

2. The United States has standing to initiate this action pursuant to 42 U.S.C. §1997a.

3. Venue in the District of New Mexico is proper pursuant to 28 U.S.C. §1391. The claims set forth in this Complaint all arose in said District, and each of the named Defendants resides in said District.

4. FSHTS is an "institution" within the meaning of 42 U.S.C. §1997(1).

PARTIES

5. Defendant STATE OF NEW MEXICO owns and operates FSHTS, which is a state residential mental retardation facility.

6. Defendant TONEY ANAYA is the Governor of New Mexico, and, in this capacity, heads the executive branch of the state government. He appoints the Secretary of the New Mexico Health and Environment Department.

7. Defendant HEALTH AND ENVIRONMENT DEPARTMENT is responsible for the administration and operation of FSHTS.

8. Defendant CHRIS KRAHLING is the Secretary of the Health and Environment Department, and, in this capacity, has responsibility for the operation of FSHTS. He appoints and supervises the Superintendent of FSHTS.

9. Defendant ERVIN ALDAZ is the Acting Superintendent of FSHTS, and, in this capacity, is the chief administrator of FSHTS and has responsibility for supervising the operations of FSHTS.

10. The individual Defendants identified in paragraphs 6, 8, and 9 above are officers of the executive branch of the State of New Mexico and are sued in their official capacities.

FACTUAL ALLEGATIONS

11. Defendants are legally responsible, in whole or in part, for the operation of FSHTS and for the conditions at FSHTS and the care of persons confined at that institution.

12. At all relevant times, the Defendants or their predecessors in office have acted or failed to act, as alleged herein, under color of state law.

13. Defendants are failing to provide persons confined to FSHTS with adequate medical care and treatment.

14. Defendants are failing to ensure that medications are prescribed and administered to persons confined to FSHTS pursuant to the exercise of professional judgment by qualified professionals.

15. Defendants are failing to ensure that bodily restraints are administered to persons confined to FSHTS only pursuant to the exercise of professional judgment by appropriate qualified professionals and are not used as punishment, in lieu of treatment, or for the convenience of staff.

VIOLATIONS ALLEGED

16. The acts and omissions of Defendants alleged in each of paragraphs 11 through 15 each constitute a pattern or practice that deprives persons confined to FSHTS of rights, privileges or

immunities secured or protected by the Constitution of the United States.


PRAYER FOR RELIEF

17. The Attorney General is not authorized to seek any remedy at law and is authorized under 42 U.S.C. §1997 to seek only equitable relief.


18. Unless restrained by this Court, Defendants will continue to engage in the conduct and practices set forth in paragraphs 11-15 above that deprive persons confined to FSHTS of rights, privileges, or immunities secured or protected by the Constitution of the United States, and cause irreparable harm.

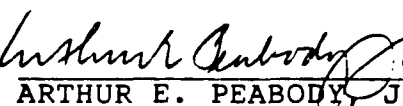
WHEREFORE, the United States prays that this Court enter an order permanently enjoining Defendants, their officers, agents, employees, subordinates, successors in office, and all those acting in concert or participation with them from continuing the acts, omissions and practices at FSHTS set forth in paragraphs 11-15 above. The United States further prays that this Court grant such other and further equitable relief as it may deem just and proper.


Respectfully submitted,

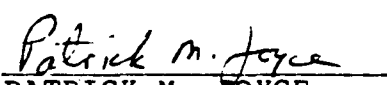
 Date: 1 Aug 86
EDWIN MEESE III
Attorney General
of the United States

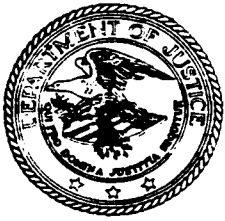
Date: _____
WILLIAM L. LUTZ
United States Attorney
District of New Mexico

 Date: _____
~~WM. BRADFORD REYNOLDS~~
Assistant Attorney General
Civil Rights Division

 Date: 7/2/86
ARTHUR E. PEABODY, JR.
Chief
Special Litigation Section

 Date: 7/25/86
PAUL S. LAWRENCE
Deputy Chief
Special Litigation Section

 Date: 7/25/86
PATRICK M. JOYCE
Attorney
Special Litigation Section
Civil Rights Division
U.S. Department of Justice
Washington, D.C. 20530



Office of the Attorney General
Washington, D. C. 20530

CERTIFICATE OF THE ATTORNEY GENERAL

I, Edwin Meese III, Attorney General of the United States, certify that with regard to the foregoing Complaint, I have complied with all subsections of 42 U.S.C. §1997b(a)(1). I certify as well that I have complied with all subsections of 42 U.S.C. §1997b(a)(2). I further certify pursuant to 42 U.S.C. §1997b(a)(3) my belief that this action by the United States is of general public importance and will materially further the vindication of rights, privileges, or immunities secured or protected by the Constitution of the United States.

I finally certify that all prerequisites to the initiation of suit under 42 U.S.C. §1997 have been met.

Pursuant to 42 U.S.C. §1997a(c), I have personally signed the foregoing Complaint. Pursuant to 42 U.S.C. §1997b(b), I am personally signing this Certificate.

Signed this 1st day of August, 1986 at
Washington, D.C.

Edwin Meese III
EDWIN MEESE III
Attorney General of
the United States