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U.S. DISTRICT COURT

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

PLAINTIFF

v.

STATE OF WYOMING; WYOMING
DEPARTMENT OF CORRECTIONS;
JUDITH UPHOFF, DIRECTOR, WYOMING
DEPARTMENT OF CORRECTIONS; VANCE
EVERETT, WARDEN, WYOMING STATE
PENITENTIARY,

DEFENDANTS.

Case No. 02CV 0681

COMPLAINT

Receipt # _____

Summons: _____ issued

~~X~~ not issued

THE UNITED STATES OF AMERICA alleges:

1. The Attorney General files this complaint on behalf of the United States of America pursuant to the Civil Rights of Institutionalized Persons Act of 1980, 42 U.S.C. § 1997, to enjoin the named Defendants from depriving persons incarcerated at the Wyoming State Penitentiary, located in Rawlins, Carbon County, Wyoming, of rights, privileges, or immunities secured and protected by the Constitution of the United States.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under 28 U.S.C. § 1345.

3. The United States is authorized to initiate this action pursuant to 42 U.S.C. § 1997a.

4. The Attorney General has certified that all pre-filing requirements specified in 42 U.S.C. § 1997b have been met. The Certificate of the Attorney General is appended to this Complaint and is incorporated herein.

5. Venue in the District of Wyoming is proper pursuant to 28 U.S.C. § 1391.

DEFENDANTS

6. Defendant STATE OF WYOMING owns and operates the Wyoming State Penitentiary, in Rawlins, Carbon County, Wyoming, which is the primary male prison facility for the State of Wyoming.

7. Defendant WYOMING DEPARTMENT OF CORRECTIONS has general supervision, control and custody of all penal institutions in the State of Wyoming, and responsibility for the maintenance and repair of all buildings and grounds utilized by the institutions. Specifically, the Wyoming Department of Corrections has general supervision and control of, and provides for the care and maintenance of inmates in the Wyoming State Penitentiary.

8. Defendant JUDITH UPHOFF is the Director of the Wyoming Department of Corrections and serves as the chief administrative officer of the department. Defendant UPHOFF is sued in her official capacity.

9. Defendant VANCE EVERETT is the Warden of the Wyoming State Penitentiary and is responsible for the day-to-day operations of the Penitentiary. In his official capacity as Warden, he has the custody, control and charge

of the Penitentiary and inmates. Warden EVERETT is sued in his official capacity.

10. Defendants are legally responsible, in whole or in part, for the operation of the Wyoming State Penitentiary, for the conditions there and the health and safety of persons confined or incarcerated there.

11. At all relevant times, the Defendants or their predecessors in office have acted or failed to act, as alleged herein, under color of state law.

FACTUAL ALLEGATIONS

12. The Wyoming State Penitentiary is an institution within the meaning of 42 U.S.C. § 1997(1).

13. Persons confined to the Wyoming State Penitentiary are incarcerated persons convicted of felonies.

14. Defendants have engaged in and continue to engage in a pattern or practice of failing to protect inmates at the Wyoming State Penitentiary from undue risk of harm by, inter alia, failing to provide adequate supervision, failing to provide adequate inmate classification, failing to provide adequate medical and mental health care, and failing to ensure adequate environmental health.

15. Defendants have been aware of the factual allegations set forth in paragraph 14 for a substantial period of time and have failed to address adequately the conditions described although they consciously knew of those inadequacies.

VIOLATIONS ALLEGED

16. The acts and omissions alleged in paragraphs 14 and 15 violate the rights, privileges, or immunities secured or protected by the Constitution of the United States of persons confined in the Wyoming State Penitentiary.

16. Unless restrained by this Court, Defendants will continue to engage in the conduct and practices set forth in paragraph 14 that deprive persons confined in the Wyoming State Penitentiary of their rights, privileges, or immunities secured or protected by the Constitution of the United States and cause them irreparable harm.

PRAYER FOR RELIEF

17. The Attorney General is authorized under 42 U.S.C. § 1997 et seq. to seek equitable and declaratory relief.

WHEREFORE, the United States prays that this Court enter an order permanently enjoining Defendants, their officers, agents, employees, subordinates, successors in office, and all those acting in concert or participation with them from continuing the acts, omissions, and practices set forth in paragraph 14 above, and that this Court require Defendants to take such actions as will ensure lawful conditions of confinement are afforded to inmates at the Wyoming State Penitentiary. The United States further prays that this Court grant such other and further equitable relief as it may deem just and proper.

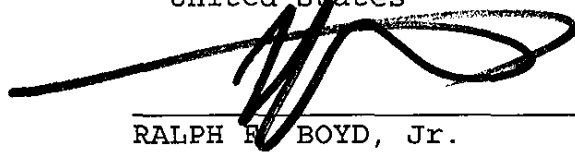
Respectfully submitted,



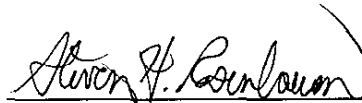
JOHN ASHCROFT
Attorney General of the
United States



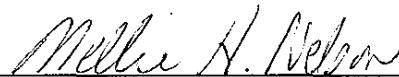
Matthew H. Mead
United States Attorney
District of Wyoming



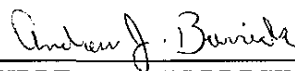
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CERTIFICATE OF THE ATTORNEY GENERAL

I, JOHN ASHCROFT, Attorney General of the United States, certify that with regard to the foregoing Complaint, United States v. State of Wyoming, et al., I have complied with all subsections of 42 U.S.C. § 1997b(a)(1). I certify as well that I have complied with all subsections of 42 U.S.C. § 1997b(a)(2). I further certify, pursuant to 42 U.S.C. § 1997b(a)(3), my belief that this action by the United States is of general public importance and will materially further the vindication of rights, privileges, or immunities secured or protected by the Constitution of the United States.

In addition, I certify that I have the "reasonable cause to believe," set forth in 42 U.S.C. § 1997a, to initiate this action. Finally, I certify that all prerequisites to the initiation of this suit under 42 U.S.C. § 1997, et seq., have been met.

Pursuant to 42 U.S.C. § 1997a(c), I have personally signed the foregoing Complaint. Pursuant to 42 U.S.C. § 1997b(b), I am personally signing this Certificate.

Signed this 1st day of March, 2002, at
Washington, D.C.


JOHN ASHCROFT
Attorney General
of the United States