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11 GENESIS PRECIADO

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 GENESIS PRECIADO,
15 Plaintiff,

16 v.

17 JOHN RUSSELL BELLHOUSE;
18 RAY J. GARCIA, and DOES 1 TO
19 10, inclusive

20 Defendants.
21

No.

COMPLAINT FOR DAMAGES

***BIVENS CLAIM - VIOLATION OF
CONSTITUTIONAL RIGHTS
UNDER EIGHTH AMENDMENT***

JURY TRIAL DEMANDED

I. INTRODUCTION

1. This is a civil action brought under the United States Constitution pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971) (“*Bivens*”) concerning sexual abuse of a prison inmate at the Federal Correctional Institute/Federal Correctional Camp in Dublin, California.

2. Plaintiff Genesis Preciado asserts this claim based on the outrageous sexual abuse she endured by former Bureau of Prisons officer, Officer John Bellhouse, a prison safety administrator, at the Bureau of Prison’s (“BOP’s”) all-female Federal Prison Camp in Dublin, California (“FPC Dublin”). The Dublin, California Federal Corrections Institute (“FCI-Dublin”) is a low security federal correctional institution with an adjacent minimum security satellite camp for female offenders. The abuse occurred between approximately August 2020 and October 2020. Ms. Preciado remained incarcerated until January 2021, at which time she was released. She has filed an Administrative Claim under the Federal Tort Claims Act against the Federal Bureau of Prisons, which is pending.¹

3. During all times relevant to this complaint, Officer Bellhouse, Officer Kingler, Warden Ray Garcia, and other BOP employees, including Officer James Townsend, Chaplain Hightower, and Officer Bell, fostered a culture of rampant sexual abuse of prisoners widely referred to as “the rape club.” The culture, custom and policies of rape, sexual abuse and sexual harassment at FCI-Dublin and FCP Dublin, were enabled by the highest levels of staff, including but not limited to Warden Ray Garcia, who not only condoned it, but participated in it, and was a moving force in the illegal conduct committed by John Bellhouse against Genesis Preciado.

¹ If the Federal Tort Claims Act administrative claim arising out of the same operative acts as this *Bivens* lawsuit is denied, Plaintiff will either seek leave to amend this lawsuit, or file a separate lawsuit and seek to join the two lawsuits before the Federal District Court judge assigned to this case.

II. JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §1331 (federal question jurisdiction) and 28 U.S.C. §1343 (civil rights jurisdiction).

5. Venue is appropriate in this Court under 28 U.S.C. §1391(b)(2) as all of the events or omissions giving rise to the claim occurred at the Federal Correctional Institute of Dublin, California, which is located in Alameda County, within the Northern District.

III. PARTIES

6. Plaintiff Genesis Preciado (“Plaintiff” or “Ms. Preciado”) was at all times relevant to this Complaint, an inmate at the Bureau of Prison’s all-female Federal Prison Camp in Dublin, California. Ms. Preciado is no longer incarcerated. She was released from FCI-Dublin to a halfway house in January 2021. Ms. Preciado was only 21 years old when the abuse began.

7. Defendant John Russell Bellhouse (“Defendant” or “Defendant Bellhouse”) was, at all times relevant to this Complaint, employed by the BOP as an officer at the Federal Correctional Institute of Dublin and adjacent prison camp (FPC Dublin). Officer Bellhouse worked as the prison’s safety administrator until he was placed on leave in March 2021. As a guard at a BOP facility, Bellhouse was in a position of power with respect to all female inmates. He knew it violated official written BOP policy and the law to sexually harass and abuse female inmates. Defendant Bellhouse was approximately 39 years old during the events relevant to this case.

8. Defendant Ray J. Garcia (“Garcia” or “Defendant Garcia”) was, at all times relevant to this Complaint, employed by the BOP as first the Associate Warden in charge of operating the Federal Correctional Institute (“FCI”) of Dublin and

1 adjacent prison camp (“FPC Dublin”), and administering the Prison Rape Elimination
2 Act (“PREA”) program, designed to eliminate the sexual abuse and harassment of
3 inmates in federal prison. He then became Warden of FCI Dublin and FPC Dublin
4 where the sexual abuse of Plaintiff occurred. As the Associate Warden and Warden of
5 FCI Dublin and FCP Dublin, Defendant Garcia was in charge of ensuring female
6 inmates were not abused by male guards and was specifically in charge of their
7 training and discipline to prevent the sexual abuse of female inmates. He was
8 personally involved in the sexual abuse of the female inmates, including Plaintiff,
9 because through his actions, where he personally sexually abused female inmates, and
10 personally initiated the practices and customs that resulted in the Dublin “rape club”,
11 and his failure to train, supervise and discipline his subordinates who he know were
12 abusing female inmates, he is personally liable and responsible for the abuse of female
13 inmates at Dublin, and specifically Plaintiff. Plaintiff is informed and believes and
14 thereon alleges that Garcia was aware of Bellhouse’s abuse of Plaintiff. As the Warden
15 at a BOP facility, Garcia was in a position of power with respect to all female inmates
16 and was specifically in charge of Bellhouse and failed to supervise, train and discipline
17 him and other guards who sexually abused the inmates, including Bellhouse’s abuse of
18 Plaintiff. He was personally involved in the sexual abuse of Plaintiff by Bellhouse as
19 Bellhouse’s supervisor.
20

21 9. Plaintiff is ignorant of the true names and/or capacities of defendants sued
22 herein as DOES 1 through 10, inclusive, and therefore sue said defendants by such
23 fictitious names. Plaintiff will amend this complaint to allege their true names and
24 capacities when ascertained. Plaintiff believes and alleges that each of the DOE
25 defendants is legally responsible and liable for the incident, injuries and damages set
26 for herein.

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IV. FACTS

10. As recognized by federal law, there is no scenario in which an inmate can give consent to sexual contact with a correctional officer. In 2003, Congress unanimously enacted the Prison Rape Elimination Act (PREA) and declared “the prevention of prison rape a top priority in each prison system,” 34 U.S.C. §30301(2). Despite the BOP’s responsibility to enforce a “zero-tolerance standard for the incidence of prison rape in prisons in the United States” 34 U.S.C. §30301(1), the culture of sexual abuse at FCI and FCP Dublin was so pervasive that the facility has been referred to as the “rape club.” BOP, FCI-Dublin and FCP Dublin failed to implement necessary and feasible protections for prisoners, including a viable mechanism for reporting sexual abuse, continuous direct sight and sound supervision, and appropriate training, supervision, and discipline. The very officers who were responsible for preventing and remedying sexual abuse were themselves serial sexual predators.

11. Defendant Ray Garcia was in charge of FCI-Dublin and FCP Dublin first as Associate Warden with the responsibility of administering the PREA program, and then as Warden of FCI-Dublin and FCP Dublin during the time Plaintiff Genesis Preciado was serving her sentence at FCI-Dublin and FCP Dublin. Defendant Garcia and other BOP officers including Bellhouse were members of the FCI-Dublin and FCP Dublin “rape club”, which is what the BOP officers who sexually assaulted the female inmates at Dublin were called. Garcia and the Dublin leadership **tolerated** and encouraged sexual harassment and sexual abuse by permitting predatory employees to harass, rape and abuse inmates without consequence. Although the first complaints of sexual abuse surfaced in 2017, five years ago, Garcia, and the leadership of FCI-Dublin and FCP Dublin permitted abusive conditions to continue, thereby creating customs and practices of sexual harassment, abuse and rape by prison officials that included those at the highest levels of command, Garcia. It did not matter what the written policies were

1 because embedded in FCI-Dublin and FCP Dublin were these sexual abuse practices
2 that became the policy of the prison. Prisoners who reported sexual abuse were ignored,
3 threatened or retaliated against with solitary confinement or loss of favorable job
4 assignments. Prison officials expressly advised one victim that they would take no action
5 in response to her report because it was a “he-said-she-said” scenario. The policy,
6 custom and practices that directly violated PREA and were implemented by Garcia
7 where he knew other guards were sexually abusing inmates gave implicit permission to
8 officers such as Bellhouse to abuse female inmates including Plaintiff. Garcia’s
9 involvement in the “rape club” and his personal knowledge and approval of the BOP
10 officers’ sexual abuse of female inmates, and his role as supervisor and boss of
11 Bellhouse, was a moving force in Bellhouse’s abuse of Plaintiff, and establish Garcia’s
12 personal involvement in Plaintiff’s sexual abuse and harm. Further, Plaintiff is informed
13 and believes and thereon alleges that Garcia was aware of Bellhouse’s sexual abuse of
14 female inmates, including Plaintiff.

15 12. Plaintiff Genesis Preciado was originally designated to serve her sentence
16 at FPC Dublin and began service of her two-year sentence in January 2020. When the
17 Covid-19 outbreak occurred, she was transferred to FCI-Dublin for approximately three
18 months. She was transferred back to the FPC Dublin in the summer of 2020, and the
19 sexual harassment and abuse occurred while serving her sentence at FPC Dublin.

20 13. In summer 2020, Ms. Preciado was assigned to the recycling unit at the
21 FPC Dublin facility. Bellhouse managed the recycling unit, and Ms. Preciado worked in
22 that unit, which enabled Bellhouse to have almost daily contact with her, as her direct
23 work supervisor. Another guard, Officer Klinger, told Ms. Preciado to work in recycling
24 which Bellhouse controlled. Ms. Preciado is informed and believes she was assigned to
25 the recycling unit so that Bellhouse could abuse her.

26 14. Defendant Bellhouse showed an inappropriate interest in Ms. Preciado soon
27 after she was assigned to the recycling unit. He initiated a course of “grooming” conduct
28

1 to seduce, manipulate and control Ms. Preciado, so he then could engage in illegal sexual
2 conduct with her. Bellhouse would go out of his way to talk to her in the recycling unit.
3 Bellhouse would tell other inmates to tell Ms. Preciado that she was pretty, and the
4 inmates told her to be “nice” to Bellhouse so that the inmates and Ms. Preciado would
5 get favors and privileges from Bellhouse. In the fall of 2020, Ms. Preciado was in the
6 recycling office with Bellhouse, at his direction, and he gave her an energy drink. He
7 told her that she was “pretty”, and that he “liked” her, and that when he “went home
8 instead of watching porn he thinks of doing things to her.” Ms. Preciado felt
9 uncomfortable immediately. He tried to rub her during this incident and rubbed her with
10 his hand on her lower back and buttocks over her clothes and then moved to the other
11 side of her buttocks.

12 15. On a second occasion in the fall of 2020, Bellhouse invited Ms. Preciado
13 into the office to “discuss” work. He grabbed her breasts and put his hands on her inner
14 thighs near the vaginal area. Ms. Preciado felt extremely uncomfortable. She pushed his
15 hand away.

16 16. Other female inmates told Ms. Preciado to do what Bellhouse wanted
17 because he would give favors to the inmates and Ms. Preciado. She felt pressured by the
18 inmates and Bellhouse, and as a result, wrote some letters to Bellhouse that the United
19 States Attorney now possesses where she asked for some yarn so she could knit. She
20 never received yarn or any other requested items.

21 17. On a third occasion in October 2020, Bellhouse was opening a gate for her,
22 and he pressed up against her and pushed his penis against her buttocks. Ms. Preciado
23 became upset and told him to stop.

24 18. On a fourth occasion, October 8, 2020, Bellhouse and Ms. Preciado were
25 alone in his office, and he had Ms. Preciado sit on his desk. He grabbed her breasts and
26 put his hands on her inner thighs near the vaginal area. Ms. Preciado felt extremely
27 uncomfortable. She pushed his hand away and told him she did not want him touching
28 her in those areas. He asked why she wanted to stop and brought up the items she had

1 requested in notes. Ms. Preciado reiterated that she did not want him to touch her. When
2 she left the recycling unit, one of the other female inmates told her that Bellhouse told
3 the other inmates to stay outside of the unit while he was in there with Ms. Preciado.

4 19. After this fourth occasion, Ms. Preciado avoided Bellhouse. She still saw
5 Bellhouse, but she felt extremely uncomfortable around him.

6 20. All of these encounters were offensive and unwelcome. Ms. Preciado was
7 very uncomfortable with the coercive dynamic. Despite her significant discomfort, she
8 felt powerless to report him. Ms. Preciado was aware that Bellhouse had disciplinary
9 control over her, as well as access to highly confidential information. Bellhouse knew
10 she lived in Los Angeles so he did access her confidential file, which could easily
11 jeopardize her safety by disclosing confidential information to other inmates about her.
12 When the abuse occurred, she had almost completed her sentence. She was concerned
13 that she would lose her good time credits and/or face disciplinary retaliation for accusing
14 him of harassment and sexual abuse, even though it was true.

15 21. Ms. Preciado was also deterred from reporting by the sexually abusive and
16 harassing culture at FCI-Dublin and FPC Dublin, where the Defendant Garcia and the
17 Dublin leadership **tolerated** and encouraged sexual harassment and sexual abuse by
18 permitting predatory employees to harass, rape and abuse inmates without consequence.
19 At the time of these events, the facility was run by Defendant Associate Warden and
20 Warden Garcia, who implemented an unwritten policy, custom and practice of sexually
21 harassing, abusing, and even raping female inmates. Bellhouse, in sexually harassing
22 and abusing Ms. Preciado, even though he knew he was violating the law and official
23 BOP policy, knew that he would not suffer any consequences or discipline from BOP
24 management or Associate Warden/Warden Garcia. Indeed, to this date, there have been
25 several BOP officials and employees who have been charged by the U. S. Department
26 of Justice for their inappropriate conduct at Dublin, including Associate Warden/Warden
27 Garcia, James Theodore Highhouse, a corrections worker and chaplain, Bellhouse, and
28 Ross Klinger, a recycling technician at the prison who worked with Bellhouse. Garcia

1 is directly responsible for Bellhouse's sexual abuse of Plaintiff as his boss and supervisor,
2 with personal knowledge of the sexual abuse of female inmates as Associate Warden
3 and Warden, and his participation in the rape club and failure to train, supervise and
4 discipline members of the rape club which caused and was a moving force in the sexual
5 abuse of Plaintiff by Bellhouse. Plaintiff is informed and believes and thereon alleges
6 that Garcia was aware of Bellhouse's abuse of female inmates including Plaintiff.

7 22. The FBI and U.S. Attorney contacted Ms. Preciado in the summer of 2021.
8 She was questioned about Bellhouse and his sexual abuse and harassment of Ms.
9 Preciado, and Ms. Preciado was subpoenaed and testified before the grand jury as to
10 what Bellhouse did to her on August 18, 2022, in Oakland, California.

11 23. Defendant Bellhouse has been charged by the U.S. Department of Justice
12 with having sexual encounters with three women at FCI-Dublin. His conduct with Ms.
13 Preciado was a part of a pattern and practice with FCI-Dublin and FCP Dublin
14 employees involved in sexually harassing and abusing women inmates, and his own
15 pattern and practice.

16 24. Defendant Garcia was charged by the U.S. Department of Justice with
17 having sexual encounters with female inmates at FCI-Dublin, and was convicted of such
18 encounters on December 8, 2022. He is currently awaiting sentencing.

19 25. It is illegal and a crime for any prison staff to have consensual or non-
20 consensual sexual contact with any prisoner. Bellhouse was well aware of the law, and
21 despite his knowledge, and enabled by the "rape club" and the customs and policies of
22 FCI-Dublin and FCP Dublin, he engaged in illegal sexual contact of Ms. Preciado.

23 26. In 2003, Congress unanimously enacted the Prison Rape Elimination Act
24 (PREA) and declared "the prevention of prison rape a top priority in each prison
25 system," 34 U.S.C. §30301(2). Despite the BOP's responsibility to enforce a "zero-
26 tolerance standard for the incidence of prison rape in prisons in the United States" 34
27 U.S.C. §30301(1), the culture of sexual abuse at FCI-Dublin and FCP Dublin was so
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pervasive that the facility has been referred to as the “rape club.” BOP and FCI-Dublin and FCP Dublin failed to implement necessary and feasible protections for prisoners as required by PREA, including a viable mechanism for reporting sexual abuse, continuous direct sight and sound supervision, and appropriate training, supervision, and discipline, and specifically, not enacting an unwritten policy, custom and practice of rampant sexual abuse and harassment by the guards and their supervisors with the power and obligation to prevent it. The very officers who were responsible for preventing and remedying sexual abuse were themselves serial sexual predators.

27. Plaintiff Preciado submitted an Administrative Claim to the Federal Bureau of Prisons on or about October 5, 2022. Ms. Preciado will amend this complaint to add claims under the Federal Tort Claims Act when the claims become ripe.

V. Damages

28. Plaintiff was physically, mentally and emotionally injured as a direct and proximate result of Defendant’s actions.

29. Plaintiff is entitled to recover damages pursuant to the pain and suffering and mental trauma she endured as a result of her rights being violated.

VI. CLAIMS FOR RELIEF

First Claim For Relief: *Bivens* Cause of Action for Violation of the Eighth Amendment

Against Officer John Bellhouse

30. Plaintiff realleges all foregoing and subsequent paragraphs as if fully set forth therein.

31. At all relevant times, Defendant Bellhouse was acting under the color of federal authority.

32. Under the Eighth Amendment of the United States Constitution, Plaintiff has a constitutionally protected right to be free of cruel and unusual punishment.

Sexual abuse of a prisoner is a violation of the Eighth Amendment of the Constitution.

33. As recognized by federal law, there is no scenario in which an inmate can give consent to sexual contact, harassment and abuse by a correctional officer. Ms. Preciado did not consent to any of the sexual contact initiated by Defendant Bellhouse, all of which was unwelcome.

34. Bellhouse knew his conduct was prohibited as he did his sexual abuse behind closed doors in his office in the recycling unit, without other supervisors present. He knew it was prohibited by his PREA training, but it was also condoned by FCP Dublin's "rape club" and unwritten custom and practice of sexual harassment and abuse. Ms. Preciado is informed and believes that Bellhouse was advised, as part of his training, that he could not maintain inappropriate relationships with prisoners, which included becoming emotionally, sexually, romantically, or financially involved with prisoners or former prisoners.

35. Plaintiff lacks a statutory cause of action, or an available statutory cause of action does not provide a meaningful remedy, and an appropriate remedy, namely damages, can be imposed.

36. The actions, conduct and omissions of Defendant Bellhouse violated the rights of Plaintiff Preciado under the Eighth Amendment to the United States Constitution.

Second Claim for Relief: *Bivens* Cause of Action for Violation of the Eighth Amendment

Against Warden Ray J. Garcia

37. Plaintiff realleges all foregoing and subsequent paragraphs as if fully set forth therein.

1 38. At all relevant times, Defendant Garcia was acting under the color of
2 federal authority.

3 39. Under the Eighth Amendment of the United States Constitution, Plaintiff
4 has a constitutionally protected right to be free of cruel and unusual punishment.
5 Sexual abuse of a prisoner is a violation of the Eighth Amendment of the Constitution.

6 40. As recognized by federal law, there is no scenario in which an inmate can
7 give consent to sexual contact, harassment and abuse by a correctional officer. Ms.
8 Preciado did not consent to any of the sexual contact initiated by Defendant
9 Bellhouse, all of which was unwelcome.

10 41. As alleged above, Defendant Garcia was personally involved in the sexual
11 abuse of Plaintiff by Bellhouse because he implemented the practices, customs and
12 policies known as the “rape club” which instigated BOP officers such as Bellhouse to
13 sexually abuse inmates like Garcia did. Bellhouse knew his conduct was prohibited,
14 but he knew that Garcia condoned it and the “rape club” of which Garcia was the
15 founding member, would not punish him for his sexual abuse. Garcia who had the
16 power to discipline, including terminate, sexual abusers such as Bellhouse, failed to
17 stop Bellhouse’s and other BOP officers’ sexual abuse of female inmates, and failed
18 to train, and supervise such officers in his supervisory capacity which would have
19 prevented the sexual abuse of Plaintiff and other female inmates. Garcia, through his
20 own sexual abuse of female inmates, his implementation of illegal practices to
21 sexually abuse and harass inmates without regard to the safety and welfare of the
22 female inmates, and his knowledge that other BOP officers were sexually harassing
23 and abusing inmates and his approval of such conduct, was personally involved in the
24 sexual harassment and abuse of the female inmates at Dublin including Plaintiff.
25 Further, Plaintiff is informed and believes and thereon alleges that Garcia was aware
26 of Bellhouse’s sexual abuse of female inmates, including Plaintiff.
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1 42. Plaintiff lacks a statutory cause of action, or an available statutory cause
2 of action does not provide a meaningful remedy, and an appropriate remedy, namely
3 damages, can be imposed.

4 43. The actions, conduct and omissions of Defendant Garcia violated the
5 rights of Plaintiff Preciado under the Eighth Amendment to the United States
6 Constitution.

7 **VII. REQUESTED RELIEF**

8 Wherefore, Plaintiff respectfully requests:

- 9 A. Compensatory damages as to Defendant Bellhouse and Garcia;
10 B. Punitive damages as to Defendant Bellhouse and Garcia;
11 C. Reasonable attorneys' fees and costs; and
12 D. Such other and further relief as may appear just and appropriate.
13

14 **VIII. JURY DEMAND**

15 Plaintiff hereby demands a jury trial.
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17 DATED: December 23, 2022 McLANE, BEDNARSKI & LITT, LLP

18 By: /s/ David S. McLane

19 David S. McLane

20 Lindsay Battles

21 Attorneys for Plaintiff

22 GENESIS PRECIADO
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