

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the
Middle District of Florida
Orlando Division

Provided To CFRC ML
 On 2-8-2021
 For Mailing, by [Signature]

Case No. _____

(to be filled in by the Clerk's Office)

Joseph Christopher Colón (see attn)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Flagler County Detention Facility

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

2021 FEB 10 PM 2:22
 US DISTRICT COURT
 MIDDLE DISTRICT OF FLORIDA
 ORLANDO, FLORIDA

FILED

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
 (Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Joseph Christopher Colón

All other names by which
you have been known:

"Joey"

ID Number

122255

Current Institution

(CFRC) Central Florida Reception Center

Address

7000 H.C. Kelley Rd.

Orlando

FL

32831

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Flagler County Detention Facility

Job or Title (*if known*)

Shield Number

Employer

10 F (Private)

Address

1002 Justice Ln.

Bunnell

FL

32110

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

Defendant No. 2

Name

Job or Title (*if known*)

Shield Number

Employer

Address

City

State

Zip Code

☐

Individual capacity

☐

Official capacity

(Prisoner Complaint)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

Jimmie Lee Belle III

Plaintiff(s)

Nathaniel Ryder Shimmel

Plaintiff(s)

Christopher Shane Brock

Plaintiff(s)

Alfred L. Shavers Jr.

Plaintiff(s)

The Parties to this Complaint

A. Plaintiff(s)

Name: Jimmie Lee Belle III

Other names: N/A

ID #: V43593

Current

Inst. Address: Central Florida Reception Center

7000 H.C. Kelley Rd.

Orlando, FL. 32831

Name: Nathaniel Ryder Shimmel

ID #: A20973

Current Central Florida Reception Center

Inst. Address 7000 H.C. Kelley Rd. Orlando, FL. 32831 (See attached)

The Parties to This Complaint (Contin)

Name: Christopher Shane Brock
I.D.#: V37752
Current Central Florida Reception Center
Inst. Address: 7000 H.C. Kelley Rd. Orlando, FL. 32831

Name: Alfred L. Shavers
I.D.#: M10959
Current Central Florida Reception Center
Inst. Address: 7000 H.C. Kelley Rd. Orlando, FL. 32831

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

Defendant No. 3

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐

Individual capacity

☐

Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

☐

Individual capacity

☐

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

(Fluorescent)
Bright Lights in cells on 24 hrs a day is a form of human torture
causing us not to get our proper sleep.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status

I spoke to Corporals, Sargents, and Lieutenants, about the lights being on 24hrs. I tried to file a grievance and the officer ripped them up saying grievance don't make it past my desk.

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

On Nov. 6th 2017 at Flagler County Detention Facility, I was subjected to sleep under bright lights 24hrs a day until Jan. 19th 2021 when I left for prison. I verbally addressed it, then grieved to no avail. When I verbally addressed why my grievance wasn't answered an correctional officer responded "grievances don't make it past my desk."

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition.

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment? **NO.**

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

- ☐ Yes
- ☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 2/04/2021

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Joseph Christopher Colón
J22255
Central Florida Reception Center
Orlando FL 32831
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City State Zip Code

Telephone Number

E-mail Address

C. What date and approximate time did the events giving rise to your claim(s) occur?

Nov. 6th at approximately 7:30 p.m.

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

V. **Injuries** My vision has been worsened with no medical attention. The Flagler County Detention Facility didn't heed to my claim. The other plaintiffs along with the other 150 inmates subjected to the same treatment then and now as I write this claim.

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

There was no treatment available at Flagler County Detention Facility for my eye conditions in no way. I'm currently being evaluated at Central Florida Reception Center, Orlando, FL 32831. Paperwork will be available as soon as possible on my condition due to 3 years under bright lights. Nathaniel Shimmel is waiting on some paperwork made applicable with due diligence. My eyes and mental state bore the burden from these events. There's no eyecare available at this facility and I was diagnosed with PTSD partially for this event.

VI. **Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I want to make sure these damages are not allowed to happen to another human being because of lack of humanity. There's no amount of money that can repair my eyes at this point. I still suffer sleep deprivation from 3 years of non-stop fluorescent lights over my head as well as my plaintiffs all for different periods of time. When my eye diagnosis becomes available we can see if a price can be put on my eyesight? Nathaniel Shimmel also.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

On a tablet located in the dormitory and Flagler County Detention Facility.

2. What did you claim in your grievance?

I claimed my eyesight was worsening making it hard to see or read even with my glasses on.

3. What was the result, if any?

They said there's nothing we can do, because "we can't see you from the control room without the (bright lights)." Fluorescent

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I brought my issue all the way from Correctional officer to the chief of Flagler County Detention Facility to no avail. Then they tried to hand out sleeping masks but two years after my incarceration in an effort to remedy the situation in fear of a potential law suit.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I exercised all outlets I saw visible to no avail.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.