

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. _____

(To be supplied by the court)

James Sardakowski, Plaintiff,

v.

Torn Clements (Individual capacity),

Travis Trani (Individual capacity),

Kavin Snyder (Individual capacity),

JURY DE MEND,

EMERGENCY,

_____, Defendant(s).

(List each named defendant on a separate line.)

PRISONER COMPLAINT

(Rev. 1/30/07)

ORIGINAL

MAY 14 2012

A. PARTIES

1. James Sarokowski; RN 133162; C.S.P./B314;
 (Plaintiff's name, prisoner identification number, and complete mailing address)
P.O. Box 777, Cañon City, Co. 81215

2. Tom Clements; Executive Director 2162 S. Circle DR.
 (Name, title, and address of first defendant)

Colorado Springs, Co. 81215

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law? ☒ Yes ☐ No (CHECK ONE). Briefly explain your answer:

He is the only one to sign off orders per

C.R.S. 17-23-10(1)

3. Traffis Troch; Warden, P.O. Box 777; Cañon City Co 81215
 (Name, title, and address of second defendant)

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law? ☒ Yes ☐ No (CHECK ONE). Briefly explain your answer:

He is in charge of day to day activities and is

Responsible for inmates safety and health

4. Kavin Snyder; doctor of psychiatry, P.O. Box 777.
 (Name, title, and address of third defendant)

Cañon City, Co 81215

At the time the claim(s) alleged in this complaint arose, was this defendant acting under color of state law? ☒ Yes ☐ No (CHECK ONE). Briefly explain your answer:

Writes orders for medication and treatment

of prisoners in Colorado Dept. of Corrections

(If you are suing more than three defendants, use extra paper to provide the information requested above for each additional defendant. The information about additional defendants should be labeled "A. PARTIES.")

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B. JURISDICTION

1. I assert jurisdiction over my civil rights claim(s) pursuant to: (check one if applicable)

☒ 28 U.S.C. § 1343 and 42 U.S.C. § 1983 (state prisoners)

☐ 28 U.S.C. § 1331 and *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) (federal prisoners)

2. I assert jurisdiction pursuant to the following additional or alternative statutes (if any):

U.S.C. const Amend. § V^{III}, 42 U.S.C. 10801, 42 U.S.C. 10802; and

C.R.S. 17-23-101

C. NATURE OF THE CASE

BRIEFLY state the background of your case. If more space is needed to describe the nature of the case, use extra paper to complete this section. The additional allegations regarding the nature of the case should be labeled "C. NATURE OF THE CASE."

Denial of adequate psychotropic medication is cruel and unusual punishment;
Serious risk of self-harm or suicide if no immediate action is taken;
deliberate indifference;
violation of established;
Denial of mental health care needs is cruel and unusual punishment;

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D. CAUSE OF ACTION

State concisely every claim that you wish to assert in this action. For each claim, specify the right that allegedly has been violated and state all supporting facts that you consider important, including the date(s) on which the incident(s) occurred, the name(s) of the specific person(s) involved in each claim, and the specific facts that show how each person was involved in each claim. You do not need to cite specific cases to support your claim(s). If additional space is needed to describe any claim or to assert more than three claims, use extra paper to continue that claim or to assert the additional claim(s). The additional pages regarding the cause of action should be labeled "D. CAUSE OF ACTION."

1. Claim One: Denial of adequate psychotropic medication

Supporting Facts: being denied psychotropic medication is cruel and unusual punishment when it results in physical harm. *Greason v. Kemp* 891 F.3d 829, 834 (11th Cir. 1990).

James SardaKowski has been attempting numerous self castrations to stop the voices in his head, to reduce his stress and to feel less depressed. He is constantly tying off his testes and won't tell staff for his fear of "punishment" of suicide watch which may include body restraints to limit moving for days on end until he contracts for safety and mental health thanks he is ready to do so. He will not stop until he is dead or is missing body parts unless he gets adequate psychotropic medication and treatment.

Doctor Kevin Snyder, a gatekeeper for treatment, says he recommends that James SardaKowski be transferred to a more structured psychiatric setting. See his report dated March 6, 2012 attached to this lawsuit.

Doctor Kevin Snyder has put James SardaKowski back on some medications that do not work for him. So James SardaKowski will not take them. James SardaKowski was taken off his medication that was doing really good for him due to he was supposable stock piling these medications. Which does not make sense due to he has become a more destructive, impulsive type of person since he was taken off these medications. anyone can tell he was not abusing his medication because of his before and after behavior.

2. Claim Two: denial of mental health care needs

Supporting Facts: Denial of mental health care needs is Cruel and Unusual Punishment. *Inmates of Allegheny County Jail v. Pierce* 612 F.2d 754, 763 (3rd Cir. 1979)

James Sardakowski was recommended by Doctor Karin Snyder, a gatekeeper, to be transferred to a more structured psychiatric setting and has not been transferred yet in over two months since his recommendation.

This is a denial of mental health care needs.

James Sardakowski is a seriously mentally ill person. He has a life long history of being placed in mental health hospitals for both short and long term care for numerous issues, the main one it appears is suicidal actions with possible homicidal thoughts and actions. *Tiller v. Wans* 909 F.2d 418 (3rd Cir. 1990)

He is constantly hurting himself with mental health professionals and the people who got authority to help with James Sardakowski's mental health issues are refusing to do anything for him or about his issues. They only let it happen and hope for the best.

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3. Claim Three: Diliberate indifference

Supporting Facts: Doctor Kevin Snyder is a gatekeeper for James Sardakowski to get treated by medical personnel capable of treating him, and to delay or to refuse to fulfill that gatekeeper role due to diliberate indifference can make him liable for denying access to medical care, sealock v. Colorado 218 F.3d 1215; Torraco v. maloney 923 F.2d 231, 234 (1st cir 1991)

The treatment of the mentally ill and their disorders is a serious medical need, wellman v. Faulker 715 F.2d 269 272 (7th cir 1983); Hopton v. V Ray 682 F.2d 1231, 1235 (9th cir 1982); Bowring v. Godwin 551 F.2d 44, 47 (4th cir 1977).

James Sardakowski has been waiting for this transfer for over two (2) months now to get care for his serious medical need before he loses body parts or even he commits suicide due to the voices he hears, the stress and depression but has not received this transfer yet and that's why immediate action must be taken by this honorable court before it does.

This Facility can not give James Sardakowski proper care and that's why he needs to be moved immediately before something happens to him.

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D. Cause of action

4. Claim Four: Violation of Established law

Supporting Facts: Under C.R.S. 17-23-101(i) James Sardakowski should have been transferred to the Department of Human Services for observation and stabilization but has not. He can not be safely confined at this current facility. As Doctor Kavin Snyder has said and shown in his report dated March 6, 2012, it appears Tom Clements has done nothing to move James Sardakowski to the Department of Human Service as he should've done as outlined in C.R.S. 17-23-101(i).

Under 42 U.S.C. 10801(a)(1); 42 U.S.C. 10802(i) it shows that people with a mental illness are vulnerable to abuse as James Sardakowski is now. He's denied care as stated above and without immediate action he can commit suicide or serious self harm.

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E. PREVIOUS LAWSUITS

Have you ever filed a lawsuit, other than this lawsuit, in any federal or state court while you were incarcerated? ☒ Yes ☐ No (CHECK ONE). If your answer is "Yes," complete this section of the form. If you have filed more than one lawsuit in the past, use extra paper to provide the necessary information for each additional lawsuit. The information about additional lawsuits should be labeled "E. PREVIOUS LAWSUITS."

1. Name(s) of defendant(s) in prior lawsuit: None
2. Docket number and court name: 109-CV-01980-ZLW District court
3. Claims raised in prior lawsuit: numerous
4. Disposition of prior lawsuit (for example, is the prior lawsuit still pending? Was it dismissed?): Dismissed
5. If the prior lawsuit was dismissed, when was it dismissed and why? October 2, 2009 - other?
6. Result(s) of any appeal in the prior lawsuit: None

F. ADMINISTRATIVE RELIEF

1. Is there a formal grievance procedure at the institution in which you are confined?
☒ Yes ☐ No (CHECK ONE).
2. Did you exhaust available administrative remedies? ☐ Yes ☒ No (CHECK ONE).

EMERGENCY LAWSUITS DO NOT
REQUIRE SUCH

E. Previous Law Suits

1. Adam city colo.; Colo. public DeFenders of Adams city;
State of Colo.; Department of corrections
2. 1:09-CV-01199-ZLW
3. Numerous
4. Dismissed
5. July 9, 2009 - other?
- 6 none

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E. previous Lawsuits

1. morgen, Gary; Willy, J.
2. 109-cv-01687-WYD-HMT - District court
3. Numerous
4. Judgment - motion before trial
5. N/A
6. none

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ATTACHMENT
"A" KAVIN SNYDER
REPORT

TELE-MED FOLLOW-UP

Page 1 of 1

DEPARTMENT OF CORRECTIONS
AMBULATORY HEALTH RECORD

Printed By: SNYDER, KEVIN K

Printed at: 03/08/2012 09:36:44

Encounter#: 2826964 @ CS

133162	SARDAKOWSKI, JAMES R	Facility:	CS	LU:	CSP/UNIT E	E	7	16	1
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SUBJECTIVE

Active Medication(s): ACETAMINOPHEN - 500MG - TAKE 2 TABLET(S) BY MOUTH TWICE DAILY AS NEEDED CRUSH AND FLOAT.;
DOCUSATE - 100MG - TAKE 1 CAPSULE(S) BY MOUTH TWICE DAILY.;
FLUNISOLIDE - 0.025% - USE 2 SPRAY(S) IN BOTH NOSTRILS TWICE DAILY.;
LEVOTHYROXINE - 25 MCG - TAKE 1 TABLET(S) BY MOUTH ONCE DAILY IN THE MORNING.;
PANCRELIPASE - 5000 UNIT - TAKE 1 CAPSULE(S) BY MOUTH TWICE DAILY BEFORE MEALS.;
PSYLLIUM FIBER - 0.52 GM - TAKE 3 CAPSULE(S) BY MOUTH TWICE DAILY WITH MEALS.

Off psychiatric meds due to hoarding Seroquel and Artane. He has been tying stuff around his testes as acts of self harm. His mood has been down and depressed. Sleep has been poor. Energy is normal. Appetite has been poor (forces self to eat.) Concentration is poor. Future outlook - "I have no future; we're all dead." No AH or VH. MH clinician reports irritability and hostility at times (none during this interview.) He feels angry all the time; feels like hurting people.

OBJECTIVE

NAD
Alert
Neatly dressed; appropriately groomed
Speech clear, fluent with nl r/r/v/t
Normal psychomotor activity; in restraints per SEG protocol (limited observation via televideo)
Mood down/irritable; Affect flat
TP concrete; organized; goal
TC no AVH, no delusions
/J poor and impulsive
Offender able to weigh risks and benefits of informing vs not informing staff of SI/HI or psychotic symptoms.)
ABS N/A

ASSESSMENT

Axis I: Mood disorder NOS; Hx of PSD
Axis II: (primary) ASPD; Borderline PD; Borderline IF
His hx of medication abuse has created an obstacle to appropriate psychiatric treatment. He has been recommended transfer to more structured psychiatric setting. He deteriorated, but he is still at CSP for now. Considered Thorazine for mood stability and control of agitation. Further review of chart showed allergy. Will switch to Haldol and have nursing advise offender of need for change. Will try to rush and float, but he has hoarded this form in the past, too.
70.2 - OTH&UNSPEC GENERAL PSYC EXAMINATION

Temperature: Pulse: Weight:
Respiratory: BP: /

PLANS / ORDERS

Allergies: CEPHALEXIN/KEFLEX; CETIRIZINE/ZYRTEC; THORAZINE INJ 2ML/CHLORPROMAZINE INJ



trial haldol.



NEW - Rx#: 2900293 Drug Name: HALOPERIDOL - 1MG Alternate Name: HALDOL Rx Date: 03/08/2012 Disc Date: 09/02/2012 Rx Instructions: TAKE 1 TABLET(S) BY MOUTH TWICE DAILY CRUSH AND FLOAT.



NEW: Kite#: 1959632 For PSYCHIATRY - RETURN TO CLINIC - ASSIGNED TO PSYCHIATRY - Return to Clinic: 04/05/2012 - Generated by Staff. - Return to Clinic Date: 04/05/2012



Datetime: 03/06/2012 09:11

Providers: SNYDER, KEVIN K

A/NP/RD

Datetime: 03/06/2012 09:11

PHYSICIAN

Provider: SNYDER, KEVIN K

NURSE

DateTime 03/06/2012 / 9:40 am

G. REQUEST FOR RELIEF

State the relief you are requesting. If you need more space to complete this section, use extra paper. The additional requests for relief should be labeled "G. REQUEST FOR RELIEF."

Requesting this Honorable court to Grant this Emergency lawsuit and to order, per C.R.S. 17-23-101, that James Sardakowski be transferred to the Department of Human Service so that He can get treated and stabilized so He can Function without trying to commit suicide or serious self harm.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Executed on

5/17/12
(Date)

JAMES SARDAKOWSKI
(Prisoner's Original Signature)

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