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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

J.B.,

Plaintiff,

v.

LEVI GRAY, JAYSON LEAK, PAUL  
KIZER, JOHN WALLACE, JAMIE  
DENNISON, FELIPE URZUA-PEREZ,  
STEPHEN MARTIN, THOMAS JOST,  
ROBERT YONALLY, LISA ARRINGTON,  
CHAD NAUGLE, NICOLE BROWN, MIKE  
REESE, and JOHN DOE,

Defendants.

NO.

COMPLAINT  
Civil Rights Action (42 U.S.C. § 1983);

DEMAND FOR JURY TRIAL

JB is a young Adult in Custody at Coffee Creek Correctional Facility (CCCF), the only

women's prison of the Oregon Department of Corrections (ODOC). She suffers from mental disabilities and has a horrid history of physical and sexual abuse as a child, including being a victim of sex trafficking. She was sexually abused by Correctional Officer Levi Gray for almost two months in the disciplinary segregation unit of CCCF. Other officers knew or should have known what was going on, but failed to stop the abuse. Since the abuse, JB has been subjected to severe retaliation, including harmful, discriminatory and harassing behavior which demonstrates ODOC management's complete inability to operate a woman's prison without violating minimal constitutional protections and the federal Prison Rape Elimination Act (PREA) regulations that prohibit retaliation for reporting sexual abuse. Yet, ODOC management has left JB in the same part of the prison where the abuse took place, and under the watch of Gray's friends and co-workers who allowed the sexual abuse to take place. The number of people participating in this retaliatory, abusive and harmful conduct simply demonstrates that no amount of extremely critical reports, bad PREA audits, expensive litigation or even many years of really bad press can stop this harmful conduct. Thus, JB is asking for court intervention for she will continue to suffer serious and irreparable harm if she is left in her current conditions of confinement.

### **JURISDICTION**

1. This court has jurisdiction over the subject matter of this Complaint under 42 U.S.C. §§1983 and 12101 et seq., and 28 U.S.C. §§ 1331, 1343(a)(3), and 1343(a)(4).

### **VENUE**

2. Venue is proper within the District of Oregon because all the events giving rise to this

claim occurred in this judicial district, and all defendants reside in this judicial district. 28  
U.S.C. § 1391(b).

### **PARTIES**

3. Plaintiff J.B. is an adult currently residing at Coffee Creek Correctional Facility in Washington County, Oregon.

4. Levi Gray is an employee of the Oregon Department of Corrections (ODOC), and is a correctional sergeant at Coffee Creek Correctional Facility (CCCF). He is sued in his individual capacity. At all times relevant, he was acting under color of state law.

5. Jayson Leak is an employee of ODOC and is a correctional lieutenant at CCCF. He is sued in his individual capacity. At all times relevant, he was acting under color of state law.

6. Paul Kizer is an employee of ODOC and is a correctional officer at CCCF. He is sued in his individual capacity. At all times relevant, he was acting under color of state law.

7. John Wallace is an employee of ODOC and is a correctional officer at CCCF. He is sued in his individual capacity. At all times relevant, he was acting under color of state law.

8. Jamie Dennison is an employee of ODOC and is a correctional officer at CCCF. She is sued in her individual capacity. At all times relevant, she was acting under color of state law.

9. Felipe Urzua-Perez is an employee of ODOC and is a correctional officer at CCCF. He is sued in his individual capacity. At all times relevant, he was acting under color of state law.

10. Stephen Martin is an employee of ODOC and is a correctional officer at CCCF. He is sued in his individual capacity. At all times relevant, he was acting under color of state law.

11. Thomas Jost is an employee of ODOC and is a correctional captain at CCCF. He is sued in his individual capacity. At all times relevant, he was acting under color of state law.

12. Robert Yonally is an employee of ODOC and is a correctional lieutenant at CCCF. He is sued in his individual capacity. At all times relevant, he was acting under color of state law.
13. Lisa Arrington is an employee of ODOC and is the grievance coordinator at CCCF. She is sued in her individual capacity. At all times relevant, she was acting under color of state law.
14. Chad Naugle is an employee of ODOC and is the assistant superintendent of security at CCCF. He is sued in his individual capacity. At all times relevant, he was acting under color of state law.
15. Nichole Brown is an employee of ODOC and is the superintendent of CCCF. She is sued in both her official and individual capacities. At all times relevant, she was acting under color of state law.
16. John Doe is an employee of ODOC and is a personnel manager. They are sued in their individual capacity. At all times relevant, they were acting under color of state law.
17. Mike Reese is an employee of ODOC and is the newly appointed superintendent of Oregon Department of Corrections. He is sued in his official capacity. He is acting under color of state law.

### **FACTUAL ALLEGATIONS**

18. Plaintiff is a twenty-year old young woman in custody at CCCF.
19. Plaintiff suffers from mental disabilities. According to a psychological evaluation done while she was incarcerated, she suffers from Attention-Deficit Hyperactivity Disorder, Posttraumatic Stress Disorder (PTSD), Borderline Personality Disorder, and Antisocial Personality Disorder.
20. Plaintiff had a traumatic childhood. Her mother beat her and put her in a coma when

plaintiff was eleven, she was a sex-trafficking victim during the ages of 14-17, and she suffered numerous childhood traumas.

21. Plaintiff frequently self-injures or cuts herself as a way to cope with her emotional pain, intense anger, and stress.

22. Plaintiff has a history of attempted suicides during her short stay at CCCF.

23. In early 2023, plaintiff attempted suicide and was placed on suicide watch. She first met defendant Gray during her time on suicide watch. He began behaving sexually inappropriately towards plaintiff while she was on suicide watch.

24. Based upon public records, Sgt. Levi Gray had been previously investigated for sexual abuse at CCCF. The case was referred to the Washington County District Attorney who declined to prosecute. Defendants Brown, Naugle and John Doe allowed Gray to continue working in the women's prison after the prior sex abuse was reported.

25. Based upon information and belief, Levi was also previously reported for very inappropriate behavior regarding the use of his personal cell phone, and inappropriate behavior regarding another employee.

26. Upon information and belief, Levi's inappropriate behavior regarding the cell phone and the other employee was reported directly to defendant Nicole Brown and others who declined to take any action.

27. Defendants Brown, Naugle and John Doe knew or should have known that Levi Gray was unsuited to work in a women's prison. In addition to the prior investigation for sex abuse and other complaints described above, it is a matter of public record that Gray has a working history as a bouncer/manager of a strip club in North Portland called The Viewpoint. He

worked there for over three years from 2005 to 2008. By his own admissions in a lawsuit he filed in April 2010, the club overserved intoxicated patrons and dancers, the club was serving alcohol to underaged patrons, illegal drugs were being sold at the club, one of the employees was sexually assaulting employees or having them perform sex acts for cash payments, patrons were paying for “illegal dances,” and the club was discriminating against performers based upon their unwillingness to engage in unlawful sexual acts.

28. The information in the above-paragraphs renders defendant Gray disqualified from working in a women’s prison, yet there he remained.

29. Since April of 2023, JB has been housed in various sections of the Disciplinary Segregation Unit.

30. Sgt. Gray had JB moved to a cell that contained a sally port (an enclosed area outside of the cell) and no camera. Sgt. Gray did this so that he could sexually abuse JB.

31. In April and May of 2023, JB was repeatedly physically and sexually abused by defendant Gray. The abuse included throwing her against a wall and groping her while she was handcuffed, choking her while kissing her, grabbing her through the cuff port and pulling her, pinching and hitting her, grabbing her breasts so hard that it was painful, pushed her into the cell and then yanked her with the leash on her handcuffs, and requiring her to perform oral sex on his penis sticking through the cuff port while he was standing in the sally port.

32. JB endured sexual abuse from Gray for 40 minutes or more (sometimes two or more times a day) on numerous occasions over a two-month period.

33. Upon information and belief, some ODOC staff working in the disciplinary segregation unit during 2023, including Jost, Yonally, Leak, Wallace, Dennison, Urzua-Perez, and Martin

knew or should have known that defendant Gray was sexually abusing JB, and turned a blind eye to it.

34. Upon information and belief, defendants Captain Jost, Lt. Yonelly and Lt. Leak failed to ensure that rounds were conducted in the segregation unit in a manner that would ensure that the sexual abuse of prisoners in segregation would be reported.

35. After the abuse by Gray was reported, plaintiff was housed back in the Disciplinary Segregation Unit where the abuse took place, thereby causing a substantial increase in PTSD symptoms.

36. Even though Gray was placed on a Leave of Absence and was facing criminal charges, defendant Kizer could still not control his behavior and sexually harassed plaintiff shortly after Gray was walked off of the CCCF campus.

## **FACTUAL ALLEGATIONS REGARDING CULTURE OF ABUSE AND RETALIATION**

37. Sexual abuse appears to be the norm at CCCF.

38. The management defendants have failed to take meaningful action to prevent the sexual abuse of women in custody.

39. By way of example, the prior CCCF PREA Compliance Manager (i.e., the person in charge of enforcing the Prison Rape Elimination Act (PREA)) was placed on a Leave of Absence in April 2022, and terminated from ODOC in October, 2023. DPSST records indicate she surrendered her certifications. Upon information and belief, the CCCF PREA Compliance Manager engaged in an improper relationship with an adult in custody, indicating that those in

charge of preventing sexual abuse at CCCF can act with impunity.

40. The prior PREA Compliance Manager referenced above also spent at least several years as a PREA investigator, thus compromising the credibility of her investigations.

41. Based upon a public records request to Oregon State Police (OSP), ODOC management defendants did not refer the case to OSP for investigation and prosecution. Because ODOC has not yet produced requested public records, it is not known if the prior PREA Compliance Manager engaged in criminal behavior.

42. Further support for sex abuse being the norm at Coffee Creek include:

a. A former CCCF nurse was recently sentenced to 30 years in prison for sexually abusing approximately 17 women. The total number of victims is unknown.

b. Based upon public information, the allegations against the nurse were labeled as “unfounded” by ODOC personnel (including the prior PREA Compliance Manager described in paragraphs 37 and 38 above);

c. There are at least four other lawsuits currently filed and active against CCCF personnel.

d. A 2012 article in the Oregonian revealed “rampant problems and missed opportunities to fix them,” finding that sex occurred all over the 108-acre prison campus, and that security weaknesses identified years earlier remained.

e. A former groundskeeper was arrested in 2009 for sexually abusing Adults in Custody in an area of the prison called the “rape shed.”

43. There is a long history of abuse and retaliation for reporting sexual abuse at CCCF. This abuse and/or retaliation is directly encouraged by some management defendants.



44. By way of example of CCCF's abusive culture, defendant Lt. Yonally had, until the week of October 23, 2023, a sticker of a Marvel character called "Punisher" above his door in the disciplinary segregation unit (DSU).

45. According to a variety of sources, Punisher is a vigilante superhero that tortures and murders those accused of crimes. The logo, which has come to symbolize vigilante justice, has now been adopted by far-right groups and was seen on display at the January 6 invasion of the Capitol.

46. Similar to Yonnally, defendant Lt. Leak uses the dark Star Wars character Darth Vader, one of the most iconic villains in popular history, as his alter ego, signing his emails as follows:



Lieutenant Jayson Leak  
Coffee Creek Correctional Facility  
3<sup>rd</sup> Shift DSU/Intake Lieutenant  
Work: 503-570-6421  
Cell: 971-264-8135  
*"(Heavy Breathing...)"Darth Vader*

47. High-ranking male officers pretending to be "Punisher" or "'(Heavy Breathing . . . )'Darth Vader' in the disciplinary segregation unit of a women's prison is not only an affront to CCCF's goal of being gender responsive and trauma informed, these are symbolic threats to all women detained in the DSU that they will be punished, tortured or killed if they do not comply with correctional officers demands.

48. This mind-bending immaturity of the DSU Lieutenants pretending to be villainous superheroes in their day-to-day management of traumatized women is not something they hid. This breathtaking lack of professionalism was on full display as a sticker in the DSU and as an email signature in discussing JB's management plan.

49. Clearly, the DSU Lieutenants Yonally and Leak are not Gender Responsive and Trauma Informed. Likewise, their superiors, namely Captain Jost, Chad Naugle and Nicole Brown who

allowed this culture to exist are failing in their goals of being Gender Responsive and Trauma Informed.

50. In fact, an August 2023 Gender Informed Practices Assessment (GIPA) report (found on ODOC's website at <https://www.oregon.gov/doc/Documents/gipa-report.pdf>) states that CCCF is lacking in many key areas, indicating that CCCF is not Gender Responsive or Trauma Informed, including:

- a. “ Various features of the environment can be highly triggering for women, most of whom are survivors of trauma, and there is a need for more space for essential activities, including recreation and programming.”
- b. “[I]mplementation and expansion of gender responsive and trauma-informed policies and practices . . . is not being translated throughout the facility’s operations and this is especially evident . . . throughout restrictive housing. Persistent challenges, including lack of faith in PREA and grievance protocols, are linked to limited bandwidth, post-pandemic barriers, a crisis-driven culture, staffing shortages, and a significant lack of staff training and coaching regarding effective interventions with women.”
- c. Due to a significant lack of training, “[v]eteran staff with traditional attitudes about incarcerated women, plus an influx of new, inexperienced staff who lack essential trauma-informed communication skills, has contributed to inconsistent operations and troubling and harmful interactions with women that are compromising physical and emotional safety.”
- d. “There is low morale among staff, and the majority of women reported that they do not feel emotionally safe or respected.” “[M]any staff are reportedly engaging in

harmful, discriminatory and harassing behaviors, while other staff feel powerless to address it.”

e. “Staff rely on a[sic] few gender-neutral tools to respond to various behaviors, including those that signal mental health needs, and use harmful language and practices that uphold a punitive, para-military culture. Positive reinforcement is lacking, and sanctions can be quite lengthy, causing women to lose privileges for unnecessarily long periods of time. These kinds of disciplinary practices reenact trauma, cause harm, and have numerous short- and long-term impacts on women . . . .”

f. “There were consistent reports that medical and mental health care is inadequate, delayed or denied, poor in quality, and not calibrated to the needs of women . . . .”

51. JB has experienced all of CCCF’s deficiencies described above first hand.

52. The retaliation began as soon as JB returned from the hospital from the rape exam. Upon return, she was eventually placed back into the DSU which is where the abuse took place and where she was clearly not safe.

53. Not only was JB placed back into this triggering environment where the abuse occurred, she also has to endure being in the same unit as the officers who allowed the abuse to happen, specifically Jost, Leak, Yonally, Wallace, Dennison, Urzua-Perez and Martin.

54. On May 29, 2023 (only six days after Levi’s sexual and physical abuse ceased) JB was on suicide watch which means wearing only a smock and no underwear. JB requested a female officer (who was standing there) to put on the leg restraints. Lt. Leak yelled “You don’t get to dictate what my staff do! I don’t care what happened to you, you are going to be treated like any

other AIC.” This behavior by Leak was not only retaliatory, but it was clearly not gender responsive or trauma informed, and likely contributed to JB’s PTSD. Fortunately, another officer intervened.

55. Captain Jost actually threatened JB in writing when she enquired as to why she was not getting canteen, responding “You are getting exactly what you have coming to you.” This was perceived, and likely was, a threat for her cooperation with law enforcement for the Levi Gray prosecution.

56. Making matters even worse, the para-military villainous superheroes Yonally and Leak participate in JB’s Management Plan in the DSU, thus giving them input on her ability to “level out” of her environment in DSU and back to general population. According to DPSST records, Leak has no college education whatsoever, and Yonally has some college credits but no degree. These uneducated male correctional officers have no business giving input on the management plan of JB, especially in light of their prior relationship with defendant Gray, and their immature, retaliatory and unprofessional behavior that is documented throughout this Complaint.

57. The officers, including Lt. Leak, are using the disciplinary rule violation process to retaliate against JB and impose discipline making it impossible to “level out” of DSU. A few examples are as follows:

- a. June 6, 2023 – JB had previously met with Captain Gonzales and others stating that she did not want to be around Lt. Leak, or want him involved in her programming because he is friends with defendant Gray, and she was uncomfortable around Leak. On June 6, 2023, she was meeting with Captain Gonzales when Leak entered the room. She told Gonzales that she did not want Leak in the room. Leak accused JB of yelling at him and wrote her up for

Disobedience of an Order I and Disrespect II. Captain Gonzales and the other officers submitting reports did not substantiate the claims. Neither did the video. The charges were dismissed.

b. Also on June 6, 2023 after the incident in paragraph a above – JB believes that Leak gave an order to search her cell in retaliation for the above incident in paragraph a. JB was upset that her cell was left in a disheveled state. Although the officers’ statements are all contradictory, it appears that JB may have stated that Leak wanted her cell to be “fucked up” and she further stated that the officers didn’t know what they were doing. She was charged with Disrespect 2. The charges were dismissed by the hearings officer.

c. June 26, 2023 – JB was disciplined for conduct related to her committing an act of self-harm. She engaged in cutting after receiving distressing news, and a decision was made to put her in a suicide smock. Based upon another Adult in Custody’s letter to the hearings officer, Officer Cuevas was saying things to JB to trigger her, she asked him to leave, and Cuevas refused to leave causing JB to use profanity and refuse the suicide smock. The hearings officer failed to consider JB’s mental health, and failed to consider Cuevas’ intentional triggering, even though the rules require it when an Adult in Custody engages in self-harm.

58. JB despises the officers who allowed Gray to sexually abuse her, and has thus lost the ability to speak to those who manage her, including Jost, Yonally and Leak, in a civil manner, regularly calling them derogatory names. She is then disciplined for her uncontrollable feelings of hatred towards these officers, thus extending her stay in the Disciplinary Segregation Unit.

59. The officers appear to be making a game out of trying to trigger JB into being

disrespectful. As recently as December 12, 2023, JB received four books in the mail. She was very excited and took her books to her meeting with her “Survival Coach” to see if they could start a book club. The books included “The Bean Trees” by Barbara Kingsolver and “Morrigan’s Cross” by Norah Roberts. Because JB is always cuffed and/or tethered when she is escorted down the hallway, she cannot carry books, so an officer carried the books. When they got back to her cell, the officer threw the new books through the cuff port and onto the floor, intentionally triggering JB to swear at him, which he deserved.

60. Even though it is clear that this is an unworkable situation, Defendant superintendent Brown and assistant superintendent of security Naugle have allowed the officers who knew of Gray’s sexual abuse but failed to stop it to remain in the same unit where JB is housed (DSU), they have continuous contact with JB, and continue to trigger JB.

61. Numerous other officers and others have participated in additional conduct designed to trigger JB, including but not limited to:

- a. Placing JB in a cell with feces on the walls upon her return from the rape-exam, forcing her to clean the cell;
- b. Placing Kizer back on her unit after she filed a PREA complaint against him;
- c. Denying her outdoor time for months at a time;
- d. Denying her dayroom time;
- e. Denying her showers;
- f. Locking her in the shower;
- g. Refusal to provide clean underwear after her shower;
- h. Providing a dirty spoon at mealtime;

- i. Lying on disciplinary reports;
- j. Refusal to allow calls to her sexual abuse advocate;
- k. Pulling her through the cuff port;
- l. Denying an adequate tampon supply, then slow playing a request for tampons when they were urgently needed;
- m. Imposing cell-ins and other sanctions for JB's verbal disrespect after the above-listed conduct has triggered her;
- n. Denying her grievance appeal forms even after numerous requests (Until November 5, 2023, she received only two grievance appeals forms which were inadvertently ruined due to a spill);
- o. Ignoring her repeated requests for a Post Conviction Relief packet;
- p. Gave her fish though she is allergic;
- q. Gave her socks with holes
- r. Refused medications;
- s. Refused phone and tablet (by Yonally) even though they are allowed;
- t. Took away her legal papers;
- u. Denied her an education;
- v. Refused to allow her to clean her cell;
- w. Refused to allow her new books;
- x. They give her medications out of the same cup used for other prisoners and that contains residue of medications she is allergic to, and, even more importantly,
- y. They ignore her when she hits her emergency button.

62. Recently, JB had to endure relentless sexual harassment by another Adult in Custody who would yell to the entire DSU horrific things regarding defendant Gray's sexual abuse of JB. This went on for weeks, causing JB to suffer severe PTSD, sleepless nights, and emotional distress. The officers failed to take any action whatsoever to stop the harassment. Disability Rights Oregon notified the Inspector General to no avail. JB attempted to file a PREA grievance to make it stop, but grievance Coordinator Arrington wrongfully and maliciously denied the grievance (discussed further below). It took emails from JB's lawyer and Disability Rights Oregon to Oregon Department of Justice lawyers to get the problem resolved the week of November 27, 2023.

63. And then, to really top things off, on Sunday, December 8, 2023, JB was suffering a medical emergency where her limbs went numb and she could not speak. The officers ignored her please for help. She resorted to calling her lawyer (she had kept the AIC phone in her cell), who immediately recognized she was having a medical emergency. Her lawyer called Captain Gonzales (who was at home) who immediately called Coffee Creek. Yet, no one came to JB's cell to check on her. It took these so-called first responders 40 minutes to respond. JB was placed in the infirmary, never seen by a doctor, and was provided no meaningful treatment. JB survived.

### **FACTS REGARDING STAFF'S PURPOSFUL OBSTRUCTION OF THE GRIEVANCE PROCEDURE**

64. The 2023 GIPA Report devotes an entire section to the grievance procedure, stating, "[T]he grievance process is not functioning effectively and needs immediate attention." The report summarizes the problems as follows:



Residents reported that grievances are routinely rejected, and that the Grievance Coordinator “finds reasons to deny grievances” and “processes their own grievances...the ones we make about them.” They also reported that staff make false claims about timeline requirements, or provide responses so late that the resident has less time to respond in the context of the overall timeline. They also reported that when they request assistance writing grievance or discrimination complaint and/or learning about the process, they are dismissed. Instead, they rely on their peers and Survival Coaches for support. Even then, it was reported that when Survival Coaches request copies of grievance process flow charts, they are told no.

65. JB has experienced all of the above-listed problems with the grievance procedure. Even worse, unlike the other adults in custody discussed in the above paragraph, she has no access to peers, and limited access to Survival Coaches due to her status in the disciplinary segregation unit.

66. The grievance coordinator defendant Arrington appears to be on a mission to obstruct the grievance process for JB, and upon information and belief, she is most likely the same obstructionist that the women in the 2023 GIPA report filed a grievance on, which was denied, i.e., Arrington prevented it from going up the chain of command.

67. Arrington has purposefully obstructed JB’s ability to use the grievance process by rejecting grievances without a valid reason, by refusing to respond to reasonable requests regarding the number of grievances currently in play (enforcing ODOC’s four grievance rule) telling JB to “go file a public records request,” and Arrington has refused to come pick up grievances until it was past the 14 day deadline in which to file the grievance.

68. When JB attempted to file a grievance against Arrington for failure to pick up her grievances in a timely manner, Arrington refused to process the grievance and returned it as “denied.”

69. Most recently, JB attempted to file a grievance against BHS and the DSU Lieutenants for

not stopping the sexual harassment described in paragraph 62 above. Arrington wrongfully denied the grievance, falsely stating that you cannot grieve another AIC, and that you can only grieve “one incident” and the sexual harassment was ongoing. According to DPSST records, Arrington is college educated with a Bachelor of Science degree, thus it is impossible that she misconstrued clearly written grievance procedures. When JB attempted to refile the grievance where she directed Arrington to the Administrative Rules which clearly state that Arrington was wrong for denying the grievance, Arrington again wrongfully denied the grievance. Arrington’s actions can only be construed as malicious retaliation.

### **FIRST CLAIM FOR RELIEF**

**(Civil Rights 42 USC § 1983 (Eighth Amendment – Sexual Abuse) against Defendants Gray, Kizer, Jost, Yonally, Leak Brown Naugle, Doe, Wallace, Dennison, Urzua-Perez and Martin)**

70. Plaintiff realleges paragraphs 1- 69.

71. Defendant Gray violated the 8<sup>th</sup> Amendment prohibition against cruel and unusual punishment as follows:

In using his position of authority to engage in the repeated physical and sexual abuse of JB over the course of almost two months.

72. Defendant Kizer violated the 8<sup>th</sup> Amendment prohibition against cruel and unusual punishment by sexually harassing JB shortly after the sexual abuse by Gray was reported to Oregon State Police.

73. Defendants Brown, Naugle and Doe violated the 8<sup>th</sup> Amendment prohibition against cruel and unusual punishment as follows:

1. In failing to remove Levi from the women's prison after the prior investigation for sexual abuse;
2. In allowing Levi to work in a women's prison when it was clear based upon his work history that he was unsuited to work in a women's prison.
3. In placing Kizer back on to the same unit as where JB was housed after he sexually harassed her.
4. In placing JB back into segregation with the same officers who turned a blind eye to the sexual abuse, thus severely triggering her PTSD.

74. Defendants Jost, Leak and Yonally violated the 8<sup>th</sup> Amendment prohibition against cruel and unusual punishment as follows:

1. They knew or should have known that Defendant Gray was using his position of authority to sexually abuse JB in the segregation unit; and
2. They failed to ensure that rounds were conducted in a manner that would ensure that Gray could not sexually abuse prisoners in the segregation unit.

75. Defendants Jost, Yonally, Leak, Wallace, Dennison, Urzua-Perez, and Martin violated the 8<sup>th</sup> Amendment prohibition against cruel and unusual punishment in failing to report Gray, or otherwise turning a blind eye to Gray's physical and sexual abuse of JB.

76. As a result of defendants Gray, Kizer, Jost, Leak, Yonally, Brown Naugle, Doe, Wallace, Dennison, Urzua-Perez and Martin's violations of Plaintiff's Eighth Amendment rights, Plaintiff was repeatedly physically and sexually abused for almost two months. Accordingly, plaintiff is entitled to compensatory and punitive damages against defendants in an amount to be determined at trial for the violations of 42 U.S.C § 1983 and for plaintiff's attorney fees and costs pursuant

to 42 U.S.C. § 1988.

## SECOND CLAIM FOR RELIEF

### **(Civil Rights 42 USC § 1983 (Eighth Amendment – Unconstitutional Conditions of Confinement) against Supervisory Defendants Brown and Naugle)**

77. Plaintiff realleges paragraphs 1 – 69.

78. The above allegations demonstrate that JB is being subjected to unconstitutional conditions of confinement and is simply not safe.

79. The allegations in paragraphs 1 - 69 show that CCCF staff are using all attempts to trigger JB into committing an act of self-harm knowing that she already has a history of cutting and suicide attempts.

80. The allegations in paragraphs 1 – 69 show that CCCF are completely indifferent to whether she lives or dies by refusing to answer her emergency button, by giving her food she is allergic to, giving her medications she is allergic to, and by “responding when they feel like it” to medical emergencies.

81. Supervisory defendants Brown and Naugle are well aware of JB’s history of self-harm and suicide attempts, but have done nothing to remove the triggering officers and events in order to keep JB safe from a risk of harm.

82. Defendants Brown and Naugle are violating JB’s 8<sup>th</sup> Amendment Right to be free from cruel and unusual punishment by subjecting her to this serious risk of harm.

83. Accordingly, plaintiff is entitled to compensatory and punitive damages against defendants in an amount to be determined at trial for the violations of 42 U.S.C § 1983 and for plaintiff’s attorney fees and costs pursuant to 42 U.S.C. § 1988.

### **THIRD CLAIM FOR RELIEF**

**(Civil Rights 42 USC § 1983 (First Amendment – Retaliation) against Defendants Jost, Yonally, Leak and Arrington)**

84. Plaintiff realleges paragraphs 1-69.

85. Defendants Jost, Yonally, Leak and Arrington engaged in retaliation prohibited by the First Amendment of the United States Constitution by making threats, issuing bogus disciplinary rule violations, purposefully attempting to trigger JB, and obstructing the grievance process.

86. As a result of Jost, Yonally, Leak and Arrington's violations of JB's First Amendment Rights, JB lives in continuous fear of further retaliation, and has suffered actual retaliation.

87. Accordingly, plaintiff is entitled to compensatory and punitive damages against defendants in an amount to be determined at trial for the violations of 42 U.S.C § 1983 and for plaintiff's attorney fees and costs pursuant to 42 U.S.C. § 1988.

### **EMERGENCY INJUNCTIVE RELIEF**

**(Against Defendants Reese and Brown in their Official Capacities)**

88. Plaintiff requests a temporary restraining order or emergency injunctive relief to prevent imminent, irreparable harm, or in the alternative, Plaintiff requests the court to exercise its authority under the All Writs Act and issue an order:

a. Requiring ODOC to house Plaintiff so that she is no longer in this triggering environment (preferably at Oregon State Hospital), and specifically so that she is no longer in the DSU, MHI or SHU (all triggering environments for JB);

b. Prohibiting any of the listed defendants from having any further contact with

plaintiff (excluding Reese, Brown and Naugle);

- c. Prohibiting all named defendants (excluding Reese, Brown and Naugle) from participating in plaintiff's management plan;
- d. Prohibiting any CCCF employees that have engaged in any physical altercation or use of force with plaintiff from having any contact with plaintiff;
- e. Prohibiting all retaliatory conduct against JB; and
- f. Prohibiting ODOC from moving Plaintiff to a county jail or an out of state prison without Plaintiff's permission.

89. Without immediate intervention from the Court, Plaintiff will continue to live in unconstitutional conditions of confinement where her mental and physical health will be irreparably harmed.

WHEREFORE, plaintiff prays for relief as follows:

- a. For judgment in favor of plaintiff against defendants for her compensatory and punitive damages;
- b. For reasonable attorneys' fees and costs pursuant to 42 U.S.C. §1988;
- c. For emergency injunctive relief or pursuant to the All Writs Act; and
- d. For such other and further relief as may appear just and appropriate.

DATED: 12/27/2023

/s/ Lynn S. Walsh  
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Attorney for plaintiff