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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIACLERK, U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

Name and address of Plaintiff:

Wesley Chance #GP3374 Pro'se
 SCI - Rockview
 Box A
 Bellefonte, Pa 16823-0820
 v.

13-0350

Full name, title, and business address
of each defendant in this action:

1. Mr. Kulik - Correctional Officer SCI-Greene 175 Progress Dr. Waynesburg, Pa 15370
 Mr. Suban - Correctional Officer SCI-Greene 175 Progress Dr. Waynesburg, Pa 15370
 Mr. Borden - Correctional Officer SCI-Greene 175 Progress Dr. Waynesburg, Pa 15370
 Mr. McConville - Correctional Officer SCI-Greene 175 Progress Dr. Waynesburg, Pa 15370
 2. Mr. Folino - Superintendent SCI-Greene 175 Progress Dr. Waynesburg, Pa 15370
 Mr. Wetzel - Secretary of Corrections 2520 Hsburn Rd, P.O. Box 598 Camp Hill, Pa 17001

Use additional sheets, if necessary
Number each defendant.

Plaintiff brings this action against the above named and identified defendants on the following cause of action:

- I. Where are you now confined? SCI - Rockview
 What sentence are you serving? 2-7 years
 What court imposed the sentence? Huntingdon County

II. Previous Lawsuits

- A. Describe any and all lawsuits in which you are a plaintiff which deal with the same facts involved in this action. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs nonenoneDefendants nonenone

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

none

- _____ none _____
3. Name of judge to whom case was assigned none
4. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)
none
none
5. Approximate date of filing lawsuit none
6. Approximate date of disposition none

B. Prior disciplinary proceedings which deal with the same facts involved in this action:

Where? none
 When? none
 Result: none
none
none

III. What federal law do you claim was violated? 4th
Amendment United States Constitution

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.)

- A. Date of event: March 30th 2012
- B. Place of event: SCI - Greene
- C. Persons involved--name each person and tell what that person did to you: Mr. Kulik - Correctional Officer physically assaulted Plaintiff Mr. Chance while Plaintiff was defenseless in restraints & unprovoked Mr. Kulik beating Mr. Chance the Plaintiff was unnecessary & the use of force was excessive. Mr. Shan, Mr. Bogden, Mr. McConville each Correctional officers were personally present
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& involved in the conspiracy & assistance & encouragement of the assaultful beating of the Plaintiff Mr. Chance & with malice intentions deliberately stood & watched encouraging no intervention to stop their Co-Correctional officer Kolik from the physical abuse & misconduct which which violates the Departments of Corrections Code of Ethics, Rules, Regulations, Policies, Practices & Conduct.

Claim Number I

(1) Defendant(s) Kolik, Sohan, Bogden, McConville acting under color of state law in their individual & official capacities conspired to violate Plaintiff's Civil Rights & acted in bad faith by the Planned & Conducted physical assault & excessive force used in the beating of Plaintiff Mr. Chance at SCI-Greene on March 30th 2012.

Claim Number II

(2) Defendant(s) Sohan, Bogden & McConville acting under color of state law in their individual & official capacities failed to intervene &/or protect Plaintiff from the assault & excessive force used during the beating by their Co-Correctional Officer on March 30th 2012 at SCI-Greene. Endorsing the violation of Plaintiff's Civil Rights.

Claim Number III

(3) Defendant Mr. Folino Superintendent in his individual & official capacity under color of state law acted to deny Plaintiff redress & relief after being made aware of the senseless unprovoked unnecessary beating of Mr. Chance & Defendant Folino also after the subsequent investigation found the Plaintiff reports of physical assault & excessive force while restrained to be factual & true Defendant Folino would not compensate the Plaintiff & has still allowed the named defendants in Claims # I & II to continue to be employed at SCI-Greene. [See Exhibit B]

Claim Number IV

(4) Defendant Wetzel Secretary of Corrections under color of state law in his individual & official capacity has at all times in this complaint permitted a pattern of Correctional officer abuse by assaults on Plaintiff & Prisoners at SCI-Greene historically past & present & has failed to properly train & discipline Correctional officers for prisoner assaults & retaliatory conduct threats harassment intimidation for complaints & grievances & bogus fictitious misconduct reports by Correctional officers employees.

(5) Defendant Wetzel has declined to have the Department of Corrections compensate Plaintiff for the knowing violation of Plaintiff's Civil Rights by beating from Department employees which was substantiated by the Department of Corrections investigations of the assault & excessive force on the Plaintiff [See Exhibit A/B/C]

(6) Lines 1 through 3 has caused suffering of the Plaintiff with injuries of trauma damaging face eye [left] jaw head mouth from assault & excessive force used in the beating while restrained behind his back [handcuffed] defenseless & Plaintiff has been subsequently subjected to medical treatment internal optical & brain complications that cause Plaintiff pain deteriorated sight & migraine headaches which violates 18 U.S.C 241 & 242 & 42 U.S.C. 1985 & 1986 Civil Rights Conspiracy to deprive Plaintiff of his civil rights & Constitutional Amendments rights

17) Plaintiff sues each & all Defendants in
their individual & official capacities
for 8th Amendment Constitutional
violations & 18 USC §§ 241-242 & 42 U.S.C.
1983 & 1986 Civil Rights Conspiracy

- V. Did the incident of which you complain occur in an institution or place of custody in this District?
 If so, where?

SCI Greene 125 Progress Drive
Waynesburg, Pa 15370

and answer the following questions:

- A. Is there a prisoner grievance procedure in this institution?
 Yes ☒ No ☐

- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?
 Yes ☒ No ☐

- C. If your answer is YES,

1. What steps did you take? Exhausted Grievance
Number 407310 [see Exhibit A 2]

2. What was the result? Upheld Plaintiff
Claim of excessive force & Assault with "no relief or action"
[see Exhibit A 1]

- D. If your answer is NO, explain why not: _____

- E. If there is no prison grievance procedure in the institution, did you complain to prison authorities?
 Yes ☒ No ☐

- F. If your answer is YES,

1. What steps did you take? Office of Special Investigations
& Intelligence COSII

2. What was the result? COSII recommended
Criminal Charges to Greene County District Attorney [see Exhibit C]

- VI. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no
cases or statutes.

Injunction for firing of Officers
Damages \$200,000 total Punitive
Compensatory Reward

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND
 CORRECT.

February 2nd 2013
(Date)

Unsel M. R.
(Signature of Plaintiff)

2012

Final Appeal Decision
 Secretary's Office of Inmate Grievances & Appeals
 Pennsylvania Department of Corrections
 1920 Technology Parkway
 Mechanicsburg, PA 17050

This serves to acknowledge receipt of your appeal to the Secretary's Office of Inmate Grievances and Appeals for the grievance noted below. In accordance with the provisions of DC-ADM 804, "Inmate Grievance System Policy", the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to the Facility Manager, the Facility Manager's response, the issues you raised to final review, and (when applicable) any revised institutional responses required as a result of a subsequent remand action by this office. As necessary, input from appropriate Central Office Bureaus (e.g., Health Care Services, Chief Counsel, Office of Special Investigations and Intelligence, etc) may have been solicited in making a determination in response to your issue as well.

Inmate Name:	Wesley Chance	Inmate Number:	GP-3374
SCI Filed at:	Greene	Current SCI:	Greene
Grievance #:	407310		
Publication (if applicable):			
Decision:			
<input type="checkbox"/> Uphold Response (UR) <input checked="" type="checkbox"/> Uphold Inmate (UI) <input type="checkbox"/> Uphold in part/Deny in part			
It is the decision of the Secretary's Office of Inmate Grievances and Appeals to uphold the initial response, uphold the inmate, or Uphold in part/Deny in part. This response will include a brief rationale, summarizing the conclusion, any action taken to resolve the issue(s) raised in the grievance and your appeal and relief sought.			
Response:	Frivolous		
A review of the record shows that you are filing an appeal claiming excessive force was used by an officer on 3-30-12. You dispute the fact that staff did not address your request for relief and the delay in response to your appeal.			
An investigation into the matter reveals that your allegations were substantiated. The investigation was reviewed by the Office of Special Investigations and Intelligence. Administrative action was taken by the Administration at SCI Greene and it was determined that no relief was granted. Delay in responding to your appeal was explained to you by the Grievance Coordinator in the request slip dated 7-18-12. Additional time was needed for proper review.			
Signature:	Dorina Varner <i>Dorina Varner</i>		
Title:	Chief Grievance Officer		
Date:	9-11-2012		

DLV/TLW

cc: DC-15/Superintendent Folino
Grievance Office

delivered & Received
Sept 18th 2012 by [Signature]



July 2, 2012

Wesley Chance, GP3374
SCI Greene

Dear Mr. Chance:

The Office of Special Investigations and Intelligence recently received your correspondence on June 6, 2012.

Please be advised that your allegations against staff have been thoroughly investigated. Based on the findings of that investigation your allegations were substantiated. If you have further questions pertaining to this matter, please refer them to the Internal Security Department at the State Correctional Institution Greene.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Barnacle", written over the printed name.

James C. Barnacle
Director

→ Office of Special Investigations and Intelligence ←

JCB/amw

A small, handwritten mark or signature at the bottom center of the page.



October 24, 2012

Wesley Chance, GP3374
SCI Greene

Dear Mr. Chance:

→ The Office of Special Investigations and Intelligence recently received your correspondence on October 9, 2012.

Please be advised that a copy of your private criminal complaint form and a copy of the investigative report into your allegations of abuse were
→ forwarded to Greene County District Attorney Marjorie Fox for review. ←

If you have further questions pertaining to this matter, please refer them to the Greene County District Attorney's Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Barnacle", written over the printed name.

James C. Barnacle
Director

JCB/amw

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