

Amended Complaint

United States District Court
CENTRAL DISTRICT OF ILLINOIS

James R. Griffith,)
)
)

Plaintiff)
)
)

vs.)
)
)

Sherrif Brian McReynolds)
)
)

Diane Buckehead)
)
)

Doctor on call)
)
)

Nurse on call)
)
)

Quentin Reddy)
)
)

Austin Chamberlain)
)
)

Jackson Miller)
)
)

Kaitlyn Brittmacher)
)
)

Cassandra Williams)
)
)

Josh ddrant Defendant(s))
)
)

Brandon baton)
)
)

)
)
)

(List the full name of ALL plaintiffs and defendants in the caption above. If you need more room, attach a separate caption page in the above format).

Case No. 3:22-cv-03205-SLD

(The case number will be assigned by the clerk)

FILED

DEC 19 2022

CLERK OF THE COURT
U.S. DISTRICT COURT
CENTRAL DISTRICT OF ILLINOIS

Amended
COMPLAINT*

Indicate below the federal legal basis for your complaint, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants). However, 42 U.S.C. § 1983 and "Bivens" do not cover all prisoners' claims. Many prisoners' legal claims arise from other federal laws. Your particular claim may be based on different or additional sources of federal law. You may adapt this form to your claim or draft your own complaint.

- 42 U.S.C. §1983 (state, county or municipal defendants)
- Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971)(federal defendants)
- Other federal law: _____

Unknown _____

I. FEDERAL JURISDICTION

**Please refer to the instructions when filling out this complaint. Prisoners are not required to use this form or to answer all the questions on this form in order to file a complaint. This is not the form to file a habeas corpus petition.*

Jurisdiction is based on 28 U.S.C. § 1331, a civil action arising under the United States Constitution or other federal law. (You may assert a different jurisdictional basis, if appropriate).

II. PARTIES

A. Plaintiff:

Full Name: James R. Griffith
 Prison Identification Number: ~~8042~~ K04718
 Current address: ~~151 North Morgan 12078 Ill. Rt. 185~~
Shelbyville, IL 62565 Hillsboro, IL 62049

For additional plaintiffs, provide the information in the same format as above on a separate page. If there is more than one plaintiff, each plaintiff must sign the Complaint, and each plaintiff is responsible for paying his or her own complete, separate filing fee.

B. Defendants

Defendant #1:

Full Name: Brian McReynolds
 Current Job Title: Shelby County Sheriff
 Current Work Address 151 North Morgan
Shelbyville, IL 62565

Defendant #2:

Full Name: on call M.D. (unknown)
 Current Job Title: Medical Doctor
 Current Work Address Shelby Memorial Hospital
Shelbyville, IL 62565

Defendant #3:

Full Name: on call RN (unknown)
 Current Job Title: Registered Nurse

Current Work Address Shelby Memorial Hospital
Shelbyville, IL 62565

Defendant #4:

Full Name: Quenton Reedy

Current Job Title: Correctional Officer

Current Work Address 151 North Morgan
Shelbyville, IL 62565

Defendant #5:

Full Name: Austin Chamberlain

Current Job Title: Correctional Officer

Current Work Address 151 North Morgan
Shelbyville, IL 62565

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

III. LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or appeal *in forma pauperis* in federal court if that prisoner has "on 3 or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

A. Have you had a case dismissed which counted as a "strike" under 28 U.S.C. § 1915(g)?

Yes

No

B. If your answer to A is yes, how many? _____

C. Have you brought any other lawsuits in federal court while incarcerated?

Yes

No

D. If your answer to B is yes, how many? 1 Describe the lawsuit(s) below.

Defendant #6

Full Name: Daine Burkehead

Current job title: Jail Administrator

Current work address: 151 North Morgan
Shelbyville, IL 62565

Defendant #7

Full Name: Jackson Miller

Current job title: Correctional Officer

Current work address: 151 North Morgan
Shelbyville, IL 62565

Defendant #8

Full Name: Kaitlyn Gritmacher

Current job title: Correctional Officer

Current work address: 151 North Morgan
Shelbyville, IL 62565

Defendant #9

Full name: Cassandra Williams

Current job title: Correctional Officer

Current work address: 151 North Morgan
Shelbyville, IL 62565

Defendant # 10

Name: Josh Durrant

Job title: correctional officer

Job address: ~~Shelby~~ 151 North Morgan
Shelbyville, IL 62565

Defendant # 11 Brandon Gatton

Job title: correctional officer

Job address: 151 North Morgan

Shelbyville IL
62565

Each defendant is sued individually and in his [or her] official capacity. At all times mentioned in this complaint, each defendant acted ~~up~~ under color of state laws.

Each defendant acted with "deliberate indifference."

1. Name of Case, Court and Docket Number

JAMES GRIFFITH, USDC Central Dist of Ill., 22-cv-3205

2. Basic claim made

inadequate healthcare and cruel and unusual punishment

3. Disposition (That is, how did the case end? Was the case dismissed? Was it appealed? Is it still

pending?)

still pending

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

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

Prisoners must exhaust available administrative remedies before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). You are not required to allege or prove exhaustion of administrative remedies in the complaint. However, your case must be dismissed if the defendants show that you have not exhausted your administrative remedies, or if lack of exhaustion is clear from the complaint and its attachments. You may attach copies of materials relating to exhaustion, such as grievances, appeals, and official responses. These materials are not required to file a complaint, but they may assist the court in understanding your claim.

A. Is there a grievance procedure available at your institution? Yes No

B. Have you filed a grievance concerning the facts relating to this complaint?

Yes No

If your answer is no, explain why not _____

C. Is the grievance process completed? Yes No

V. STATEMENT OF CLAIM

Place(s) of the occurrence

Shelby County Denton Center

Date(s) of the occurrence 9-1-2022 thru ongoing still

State here briefly the FACTS that support your case. Describe what each defendant did to violate your federal rights. You do not need to give any legal arguments or cite cases or statutes. Number each claim in a separate paragraph. Unrelated claims should be raised in a separate civil action.

THE COURT URGES YOU TO USE ONLY THE SPACE PROVIDED. Federal Rule of Civil Procedure 8(a) requires only a "short and plain statement" of your claim showing that you are entitled to relief. It is best to include only the basic, relevant facts, including dates, places, and names.

- 1) Defendant Brian McReynolds is the Sheriff in Shelby County. He is legally responsible for welfare of all the inmates housed in Shelby County.
- 2) Defendant Unknown is the medical Doctor that prescribes medication and doses. Oversees the nursing staff at Shelby County Jail.
- 3) Defendant Unknown is the nurse that sees sick call inmates and is responsible for diagnosing and reporting to the Dr.
- 4) Dawn Burkhead is the jail administrator at Shelby County Jail and is responsible for living conditions and overseeing jail staff.
- 5) Defendant Quentin Ready is a correctional officer of S.C.D.C. who, at all times held the rank of c/o and was assigned to S.C.D.C.
- 6) Defendant Austin Chamberlain is a correctional officer of S.C.D.C. who, at all times held the rank of c/o and was assigned to S.C.D.C.
- 7) Defendant Jackson Miller is a correctional officer of S.C.D.C. who, at all times held the rank c/o and was assigned to S.C.D.C.
- 8) Defendant Katelya Britsmacher is a correctional officer

of S.C.D.C. who at all time hold the rank of c/o and was assigned to S.C.D.C.

- 9) Cassandra Williams is a c/o at S.C.D.C, who at all times held rank of c/o and assigned to S.C.D.C.
- 10) Josh Durrant is a c/o at S.C.D.C, who at all times held rank of c/o and was assigned to S.C.D.C.
- 10) Brandon Eaton is a c/o at S.C.D.C, who at all times held rank ~~at~~ as c/o and assigned to S.C.D.C.
- 12) On Sept 7th I put in sick call for a bite on my abdomen and an ~~ear~~ ear ache. No reply.
- 13) 9-13-22 awoke with painful swollen ear ache. Put in sick call (5223498)
- 14) 9-15-22 Seen nurse (unknown name) and told I had severe ear infection and would be prescribed one medication for both my ear and bite both. Daine Burkhead sat in during visit. No culture or further testing were done for either issue.
- 15) I began meds on 9-16-22, which were being distributed by correctional officers, not medical staff. Varying daily which c/o by shift and time.
- 16) 9-18-22 I was informed by c/o Jackson at P.M. med call I was "out" of meds.
- 17) 9-18-22 put in sick call (5255357) to see a Dr.
- 18) 9-19-22 received reply from Daine Burkhead stated she would order my meds today and she didnt know why the nurse hadn't.
- 19) 9-21-22 C/o Jackson informed me at P.M. med I still hadn't received my meds. Then later returning with similar meds, I asked to see my

- script and was told it wasn't mine, it was from "overstock". I filed a grievance (5221678)
- 20) 10-1-22 put in sick call (5341721)
- 21) 10-1-22 filed a grievance (5341745)
- 22) 10-1-22 sheriff's form (5346037)
- 23) 10-3-22 sent out lawsuit packet and was seen by Dr. soon after. Was prescribed pain meds and ear rinse/drops (Dr unknown) Daine was in visit
- 24) 10-5-22 received reply stating I'll see Dr soon although I just did 2 days prior to response
- 25) 10-7-22 Seen nurse on call (unknown) still no meds or drops, told being ordered again. Pains severe and constant.
- 26) 10-19-22 Seen nurse unknown and prescribed meds to start that evening. No meds came
- 27) 10-20-22/10-21-22 No meds, was told meds came but mine were not in them
- 28) 10-24-22 asked about meds, Daine Burkhead said she would look into it.
- 29) Was given ibuprofen for 3 weeks in between 10-24 and my transfer 11-18-22. Still no prescription. Have lost fraction of hearing in ears as result.

RELIEF REQUESTED

(State what relief you want from the court.)

injunction - 1) On site medical staff and availability

of medical care/Dr.
2) Nurse distributing medication.

Damages -

- 1) Compensatory damages in the amount of \$1,000.00 against each defendant separately.
- 2) Plaintiff's cost in this suit
- 3) any additional relief this court deems just, proper, and equitable.

JURY DEMAND Yes No

Signed this 9th day of December, 2022.

James R. Griffith
(Signature of Plaintiff)

Name of Plaintiff: <u>James R Griffith</u>	Inmate Identification Number: 8042 <u>K04718</u>
Address: #51 North Morgan Spethville, IL 62565	Telephone Number: <u>(county jail)</u> (217) 774-3941

Graham CC
12078 ILL Rte 185
Hillsboro, IL 62049

(217) 532-6961