

Multiple Documents

Part	Description
1	20 pages
2	Part 2
3	Part 3
4	Part 4

Thursday, 08 November, 2007 08:24:59 AM
Clerk, U.S. District Court, ILCD

Dear Clerk

Nov 6 07

I am a mentally ill prisoner at Pontiac Corr. Ctr. I am having Pontiac Law Library Mail you the following Copies of my Complain and Motions...

- 1. States Attorney
- 1. Clerk of these Court
- 1. JO Judge of these Court
- 1. Is a Copy For you to Mail Me back as Filed From these Court.

Affidavit

Plaintiff is a mentally ill prisoner at Pontiac Corr. Ctr.; Who cant not read nor write... This ~~com~~ Complain was written by a prisoner at Pontiac who help Plaintiff with his Complaint... Wherefore he hopes that Counsel be appoint to him in these matter.

-VS-

Case No. _____

COMPLAINT

42 U.S.C. § 1983 (suit against state officials
for constitutional violations of Plaintiff
ASTOR RASHG)

NOW COMES The Plaintiff, Ashoor Rasha, and States as Follows:

Plaintiff Current address is:
P.O. Box 99
Pontiac Illinois, 61764-0099

The defendant Roger E. Walker Jr, is
employed as The Director of Illinois
Department of Corrections (I.D.O.C...) .
P.O. Box 19277
Springfield Illinois 62794..

The defendant Eddie Jones, is employed
as The Warden of Pontiac Corr. Ctr; (Pontiac) ..
Pontiac Corr. Ctr.,
P.O. Box 99
Pontiac Illinois 61764-0099..

The defendant Willard Elyea, is employed
as The Department of Corrections
Medical Director...
James R. Thompson Center
100 W. Randolph St Suite 4-200
Chicago Illinois, 60601..

The defendant Dr. Navarro, is employed as
The Department of Corrections Chief of
Medical Health Services of (I.D.O.C.)...
P.O. Box 19277
Springfield Illinois, 62794..

The defendant Dr. Mahone Sylvia, is employed as Pontiac Medical Director,
Pontiac Corr. Ctr.,
P.O. Box 99
Pontiac Illinois, 61764-0099.

The defendant Dr. John Garlie, is employed as Pontiac Supervising Clinical Psychologist of (Pontiac)....
Pontiac Corr. Ctr.,
P.O. Box 99
Pontiac Illinois ~~61764-0099~~ 61764-0099.

The defendant Dr. Michael F. Massa is employed as Pontiac Psychiatrist at South Mental Unit at Pontiac Corr. Ctr....
Pontiac Corr. Ctr.,
P.O. Box 99
Pontiac Illinois 61764-0099.

The defendant The Department of Corrections a public entity under State and Federal Law..
Department of Corrections
P.O. Box 19277
Springfield Illinois, 62794.

A). Plaintiff Rasha has brought a lawsuit in Federal Court dealing with the same fact involved in this case that Plaintiff Rasha is filing where he is not receiving mental health treatment at Pontiac Corr. Ctr.; case he filed was at Tamms Supermax prison

Rasho -v- Donald N. Snyder Jr. CG-528-DRH. --

B). Plaintiff Rasho has not brought any other lawsuits in State or Federal Court while incarcerated at Pontiac Corr. Ctr.,...

PLAINTIFF ASHGOR RASHO HAS EXHAUSTION OF HIS ADMINISTRATIVE REMEDIES

1). On about December 19, 2007, the named Plaintiff filed a grievance complaining that the conditions at South Mental Unit and mental health treatment at Pontiac violated the Eighth Amendment and that defendants discrimination against him on account of his mental disabilities violated the ADA and the Rehab Act.. The grievance particularized these complaints by attaching copies of the Grievance and its exhibits, which contains claims substantially similar this lawsuit... Copies of the Grievance and exhibits are attached as Ex. A...

2). On December 19, 2006, Plaintiff send his Grievance as a Emergence Grievance to Warden EDDIE JONES and on January 3, 2007 Warden Jones State it: (Not an emergency is not Substantiated.. Committed person should submit this grievance in the normal manner see Ex. A...

- 3). On January 7. 2007, Plaintiff sent a Memorandum to Warden Jones requesting that he would like to know the out come of his emergency grievance dated Dec. 19. 2006. (See Ex. B)
- 4). When Plaintiff received his Grievance back from Warden Jones he sent Grievance to Counsel Randell Flex.. On January 15. 2007, Grievance was sent to Counselor Flex....
- 5). On January 16. 2007, Counselor Flex received this Greivance and on January 26. 2007, Plaintiff sent a Memorandum dated January 26. 2007, request that he send my grievance to the facility ADA coordinator as outlined in 20 Illinois Administrative Code Sec. 504.830.(b) (See Ex C)....
- 6). On January 29. 2007, Randell Flex send Grievance back stating that:
You need to seed this issue to the grievance Office.. They will determine ADA Status...
(See Ex. A Counselors Response)...
- 7). On January 31. 2007, Plaintiff sent Grievance Dec. 19. 2006, With this Memorandum to Pontiac Grievance Department Officer leting them know to send this Grievance to Pontiac ADA coordinator as outlined

in Departmental Rules 20 Illinois Administrative Code CH. I, Sec. 504.830(b).
(See Ex. D).

8). On Feb. 8, 2007, Plaintiff received a Memorandum Stating the following:
Unable to determine - nature of grievance and (other): Submitted as a Class action issue yet On this Memo under Subject States stuff Conduct Dec. 19. 06, (See Ex. E).

9). On Feb. 15, 2007, Plaintiff wrote a Memorandum to Prisoner Administrative Review Board (A.R.B.) Stating how the Pontiac Departmental Staff are stopping him from Filing this Grievance See Ex. F 1 of 4 Pages.

10). On Feb. 16, 2007 the following Grievance and Exhibits were sent to (A.R.B.)
(See Ex. F.)

11). On April 17, 2007, Plaintiff received A.R.B. Responses by Melody J. Ford
(See Ex. G)

12). Therefore, Plaintiff Ashbar Rashe had exhausted his administrative remedies for all claims in this lawsuit and has shown good cause that the Department blocked him from redressing his issues...

PLAINTIFF ASHBOOR RASHO ALLEGATIONS

13). This action is brought by the named Plaintiff who is a mentally ill prisoner at Pontiac Corr. Ctr., and who has a serious mental illness, defined as substantial disorder of thought or mood which significantly impairs that judgment, behavior and his capacity to recognize reality or cope with the ordinary demands of life within the prison environment and is manifested by substantial pain or disability...

14). There are common questions of law and fact affecting the rights of seriously mentally ill prisoner to be free from unconstitutional cruel and unusual punishment... The claims involving Plaintiff Rasha are common fact questions, as does the inquiry into the nature of the overall mental health care system at Pontiac Corr. Ctr... The common legal questions include whether the mental health care system at Pontiac Comports with constitutional standards, whether subjecting Mr. Rasha who is a seriously mentally ill prisoner to the treatment and conditions at Pontiac constitutes cruel and unusual punishment, whether Pontiac is giving Plaintiff Rasha individualized mental health treatment, and whether defendants are discriminating against Plaintiff Rasha on account of his disabilities...

- 15). Plaintiff Claims are typical in this case, and Plaintiff can't fairly and adequately represent and protect his interests without Counsel being appointed to him...
- 16). Defendants have acted or refused to act on grounds generally applicable to Plaintiff Rasha, therefore making final injunctive or declaratory relief appropriate for Plaintiff Ashor Rasha...
- 17). The questions of law of fact common to the Plaintiff predominate over any questions affecting Plaintiff and action is superior to available methods for the fair and efficient adjudication of the Controversy...

PARTIES

- 18). Plaintiff Ashor Rasha, has been incarcerated at Pontiac November 7, 2003.. He suffers from a serious mental illness and has done so for many years...

DEFENDANTS

- 19). The Department is an Illinois State department that is responsible for the care, custody, treatment and rehabilitation of all persons committed to its custody, and for all Illinois Correctional Institutions.

- 20). Defendant Roger E. Walker Jr. is Director of the Department and has overall responsibility for the administration of all correctional facilities within the State... He has personal, first-hand knowledge of the operations at Pontiac... He resides in Springfield Illinois...
- 21). Elyea Willard is the Medical Director of the Department and as such, has overall responsibility for providing Health Care to prisoners of Pontiac, including Mental Health Care... He resides in Chicago Illinois...
- 22). Eddie Jones is the Warden of Pontiac... Warden Jones is the Chief Administrative Officer of Pontiac and as such has ultimate responsibility for the entire operation of the institution, including implementing all State laws and the Department policies, practices and procedures affecting prisoners confined at Pontiac...
- 23). Dr. Navarro is Chief of Mental Health Services of The Department and as such has overall responsibility for providing Mental Health Care to prisoners of Pontiac... She resides in Cook County, Illinois...

- 24). Dr. Mahone Sylvia, is the Medical Director Of Pontiac.. She oversees the Health Care Unit at Pontiac, which is responsible for providing Medical and Mental Health Services - For prisoners..
- 25). Dr. John Garlie, is the Supervising Clinical Psychologist at Pontiac.. He provides Mental Health Services to prisoners at Pontiac and oversees the staff of two psychiatrists and two psychologists who serve as the prisons Mental Health professionals..
- 26). Dr. Michael F. Massa, is the Psychiatrist at Pontiac.. He provides Mental Health Services to prisoners at Pontiac and administers psychotropic drugs to them..
- 27). At all times relevant to this action, defendants acted under the color of the laws, regulations, and Customs of the State of Illinois.. All defendants are Sued in both their individual and Official Capacities... The defendants' actions constituted "State action" as defined under Federal law...

(A). DEFENDANTS ARE AWARE PONTIAC HOUSES MANY PRISONERS WHO ARE SERIOUSLY MENTALLY ILL.

28). Pontiac is a Segregate Facility specially designed to manage and control violent or seriously disruptive persons.. It is located at the Northern tip of Illinois, in the town called Pontiac in Livingston County... The Facility is to house prisoners in Segregation Unit...

29). The decision about which of Illinois prisoners will be transferred to Pontiac is made by Defendant Walker with input from 6 six deputy directors who work under his supervision and from Defendant Jones...

Defendants Walker and Jones have said that placement at Pontiac Seg Unit will last till the prisoner's time is over with... Informally, defendants are telling Plaintiff Rasha he will stay at Pontiac Seg-Unit for the remainder of his incarceration terms, which may be a matter of seven more years for Mr. Rasha..

30). The prisoners selected for placement at Pontiac are those defendants deemed the most violent and or potentially disruptive.

It is well known that many seriously mentally ill prisoners exhibit violent and assaultive behavior... Although "Mental Health Concerns" are one of the factors considered in deciding whether an inmate should be placed at Pontiac, there is no bar to placing seriously ill prisoners at Pontiac...

Defendants do not screen prisoners adequately when they are transferred to Pontiac to determine if they are seriously mentally ill, they do not prohibit the transfer of prisoners to Pontiac when they know them to be mentally ill, they do not examine them adequately as they continue to reside at Pontiac to determine if they have decompensated to a greater degree than they would have at another facility, and they do not remove prisoners from Pontiac even when they know that the prisoner's placement at Pontiac has caused him to decompensate mentally. Because of this, a high percentage of the prisoners residing at Pontiac are in fact seriously mentally ill...

31). At Pontiac Segregation Unit, prisoners are subjected to near total social isolation in an extraordinarily restricted environment...

The conditions are known to cause serious psychological problems in some prisoners, notably those who have serious

pre-existing mental illnesses, including chronic long-standing depression, schizophrenia, and other long-standing, severe mental illnesses; those with certain pre-existing disorders such as borderline personality disorders and, in some cases, those with no pre-existing disorder...

The psychological problems displayed by at-risk prisoners include symptoms such as perceptual disturbances (for example, hallucinations), hypersensitivity to external stimulation, aggressive fantasies, over paranoia, problems with concentrating and with controlling impulses, anxiety/panic disorder, and overt psychotic disorganization, as well as attempted suicide and in Plaintiff Rasha case physical trauma including self-mutilate himself...

32). Prisoner like Plaintiff who begin to experience these serious psychological injuries ~~he~~ caught in a cycle that has worsened his illnesses.

Plaintiff illnesses makes him act destructively toward himself, and his environment, or the staff... In response, defendants ignore his illnesses and punish him do to his conduct... This punitive treatment exacerbates his illnesses, which increases his destructiveness..

Day after day, Certain seriously mentally ill prisoners at Pontiac cut themselves, this is the case with Mr. Rasha, Repeatedly, harms himself by creating large deep cuts wounds on his arms and has been observed cutting on himself by Pontiac Corr. Officers while on Suicide Watch...

"The Court Stated:

Seriously mentally ill inmates being treated with punitive measures by the Custody Staff to control the inmates' behavior without regard to the cause of the behavior, the efficacy of such measures, or the impact of those measures on the inmates' mental illness [violate The 8th Amendment]."

33). Defendants respond to this deranged behavior with punishments such as the so-called cell extraction, a procedure in which members of a tactical team, armed with batons and protected with plastic shield, spray burning chemical substances in the inmates face and then forcibly "extract" him from his cell... They order Plaintiff cell to be stripped of all property (even his mattress and blanket) and force Plaintiff to live in this bereft environment, often without clothes or a suicide blanket, for days in a cold cell at a time... They order Plexiglas shield to be placed in front of a mentally ill prisoner door, or they are putting a mentally ill prisoner on one gallery

Page (14).

behind a solid steel door which is called (behind The Door) which makes communication even more difficult.. They order the mentally ill prisoner centrally controlled water supply to be shut off for hours or days at a time....

34). Mentally ill prisoners also are punished by the use of excessive force by prison guards. Although defendants presumably do not officially sanction this conduct, they unofficially condone it by creating an atmosphere of terror and brutality at Pontiac; Failing to fully investigate prisoners complaints of excessive force; Failing to punish the guards who use excessive force; and punishing of prisoners who complain about it....

35). Mentally ill prisoners also are given mental health treatment that in fact is punishment and not treatment.... They are forcibly and against their will given injections of medicine to sedate them not treat them.. They are bound in Four-Point restraints sometimes for hours at a time and sometimes while they are completely naked.. They are stripped of all their clothes and held in cold "Strip cells" in the cellhouse or health Care Unit at Pontiac, which are barren of anything except a cement bed and a toilet, where they can earn the right to get their clothes back only by promising

Page (15)

they will not try to kill themselves..

B). THE CONDITIONS AT PONTIAC ARE
DESIGNED TO AND DO CAUSE
PSYCHOLOGICAL DAMAGE

36). Seriously mentally ill prisoners enter Pontiac at their peril, For the conditions there are designed to and do cause psychological damage... At Pontiac, control is exercised through extreme social isolation, severely restricted movement, and an environment that severely restricts stimulation...

37). Pontiac consists of self-contained cellhouse West, East, North and South cellhouses and the cellhouses has 8 or 10 galleries each holding 52 prisoners a gallery.. To restrict the movement of prisoners, each gallery is a self-contained living unit that holds showers, a small law library, a nurses station, a room used by the medical and mental health staff, and a central control office on the first floor gallery for corrections staff...

At Pontiac, each inmate spends 22 or 24 hours a day, seven days a week, in a single square-foot concrete cell... Each cell contains only a stainless steel bed, a stainless steel combination sink and toilet, no mirror a stainless
Page. (16)

- 39). Prisoners cannot see or socialize with other prisoners, except by yelling into the gallery, where the extreme echoing effect makes it hard to hear and understand... On nearly every gallery in NorthSeg Unit where the extreme echoing effect makes it hard to hear and understand. On nearly every gallery, one or more prisoners scream and bang on cell walls, beds or cell doors throughout the day and night, so that this Plaintiff often cannot sleep or write...
- 40). Plaintiff Ashoor Rashe regularly leaves his cell only to take a shower or occasionally, he visits the inhouse Law Library or goes to the Multipurpose room or office to see the Doctors. For sick call or to see mental health staff in the North cellhouse offices or goes on a visit to see his loved ones...
- 41). For this Plaintiff, these conditions of social isolation, restricted movement, and restricted external stimulation may be bearable to this Plaintiff... For he is a seriously mentally ill prisoner at Pontiac, however, the conditions cause suffering that amounts to cruel and unusual punishment..

C). DEFENDANTS HAVE ACTED WITH
DELIBERATE INDIFFERENT TO
PLAINTIFF RASHO SERIOUS MENTAL
ILLNESSES

1). Defendants' deliberate indifferent to
Plaintiff Ashoor Rasho Serious Mental
Health need is shown by systemic
deficiencies in the mental health
Care system at Pontiac Corr. Ctr...

42). The deliberate indifference of defendants
to the serious mental health needs of
Plaintiff Rasho is demonstrated by systemic
deficiencies in the staffing, facilities,
and procedures of the mental health care
system at Pontiac which make unnecessary
suffering inevitable...

In creating and then failing and refusing
to cure the systemic deficiencies, defendants
have acted with deliberate indifference
to the serious mental health needs of
Plaintiff Rasho and, in doing so, have unnecessarily
and wantonly inflicted severe pain on him...
These systemic deficiencies, which are the
overall responsibility of Defendant Walker Jr.
and the particular responsibility of
defendants Drs. Elyed, Mahone, Garlic,
Navarro and Massa, are as follows:

- a). Although "mental health concerns" must be considered when a prisoner is transferred to Pontiac, there is no requirement that mentally ill prisoners be excluded and there is no adequate systematic program for screening and evaluating the mental health status of prisoners being proposed for transfer. In fact, prisoners known to have histories of serious mental illness are transferred to Pontiac...
- b). There is no requirement that prisoners who decompensate at Pontiac be removed from the facility and no adequate systematic program for identifying such prisoners... Instead, defendants ignore the obvious signs of prisoners' mental deterioration despite their knowledge that the environment at Pontiac tests even the strongest inmate...
- c). There is no adequate systematic program to provide care at Pontiac for seriously mentally ill prisoners... Instead, the mental health system operates as an adjunct to the harsh punishment system, by "treating" prisoners with techniques that are, in intent and purpose, methods of punishment which will make seriously ill prisoners sicker, not better... These techniques include

- 1). Ordering the suicidal inmate to undergo extreme isolation while lying naked in cold, stripped cells, sometimes while bound in four-point restraints and while injected with mind-numbing drugs against his will;
- 2). Allowing guards to handle an inmate more roughly than is necessary while in the Health Care Unit or while bringing him to the Unit or a Crisis cell in the cellhouses;
- 3). Withholding talking therapy from an inmate because he is demonstrating disruptive behavior that is directly caused by his mental illness . . .
- d). Mental Health Treatment at Pontiac lacks the commitment of a psychiatrist to identify and treat in an individualized manner those prisoners suffering from serious mental disorders. . . . Instead, the prison has been served by a series of psychiatrists whose main function is to prescribe drugs or to oversee the individual monitoring, evaluation, and treatment of prisoners. . . .
- e). Defendants Garlic and Massa routinely allow security concerns to compromise their duties to prisoners who are their patients. . . . For example, they breach their promise of confidentiality to patients by sending written mental health reports to non-medical personnel, and they allow security

personnel to dictate the mental health sessions be conducted while the prisoner sits uncomfortably with his feet shackled to the stool and his hands cuffed behind his back, in a room where guards can overhear the conversation...

f). Defendants have established three "elevated security" gallery in NorthSeg Unit. On one gallery where a high percentage of the seriously mentally ill prisoners are unjustifiably isolated as Plaintiff Rasha is isolated in NorthSeg Unit when he was removed from South Mental Unit by defendants... No special mental health treatment is provided and the conditions are even more harsh and isolating than they are elsewhere at Pontiac... The high noise level and the sense of danger and chaos on the galleries, combined with the reluctance of mental health and other medical personnel to venture there, make the experience of living on these galleries even worse than the experience of living elsewhere at Pontiac...

g). The assessment and treatment of seriously mentally ill or decompensating prisoners sometimes is delayed unacceptably... These delays are caused, among other reasons, by 1). Pontiac receipt of sketchy records from other institutions; 2). the repetitive, deliberate failure of correctional officers to respond to mental health emergencies, and 3). The systematic refusal

Page (22)

of Pontiac mental health staff to identify and treat the high percentage of prisoners who arrive at Pontiac seriously mentally ill just like Plaintiff Rashe did from Tomms mental health Unit on about Nov. 7. 2003..

- h). Behavior- altering medications are prescribed and administered in dangerous amounts, by dangerous methods, or without appropriate supervision and periodic evaluation...
- i). Plaintiff Rashe is punished for behavior that is directly and obviously a consequence of Mr. Rashe Mental Illnesses... This punishment includes:
 - 1). Discipline meted out informally, such as imposing Pontiac prison disciplinary procedure such as punishing Plaintiff for destroying state property he uses to cut himself with,
 - 2). Criminal Charges was caused to be brought for relatively minor events that normally are overlooked or resolved through the prison disciplinary procedure...
- j) Physical restraints are used on Plaintiff improperly to punish rather than to treat and protect this Mentally ill prisoner..

- K). Plaintiff is always isolate in a cold stripped cell is used to punish him rather than to treat and protect this Mentally Ill prisoner..
- L). Talking sessions are with mental health professionals are used not to treat Plaintiff Rasha but to reward him for submissive conduct that may be harmful to his mental state and that often is impossible for Plaintiff to achieve....
- M). The Pontiac Mental Health Care program fails to identify, treat, Plaintiff Ashoor Rasha Mental Illnesses or his suicidal tendencies....
- 2). DEFENDANTS' DELIBERATE INDIFFERENCE TO PLAINTIFF ASHOOR RASHO'S SERIOUS MENTAL HEALTH NEEDS ALSO IS SHOWN BY A SERIES OF INCIDENTS OF MISTREATMENT
- 43). The deliberate indifference of defendants to the serious mental health needs of Plaintiff Ashoor Rasha is demonstrated by a series of incidents of mistreatment occurring closely together in time... The incidents are described in the statements about Plaintiff Rasha set forth below....

44). In creating and then Failing and refusing to cure the conditions that allowed these incidents to occur, defendant have acted with deliberate indifference to Plaintiff Ashoor Rasha serious Mental Health Needs of Mr. Rasha and in doing so, have unnecessarily and wantonly inflicted severe pain Mentally and Emotionally...

A). PLAINTIFF ASHOOR RASHA

45). Ashoor Rasha is a 32 year-old man from Cook County, Illinois, who has been at Pontiac since November 7, 2003... He been incarcerated in institutions run by the Department of Corrections since September 1996, originally on a charge of burglary; his tentative release date is 2014...

46). Mr. Rasha came to Pontiac with an extensive history of psychiatric problems, as defendants knew... (See exhibits G 1 of 9 Pgs). Throughout his incarceration, Mr. Rasha has suffered from a serious Mental Illnesses that has caused him to hear voice and to have other auditory perceptual disturbances... As a consequence of his illness, he has attempted suicide and mutilated his body by cutting and slashing his arms, many times...

While incarcerated at the Department of Corrections before coming to Pontiac, Mr. Rasha was treated with psychotherapy and extremely high doses of the anti-depressants for anti-anxiety and Major depression (Sinequan, Wellbutrin, Prozac, Remeron, and Buspar) all these drugs that are medically appropriate for people suffering from serious Mental Illnesses... Several times before coming to Pontiac, Mr. Rasha has been sent to Health Care Unit of the Tamms Prison for mental health reasons on 1st September 1998, the Tamms staff had noted self-inflicted lacerations on his arms, wrists, and abdomen that occurred on June 25, July 3, July 20, August 2, August 4, August 20, September 6, and September 17, By September 1998, - Mr. Rasha While at Tamms Supermax arms and wrists were brightly marked with the many slashes he had made to them; One arm was swollen from infection..

47). Mr. Rasha's Mental problems are compounded by grave Medical problems that must be taken into account when administering drug to him... Dr. Chander, Dr. Rhodes, defenants Elyea and Dr. Hopkins who was the Chief of Mental Health Services of The State of Illinois STATE it that Mr. Rasha is severely Mentally ill.. (See Ex. H)

Mr. Rashe had a good relationship with the old Pontiac psychiatrist Dr. Kawalkawski who is not at Pontiac anymore and defendant Massa took his office as South Mental New psychiatrist... And Dr. Kawalkawski and Mr. Rashe believed that Mr. Rashe was doing fairly well, except when he did not take his medication... (See Exhibits G 1 of 9 Pgs.). On April, 2004, because Mr. Rashe had been doing well but had stopped taking his medication without informing his doctor, the doctor discontinued the prescription he was taking, while determining that Mr. Rashe required supportive therapy and close monitoring "For any breakthrough of anxiety, as well as mood lability and dysregulation"... On April 04, and March 21, 2004, Mr. Rashe began to cut himself and end up receiving (15) stitches...

48). On or about May 2004, Mr. Rashe was transferred to Pontiac South Mental Unit by Dr. Kawalkawski... (See Ex. J) and he was immediately restarted him on his Geodon and they provided him with supportive relationship while he was housed in South Mental Unit and taking his medication... Then Mr. Rashe stopped taking his medications and immediately, the signs that Dr. Kawalkawski had warned about anxiety and mood lability and dysregulation

began to appear yet Defendants only actions were to punish Mr. Rasha not treat him on March 21, 04 Dr. Ngw Stiche him up and and gave him (15) Stitches, On November 27, 04, Dr. Vade gave him (16) Stitches, On February 1, 05, Dr. Vade gave him (16) Stitches, On April 30, 05 Dr. Larsen gave him (7) Stitches, On June 19, 05 Dr. Vade gave him (8) Stitches, On October 30, 05 Dr. Larson gave him (6) Stitches and (11) running Stitches and in August 20, 06 Dr. Zhang gave Mr. Rasha (15) Stitches. . .

49). Yet With Mr. Rasha history defendant Massa and members of the Pontiac psychiatry team had recommended that Mr. Rasha be transferred of the mental health Unit . . . There was "NO" good reason to have removed Mr. Rasha from the Pontiac Mental Health Unit knowing Mr. Rasha history which shows that defendants and Dr. Massa did not review his medical records but based his recommendation on his personal view and not his Professionalism view . . . If defendants had done so then they would see that Plaintiff Rasha was properly housed in Pontiac South Mental Unit to treat his illnesses . . .

50). Yet consistently, the attitude of the Pontiac Staff, including the Mental Health Staff, is to ignore these obvious serious danger signals and to interpret Mr. Rashe's cries for help as being manipulative and his motive to be sadistic, despite the fact the person he is harming is himself... For example, Correctional Officer and Mental Health Staff even ignore acts of self-destruction that pose the risk of serious physical harm to Mr. Rashe... On August 19, 2006, Mr. Rashe cut himself and was sent to the Health Care Unit... He was then sent back to the South Mental Unit and put on crisis watch and he ended up cutting himself once again yet the cellhouse officers in South Mental told him to call him when he hit an artery and they left him in the cell 7 while he was still cutting himself... Then they came and removed him when he hit the sprinkler-head in his cell 7, then he was removed out his cell and taken to Pontiac Health Care Unit and his arm was taped-up and put in four-points... The next day August 20, 06 on Sunday Dr. Zhang gave him (15) stitches...

51). Despite the disclaim of defendants for Mr. Rashe's serious mental problems, the psychiatric staff has not hesitated to medicate Mr. Rashe heavily... Since coming

Page (29)

to Pontiac he has received various combinations of antidepressants and antipsychotic drugs which is well document in his Medical Records.. Most recently, Mr. Rashe has been transferred out of "Pontiac Mental Health Unit" at Pontiac, where he and 80 or more seriously Mentally Ill prisoners receive therapy calculated to modify his behavior but not treat his underlying illnesses..

52). The combination of insensitive, hostile treatment, and haphazard administration of potent mind-altering drugs has been devastating for Mr. Rashe, who wishes everyday to be released from Segregation Unit and have him in Mental Health Unit at Dixon Mental Health Unit...

3). DEFENDANTS HAVE UNNECESSARILY AND WANTONLY INFLICTED SEVERE PAIN ON PLAINTIFF ASHOK RASHE BY EXPOSING HIM TO THE CONDITIONS AT PONTIAC CORRECTION CENTER

53). Defendants are aware that the excessively harsh and psychologically damaging conditions at Pontiac exacerbate existing Mental Illnesses and trigger serious Mental Illnesses in prisoners who are housed at Pontiac Corr. Ctr., or South Mental... Page 230)

Despite this knowledge with cruelty by NOT treating the illness that prisoner has, and allowing Plaintiff Ashoor Rashe to remain housed in Pentac NorthSeg Unit for long periods of time as his illnesses worsen do to him not receiving anymore Mental Health Treatment do to the defendants Drs. Garlic and Massa removing him from South Mental Unit. . In exposing Mr. Rashe to the conditions at NorthSeg, defendants have unnecessarily and wantonly inflicted pain on Plaintiff Ashoor Rashe by stopping his medication and removing from South Mental Unit then putting him back on his medications while he is housed in NorthSeg Unit where he has been requesting that he go back to South Mental Unit do to the the pain and suffering he is undergoing while housed in NorthSeg. . . .

COUNT.(1)
DELIBERATE INDIFFERENCE TO SERIOUS
MENTAL HEALTH NEEDS IN VIOLATION
OF THE EIGHTH AND FOURTEENTH
AMENDMENTS

54). In demonstrating deliberate indifference to Plaintiff Ashoor Rasha Mental Health needs as described in this Complaint, the individual defendants violated the rights of Plaintiff Ashoor Rasha to be free of cruel and unusual punishment under the Eighth and Fourteenth Amendments to the U.S. Constitution...

COUNT.(2)
UNCONSTITUTIONAL CONDITIONS FOR SERIOUSLY
MENTALLY ILL PRISONER IN VIOLATION
OF THE EIGHTH AND FOURTEENTH AMENDMENTS

55). In subjecting Plaintiff Ashoor Rasha to the unconstitutional conditions described herein this Complaint, the individual defendants violated the rights of Plaintiff Ashoor Rasha to be free of cruel and unusual punishment under the Eighth and Fourteenth Amendments to the U.S. Constitution...

COUNT (3)
VIOLATION TO STATE CREATED LIBERTY
OR PROPERTY INTEREST UNDER THE
FOURTEENTH AMENDMENT

- 56). Pursuant to 405 ILCS 5/2-102, Seriously Mentally Ill prisoners, as recipients of services for purposes of the Illinois Mental Health and Developmental Disabilities Code, are, are entitled to be provided with adequate and humane care and services in the form of Mental Health Treatment by mental health professionals who exercise their professional judgment in delivering this treatment...
- The right created by the State Mental Health Code is a liberty or property interest protected under the due process clause OF the Fourteenth Amendment...
- 57). The acting in the manner described in Plaintiff Grievance and herein this Complaint, the individual defendants violated the rights of Plaintiff Ashoor Rashe to these State created liberty or property interests under the Fourteenth Amendment to The U.S. Constitution...

COUNT. (4) VIOLATION OF THE ADA ACT

58). Pontiac Corr. Ctr, is operated under the control of the Department, Which is a public entity as that term is defined in 42 U.S.C. § 12131...

59). Plaintiff Ashoor Rasha is qualified individual with a disability as defined under the ADA act and its implementing regulations...

60). The Department has discriminated against the Plaintiff Ashoor Rasha on account of his disabilities in the Following ways:

a). Causing Plaintiff Rasha to suffer unjustified isolation by keeping him in Segregation despite defendant's knowledge that he suffered from serious mental illnesses...

b). Failing to reasonably accommodate Plaintiff Ashoor Rasha disabilities and instead discriminating against him in ways that increase the severity of his illnesses by such methods as adjudicating disciplinary charges without reference to relevant mental health records as outlined under 23 Illinois Administrative CH. I Sec. 504.20 (b)(1) and by failing to assist Plaintiff Rasha knowing he is mentally ill and they acted to thwart his efforts to file
Page. (34)

his Grievances as Plaintiff has shown in this Complaint and pursue the administrative how they deny his Grievances or to process them...

C). Denying Plaintiff Rashe access to mental health programs, activities, and services of the Department granted at Illinois prisons in Rashe case he was removed from South Mental Unit do to the many complaints Filed on the conduct of Correctional officers and Mental Health Staff..

61). In acting in the manner described in this Complaint and in his Grievance, the Department has unlawfully discriminated against Plaintiff Ashar Rashe in Violation of the Americans with Disabilities Act (the "ADA") 42 U.S.C. §§ 12131, et seq.

COUNT (5)
VIOATION OF SECTION 504 OF
THE REHAB ACT

62). The Department receives Federal Financial assistance, thus making it subject to Section 504 of the Rehabilitation Act (the "Rehab Act"), 29 USC § 794 to be free of discrimination on account of his disabilities...

63). Plaintiff Ashoor Rasha qualified individual with a disability as defined in the Rehab Act and implementing regulations..

64). In acting in the manner described in this complaint and herein Plaintiff Grievance, the Department has unlawfully discriminated against Plaintiff Ashoor Rasha, in violation of the Rehab Act

COUNT. (6)
Injunctive Relief

1-64). Plaintiff reallege paragraphs 1-64 as if fully set forth herein...

65). Unless enjoined from doing so, defendants will continue to willfully violate the rights of Plaintiff Rasha...
These continuing violations constitute irreparable injury for which Plaintiff Rasha have no adequate remedy at law...

WHEREFORE, Plaintiff request this Court to grant the following relief:

A). Declare that the actions and inaction of defendants described herein have violated and continue to violate the Plaintiff rights under the Eighth
Page. (36)

and Fourteenth Amendments to the U.S. Constitution...

- B). Enjoin defendants From engaging in any action or conduct, or From failing to act in any way, that violate the plaintiff above-mentioned rights...
- C). Order defendants to take all action necessary to remedy the violations of his above-mentioned rights
Award plaintiff a judgment against defendants separately and jointly for compensatory damages in an amount deemed proper by the Fact Finder...
- E). Award Plaintiff a judgment against defendants separately and jointly for his attorney if these Court appoint one to plaintiff do to his illnesses, Fees and costs.....
- F). Award Plaintiff a judgment against defendants separately and jointly for any other relief that the Court deems just and proper...
- G). The immediate release From Segregation Unit Wherehe is housed and defendants Should transferred to the Departments mental health Unit (at Dixon Correctional

Ceter) because of the serious mental
crises at Pontiac...

H). Any or all Good Conduct ~~in~~ Credits
he has lost over the 10 years he has
been in I.D.C.C.

Respectfully Submitted,

ASHOOR RASHG B#38970

Ashoor Rasho

Pontiac Corr. Ctr.,

P.C. Box 99

Pontiac IL 61764-0099

(217) 522-2666

State of Illinois }
County of Livingston } ss

Affidavit

I ASHOCK RASHE B38970, be duly sworn on oath states he is the Plaintiff in the attached Complaint and Grievance.. He has read the foregoing Complaint and motions and states that contents thereof are true and correct to the best of his knowledge..

151. Ashock Rasha
Plaintiff,

Pursuant to 28 U.S.C. § 1746, 18 U.S.C. § 1621 or 235 ILCS 5/1-109, I ASHOCK RASHE declare, under penalty of perjury, that everything contained herein is true and accurate to the best of my knowledge and belief..

Signed on this 6 day of NOV. 2007

Ashock Rasha B38970
Plaintiff

P.O. Box 99

Portia IL, 61764.

APPENDIX (See Exhibits)

- Ex. (A) EMERGENCY GRIEVANCE
Date December 19, 2006 Pgs. 1 of 15
- Ex. (B) MEMORANDUM date January 7, 2007.
- Ex. (C) MEMORANDUM date January 26, 2007.
- Ex. (D) MEMORANDUM date January 31, 2007.
- Ex. (E) MEMORANDUM date February 8, 2007.
- Ex. (F) MEMORANDUM date February 15, 2007.
- Ex. (G) ~~MENTAL~~ HEALTH RECORDS Pgs. 1 of 9.
- Ex. (H) Plaintiff Rashe report by Dr. Hopkins.
- Ex. (I) NOTICE AN IMPENDING PSYCHIATRIC
TRANSFER 4-6-2004..

December

ILLINOIS DEPARTMENT OF CORRECTIONS
COMMITTED PERSON'S GRIEVANCE

N-Seq. Cell 548

Date: 19-2006	Committed Person (Please Print) RASHO ASHOCK	ID#: B-38970
Present Facility: Pontiac C.C.	Facility where grievance issue occurred: Pontiac C.C.	
NATURE OF GRIEVANCE: ☐ Personal Property ☐ Mail Handling ☐ Restoration of Good Time ☒ Staff Conduct ☐ Dietary ☐ Medical Treatment ☐ Transfer Denial by Facility ☐ Transfer Denial by Transfer Coordinator ☒ Disability Transferred out of South Mental Unit ☒ Other (specify) Mental Unit ☐ Disciplinary Report: _____ Date of Report _____ Facility where issued _____		
Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.		
Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to: Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board. Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor. Chief Administrative Officer, only if EMERGENCY grievance. Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.		
Brief Summary of Grievance: This Plaintiff is filing this Grievance on the following Mental Health Administration who provides Mental Health Treatment for those who suffer from mental illnesses at Pontiac Correctional Center or Pontiac South Mental Unit where this Plaintiff was housed from May-2003 thru November 9th 2006... The following person(s) named herein this Complaint has violate this Plaintiff right(s) under U.S. Constitution to receive mental health treatment by professionals exercising there professional judgment, as pursuant to the Americans		
Relief Requested: see Page 14 for Relief...		
☒ Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self. Ashock Rasho B-38970 12.19.06 Committed Person's Signature ID# Date (Continue on reverse side if necessary)		

Counselor's Response (If applicable)		
Date Received: 1.16.07	☐ Send directly to Grievance Officer	☐ Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277
Response: You need to send this issue to the grievance office. They will determine ADA status.		
R. Flex	R. Flex	1.29.07
Print Counselor's Name	Counselor's Signature	Date of Response

EMERGENCY REVIEW		
Date Received: 1.3.07	Is this determined to be of an emergency nature? ☐ Yes; expedite emergency grievance	
RECEIVED FEB 21 2007 OFFICE OF INMATE ISSUES		☒ No; an emergency is not substantiated. Committed person should submit this grievance in the normal manner.
Chief Administrative Officer's Signature		Date: 1.5.07

Distribution: Master File; Committed Person

Page 1-OF-15

DOC 0046 (Eff. 10/2001)
(Replaces DC 5657)

received 1-12-07 3-11 Mail Officer

Printed on Recycled Paper

(3)

With Disabilities Act (the "ADA"), 42 U.S.C. §§ 12131, et seq., and the Rehabilitation Act (the "Rehab Act"), 29 U.S.C. § 794 to be free of discrimination on account of this Plaintiff disabilities... This Plaintiff was transferred from South Mental Unit to the complaints he has filed or reports on the named persons who will be named herein this Grievance as defendants do to the on going mistreatment that has been going throughout Pontiac as well as South Mental Health Unit that's under the law to treat its mentally ill prisoners... Yet do to many Complaints this Plaintiff was transferred from South Mental Unit...

"Grievance Complaint"

Plaintiff Ashoor Basho B-38975, currently a prisoner at the max security facility at Pontiac Correctional Center ("Pontiac"), On his own behalf and on behalf of all seriously mentally ill prisoners who are now, or will be hereafter incarcerated at Pontiac, for this Grievance is against defendants Roger E. Walker Jr. Director of the Illinois Department of Corrections ("the Department"); The Named person holds the Office of the Medical Director of the Department; Dr. Navarro Chief of Mental Health Services of the Department; Warden of Pontiac Eddie Jones, The person that holds the Office Pontiac Medical Director of Pontiac; John Garlic, Ph.D, Supervising Clinical Psychologist of Pontiac ("Dr. Garlic"); Michael F. Massa, M.D., Psychiatrist at Pontiac South Mental Unit ("Dr. Massa") (collectively, the "individual defendants"); and the Department, a public entity, State as follows:

"Nature Of The Grievance"

1). This Grievance is brought pursuant to Departmental Rules Of The Illinois Department Of Corrections Under 20 Illinois Administrative Code CH-I, Sec. 504 Subchapter (e), (f) Section 504.802 Title 2 of the Americans With Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.), Section 504.830 (b), to redress violations of the Plaintiff Basho
See Page (3)

RECEIVED

FEB 21 2007

 Page 2
 OFFICE OF
 INMATE ISSUES

(4)

rights (1) under the Eighth and Fourteenth Amendments to the U.S. Constitution to be Free Of Cruel and Unusual punishment while he is incarcerated at Pontiac C.C. and (2) under the Fourteenth Amendment to receive individualized mental health treatment by professionals exercising professional judgment, and pursuant to the Americans With Disabilities Act (the "ADA"), 42 U.S.C. §§ 12131, et seq., and the Rehabilitation Act (the "Rehab Act"), 29 U.S.C. § 794, to be Free Of discrimination on account of Rasha's disabilities as outlined in Departmental Rules Section 504.802, and 504.830 (b)... Plaintiff Ashcar Rasha seek from the individual defendants, who are employees or agents of the Department; declaring the defendants acts to transference him from South Mental Unit unconstitutional and violative of his rights to ADA and the Rehab Act; and is requesting injunction directing them to halt their unlawful conduct...

"Introduction"

2). Plaintiff is a seriously mentally ill prisoner at Pontiac C.C. seeking relief from defendants deliberate indifference to his mental health needs and for the cruel and unusual punishment of requiring Plaintiff Rasha as well as others to live under the harsh and psychologically injurious conditions at Pontiac C.C. as well as there Mental Health Unit while Plaintiff Rasha is a seriously mentally ill prisoner, as well as relief from defendants failure to grant him individualized mental health treatment at Pontiac C.C. and defendants failure to grant him his right to be free of discrimination account of his disabilities under the ADA, the Rehab Act and Departmental Rules 504.802 and 504.830 (b)... The individual defendants are the Department Officials responsible for deciding which
See Page (4).

RECEIVED

prisoners are sent to Pontiac C.C., establishing and maintaining conditions there, and providing Plaintiff Asher Rasho medical and mental health services there... The Department, a public entity, will be sued if this matter is not redressed based on the ADA and Rehab Act... Pontiac C.C. is a so-called max prison that practices behavior "Modification" through "Sensory Deprivation" based on the need for "Total Isolation" of the inmates - a practice whose destructive effects are well documented... As harmful as this experience is for most prisoners, it is more agonizing to the seriously mentally ill, many of whom reside in Pontiac or South Mental Unit... For seriously mentally ill prisoners, the conditions at Pontiac C.C. and South Mental extreme social isolation, restricted environmental stimulation, severely restricted movement, and harsh punishment for problematic behavior caused by their illnesses bring tormenting pain... The damage done by these conditions is likely to be long-term and may be permanent...

"Jurisdiction"

3). The Department of Corrections has jurisdiction of this cause pursuant to Departmental Rules, Procedures, and Departmental Policies as outlined in 20 Illinois Administrative Code... Declaratory relief is sought pursuant to 20 Illinois Administrative Code... Wherefore Venue is proper in the Northern District of Illinois, because all defendants reside in the District and a substantial part of the events and omissions giving rise to Plaintiff Rasho's claims occurred in Pontiac Correctional Center...

RECEIVED

See Page (5)

FEB 21 2007

"Plaintiff Ashoor Rasha"

4). Plaintiff Ashoor Rasha has been incarcerated at Pontiac C.C. since November 7th, 2003... He suffers from a serious mental illnesses and has done so for many years... Mr. Rasha has been sent to the Health Care Unit many times for self-mutilation himself which is a cause of his mental illness... While he has been at Pontiac C.C. or it's Mental Health Unit he has self-mutilate himself where he received many stitches on his arm which is all well document it in his Medical Records... The last time Mr. Rasha harmed himself was August 19, 2006 where he was put in 4-points and on August 20 he was giving (15) stitches, see Mental Health Diagnostic and Treatment Notes July 19, 06, August 8-06, and August 19 thru 22, 06... Yet with Rasha history Dr. Massa and members of the psychiatry team had recommended that Mr. Rasha be transferred of the Mental Health Unit... See Treatment Notes by Dr. Massa 5-22-06, 8-23-06, 9-14-06, 10-7-06, and 11-4-06... Yet Mr. Rasha ~~was~~ lawsuit ~~Erne~~ Dr. Hopkins (at the time was Chief of Mental Health for the State of Illinois) state it that Mr. Rasha is severely mentally ill... Wherefore there was no good reason to have removed Mr. Rasha from the Pontiac mental health unit knowing Mr. Rasha history which shows that Dr. Massa did not review his Medical Records but based his recommendation on his personal view and not his professionalism view... IF defendant had done so then he (Dr. Massa) would of seen that Plaintiff Ashoor Rasha was properly housed in Pontiac South Mental Unit to treat his illnesses...

See Page (6) **RECEIVED**

FEB 21 2007

(7)

"Defendants"

5). The Department is an Illinois State department that is responsible for the care, custody, treatment, and rehabilitation of all prisoners committed to its custody, and for all Illinois Correctional Institutions...

6). Defendant E. Roger Walker Jr. is Director of the Department and has overall responsibility for the administration of all correctional facilities with the State... He (Walker) has personal, first-hand knowledge of the operations of Pontiac C.C....

7). Dr. Willard Elyea ~~holds~~ Office Medical Director of the Department and, as such, has overall responsibility for providing health care to prisoners of Pontiac C.C., including mental health care...

8). Dr. Navarro, She holds the Office of Chief of Mental Health Services of the Department and as such, She has overall responsibility for providing mental health care to prisoners of Pontiac C.C.

9). Eddie Jones is the Warden of Pontiac Correctional Center.. Warden Jones is the Chief Administrative Officer of Pontiac C.C. and, as such, has ultimate responsibility for the entire operation of the institution, including implementing all State Law and the Department policies, practices and procedures affecting prisoners confined at Pontiac C.C. and South Mental Unit..

10). John Garlie is the Supervising Clinical Psychologist at Pontiac C.C. he (Garlie) provides mental health services to prisoners at Pontiac C.C. and oversees the mental health staff who serve as the prison mental health professionals...

11). Dr. Michael F. Massa is the Chief of Psychiatrist at Pontiac C.C., He (Dr. Massa) provides mental health services to prisoners

See Page (7)

RECEIVED

at Pontiac Mental Health Unit and administers psychotropic drugs to them...

At all times ~~to~~ to this Grievance, defendants acted under the color of the Law as well as Departmental Rules, Regulations, and Customs of the State Of Illinois...

All defendants will be sued in both their individual and official capacities if this matter is not redressed... The defendants actions constituted "State action" as defined under Federal Law...

A). Defendants Have Acted With Deliberate Indifferent To Plaintiff Ashoor Rasha Serious Mental Illness.

1). Defendants' deliberate indifference to Plaintiff Ashoor Rasha Mental Health need is shown by systemic deficiencies in the Mental Health Care System at Pontiac

2). The deliberate indifference of defendants to the serious mental health needs of Plaintiff Ashoor Rasha is demonstrated by systemic deficiencies in the staffing, facilities, and procedures of the mental health care system at Pontiac C.C. and its mental health unit which make unnecessary suffering inevitable... In creating and then failing and refusing to cure the systemic deficiencies, defendants have acted with deliberate indifference to the serious mental health needs of Plaintiff Ashoor Rasha by removed from South Mental Unit, in doing so, have unnecessarily and wantonly inflicted severe pain on him. These systemic deficiencies, which are the overall responsibility of the Named Defendant(s) Drs. Garlic, Massa, Medical Director, Ms. Navarro are as follows:

RECEIVED

FEB 21 2007

See Page (8)

OFFICE OF
INMATE ISSUES

Page 7

Printed on Recycled Paper

a). Although "mental health concerns" must be considered when a prisoner is transferred to Pontiac C.C. or its Mental Health Unit, there is "NO" requirement that mentally ill prisoners be excluded and there is no adequate systematic program for screening and evaluating the mental health status of prisoners being proposed for transfer... In fact, prisoners known to have histories of serious mental illnesses have been known to be transferred out of South Mental Unit who complain about the abuse that is on going in that Unit, which is the ~~reason~~ reason why Plaintiff Rasha was transferred of the Unit and sent to North Sq...

b). There is no requirement that prisoners who decompensate at Pontiac be removed from the facility and no adequate systematic program for identifying such prisoners... Instead defendants ignore the obvious signs of prisoners mental deterioration, despite their knowledge that the environment at Pontiac C.C. tests even the strongest inmate...

c). There is no adequate systematic program to provide care at Pontiac or its mental health Unit for seriously mentally ill prisoners... Instead, the mental health system operates as an adjunct to the harsh punishment system, by "treating" prisoners with techniques that are, in intent and purpose methods of punishment ~~which~~ which will make seriously ill prisoners sicker, not better. These ~~methods~~ techniques include (1) ordering the suicidal inmate to undergo extreme isolation while lying naked in cold, stripped cell, sometimes while bound in four point restraints, (2) allowing guards to handle an inmate more roughly than

See page 9

RECEIVED

is necessary while in the Health Care Unit or while bring him to the Unit; (3) Withholding talking therapy from an inmate because he is demonstrating disruptive behavior that is directly caused by his mental illness...

d). Mental Health Treatment at Pontiac C.C. lacks the commitment of a psychiatrist to identify and treat in an individualized manner those prisoners suffering from serious mental disorders... Instead, the prison has been served by a series of psychiatrists whose main function is to prescribe drugs instead of to oversee the individual monitoring, evaluation, and treatment of prisoners...

e). Defendants Dr. Garlic and Dr. Massa routinely allow security concerns to compromise their duties to prisoners who are their patients... For example, they breach their promise of confidentiality to patients by sending written mental health reports to non-medical personnel, and they allow security personnel to dictate the mental health sessions be conducted while the prisoner sits uncomfortably with his hands cuffed behind his back, in a room where guards can overhear the conversation...

f). The assessment and treatment of seriously mentally ill or decompensating prisoners sometimes is delayed unacceptably... These delays are caused, among other reasons, by (1) Pontiac repetitive, deliberate failure of correctional officers to respond to mental health emergencies, and (2) the systematic refusal of Pontiac mental health staffs to identify and treat the high percentage of prisoners who arrive at Pontiac seriously mentally ill or who decompensate there...

g). Behavior-altering medications are

See Page 10. (10).

RECEIVED

FEB 21 2007

(11)

prescribed and administered in dangerous amounts, by dangerous methods, or without appropriate supervision and periodic evaluation...

h). Prisoners are punished for behavior that is directly and obviously a consequence of their serious mental illnesses. The punishment includes: (1) discipline meted out informally such as taunting a prisoner to harm himself or spraying caustic chemicals in his eye because, in a plea for attention; (2) discipline imposed through the formal prison disciplinary procedure such as punishing a prisoner for destroying state property or attempted to hang or harm himself; and (3) Criminal Charges caused to be brought for relatively minor events that normally are overlooked or resolved through the prison disciplinary procedure...

i). Physical restraints are used improperly to punish rather than to treat and protect mentally ill prisoners...

j). Isolation in a cold stripped cell is used to punish rather than to treat and protect mentally ill prisoners...

k). Talking Sessions with mental health professionals are used not to treat prisoners but to reward them for submissive conduct that maybe harmful to their mental state and that is often impossible for them to achieve...

21. Defendants deliberate indifference to Plaintiff Ashcar Rasha's serious mental health needs also is shown by a series of incidents of mistreatment while at Pontiac C.C.

13). The deliberate indifference of defendants to the serious mental health needs of Plaintiff Ashcar Rasha has demonstrated by a series of incidents of mistreatment
 See page (11) **RECEIVED**

Occurring closely together in time...
 The incidents are described in Rasha
 Medical Records and his ~~other~~ disciplinary
 reports as well as the Criminal Charge
 that was brought on Plaintiff Rasha White
 at Pontiac C.C. ...

14). In creating and then failing and
 refusing to cure the conditions that
 allowed those incidents to occur, defendants
 have acted with deliberate indifference
 to the serious mental health needs of
 Ashcar Rasha and in doing so, have unnec-
 essarily and wantonly inflicted severe pain
 on him by removing from South Mental
 Unit. ...

B1. Defendants have Unnecessarily
 and Wantonly inflicted severe
 Pain on Plaintiff Ashcar Rasha
 by exposing him to the conditions
 at Pontiac Correctional Center.

14). Defendants are aware that the excess-
 ively harsh and psychologically damaging
 conditions at Pontiac exacerbate existing
 mental illnesses and trigger serious mental
 illnesses in prisoners who are housed at
 Pontiac C.C. or South Mental. Despite
 this knowledge, they continue to treat
 mentally ill prisoner with cruelty by
 NOT treating the illness that prisoners
 has, and allowing Plaintiff Ashcar Rasha
 to remain housed in Pontiac North Seg
 Unit for long periods of time as his
 illnesses worsen do to him not receiving
 anymore mental health treatment do
 to the defendants Drs. Garlic and
 Massa removing him from South Mental
 Unit. In exposing Mr. Rasha to the
 conditions at North Seg, defendants
 have unnecessarily and wantonly
 inflicted pain on Plaintiff Ashcar Rasha
 by stopping his medication and removing
 See Page (12)

RECEIVED

FEB 21 2007

From South Mental Unit..

Count (1)

Deliberate Indifference to
Serious Mental Health Needs
in Violation of the Eighth and
Fourteenth Amendments

15). In demonstrating deliberate indifference to Plaintiff Ashcar Rasha mental health needs as described in this Grievance, the individual defendants violated the rights of Plaintiff Ashcar Rasha to be free of cruel and unusual punishment under the Eighth and Fourteenth Amendments to the U.S. Constitution...

Count (2)

Unconstitutional Conditions for
Seriously Mentally Ill Prisoners
in Violation of the Eighth and
Fourteenth Amendments

16). In subjecting Plaintiff Ashcar Rasha to the unconstitutional conditions described herein this Grievance, the individual defendants violated the rights of Plaintiff Ashcar Rasha to be free of cruel and unusual punishment under the Eighth and Fourteenth Amendments to the U.S. Constitution...

17).

17).

Count (3)

Violation of State Created Liberty
or Property Interest Under the
Fourteenth Amendment

17). Pursuant to 405 ILCS 5/2-102, Seriously mentally ill prisoners, as recipients of services for purposes of the Illinois Mental Health and Developmental Disabilities Code, are entitled to be provided with adequate and humane care and services in the form of mental health treatment

See Page 13 **RECEIVED**

(14)

by mental health professionals who exercise their professional judgment in delivering this treatment. The right created by the State Mental Health Code is a liberty or property interest protected under the due process clause of the Fourteenth Amendment...

(8). In acting in the manner described in this Grievance, the individual defendants violated the rights of Plaintiff Ashcar Rasha to those State-created liberty or property interests under the Fourteenth Amendment to the U.S. Constitution...

Count(4).

Violation of the ADA

19). Pontiac C.C. is operated under the control of the Department, which is a public entity as that term is defined in 42 U.S.C. § 12131...

20) Plaintiff Ashcar Rasha is a qualified individual with a disability as defined under the ADA and its implementing regulations.

21). The Department has discriminated against the Plaintiff Ashcar Rasha on account of his disabilities in the following ways: a). causing Plaintiff Ashcar Rasha to suffer unjustified isolation by keeping him in segregation despite defendant's knowledge that he suffered from serious mental illnesses...

b). Failing to reasonably accommodate Plaintiff Ashcar Rasha's disabilities and instead discriminating against him in ways that increase the severity of his illnesses by such methods as adjudicating disciplinary charges without reference to relevant mental health records and by failing to assist mentally ill inmates in the grievance process and instead acting to thwart

See Page (14)

RECEIVED

FEB 21 2007

Page 3

OFFICE OF

his efforts to File Grievances And pursue them through the Administrative process;

C). Denying Plaintiff Ashcar Rashe Access to programs, Activities, and Services of the Department granted at Illinois prisons in Rashe Cause he was removed from South Mental Unit . . .

22). In Acting in the manner described in this Grievance, the Department has Unlawfully discriminated against Plaintiff Ashcar Rashe in violation of the ADA . . .

Count (5)

Violation of Section 504 of the Rehab Act

23). The Department receives Federal Financial Assistance, thus making it subject to Section 504 of the Rehab Act, 29 U.S.C. § 794 . . .

24). Plaintiff Ashcar Rashe qualified individual with a disability as defined in the Rehab Act and implementing regulations . . .

25). In Acting in the manner described in this Grievance, the Department has Unlawfully discriminated against Plaintiff Ashcar Rashe, in violation of the Rehab Act . . .

WHEREFORE, Plaintiff Ashcar Rashe request this Department to Grant the following relief: a). Declare that the actions and inaction of defendants described herein this Grievance have violated and continue to violates the Plaintiff Ashcar Rashe rights under the Eighth and Fourteenth Amendment to the U.S. Constitution . . .

b). To transfer Plaintiff Ashcar Rashe back to South Mental Unit or a mental health Unit where that he may receive mental health treatment for his illnesses.

See Page (15)

RECEIVED

FEB 21 2007

Page 15
OFFICE OF

Affidavit

Plaintiff Ashoor Rasha do hereby declare and affirm that the following information within this Grievance is true and correct in substance and in fact...

Pursuant to 28 USC 1764, 18 USC 1621(a)-735 ILCS 5/1-109, Plaintiff Ashoor Rasha declare, under penalty of perjury, that everything contained herein this Grievance is true and accurate to the best of Plaintiff Rasha knowledge and belief...

Verification

Plaintiff Ashoor Rasha (B3897, the undersigned, certify and state that: 1). Plaintiff Rasha is the Plaintiff in this Grievance, 2). Plaintiff have read the foregoing Grievance and have knowledge of its contents; and 3). Under penalties as provided by law pursuant to 735 ILCS 5/1-109, Plaintiff certify that the statements set forth in the foregoing Grievance and this verification are true and correct except as to matters therein stated to be on information and belief, and as to such matters Plaintiff certify that he believe the same to be true...

Ashoor Rasha B-38970
Ashoor Rasha
Pontiac C.C.
P.O. Box 99
Pontiac IL
61764-0099

End Of Report

RECEIVED

FEB 21 2007

1/12/07 you will need to check
with your counselor.

"Memorandum"

TO: Warden Eddie Jones,
Pontiac Correctional Center.

From: Ashoor RASHO B-38970 North Sq 548 cell.

JAN 8 2007

Date: January 7, 2007.

Subject: Emergency Grievance date December 19, 2006.

Mr. Jones,

I am writing your office on the matter of a
Emergency Grievance date 19, 2006, that was sent
to your office on the above date Dec. 19. 06
as a Emergency Grievance. Sir I would like
to know have you received this Grievance and
would like to know when will it be redress.
The Nature of Grievance was "Staff Conduct,
Disability under ADA and Transferred out of South
Mental Unit". I would like to know when I will
hear on this matter and did your office receive
this Grievance. IF you haven't received it I have
a copy which I will request another copy from
Pontiac Law Library and have it sent to your office
but I need this Grievance and redress soon as
possible.

Warden Eddie Jones
Inmate Ashoor Rasho B38970
-548

Ex. B

January 7, 07

Ashoor Rasho

"Memorandum"

TO: Counselor Randell Flex Northseq Counselor.
From: Ashoor Rashe B-38970 NorthSeq 548 cell.
Date: January 26, 2007.

Dear Mr. Flex,

I am writing you on the Emergency Grievance date Dec. 19, 2006 that was sent to Jan. 12, 07 to your office. Sir as we spoke on Jan. 19, 07 Friday, I had ask you to send my Grievance to the Pontiac ADA do to the matter that deals with my mental illnesses and the violation under ADA that took place while at Pontiac South Mental Unit. So I hope that you have send this Grievance to the Facility ADA Coordinator as outlined in 20 Illinois Administrative Code Sec. 504.830(b).

The following information or written statement within this Memorandum is true and correct in substance and facts: Pursuant to 28 U.S.C. 1746, 18 U.S.C. 1621 or 735 ILCS 5/1-109, I Ashoor Rashe B38970 N-548, declare, under penalty of perjury, that everything contained herein is true and accurate to the best of my knowledge and belief.

Ashoor Rashe B-38970 N-548 cell
Pontiac C.C.

Ex. C

P.O. Box 99

Pontiac IL 61764 January 26, 2007

State of Illinois
 Livingston County
Pontiac Correctional

Memorandum

From: Ashoor Rasho B-38970 North Sq 548 cell

TO: Grievance Departmental Officer Pontiac C.C.

Date: January 31, 2007.

TO Whom It My Concern,

I am mailing you this Grievance that is under the Departmental 20 ~~at~~ Illinois Administrative Code Ch. I, Sec. ~~504~~ 830 (b). The Grievance Officer (shall) promptly submit a copy of any grievance alleging discrimination based on disability or request for an accommodation based upon disability to the Facility ADA Coordinator. The Facility ADA Coordinator (shall conduct such investigation) as deemed appropriate and make written recommendations to the Chief Administrative Officer of the grievance.

This Grievance was sent to Counselor R. Flex and this writer was told to send Grievance to your Office. Please send this to the Pontiac ADA Officers Thank You.

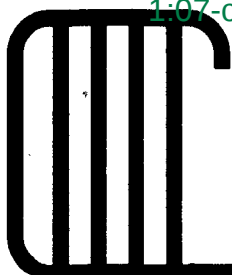
C.C. Warden Jones.

ADA Officer

Inmate Rash B38970

File.

Ex. D.



Illinois
Department of
Corrections

Rod R. Blagojevich
Governor

Roger E. Walker, Jr.
Director

Pontiac Correctional Center / 700 W. Lincoln Street / P.O. Box 99 / Pontiac, IL 61764 / Telephone: (815) 842-2816 / TDD: (800) 526-0844

MEMORANDUM

DATE: 2-8-07

TO: Rasha # B38970 Cell N548

FROM: Grievance Officer
Pontiac Correctional Center

SUBJECT: Attached Grievance: Staff Cond (12-19-06)

Date Received: 2-2-07

The attached is being returned for the reason(s) listed below:

- ☐ Contact your Correctional Counselor
- ☐ Use proper Committed Person's Grievance (DOC 0046)
- ☐ Provide date(s) of disciplinary reports(s) and facility where incident(s) occurred
- ☐ Forward grievance directly to the Administrative Review Board (protective custody, enforced medication, disciplinary reports from other facilities, decisions by the Transfer Coordinator's Office, decisions rendered by the Director)
- ☐ Not submitted in the timeframe outlined in Department Rule 504; therefore, issue will not be addressed further
- ☒ Unable to determine nature of grievance/correspondence. Submit additional specific information.
- ☐ Illegible copy submitted – submit legible copy for consideration.
- ☐ Request restoration of GCC, segregation time cut, grade restoration to the Adjustment Committee. If request is denied, utilize the grievance process for further consideration.
- ☐ Issue has been previously addressed on _____. Nor justification for further consideration
- ☐ Contact the Record Office with you request and/or additional information (sentence calculations, jail credits, etc.)
- ☐ Address concerns to the Illinois Prisoner Review Board, 319 East Madison Street, Suite A, Springfield, Illinois 62706 (executive clemency parole violation issues, etc.)
- ☐ Other: SUBMITTED AS A CLASS ACTION ISSUE

RECEIVED
 FEB 21 2007
 INMATE OFFICE OF
 PAROLE ISSUES

NOT GRIEVABLE
 Received on 3-11 on Feb. 14. 07 Ex. E.

Thursday, 08 November, 2007 08:25:45 AM

Clerk U.S. District Court, ILCD

State of Illinois Livingston County
Pontiac Correctional Center (Pontiac).

Memorandum

TO: Prisoner Administrative Review Board,
P.O. Box 19277, Springfield IL, 62794-
9277.

From: AsHoor RASHO B-38970 North Sq 548 cell.

date: February 15, 2007.

Subject: Pontiac Grievance Department Will Not
redress Emergency Grievance Dec. 19.06
For a) Staff Conduct, b). Disability ADA
Act / Rehab Act, and c). Transferred
out of South Mental Unit.

Dear Miss/Sir.

I am a mentally ill prisoner at Pontiac
Correctional Center (Pontiac Illinois).

I am forwarding your office the following:

- 1). Emergency Grievance Dec. 19.06,
- 2). APPENDIX With All RASHO Exhibits,
- 3). Memorandum To Grievance Officer
date January 31, 2007 and
- 4). A Memorandum From Grievance Officer
Pontiac Correctional Center Date Feb. 8.07

Date received: Feb. 2. 07.

My reasons for me sending you these
documents are that the Pontiac

Departmental Grievance is stopping me from

Ex. F 1 of 3

⇒

Filing my Grievance do to the
Nature of The Grievance . .

As you can see on the Memo date 2.8.07
the Grievance Officer sent all Documents
back stating a) Unable to determine
nature of grievance/correspondence.

Submit additional specific information and
Other: Submitted as a class action
issue NOT Grievable . .

With all do respect if you see on
Memo under Subject: Staff Conduct
so this is a Grievance on Staff Conduct,
Disability ADA Act/Rehab Act
and Transferred out of South Mental
Unit so these are the nature of my
Grievance and the Grievance Officer
also states in there memo Staff Conduct
(12-19-06). As For the grievance being
a Class action that is not true its
on the Why I have been treat it while
in Pontiac and has Pontiac have violate
my rights) . . WhereFore it is clear that
Pontiac Grievance Departmental Staff
is stoping from exhaust my state
remedy which is a ~~no~~ violation(s)
of Illinois State Constitution 20f9

Article I § 2, 5 and Amendments
to the United States Constitution(s)
5, 8, and 14 that guarantees a mental
ill prisoner the rights liberty, due
process of law. . . Wherefore do to
the Memorandum date Feb. 8.07
Pontiac Grievance Officer has given
me their response to this Grievance
Dec. 19.06 and as also shown this prisoner
just cause to forward this Grievance
to the A.R.B. to be rederss do to
the ~~pre~~ ~~prejudice~~ ~~prejudice~~ Pontiac
Grievance Departmental Staff or officers
has caused me to undergo while in
Pontiac Correctional Center NorthSeq
Unit. . .

Pursuant to 735 ILCS 51-109, 28 U.S.C.
§1764 and 18 U.S.C. §1621 Plaintiff
Ashoor Rasha declare under penalty of
perjury, that everything contained
herein this Memo date Feb. 15. 2007.
is true and accurate to the best of
Plaintiff Ashoor Rasha knowledge
and belief. . . Ashoor Rasha B78976

P.O. Box 99
Pontiac IL 61764-0099.

154. Mr. Rasho continued to experience grave difficulties on the STU. Nevertheless, in November 2003, while he was on enforced medication, mental health staff determined that he had "gained as much as he will from STU programs," and transferred him to Pontiac Correctional Center. *See* outpatient progress notes for November 6 and 7, 2003, attached hereto as Ex. PP.

155. Mr. Rasho was transferred to a regular unit at Pontiac, not to a mental health unit. *See* medical notes from Pontiac Correctional Center dated November 11 and 12, 2003, attached hereto as Ex. QQ. *See also* Chandra Dep. 142-143.

156. According to Dr. Burns, Mr. Rasho's case particularly illustrates the failure of Tamms mental health staff to ascertain and treat serious mental illness in a timely fashion. Burns Rpt. 19-20.

ARGUMENT

This case is before the Court on a motion for summary judgment. The standard for granting such a motion is well established. Unless the affidavits and other supporting materials show that there is no genuine issue as to any material fact and that the defendants are entitled to judgment as a matter of law, this motion must be denied. *See* Fed. R. Civ. P. 56(c).

In passing on a motion for summary judgment, the court is required to view the facts in the light most favorable to the nonmoving party and to give that party the benefit of all reasonable inferences to be drawn from the underlying facts disclosed in the pleadings, depositions and affidavits filed in the case. *Adickes v. S. H. Kress & Co.*, 398 U.S. 144 (1970). Thus, some courts have gone so far as to say that "summary judgment is an extreme remedy and one which is not to be entered unless the movant has established its right to a judgment with such

Ex. G

1 GF90

TREATMENT REVIEW COMMITTEE HEARING NOTICE

Institution: **Tamms Correctional Center – Specialized Treatment Unit**

Inmate's Name: **Ashoor Rasho**

Number: **B38970**

In accordance with Department Rule 415.70, on Friday, June 27 at 10:30 am in the Health Care Unit Interview Room a hearing shall be conducted by the Treatment Review Committee giving you the opportunity to contest the administration of psychotropic medication against your will. Dr. Chandra has diagnosed you as having Borderline Personality Disorder, Severe and ordered that involuntary psychotropic medication is necessary as you are gravely disabled, posing a risk of serious harm to yourself and others. Your history indicates that you are greatly helped when taking psychotropic medications but that you are non-compliant with the medications prescribed.

You have the right to appear at this hearing unless your attendance would likely pose a substantial risk of serious harm to you or a threat to the safety of others. Leslie Markel has been appointed as a Staff Assistant to assist you as may be necessary. The Staff Assistant shall appear at the hearing whether or not you appear.

X. Rasho A B38970
Committed Person's Signature



Committed Person Refused
To Sign

Kelly A Rhodes PhD
Serving Employee's Printed Name

K Rhodes, PhD
Employee's Signature

6-26-03
Date Served
10:30am
Time Served

(Detach and submit to the Treatment Review Committee in advance of the hearing.)

Hearing Date: _____ I, _____, Number: _____
(Name)

request the following witnesses be interviewed (you may submit written questions for witnesses.)

1. Name of Witness: _____ Number: _____
Question: _____

2. Name of Witness: _____
Question: _____

Distribution:

1) Medical File

3) Treatment Review Committee

2) Committed Person

4) Staff Assistant

5) Treating Psychiatrist

DC 7046

IL 426-13239

2 CF 93

Committed Person: Ashoor Rasko Number: B38970
 Staff Assistant: Leslie Markel
 Hearing Date: 6-27-03 Time: 10:30AM a.m./p.m.
 Facility: Tamms CC Location: Health Care Unit Interview Room

Witnesses Requested: ☒ Yes Attorney
☐ No
 Witnesses Interviewed: Yes NO specific questions/inappropriate
☒ No

Request Not Timely: _____
 Cumulative: _____
☒ Irrelevant: could not offer psychiatric opinion
 Other: _____

Summary of Proceedings & Evidence: (see attached)

Basis for Decision:

All of the following factors are present:

- a. ☒ The committed person suffers from a mental illness or mental disorder.
- b. ☒ The medication is in the medical interest of the committed person.
- c. ☒ The committed person is either gravely disabled or poses a likelihood of serious harm to himself or others because, as a result of a mental illness or mental disorder, one or more of the following determinations has been made:
 - ☒ The committed person is in danger of serious physical harm resulting from his failure to provide for his essential human needs of health or safety.
 - ☒ The committed person manifests serious deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his actions which is likely to jeopardize his health or safety.
 - ☒ A substantial risk exists that physical harm will be inflicted by the committed person upon his own self as evidenced by, among other things, threats, or attempted to commit suicide or inflict physical harm on himself.
 - ☒ A substantial risk exists that physical harm will be inflicted by the committed person as evidenced by, among other things, behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm.
 - _____ A substantial risk exists that physical harm will be inflicted by the committed person upon the property of others as evidenced by, among other things, behavior which has caused substantial loss or damage to the property of others.

Action: _____ Concur with Involuntary Administration of Psychotropic Medication.
 _____ Do Not Concur with Involuntary Administration of Psychotropic medication.

Chairperson: Dr. Kelly Rhodes Supclinical psych Rhodes, PhD 6/27/03
 Printed Name Title Signature Date
 Member: M. POWERS MD Med Director [Signature] 27 June 03
 Printed Name Title Signature Date

NOTICE: The committed person has the right to appeal this decision to the Agency Medical Director by filing a written appeal with the Chairperson of the Treatment Review Committee within five days of receipt of this report.

Sally A. Ramsey, CC II 7/01/03 1:50 P.M.
 Employee Serving Copy to Committed Person Date/Time Serve
 Distribution: 1) Medical File 3) Treatment Review Committee 5) Warden
 2) Committed Person 4) Staff Assistant 6) Treating Physician

DC 7047
 IL 426-13240

2 of 10

[Signature]

(Dr. Elyea)



Illinois
Department of
Corrections

ROD R. BLAGOJEVICH
Governor

Roger E. Walker Jr.
Director

James R. Thompson Center / 100 W. Randolph Street / Suite 4-200 / Chicago, IL 60601 / Telephone: (312) 814-3017 / TDD:
(800) 526-0844

Date: July 8, 2003
To: Offender Ashoor Rasho, #B-38970
Tamms Correctional Center
From: Willard O. Elyea, M.D. 
Agency Medical Director
Subject: Treatment Review Committee Appeal

Thank you for your concern over the involuntary administration of psychotropic medication which was approved for you by the Treatment Review Committee at Tamms Correctional Center on 6/27/03. I personally reviewed the entire packet that was sent to me including your letter of appeal with exhibit A as well as a number of Emergency Enforced Medication Reports and the minutes of the Treatment Review Committee meeting. The process of ordering psychotropic medication to be administered on an involuntary basis was followed and was appropriate in your case. Following review of the medical records as well as the other documents mentioned, I concur with the findings of the Treatment Review Committee. Your appeal is hereby denied.

WOE: dva

cc: Dr. Kelly Rhodes
File
Chron

TREATMENT REVIEW COMMITTEE
HEARING NOTICEInstitution: Tamms Correctional CenterInmate's Name: Ashoor RashoNumber: B38970In accordance with Department Rule 415.70, on 9/1/98 at 3 pm in the HCU
(Date, Time, Place)

a hearing shall be conducted by the Treatment Review Committee giving you the opportunity to contest the administration of psychotropic medication against your will.

Dr. Frank W. Hayes has diagnosed you as:
(Name)Atypical psychosis, provisional medication compliance, Borderline Personality
(Diagnosis) Disorder: Antisocial Personality Disorder
and ordered that involuntary psychotropic medication is necessary
as you are a danger to yourself without medication
(Rationale)

You have the right to appear at this hearing unless your attendance would likely pose a substantial risk of serious harm to you or a threat to the safety of others.

Angela Winsor has been appointed as a Staff Assistant to assist you as may be necessary. The Staff Assistant shall appear at the hearing whether or not you appear.Ashoor Rasho
Committed Person's SignatureCommitted Person Refused
To SignAngela Winsor
Serving Employee's Printed NameAngela Winsor
Employee's Signature8/31/98
Date Served250p
Time Served

(Detach and submit to the Treatment Review Committee in advance of the hearing.)

Hearing Date: _____ I, _____, Number: _____
(Name)

request the following witnesses be interviewed (you may submit written questions for witnesses.)

does not request witnesses1. Name of Witness: _____ Number: _____
Question: _____2. Name of Witness: _____
Question: _____

Distribution:

1) Medical File

2) ~~Committed Person~~

5) Treating Psychiatrist

3) Treatment Review Committee

4) Staff Assistant

DC 7046

IL 426-13239

"Exhibit G"

Page: 4 of 9

HEARING SUMMARY

Committed Person: Ashoor, Rasha Number: B38970
 Staff Assistant: Angela Winsor
 Hearing Date: 9/1/98 Time: 3pm a.m./p.m.
 Facility Tamms C-Max Location: HCU Infirmary

Witnesses Requested: Yes _____
 No X _____
 Witnesses Interviewed: Yes _____
 No X _____
 Request Not Timely: _____
 Cumulative: _____
 Irrelevant: _____
 Other: _____

Summary of Proceedings & Evidence: (see attached)

Basis for Decision:

All of the following factors are present:

- a. _____ The committed person suffers from a mental illness or mental disorder.
- b. _____ The medication is in the medical interest of the committed person.
- c. X The committed person is either gravely disabled or poses a likelihood of serious harm to himself or others because, as a result of a mental illness or mental disorder, one or more of the following determinations has been made:
 - _____ The committed person is in danger of serious physical harm resulting from his failure to provide for his essential human needs of health or safety.
 - X The committed person manifests serious deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his actions which is likely to jeopardize his health or safety.
 - X A substantial risk exists that physical harm will be inflicted by the committed person upon his own self as evidenced by, among other things, threats, or attempted to commit suicide or inflict physical harm on himself.
 - _____ A substantial risk exists that physical harm will be inflicted by the committed person as evidenced by, among other things, behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm.
 - _____ A substantial risk exists that physical harm will be inflicted by the committed person upon the property of others as evidenced by, among other things, behavior which has caused substantial loss or damage to the property of others.

Action: X Concur with Involuntary Administration of Psychotropic Medication.

X Do Not Concur with Involuntary Administration of Psychotropic medication.

Chairperson: MARVIN POWERS MED. DIRECTOR [Signature] 01 Sept 98
 Printed Name Title Signature Date

Member: Kelly Rhodes, PhD Supervising Clinical [Signature] 9/1/98
 Printed Name Title Psychologist Signature Date

NOTICE: The committed person has the right to appeal this decision to the Agency Medical Director by filing a written appeal with the Chairperson of the Treatment Review Committee within five days of receipt of this report.

Kelly Rhodes, PhD 9/2/98 12:58 pm
 Employee Serving Copy to Committed Person Date/Time Serve
 Distribution: 1) Medical File 3) Treatment Review Committee 5) Warden
 2) Committed Person 4) Staff Assistant 6) Treating Physician

DC 7047
 IL 426-13240

"Exhibit G" Page 50F

Emergency Involuntary Administration of Psychotropic Medication

Name: Rashe, Ashoor Number: B38970 Date Administered: 8/24/98

I, Frank W. Hayes, M.D. a physician licensed by the State of Illinois to practice medicine in all of its branches, have determined that all of the following factors are present:

- a. ☒ The inmate suffers from a mental illness or mental disorder: and *(pt reports auditory hallucinations which keeps him company & commands. Also reports disorientation)*
- b. ☒ The medication is in the medical interest of the inmate: and
- c. ☒ The inmate is either gravely disabled or poses a likelihood of serious harm to himself or others because, as a result of a mental illness or mental disorder, one or more of the following determinations has been made:
- ☐ The inmate is in danger of serious physical harm resulting from his failure to provide for his essential human needs of health or safety.
 - ☒ The inmate manifests serious deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his actions which is likely to seriously jeopardize his health or safety.
 - ☒ A substantial risk exists that physical harm will be inflicted by the inmate upon his own person as evidenced by, among other things, threats or attempts to commit suicide or inflict physical harm on himself.
 - ☒ A substantial risk exists that physical harm will be inflicted by the inmate as evidenced by, among other things, behavior which has caused such harm upon another person or which places another person or persons in reasonable fear of sustaining such harm.
 - ☒ A substantial risk exists that physical harm will be inflicted by the inmate upon the property of others as evidenced by, among other things, behavior which has caused substantial loss or damage to the property of others; and
- d. ☒ The inmate poses an imminent threat of serious physical harm to himself or others.

Factual basis for the above determinations: Pt tore out sutures; tore out vent + tied to bandages + attempted to break observation window; claimed to be hearing voices; pled considerably on all parts of observation room; cut @ self several times over last few days.

Frank W. Hayes, M.D.
Illinois Licensed Physician

I, Kelly A. Rhodes, PhD, a mental health professional, met with the above-named inmate on 8/24/98 at 1:04 pm to discuss the reasons why the medication was administered and to give the inmate an opportunity to express any concerns he may have regarding the medication.

Notes: I'm stated that he understood that the medications were being administered however involuntarily due to his continued self-harming behavior.

Kelly A. Rhodes, PhD
Mental Health Professional

Distribution: 1) Medical File 3) Agency Medical Director
2) Committed Person 4) Warden

Summary of Proceedings and Evidence:

Present: Kelly Rhodes, PhD – Chairperson
Marvin Powers, MD
Dr. Frank Hayes, Recommending Psychiatrist
Angela Winsor, Staff Assistant
Ashoor Rasho, B38970

Inmate Rasho stated that he knew all of the individuals present and knew that the hearing was to decide whether or not he would be placed on enforced medications. He indicated that he did not want to be placed on enforced medications because of his blurred vision and the way he feels when taking this medication. He stated that he did not remember telling Dr. Hayes that he would be more likely to take the medication voluntarily if he were under an enforced medication order.

Inmate Rasho initially stated that he cuts himself because his "mind" tells him to but later stated that the voices tell him to do so, especially when he is angered and feels provoked. When asked, he acknowledged some emotional benefit to the cutting. He acknowledged that the feces smearing and self-removal of his stitches are often out of anger and trying to get the staff to give him something that he is wanting. He reported that since he has been taking the anti-psychotic medication, he has not heard the voices, also stating that he has been asleep the majority of the time and has no energy to act, even if he was hearing voices. Initially, when asked, he claimed that he could not recall the incidents of acting out within the past week or his self-report that he was hearing voices. However, when asked about a specific incident that occurred six days prior, he did recall being angry and feeling provoked, first stating that he did not hear voices at the time, then stating that he did hear voices. Yet, he did not recall smearing feces in his cell or cleaning it up. Presently, he believes that the medication helps to keep him from cutting but stated that, "If I get something sharp, I will cut myself if I am on enforced medications or not on enforced medications...because that's how I am."

A review of the medical record revealed the following:

Inmate Rasho was transferred to Tamms C-Max on March 26, 1998. He complained of having mental health problems and asked for sinequan. He presented with a psychiatric history including previous hospitalizations, self-mutilation, suicide attempts, and self-reported visual and auditory hallucinations. Diagnoses focused on mood instability, adjustment disorders, impulse control disorders, and personality disorders. This history has generally been characterized as transient and manipulative. There have been indications of some head trauma, but this has largely been unsubstantiated. However, his history consistently demonstrates low tolerance for frustration, unwillingness to accept responsibility for his behaviors, need for stimulation, and aggressiveness.

70F9

September 16, 1998

To: Marvin Powers, MD
Medical Director

From: Frank Hayes, MD
Psychiatrist

Re: Need for Enforced Medication for Ashoor Rasho

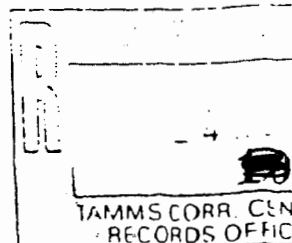
As you know, the Treatment Review Committee did not concur with my previous request for enforced medications for this inmate, and recommended that more data be collected relative to his primary diagnosis and the need for medication. I am resubmitting what will be my final request for this inmate, as I will be leaving the Illinois Department of Corrections in two weeks.

The factual material presented in my first submission to the committee is still valid and relevant. I have continued to consider the matter of this inmate's diagnosis. It is indeed complex and confusing, as a review of the charting on this patient will attest. First and foremost is the patient's personality structure. He clearly meets diagnostic criteria for Borderline Personality Disorder as well as Antisocial Personality Disorder. What has been most confusing about his presentation has been the matter of how to interpret certain behaviors, such as cutting on himself and throwing feces.

It is well established that a common feature of Borderline Personality Disorder is self-injurious behavior, such as cutting. Mr. Rasho has demonstrated this for us on quite numerous occasions. At times he has attributed these occurrences to the influences of hallucinations or demons. Other observers have noted clear instances of apparent secondary gain, such as the desire to obtain a certain concession from staff, to build a lawsuit, or to express retribution. These conflicting interpretations have sown much confusion about what is really going with this person. It is also, by the way, typical of Borderlines to engender much conflict and disagreement among the staff who care for them.

Certainly, with the additional diagnosis of Antisocial Personality Disorder, one can expect that manipulation and secondary gain will enter the picture at some point, and that the patient will offer self-serving interpretations of his behaviors in retrospect. It is also true that another common feature of Borderline Personality Disorder is the propensity to have mini-psychotic episodes. This patient has had at least one episode of cutting which fits this description. He has related experiencing a transition to a different state of mind at times prior to cutting on himself. He describes this state as "strange, weird, funny, different," and feels as if he is losing control. While it may be debatable what to call these mini-psychotic episodes (Psychosis NOS vs Brief Psychotic Disorders), it would be clinically unacceptable to deny their existence. Furthermore, this inmate has been claiming to hear voices for a number of years, and his psychiatric records reflect this. Simply because his retrospective interpretations may appear sociopathic, or he may embellish his descriptions, does not mean that such core pathology is absent. His nonchalance in relating his symptoms is not proof of their factitious nature, but rather is not infrequently seen in persons with chronic psychotic symptoms.

Exhibit G 8 of 9



A certain pattern in this patient's behavior has emerged. He does well while on his medications, then stops taking his Haldol, cuts himself after missing two or three doses, then requests the medications be resumed. It is quite clear that when the patient is actually taking a neuroleptic (e.g., Haldol) he neither cuts on himself nor even speaks of experiencing hallucinations or altered states of mind. He says that he is more in control of his impulses on his medications, and can refrain from such behaviors as throwing feces. The beneficial effects on reducing anger and impulsivity in Borderlines are well documented, as well as their obvious necessity in treating the mini-psychotic episodes. Since the patient himself acknowledges their benefits in his case, and since it is impossible while a cutting episode is in progress to put an accurate interpretation as to its etiology (manipulation, acting out, or, at times, psychosis) it would seem most prudent to maintain a constant level of medications on board.

I therefore leave this matter in the hands of the committee, having fulfilled the previous recommendation of the committee for additional information. It remains my considered professional opinion that this patient requires enforced medications.

cc: Kelly Rhodes, PhD
Supervising Clinical Psychologist

2

90F90

"Exhibit G"

~~presumably meaning that he could be transferred back to Tamms at any time. (See Doc. 45, p. 22 in 10). Boyd offers no more than this assertion. Defendants counter that a new policy, Department of Corrections Administrative Directive 05-12-110, prevents seriously mentally ill inmates from being transferred to Tamms, "except in the rarest of cases." (Doc. 41, p. 4; and Exhibit B, p. 4). Thus, defendants leave open the possibility of repetition. However, since plaintiff has the burden on this issue, this Court finds that the possibility of being retransferred to be too speculative to satisfy Rule 23(a)(4). Furthermore, this Court does not construe the complaint as attacking the new screening policy, so the interests of prospective seriously mentally ill transferees are not represented.~~

B. Plaintiffs Rasho, ~~Fields and Nelson~~

The parties disagree on the proper diagnosis for plaintiffs Rasho, Fields and Nelson. Utilizing the records definition, this Court finds that Rasho and Nelson fall within the class definition, but not Fields.

Even Dr. Hopkins (Chief of Mental Health Services for the State of Illinois and a named defendant) finds that Rasho is severely mentally ill. Rasho has been placed in the Tamms "Special Treatment Unit" (Doc. 41, exhibit B, p. 5), which further indicates that he fits the records definition.

It appears that Nelson falls under the records definition, in that he was diagnosed with and has been treated for a listed Axis I disorder within the last two years. (See Doc. 41, Exhibit 1, pp. 5-6).

party. *Murphy v. Hunt*, 455 U.S. 478, 482 (1982); see also *Tobin for Governor v. Illinois State Bd. of Elections*, 2001 WL 1173227, *9 (7th Cir. Oct. 5, 2001).

NOTICE OF AN IMPENDING PSYCHIATRIC TRANSFER

To: Rasho, Ashoor , B38970
 Inmate's Name Register Number

On the date of 4/6/04, the institutional psychiatrist interviewed you and has recommended that you be transferred to the Pontiac Mental Health Unit for further evaluation and treatment. Before that happens you have the right to request a hearing before the Placement Review Board, consisting of two members of the institutional staff and one person not employed by the agency. At this hearing, you will be present and may have your personal psychiatrist or other professional persons appear in your behalf, at your expense, and present verbal or written testimony. Further you may specify institutional employees or other inmates you desire to appear at this hearing in your behalf.

Please indicate below whether or not you desire this hearing, sign your name, and return the white and the yellow copies of this form to your counselor within 24 hours. You should retain the pink copy for your own records. If you desire a hearing, one will be held within five working days of your returning this form. You may request an additional two working days delay by specifying below the reason why you are requesting this delay.

If you do not desire to receive a hearing, please indicate this below and sign your name. Your proposed transfer will be reviewed in the General Office in Springfield prior to the transfer.

Anthony MSL CPC Psych II , 4/7/04
 Employee's Signature and Title Date

Check where appropriate.

I have read the above and:

☒ I do not want to receive a hearing regarding my being transferred to the Pontiac Mental Health Unit.

☐ I want to receive a hearing to decide whether or not I should be transferred to the Pontiac Mental Health Unit.

☐ I request an additional two days for preparation prior to the hearing for the following reasons:

Rasho Ashoor , B38970 , 4-7-04
 Inmate's Signature Register Number Date

Exhibit **I**

AFFIDAVIT

I, Ashoor Rasha B-38970 North Seg cell 848
April 24, 07, Tuesday do hereby declare
and affirm that the Following Written
Statement within this Affidavit is true
and correct in substance and Facts:

This Writer Want to see a mental
health worker named Alton Angus on
April 24, 07, 3-3 Shift on Tuesday...
This Writer told Mr. Angus that he is
mentally and emotional getten sicker
and that he has been loosing his mind
and that he does not remember one
night has he had blood in his cell and
deep cuts on his arm... Mr. Angus
told this Writer that he dose NOT believe
that a person dose not know what he
dose... This Writer told Mr. Angus
that he (Rasha) need ~~it~~ help and he
dose not know why he is in North Seg
and why he was removed from South-
Mental Unit... Mr. Angus told him
(Rasha) ~~he~~ was not cooperating
with Dr. Massa who is a Named
Defendant in this Writer Grievance
and Lawsuit he is filing on mental

Pursuant to 28 U.S.C. 1746, 18 USC
1621 or 735 ILCS 5/1-109, I ASHCOR
RASHO B38970 declare, under
penalty of perjury, that everything
contained herein is true and
accurate to the best of my knowledge
and belief . . .

Ashoor Rasha

Ashcor Rasha

B-38970 North Seg ell 848

Pontiac Corr. Ctr.,

P.C. Box 99

Pontiac IL 61764-0099

On April 24, 2007 Tuesday 7:30 shift.

health staff... This Writer told him (Angus) that he didn't get along with the Doctor that he was removed due to the complaints and ~~not~~ helping others mentally ill prisoners out... Mr. Angus told this Writer that he does not feel this Writer is mentally ill that he didn't see why he was housed in South Mental Unit... Then he told this Writer that he can't help him and there is nothing he can do... This Writer told Mr. Angus that "you believe a person is telling a lie, yet when I am telling you the truth you don't believe me"... ("That goes against what mental health is"). "He Mr. Angus told this Writer he thinks mental health is bullshit". Upon hearing this This Writer was devastated and emotional as well mentally hurt that he would not be receiving any mental health treatment to treat his mental illnesses that this Writer is and has been suffering from..

United States District Court
Central District of Illinois

ASHOOR RASHO #B38970
Plaintiff

-vs-
ROGER E. WALKER Jr et.al.,
Director I.D.C.
Defendants

}
}
} Case No. _____
}

NOTICE OF FILING

TO: Clerk U.S. District Court
Central District of Illinois,
Peoria Division 305 Federal
Building, 100 N.E. Monroe
Peoria, IL 61602.

PLEASE TAKE NOTE that on the Nov. 6 2007
I have Filed, through the U.S. Mail, with
the above named Clerk U.S. District Court
Central District of Illinois, the below listed
documents listed below the addressed Clerk

- 1). Affidavit of Service
- 2). Application to proceed as a poor person/Certificate
- 3). Motion For Appointment of Counsel
- 4). Verification of Certification
- 5). Complaint
- 6). Affidavit
- 7). Appendix Exhibits A, B, C, D, E, F, G, H, and I.
- 8). _____
- 9). _____
- 10). _____

AFFIDAVIT OF SERVICE

I, Ashoor Rasha #B-38970, being First duly sworn on oath, depose and avers that he has caused the above stated documents in the above Complaint to be served upon the above listed parties by placing the same in the U.S. MAILBOX on 1st at Pontiac Corr. Ctr., P.O. Box 99 Pontiac IL, 61764, delivery as 1st Class Mail..

~~Ashoor Rasha~~ B38970
~~ASHOOR RASHO~~
P.O. Box 99
Pontiac IL, 61764-0099

General Information

Case Name	Rasho et al v. Walker et al
Docket Number	1:07-cv-01298
Court	United States District Court for the Central District of Illinois
Nature of Suit	Prisoner Petitions: Habeus Corpus - Civil Rights