

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Russell Geissler #3496004  
Plaintiff

*(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.)*

**-against-**

Bryan P. Sterling, Director of  
Operations S.C.D.C.  
Lefford Fete, Director of Medical  
S.C.D.C.

*(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.)*

**Complaint for Violation of Civil Rights**  
(Prisoner Complaint)

Case No. \_\_\_\_\_  
*(to be filled in by the Clerk's Office)*

Jury Trial:  Yes  No  
*(check one)*

**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.

When submitted for filing, your complaint should be accompanied by the full filing fee or an application to proceed in *forma pauperis*.

**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 Russell Geisler #349604  
 All other names by which you have been known:  
 \_\_\_\_\_  
 \_\_\_\_\_

ID Number # 349604  
 Current Institution McCormick Inst.  
 Address 386 Redemption Way  
McCormick S.C 29899

**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 Bayan P. Sterling  
 Job or Title (if known) Director of Operations S.C. D.C.  
 Shield Number \_\_\_\_\_  
 Employer State of South Carolina  
 Address 4444 Bravo River Rd.  
Columbia S.C. 29810

Individual capacity       Official capacity

**Defendant No. 2**

Name Lefford Fote

Job or Title (if known) Director of Medical for S.C. D.C.  
 Shield Number \_\_\_\_\_  
 Employer South Carolina Dept. Correc. Inst.  
 Address 4444 Barno River Rd.  
Columbia S.C.

Individual capacity                       Official capacity

Defendant No. 3

Name \_\_\_\_\_  
 Job or Title (if known) \_\_\_\_\_  
 Shield Number \_\_\_\_\_  
 Employer \_\_\_\_\_  
 Address \_\_\_\_\_

Individual capacity                       Official capacity

Defendant No. 4

Name \_\_\_\_\_  
 Job or Title (if known) \_\_\_\_\_  
 Shield Number \_\_\_\_\_  
 Employer \_\_\_\_\_  
 Address \_\_\_\_\_

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?

Amendments # 5 Deprivation of life liberty & property  
8<sup>th</sup> Cruel and Unusual Punishment 14<sup>th</sup> Due Process  
and Equal Protection violations and the abridgement of privileges  
and Immunities of a U.S. citizen.

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?

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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.

The Defendants are at all times an Employee  
of the South Carolina Dept. of Corrections

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**III. Prisoner Status**

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.

These Allegations happened & continue to happen at  
Every Inst I've been placed while INCARCERATED  
in the South Carolina Dept of Corr.

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

They were confirmed on 1-16-14 yet believe to have  
begun on 2-2-13 please see Exhibit D and A  
Respectfully

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?)

I was diagnosed Hepatitis C positive on 1-16-14  
and as of this suit have been continuously denied any  
type of treatment, Every Medical Nurse and or Doctor

I've seen knows of this claim in Allendale Kershaw Ridgeland  
Gilliam Psyc. Hospital Evans Broad River and McCormick Coor  
Inst. Policy #19.09 denies treatment to people who are  
not in a death state or massive deterioration

**V. Injuries**

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.

I have been slowly getting sicker (even if unable to tell)  
do to the disease HepC and how it eats away the liver.  
The treat I need is HARVONI, a pill that will cure  
this disease in as little as 6 months time. Again the Medical  
Director and Bryan P. Stealing have made and or enforced  
a policy HS. 19.09 that denies prisoners like myself any  
type of life saving treatment, HARVONI, until we've deteriorated  
to a state of Emergency

**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.

① I want to have permanent injunction changing policy #  
HS. 19.09 and treatment provided to All HepC patients ② I want  
a temporary injunction to begin treatment on my HepC issues by S.C.D.C.  
③ I want Nominal awards of \$500 ④ Punative Damage Awards of  
\$250,000 for there negligence and disregard to human life ⑤ I want  
\$350,000 for my health care they've let deteriorate for over 3 1/2 yrs. Compensatory

**VII. Exhaustion of Administrative Remedies Administrative Procedures and All legal debt accumulated**

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).

They began at Allendel Coer. Inst. (see exhibit A)  
and continue today

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)?

All of them

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? To Leftford Fate

I filed Informal ~~grievance~~  
I filed Step 1 Grievance to Dennis Bush  
I filed step 2 to Columbia (No Reply yet)

2. What did you claim in your grievance?

The deprivation of life  
cruel unusual punishment  
Failure to treat Hep C patients equal  
and the illegal actions of not treating me

3. What was the result, if any?

Denied on Informal & Step 1  
There's been no reply to Step 2 they  
told me its still in Review, over 4 months  
ago I filed.

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.)

No! Its not finished because they aren't  
replying yet, yes its finished due to time  
restraints they failed to abide by



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.

Policy HS. 18.15 levels of CARE states:  
Inmates will receive medically necessary care throughout their period of  
incarceration until they release. Medically necessary includes treatment needed to  
*(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 so, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

\_\_\_\_\_  
\_\_\_\_\_

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?

- 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) Russell Geissler

Defendant(s) Lisa Young, Dennis Bush, B. Smith, McLean, Bryan P. Sterling and Washington

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

Florence S.C. U.S. District Court

3. Docket or index number

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4. Name of Judge assigned to your case

Honorable Judge Thomas E. Rogers III

5. Approximate date of filing lawsuit

January 25, 2017

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: June 26, 2017.

Signature of Plaintiff Russell Geisler  
Printed Name of Plaintiff Russell Geisler  
Prison Identification # 349604  
Prison Address 386 Redemption Way  
McCormick SC. 29899  
City State Zip Code

**B. For Attorneys**

Date of signing: \_\_\_\_\_, 20\_\_.

Signature of Attorney \_\_\_\_\_  
Printed Name of Attorney \_\_\_\_\_  
Bar Number \_\_\_\_\_  
Name of Law Firm \_\_\_\_\_