

FILED FEB 22 17 PM 12:34 USDC ALA

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA

PRISONER COMPLAINT [FOR INMATE ACTION] UNDER 42 U.S.C. § 1983

LEON CARMICHAEL, Jr.

Name under which you were convicted

165648

Your prison number

CIVIL ACTION NO. 1:17-CV-0087-WS-B (To be supplied by Clerk of Court)

vs.

Jefferson Dunn, et al.,

Name of Defendant(s)

Holman Unit 3700 Atmore, Al. 36503-3700

Place of Confinement and Address

INSTRUCTIONS - READ CAREFULLY

A. Complaint Form. You must file your original complaint and a copy for each named Defendant. Your complaint must be clearly handwritten or typewritten. Do not use the back of a page. Your complaint must be signed by you; no notary is required. Any false statement of material fact may serve as the basis for prosecution for perjury.

B. Proper Court. Your complaint can only be brought in this Court if a defendant is located in the Southern District of Alabama and the rest of the defendants are located in Alabama or if your claim arose in this district. The Southern District of Alabama is comprised of the following counties: Baldwin, Clarke, Choctaw, Conecuh, Dallas, Escambia, Hale, Marengo, Mobile, Monroe, Perry, Washington, and Wilcox.

C. Separate Case. It is necessary to file a separate complaint form for each claim unless the claims are related to the same incident or issue.

D. Defendants. The persons who are listed as defendants in section III of the complaint are deemed by the Court to be the only defendants to this action. A defendant's present address must be provided. The Court is unable to serve process without the present address being furnished. The first defendant listed in section III should be the defendant that you list in the style of your case on your complaint form and motion to proceed without prepayment of fees and costs, if applicable, and any other pleading filed with the Court.

D. Defendants. The persons who are listed as defendants in section III of the complaint are deemed by the Court to be the only defendants to this action. A defendant's present address must be provided. The Court is unable to serve process without the present address being furnished. The first defendant listed in section III should be the defendant that you list in the style of your case on your complaint form and motion to proceed without prepayment of fees and costs, if applicable, and any other pleading filed with the Court.

E. Pleading the Complaint. Your complaint should not contain legal arguments, case law or statutory citations. You are required to provide facts. Your complaint shall be a short and plain statement of your claim and shall provide fair notice to each defendant of the claim against that defendant and of the factual grounds upon which the claim rests.

F. Fees. This complaint cannot be properly filed unless it is accompanied by the current filing fee or a motion to proceed without prepayment of fees and costs if you are unable to afford the filing fee and other costs associated with prosecuting this action.

If you are unable to pay the filing fee and service costs for this action, you may ask the Court to let you proceed without prepayment of fees and costs. A blank motion for this purpose is included.

If you wish to proceed without prepayment of fees and costs, you must complete and mail to the Clerk of the Court a copy of the "Motion to Proceed Without Prepayment of Fees and Costs" mailed to you with this complaint. This motion will be returned to you without action unless you have an authorized officer at the jail or prison complete the financial statement mailed to you with this form.

Even if the Court authorizes you to proceed without prepayment of filing fees, you are obligated to pay the full current filing fee. If you have the ability to pay a partial filing fee when your complaint is filed, you will be required to pay an amount based on your assets, of up to the greater of 20 percent of your average monthly balance in your prison account or your average monthly balance for six months immediately preceding the filing of your complaint. Thereafter, your prison account will be garnished at the rate of 20 percent of your monthly income until the filing fee is paid.

G. Form of Pleadings. All pleadings and other papers filed must be on 8½ x 11" paper, legibly handwritten or typewritten. Every document filed after the complaint must have the style of the

A. Have you filed any other lawsuits in state or federal court dealing with the same or similar facts involved in this action:

Yes ( ) No (X)

B. Have you filed other lawsuits in state or federal court relating to your imprisonment:

Yes ( ) No (X)

C. If your answer to questions A or B above 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, using this same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: N/A

Defendants: \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county): \_\_\_\_\_

3. Docket Number: \_\_\_\_\_

4. Were you granted the opportunity to proceed without payment of filing fees?

Yes ( ) No ( )

5. Name of judge to whom the case was assigned: \_\_\_\_\_

6. If your case is no longer pending and has been dismissed, state the reason given by the Court as to why your case was dismissed, i.e., frivolous, malicious, failed to state a claim, defendants were immune, etc.

N/A

7. Approximate date of filing lawsuit: N/A

8. Approximate date of ruling by court: N/A

**II. YOUR PRESENT COMPLAINT.**

A. Place or institution where action complained of occurred: Holman Corr. Facility

B. Date it occurred: November 9, 2016

C. Is there a prisoner grievance procedure in this institution? NO

D. Did you present the facts relating to your complaint in the state prisoner grievance procedure?  
Yes ( ) No (  )

E. If your answer is YES:

1. What steps did you take? N/A

2. What was the result? \_\_\_\_\_

F. If your answer is NO, explain why not: No Grievance

G. Your claim (briefly explain your claim: what, when, where, who; do not cite cases; you may, without leave of Court, add up to five (5) additional pages if necessary):

See Attachment  
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ATTACHMENT TO MY 42 USC §1983 CIVIL ACTION

G. YOUR CLAIM.

On November 7, 2016, members of the Alabama Department of Corrections C.E.R.T., Correctional Officer Scarborough and other Correctional Officers assigned to Holman Correctional Facility entered Bravo Unit (B-Dorm) to conduct the institutional count, at this time Holman Correctional Facility was in a serious crisis due to the overcrowding conditions of the entire Alabama Department of Corrections and the lack of Correctional Officers to protect and control the inmates, which resulting in the inmate (s) putting up makeshift tents to gain some space from the inmate he shares the 5'x6' living area with.

Once inside Bravo Unit and instructed the inmates to remove the makeshift tents they had around their beds while the inmates was removing the tents, one of the C.E.R.T.Members aggressively broke a stick from off an inmate bed Quandarian Falkner, as he was removing the tent from around his assigned bed, the C.E.R.T. Member action in aggressively breaking the stick resulted in a reaction from the C.E.R.T.Members, Correctional Officers present and the Inmates, after a brief stillness, the count was conducted and the C.E.R.T.TEAM Members and Count Team exited the dorm.

Approximately two days later on November 9, 2016, at approximately 6:30 a.m. over 50 members of the Alabama Department of Corrections C.E.R.T.TEAM, entered Bravo Unit armed with their Riot Gear(Helmets with face Shields, Neck Collar, Body Vest, Shields, Arms and Legs Gear), and Shotguns, Knives, Mace and Sticks, while at least One-Hundred (100) of the One-Hundred and Fourteen (114), inmates assigned to Bravo Unit was sound asleep, and immediately Assaulted the inmates like they were Animals, without provocation, because the majority of the inmates were Harmlessly asleep, after about 35 to 45 minutes of assaulting the inmates, the C.E.R.T.TEAM Members<sup>1</sup> placed Plastic Restraining Tyes on the inmates to lay face down on their beds while other C.E.R.T.TEAM members was parading up and down Bravo Unit still assaulting and Harrassing the inmates and making statements belittling the inmates and making fun of those that had Gang Affiliation, statements like:"Where the GD's, Crips and Bloods at now", "Aryan Brotherhood & Nations where yall at", on "C.E.R.T. We will beat your Ass", "Yall Bitches and Fuck Niggers stood up the other day Standup now...On C.E.R.T. we will beat your Ass", "Yall old Mutha Fuuckers in this Dorm yall better move to D & E Dorms, because when we come back, We going to beat some more of yall Ass Too".

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1. Because the Alabama Department of Corrections C.E.R.T.TEAM Members, that entered Bravo Unit that Morning had their full full Riot Gear on, with no name tags and faces partially concealed, making it impossible to identify them at that time.

" Yall Stabbed Warden Davenport and Killed Officer Bettis, pull something out now on C.E.R.T. we will beat your Ass". After the Assaults some of the inmates that were Assaulted unmercifully were taken to the infirmary, however, a lot of the injured inmates were refused a body chart and treatment by the nurses on duty, and was instructed to sign up for sick call, causing the inmates not to receive a body chart and treatment until days after the assault.

ATTACHMENT OF MY CLAIM SET OUT IN THE FACTS BELOW:

I inmate LEON CARMICHAEL JR was in my bed; B-9B,  
Asleep when on Nov 9, 2016 between 6:00AM - 6:30AM I WAS  
AWAKEN by loud SCREAMING AND yelling inside of the dormitory.  
I thought that there was a stabbing taking place. As I sat  
up in bed the first thing that I noticed was that all of the lights  
in the dorm were off and that it was still DARK outside. As my  
mind began to clear the lights clicked on AND I saw that it WAS  
ACTUALLY the ADOC riot team (CERT Team) in the dorm ~~at over~~  
spreaded out throughout the dorm jumping on inmates AND yelling  
for everybody to get on our stomachs, put our hands behind our  
~~backs~~ heads AND cross our legs. I immediately turned on my  
stomach, put my hands behind my head AND crossed my legs.  
All I could hear was inmates being jumped on AND screaming.  
After about ten (10) minutes a riot team (CERT team) officer  
said "The CERT team will not be disrespected!! Every time any  
of you motherfuckers disrespect the CERT team this is what you  
motherfuckers is going to get!! Do not test the CERT team.

CONTINUE ON ATTACHED  
PAGES.



~~17~~

## Continued Attachment of Claim

Other riot team officers were taunting inmates on the other side of the dorm as well. (see attachment) After that the riot team (Cert team) officers started singling out inmates throughout the dorm and jumping on them. At this time I had not been jumped on. Warden/Cert team officer Streeter was calling out names and every inmates name that he called out the riot team (Cert team) officers unmercifully jumped on them. A riot team officer came to my bed, put his hand in the middle of my back and said, "When I tell you too... Put your hands behind your back." and I said ok. He then told me, "put your right hand behind your back" and he put a tie cuff tightly on. Then he said, "Now your left" and he did the same thing on my left wrist. All the while this was happening Warden/Cert team officer Streeter was still calling out inmates names and the riot team (Cert team) officers were still jumping on them. After about 10 minutes of this I heard someone say, "Alright!! Alright!! Alright!! That's enough Y'all get ready to shake it down (search)." Then I heard Warden/Cert team officer Streeter say "Im looking for one more. Where's Carmichael at? (Bring Carmichael up too!!)" Riot team (Cert team) officers throughout the dorm started yelling my name and asking where I was. At the foot of my bed there was a white (Cert team) riot team officer and 3 or 4 of them in the isle. I said, "Im Carmichael". One of them asked me my full name, I told him "Leon Carmichael"

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he yelled, "Leon Carmichael" and Warden/Cert team officer Streeter said, "Yeah, that's him. Bring him on up here too." The white officer grabbed me by my arm, pulled me off of my bed and slammed me on the floor. I was ~~immediately~~ immediately punched in the face, stomped, kicked and poked in my back and the back of my leg with a riot baton. Someone said, "OK. That's enough. Get his ass up." I was snatched up and walked up the aisle towards the front of the dorm. As I was going up the aisle I was slapped by (Cert team) riot team officers on both sides of the aisle. As I got to the front of the dorm riot team (Cert team) officer COI McQuieter walked up and said, "Hold that motherfucker up", the white riot team officer (Cert team) officer hooked both of his arms threw mine from behind and picked me up on my tip toes and Officer McQuieter speared me in my chest, my ribs with his riot baton. I was again slammed to the floor, punched, slapped, kicked and poked in the back and leg with riot batons. Again someone said, "Alright!! Alright!! That's enough!" I was dragged to the front of the dorm and thrown to the floor at the beginning of the aisle by the high chair the dorm officer is supposed to sit in. There were 3 or 4 more inmates there already that had also been beaten. One of the riot team officers asked "Anybody else" and Warden/Cert team



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officer Streeter said, "That's it" Someone else said, "Alright Y'all go ahead a shake it down" (Someone else said "Take these inmates and put them in the bathroom area with the rest of them". I was then taken to the bathroom area where several other inmates that had been beaten were. About 20 minutes later I was taken to the infirmary. On the way there a riot team (Cert team) officer told me, "Don't say shit unless asked a question. Keep your fucking mouth shut. Answer the nurse and that's it. Say anything and that's your ass!!" When I got in the infirmary the nurse asked me my name, AIS #, took my blood pressure and my temperature. Without even looking at or examining me she said, "okay he can go." I started to tell her that I couldn't breathe and the riot team (Cert team) officer slapped me in the mouth, busted my lip and said "Bitch didn't I tell you to shut the fuck up? The nurse said you can go. Say something else and I'm going to fuck you up." I was taken from the infirmary and never examined for injuries. After leaving the infirmary I was taken back to B-Dorm and placed back in the bathroom area. Some time later I was taken to segregation and placed in cell K-61. Throughout this entire incident all I had on was a pair of boxers. I didn't have on any pants, short pants, no t-shirt, shoes, shower slides... Only a pair of boxers. Nor was I given anything to put on. After being placed in segregation I stayed in that cell with NOTHING except

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the boxers I had on AND A MATTRESS FOR 8 STRAIGHT DAYS. EVERY DAY I ASKED EVERY RIOT TEAM (CERT TEAM) OFFICER, SGT, LT. AND COI THAT CAME BY TO GIVE ME SOMETHING TO PUT ON AND TOLD THEM THAT I DIDN'T HAVE ANYTHING EXCEPT MY BOXERS ON AND NONE OF MY PROPERTY. THEY ALL TOLD ME THE SAME THING "I'LL LET THE CERT TEAM SUPERVISOR KNOW" I ALSO TOLD THEM THAT I COULD NOT BREATHE, I COULD BARELY WALK OR STAND UP AND THAT I WAS IN PAIN. THEY ALL TOLD ME TO TELL THE NURSE AT PILL CALL. AT PILL CALL THE NURSES TOLD ME TO FILL OUT A SICK CALL SLIP. EVERY DAY I FILLED OUT AND TURNED IN SICK CALL SLIPS BUT WAS NEVER TAKEN TO THE INFIRMARY. ON NOVEMBER 17<sup>TH</sup> I WAS FINALLY GIVEN MY SHOWER SLIDES, SOME OF MY CLOTHING, MY TOOTH BRUSH, SOME SOAP, A TUBE OF STATE ISSUED TOOTH PASTE, MY TOWEL AND FACE CLOTH. I CONTINUED TO COMPLAIN TO EVERY OFFICER, THE SEGREGATION REVIEW BOARD WARDEN RAYBON AND THE PILL CALL NURSES EVERY TIME THEY CAME AROUND ABOUT ME NOT BEING ABLE TO BREATHE, NOT BEING ABLE TO STAND, PUT PRESSURE ON OR WALK ON MY RIGHT LEG AND THE PAIN I WAS IN. I KEEP PUTTING IN SICK CALL FORMS BUT NOTHING NEVER HAPPENED. THE DAY BEFORE THANKSGIVING COI OFFICER MCCANTS CAME TO MY DOOR AND ASKED ME IF I WANTED TO GO TO SICK CALL AND I SAID YES

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When I got to sick call Nurse Dixon and Nurse Walls saw the extent of my injuries and asked me how did it happen. I told them and they asked me had I been in the condition I was in since Nov 9<sup>th</sup> and I said yes. Nurse Walls said take me to the infirmary immediately to see the doctor and if the Dr or anybody said anything about me not being scheduled to see the Dr tell them she sent me. The Dr saw me and immediately asked me how long I'd been like I was and what happened. After I told him he too asked me had I been in a lock up cell like this since Nov. 9<sup>th</sup> and I said yes. He (The Dr) had the X Ray tech called to the institution immediately, had 8 X RAYS done of my leg and ribs and called his supervisor who told him to get me to the emergency room immediately after he informed his supervisor of the X Ray results and his examination of my injuries. Captain Falls tried to just bring me back to segregation but the Dr told him that I had to be rushed to the emergency room. Captain Falls was making excuses and the Dr kept stressing to him that I had to be sent to the emergency room immediately. Captain Falls continued to make excuses and the Dr called his supervisor, called the hospital

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and notified them of my injuries and that I was coming to the emergency room. The Dr then instructed Captain Falls to have me placed on the infirmary medical ward. I was left on the medical ward from 11 something that morning until after 7:00pm after the Dr left before Captain Falls finally had Lt. Kidd and COI V. Lignoli take me to Atmore Hospital. When I got there nobody at the hospital knew anything about me and Lt. Kidd didn't have any medical paperwork with her for me. I was registered in the hospital and when the Dr came Lt Kidd couldn't produce any medical paperwork that the Dr asked for. The Dr told Lt. Kidd that she needed my X RAYS AND all medical paper work from the Dr at the prison AND Lt. Kidd got on the phone. She came back AND said the stuff was being brought but it never was. The Dr had my leg X ray'd ASK Lt Kidd the Dr's NAME at Holman AND she called someone. Three (3) hours later I was given pain meds and muscle relaxer AND told by the Dr that I had several broken ribs, contusions, AND ~~no~~ no broken bones in my leg. Afterwards I was released from the hospital AND back in my cell in Holman lock up (segregation) where I've been since Nov. 9th 2016. I NEVER did

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① ② ③

Anything for this to happen to me. I was also given two (2) disciplinaries and never taken to disciplinary court on either of them. I asked Warden Raybon why I was assaulted when he came to segregation with the segregation review board and he told me that sometimes its just best for me to keep my mouth closed. I was also told by Warden Raybon that I would be transferred to another institution. I was assaulted ~~by~~ ~~the~~ denied medical treatment for 2 weeks and placed in segregation for NO REASON what so ever.

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**III. PARTIES.**

A. Plaintiff (Your name/AIS): \_\_\_\_\_

Your present address: \_\_\_\_\_

B. Defendant(s): **SEE ATTACHMENT**

1. Defendant (full name) \_\_\_\_\_ is employed as \_\_\_\_\_ at \_\_\_\_\_.

His/her present address is \_\_\_\_\_.

(a) Claim against this defendant: \_\_\_\_\_

(b) Supporting facts (Include date/location of incident):

**See Attachment**

2. Defendant (full name) **See Attachment** is employed as \_\_\_\_\_

at \_\_\_\_\_.

His/her present address is \_\_\_\_\_.

(a) Claim against this defendant: \_\_\_\_\_

(b) Supporting facts (Include date/location of incident):

3. Defendant (full name) \_\_\_\_\_ is employed as \_\_\_\_\_

at \_\_\_\_\_.

His/her present address is \_\_\_\_\_.



(a) Claim against this defendant: See Attachment

(b) Supporting facts (Include date/location of incident):  
See Attachment

C. Additional Defendants: (If there are additional defendants, you may list them on separate pages using the same outline above). **See Attachment**

\* IV. A. You must answer the following questions:

1. State the conviction(s) for which you are presently incarcerated: Capital Murder  
Prohibited persons

2. When were you convicted? MARCH 3, 2009

3. What is the term of your sentence? Life

4. When did you start serving this sentence? MARCH 30, 2009

5. Do you have any other convictions which form the basis of a future sentence?  
Yes (  ) No (  )

If so, complete the following:

(a) Date of conviction: MARCH 30, 2009

(b) Term of sentence: LIFE WITHOUT PAROLE

6. What is your expected end of sentence (E.O.S.) date? 9999

B. If this present lawsuit concerns your criminal conviction or sentence, state whether your conviction has been:

	Conviction	Sentence
Reversed	yes( ) no( <input checked="" type="checkbox"/> )	yes( ) no( <input checked="" type="checkbox"/> )
Expunged	yes( ) no( <input checked="" type="checkbox"/> )	yes( ) no( <input checked="" type="checkbox"/> )
Invalidated	yes( ) no( <input checked="" type="checkbox"/> )	yes( ) no( <input checked="" type="checkbox"/> )

ATTACHMENTS TO 42 U.S.C. § 1983 COMPLAINT

III. PARTIES.

B. DEFENDANTS

1. Jefferson Dunn is employed as Commissioner of the Alabama Department of Corrections. Dunn address is 301 South Ripley Street Montgomery, Alabama 36130.

Dunn is responsible overseeing the operation of each of the facility within the Alabama Department of Corrections, including Holman and is responsible for the writing, implimentation and enforcements of the regulations, Policies and Customs of the Alabama Department of Corrections.

CLAIMS AGAINST DUNN.

I. ASSAULT & BATTERY

II. EXCESSIVE FORCE

III. Implimentation of the procedures used.

IV. Failure To Protect

SUPPORTING FACTS:

Plaintiff re-alleges the facts of his claims as set out in Section II. G. of this Complaint, and adopts and incorporates herein. Attachment to Complaint)

2. Grant Culliver is employed as Associate Commissioner of the Alabama Department of Corrections. Culliver address 1s 301 Ripley St. Montgomery Alabama 36130.

Culliver is Commander and Chief of the C.E.R.T. Team, and is responsible for over seeing and Operation of Holman Prison and ensuring that the Employees and inmates are protected and provided Medical Care.

CLAIMS AGAINST CULLIVER

I. Assault & Battery

II. Excessive Force

III. Implimentation of the Procedure Used

IV. Failure To Protect

SUPPORTING FACTS

Plaintiff re-alleges the facts of his claims as set out in Section II. G. of the Complaint, and adopts and incorporates herein. (See Attachment to Complaint G. YOUR CLAIM)

3. Cynthia Stewart is employed as Warden III. at Holman Correctional Facility. Stewart address is Holman Unit 3700 Atmore, Al. 36503-3700.

Stewart is responsible for the day to day operation of Holman Correctional Facility and is responsible for the safety and protection of the inmates and ensuring that the inmates receive Medical Care.

CLAIMS AGAINST STEWART

- I. Assault & Battery
- II. Excessive Force
- III. Failure to Protect/Intervene
- IV. Denial of Medical Care

Supporting Facts:

Plaintiff re-alleges the facts of his claims as set out in Section II. G. of the Complaint, and adopts and incorporates herein. (See Attachment to Complaint G. YOUR CLAIM. )

4. Terry Raybon is employed as Warden II. at Holman Correctional Facility. Raybon address is Holman Unit 3700 Atmore, Al. 36503-3700.

Raybon is responsible for the Security of Holman Prison and ensuring that the Laws, Regulation & Policies are followed and that the inmates are protected and provided Medical Care.

CLAIMS AGAINST RAYBON

- I. Assault & Battery
- II. Excessive Force
- III. Failure To Protect/Intervene
- IV. Denial Of Medical Care

Supporting Facts:

Plaintiff re-alleges the facts of his claims as set out in Section II. G. of the Complaint, and adopts and incorporates herein. (See Attachment to Complaint G. YOUR CLAIM.)

5. C. Mitchell is employed as Warden I. at Holman Correctional Facility. Mitchell address is Holman Unit 3700 Atmore, Al. 36503-3700.

Mitchell is responsible for the Security of Holman Prison and ensuring that the Laws, Regulations & Policies are followed and that the inmates are protected and provided Medical Care.

CLAIMS AGAINST MITCHELL

- I. Assault & Battery
- II. Excessive Force
- III. Failure to Protect/Intervene
- IV. Denial of Medical Care

6. Darryl Fails is employed as Captain of the Holman Prison. Fails address is Holman Unit 3700 Atmore, Al. 36503-3700.

Captain Fails is responsible for the Security of the Prison and ensuring that the Laws, Policies and Procedures are being followed, and ensuring that the inmates are protected and provided Medical Care.

CLAIMS AGAINST CAPTAIN FAILSURE:

- I. Assault & Battery
- II. Excessive Force
- III. Failure to Protect/Intervene
- IV. Denial of Medical Care

Supporting Facts:

Plaintiff re-alleges the facts of his claim as set out in Section II. G. of the Complaint, and adopts and incorporates herein. (See Attachment to Complaint G. YOUR CLAIM.)

7. Ashley Kidd is employed as Leutenant at Holman Correctional Facility. Kidd address is Holman Unit 3700 Atmore Al. 36503-3700.

Kidd is responsible for supervising and ensuring that the Laws, Regulations & Policies are followed and that the inmates are protected and provided Medical Care.

CLAIMS AGAINST KIDD:

- I. Assault & Battery
- II. Excessive Force
- III. Failure to Protecte/Intervene
- IV. Denial of Medical Care

**Supporting Facts:**

Plaintiff re-alleges the facts of his claim as set out in Section II. G. of the Complaint, and adopts and incorporates herein. (See Attachment to Complaint G. YOUR CLAIM.)

8. Officer Scarborough is employed as a Correctional Officer at Holman Correctional Facility. Scarborough address is 3700 Holman Unit, Atmore, Al.36503-3700.

Scarborough is responsible for the Security of the Prison and to Protect the inmates from assaults, and ensure Medical Care.

**CLAIMS AGAINST SCARBOROUGH**

**I. Assault & Battery**

**II. Failure to Protect/Intervene**

**III. Excessive Force**

**Supporting Facts:**

Plaintiff re-alleges the facts of his claim as set out in Section II. G. of the Complaint and adopts and incorporates herein. (see Attachment to Complaint G. YOUR CLAIM.)

9. Officer Timothy Vignolo is employed as a Correctional Officer at Holman Prison. Vignolo address is 3700 Holman Unit, Atmore, Al.36503-3700.

Timothy Vignolo is responsible for the Security of the prison and to protect the inmates from assaults and ensure Medical Care. Vignolo was assigned to Bravo Unit at the time of the Incident.

**CLAIMS AGAINST VIGNOLO**

**I. Assault & Battery**

**II. Failure to Protect/Intervene**

**III. Excessive Force**

**IV. Denial of Medical Care**

**Supporting Facts;**

Plaintiff re-alleges the facts of his claims as set out in Section II. G. of the Complaint and adopts and incorporates herein. (See Attachment to Complaint G. YOUR CLAIM.)

10. Cubicle Officer assigned to Cubicle 1. at 6:30am on November 9, 2016., is employed by Alabama Department of Corrections, as Correctional Officer, <sup>2</sup>This defendant address is Holman 3700 Atmore Alabama 36503-3700.

**CLAIMS AGAINST THIS DEFENDANT:**

I. Assault & Battery

II. Excessive Force

III. Failure to Protect/Intervene

IV. Denial of Medical Care

**Supporting Facts:**

Plaintiff re-alleges the facts of his claim as set out in Section II. G. of the Complaint, and adopts and incorporates herein. (See Attachment of Complaint G. YOUR CLAIM.)

11. Nurse N. Walls is employed as Nurse at Holman Prison Infirmary and is responsible for providing Medical Services to the inmates at Holman by Corizon and Alabama Department of Corrections. Walls address is Holman 3700 Atmore Alabama 36503-3700.

12. Nurse Langford is employed as a nurse at Holman Prison Infirmary and is responsible for providing Medical Services to the inmates at Holman Prison by Corizon and Alabama Department of Corrections. Langford address is Holman Unit 3700 Atmore Alabama 36503.

13. Nurse 1, 2, 3, 4, is employed as nurses and/or Dental or Medical Assistants who were employed by Alabama Department of Corrections, to provide Medical Care to inmates at Holman Prison, and were so employed on November 9, 2016, and were present in the Infirmary during the hours of 6:30am thru 6:30pm, and refuse to provide a body chart and Medical Care to the inmates assaulted.

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<sup>2</sup>Plaintiff preserve the right to Amend his Complaint upon discovery of this Specific Defendant Identity.



14. The CERT Members, though they hold different positions and rankings as Correctional Officials, on November 9, 2016, they were responsible for the safety and protection of the inmates at Holman Prison and to ensure receipt of Medical Care.

**CLAIMS AGAINST CERT MEMBERS**

- I. Assault & Battery
- II. Excessive Force
- III. Failure to Protect/Intervene
- IV. Denial of Medical Care

**Supporting Facts:**

Plaintiff re-alleges the facts of his claims as set out in Section II. G. of this Complaint and adopts and incorporates herein. (See Attachment to Complaint G. YOUR CLAIM.)

Writ of habeas corpus granted yes( ) no()  
yes( ) no()

C. If you answered yes to any of the questions, state the Court or entity that relieved you from your conviction or sentence and the date: N/A

V. State briefly exactly what you want the Court to do for you if you win (make no legal argument, cite no cases or statutes):

\$200,000 against each liable Defendants; Compensatory, Punitive, Declaratory and Injunctive Relief; Trial by Jury; State Law

Claims of Assault & Battery; Slander; Harrassment and such other Relief as the Law and this Court Deem Just.

VI. AFFIRMATION. By my signature below, I swear or affirm under penalty of perjury that the facts set out in this complaint are true and correct.

2/20/2017  
Date

[Signature] 165648  
(Signature of Plaintiff Under Penalty of Perjury)

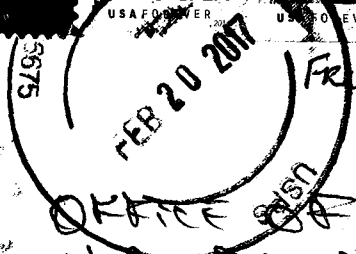
Holman Unit 3700  
Current Mailing Address

Atmore, AL 36503

\_\_\_\_\_  
Telephone Number

PLAINTIFF SHALL IMMEDIATELY ADVISE THE COURT IN WRITING OF ANY CHANGE IN HIS ADDRESS, E.G., RELEASED, TRANSFERRED, MOVED, ETC. FAILURE TO NOTIFY THE COURT OF A NEW ADDRESS WILL RESULT IN THE DISMISSAL OF THIS ACTION FOR FAILURE TO PROSECUTE AND TO OBEY THE COURT'S ORDER.

LEON CARMICHAEL JR A/S# 165648  
Holman Unit 3700 Seg K-61  
Atmore, Al. 36503



Free Stamp

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OKLAHOMA CITY  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF ALABAMA  
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Mobile, Al.  
36602