

ECCLESIASTICAL D. WASHINGTON)
(full name) (Register No.))
(A/K/A) WILLIE SIMMONS#990079)
_____))
Plaintiff(s).)
v.)
_____))
LARRY DENNY ET AL.)
(Full name))
_____))
Defendant(s).)

Case No. 5:14-CV-06118-NKL
AMENDED COMPLAINT

Defendants are sued in their (check one):
☒ Individual Capacity
☒ Official Capacity
☐ Both

I. Place of present confinement of plaintiff(s): CROSSROADS CORRECTION CENTER
1115 EAST PENCE ROADS , CAMERON MISSOURI 64429

II. Parties to this civil action:
Please give your commitment name and any another name(s) you have used while incarcerated.

A. Plaintiff ECCLESIASTICAL D.WASHINGTON Register No. # 990079
Address 1115 EAST PENCE ROADS, CAMERON MISSOURI 64429

B. Defendant DENNY , LARRY ET AL.
1115 EAST PENCE ROADS , CAMERON MISSOURI 64429
Is employed as WARDEN

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UNITED STATE DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

ECCLESIASTICAL D. WASHINGTON
(a/k/a) WILLIE SIMMONS

PLAINTIFF,

VS.

CASE NO. 14-6118-CV-SJ-NKL-P

LARRY DENNY ET AL.,
DEFENDANTS.

PLAINTIFF COMPLAINT UNDER THE CIVIL
RIGHT ACT OF 42 U.S.C. 1983

PLAINTIFF MR. WASHINGTON, D. ECCLESIASTICAL FOR HIS CAUSE ACTION AGAINST
DEFENDANT(S) STATES:

PARTIES

1. PLAINTIFF IS A CITIZEN OF MISSOURI WHO CURRENTLY RESIDES AT CROSSROADS
CORRECTIONAL CENTER (CRCC) IN CAMERON MISSOURI.
2. DEFENDANT(S) ARE EMPLOYEES OR OFFICIALS OF THE DEPARTMENT OF CORRECTIONAL
(DOC) AND OR CRCC FOR THE STATE OF MISSOURI. AT ALL RELAVANT TIMES DEFENDANTS
WERE ACTING UNDER THE COLOR OF STATE LAW.
3. PLAINTIFF MR. WASHINGTON SUED THE DEFENDANTS, LARRY DENNY, ET AL. TERRY PAGE
MR. MCBEE, TODD WARREN, RONDA PASH, CYNDI PRUDDEN, MR. HUFF, MR. PETTIGREW
MRS. PETTIGREW, MRS. JUDY HUFF, MR. MONTGEMERY, MR. GREEN, MRS. RICHEY, MRS.
SLIVER, MRS. MCDONNAL, MRS. HUFF COI, MR. NIBARGER, MRS. PARKHURS, MR. NEU,
MR. BRENT, WERE DELIBERATELY INDIFFERENT TO PRISONER HEALTH & SAFETY NEEDS
TO BE PLACED IN SMOKE FREE ENVIRONMENT SUPPORTING PRISONER CRUEL & UNUSAL
PUNISHMENT CLAIM WERE PRISONER HAD (2) INDIVIDUAL MANAGEMENT PLANS (imp) WHICH
REQUIRED THAT HE PLACED IN SMOKE FREE ENVIRONMENT PRISONER CELL BLOCK NON
SMOKE REGULATION WERE CONSUSTERTLY VIOLATED THESE DEFENDANTS WERE AWARE OF
VIOLATION AND EVEN AFTHET RECEIVING NOTICE THAT (IMP) WERE NOT BEING FOLLOW-
ED, CONTINUED TO DO NOTHING TO REMEDY STITUTION U.S.C.A. CONST. AMEND. 8.
PLAINTIFF INJURY POSED UNREASONABLE RISK OF HARM ALLEGES LONG TERM EXPOSURE TO
ETS) MR. WASHINGTON MEDICAL CONDITION THAT PUT HIM AT A GREAT RISK THAN THE
GENERAL POPUTITION WHEN EXPOSED TO (ETS) PLAINTIFF EXPOSURE CREATES A SUB-
STANTIAL (RISK) OF INJURY BECAUSE OF HIS MEDICAL CONDITION IS NOT THE SAME
POSED TO THE GENERAL POPUATION. THE PLAINTIFF ALLEGED HE IS IN IMMUMENT
DANGER OF SERIOUS PHYSICAL INJURY ALLEGER LONG TERM EXPOSURE TO THE (ETS).

JURISDICTION & VENUE

4. PLAINTIFF HAS FILED CAUSE OF ACTION FOR THE VIOLATION OF HIS CONSTITUTION
RIGHT AS PROVIDED BY 42 U.S.C. 1983 AND 1985 AS SUCH THIS COURT HAS
SUBJECT MATTER JURISDICTION PURSUANT TO 28. U.S.C. 1331, & 1343
5. PUESUANT TO 28 U.S.C. 1391 VENUE IS PROPER IN THIS COURT.

- III. Do your claims involve medical treatment? Yes X No _____
- IV. Do you request a jury trial? Yes X No _____
- V. Do you request money damages? Yes X No _____
- State the amount claimed? \$ 250 / 000 (actual/punitive)

VI. Are the wrongs alleged in your complaint continuing to occur? Yes X No _____

VII. Grievance procedures:

A. Does your institution have an administrative or grievance procedure?

Yes X No _____

B. Have the claims in this case been presented through an administrative or grievance procedure within the institution? Yes X No _____

C. If a grievance was filed, state the date your claims were presented, how they were presented, and the result of that procedure. (Attach a copy of the final result.)

IRR FILED ON 3/26/14 DENIED CRCC-14-239

OFFENDER GRIEVANCE 4/9/14 CRCC -14-239

APPEAL RESPONSE 5/23/14 DENIED SEE: ATTACHMENT COPY CRCC-14-239

D. If you have not filed a grievance, state the reasons.

N/A

VIII. Previous civil actions:

A. Have you begun other cases in state or federal courts dealing with the same facts involved in this case? Yes _____ No X

B. Have you begun other cases in state or federal courts relating to the conditions of or treatment while incarcerated? Yes _____ No X

C. If your answer is "Yes," to either of the above questions, provide the following information for each case.

(1) Style: N/A
(Plaintiff) (Defendant)

(2) Date filed: N/A

- (3) Court where filed: n/a
- (4) Case Number and citation: n/a
- (5) Basic claim made: n/a
- (6) Date of disposition: n/a
- (7) Disposition: n/a
(Pending) (on appeal) (resolved)
- (8) If resolved, state whether for: n/a
(Plaintiff or Defendant)

For additional cases, provide the above information in the same format on a separate page.

IX. Statement of claim:

- A. State here as briefly as possible the facts of your claim. Describe how each named defendant is involved. Include the names of other persons involved, dates and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra sheets, if necessary. Unrelated separate claims should be raised in a separate civil action.

LARRY DENNY ET AL, TERRY PAGE, CHRIS MCBEE, TODD WARREN
SHAWN HUFF, SHAWN PETTIGREW, JUDY HUFF, MRS. PETTIGREW,
BRIAN MONTGOMERY, CHERLY RICHEY, TERRY SLIVE, MCDONNAL
MRS. HUFF, STEVEN NIBARGER, MRS. PARKHURST, DERON NEU,
BRENT JESTES, MR. GREEN, CYNDI PRUDDEN.

- B. State briefly your legal theory or cite appropriate authority:

ALLEGING VIOLATION OF THE EIGHT AMEND. RIGHT PROHIBITION AGAINST
CRUEL & UNUSUAL PUNISHMENT BY EXPOSING HIM TO (ETS) THAT CREATED A
IMMINENT DANGER OF SUFFERING PHYSICAL INJURY TO HIS HEALTH & SAFETY,
THE DEFENDANT(S) FAILURE TO PLACE PLAINTIFF IN A SMOKE FREE
ENVIRONMENTAL. INJURY POSED UNREASONABLE RISK OF HARM ALLEGES LONG
TERM EXPOSURE TO THE SECONDHAND SMOKE, PLAINTIFF MEDICAL CONDITION
THAT PUT PLAINTIFF AT A GREATER (RISK) THAN THE GENERAL POPULATION
WHEN EXPOSED TO (ETS). EXPOSURE CREATES A SUBSTANTIAL (RISK) ON
INJURY BECAUSE OF HIS MEDICAL CONDITION IS NOT THE SAME POSED TO
GENERAL POPULATION.

IN THE UNITED STATE DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

ECCLESIASTICAL D. WASHINGTON
PLAINTIFF(S)

VS.

CASE NO. 5:14-CV-06118-NKL

LARRY DENNY ET AL.
DEFENDANT(S).

AMENDED COMPLAINT

PLAINTIFF FILED A 42 U.S.C.S. 1983 ACTION ALLEGING THAT DEFENDANT(S) LARRY DENNY, TERRY PAGE, RONDA PASH, CHRIS MCBEE, TODD WARREN, WERE DELIBERATELY INDIFFERENT TO PRISONER HEALTH & SAFETY NEED TO BE PLACED IN SMOKE FREE ENVIRONMENT, SUPPORTING PRISONER CRUEL & UNUSAL PUNISHMENT CLAIM WERE PRISONER HAD (2) INDIVIDUAL MANAGEMENT PLANS, (IMP) WHICH REQUIRED THAT HE PLACED IN SMOKE FREE ENVIRONMENT PRISONER CELL BLOCK NON SMOKE REGULATION WERE CONSUSTERLY VIOLATED THESE WARDEN WERE AWARE OF VIOLATION AND EVEN AFTHET RECEIVING NOTIC THAT (IMP) WERE NOT BEING FOLLOWED CONTINUED TO DO NOTHING TO REMEDY SITUTATION U.S.C.A..CONST.AMEND. 8.

ACTION ALLEGING THAT DEFENDANT(S) ,NEGACE, CCW, JUDY HUFF, CCW, MRS. PETTIGREW CCA MRS. RICHEY, CCW, MRS. PARKHARSH CCM II HU#4 , WERE DELIBERATELY INDIFFERENT TO PRISONER HEALTH & SAFETY NEED TO BE PLACE IN SMOKE FREE ENVIRONMENT SUPPORTIN- G, PRISONER CRUEL & UNUSAL PUNISHMENT CLAIM WERE PRISONER HAD (2) INDIVIDUAL MANAGEMENT PLANS (IMP) REQUIRED THAT HE BE PLACED IN SMOKE FREE ENVIRONMENT THESE CCW & CCM HAS KNOWLEDGE OF PLAINTIFF SPECIAL MEDICAL ACCOM MTIBILITY RECORD BECAUSE MEDICAL PERSONNEL HAS SENT NOTICE TO ALL STAFF & E-FILE NOTICE TO THEM ALERTING HU# STAFF OF MED. NEED FOR PLAINTIFF TO BE HOUSED IN A SMOKE FREE ENVIRONMENT.

ACTION ALLEGING THAT DEFENDANT(S) MR. MONTGOMERY WERE DELIBERATY INDIFFERENCE TO PRISONER HEALTH & SAFETY PRISONER NEED TO BE PLACED IN SMOKE FREE ENVIRON- MENT, SUPPORTING PRISONER CRUEL & UNUASL PUNISHMENT CLAIM WERE PRISONER HAS (2) INDIVIDUAL MANAGEMENT PLANS (IMP). WHICH REQUIRED THAT HE BE PLACED IN SMOKE FREE ENVIRONMENT PRESONER CELL BLOCK NON SMOKE REGULATION WERE CONSUSTERLY VIOLATED F.U.M. WERE AWARE OF VIOLATION AND EVEN AFTER RECEIVING NOTICE THAT (IMP) WERE NOT BEING FOLLOWED CONTINUED TO DO NOTHING TO REMEDY STUTATION U.S.C A. CONST. AMEND. 8 FAILED TO RESPOND TO THE REPEATED RECOMMENDATION BY MEDICAL PERSONNEL, MR. MONTGOMERY FAILED TO SHOW HE TOOK REASONABLE MEASYRE TO ABATE THE RISK OF HARM. & BY FAILING TO ACT ON INFORMATION INDICATION THAT UNCONST. ACT WERE OCCURRING IN THE THIS MATTER.

MRS. TERRY SLIVER, & MRS. MCDONNAL, & MRS. HUFF, IS IN CHARGE OF THE HU# UNIT 4B WING THESE OFFICER WHO WORKED IN SECURITY IN THE HU# UNIT WERE PERSONALLY INVOLVED IN THE ENFOREMENT OF DOC SMOKING POLICY IN THE HU# UNIT OFFICER MRS. SLIVER, & MRS. MCDONNAL. MRS. HUFF, DEPRIVED PLAINTIFF OF 8th AMEND RIGHT TO BE FREE CRUEL & UNUASL PUNISHMENT BY BEING DELIBERATELY INDIFFERENC TO PRISONER HEALTH & SAFETY IN INADEQUATELY ENFORCING THE INDOOR SMOKING BAN THERE BY EXPOSING HIM TO UNREASONABLE HIGHT AMOUNT OF ETS. THESE OFFICER HAS KNOWLED- GE OF PLAINTIFF (SPECIAL MEDICAL ACCOMMTIBILITY RECORD BECAUSE MEDICAL-

PERSONNEL HAS SENT NOTICE TO ALL STAFF AND E-FILE NOTICE TO THEM ALERTING HU# STAFF OF MEDICAL NEEDS FOR PLAINTIFF TO BE HOUSED IN A SMOKE FREE ENVIRONMENT.

MR. NIBARGER, MR. GREEN, MR. BRENT, MR. NEU, MR. HUFF THESE OFFICER IS IN CHARGE OF THE EVEN SHIFT OF HU# UNIT 4B WING THESE OFFICERS WHO WORKED IN SECURITY IN HU# UNIT WERE PERSONALLY INVOLVED IN THE ENFORCEMENT OF DOC. SMOKING POLICY IN THE HU# UNIT OFFICER MR. NIBARGER, MR. GREEN, MR. JESTES, MR. NEU, MR. HUFF DEPRIVED, PLAINTIFF OF 8th AMEND. RIGHT TO BE FREE CRUEL & UNUSAL PUNISHMENT BY DELIBERATELY INDIFFERENCE TO PRISONER HEALTH & SAFETY IN INADEQUATELY ENFORCING THE INDOOR SMOKING BAN THERE BY EXPOSING HIM TO UNREASONABLE HIGH LEVEL AMOUNT OF ETS THESE OFFICERS HAS PERSONAL KNOWLEDGE OF PLAINTIFF MEDICAL SPECIAL, ACCOMMODATION NOTICE FROM PRISON MEDICAL STAFF ALERTING HU# UNIT STAFF OF MEDICAL NEED FOR MR. WASHINGTON HOUSED IN A SMOKE FREE ENVIRONMENT. THE HARMS ARISING FROM THE PLAINTIFF ASTHMATIC SYMPTOM WERE EXACERBATED BY EXPOSURE TO ETS.

MRS. CYNDI PRUDDEN, WERE DELIBERATELY INDIFFERENCE TO PRISONER HEALTH & SAFETY NEED TO BE PLACED IN SMOKE FREE ENVIRONMENT SUPPORTING PRISONER CRUEL & UNUSAL, PUNISHMENT CLAIM WERE PRISONER HAD TWO INDIVIDUAL MANAGEMENT PLANS (IMP) WHICH REQUIRED THAT HE BE PLACED IN SMOKE FREE ENVIRONMENT, SHE DENIED THE APPEAL ON THE SPECIAL MEDICAL ACCOMMODATION AND SHE HAS PERSONALLY OF THE (IMP) WAS BEING VIOLATED AND WAS AWARE OF CONSTITUTELY VIOLATED, ALERTING HU# STAFF OF SERIOUS MEDICAL NEED TO BE HOUSED IN A SMOKE FREE ENVIRONMENT.

THAT AS A DIRECT AND PROIMATE RESULT OF THE CONDUCT OF THOSE DEFENDANTS PLAINTIFF HAS SUFFERED MENTAL, PHYSICAL AND EMOTIONAL PAIN AND SUFFERING, & DEFENDANTS IN THE ABOVE VIOLATION OF STATE AND FEDERAL LAW THAT THE CONDUCT OF DEFENDANTS CONSTITUTE CRUEL & UNUSAL PUNISHMENT BY DELIBERATELY INDIFFERENT TO PRISONER NEED TO BE HOUSED IN A SMOKE FREE ENVIRONMENT DEFENDANTS IN VIOLATION OF PRISONER RIGHT SECURED BY THE 8th AMEND. TO THE CONST. OF THE U.S.

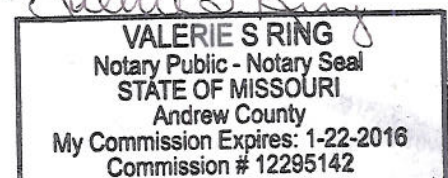
THAT THE CONDUCT OF DEFENDANTS DEPRIVED THE PLAINTIFF OF HIS RIGHT PRIVILEGES & IMMUNITIES SECURED TO HIM BY THE FIFTH & FOURTEENTH AMEND. TO THE CONST. OF THE UNITED STATE, THE DEFENDANTS ABOVE DESCRIBED ACTIONS HAVE CAUSED PLAINTIFF TO SUFFER DAMAGES.

Mr. Ecclesiastical D. Washington

CERTIFICATE OF SERVICE

MR. ECCLESIASTICAL D. WASHINGTON CONFIRM THAT ON THIS June OF 12th 2015 I MAILED A COPY OF THE FOREGOING ANENDED COMPLAINT TO THE FOLLOWING PERSON. U.S. POSTAGE FULLY PREPAID AND DEPOSITING IT IN THE PRISON MAILBOX AT CAMERON MO. EXECUTED THIS June DAY OF 12th 2015 AT CAMERON MO. COPY SENT TO THE ATTORNEY OFFICE AT P.O. BOX 899 JEFFERSON CITY MO. 65102.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 12th DAY OF June 2015
NOTARY _____



6/12/15

X. Relief: State briefly exactly what you want the court to do for you. Make no legal arguments.

REFRAIN FROM SELLING TOBACCO PRODUCTS IN ALL DOC & CRCC THAT THE HONRABLE JUDGE
OF THE COURT TO ORDERS TOBACCO PRODUCTS TAKE OUT OF CRCC & OVER CORRCTION
CENTER BECAUSE ALL THE OFFENDER AND PRISON AND MR. WASHINGTON FACES IMMENT
DANGAES OD SERIOUS PHYSICAL INJURY & HIS CONDDITION & EXPOSURE (EST) THAT

XI. Counsel: CREATES AS SUBSTANTIAL RISK OF INJURY BECAUSE OF HIS ASTIMATIC
ATTACK AND MEDICAL CONDITION IS NOT SAME RISK POSED TO GENERAL
POPULATION, PLAINTIFF ALLEGING THAT HIS CONFINEMENT CREATES

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name. n/a LONG TERM HEALTH RISKS.

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action? Yes No X

If your answer is "Yes," state the names(s) and address(es) of each lawyer contacted.

n/a

C. Have you previously had a lawyer representing you in a civil action in this court? Yes No X

If your answer is "Yes," state the name and address of the lawyer.

n/a

I declare under penalty of perjury that the foregoing is true and correct.

Executed (signed) this June day of 12th 2015.

Mr. Ecclesmeyer D. Wapner
Signature(s) of Plaintiff(s)

1115 EAST PENCE ROADS

CAMERON MISSOURI 64429