

United States District Court
Western District of Wisconsin

Dee Farmer,
Plaintiff,

v.

Edward Brennan,
Dennis Kurzydlo,
Larry E. DuBois,
N.W. Smith,

Defendants,

Complaint

Comes now, Dee Farmer, Plaintiff
without the benefit of counsel, and
moves this Court, pursuant to United
States Code, Title 28, Section 1331
under the authority of Bivens v. Six
Unknown Named Federal Narcotics Agents,
403 U.S. 388 (1971). In support thereof,
she respectfully submits:

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U.S. DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN
AUG 20 1991
FILED / RECEIVED
JOSEPH W. SKUPNIEWITZ, CLERK
CASE NUMBER 91C 0716 S

I. Summary of Case

1. Plaintiff who was confined at the Federal Correctional Institution in Oxford, Wisconsin recieved a transfer to the United States Penitentiary, Terre Haute, Indiana at the direction, knowledge or consent of the Defendants. This transfer occurred despite Defendants' knowledge that Plaintiff was a 23 year old, transsexual who had begun sex reassignment procedures' prior to incarceration. Defendants' were aware that this fact alone rendered the transfer of the Plaintiff to a high security institution, such as USP- Terre Haute was a threat to Plaintiffs' life and well being; thus, inappropriate. Particularly, the defendants' knew that the placement of Plaintiff at USP- Terre Haute, a high security institution would subject her to sexual assault and pressures. The record reveals the Defendants' were aware of this fact as early as 1986. Moreover, the Plaintiff was specifically found inappropriate for a penitentiary environment for the aforementioned reason. Nonetheless, the Defendants' were deliberately indifferent to the Plaintiffs' security needs and fail to

exercise due diligence in transferring her to USP-Terre Haute where she was sexually assaulted.

For the foregoing reasons Plaintiff seeks declaratory and monetary relief.

II. Parties

2. Dee Farmer, Plaintiff is a federal prisoner currently confined at the United States Medical Center in Springfield, Missouri. She is serving a twenty year sentence pursuant to an conviction in the United States District Court of Maryland and has a thirty year consecutive sentence to serve with the State of Maryland. Plaintiff is of legal age and competent to testify to the facts stated herein.

3. Edward Brennan is the Warden at the Federal Correctional Institution in Oxford, Wisconsin. He is charged by law, regulation or policy with the security, maintenance, welfare and safekeeping of the inmates therein confined.

4. Dennis Kurzydlo, Defendant is a Casemanager at the Federal Correctional Institution in Oxford, Wisconsin. He has the responsibility of managing the case,

including transfer of inmates assign to him.

5. Harry E. DuBois was the Regional Director of the Bureau of Prisons North Central Office. He was charged by law, regulation or policy with the supervisory authority of institutions in said region, including FCI - Oxford and USP - Terre Haute, well as the transfer of inmates to said institutions, etc. .

6. N.W. Smith, Defendant is the Correctional Service Administrator of the Bureau of Prisons North Central Office. He has the responsibility of redesignation of specified transfers' in said region, including FCI - Oxford and USP - Terre Haute.

III Jurisdiction

7. This Courts jurisdiction is founded and invoked pursuant to United States Code, Title 28, Section 1331 and 1391(e).

IV facts

8. Dee Farmer is a transsexual who began sex reassignment procedures

prior to incarceration.

9. Upon her commitment to the Bureau of Prisons in August, 1986 it was determined by prison officials that plaintiff is likely to experience a number of difficulties in incarceration. Because of her youth and feminine appearance, she would experience a good deal of sexual pressure.

10. Further, prison officials were under the belief that Plaintiff would not deal well with such pressure.

11. Nonetheless, on or about November 9, 1987 Defendants' designated the Plaintiff to the United States Penitentiary in Lewisburg, Pennsylvania.

12. Due to the history of assault and violence at USP - Lewisburg and given the Plaintiff's gender dysphoria she was not allowed to enter the institution population.

13. Thus, Plaintiff remained in administrative detention at the request of prison officials due to the reasonable expectation that to allow a transsexual in a high security penitentiary would endanger her life and result in bodily harm.

14. Prison officials believed this threat to be so severe that Plaintiff was not allowed contact with any inmate, not even under the restrictive environment of Administrative Detention Unit.

15. Plaintiff remained in detention about six months awaiting redesignation to lesser security institution.

16. Subsequently, Plaintiff was transferred to the Federal Correctional Institution in Petersburg, Virginia then to FCI-Oxford, Wisconsin.

17. On February 6, 1989 after Plaintiff had been confined at FCI-Oxford for about one year Defendant Kurzydlo and Brennan specifically requested Defendant Du Bois and Smith to redesignate the Plaintiff to a penitentiary.

18. This request was made despite the Defendants' knowledge of the assaultive behavior and threats Plaintiff would be subjected to in a penitentiary.

19. Further, the Plaintiff has no history of violence or assaultive behavior and it is unlikely that a penitentiary would offer any more security needs of the Plaintiff than an FCI.

20. On or about March 7, 1989 Defendant Smith and Du Bois redesignated the Plaintiff to the United States Penitentiary in Terre Haute, Indiana.

21. Defendants were aware that USP-Terre Haute has a history of sexual assaults upon homosexuals and transsexuals.

22. Defendants were aware that USP-Terre Haute houses inmates with extreme violent histories and disciplinary problems.

23. On March 7, 1989 Defendant Brennan issued a written Order for the Plaintiff to be transferred to the United States Penitentiary in Terre Haute, Indiana.

24. While Plaintiff was in general population and detention at USP-Terre Haute she received sexual pressure and threats from inmates.

25. On April 1, 1989 while in general population at USP-Terre Haute plaintiff was sexually assaulted (raped) by another inmate.

26. As a result of the sexual pressures, threats and assault at Terre Haute plaintiff suffered emotional and psychological damage.

26(a). Plaintiff was prevented from exhausting her administrative remedies.

27. The acts and omissions of the Defendants' as described herein violative the laws of the United States and rights of the Plaintiff as follows:

V legal Claims

28. Violation of the Eighth Amendment to U.S. Constitution

29. Violation of liberty interest created by policy regulation and law as guaranteed by the Fifth Amendment to U.S. Constitution.

VI Relief Requested.

WHEREFORE Plaintiff prays: this Honorable Court to:

- (a) grant her \$100,000.00
- (b) any further and different relief this Court deems proper.

Respectfully submitted,

Dee Farmer 23288-037
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