

COMPLAINT UNDER 42 USC §1983, CIVIL RIGHTS ACT-TDCJ-ID (Rev. 4/2008)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

United States Court
Southern District of Texas
FILED
SEP 14 2012
David J. Bradley, Clerk of Court

RODERICK KEITH JOHNSON #1455959

Amended

Plaintiff's name and ID Number

PACK 1 unit, Texas Dept. Criminal Justice

Place of Confinement

CASE NO. H-12-2728
(Clerk will assign the number)

v.

BRAD LIVINGSTON, P.O. BOX 13084
Defendant's name and address AUSTIN, TX 78711

"Compliance"

RICK THALER, P.O. BOX 99 Huntsville, TX
Defendant's name and address 77342

RICHARD HERRERA, 2400 WALLACE PACK RD.
Defendant's name and address NAVASOTA, TX 77868
(DO NOT USE "ET AL.")

Clerk, U.S. District Court
Southern District of Texas
FILED

INSTRUCTIONS - READ CAREFULLY

OCT 04 2012

David J. Bradley, Clerk of Court

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion (s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment? ☒ YES ☐ NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: APRIL 17th 2002
2. Parties to previous lawsuit:
 Plaintiff(s) RODERICK Keith Johnson #1455959
 Defendant(s) GARY Johnson, Richard WATKIN
3. Court: (If federal, name the district; if state, name the county.) NORTHERN DISTRICT OF TEXAS
4. Docket Number: 7:02-CV-087-M/R
5. Name of judge to whom case was assigned: HONORABLE Judge BARBARA M.G. LYNN
6. Disposition: (Was the case dismissed, appealed, still pending?)
Dismissed by JURY TRIAL
7. Approximate date of disposition: OCTOBER 2005

EMERGENCY GRIEVANCE

SEP 26 2012



Texas Department of Criminal Justice

STEP 2

OFFENDER
GRIEVANCE FORM

Offender Name: RODERICK K. JOHNSON TDCJ # 1455959
 Unit: PACK 1 Housing Assignment: AD SEG # 26
 Unit where incident occurred: PACK

OFFICE USE ONLY	
Grievance #:	<u>2012142492</u>
UGI Recd Date:	<u>7.10.12</u>
HQ Recd Date:	<u>JUL 12 2012</u>
Date Due:	<u>8-14</u>
Grievance Code:	<u>518,804</u>
Investigator ID#:	<u>I-1349</u>
Extension Date:	<u>9-18</u>

You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

The Unit Warden Staples failed to hold the Theft of my legal PAPERS AS Missing, He And The TDCJ Administration Has And Continues to Subject me to their Constant Excessive uses of force And threats, Retaliation And uses TDCJ Policy As the means to Justify the Actions of it's staff when they intend to punish And HARRASS ^{me for} ~~these~~ grievances And lawsuits I have filed. The Warden Upholds With No Regard TDCJ policy which in this Case Authorizes officer GARCIA to Enter my Cell less than 24 hours after he physically Assaults me And to Completely destroy my Personal property and legal papers Which were strewn everywhere And Took me 45 minutes to clean up AS Reasonable And Then say that my legal materials were Taken And has not been returned due to my filing A grievance As not Retaliation OR HARRASSMENT. He also fails to Respond to A disciplinary Complaint Before the hearing when this was Never investigated when I complained of this ACT AS Highly likely to happen And when this happened the TDCJ Administrators Discounts these ACTS AS Business AS USUAL. The Grievance failed to have my legal PAPERS Returned, Authorized excessive force, threats, Retaliation Against me And Allow A Retaliatory ~~Disciplinary~~ Case to proceed And show that these Type of ACTS in this Case warranted no Action. The Response Also indicates that staff Addressed these issues Correctly by saying "no evidence staff Addressed this issue incorrectly", which Shows no Regard For my Constitutional Rights. ~~And~~ The Response Shows prison officials the Sgt. Roark, Unit Wardens And Executive Directors have displayed in their Actions "deliberate indifference"

I-128 Front (Revised 11-2010)

YOUR SIGNATURE IS REQUIRED ON BACK OF THIS FORM

(OVER)

Appendix G

EMERGENCY GRIEVANCE

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And "reckless disregard" for my safety by failing to "act reasonably" in response to danger. This means they have shown me that as prison personnel "knows of and disregarded an excessive risk to my health and safety." They are both from their investigation into this matter facts which makes them aware of the inference that can be drawn that a substantial risk of serious harm exists, and also draws the inference. The administrators have actual knowledge of the risk posed by officer Garcia against me and justify their response as business as usual.

Offender Signature: [Signature]

Date: 7-10-12 AS USUAL

Grievance Response:

Upon further review of your Step 1 complaint. No evidence was found that Security staff retaliated against you due to your use of the Grievance Procedure. No evidence was found that Security staff inappropriately searched your cell. This decision was based on statements gathered concerning your allegations against Security staff. No further action is warranted.

B. Armstrong

Assistant Regional Director

Signature Authority: [Signature]

Date: SEP 17 2012

Returned because: *Resubmit this form when corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Illegible/Incomprehensible.*
- ☐ 3. Originals not submitted.*
- ☐ 4. Inappropriate/Excessive attachments.*
- ☐ 5. Malicious use of vulgar, indecent, or physically threatening language.
- ☐ 6. Inappropriate.*

CGO Staff Signature: _____

OFFICE USE ONLY

Initial Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

2nd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

3rd Submission CGO Initials: _____

Date UGI Recd: _____

Date CGO Recd: _____

(check one) ☐ Screened ☐ Improperly Submitted

Comments: _____

Date Returned to Offender: _____

II. PLACE OF PRESENT CONFINEMENT: TEXAS Department of Criminal Justice, Pack 1 unit

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution?

☒ YES ☐ NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: RODERICK Keith Johnson #1455959
PACK 1 unit, 2400 WALLACE PACK RD., NAVASOTA, TX
77868

B. Full name of each defendant, his official position, his place of employment, and his full mailing address. (Also Refer to Attachment 'A')

Defendant #1: BRAD LIVINGSTON, Executive Director, TEXAS DEPT.
CRIMINAL JUSTICE, P.O. BOX 13084, AUSTIN TX 78711

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

SEE ATTACHMENT

Defendant #2: RICK THALER, Director Correctional Institutions Division
TEXAS DEPT. CRIMINAL JUSTICE, P.O. BOX 99, HUNTSVILLE, TX 77342

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

SEE ATTACHMENT

Defendant #3: RICHARD HERRERA, Senior Warden, PACK 1 unit
TEXAS DEPT. CRIMINAL JUSTICE, 2400 WALLACE PACK RD. NAVASOTA, TX 77868

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

He is LEGALLY Responsible for the OPERATIONS OF PACK 1 unit and for the

Defendant #4: LANETTE LYTHICUM, Director Health Services Division,
TEXAS DEPT. CRIMINAL JUSTICE, P.O. BOX 99, HUNTSVILLE, TX 77342

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

SEE ATTACHMENT

Defendant #5: EACH defendant is sued individually and in his official
CAPACITY. AT ALL TIMES MENTIONED IN THIS COMPLAINT EACH DEFENDANT ACTED

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

under Color of State law

EX. Parties To this Suit
(ATTACHMENT A)

#1 Defendant BRAD LIVINGSTON is the Executive Director of The TEXAS Department of Criminal Justice ("TDCJ"). He has ultimate responsibility within the Department for overseeing the operations of state prison facilities and ensuring prison officials adherence to federal and state law and official TDCJ policy.

Defendant #2 RICK THALER, Director of Correctional Institutions Division of (TDCJ). He has ultimate responsibility within the Institutional Division overseeing the security and classification of state prison facilities and ensuring prison employee's adherence to official TDCJ policy.

Defendant #3 RICHARD HERRERA, Senior Warden of the PACK 1 Unit. He is responsible for the daily operations of PACK 1 Unit.

Defendant #4 Lanette Lithicum, Director of the Health Services Division. She is responsible and has ultimate authority overseeing the health care provided for offenders who have medical, dental, ~~psychiatric~~ psychiatric and psychological problems.

Defendant #5 At all relevant times, all defendants acted under color of state law, and all individual defendants were acting within the scope of their employment.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need 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. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

1. with Respect to Each of the following claims, the Defendants ENGAGED IN conduct with malice and Reckless or callous DISREGARD AND Indifference to the Constitutional and statutory Rights of MR. Johnson

2. The Plaintiff ReAlleges And Incorporates by Refrence the Facts described herein And in the PARAGRAPHS of his motion for A Temporary Restraining Order And Preliminary Injunction.

SEE ATTACHMENTS ENCLOSED
PAGES(1-7)

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

SEE ATTACHMENT ENCLOSED
PAGES(7-8)

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

RODERICK KEITH JOHNSON

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

LTDCJ-ID # 623028

And TDCJ-ID Present #1455959

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ☐ YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): _____

2. Case Number: _____

3. Approximate date sanctions were imposed: _____

4. Have the sanctions been lifted or otherwise satisfied? ☐ YES ☒ NO

V. STATEMENT OF CLAIM

First CLAIM FOR RELIEF

A. EIGHTH Amendment- Transfer Required to Protect Life And SAFETY.

1. Defendants Livingston, and Thaler know that Mr. Johnson ~~is~~ ^{is} at Substantial Risk of SERIOUS Injury and has disregarded THAT Risk When Substantial and Uncontradicted Evidence EXISTS to indicate that ANY Reasonable Person in Mr. Johnson's Position would have Ample Reason to fear for his SAFETY Above That Fear Experienced by the Ordinary Inmate incarcerated IN (TDCJ) Texas Department of Criminal Justice, and that Evidence ~~on~~ ~~that~~ Indicates that Mr. Johnson faces AN Unusually high Risk of DANGER IN (TDCJ) if he is Allowed To mix with the Systems General Population.

2. Defendant's Livingston, Thaler knew that their Actions And Omissions Created A Substantial Risk of PHYSICAL Injury To Mr. Johnson When He WAS involuntarily Returned from New Mexico Department of Corrections where he had been Placed Since October 2007 because of the unusual Circumstances And undisputed Evidence demonstrated that Mr. Johnson's Continued Confinement in (TDCJ) will Subject him to AN Unusually high Risk of PHYSICAL DANGER ~~and~~ ^{and is} unable to Provide him with An Environment free from Cruel And Unusual Punishment As Required by the Eighth And Fourteenth Amendments to the United States Constitution, And 42 U.S.C. 1983.

3. Defendant's Livingston, Thaler, And HERRERA have Acted With Deliberate Indifference to Mr. Johnson's Protection from Substantial Risk of SERIOUS HARM, And His Continued Confinement in (TDCJ) Put him At AN Extraordinary HIGH Risk For Gang Violence, Sexual Torture And Enslavement, And Death Threats on his Life Since 2002 By Present, And Past unidentified Prison officials

Who continues to threaten his life and seeks to have him killed in Retaliation for Petitioning for Redress of his Grievances Administratively and through the Courts ~~where~~^{when} Mr. Johnson testified and revealed their deliberate indifference in failing to protect him from Sexual Abuse and Enslavement by violent Prison Gangs. Mr. Johnson now face Life threatening Retribution from Gang members who have Branded him a "Snitch" and lives in constant fear of what Tragedy will ~~next~~ Affront him Today, Violates his Right to be free from deliberate indifference to his safety and violates his Eighth Amendment Rights to be free of Cruel and Inhumane Treatment by facing undue Risks and fears for his safety from Prison officials and inmates alike.

4. The Defendants Livingston, Thaler, and HERRERA's deliberate Indifference to the high risk of physical danger to Mr. Johnson Health and safety ~~where~~^{knowing} he faces a substantial risk of serious harm ~~and~~ is deliberately indifferent by disregarding that risk ~~and~~ failing to take reasonable measures to reduce that harm, and still fails to take any reasonable steps to transfer him from the well publicized notoriety of the threats to his life makes him an inviting target. This violation of Mr. Johnson's rights constitutes a risk of harm so grave that it deprives him of a basic necessity of human existence and violates all contemporary standards of decency.

SECOND CLAIM FOR RELIEF

B. RETALIATION

5. Defendants Livingston and Thaler Transferred Mr. Johnson shortly after filing grievances in Retaliation for making complaints and ~~is~~ a result of their hostility and animus towards him for filing a lawsuit against Prison officials and for reporting his sexual victimization constitutes Retaliation for petitioning Government for Redress of Grievances and therefore violates the First Amendment.

6. Defendants Livingston, Thaler, and HERRERA continues to be deliberately indifferent towards Mr. Johnson by retaliating by transferring him from New Mexico where he was safely housed among its general population back into the dangerous conditions of (TDCJ) when they

Know that the Transfer Period is a Threat to his Life and Safety, And that he is widely known among Texas Correctional ~~Officials~~ ^{Officials} as someone who has lodged complaints against the Prison system in the past and known to file grievances, thus transferring him into ~~the~~ ^{conditions} of confinement which constitutes cruel and inhumane punishment under the Eighth Amendment. Mr. Johnson continues to be punished by the defendants means and acts where severe pain and suffering both physical and mental is being intentionally inflicted upon him.

7. Defendants Livingston, Thaler, and HERRERA continue illegal actions that cause Mr. Johnson injury to his first Amendment rights, and deliberate indifference knowing that Mr. Johnson has been threatened and assaulted with physical violence and upon placement in LTUCT). They have retaliated ~~against him~~ ^{against him and} have imposed conditions far harsher than those anywhere else in the Texas Prison system, and placed ~~him~~ ^{him} in extreme isolation where he remains confined the past year with absolutely no human interaction in a small closet ~~the size~~ ^{size} ~~and~~ windowless cell for 24 hours a day, and where he languish day after day, month after month under prolonged social isolation, human contact deprivation, sensory deprivation, and absence of all mental and environmental stimulation, in solitary confinement.

8. The defendants are well aware that solitary confinement units are by design meant to cause persons with serious mental illnesses to deteriorate both physically and mentally. They have evidence that these conditions pose a significant risk to Mr. Johnson's mental health particularly because for the past 12 years he has been diagnosed, treated, and hospitalized for serious mental illnesses: Bipolar and Schizoaffective disorders; Post Traumatic Stress disorder; and Major manic Depression with psychotic features, and places Mr. Johnson at a high risk for suffering substantial mental deterioration while housed in solitary confinement, yet they sent him into total isolation knowing he has a history of chronic severe mental illnesses. The defendants continue to disregard this irreparable harm knowing the catastrophic mental health risk and deliberately place him there regardless with no mental health programming, human contact or psychiatric support he needs to prevent his illness from further exacerbating his mental health conditions ~~being~~ ^{by being} subjected to solitary confinement's reduced environmental stimulation conditions is serious enough to constitute cruel and unusual punishment in violation of Eighth Amendment.

9. THE DEFENDANTS HERRERA, LIVINGSTON, AND THALER ON information and belief as top ranking administrators ^{are} charged with operation of the Prisons Permit ~~and~~ and Condone A Pattern of Staff Harrassment, Retaliation, and use of Excessive Force Against Mr. Johnson Abdicating their duty to Supervise and monitor this Abuse, Neglect and deliberate indifference thereby depriving him of his rights under the Eighth Amendment Satisfying the Subjective Prong of Deliberate Indifference.

10. The Defendants through their Deliberate indifference Allow Prison staff to Unnecessary Assault him, and when Mr. Johnson filed Grievances Reporting these Acts Employed Against him, and that these Practices posed a Substantial Risk of Serious Harm, Nonetheless the defendant's consciously disregarded the Risk of harm Caused. Choosing Instead to Tolerate and Even Encourage these Abuses and Campaign of Harrassment where ~~he~~ ^{he} get Beaten then ~~he~~ ^{he} complains ~~they~~ ^{they} deliberately ignore ~~these acts knowing~~ they occurred. The Prison staff then Retaliate in less than 24 hours with Retaliated disciplinary Reberts and NEVER once did they Conduct Prompt meaningful Investigations into the fear for Mr. Johnson's Life and Safety ~~for~~ ^{from} these Prison Officials Tacitly Accepting the undeniable ~~presence~~ ^{presence} of A "Code of Silence" which is unwritten, Publicly denied Policies, Practices and Procedures that discourage Prison officials from Reporting Intimidation Harrassment and Abuse by their fellow Employees. The Defendants failure to deter misuses of force Against Mr. Johnson, and failing to Investigate his Reports of Abuse, Death threats, Insulting and Disrespectful Comments, and Violence OR TAKE ANY Corrective Actions To Protect him from these Prison official whom they know want to HAVE Mr. Johnson Killed. They have demonstrated sufficient CulPability to Incur liability under the Eighth Amendment.

11. ~~THIS~~ ^{THIS} is A Pattern of Prison Abuse and Neglect by the Defendants Livingston, HERRERA, And Thaler by allowing these Acts to Exist where Mr. Johnson is concerned they have Acted not only With Deliberate indifference, but also with the malicious Purpose of CAUSING HARM by allowing Mr. Johnsons food to be Tampered with, they Allow Prison officials to Destroy his Cell and steal his Legal work, Allow them to Confiscate his Legal Property to Prevent him from filing Grievances To Challenge his Classification and Retaliation. They Continue to Interfere With his Right to the Grievance Process LEAVING him No means of Protection And No one to Complain too Protesting their mis conduct.

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The DENIAL of HIS Grievances, Confiscation and destruction of HIS LEGAL WORK, ~~known~~ ^{and} hindering HIS first Amendment Rights, is the direct Result of the Defendants Acts and omissions ~~has~~ ^{causing} MR. Johnson to Suffer Physical Injuries, Intense Degradation and humiliation, EXcruciating Emotional Pain, And lasting PSYchic Trauma.

Third Claim for Relief
C. Deliberate Indifference to Serious
mental Health Needs
EIGHTH Amendment

12. The Defendants Livingston, Lithicum, HERRERA, And ~~WALKER~~ Decision to Place MR. Johnson with severe Serious mental Illnesses Is An Eighth Amendment Violation in And of ITSELF when it WAS duly noted in the diagnostic Process he has A history of Chronic And Severe Serious mental Illnesses ~~but they~~ ^{but they} SIMPLY Disregarded ~~his~~ ^{his} And has been Completly Deliberately indifferent to MR. Johnsons Serious mental Health Needs. ~~when~~ Placing And Punishing him with Extreme Solitary Confinement has Seriously Compromised his mental Health and fail to ENSure he is Effectively And Adequately Treated, NOR has never offered him APPropriate mental health Treatment he so desperately Needs, ~~and~~ No ongoing PSYchiatric CARE OR Counseling other than 2 minutes AT the Cell door in the Presence of Security officials. MR. Johnson is suffering Physical And PSYchic Trauma Resulting ^{From} the EXACERBATION And ESCALATION of his mental Illnesses AS A Result of the Prolonged Isolation the Past YEAR, the Restrictive Socialization, And Extreme Stress.

13. The Defendants Continue to be deliberately indifferent because they have Never ordered that mental Health monitors Place ~~him~~ MR. Johnson in A PSYChiatric facility or Conducted ANY MEANingful Investigations into His multiple COMPLAints And Request for CARE that the Prolonged Isolation And Sensory deprivation is Inflicting Severe Longterm PSYchological DAMAGE, And AS A result A Year Ago he was Transferred here Completly SANE And stable And within this time he has Lost ALL Grip ON Reality And Language IN Total Isolation with Suicidal Thoughts And Ideations, Paranoia, Gruesome NIGHTMARES which is Causing him Severe sleep deprivation, Severe Depression And Anxiety, Perceptual distortions, And both AuditorY And Visual Hallucinations that they Are Coming to Kill me

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Even Encouraging ~~him~~ ^{him} to Kill ~~himself~~ ^{himself} Irritability And Elevated
And depressed mood Cycles, hopelessness and vulnerability. Yet
The Defendants have made no Recommendations to Exclude Mr.
Johnson from Total Isolation due to his serious mental health
Problems and illnesses or made any Assessments that I was
likely to suffer these serious mental health conditions if he was
Even subjected to Reduced Environmental Stimulation Conditions.

14. The Defendants Livingston, Lithicum, HERCERA and
THALER continue to violate Mr. Johnsons Eighth Amendment
Rights with Deliberate Indifference with the LACK of any
Mental Care or Programming provided to him in solitary confinement.
They knew he was vulnerable to the conditions of solitary confinement
And used it anyway as a sure means of torture to drive him
Insane mentally until he became a threat of harm to himself
And others thus requiring Legitimate use of force and restraints.
They continue to disregard these risks with respect to his
Sanity, health, and safety or seriously address the acute
Symptoms suffered by Mr. Johnson and fails to take any action
to transfer him out of isolation and ameliorate the offending
Conditions which are likely to subside upon termination. These
Defendants have actual subjective knowledge ~~that~~ ^{added this} constitutes
Deliberate indifference and merely underscores the Defendants
Callous LACK of concern for his mental health when Mr. Johnson is
PARTICULARLY AT RISK.

15. The Defendants did not consult his Psychiatric
Records which in 2007 he made them aware of his diagnosis but
upon arrival in August 9, 2011 those records mysteriously came
up missing and even ~~then they~~ ^{they} failed to consult with his Psychiatrist
and Treatment Counselors who had custody over him while in
New Mexico under the Interstate Compact. Instead (TOCS)
Mental Health Directors solitary confinement EXAM was simply cursory
and failed to rely on his prior and present diagnosis when they
knew that conditions ~~he~~ ^{he} was being placed in causes serious
and catastrophic deterioration to serious mental illnesses such
as Mr. Johnsons and would deprive him of his sanity. These
conditions which exist in solitary confinement poses a substantial
risk of serious harm to Mr. Johnsons physical safety due to the
ongoing threats, brutal beatings and mistreatment, and even
death and is suffering irreparable harm from his serious
mental illnesses which are identified as one's that places

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Him At An Unreasonable High Risk of Causing him Pain,
Suffering, Physical Injury And Emotional Distress Which Constitutes
Cruel And Inhumane Punishment And Deliberate Indifference
With Respect To his Serious mental illness, thus the Defendants
Are in Violation of Mr. Johnson's Eighth Amendment Rights.

16. MR. Johnson Remains in Virtual Solitary Confinement
At Pack 1 Unit where he is mentally ill and his symptoms
continue to greatly exacerbate, and is denied access to any
programs or services that allows human interaction or amenities
as any other prisoner in the institution. The state Classification
Reviews hold no merit and simply rubberstamp the original
degrading decision to hold me in solitary confinement "You are a
sex slave", and all successive review boards are a sham that
fails to provide any meaningful reviews of feasible alternatives
to solitary confinement and is a pretext to hold him there
indefinitely and potentially for years on end to continue
the cruel, inhumane and degrading treatment thus violating
his right to due process under the fourteenth Amendment to
the ~~USA~~ United States Constitution.

17. MR. Johnson has no plain, adequate or complete
remedy at law to redress the wrongs described herein
and in the Plaintiff's motion for a temporary restraining order
and preliminary injunction. Mr. Johnson has been and will
continue to be irreparably injured by the conduct of the
defendants unless this court grants the declaratory and
injunctive relief the Plaintiff seeks.

VI. RELIEF REQUESTED

WHEREFORE, Plaintiff Requests the following
Relief from this Court.

1. A declaratory Judgment that the Policies, Practices,
Acts and Omissions complained of herein and in the Plaintiff's
motion for a temporary restraining order and preliminary injunction
violated the Plaintiff's Rights;

2. Issue A Preliminary And Permanent Injunction directing the Defendants do the following:

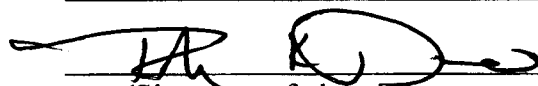
- (A) Transfer And ~~entitle~~ Entitle the Plaintiff's Remaining Prison Sentence be served in Another State's Correctional Prison system or federal Custody so long as he Remains Confined And remain in TDCJ Custody.
- (B) Transfer the Plaintiff from Solitary Confinement and maintain him in a safekeeping facility or Psychiatric facility so long as he Remains in TDCJ Custody.
- (C) Offer the Plaintiff Appropriate Medical And Psychiatric Treatment And Counseling for the Physical And Longterm Psychiatric Injury he has Suffered as a Result of their Acts And Omissions;

3. Retention of Jurisdiction over Defendants until such Time that the Court is satisfied that Defendants Unlawful Policies, Practices, Acts And Omissions no longer Exist And Will Not Recur.

4. Grant Such Further Relief As the Court may Deem Just And Proper.

- C. Has any court ever warned or notified you that sanctions could be imposed? _____ YES ☒ NO
- D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)
1. Court that imposed warning (if federal, give the district and division): _____
 2. Case Number: _____
 3. Approximate date warnings were imposed: _____


Executed on: 10-1-12
DATE

Roderick Keith Johnson #1455959

(Signature of plaintiff)

PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 1st day of October, 20 12.
(Day) (month) (year)

Roderick Keith Johnson #1455959

(Signature of plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the above questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.

To: Southern District Court of TEXAS
~~How~~ Corpus Christi Division
ATTN: DISTRICT COURT CLERK

From: RODERICK K. JOHNSON #1455959
PACK 1 Unit
2400 WALLACE PACK Rd.
NAVASOTA, TX 77868

Subj: ^{Reference} ~~proposed~~ filing of "Compliance" Amended Complaint
Date: 10-1-12 CASE NO. H-12-2728

DEAR CLERK,

ENCLOSED IS the "COMPLIANCE" Amended Complaint
REQUIRED BY the COURT AND is to be filed in this Court in
Reference to CASE NO. H-12-2728. Within ^{the} 30 day deadline.

1. ENCLOSED ALSO is one (1) COPY that I ASK you
to PLEASE RETURN to me with the Court Date Stamp of
my Complaints filing.

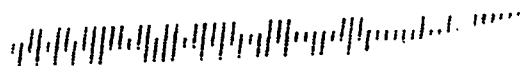
2. ATTACHMENTS:

STEP 2 GRIEVANCE
Letter to Judge
Complaint (2002)

Sincerely, 

Roderick K. Johnson #1455959
PACK 1 Unit
2400 WALLACE PACK Rd.
NAVASOTA, TX 77868

FROM: RODDERICK K. JOHNSON #1455959
PACK 1 unit
2400 WALLACE PACK Rd.
NAVASOTA, TX 77868



Legal Mail



Black, U.S. District Court
Southern District of Texas
FILED

OCT 04 2012

David J. Bradley, Clerk of Court

TO: SOUTHERN District Court of TEXAS
SPUS Christi Division

ATTN: District CLERK, DAVID J. BRADLEY

13 N. Shoreline Blvd. Room 130
Christi, Texas 78401

Legal