Grievance Technician(s)", "Warden(s)", "Warden Designate(s)", and/or the "Contract/Compliance Monitor" represent the individual and collective staff's blunt refusal(s) to 'capitulate' to Prisoners on virtually any matter regardless of its nature and/or importance, and cannot be upheld as "legitimate", especially in the area of potentially deadly health hazards due to a toxic living environment.
163. Administrative "Appeals" to State Officials were pursued.
164. State Officials proceeded to "Deny" "Grievance Appeals" based on the 'findings' of GCCF's Grievance Lt. and the previous denials of the "GCCF Warden or Warden Designate(s)" to whom institutional grievance appeals were assigned, which were based on grounds not logically or rationally related to penological interests or otherwise related to preventing undue hazards to State Prisoners, institutional safety or security, or corrective goals.
165. The bland denials of Prisoners' legitimate complaints by prison officials (both State and GEO/GCCF employees/agents) serve to establish the severe lack of concern by prison officials to Prisoners' interests, health, safety, general well-being, and/or very lives, despite obvious knowledge of a significant threat of serious and/or imminent harm, injury, and/or death from a particular source to State Prisoners confined at GCCF (and/or similarly constructed private 'for-profit' correctional facilities; demonstrates a concentrated atmosphere of severe "deliberate indifference; and constitutes a clear deprivation of of a full and/or fair and impartial hearing/proceeding at each and every stage of the NMCD's "Grievance" program and its process in naked violation of the 5th and 8th Amendments' Rights of Due Process and/or Court-recognized due process principles.
166. To a severe degree, Defendants were "deliberately indifferent" to the unsafe prison conditions and recklessly negligent to the potential consequences of the health hazard (Carbon Monoxide).

167. Defendants owed Plaintiff a duty to fully and fairly or impartially consider legitimate concerns for his health, safety, and/or general well-being, especially when presented and in full accordance to requirements of the "Grievance" program pursuant to published NMCD Policy/Procedure (CD-150500), and in regards to a known threat or risk of serious and/or imminent harm, injury, and/or death from a particular source, which was also known to be a recurring or repetitive problem.
168. By intentionally failing or deliberately refusing to either: (1) fully, fairly, and/or impartially consider (the merits of) legitimate complaints lodged by State Prisoners in accordance with published NMCD "Grievance" Policy/Procedure (CD-150500); or (2) act in a reasonably prudent manner so as to protect State Prisoners from long-known source of serious and/or imminent risk of harm, injury, and/or death, Defendants egregiously breached their individual and collective duty to care for the interests, health, safety, and/or general well-being of State Prisoners - including Plaintiff Amaro's.
169. By intentionally failing failing or deliberately refusing to either: (1) fully and fairly or impartially consider legitimate complaints lodged by State Prisoners pursuant to the "Grievance" section of NMCD Policy/Procedure; or (2) respond to such complaints in the manner prescribed by said Policy/Procedure, and/or required by the Courts, Defendants egregiously breached their individual and collective duty to implement, apply, and/or uphold State and/or Federal laws, regulations, mandates and/or requirements related to Prisoners, Custody/Confinement, and/or professional (work-) ethics assumed by personnel as GEO agents/employees, State agents/employees, "Corrections Officers," "Oath of Office," etc., etc., etc.
170. Such conduct clearly displays the Defendants' severe "deliberate indifference" to or for the interests, health, safety, general well-being, and/or very life of Plaintiff Amaro and similarly situated State Prisoners.
171. Such individual and collective conduct also clearly demonstrates the Defendants' naked disregard for either the federally mandated requirements concerning the confinement of persons as well as the specific provisions and/or conditions of the confinement, or the 'disposable' lives of the profit-generating State Prisoner confined at GCLF (and similarly constructed private 'for-profit' prisons in New Mexico) and amounts to a severe deliberate indifference to the Rights of Institutionalized Persons and an obvious denial or deprivation of due process in the course of prison "Grievance" proceedings, in violation of the ("Due Process") principles espoused in the U.S. Constitution's 5th and 14th Amendments.
172. State and GEO Defendants are responsible to Plaintiff either directly or under the doctrines of respondeat superior, agency, or apparent agency.
173. To a severe degree, all actions, omissions, and/or failures to act by State and/or GEO Defendants were negligent, willful, wanton, and in gross and reckless disregard for Plaintiff's interests, health, safety, well-being, and/or very life.
174. Plaintiff suffered immediate injuries as a direct result of Defendants' conduct.

175. But-for Defendants' (individual and collective) conduct, Plaintiff Amaro is at-risk for and subject to serious future harms associated with (acute) Carbon Monoxide Poisoning, cumulative exposures to Carbon Monoxide gases, and/or chronic inhalation of the toxic and/or noxious fumes.
176. As a direct result of the foregoing, Plaintiff Amaro has suffered extensive preventable and unnecessary damages and injuries including but not limited to: panic attacks, humiliation, (disabling) mental impairment, anxiety, nervousness, fear, trauma, severe psychological and emotional distress, paranoia, bouts of depression, pain and suffering, headaches, nausea, indigestion, nasal and eye irritations, vomiting, trouble sleeping, respiratory discharge, loss of enjoyment of life, and an unknowable extent of (future) physical damages, mental/psychological injuries, and potential life-threatening health problems consistent with Acute Carbon Monoxide Poisoning and/or repetitive exposures to the toxic/lethal fumes - such as liver damage, kidney disease, respiratory illness, and coronary heart disease.

COUNT II. INHUMANE CONDITIONS OF CONFINEMENT: DEFECTIVE CONSTRUCTION OF PHYSICAL PLANT IN VIOLATION OF FEDERAL MANDATES AND REQUIREMENTS OF U.S. CONSTITUTION

177. Plaintiff restates each of the preceeding allegations as if fully stated herein.
178. Plaintiff had a Right under the Eighth Amendment to the U.S. Constitution to humane conditions of confinement which precludes confinement at a correctional facility which suffers from an inherently defective architectural design and/or engineering which poses, causes, and/or creates a substantial risk and/or imminent threat to the interests, health, safety, and/or very lives of the plant's occupants through a known and particular source, and which remains uncured.
179. Excluding Corizon and Corizon Defendants, all remaining Defendants are responsible to Plaintiff Amaro for damages incurred as a result of confinement at a correctional facility which suffers from a faulty or defective architectural design and construction, which is known to have a history of Carbon Monoxide Poisoning events as Defendants knew they were entrusted with and duly responsible for the health, safety, and/or well-being of State Prisoners GCCF (or similarly constructed private 'for-profit' prisons in New Mexico) whether directly charged with custody and/or care of the Prisoners; in any position of supervisory authority; as an owner/superintendent of the physical plant housing Prisoners; as an owner/superintendent of the real property GCCF is located on; as an architectural designer and/or engineer of the physical plant; as a builder and/or 'constructor'/erector of the physical plant; and/or pursuant to a contract with the State of New Mexico or any agency thereof.

180. As a ward of the State, the State of New Mexico is directly responsible for ensuring that Plaintiff is housed in a correctional facility free of any uncured architectural design - and/or engineering - flaws or defects, especially those which would (or do) pose a substantial risk and/or significant threat of serious harm, injury, and/or death to Plaintiff.
181. Under contract with the State of New Mexico or any agency thereof, The GEO Group, Inc., has accepted responsibility - and, therefore, liability - for the safekeeping of State Prisoners placed in its care and/or custody; "safekeeping" to include confinement at a correctional facility free of any uncured architectural and/or structural defects and/or flaws, especially those which would pose a substantial risk and/or significant threat of serious harm, injury, and/or death to Plaintiff and all other similarly situated State Prisoners.
182. Corizon, LLC, under contract with the State of New Mexico or any agency thereof, has - for a profit - accepted responsibility for the health, safety, and/or general well-being of all State Prisoners confined by the State of New Mexico which includes, but is not limited to, exercising reasonable efforts or taking reasonable and/or proactive measures to ensure that State Prisoners are not confined in any facility and/or living environment which would pose any risk or threat of serious harm, injury, and/or death, such as in an inherently defective structure which is known to repeatedly subject its residents to exposure to toxic and/or noxious fumes at levels known to be lethal to humans.
183. Whether or not under contract with the State of New Mexico or any agency thereof, architectural designers and/or engineers are absolutely responsible for designing and/or engineering physical structures that are inherently safe and humane, and free from any architectural and/or structural defects/flaws, especially those which pose a substantial risk or threat of harm, injury, and/or death to any of the structure's occupants.
184. Whether or not under contract with the State of New Mexico or any agency thereof, owners and/or superintendents of the actual structure known as "GCCF" are responsible for ensuring that any structural defects and/or flaws are cured so as to not pose a threat of harm, injury, and/or death to any person.
185. Whether or not under contract with the State of New Mexico or any agency thereof, owners and/or superintendents of the real property GCCF is actually located on are duly responsible for ensuring that any structures built and/or located on their property are safe for occupation and/or residency to include (but not limited to) ensuring that the structure is designed and constructed to be reasonably safe and inherently free from architectural/engineering flaws, faults, and/or defects which would pose a substantial risk and/or significant threat of serious harm, injury and/or death to any possible or impending or actual residents.

186. Defendants owed a duty to Plaintiff under the Eighth Amendment to design, engineer, locate, construct, maintain, and/or otherwise provide housing in a (correctional) facility free of any uncured structural defects, especially those which posed a significant threat and/or imminent risk of serious harm, injury, and/or death to his person.
187. Applicable Defendants owed a duty to Plaintiff under the 8th Amendment to provide conditions of confinement in said housing consisting of an architectural design that is engineered to be safe, humane, and inherently free from potentially fatal health hazards, to include, but not limited to, Carbon Monoxide poisoning and/or chronic exposures to such toxic and/or noxious fumes.
188. Extending from the very first instance of Carbon Monoxide exposure/poisoning at GCCF or any similarly designed and/or constructed private 'for-profit' prison, applicable Defendants knew GCCF suffered from an architectural/engineering defect that posed a significant threat and/or imminent risk of serious harm, injury, and/or death to the structure's residents.
189. Applicable Defendants knew that failure to either: (1) structurally alter or otherwise cure or correct the plant's known architectural-design/engineering defect; or (2) immediately remove State Prisoners from the defectively designed and constructed private 'for-profit' prison(s) would likely result in (future) harm(s), injury(-ies), and/or death(s) to the facility's residents, particularly if the defect went uncorrected or remained without cure.
190. Applicable Defendants were negligent to a severe degree in failing to either: (1) exercise reasonable physical efforts to structurally alter and/or cure the the defective plant's architectural design/engineering flaw(s); (2) take reasonable administrative measures so as to cause the the plant's architectural-design defect to be cured or the potential health hazard to be otherwise corrected; or, (3) immediately remove State Prisoners from the defectively designed/constructed structure so as to abate, avert, thwart, and/or prevent the risk or threat from causing any further (future) harm(s), injury(-ies), and/or death(s) of any of the structure's residents.
191. Defendants owed Plaintiff a duty of care to not confine him in a living environment likely to cause serious harm, injury, and/or death, especially when repetitive and known to be from a particular source and/or with the serious possibility of brain damage or death.
192. By failing to either: (1) exercise reasonable physical efforts to structurally alter and/or cure the plant's defective architectural design flaw; (2) take reasonable administrative measures so as to cause the plant's architectural design defect to be cured or the potential health hazard to be otherwise corrected; or (3) remove State Prisoners from the defectively designed private 'for-profit' prisons (including GCCF) so as to abate, avert, thwart, and/or prevent the known risk or threat of harm, injury, and/or death from causing any further or future damage(s), Defendants egregiously breached their individual and collective duty to house Plaintiff in a reasonably safe physical structure inherently free of potentially deadly health hazards.

193. Such conduct clearly exhibits "deliberate indifference" to the unsafe prison conditions and amounts to inhumane conditions of confinement.
194. With the exception of Corizon and Corizon Defendants, all remaining Defendants are responsible to Plaintiff on this Count either directly or under the doctrines of respondeat superior, agency, or apparent agency.
195. To a severe degree, all actions, omissions, and/or failures to act, by all applicable Defendants, were negligent, willful, wanton, and in gross and reckless disregard for Plaintiff's health, interests, safety, general well-being, and/or very life.
196. Plaintiff suffered immediate and long-term injuries as a direct result of Defendants' conduct.
197. But for Defendants' individual and collective conduct, Plaintiff is subject to and at-risk for serious future harms associated with Carbon Monoxide poisoning(s) and health problems consistent with and/or attributed to bodily retention of the toxic and/or noxious chemical agent(s) found in the fumes of Carbon Monoxide including, but not limited to, respiratory illness, liver damage, kidney disease, birth defects, endometriosis, infertility, other reproduction and developmental problems, coronary heart disease, and many other types of cancer, especially of the lung, skin, and breast.
198. As a result of the foregoing, Plaintiff has suffered extensive preventable and unnecessary damages and injuries including but not limited to panic attacks, humiliation, disabling mental impairment, bouts of confusion, bouts of depression, anxiety, pain and suffering, nervousness, fear, trauma, vomiting, indigestion, paranoia, and severe psychological and emotional distress.

**COUNT V INHUMANE CONDITIONS OF CONFINEMENT:
INADEQUATE MAINTENANCE OF A CORRECTIONAL
FACILITY IN VIOLATION OF FEDERAL REQUIREMENTS
(PURSUANT TO RIGHTS OF U.S. CONSTITUTION)**

199. Plaintiff restates each of the preceeding allegations as if fully stated herein.
200. Under the Eighth Amendment, Plaintiff had and maintains a Right to humane conditions of confinement in a correctional facility properly and adequately maintained in accordance with all local, state, and federal regulations and/or requirements.
201. All Defendants knew they were entrusted with and duly responsible for the interests, health, safety, and/or general well-being of State Prisoners confined at GCLF whether directly charged with immediate custody and/or care of the Prisoners, in a position of supervisory authority, as an owner/superintendent of the physical plant, as an architectural designer/engineer of the physical plant, as a builder/constructor, of the actual structure, as an owner/superintendent of the real property GCLF is located on, and/or pursuant to a contract with the State of New Mexico or any agency thereof.

202. As a ward of the State, the State of New Mexico is duly responsible for ensuring that Plaintiff is housed in a correctional facility which is properly maintained in a manner: (1) that is inherently safe and humane; (2) that comports with but is not limited to NMCD goals, State/Federal Health Codes, State/Federal Building Codes, ACA Standards, and the ever-evolving standards of decency; (3) which does not pose any risk or threat of harm, injury, and/or death to the facility's residents; and/or (4) which is reasonably prudent in preventing and/or eliminating any structural and/or mechanical issues which would cause the facility to somehow be in a state of disrepair or 'noncompliance' with any health code(s), building code(s), State/Federal law(s) and/or requirement(s), and/or the specifications of ACA Standards — especially when the the issue or issues of 'noncompliance' created and/or exacerbated a known risk or threat of harm, injury, and/or death to State Prisoners.
203. The GEO Group, Inc., under contract with the State of New Mexico or any agency thereof, has, for a profit, accepted responsibility for the safekeeping of State Prisoners placed in its custody and/or care, which includes confinement at a correctional facility that is safe and humane and responsibly maintained in a professional manner which: (1) is constant with all contractual obligations; (2) meets or exceeds all State/Federal health codes; (3) meets all State/Federal building codes; (4) is in full compliance with all specifications of ACA Standards; (5) comports with ever-evolving standards of decency; and/or (6) does not pose, cause, or create any risk or threat of harm, injury, and/or death to State Prisoners.
204. Corizon, LLC, under contract with the State of New Mexico or any agency thereof has - for a profit - accepted responsibility for the interests, health, safety, and/or general well-being of all State Prisoners confined by the State of New Mexico which includes, but is not limited to, exercising reasonable efforts or taking reasonable and/or proactive measures to ensure that State Prisoners are not confined in a correctional facility which is irresponsibly maintained in such a state of defectiveness and/or disrepair so as to actually pose, cause, or create a substantial risk or imminent threat of serious harm, injury, and/or death to State Prisoners.
205. Whether or not under contract with the State of New Mexico or any agency thereof, architectural designers and/or engineers are responsible for the safety of their product(s) which includes, but is not limited to, ensuring that any known architectural defects are proactively cured and are not allowed to remain unaddressed and/or uncorrected, especially when the defect is known to pose, cause, or create a substantial risk or imminent threat of serious harm, injury, and/or death to any State Prisoner residing in the defectively designed and inadequately maintained structure.
206. Whether or not under contract with the State of New Mexico or any agency thereof, actual owners and/or superintendents of the actual structure commonly known as Guadalupe County Correctional Facility ("GCCF") are responsible for ensuring that the structure is adequately maintained so as to not pose a threat or risk of harm,

injury, or death to any person.

207. Whether or not under contract with the State of New Mexico or any agency thereof, actual owners and/or superintendents of the real property GCCF is actually located on are duly responsible for ensuring that any structures located on their property are responsibly maintained, and maintained in proper working order and in manners not likely to pose, cause, create, or present any risk or threat of harm, injury, and/or death to any persons residing at the location.
208. Defendants owed a duty of care to Plaintiff under the 8th Amendment to maintain a correctional facility in proper working order in accordance to requirements of the U. S. Constitution and in strict compliance with Federal mandates including, but not limited to, applicable building codes and/or specifications of ACA Standards.
209. Defendants owed a duty of care to Plaintiff to maintain a correctional facility in proper working order and in a manner providing conditions of confinement which are safe, humane, and free of potentially deadly health hazards.
210. Defendants knew or should have known that GCCF and similarly designed and constructed correctional facilities suffered from an inherently defective architectural design and/or engineering flaw which posed, caused, or created a substantial risk and/or imminent threat of serious harm, injury, and/or death to State Prisoners - including Plaintiff - and that the underlying issue needed to be addressed.
211. Defendants knew or should have known that GCCF was not fully maintained in proper working order in strict compliance with State/Federal regulations, as required.
212. Defendants knew or should have known that GCCF was not fully maintained in proper working order in full compliance with ACA Standards.
213. Defendants knew or should have known that GCCF Maintenance personnel were, in some cases, simply not qualified to attempt and/or properly perform the 'maintenance work' necessary for the orderly running/operation of the facility.
214. Defendants knew or should have known that failure/refusal to either: (1) have professional and/or qualified personnel perform and/or complete structural maintenance on the defectively designed structure as necessary and/or otherwise required; have professional and/or qualified personnel perform and/or complete mechanical maintenance on the structure as necessary and/or otherwise required; or (3) remove or cause the removal of State Prisoners from the defectively designed and improperly maintained structure would likely result in serious harm, injury, and/or death to residents and represented a failure or base-refusal to maintain the plant in full compliance with State/Federal regulations and in strict compliance with all legal obligations.
215. By failing or refusing to either: (1) perform and/or complete structural maintenance on the defectively designed structure so as to cure the plant's health hazard; (2) perform and/or complete mechanical maintenance on the structure as necessary and/or otherwise required/mandated; or (3) remove or cause the removal of State Prisoners from the designed and improperly maintained plant, Defendants egregiously

- breached their individual and collective duty to care for Plaintiff's interests, health, safety, and/or general well-being in a reasonably prudent manner.
216. Such conduct clearly demonstrates the Defendants' severe and deliberate indifference to the unsafe private 'for-profit' prison conditions and/or for the interests, health, safety, general well-being, and/or very lives of State Prisoners, and amounts to inhumane conditions of confinement.
217. Defendants are legally responsible to Plaintiff for the inhumane conditions of confinement either directly or under the doctrines of respondeat superior, agency or apparent agency (or both) for the conduct of the tortfeasors (as employees and/or agents).
218. To a severe degree, the actions of all Defendants were negligent, willful, wanton and in gross and reckless disregard for Plaintiff's interests, health, safety, and/or very life.
219. But for Defendants' individual and collective conduct, Plaintiff suffered immediate injuries as a direct result of the actions, omissions, and/or failures to act.
220. Plaintiff is at-risk for and subject to serious future harms and health problems associated with (acute) Carbon Monoxide Poisoning and/or consistent with chronic inhalation and/or exposure to the toxic and potentially deadly fumes as a direct result of Defendants' individual and collective conduct.
221. As a result of the foregoing, Plaintiff has suffered extensive preventable and unnecessary damages and injuries including but not limited to (disabling) mental impairment, physical injuries, pain and suffering, severe psychological and emotional distress, panic attacks, humiliation, anxiety, nervousness, fear, trauma, paranoia, depression, trouble sleeping, nightmares, chronic eye and nasal irritations, vomiting, nausea, headaches, mental and psychiatric problems, and is at-risk for and subject to future harms and health problems attributable to (acute) Carbon Monoxide Poisoning and/or repetitive exposure to the noxious fumes.

COUNT VII. INHUMANE CONDITIONS OF CONFINEMENT: INADEQUATE MEDICAL CARE IN VIOLATION OF FEDERAL REQUIREMENTS AND/OR U.S. CONSTITUTION

222. Plaintiff restates each of the preceding allegations as if fully stated herein.
223. Plaintiff had a Right under the Eighth Amendment to humane conditions of confinement and adequate (Prisoner) medical care which is on par with the community level of care.
224. Defendants knew or should have known at all times that the failure to provide proper immediate and/or follow-up medical treatment to Plaintiff for acute Carbon Monoxide Poisoning and/or cumulative episodes of prolonged exposure of Plaintiff to the noxious fumes above and beyond levels known to be toxic and/or

lethal would allow: (1) the symptoms to persist longer than if proper treatment had been administered ((normal treatment to include but not limited to removal of victims from the toxic environment; (herbal-) remedies for detoxification; high-fiber diet; and/or purified water)); and (2) the poisonous gas to potentially cause more damage - both short-term and long-term - than if proper immediate and/or follow-up medical treatment had been administered, thereby extending and/or causing Plaintiff unnecessary pain and suffering, and threatening his life with future harms and/or health problems associated with acute Carbon Monoxide Poisoning and/or consistent with cumulative episodes of environmental poisoning.

225. Defendants knew or should have known that State Prisoners faced (and are still subjected to) a substantial risk of serious harm, injury, and/or death if continued to be incarcerated at GCLF or any similarly constructed defectively designed and/or engineered private 'for-profit' prison (in New Mexico) prone to exposing residents to poisonous Carbon Monoxide gases with untreated episodes of exposure and while deprived of the proper immediate and/or follow-up medical treatment for Carbon Monoxide exposure/poisoning as mandated by modern community medical standards and contemporary standards of decency.

226. Notwithstanding their knowledge, none of the Defendants have adequately addressed the (underlying) issue or caused the issue to be effectively addressed.

227. Defendants owed Plaintiff a duty of care under the Eighth and Fourteenth Amendments to not confine him in a manner likely to cause injury and/or death, or subject him to conditions of confinement that are considered "inhumane" and/or offend the ever-evolving standards of decency.

228. Defendants acted - and are continuing to act - with severe deliberate indifference to the risks inherent in refusing to either: (1) effectively cure, resolve, or otherwise remedy or cause to be cured, the proximate cause of the repetitive episodes of Carbon Monoxide exposures and/or poisonings; (2) remove, or cause the removal of State Prisoners from the defectively designed/engineered prison(s); and/or (3) provide proper immediate and/or follow-up medical attention/treatment to Carbon Monoxide exposure victims equal to the modern community level of care and consistent with contemporary standards of decency.

229. By failing to: (1) provide the community level of care to Plaintiff during acute Carbon Monoxide Poisoning(s); (2) provide the community level of care to Plaintiff during repetitive and/or cumulative episodes of prolonged exposure to poisonous Carbon Monoxide gases; (3) provide and/or administer any remedy normal for the treatment of exposure to Carbon Monoxide fumes; (4) perform, or cause to be performed, any of the standard medical tests normally associated with Carbon Monoxide poisoning; (5) refer Plaintiff to be seen by a physician who could provide the community level of care and/or cause the tests normally associated with Carbon Monoxide Poisoning (victims) to be performed on Plaintiff; and/or (6) remove or cause the removal of

all State Prisoners - including Plaintiff - wrongfully subjected to the substantial risk and/or imminent threat of serious harm, injury, and/or death from the defectively designed/engineered plants, including but not limited to GCLF, LCLF, and/or MENMDF. Defendants have egregiously defaulted on their individual and collective duty to care for State Prisoners' interests, health, safety, general well-being, and/or very life in a reasonably prudent manner not to cause injury.

230. To a severe degree, such conduct demonstrates a defective healthcare policy, displays the Defendants' individual and collective deliberate indifference to the unsafe private 'for-profit' prison conditions, and amounts to inhumane conditions of confinement by way of a defective healthcare policy and inadequate medical care in violation of the 8th and/or 14th Amendments.
231. Defendants are responsible to Plaintiff either directly or under the doctrines of respondeat superior, agency, or apparent agency, for the conduct of their employees and/or agents.
232. To a severe degree, the actions of all Defendants under color of law were negligent, willful, wanton, and in gross and reckless disregard for Plaintiff's well-being.
233. Plaintiff suffered immediate injuries as a direct result of Defendants' conduct.
234. Plaintiff is at-risk for and subject to serious future harms and health problems related to acute Carbon Monoxide Poisoning(s) and/or associated with repeated and/or prolonged exposures to the toxic fumes.
235. As a result of the foregoing, Plaintiff has suffered extensive preventable and unnecessary damages and injuries including, but not limited to, headaches, vomiting, nausea, dizziness, cough, nose and eye irritations, diarrhea, indigestion, confusion, blurred vision, memory loss, aching in muscles, aching in joints, difficulty concentrating, fatigue, panic attacks, humiliation, mental and psychiatric problems, depression, loss of quality and enjoyment of life, nervousness, mental anguish, emotional distress, paranoia, fear, trouble sleeping, trauma, and an unknowable extent of (future physical damages and/or mental/psychological injuries as Plaintiff is now subject to serious potential life-threatening health problems consistent with acute Carbon Monoxide Poisoning(s), repetitive and/or cumulative exposures to the toxic/lethal fumes, and/or chronic inhalation of the poisonous gases, with problems such as liver damage, kidney disease, respiratory illness, coronary heart disease, and a variety of cancers.

COUNT VII. UNLAWFUL INFLICTION OF PUNISHMENT WHICH IS CRUEL AND/OR UNUSUAL IN NATURE

236. Plaintiff restates each of the preceeding allegations as if fully stated herein.
237. Under the First, Fifth, Eighth, and/or Fourteenth Amendments, Plaintiff had - and maintains a Federal Constitutional Right to: (1) confinement under conditions which

are not "inhumane" or offend ever-evolving standards of decency; (2) confinement under conditions which do not represent and/or inflict any type of punishment(s) deemed brutal, cruel, and/or unusual in nature; (3) due process in the course of prison "grievance" proceedings and carried out in accordance with established rules and principles (MMCO-Policy 150500); (4) petition the Government for a redress of grievances; and/or (5) equal protection of the laws.

238. Whether directly, supervisorally, or contractually, All Defendants know they are (or were) responsible for ensuring that State and Federal (Constitutional) Rights are afforded to all State Prisoners at all times.
239. Defendants owed a duty of care to not confine Plaintiff under terms which violated his Constitutional Rights and/or under conditions likely to cause injury or in manners which offend ever-evolving standards of decency.
240. As a result of previous and recurring instances and/or repetitive episodes of Carbon Monoxide Poisoning and/or Exposure at GCCF and similarly constructed private 'for-profit' prisons (such as LCCF and NENMDF), all Defendants knew or should have known that GCCF, like similarly constructed private prisons, suffered from a defective architectural design and/or engineering flaw which served to pose, cause, create, or contribute to a substantial risk of harm, injury, and/or death to State Prisoners by and through exposure of the toxic fumes to lethal levels.
241. As a result of the numerous prior incidents, all Defendants knew or should have known that GCCF security staff had not been correctly trained - or trained at all - regarding proper procedure(s) in response to serious and/or life-threatening environmental (health) hazards such as exposure to toxic and/or noxious fumes.
242. As a result of the previous repetitive incidents, all Defendants knew or should have known that medical personnel had not been properly trained - or trained at all - regarding proper medical treatments and/or remedies for victims of Carbon Monoxide exposure and/or (acute) poisoning.
243. As a result of the previous repetitive incidents, all Defendants knew or should have known that failure to protect and/or remove State Prisoners from the defectively designed/engineered structure would likely result in harm, injury, and/or death to the structure's prisoners - including Plaintiff Amaro.
244. All Defendants know or should know that State Prisoners - including Plaintiff Amaro - still face a substantial risk of serious harm, injury, and/or death if continued to be confined at GCCF, LCCF, and/or NENMDF, with the underlying cause of the recurring instances and/or repetitive episodes of Carbon Monoxide exposure/poisoning remaining uncured.
245. Notwithstanding individual and/or collective knowledge, none of the Defendants have exercised reasonable efforts or taken reasonable measures to adequately address the life-threatening issue so as to avert, thwart, and/or prevent further instances and/or

episodes of Carbon Monoxide exposure/poisoning before the inevitable 'tragic event' takes place.

246. By deliberately failing and/or intentionally refusing to either: (1) exercise reasonable efforts or take reasonable measures to protect State Prisoners (including Plaintiff) from foreseeable, preventable an unnecessary risk of serious harm, injury, and/or death; (2) protect Plaintiff from general conditions of confinement posing a substantial threat or risk and/or likely to cause harm, injury, and/or death; (3) remove State Prisoners, including Plaintiff, from conditions of confinement posing a substantial risk and likely to cause serious harm, injury, and/or death; (4) meaningfully address and/or rectify the conditions creating or giving rise to the substantial risk of serious harm, injury, and/or death; (5) provide State Prisoners (including Plaintiff) with the standard of medical, psychiatric, and/or psychological care normally afforded to victims of Carbon Monoxide Poisoning and/or chronic inhalation of the lethal fumes; (6) provide any meaningful and/or viable avenue of administrative redress, remedy, and/or relief against any of the instances and/or episodes of Carbon Monoxide exposure and/or poisoning; and/or (7) provide any viable or meaningful avenue of administrative redress, remedy, or relief against general conditions of confinement causing or giving rise to the substantial risk of imminent and/or serious harm, injury, and/or death of State Prisoners, Defendants breached, and remain in breach of, their Constitutional duty and legal obligation to house State Prisoners - including Plaintiff Amaro - in a reasonably prudent manner under terms of confinement which did not, and do not, violate State and/or Federal Constitutional Rights and/or under conditions likely to cause injury

247. By their individual and collective conduct, Defendants demonstrated - and continue to demonstrate - a severe and reckless degree of deliberate indifference to: (1) the structure's defective design and/or engineering; (2) the serious environmental (health) hazard the structural defect poses, causes, and/or creates; (3) the constant state of peril State Prisoners are subjected to due to the defective design and/or engineering; (4) the degree of medical care - or lack thereof - owed and/or afforded to Prisoners victimized by Carbon Monoxide exposure and/or poisoning; (5) the meaning and/or purpose of State and/or Federal Constitutional Rights; (6) actual contractual obligations; (7) any duty of care owed to State Prisoners, including Plaintiff Amaro; and/or (8) the interests, health, safety, general well-being, and/or very lives of State Prisoners - including Plaintiff Amaro.

248. Such conduct involves more than an ordinary lack of due care for Prisoners' interests or safety and clearly (and somewhat maliciously) violates Plaintiff's Federal Constitutional Rights as enumerated in the First, Fifth, Eighth, and Fourteenth Amendments and amounts to conditions of confinement which intentionally inflicts punishment which is totally without penological justification, which is devastating to the human spirit, that is inherently cruel and/or unusual, and which places Plaintiff at a serious risk of harm, injury, and/or death not formally a part of his sentence.

249. Defendants are responsible to Plaintiff either directly and/or under the doctrines of respondeat superior, agency, or apparent agency.
250. To a severe degree, the actions of all Defendants (especially the 'for-profit' Defendants) were negligent, willful, wanton, and in gross and reckless disregard for Plaintiff's interests, health, safety, general well-being, and/or very life.
251. As a direct result of Defendants' individual and collective conduct, Plaintiff Amaro suffered immediate injuries and is now subject to future harms and health problems consistent with Acute Carbon Monoxide Poisoning(s) and/or repetitive, cumulative, and/or chronic exposures to the toxic fumes to levels known to be lethal to humans.
252. As a result of the foregoing, Plaintiff Amaro has suffered extensive foreseeable, preventable, and unnecessary damages and injuries including but not limited to, a near-fatality, difficulty breathing, temporary respiratory arrest, 'grand-mal' type seizure, pain and suffering, confusion, racing heart/palpitations, dizziness, blurred vision, dehydration (thirst), hunger, nausea, vomiting, diarrhea, embarrassment, humiliation, belching, congestion, phlegm, cough/hacking, respiratory discharge, indigestion, nose irritations, eye irritations, disabling mental impairment, irreversible brain damage, severe mental anguish and emotional distress, difficulty concentrating, memory loss, mental fatigue, physical fatigue, speech impairment, trauma, inconvenience, loss of quality and enjoyment of life, nervousness, fear, paranoia, trouble sleeping, nightmares, depression, anxiety, panic attacks, impedence of legal study/work, alienation of familial affection(s), continued wrongful imprisonment, and an unknowable extent of (future) physical damages and/or mental/psychological injuries consistent with Acute Carbon Monoxide Poisoning(s), repetitive and/or cumulative prolonged exposures to the toxic fumes, and/or chronic inhalation of the lethal gases.
253. As a result of the foregoing, Plaintiff Amaro is mentally and emotionally disturbed and continues to suffer a loss of quality and enjoyment of life due to ongoing harms and/or permanent injuries which include, but are are not limited to, inconvenience and sense of loss built on extensive foreseeable, preventable, and unnecessary damages and injuries such as irreversible brain damage, disabling mental impairment, memory loss, humiliation, speech impairment, embarrassment, respiratory discharge, cough/hacking, headaches, difficulty concentrating, mental fatigue, anxiety, bouts of depression, nervousness, fear, paranoia, nose irritations, eye irritations, panic attacks, trouble sleeping, nightmares, trauma, aching in joints, aching in muscles, impeded legal study/work, alienation of familial affection(s), continued wrongful conviction and imprisonment, and an unknowable extent of damages/injuries consistent with Acute Carbon Monoxide Poisoning(s), repetitive and/or cumulative prolonged exposures to the toxic gases, and/or chronic inhalation of the lethal fumes, not to mention the agonizing over his possible death at any time.

254. As a result of the foregoing, Plaintiff Amaro remains mentally and emotionally disturbed and will continue to tortuously endure a knowing loss of quality and enjoyment of life for the rest of his life due to the permanent injuries suffered as a result of foreseeable, preventable, and unnecessary (recurring) events of Acute Carbon Monoxide Poisoning(s), repetitive and/or cumulative prolonged exposures to the toxic gases, and/or chronic inhalation of the lethal fumes such as, but not limited to, irreversible brain damage, memory loss, (disabling) mental impairment, humiliation, speech impairment, embarrassment, respiratory discharge, cough/hacking, headaches, aching in muscles, aching in joints, trouble sleeping, nightmares, anxiety, fear, panic attacks, paranoia, trauma, nose irritations, eye irritations, bouts of depression, and other mental, emotional, psychiatric, and/or psychosomatic problems (some associated with PTSD) as well as impeded legal study/work, alienation of familial affection(s), continued wrongful conviction and imprisonment, and an unknowable extent of (future) damages/injuries consistent with Acute Carbon Monoxide Poisoning(s), repetitive and/or cumulative prolonged exposures to the lethal gases, and/or chronic inhalation of the toxic fumes.

255. As a result of the foregoing, Plaintiff Amaro is at-risk for potentially fatal health hazards and is subject to worry and severe anxiety at approaching injury(-ies) due to the unknowable extent of damages/injuries incurred during the foreseeable, preventable, and unnecessary events of Acute Carbon Monoxide Poisoning(s), repetitive and/or cumulative prolonged exposures to the lethal fumes, and/or chronic inhalation of the toxic gases, and also the unknowable extent of damages and/or injuries yet to be incurred as a result of the body's retention of the lethal chemical agents as Carbon Monoxide Poisoning has been linked to such serious potential life-threatening health problems as respiratory illness, coronary heart disease, kidney disease, liver damage, pain/swelling, inflammation and deformities of the joints, and many other types of cancer, especially of the lung and skin, and, moreover, because the damages and injuries were totally without (penological) justification and are devastating to the human spirit whilst the Defendants are totally without any legitimate arguable defense for the damages and/or injuries.

JURY DEMAND

Plaintiff hereby demands a trial by jury on all counts.

PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

Plaintiff had previously filed a "Notice of Claim" with the Risk Manage-

Division but has not begun any other lawsuits in either State or Federal court dealing with the same facts involved in this action or otherwise relating to the conditions of (my) imprisonment.

As indicated in the "Facts Common To All Counts" Plaintiff sought administrative relief by enjoining the NMCD "Grievance" Policy/Procedure twice, regarding this issue.

GCCF and NMCD acknowledge the events of Carbon Monoxide Exposure and/or Poisoning but either denied relief or defaulted on the "Grievance" process in whole by failing to answer or complete the procedure(s) stipulated by NMCD Policy 150500, leaving Plaintiff with formal litigation as the only viable means of redress and external oversight of conditions to push the prison administration in the right direction - towards rational and humane conditions.

PRAYER FOR RELIEF

WHEREFORE Plaintiff respectfully requests judgment as follows:

1. Injunctive Relief against the actual condition(s) of the plants 'inherently flawed architectural design and faulty construction at all private 'for-profit' prison facilities operating in New Mexico, namely the Guadalupe County Correctional Facility at Santa Rosa, the Lea County Correctional Facility at Hobbs, and the North Eastern New Mexico Detention Facility at Clayton, so as to reasonably prevent any further damages and/or injuries upon State Prisoners who are now still facing serious injury or death from exposure to Carbon Monoxide.
2. Agency Commitment to staff training and discipline in regards to environmental hazards such as Carbon Monoxide Exposure/Poisoning.
3. Declaratory Relief by way of "Court-Order" to GCCF, LCCF, and MENMDF mandating structural alterations of the prisons' structural flaws or any other reasonable remedy seeking to correct the prisons' unsafe and inherently dangerous conditions so as to prevent and/or abate any further instances of exposure of State Prisoners to Carbon Monoxide, or the immediate shutdown of the plant(s).
4. Reform of Conditions and attitudes endemic to the current correctional culture of 'anti-prisoner incarceration'.
5. For the sheer gravity of the situation, in the best interest of all State Prisoners confined to defectively designed/constructed private 'for-profit' prison facilities in New Mexico, Plaintiff seeks legal termination and/or dissolution of all State contracts with all private 'for-profit' prison companies operating in New Mexico who have been made aware of the structures' defect(s) and, as of the filing of this document, have not, of their own volition, reasonably

- acted to avert, thwart, and/or prevent any possible future harms with structural alterations), on the grounds of "breach of contract" for the failure to protect State Prisoners from foreseeable, preventable, and unnecessary harm(s).
6. Compensatory Damages for the actual observed harms and/or injuries suffered as a result of the near-death episode of Carbon Monoxide Poisoning, the events of Acute Carbon Monoxide Poisoning, and the cumulative episodes of (additional) instances of exposure to deadly Carbon Monoxide fumes.
 7. Compensatory Damages for the mental anguish/distress, psychological trauma, and/or emotional damages, harms, and/or injuries suffered as a result of the near-death experience (of Acute Carbon Monoxide Poisoning) and the cumulative episodes of exposure to the lethal fumes of Carbon Monoxide.
 8. Compensatory Damages for the unnecessary stress and strain of the near-death experience and cumulative episodes of Carbon Monoxide Poisoning and/or Exposure have wrought upon Plaintiff Amaro's personal relationships with (close) relatives due to his mental anguish and psychologically disturbed state of mind and possible PTSD.
 9. Compensatory Damages for the harms of the psychosomatic symptoms suffered as a result of the near-death and repetitive episodes of Carbon Monoxide Poisoning/Exposure.
 10. Compensatory Damages for the permanent injuries/damages incurred as a result of Acute Carbon Monoxide Poisoning(s) and the additional cumulative episodes of prolonged exposure to the toxic gases.
 11. Damages for appropriate medical care going forward as Carbon Monoxide may cause or be a factor in the development of serious and/or potentially fatal diseases and/or conditions in the future, as a result of the near-fatal and cumulative episodes of exposure to Carbon Monoxide, including, but not limited to, respiratory illness, coronary heart disease, kidney disease, liver damage, and various cancers.
 12. Punitive Damages for the unnecessary and wanton infliction of preventable harms and injuries - not a part of Plaintiff's formal sentence and without (penological) justification - that has clearly resulted in gratuitous suffering, severe emotional harm, agony over possible death, and recognizable psychological trauma including irreversible brain damage due to prolonged deprivation of oxygen: in an amount substantial enough to deter Defendants from similar conduct in the future.
 13. Punitive Damages for the wrongful deprivation of Rights enumerated by and/or associated with either New Mexico's own (State) Constitution and Bill of Rights, or the U. S. Constitution and Bill of Rights, or both.
 14. Hedonic Damages for the recovery of lost pleasures.
 15. Hedonic Damages for the recovery of lost pleasures of which Plaintiff was unaware.
 16. Court costs and reasonable attorneys fees, and/or related costs/fees.

and,

17. Any Other Damages or Reliefs the Court deems applicable and/or appropriate, considering the degree of the situation and the gravity of the consequences State Prisoners might suffer as a result of officials' continuing disregard for the intolerable risk of harm, injury, and/or death presented to State Prisoners.

Plaintiff further asks the Court for a substantial amount in damages of such magnitude so as to:

1. effectively deter personnel from The GEO Group, Inc., as well as all other private for-profit prison companies operating in New Mexico from continuing to violate federal and/or state Constitutional Rights of State Prisoners;
2. effectively deter State officials from continuing to violate Federal and State Constitutional Rights of State Prisoners;
3. effectively penalize Defendants' individual and collective failures to protect State Prisoners from foreseeable and preventable harms and/or injuries;
4. penalize the GEO Group, Inc.'s insubordination to both federal and State rules regarding the housing of State Prisoners;

and,

5. cause the State to fully and faithfully enforce any and all contractual obligations upon any and all parties to any contract, period, regardless of the political influence(s) and/or tie(s) of any party involved.

Submitted By:



PEDRO J. "PETE" AMARO

State Prisoner #44726

GCCF:

P.O. Box 520

SANTA ROSA, N. MEX. 88435

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the Plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct to the best of his knowledge. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at GCCF, Santa Rosa, N. Mex. on August 17, 2016.



PEDRO AMARO

Expected Delivery Day: 09/02/16
USPS TRACKING NUMBER



9505 5104 0031 6245 0028 64

FROM:

Pedro Amaro
NMCD# 44726 Unit 112

RECEIVED
At Albuquerque, NM

SEP 02 2016

MATTHEW J. DYKMAN
CLERK

LEGAL
MAIL

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At Albuquerque, NM

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MATTHEW J. DYKMAN
CLERK

Ship To:
UNITED STATES
DISTRICT COURT
DISTRICT OF NEW MEXICO
ATT: MR. MATTHEW J. DYKMAN, CLERK OF THE COURT
333 Lomas Blvd. NW
Ste. 270
Albuquerque, N. MEX. 87102-9843