

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

COMPLAINT

(for filers who are prisoners without lawyers)

2018 APR -6 P 2:37

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

STEPHEN C. DRIES
CLERK

(Full name of plaintiff(s))

Joseph BENSON

v.

Case Number:

18-C-0538

(Full name of defendant(s))

Michael Meisner, Warden,

Torr, security director,

Jasen Wilke, Captain,

Wilcox, Sgt

(to be supplied by Clerk of Court)

A. PARTIES

1. Plaintiff is a citizen of WISCONSIN, and is located at
(State)

B.G.C.I PO Box 925, Redgranite, WI 54970
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant Sgt. Wilcox
(Name)

Parties

A. (2) Defendants.

- 2.) Warden, Michael Meisner, is the Warden of R.G.C.I Wisconsin State Prison. He is legally responsible for the operation of (R.G.C.I) as well as the safety and security of the inmates. he was at all times relevant to the facts set forth herein.
Employed by the State of Wisconsin.
- 3.) Tarr, Security Director of R.G.C.I is legally responsible for the safety and security of the inmates at R.G.C.I and was
AT all times relevant to the facts set forth herein employed by the State of Wisconsin
- 4.) Jason Wilke, held rank as a Captain at R.G.C.I AND WAS at all times relevant to the fact set forth herein, employed by the State of Wisconsin.
- 5.) Each defendant is sued individually AND in his official capacity. AT All Times mentioned in this complaint each defendant acted under the color of State law.

is (if a person or private corporation) a citizen of WISCONSIN
(State, if known)

and (if a person) resides at _____
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for WI D.O.C. assigned to R.G.C.I
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

① ON 1/19/2018 AT all Times relevant I resided on H-East unit. ② ON 1/19/2018 9:00 P.M ON H-East unit 36 or more inmates was gathered at The officers station. inmate (Donnie White) inform me My Name, his Name And Three other was on The officer station in plain view with printed "Rat emoji's" by our Names. ③ I went over to view The ledger And seen The printed "rat emoji's" Myself. I Asked officer Wagner who did This? And he stated "it's Been There since six october This

Morning," he did Not Want to be involved of fear of being labeled A "Snitch" by his Colleagues. (4) 20 min. After speaking with Wagner An inmate Grabed The ledger off The desk And took it to The back where atleast 100 inmates viewed The ledger And Made Comments "That's good Sgt. Wilcox And M.S. K Expose Those Rats." it Should be Noted Each of us Worked as Confidential Informants At R.G.C.I. (5) After hearing Sgt. Wilcox Name, it Made sense two weeks before This Situation a white inmate (Michael Hunter) WAS Beaten for being A "Snitch" by his African-American Cellmate patterson. Sgt. Wilcox Made a racist Comment about Hunter being beating He said "Black is Rat's to, so They deserve There Ass beat" Aint That right Benson? I Walked AWAY From him. (6) Sgt. Wilcox is Known Throughout R.G.C.I by Staff And Inmate's as A racist. The Next day The Enforcer for a white supremacist gang "Shawn" came

Cont: Complaint 3.

- And Ask Me WAS My Name on The ledger? I told him yes he said "Sgt. Wilcox was helping them weed out snitches and if "We" meaning the "Rats" didn't move off the ~~unit~~ unit it would be a Bloodbath." (1) On 11/11/18 I wrote The Warden, security director and inform them of what happen. I also spoke with LT. Gaeger, who told Me he WAS investigating The situation but he WAS concern with getting the ledger back, and the Sgt. Wilcox's due process Rights. (8) The same day an inmate from my Neighborhood and is a part of the same security Threat Group as Me "Vice Lords" called other gang Members from our Neighborhood and told them what took place, he told inmate Steven Gordon if these Allegation are TRUE (Gaffi) referring to (Me) has a - (Shot on sight) on my head when released. (9) I filed A complaint The same day. it should be Noted All inmates on The ledger with "Rat emoji's" by Their Name WAS at all times relevant to The facts set forth herein, African-American. (10) On 11/20/18 I WAS AT The law library review case law related to This same situation. I WAS placed by Lt Gaeger in (Seg) under investigation for enterprising and fraud. Along with (Russell McDade), (Steven Gordon), (Maceo Downer) (it should be noted (Downer) is The inmate mentioned above from my Neighborhood. (11) On 11/27/18 Captain Wilke brought Me out of my cell and Ask Me "you know why your down here? I said "NO" he said you can't work with Me, and filed Complaint on my people." He then said drop your complaint and stop calling lawyers about a lawsuit, "I listen to you and McDade's calls." he Asked if I wanted to get out of (Seg) I told Him I want out of This institution. Captain Wilke become Angry and told Me "I got info on you that will fry your ass." you think you ^{been} working with Me as an Informant, you WAS my target all Along. He then states he's sending my Black ass to supermax on A.C. to talk Islam with "Mustapha" BKA inmate Dennis GONES who has filed lawsuits Against The D.O.C. (12). He then informed

ME I WAS receiving A Conduct Report AND Another Charge for filing taxes. He STATED inmate Ward AND Medade "Set ~~me~~ you up Good." "I'm putting A New case on your ASS, Wilcox's is one of mine." I Told him "I Need to speak to My lawyer," he called A first shift officer AND told him to Move Me to a - ob's or Observation ~~Cell~~ Cell, No phone calls, No Contact With Anyone but staff, No rec, Nothing! I remained in That Cell Without Any clinical reason related to ~~penological interest~~ ^{penological interest} for 40 Days. (13) On January 28th I received A MEMO from Warden, Meisner Dated 1/24/2018 he received My correspondence Informing Him of Thee Exposure of Informant to The Institution AND general public. He STATED He is AWARE of My CONCERNS AND The incident AND is Forwarding My correspondence to The Security director to follow up as he deems Necessary." (End Quote.) (14) I wrote The Security Director as Advised on 1/23/18 he responded January 31st AND Told Me he WAS Investigating The incident. I wrote him several request on 1/31/18 Asking for protection from retaliation by Captain Wilke AND A SpN transfer for My Safety. He responded ONCE More to My request he Told Me Captain Keller would assist ME with protective ~~custody~~ custody. This assistance has Not Manifested to This date. (15) After, on or about 1/2/18 all Correspondance to The Warden, Security director, Keller WAS all given to Captain Wilke even Though he WAS one of The individuals I WAS Complaining about. (16) ON March 28th or about Three inmates who's NAME WAS on The ledger With The rat EMOGI'S WAS transferred via Sp.N for Safety reason. I WAS Told I would be staying here by Captain Wilke. (17) ON 1/14/18 I filed A Complaint This Complaint WAS Acknowledged 1/22/2018.

EXhaustion of legal Remedies

- (18) On 1/14/2018 I filed A Complaint using The Inmate grievance system. it WAS Acknowledged On The 22nd, of February 2018. On The same day Inmate complaint examiner N. BEIER recommended The Complaint be dismissed. On 1/23/2018 I Appealed Thee decision TO MADISON. it WAS Acknowledged AND received 2/1/2018 AND Dismissed 2/21/18 By B. Hompe. Corrections complaint examiner. Benson grievance AND Appeals are ATTACHED. MR. Benson has NO Additional step in Exhausting his legal remedies.

Legal Claims

- (19) Defendant Sgt. Wilcox Violated Benson 8th Amendment Right to be free from cruel & unusual punishment and Acted with "evil intent" AND Callous indifference to Benson rights by intentional exposing The fact he Acted as a informant TO inmates AND staff. Sgt. Wilcox Violation of Benson's 14th Amendment right Against Racial discrimination by printing "Raf emoji's" by The Names of 5 African-American inmates. Defendant Captain Jason Wilke Violated Benson's 1st Amendment right of confidentiality by giving Sgt. Wilcox The Names of (His Informants) Defendant Wilke caused injury TO Benson 1st Amendment rights by harassing & Threating Benson if he did Not cease filing Complaint / suit Against Sgt. Wilcox. Defendant Wilke further caused injury by placing inmate Benson IN Segregation on false charges. by placing Benson IN Segregation is AN injury to his first AND eighth Amendment right. Defendant Michael Meisner, Warden WAS Made Aware of The situation AND did NOTHING reasonable after Benson asked for S.P.N / protective custody from him personally 2 times 6 times AND since has STOPPED responding to My request. (Defendant) Tarr, security director WAS Made Aware of this situation AND did NOT speak with — (BENSON)

Captain Keller, I did he refuse to help. he then told me my social worker, I spoke with her she tried to get me a transfer security staff stop this request. Tarr has sent most of all my request to Captain Wilke not allowing me due process by giving my request to the main individual I need protection from. Security Director, Tarr told me via request that I would only be "moved" based on my misconduct not for safety and security reasons. Tarr failure to take "reasonable" action violated my right to be free from cruel and unusual punishment. Each defendant violated Benson right to "equal protection" under the law. Defendants Worden, Meisler security director, Tarr violated equal protection when they transferred three inmates and not everyone involved. Each defendant caused Benson psychological and emotional injury to which the plaintiff as it applies to the eight amendment request nominal and punitive damages. As well as Injunctive and Declaratory Relief. Defendants caused serious risk to Benson for an inquiry in the future.

JURISDICTION & VENUE

①.

This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States. The Court has jurisdiction under 28 U.S.C. Section 1331 and 1343(2)(3). Plaintiff (BENSON) seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff (BENSON) claims for injunctive relief are authorized by 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure.

②. The Eastern District of Wisconsin is an appropriate venue under 28 U.S.C. Section 1391(b)(2) because it is where the events giving rise to this claim occurred.

③. Each defendant is sued individually and in his official capacity. At all times mentioned in this complaint each defendant acted under the color of state law.

C. JURISDICTION



I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR



I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$_____.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

Wherefore, plaintiff respectfully pray that this Court enter judgement: Granting plaintiff (Benson) a declaration that the acts and omissions described herein violated his rights under the Constitution and laws of the United States, And a preliminary and permanent injunction ordering defendants ^① Meisner, Warden ^② Tarr, Security director to cease denying Benson his constitutional rights to safety and transfer him to a safe and secure institution immediately. ^③ Sgt. Wilcox to cease his racial discrimination, intentional reckless callous

D. Relief Wanted Cont. Complaint (4)

- Indifference to Benson's Rights, And Exposing Benson to Serious physical harm.

④ Captain Wilke intentional Violation of Benson right to Confidentiality, Cease the harassment And Threats causing injury to Benson 1st Amendment right, Cease denial of access to the Courts by denying Benson Attorney calls causing injury to his First and Sixth Amendment right based on R.G.C.I. unestablished Attorney call policies for pre-trial detainees in segregation. Cease retaliation Against Benson for filing Complaints And pursuing legal remedies with the Courts By placing him in segregation of false charges.

⑤ Granting plaintiff Benson \$1 dollar in Nominal damages. Against each defendant, jointly And severally. \$ 25,000 in punitive Damages Against Defendants (Meisner, Warden) And Tarr, Security director.) Compensatory damages Against Defendant (Sgt. Wilcox's) in the amount of \$ 50,000 And punitive Damages in the amount of \$ 250,000. Captain Jason Wilke is being sued for \$ 150,000 in compensatory damages And \$ 150,000 in punitive damages. Each Defendant is sued in their (individual and personal Capacities.)

⑥ plaintiff seeks a Jury Trial on all issues triable by Jury.

⑦ plaintiff also seeks recovery of the cost of this suit And,

⑧ Any Additional relief This Court deems just, proper, & equitable.

Dated 3/31/18

Respectfully submitted by:

Joseph Benson
pro se litigant
R.G.C.I.
P.O. Box 925
Red granite, WI
54970

Respectfully submitted,
Joseph BENSON
229865

R.G.C. I

PO BOX 925

Redgranite WI 54970

(Verification)

I have read the foregoing complaint and hereby
Verify That The Matters alleged therein are True.
Except as to Matters alleged on information and belief
And, as to those, I believe them to be True.
I certify under the penalty of perjury that
The foregoing is true and correct.

Executed at (R.G.C. I) Redgranite, WI on
April 3 2018.

Joseph Benson



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

DJ-LS-22, rev12/2016

BRAD D. SCHIMMEL
ATTORNEY GENERAL

Paul W. Connell
Deputy Attorney General

Delanie M. Bruer
Chief of Staff

17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857
www.doj.state.wi.us

Gwen McGillivray
Legal Associate
mcgillivraygm@doj.state.wi.us
608/266-0759
FAX 608/267-8906

Instruction To Offender: You must send original Certification to the Court.

**CERTIFICATION
AS TO THREE OR MORE DISMISSALS
UNDER WIS. STAT. § 801.02(7)(d)**

OFFENDER NAME: Joseph T. Benson

WI DOC OFFENDER NUMBER: 229865

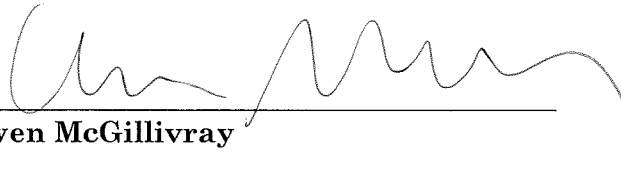
THE UNDERSIGNED CERTIFIES THAT:

 X The Wisconsin Department of Justice has no records showing that this offender has three or more dismissals within the meaning of Wis. Stat. § 801.02(7)(d).

 The Wisconsin Department of Justice has records it believes show that this offender has three or more dismissals within the meaning of Wis. Stat. § 801.02(7)(d). These records are public records within the meaning of Wis. Stat. §§ 908.03(8), 909.015(7), and 909.02(4), in that they are on file in the offices of the Wisconsin Department of Justice, reflect the activities of that Department, and set forth matters observed by that Department pursuant to duty imposed on it by law. True copies of these records are attached hereto and their case name, number, and venue are as follows:

Attached hereto is a true copy of the offender's request for this certification, bearing the Department of Justice date stamp.

Witness under my hand and the official seal of the Wisconsin Department of Justice, Office of the Attorney General, this 22nd day of March, 2018.


Gwen McGillivray