

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re: **Chapter 11**
TEHUM CARE SERVICES, INC., **Case No. 23-90086 (CML)**
Debtor.

**YESCARE’S MOTION TO ENJOIN PLAINTIFF PHILIP BERRYMAN
FROM PROSECUTING CLAIMS AGAINST RELEASED PARTIES**

IF YOU OBJECT TO THE RELIEF REQUESTED, YOU MUST RESPOND IN WRITING. UNLESS OTHERWISE DIRECTED BY THE COURT, YOU MUST FILE YOUR RESPONSE ELECTRONICALLY AT [HTTPS://ECF.TXSB.USCOURTS.GOV/](https://ecf.txsb.uscourts.gov/) WITHIN TWENTY-ONE DAYS FROM THE DATE THIS MOTION WAS FILED. IF YOU DO NOT HAVE ELECTRONIC FILING PRIVILEGES, YOU MUST FILE A WRITTEN OBJECTION THAT IS ACTUALLY RECEIVED BY THE CLERK WITHIN TWENTY-ONE DAYS FROM THE DATE THIS MOTION WAS FILED. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF REQUESTED.

CHS TX, Inc. d/b/a YesCare respectfully requests that the Court enter an Order enjoining Philip Berryman, the plaintiff in *Berryman v. Stephenson et al.*, Case No. 2:21-cv-10925-LJM-PTM (E.D. Mich.) (the “Action”) from continuing to prosecute his claims against defendants Rickey Coleman, DO and Kim Farris, PA-C (the “Medical Defendants”), who are both former employees and agents of the



Debtor and “Released Parties” pursuant to the Bankruptcy Plan, so long as the Bankruptcy Plan’s Injunctions and Releases do not terminate or become void. As discussed herein, Berryman had actual notice of the bankruptcy proceeding, was timely served with the Opt Out Release Form at his correct prison address, and he did not opt out. Consistent with this Court’s prior Orders, the Court should hold that Berryman is bound by the Consensual Claimant Release and is restrained and enjoined from taking any action to prosecute his claims against the Medical Defendants.

INTRODUCTION

Philip Berryman, the plaintiff in *Berryman v. Stephenson et al.*, Case No. 2:21-cv-10925-LJM-PTM (E.D. Mich.), is attempting to continue his prosecution of personal injury claims against two former Corizon employees, “Released Parties” under the Plan.¹ Berryman was provided actual notice of the bankruptcy proceeding on March 14, 2023, when counsel for the Medical Defendants filed their withdrawal of counsel in *Berryman* due to a perceived conflict resulting from the Tehum bankruptcy. On October 13, 2023, the court in *Berryman* stayed the entire

¹ For the sake of brevity, this Motion presumes the Court’s familiarity with the issues underlying this Motion. YesCare adopts and incorporates herein all arguments in its “Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties,” ECF No. 2160 (the “Motion to Enjoin”), its subsequent “Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties Relating to ‘Exhibit C’ Parties,” ECF No. 2425 (the “Exhibit C Motion”), and its Omnibus Reply brief, ECF No. 2311.

proceeding due to the Tehum bankruptcy. The court lifted the stay on April 22, 2025.

On May 22, 2025, counsel for the Medical Defendants filed in this Court the “Former Michigan Corizon Employee’s Motion and Concurrence in YesCare’s Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties.” ECF No. 2178. Exhibit 1 to the Medical Defendants’ Motion listed the *Berryman* case as a case that should be enjoined. Berryman did not file an opposition to the Medical Defendants’ Motion. This Court did not rule on the *Berryman* case in its two Orders related to the Omnibus Motion and has not otherwise ruled on the Medical Defendants’ Motion.

Berryman is listed on the Creditor Matrix (ECF No. 609, Ex. D). Berryman was served via First Class Mail with the Non-Voting package, which included the Opt-Out Release Form. ECF No. 1852, Ex. H. Berryman was also sent via First Class Mail the Plan, Disclosure Statement, TCC Letter, UCC Letter, Solicitation Procedures Order, Solicitation Procedures, and Confirmation Hearing Notice. ECF No. 1852, Ex. P. Both of these mailings were correctly mailed to his then-current address at the Thumb Correctional Facility. Berryman attempted to return a vote to accept the Plan on February 12, 2025. His ballot was listed as not tabulated because “Creditor not in a voting class.” Berryman did not return the Opt-Out Release Form or otherwise indicate his desire to opt out of the Plan’s Consensual Claimant Release.

This Court has twice held that parties served with an Opt-Out Release Form who did not opt out are bound by the Consensual Claimant Release. There is no mailing issue in this case because the Opt-Out Release Form (and other notices) were mailed via First Class Mail to Berryman's correct address. Accordingly, Berryman should be enjoined from further prosecuting his claims against the Medical Defendants in the Action so long as the Bankruptcy Plan's Injunctions and Releases do not terminate or become void.

FACTUAL BACKGROUND

1. On April 13, 2021, Plaintiff Philip Berryman filed his original complaint against the Medical Defendants, and others, captioned *Berryman v. Stephenson et al.*, 2:21-cv-10925-LJM-PTM (E.D. Mich) (the "Action") relating to allegedly deficient medical care provided to Berryman during his incarceration at the Macomb Correctional Facility in Lenox Twp, Michigan. *See Exhibit A* (4/13/2021 Complaint).

2. On September 20, 2022, Berryman filed an Amended Complaint against the Medical Defendants and others, asserting negligence and 42 U.S.C. § 1983 claims. *See Exhibit B* (9/20/2022 Amended Complaint). Against the Medical Defendants, Berryman generally alleges that they improperly prescribed and administered Berryman's medication and improperly removed or revoked special

medical accommodations between June 2018 and February 2022. *Id.* at ¶¶ 1-2, 12-22.

3. The Amended Complaint alleges that defendant Rickey Joe Coleman was an employee of Corizon Health Inc. (*i.e.*, the Debtor) “at all times relevant to th[e A]ction.” *Id.* at ¶ 1.

4. The Amended Complaint alleges that defendant Kim Farris was a “Physician Assistant (PA)” at the facility where Berryman was incarcerated “at all times relevant to th[e A]ction.” *Id.* at ¶ 2.

5. The Amended Complaint’s Certificate of Service listed Berryman’s address at the Thumb Correctional Facility in Lepeer, MI. Ex. B. This is the same address currently listed on the docket.

6. On March 14, 2023, counsel in the Action for the Medical Defendants moved to withdraw due a perceived conflict resulting from the bankruptcy. *See* E.D. Mich. ECF No. 110.

7. On September 12, 2023, counsel for the Medical Defendants in the Action filed a motion to stay the Action due to the Debtor’s bankruptcy proceedings. *See* E.D. Mich. ECF No. 154.

8. On October 13, 2023, the District Court for the Eastern District of Michigan stayed the entire Action on account of the automatic stay, noting that both Coleman and Farris are former employees of Corizon. *See* E.D. Mich. ECF No. 164.

9. Berryman is listed on the Creditor Matrix. ECF No. 609, Ex. D.

10. On March 19, 2024, Berryman filed a letter in this Court asking to be placed on the Master Service Mailing List “with the rest of the creditors.” He listed his address at the Thumb Correctional Facility. ECF No. 1456.

11. On or about November 20, 2024, Berryman was served via First Class Mail with the Notice of Non-Voting Status, which included the Opt-Out Release Form. ECF No. 1852, Ex. H. Berryman was also served via First Class Mail with a copy of the Plan, Disclosure Statement, TCC Letter, UCC Letter, the Solicitation Procedures Order, Solicitation Procedures, and the Confirmation Hearing Notice. ECF No. 1852, Ex. P. The Affidavit of Service lists Berryman’s correct address at the Thumb Correctional Facility (*i.e.*, the same address listed on the docket of the Action). ECF 1852 at 4, Ex. H, Ex. P.

12. On February 12, 2025, Berryman attempted to return a ballot voting to accept the Plan. ECF No. 1993 at 37 (not tabulated because “Creditor not in a voting class.”).

13. Berryman did not return an Opt-Out Release Form and has never otherwise indicated his desire to opt out. ECF No. 2014 at 57. He did not object to the Plan or appeal the Confirmation Order.

14. By Order dated March 3, 2025, the Court confirmed the *First Modified Joint Chapter 11 Plan of Reorganization of the Tort Claimants’ Committee, Official*

Committee of Unsecured Creditors and Debtor (the “Bankruptcy Plan”). ECF No. 2014.² The Bankruptcy Plan is effective.

15. The Plan defines the “Debtor” as Tehum Care Services, Inc., f/k/a Corizon Health, Inc. Art. I, ¶ 51. The Released Parties under the Bankruptcy Plan include, amongst others, the Debtor and its “respective current and *former officers, directors, managers, employees, contractors, agents*, attorneys, and other professional advisors, Insiders, and Affiliates.” Art. I, ¶ 175 (emphasis added).

16. The Consensual Claimant Release releases the Released Parties from “all claims or Causes of Action, including any Estate Causes of Action, against a Released Party that are released under the Plan and the Confirmation Order.” Art. I, ¶ 173.³ Pursuant to the Plan’s Consensual Claimant Release, “[a]s of the Final Payment Date”:

² Capitalized terms used herein but not defined have the meanings ascribed to in the Bankruptcy Plan.

³ The Bankruptcy Plan defines “Causes of Action” to

mean[] any claims, causes of action, interests, damages, remedies, demands, rights, actions (including Avoidance Actions), suits, debts, sums of money, obligations, judgments, liabilities, accounts, defenses, offsets, counterclaims, crossclaims, powers, privileges, licenses, liens, indemnities, guaranties, and franchises of any kind or character whatsoever, whether known or unknown, foreseen or unforeseen, now existing or hereafter arising, contingent or non-contingent, liquidated or unliquidated, choate or inchoate, secured or unsecured, assertable, directly or derivatively, matured or unmatured, suspected or unsuspected, in contract, tort, law, equity, or otherwise.

Art. I, ¶ 18.

Consenting Claimants shall, and shall be deemed to, expressly, conclusively, absolutely, unconditionally, irrevocably, and forever release and discharge each Released Party of and from *any and all Causes of Action based on or relating to, or in any manner arising from, in whole or in part, any act, omission, transaction, event, or other circumstance taking place or existing on or before the Effective Date in connection with or related to the Debtor*, the Estate, their respective current or former assets and properties, the Chapter 11 Case, the Plan of Divisional Merger, any Claim or Interest that is treated by the Plan, *the business or contractual arrangements between the Debtor and any Released Party*, the restructuring of any Claim or Interest that is treated by the Plan before or during the Chapter 11 Case, any of the Plan Documents or any related agreements, instruments, and other documents created or entered into before or during the Chapter 11 Case or the negotiation, formulation, preparation or implementation thereof, the pursuit of Plan confirmation, the administration and implementation of the Plan, the solicitation of votes with respect to the Plan, the distribution of property under the Plan, *or any other act or omission, transaction, agreement, event, or other occurrence taking place on or before the Effective Date related or relating to the foregoing...*

17. The court in the Action lifted the stay by way of order dated April 22, 2025. *See* E.D. Mich. ECF No. 176.

18. Following YesCare’s filing of its “Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties,” ECF No. 2160 (the “Motion to Enjoin”), on May 22, 2025, counsel for the Medical Defendants filed in this Court a “Motion and Concurrence in YesCare’s Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties.” ECF. No. 2178 (the “Concurring Motion”).

19. In Exhibit 1 to the Concurring Motion, Medical Defendants’ counsel identified the *Berryman* Action as a case that should be enjoined pursuant to the Plan. ECF No. 2178-1 at 2-3.

20. Berryman did not file an opposition to the Concurring Motion or otherwise respond to the Omnibus Motion or subsequent Exhibit C briefing.

21. The Court has not expressly addressed the *Berryman* Action in the Court’s subsequent Orders on YesCare’s motions and has not directly issued an Order on the Concurring Motion.

ARGUMENT

I. THE MEDICAL DEFENDANTS ARE “RELEASED PARTIES.”⁴

The Plan’s definition of “Released Parties” includes the Debtor, Tehum Care Services, Inc., f/k/a Corizon Health, Inc. and, among others, the Debtor’s “current and former... managers, employees, contractors, [and] agents....” Art. I, ¶ 175. The Medical Defendants are, by Plaintiff’s admission and by finding of the court presiding in the Action, former employees and/or agents of the Debtor operating at all relevant times in the State of Michigan. **Exhibit B** at ¶ 1-2; E.D. Mich. ECF No. 164. Pursuant to the Plan, current and former employees and agents of the Debtor

⁴ The Court already held with respect to the Omnibus Motion that it had jurisdiction to entertain a motion to enjoin, including seeking the relief herein.

are “Released Parties.” Art. I, ¶ 175. Claims against the Medical Defendants are, accordingly, released under the Plan.

II. BERRYMAN IS BOUND BY THE CONSENSUAL CLAIMANT RELEASE.

Berryman was timely served the Opt-Out Release Form at his correct address and did not opt out. ECF No. 1852 at 4, 66, 102. He had actual notice of the bankruptcy proceeding as of March 14, 2023, asked to be put on the creditor list “with the other creditors,” and was also served with the Plan, the Disclosure Statement, the Confirmation Hearing Notice, TCC Letter, UCC Letter, a Notice of Non-Voting Status, the Solicitation Procedures Order and Solicitation Procedures. Despite his timely, actual notice, Berryman never objected to the Plan, never indicated his rejection of the Consensual Claimant Release (in any manner), and did not appeal the Confirmation Order. When the Medical Defendants filed the Concurring Motion, Berryman did not oppose it.

Accordingly, consistent with this Court’s prior rulings (ECF Nos. 2374 and 2521), Berryman should be enjoined from further prosecuting his claims against the Medical Defendants in the Action.

CONCLUSION

For the reasons stated herein, and consistent with the Court's Orders on YesCare's Omnibus Motion to date, the Court should enter an Order enjoining plaintiff Philip Berryman from continuing to prosecute his claims against the Medical Defendants in *Berryman v. Stephenson et al.*, Case No. 2:21-cv-10925-LJM-PTM (E.D. Mich.), as long as the Bankruptcy Plan's Injunctions and Releases are in effect.

Respectfully submitted,

By: /s/ Trevor W. Carolan

Trevor W. Carolan

State Bar No.: 24128898

Southern District Federal No.3794850

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Attorneys for Movants

CHS TX, INC. d/b/a YESCARE

CERTIFICATE OF SERVICE

I do hereby certify that on the 18th day of November, 2025, a true and correct copy of the foregoing was electronically filed with the Clerk of Court and served using the CM/ECF system. In addition, a true and correct copy has been mailed via First Class US Mail to the following:

Philip Berryman, 107202
Thumb Correctional Facility
3225 John Conley Drive
Lapeer, MI 48446
Pro Se

/s/ Trevor W. Carolan

Trevor W. Carolan

Exhibit A

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

PHILIP BERRYMAN
Plaintiff,

-vs-

Case: 2:21-cv-10925
Judge: Murphy, Stephen J.
MJ: Stafford, Elizabeth A.
Filed: 04-13-2021 At 12:30 PM
PRIS PHILIP BERRYMAN V GEORGE STEPHENSON ET AL (SS)

GEORGE STEPHENSON, KRISTOPHER STEECE,
RAGINA JENKINS GRANT, FRANK SGAMBATTI,
ALLEN GREASON, J. TORRES, T. PLEWS
ADW DAVIS, C/O CRAWFORD, P. C., PATRICIO,
NURSE ELROD, A/SGT. GALLOWAY, KIM FARRIS,
QM SHAFU, H/I BRIDGES, R. PATTON,
LAURA S. HEINRITZ, A/G NENROD,
AMO RICKEY JOE COLEMAN, MONA GOLSTON,
CMO CARMEN MCINTYRE, N. FRONZACK, et al.,
Each defendant is sued jointly and severally in their individual
and official capacities.
Defendants.

RULE 8
PLAINTIFF BERRYMAN'S ALLEGATIONS OF FACTS
PLAINTIFF'S CONCISE STATEMENT OF PLEADINGS

NOW COMES, Plaintiff not being a trained attorney Plaintiff will attempt to show the Court and the Defendants what his Verified Complaint is based upon, and apologizes to both the Court and the Defendants attorney if his attempt is not professional. The Defendants actions against Plaintiff started out in 2016 when Defendant Stephenson ordered Defendant Elrod to file a false Major Misconduct Ticket claiming Threatening Behavior as will be shown during the pleadings and discovery Plaintiff and Defendants Stephenson, Steece, Grant, Sgambati and Greason had a long standing disagreement with each other, as to Plaintiff filing grievances against each of them and jointly. As a result of the ticket in 2016 Plaintiff requested statements from witnesses and he gave Defendant Bridges a copy of those names, that he never contacted, Plaintiff lost his high paying job of (P.O.A.) Prisoner Observation Aide which he needed to pay for a lawyer on his criminal case, then Defendants Stephenson, Steece, Grant, Sgambati and Greason together took Plaintiff's Single Person Room/Cell which he needed due to having to self evacuate his own feces and self Catheter himself several times a day and must take his clothes off to do so as to the feces removal, then Defendants Stephenson, Steece, Grant, Sgambati, Greason, Torres, Heinritz, Farris, Coleman and McIntyre combined together to retaliatorily transfer Plaintiff on June 21, 2018 by falsifying a claim that has since

become a standing joke at the MRF facility, Defendant Shafau took his part in refusing to give Plaintiff the necessary clothing he needed to protect himself from the sun and to allow him to move to the toilet by unzipping his pants instead of having to try to pull them down while seated in his wheelchair and causing Plaintiff to suffer Sun burns on his arms due to the denial of long sleeve shirts, Defendant Farris, Coleman, McIntyre took their parts by ordering the removal of Plaintiff's (S.A.N.) Special Accommodation Notice such as Special Gym Shoes, due to Plaintiff allergic reactions to the state shoes, Wide Brim Hat to protect Plaintiff's face and head from the Sun due to Basal-Cell Carcinoma according to medical staff at MRF, and Defendant Golston who took an active part in Plaintiff's retaliatory transfer and covering up violations of policies including refusing Plaintiff his VA Medical records 1095-B form with documented letter from the VA office and being denied access to the law library by Defendant Fronzack in violation of federal law and for writing Plaintiff a false ticket.

Each of the Defendants have signed that they have read the policies, rules of the MDOC as required and they swear that they'll abide by them and follow each of them to the best of their ability and should they have a problem with any of them they'll consult their supervisors.

If the Court feels that Plaintiff has not set forth a sufficient statement under Rule 8, Plaintiff asks that the Court inform Plaintiff so that he could try to further his statement under Rule 8-Plaintiff will be able to come forth with supportive facts after discovery to further support all and each of his allegations against each Defendant.

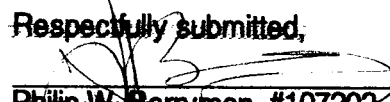
As to Plaintiff's understanding the pleading requirements that he cannot use legal cases in filing his Verified Complaint, but his Verified Complaint is based upon his personal knowledge and belief and as to matters of law he believes them to be true.

Plaintiff has attempted explain what each Defendant did in each section so marked for each Defendant.

As Plaintiff's health is getting worse it is becoming harder for him to defend his claims and the fact that he is limited to the use of the prison law library to one or two hours a week if that as Defendants through Defendant Fronzack deletes his law library call requests or some other staff will do it.

WHEREFORE, all of the above reasons Plaintiff prays this Court will accept his Rule 9 Statement.

Respectfully submitted,


Philip W. Berryman, #107202
Macomb Correctional Facility
34625 26 Mile Rd.
Lenox Twp, MI 48048
in pro se

Lubres copy

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

PHILIP BERRYMAN
Plaintiff,

No.

HON:

-vs-

GEORGE STEPHENSON, KRISTOPHER STEECE,
RAGINA JENKINS-GRANT, FRANK SGAMBATTI,
ALLEN GREASON, J. TORRES, T. PLEWS
ADW DAVIS, C/O CRAWFORD, P. C. PATRICIO,
NURSE ELROD, A/SGT. GALLOWAY, KI M FARRIS,
QM SHAFU, H/I BRIDGES, R. PATTON,
LAURA S. HEINRITZ, A/G NENROD,
AMO RICKEY JOE COLEMAN, MONA GOLSTON,
CMO CARMEN MCINTYRE, N. FRONZACK, et al.,
Each defendant is sued jointly and severally in their individual
and official capacities.
Defendants.

VERIFIED CIVIL RIGHTS COMPLAINT
FOR DAMAGES, DECLARATORY AND INJUNCTIVE RELIEF
WITH JURY DEMAND

This is a 42 USC § 1983, 42 USC § 1985, 1988, 1915 (g), action filed by Philip W. Berryman, prisoner, alleging Denial of Equal Protection, 8th Amend Cruel and Unusual Punishment, Retaliation and Civil Conspiracy and First Amendment violations, Free Exercise Clause and violation of the Bill of Rights. Violation of both State and Federal Constitutions by the named defendants and seeking Monetary Damages and Injunctive Relief. The Plaintiffs Demand a Trial by Jury.

JURISDICTION

This action is brought pursuant to 42 USC. Sec 1983, 1985, 1915 and the BILL of Rights, The 1st, 5th, 8th, and 14th Amendments to the United States Constitution. Jurisdiction is founded upon 42 USC 1331 and 1343, (1)(2)(3)(4). This Court has jurisdiction under 28 USC, 2201, 2202 as to Declaratory Relief, Rule 8, Sec. (3) Free Exercise Clause together with Rules 57 and 65 of the Federal Rules of Civil Procedure. And the aforementioned statutory and Constitutional provisions. The amount in controversy exceeds \$75,000.00 Thousand Dollars as to each Defendant, excluding interest and costs, fees as to the named Plaintiff. Plaintiffs also Invoke the Pendant Jurisdiction of this Court. Plaintiff have no adequate remedy at state law to redress the wrongs. The Court has supplemental jurisdiction over those claims arising under Michigan common law pursuant to 28 U.S.C. § 1367(a), since the claims form part of the same case or controversy as the claims under the United States Constitution and federal law. Venue is proper under 28 U.S.C. § 1391 (b).

PARTIES

1. Plaintiff Philip W. Berryman, (P-107202) was at all times relevant a prisoner under the jurisdiction of the MDOC, and is now confined at the Macomb Correctional Facility 26 Mile Rd. Lenox Twp, MI 48048.
2. Defendant, George Stephenson was at all times relevant to this action acting under color of State law. The actions of Defendant Stephenson, were taken as an Individual in their Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable, He/She is sued in his/her Individual and Official capacities.
3. Defendant, Kristopher Steece, was at all times relevant to this action acting under color of State law. The actions of Defendant Steece, were taken as an Individual in their Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable, He/She is sued in his/her Individual and Official capacities.
4. Defendant Ragina Jenkins Grant was at all times relevant to this action acting under color of State law. The actions of Defendant Grant were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable, He/She is sued in his/her Individual and Official capacities.
5. Defendant Frank Sgambati was at all times relevant to this action acting under color of State law. The actions of Defendant Sgambati were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable, He/She is sued in his/her Individual and Official capacities.
6. Defendant Allen Gereason was at all times relevant to this action acting under color of State law. The actions of Defendant Greason were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable, He/She is sued in his/her Individual and Official capacities.

7. Defendant J. Torres was at all times relevant to this action acting under color of State law. The actions of Defendant Torres were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable. He/She is sued in his/her Individual and Official capacities.

8. Defendant T. Plews was at all times relevant to this action acting under color of State law. The actions of Defendant Plews were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable. He/She is sued in his/her Individual and Official capacities.

9. Defendant ADW Davis was at all times relevant to this action acting under color of State law. The actions of Defendant Davis were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable. He/She is sued in his/her Individual and Official capacities.

10. Defendant C/O Crawford was at all times relevant to this action acting under color of State law. The actions of Defendant Crawford were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable. He/She is sued in his/her Individual and Official capacities.

11. Defendant P.C. Patricio was at all times relevant to this action acting under color of State law. The actions of Defendant Patricio were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable. He/She is sued in his/her Individual and Official capacities.

12. Defendant Nurse Elrod was at all times relevant to this action acting under color of State law. The actions of Defendant Elrod were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable. He/She is sued in his/her Individual and Official capacities.

13. Defendant A/Sgt Gallaway was at all times relevant to this action acting under color of State law. The actions of Defendant Gallaway were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable, He/She is sued in his/her Individual and Official capacities.

14. Defendant Q/M Shafau was at all times relevant to this action acting under color of State law. The actions of Defendant Shafau were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable, He/She is sued in his/her Individual and Official capacities.

15. Defendant H/I Bridges was at all times relevant to this action acting under color of State law. The actions of Defendant Bridges were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable, He/She is sued in his/her Individual and Official capacities.

16. Defendant R. Patton was at all times relevant to this action acting under color of State law. The actions of Defendant Patton were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable, He/She is sued in his/her Individual and Official capacities.

17. Defendant Laura S. Heinritz was at all times relevant to this action acting under color of State law. The actions of Defendant Heinritz were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable, He/She is sued in his/her Individual and Official capacities.

18. Defendant G/C Nenrod was at all times relevant to this action acting under color of State law. The actions of Defendant Nenrod were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable, He/She is sued in his/her Individual and Official capacities.

19. Defendant AMO Rickey Joe Coleman was at all times relevant to this action acting under color of State law. The actions of Defendant Coleman were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable, He/She is sued in his/her Individual and Official capacities.

20. Defendant CMO Carmen McIntyre was at all times relevant to this action acting under color of State law. The actions of Defendant McIntyre were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable, He/She is sued in his/her Individual and Official capacities.

21. Defendant PA Kim Farris, was at all times relevant to this action acting under color of State law. The actions of Defendant Farris were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable, He/She is sued in his/her Individual and Official capacities.

22. Defendant Mona Golston, was at all times relevant to this action acting under color of State law. The actions of Defendant Golston were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable, He/She is sued in his/her Individual and Official capacities.

23. Defendant N. Franzack, was at all times relevant to this action acting under color of State law. The actions of Defendant Franzack were taken as an Individual in his/her Official and Individual capacity as an employee of the State of the Michigan Department of Corrections and were adopted and ratified by the other Defendants to such an extent that such actions constitute and accepted policy or custom of the Defendants for which he/she should likewise be held liable, He/She is sued in his/her Individual and Official capacities.

24. IT SHOULD BE KNOWN THAT EACH OF THE DEFENDANTS ARE BEING SUED IN BOTH THEIR INDIVIDUAL AND OFFICIAL CAPACITIES BY THE PLAINTIFFS. THEY EITHER KNEW OR SHOULD HAVE KNOWN THAT THEIR ACTS VIOLATED PLAINTIFFS CONSTITUTIONAL RIGHTS.

CONNECTION OF CLAIMS FOR THE PLAINTIFF ARE CONNECTED TO EACH OF THE DEFENDANTS AS TO THEIR RETALIATORY ACTS AND DENIAL OF MEDICAL TREATMENT, AGAINST THE PLAINTIFF AS TO VIOLATING HIS EIGHTH AMENDMENT AND DUE PROCESS, EQUAL PROTECTION AS RETALIATORY ACTS FOR HAVING FILED COMPLAINTS AND/OR GRIEVANCES, THE VIOLATIONS TOOK PLACE DURING 2016 and 2021

INTRODUCTION

In order to understand the Nexus between the retaliation which started at the (MRF) the Macomb Correctional Facility one needs to understand the mind set of the named Defendants which form the Basis and Nexus for Plaintiffs claims for Retaliation, and Denial of Medical Treatment, etc., They try to keep there retaliatory acts within the facility, once a prisoner starts filing grievances, they'll claim one of the many reasons given in the policy to reject it or claim it has no merit, or the camera was not working that day.

FACTUAL ALLEGATIONS

25. NOW COMES, Philip Wayne Berryman, In Pro Se under Federal statute USC § 1983. Plaintiff moves this Court to GRANT Judgment and/or Order a Jury Trial in this civil action, whereas, his well rooted Constitutional rights have been violated. U.S. Const, Amend I, VI, VIII, XIV. That Plaintiff Berryman is Wheelchair Bound for Life and has a Permanent (SAN) for his Wheelchair, Catheters Pull-Ups for Incontinence and having to hand evacuate his Feces by hand Four to Five times weekly.

26. On or about July 21, 2014, Plaintiff was transferred from SRF to MRF via handicapped van, due to the fact that he is wheelchair bound, and placed in a Shingle Person Cell/Room 3-63-B. On July 22, 2014 Plaintiff was required to report to H/S, at which time Plaintiff was told that his medical conditions had been confirmed and that all of his medications would be ordered.

27. Several days later Plaintiff sent a kite requesting a replacement air mattress. Upon arrival at H/C Plaintiff was told that there was no record supporting his need for an Air Mattress. Plaintiff replied, "Don't tell no one but if you look real close you'll see that I'm in a Wheelchair." The nurse replied that she would be right back. When the nurse returned there were two other nurses with her, the same being E. Parr Mirz.

28. Plaintiff handed Defendant Farris and nurse Mirza a copy of the medical records used for the Parole Board, and a copy of his Special Accommodation Notice and which reads as follows: "Medical conditions, which are (1) Severe Coronary Artery Disease (/w Complete Occlusion of Circumflex Artery & Moderate Occlusion of L-Anterior descending & R-Coronary Arteries). Prostate Cancer (status post radical prostatectomy & subsequent Urinary Incontinence & Urethral requiring intermittent Catheterization). Vocal Cord Cancer hx. Barrett's Esophagitis. Severe Lumbar Spine Degenerative Disease & Spinal Stenosis w/ Paraplegia,

Asthma, Hypertension, Hyperlipidemia." The (S.A.N.) which requires that You do furnish me with an Air Mattress at all times, and at the same time handed Defendants a copy of the document which is considered a legal document as it was used for the parole board.

29. Nurse Mirza stated we'll check your records further, at which time another female nurse (L. Adray) came up and handed a document to nurse Mirza and said give him the air mattress, both nurses walked away.

30. A New H.U.M. (Health Unit Manager) was appointed to MRF H/C by the name of Heather. Cooper, whom Plaintiff requested to speak with, via the kite system concerning his wheelchair accommodation/single person cell/room. Once called out by the HUM Cooper she stated "I've reviewed your files and I see that You're Permanently bound to the wheelchair, so there is no need to issue you a detail for your Special Accommodation Notice serves for the Single Person Cell.

31. Plaintiff asked HUM Cooper if she would make Deputy Warden Stephenson aware of the Single Person cell requirement for him, at which time Nurse Parr-Mirza appeared next to HUM Cooper and said, "Is this about the wheelchair single cell?" and nurse Mitza said yes.

32. Nurse Adray pulled Nurse Mirza aside but still in a voice for Plaintiff to hear, "He's filed a grievance on the single person cell". They both stepped back over and nurse Mirza stated, "There is nothing that I can do for you mister Berryman, I'm told you have already filed a grievance on the issue." Plaintiff stated, "I'm asking that you inform Deputy Stephenson that the single cell/room is needed because of my medical conditions use of Catheters, Pull-Ups for incontinence. HUM Cooper and Supervising Nurse Mirza speaking at the same time stated. I already told him that

33. According to Defendants Stephenson, Steece, Grant contacted then HUM Cooper claiming that he had her check the records and that she claimed not to have found any document requiring Plaintiff Berryman to have a single person cell accommodation. He also claimed that then HUM Cooper stated: Medical Service Advisory Committee Guidelines has been reviewed and you do not meet the criteria for a single person cell. Professional determination has been made based on your medical records, and in accordance with the MSAC guidelines a single person cell is not medically necessary. signed by Defendant Stephenson.

34. Plaintiff has continuously been housed in a single person cell/room for over ~~twenty four~~ years (24), as he has been Wheelchair bound for all those years and his medical records support this fact. Upon talking with health Care staff Plaintiff was informed by HUM Cooper she is the Special Friend of Defendant K. Steece and that she (Special Friend Cooper) had told Health Care staff that they were not to give Plaintiff Berryman any information regarding his Single Person Cell status, because Defendant K. Steece did not want him in a single person

cell, because Plaintiff did something.

35. Plaintiff has filed multiple grievance(s) concerning the denial of the medical need for the single person cell/room, plus having taken it before the Warden's Forum, as the matter concerned more than just the Plaintiff. Health Care staff told Plaintiff Berryman that they could not help him because they did not want to lose their job and because of the special relationship between then HUM Mirzia and Defendant K. Steece they could be set up, Plaintiff left Health Care.

36. Plaintiff spoke with Defendants Stephenson, Steece, Greason, Grant and Sgambati concerning the single person cell and brought up the fact that he Plaintiff has had to dig out the feces and that another prisoner in the room is a violation.

37. Plaintiff Berryman had been housed in a single person cell/room at MRF since his arrival on July 21, 2014 and had in fact filed a grievance concerning the issue which was resolved between Plaintiff and then Deputy Warden Stephenson, and until 02-03-2017 had been approved that is until Plaintiff Helped a Black prisoner by the name of Derrick Palmer, # 219573 file a federal lawsuit (Civil Action 16-13655, before Federal Judge Linda V. Parker, that Defendant was made aware that he was named as a Defendant, that the issue became a retaliatory action, by having his special friend Heather Cooper falsify a claim that Plaintiff did not meet the criteria for a single person cell/room. Defendant Steece made the following statement to Plaintiff Berryman via Reply to prisoner correspondence dated 02-03-17:

"All beds are needed for incoming prisoners. You do not have an approved accommodations for a single cell. I just had Healthcare reevaluate you as well. You will not be granted a single man cell at this time. (Bold print mine).

38. Plaintiff at the hands of the Defendants Stephenson, Steece, Greason, Grant and Sgambati have constantly denied or interfered with him receiving any medical treatment, and all have personal knowledge of the fact that Plaintiff requires (30) Catheters per week; Pull-Ups and Blue Pads for Incontinence of his Bowels, which require him to Dig the Feces out of his bowls. Each of Plaintiff Berryman Special Accommodation Notice (SAN) details the fact that in that Policy 04.06.160-E states:

39. Whenever a prisoner is identified as having a medical condition which restricts his/her ability to function adequately in the institutional environment, a qualified health professional shall identify reasonable options available in a corrections setting which will meet the prisoner's special medical need. Options may include prosthetics, medical supplies, assistive devices (e.g., wheelchairs, canes), medical treatment, or restrictions on activities, placement, or housing. Options also may include the issuance of non-wool blankets, extra blankets or sheets, or special shoes. The recommended option(s) shall be set forth on a Medical Detail if expected to be temporary (i.e., six months or less) or on a Special Accommodation Notice if

expected to be ~~long-term (i.e., more than six months) or permanent~~. Plaintiff explained to each of the named Defendants that a simple check of the Macomb Correctional Facility HealthCare Special Accommodations Orders the following:

(1) Extra Bedding/Clothing, extra Pillow; (2) Cotton blanket;
(3) Shower Chair; (4) Air Mattress (only given for paraplegia
patients with Spinal conditions); (5) Dressing/Catheter/Colostomy
/Ureterostomy; (6) Prescription Shoes; (7) w/Paraplegia Wheelchair
Permanent, Wheelchair Accessible Barrier-Free cell; (8) Depends
Pull-Ups/Blue Pads purpose (Incontinence; this document was
dated 07/21/2014

40. Plaintiff explained all of the above to each of the named Defendants, but they still conspired with each other to deny Plaintiff Berryman his Single Person/Man Cell/Room, claiming that he does not meet the criteria for the Single Person/Man Cell/Room. Plaintiff told Defendants Stephenson, Steece, Greason and Grant, that it would take a fool to make a false claim to the opposite. The fact is that Plaintiff suffers from all of the above which is a matter of facts contained within the MDOC medical records, files. The following is the requirements for a Single Person Cell/Room:

"MICHIGAN DEPARTMENT OF CORRECTIONS

Bureau of Health Care Services

Guidelines

Single Person Cells

Health Care will order a single person cell only when medically necessary. Single person cells for psychological reasons will be ordered by Psychological Services or a member of the Corrections Mental Health Program outpatient team.

Medical conditions which may require a single person cell are:

1. Gender Identity disorder - need for individual cell will be stated in the Individualized Treatment Plan.
2. Paraplegic patient with a colostomy and/or ureterostomy - sanitation issues may support need. [Bold print mine].

Patients who are wheelchair-bound will be automatically placed in a barrier-free wheelchair accessible cell. This special accommodation will replace the need for health care to order a single person cell.

Also, 2016 MSCA Criteria For Single Man Cell/Room Accommodations:

1. Gender Identity;
 2. Paraplegic W/Colostomy and/or Unreterostomy causing Sanitary Issues;
 3. Wheelchair Bound;
 4. Psychological Issues Determined by Mental Health;
- PD 04-06-160**

41. Plaintiff has sent several kites and spoke with each of the Defendants concerning at different false claims they made the need for the Single Person cell/room and the fact that Plaintiff qualifies at each step for the same and has for over Twenty years. Other handicapped prisoners would have the same conditions as Plaintiff Berryman have Single Person Cell/rooms, but then neither of them have helped another prisoner file a lawsuit naming

Defendant Steece as a Defendant.

42. Plaintiff also made Defendants, Stephenson, Steece, Greason, Grant, Rivard and Sgambati, aware of his need for the Single Person/Man Cell/Room and they just ignored him saying its up to Steece and Warden A/Warden Stephenson

43. Plaintiff sent kites and talked to Defendant Stephenson, Steece, Grant, Greason as to the problem he was having with single person cell/room and was told again (we can't locate anything in your files. Plaintiff said look at 07-21-2014 it was made here.

44. Plaintiff Defendant RUM Jenkins-Grant stopped at Plaintiff's room and said "Your Single Man room is no longer Mr. Berryman Deputy Steece has had it removed." Plaintiff Berryman said you and him put together can't take it away without some fall out and believe me there'll be some fall out. Plaintiff further stated between you and Steece taking my work detail from Seven to five days shows your retaliation so just keep doing the dumb stuff.

45. Defendants after placing prisoner Werth, #175562 Defendants placed prisoner Boyd, #152333 in Plaintiff Berryman's cell and removed the OUT OF SERVICE restriction. That MRF staff saw what was taking place and took corrective steps to stop the placing of other prisoners in the cell/room with Plaintiff Berryman, stating that they know about the lawsuit being served on Deputy Steece and the others, and that since his becoming the Acting Deputy He's ran the facility into the ground and staff are putting in transfer requests.

46. Each of the named Defendant have access to Plaintiff Berryman's medical records, files and have signed policies that they'll follow the laws, statutes and policies of the State of Michigan and the MDOC and that they understood each of the ones they signed.

47. Plaintiff responded in the following manner, in which he said to HUM Cooper, "First get your facts straight, I've been wheelchair bound for over twenty years, and have had the need to dig out the feces for over fifteen years and I've used Catheters for the same amount of years.

48. Plaintiff Berryman sent copies of PD-04.06.160 to each of the Defendants and a copy of the Michigan Department of Corrections Bureau of Health Care Services Guidelines Single Person Cell requirements, and still each of them refused to change their minds and they continued on their retaliatory tortious actions.

49. Defendants Stephenson, Steece, Grant and Greason and the other named Defendants know that they Plaintiff has had a single Person/Man Cell/Room at MRF since July 21, 2014 and there was never a question about it until Defendant Steece was served with a lawsuit Plaintiff Berryman helped a Black prisoner file in federal court.

50. Plaintiff filed grievance(s) concerning the above matter which was responded to by E. Taylor who answers to Defendants Stephenson and Steece.

51. Plaintiff with the help of the prison Library staff located the policy which there were several and copied each of them and Plaintiff attached them to the grievance responder Defendant Stephenson, which is required to respond within 14 Business days per the grievance policy and the Supreme Court's ruling in Jones, et al., v. Bock, et al.,.

52. E. Taylor refused to process the grievances and rejected them claiming that they were duplicate of each other knowing full well that they were separate and on each Defendant named in them.

53. Plaintiff suffers from several serious medical conditions that require constant care, including the need to be able to Dig out the Feces from his bowels, in the privacy of his Single Person Cell/Room, the Use of Catheters, which require him to be nude during these procedures and require privacy, therefore the need for the Single Person/Man Cell/Room, which he has had for over Twenty four years. Plaintiff is Wheelchair bound for Life, which is non-disputable as the records of the Defendants support this to be a fact

54. Plaintiff Philip W. Berryman, In Pro Se under State and Federal statute § 1983. Plaintiff moves this Court to GRANT Judgment and/or Order a Jury Trial in this civil action, whereas, his well rooted Constitutional rights have been violated. U.S. Const, Amend I, VI, VIII, XIV.

55. That as a Citizen of the United states and a Resident of the State of Michigan he has been subjected to retaliation, denial of Due Process, Equal Protection, Fair and Just Treatment by the named Defendants herein, in the following manner:

56. That the named Defendants intentionally conspired with the other Defendants to issue fraudulent Major Misconduct Ticket and destruction/confiscation of Plaintiff's legal materials.

57. That each of the named Defendants have intentionally violated the policies, rules, directives and laws of the Michigan Department of Corrections and the State of Michigan as defined by the statutes of the Compiled laws of the State of Michigan. They have done the following acts.

- (a) falsify claimed the contents of Grievances;
- (b) withheld ruling upon the Grievances;
- (c) falsified evidence/records;
- (d) concealed evidence/records;
- (e) Destroyed/Confiscated Legal Materials records;
- (f) Retaliated against the Plaintiff for having filed complaints/grievances and assisting with the filing of lawsuit 16-13665 Linda V. Parker Federal Judge which is a protected conduct.
- (g) Denied Plaintiff Religious services with other Jewish prisoner o which he was and is a part of the Jewish Program at MRF.

58. The named Defendants sought to punish the Plaintiff for having exercised his First and Fourteenth Amendments to access the courts.

59. Defendants Stephenson, and Steece both took part in covering of the retaliatory acts of and together conspired with each other to deny Plaintiff assignment of a Single Person/Room for his medical conditions.

60. Plaintiff has been intimidated by the Defendants, that should Plaintiff file another grievance or assist another prisoner to file a Law Suit Plaintiff will be Transferred and has been retaliatorially transferred, before, but to retaliatorially transfer him now would deny him his right to exercise his religious beliefs, as he was transferred to the Macomb Correctional Facility with (30) other Jewish prisoner to be part of the program.

61. Plaintiff was told by confidential staff informant staff, Defendants will intentionally falsify evidence in order to issue a Major Misconduct Tickets in order to transfer the Plaintiff.

62. That each of the named Defendants had and have personal knowledge of the violations alleged herein and have taken steps to conceal those violations.

63. The purpose of the Grievance system is to serve as a safeguard against having false Allegations written against a prisoner therefore. The intentional circumventing of the decision in the system is in itself a violation of the Plaintiff's Constitutional rights to Equal Protection and Due Process and is itself a form of punishment initiated as a retaliatory act by Defendants against the Plaintiff having exercised his First and Fourteenth Amendments right to access the courts and to redress the wrongs he has suffered for that exercise.

64. Staff person E. Taylor (grievance Coordinator) intentionally withheld processing Plaintiff's grievances in order to cover up the retaliatory actions by Defendant Steece her boss.

65. Due Process, Equal Protection, Substantive Due Process and Procedural Process and Fair and Just Treatment requires the decision maker to issue a final ruling/decision.

RELIEF SOUGHT

66. Plaintiff Berryman adopts by reference paragraphs as if fully set out herein.

67. The constitutional rights that these Defendants violated were clearly established at the time that such rights were violated and a reasonable person in these defendants' position would have understood that such conduct was in violation of those rights.

68. Defendant Stephenson is therefore, not entitled to qualified immunity.

69. Defendant Kristopher Steece is therefore, not entitled to qualified immunity.

70. Defendant Jenkins-Grant is therefore, not entitled to qualified immunity.

71. Defendant Frank Sgambati is therefore, not entitled to qualified immunity.

72. Defendant Allen Greason is therefore, not entitled to qualified immunity.

73. Defendant J. Torres is therefore, not entitled to qualified immunity.

74. Defendant T. Plews is therefore, not entitled to qualified immunity.

75. Defendant nurse ADW Davis is therefore, not entitled to qualified immunity.

76. Defendant C/O Crwaford is therefore, not entitled to qualified immunity.

- 77.. Defendant P.C. Patricio is therefore, not entitled to qualified immunity.
78. Defendant Nurse Elrod is therefore, not entitled to qualified immunity.
79. Defendant SGT. Gallway is therefore, not entitled to qualified immunity.
80. Defendant QM Shafau is therefore, not entitled to qualified immunity.
81. Defendant H/I Bridges is therefore, not entitled to qualified immunity.
82. Defendant R. Patton is therefore, not entitled to qualified immunity.
- 83.. Defendant Laura S. Heinritz is therefore, not entitled to qualified immunity.
- 84.. Defendant G/C Nenrod is therefore, not entitled to qualified immunity.
- 85.. Defendant AMO Rickey Joe Coleman is therefore, not entitled to qualified immunity.
86. Defendant CMO Carmen McIntyre is therefore, not entitled to qualified immunity.
87. Defendant Kim Farris is therefore, not entitled to qualified immunity.
88. Defendant Mona Golston is therefore, not entitled to qualified immunity.
89. Defendant N. Fronzack is therefore, not entitled to qualified immunity.

WHEREFORE, Plaintiff prays that the Court enter Judgment in his favor and award him compensatory and punitive damages in whatever amount the Court and Jury deem appropriate plus costs and reasonable attorney fees.

90. Defendants, actions would shock the conscience of a reasonable person.
91. Defendant Stephenson' conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.
92. Defendant Steece's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.
93. Defendant Ragina Jenkins Grant's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.
94. Defendant Frank Sgambati's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.
95. Defendant Allen Greason's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth of the United States Constitution.
96. Defendant J. Torres' conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.
97. Defendant T. Plews' conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.
98. Defendant ADW Davis' conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.
99. Defendant C/O Crawford's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

100. Defendant P. C. Patricio's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth of the United States Constitution.

101. Defendant Nurse Elrod's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

102. Defendant A/Sgt. Gallaway's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

103. Defendant QM. Shafau's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

104. Defendant nurse Brifges' conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

105. Defendant R. Patton's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth of the United States Constitution.

106. Defendant Laura S. Heinritz's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

107. Defendant G/C Nenrod's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

108. Defendant AMO Rickey Joe Coleman's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

109. Defendant CMO Carmen McIntyre conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

110. Defendant Kim Farris' conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

111. Defendant Mona Golston's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

112. Defendant N. Fronzack's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

WHEREFORE, Plaintiff prays that the Court enter Judgment in his favor and award him compensatory and punitive damages in wherever amount the Court and Jury deem appropriate, plus costs and reasonable attorney fees.

113. Defendant Stephenson's conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.

114. Defendant Steece's conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.

115. Defendant Grant's conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.

116. Defendant Sgambati's conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.
117. Defendant Greason's conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.
118. Defendant J. Torres' conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.
119. Defendant T. Plews' conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.
120. Defendant ADW Davis' conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.
121. Defendant C/O Crawford's conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.
122. Defendant P. C. Patricio's conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.
123. Defendant Nurse Elrod's conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.
124. Defendant A/Sgt. Gallaway's conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.
125. Defendant QM Shafau's conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.
126. Defendant Bridges' conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.
127. Defendant R. Patton's conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.
128. Defendant Laura S. Heinritz's conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.
129. Defendant A/GC Nenrod's conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.
130. Defendant AMO Rickey Joe Coleman's conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.
131. Defendant CMO Carmen McIntyre conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.
132. Defendant Kim Farris' conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.
133. Defendant Mona Golston's conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.

134. Defendants conduct violated Plaintiff's right to procedural due process under the Fourteenth Amendment of the United States Constitution.

WHEREFORE, Plaintiff prays that the Court enter Judgment in his favor and award him compensatory and punitive damages in whatever amount the Court and Jury deem appropriate, plus costs and reasonable attorney fees.

135. Upon information and belief, Defendant Stephenson's actions were taken with the knowledge, encouragement and/or collaboration of other Defendants, and as such Defendant Stephenson and the other Defendants were acting under color of law.

136. Upon information and belief, Defendant Steece's actions were taken with the knowledge, encouragement and/or collaboration of other Defendants, and as such Defendant Steece and the other Defendants were acting under color of law.

137. The transferring of a prisoner requires hurdles that must be overcome, in that first there must be a Transfer Request filled out and submitted to the (Defendants) Deputy Stephenson and his staff TWO ADW's Steece and Greason and then comes the transfer coordinator which in this case was Defendants R. Patton, Grant, Sgambati, J. Torres and Laura S. Heinritz, CMO McIntyre, AMO Coleman and then the transfer Order which is to have the reason for the transfer printed on it and then it must be signed.

138. Then it must go through the facility Health Care and they must then sign off as to agreeing to the transfer.

139. The retaliatory transfer caused Plaintiff to lose his high paying Law Library job that he needed to pay a lawyer to handle his appeal on his criminal case and his P.O.A. job which Plaintiff was told by a staff member that one of the Defendants K. Steece changed the PRA document while he was still an inspector and that (Defendant Stephenson was aware of it) in retaliation against the Plaintiff for being a Jewish prisoner.

DEFENDANT NURSE ELROD

140. Defendants Stephenson and Elrod initiated the first step of retaliation when Defendant Stephenson strongly persuaded Defendant Elrod to write a false ticket on Plaintiff claiming that a 'Catheter fell out of his supply bag on his left side of his wheelchair was done intentionally. Plaintiff was allowed to return to his room and within five minutes later was taken to the (HOE) Segregation and held for approximately (21) days. Plaintiff was Denied to have questions asked of the so-called witnesses inducing the witnesses he requested when he gave their names to the H/I Bridges and the H/O refused to postpone the hearing to get them when Plaintiff asked why they had not been gotten. The initial violation started During 2016 over Defendant Elrod's attempting to force the Plaintiff to swallow an Anti biotic that would have killed him (Bacterium) of which the Plaintiff is allergic to and which would kill him if taken, and was and is a matter of his medical records of which Defendant Elrod and the person who issued the

prescription had knowledge of.

141. Plaintiff was then ordered to return to his unit, but once there five officers appeared and the Sgt. Dixon stated he did not know why but he was ordered to escort Plaintiff to the (HOLE) in segregation for a ticket that was being written

142. Once there Plaintiff was told by staff that the ticket was written for threatening behavior claiming that a single Catheter had fallen out of his supply bag some 6' feet and on the left side of the Plaintiff that it could have hit Defendant Elrod on the foot, which was impossible due to the fact that Plaintiff's wheelchair with him sitting in it was between the Catheter and Defendant Elrod

DEFENDANT GEORGE STEPHENSON

143. Defendant Stephenson has made it clear to the Plaintiff in conversation and actions that he wanted Plaintiff transferred out of the facility because of his litigation activities concerning the living conditions, denial of the Single-person room/cell which Plaintiff had until 2018 January and that Defendant Stephenson had the knowledge and information that the prisoners in the Jewish Program were not to be transferred out and in fact Three (Jewish Prisoners) had been and were ordered returned by Central Office after the Rabbi had contacted the Governor's Office and the Director's Office.

144. The snide remarks made by Defendant Stephenson like 'you still here?' 'you've not transferred yet?' and when asked about Plaintiff bring returned to his job in the P.O.A. Defendant Stephenson would say "Oh I'll look into it" then two weeks later Plaintiff asked the same question concerning returning to his job again Defendant Stephenson would say "Oh I'll look into it." Plaintiff said that's what you say every time I ask you, and Defendant Stephenson said 'You're getting smarter'. Warden Haas can't stop this one for you.

145. The retaliatory transfer of June 21, 2018 required his knowledge and authority before it could be undertaken by the other Defendants'.

146. Policies are set up so that all MDOC employees will follow the same policies and each employee must sign that they have read them and understand them and will follow them. That the actions of Defendants Stephenson, Steece, Grant, Sgambati, Torres, Heinritz, and other Defendants retaliatory act of having Plaintiff Transferred from MRF to JCF claiming Plaintiff had many medical appointments in the Jackson area, when knowing full well that Plaintiff had no such appointments in the Jackson area.

DEFENDANT KRISTOPHER STEECE

147. The retaliatory transfer caused Plaintiff to lose his high paying Law Library job that he needed to pay a lawyer to handle his appeal on his criminal case and his P.O.A. job which the Plaintiff was told by a staff member that one of the Defendants K. Steece changed the PRA document while he was still an inspector and that (Defendant Stephenson was aware of it) in

retaliation against the Plaintiff for being a Jewish prisoner, as the Defendant is a Anti Semite and has made that fact clear, throwing up the Hitler salute and other little remarks about killing Jesus. Plaintiff said but its you who has violated the Commandments by getting another employee pregnant while you are married to another woman. Defendant Steece became very mad saying you better watch your mouth, and Plaintiff said write the ticket if its not true then the hearing officer will rule in your favor not mine. Not ticket was written. The information regarding the pregnant employee was given Plaintiff PC Jenkins.

148. Defendant Steece had made it clear to Plaintiff that he would get Plaintiff transferred one way or the other, because Plaintiff had filed a lawsuit against Defendant Steece naming him as Defendant and helping a young Black prisoner file a lawsuit against Defendant Steece and other named Defendants'.

149. Defendant Steece had even went as far as changing the PRA document in order to deny Plaintiff his Job back as a P.O.A. and which money was high paying and needed to pay for an attorney to represent Plaintiff on Appeal in his criminal case.

150. On June 21, 2018 Defendant Steece stood by smiling and in fact laughing as Plaintiff was being taken out of the facility on the transfer.

151. When Plaintiff asked Defendant Steece why you doing this, meaning the transfer he said they asked for a wheelchair prisoner and you're in a wheelchair, and pointed his finger like a gun and winked at Plaintiff as he walked away.

152. Plaintiff said but by doing that you are costing me the jobs that I need to pay for an attorney to handle my criminal case for my appeal.

153 Defendant Steece then said 'then work harder' and may be you'll save enough to hire one any ways. That the actions of Defendants Stephenson, Steece, Grant, Sgambati, Torres, Heinritz, and other Defendants retaliatory act of having Plaintiff Transferred from MRF to JCF claiming Plaintiff had many medical appointments in the Jackson area, when knowing full well that Plaintiff had no such appointments in the Jackson area.

DEFENDANT JENKINS-GRANT

154. In an effort to cover up the retaliatory transfer of June 21, 2018, as one of the authors of the transfer Defendant Jeninks-Grant, who has a long standing practice of trying to have Plaintiff transferred out of MRF because of his litigation and his Warden Forum Representative activities in representing the prisoner population and assisting the Warden in letting him know the problems within the prison community and offering suggesting to help.

155. Plaintiff filed a grievance MRF -18-07-1088-24Z Defendants Greason and JENKINS-GRANT both under took to cover up the retaliatory transfer by responding to the grievance filed by the Plaintiff, which as staff who had been involved in the transfer was prohibited from taking any part in the grievance process which included responding in any way as responder or

reviewer.

156. Yet both Defendants Greason and JENKINS-GRANT took a part in covering up the retaliatory transfer with a concocted story that Plaintiff had many medical appointments in the Jackson area. Quoted below.

"You were transferred in accordance to policy to create bed space for an incoming in-reach prisoner with a wheelchair accommodation and to accommodate your on going medical appointments in the Jackson area."

157. That the actions of Defendants Stephenson, Steece, Grant, Sgambati, Torres, Heinritz, and other Defendants retaliatory act of having Plaintiff Transferred from MRF to JCF claiming Plaintiff had many medical appointments in the Jackson area, when knowing full well that Plaintiff had no such appointments in the Jackson area.

DEFENDANT FRANK SGAMBATI

158. Defendant Sgambati the go to guy to fill out retaliatory transfer requests and process out to the other Defendants' surely he conversed with Defendant J. Torres and Jenkins-Grant and Defendants Stephenson and Steece and Greason, as he knew since 2014 July that the Jewish prisoners in the program were not to be transferred out of the facility ,MRF, as he had been the liaison between the facility and the Jewish program Ribbi's.

159. When Plaintiff asked Defendant Sgambati what the reason was for posting an officer at Plaintiff's door while he was ordered to pack up, said its coming from the Deputies up front. Plaintiff then said you know that I'm not to be transferred.

160. Defendant responded with 'we I just work here and do what I'm told to do when I'm told to do it.'

161. Plaintiff said but when it comes down to the end you'll be the one they throw under the bus, they're not going to take the blame, if they can put it off on you.

162. Defendant said Don't worry about me I can protect myself and I document everything I do.

163. Plaintiff said but Sgambati you of all people knew that I should not have been transferred, and he said 'Mr. Berryman I made all of them aware of that.'

164. That the actions of Defendants Stephenson, Steece, Grant, Sgambati, Torres, Heinritz, and other Defendants retaliatory act of having Plaintiff Transferred from MRF to JCF claiming Plaintiff had many medical appointments in the Jackson area, when knowing full well that Plaintiff had no such appointments in the Jackson area.

DEFENDANT A. GREASON

165. In an effort to cover up the retaliatory transfer of June 21, 2018 one of the authors of the transfer Defendant Regina Jenkins-Grant, who has a long standing practice of trying to have Plaintiff transferred out of MRF because of his litigation and his Warden's Forum

Representative activities in representing the prisoner population and assisting the Warden in letting him know the problems within the prison community and offering suggestions to help.

166. Plaintiff filed a grievance MRF 20- 18-07-1088-24Z Defendants Greason and Jenkins-Grant both as original participants of the retaliatory transfer under took to cover up the retaliatory transfer by responding to the grievance filed by the Plaintiff, which as staff who had been involved in the transfer was prohibited from taking any part in the grievance process which included responding as responder or reviewer.

"You were transferred in accordance to policy to create bed space for an incoming in-reach prisoner with a wheelchair accommodation and to accommodate your on going medical appointments in the Jackson area."

167. That the actions of Defendants Stephenson, Steece, Grant, Sgambati, Torres, Heinritz, and other Defendants retaliatory act of having Plaintiff Transferred from MRF to JCF claiming Plaintiff had many medical appointments in the Jackson area, when knowing full well that Plaintiff had no such appointments in the Jackson area.

168. Upon Plaintiff's return to MRF he talked with Defendant A. Greason and asked him why he would be a part of the retaliatory transfer, knowing that I lost my high paying job that I needed to pay for an attorney to handle my criminal appeal.

169. Defendant Greason said 'Berryman, I'm trying to get of this place and retire and I don't need no smoke with my bosses.' They said for me to agree and I agreed with the transfer because they said it as an order. I did not know that being in the Jewish Program you were not to be transferred out.

170. All of them wanted you gone because of the lawsuits you've filed against them and the grievances and the way you take to them in those grievance and the issue of the Single-person room/cell you keep bring up.

DEFENDANT J. TORRES

171. Defendant J. Torres was and is the transfer coordinator at MRF and she is the one who had to cover the violation with the false claim to Warden Pat Warren that it was a "BACK FILL ORDER", when she knew that it was a false claim as written in the grievance by both Defendants Greason and Jeninks-Grant that it was for 'Plaintiff's many medical appointments in the Jackson area'. She also knew that there was a CFA hold on Plaintiff which included a no transfer order due to the fact that the Plaintiff had been transferred from the Saginaw Correctional Facility to the Macomb Correctional Facility by orders of the then Governor R. Snyder and the Director and Deputy Director of the MDOC for Programming in the Jewish Program at the Macomb Correctional Facility, as all the known Jewish prisoners who had passed the Heritage scurrility by Aleph Institute as to being natural born Jewish persons

172. There are several check points in place to assist MDOC staff from transferring prisoners who should not be transferred, as to Defendant Torres she knew better because she had been reversed several times, in that prisoners she transferred were returned to the facility

173. The fact is that there were [n]o medical appointments in the Jackson area in the previous (n)ine years and there were none pending at the time of the retaliatory transfer.

174. Next is that an MRF staff went on the computer and found that it was not a 'BACK FILL ORDER' and it had been done in retaliation and a rush to get the transfer Order passed and Plaintiff transferred, before the Rabbi could make a call to the Governor or Director of the MDOC.

175. In fact the staff person started laughing and said 'boy they're really shooting at your ass, to bad you don't have a lawyer that can get a judge to read this shit. That the actions of Defendants Stephenson, Steece, Grant, Sgambati, Torres, Heinritz, and other Defendants retaliatory act of having Plaintiff Transferred from MRF to JCF claiming Plaintiff had many medical appointments in the Jackson area, when knowing full well that Plaintiff had no such appointments in the Jackson area.

DEFENDANT LAURA S. HEINRITZ

176. Defendant Heinritz took her active part in pushing the transfer order through process so that the MRF staff could transfer Plaintiff. Defendant Heinritz knew or should have known that she had to have three (3) other Jewish prisoners returned to MRF that she had approved for transfer previous to her retaliatory transfer of Plaintiff. Her response to Plaintiff's inquiry was as follows:

"Based on your classification, you are housed appropriately,
If you qualify for a transfer, it will be done so accordingly."

177. Defendant has easy access to Plaintiff's files in that a copy of them are kept in Central Office and as the Classification Transfer Coordinator she could read the files at any time (in fact is required to do so) she wanted to and had she done that she would have known that Plaintiff should not have been transferred and in fact she would have had to look at the files and therefore, she did know Plaintiff should not have been transferred in the first place due also to the fact that she had to return (3) other Jewish prisoners back to MRF for the same reason.

178. Had not Defendant been a part of the retaliatory transfer in the first place, she would have been alerted when the second transfer request crossed her desk to transfer the Plaintiff even further away from the Jackson area, where it was claimed in the original transfer request to transfer Plaintiff to the Jackson area for his many medical appointments in that area. Obviously transferring Plaintiff for a second time even further away from the Jackson area shows that the false claim of his being needed to be in the Jackson area for the so-called many

179. That the actions of Defendants Stephenson, Steece, Grant, Sgambati, Torres, Heinritz, and other Defendants retaliatory act of having Plaintiff Transferred from MRF to JCF claiming Plaintiff had many medical appointments in the Jackson area, when knowing full well that Plaintiff had no such appointments in the Jackson area.

DEFENDANT R. PATTON

180. Once back at MRF Plaintiff was called to the Classification office where defendant R. Patton was sitting there with other prisoners (knew arrivals) Plaintiff waited until his turn, then Defendant Patton said "Well Mr. Berryman what kind of a job would you like to have today?"

181. Plaintiff said 'Why don't we try returning me back to my Law Library Job that I had before I was retaliatorially transferred out in violation.' Defendant Patton then said 'That's not going to happen Mr. Berryman, you were gone to long to be just returned to any job and I'm sure that you even want your back pay?' I told you when you were in four unit that one day you would be sorry for the way you talked to me, well this is the day. if you don't like what I've done then sue me, and Plaintiff said I will and Defendant Patton said I don't care the attorney general's office will defend me and you can't prove nothing.

182. Plaintiff said 'Yes I would seeing that I'm owed it.' Defendant Patton then Said "Not in my book Mr. Berryman," at which Plaintiff said 'I've talked with Deputy Greason (Defendant) and he thinks otherwise.'

183. Defendant Patton then said "Well I talked with him prior to you coming in to day and that's what he told me, in fact he said that you were not to get any back and that you would have to wait in line like the others for a Law Library position."

184. Plaintiff then started to leave and Defendant Patton said you have to sign this form and Plaintiff said you know better no prisoner has to sign any forms just mark gave a copy to prisoner, you've done that so many times that I've saw , it should be natural by now. Defendant Patton falsified a record in order to retaliate against the Plaintiff.

DEFENDANT CRAWFORD

185. Upon arrival at (LRF) (E. C. Brooks Facility) in Muskegon, Plaintiff was denied his Guitar by the named Defendant Crawford when he first got to the Property Room call out, where the property is to be opened in front of the prisoner as the seals are broken and in fact was told that Defendant Plews had written a Major Misconduct Ticket claiming that Plaintiff Berryman had Altered his Guitar and/or damaged it himself.

186. Plaintiff said you mean this Plews guy got my property before we even opened it in here? Defendant Crawford said Yes, he acted like he knew something about it before it got here so he has it in his office I think. Plaintiff said policy states that you are not to open and break the seals on my property until I am present, in order that situations like this do not happen.

187. Plaintiff said but don't I have the right to see my property before you let anyone take it? do that you can document its condition? Defendant Crawford said Yes and No.

188. Defendant Crawford then started opening up Plaintiff's footlockers one at a time finding that the (9) footlockers which were marked Legal Footlockers were placed to the side on a cart and Defendant Crawford then started going through Plaintiff's personal property at which he opened Plaintiff's personal Footlocker and looking at each item came to a long handle tooth brush which was of the older kind and well used and said 'I got to take this its not allowed under Store policy.'

189. Plaintiff Berryman started laughing and said Are you joking? you were here when we had the property shakedown and it was made clear that property purchased such as tooth brushes would be allowed to be kept by the prisoner population and at that time You even made remark that Berryman has a lot of tooth brushes.

190. Defendant Crawford said I've got to take something and the store policy does not allow it. Plaintiff said You and I both know that the Store Policy has [n]othing to do with my personal property, it only says we can't but them from the store because they don't carry them. Plaintiff was then given a ticket: "While processing Berryman, # 107202 property I found One tooth brush that exceeds the maximum 4" length that an inmate is followed to have. Berryman did not have staff authorization @ LRF to possess this item."

191. It was at this time that C/O Kennedy spoke up saying Crawford I really think he can have that is he's had it all this time and Crawford said you're not the Property room officer any more I am.

192. The ticket was heard by Defendant Patricio on 10-09-18 as a Class II major for contraband and Plaintiff was found guilty. Even though Defendant Patricio stated to Plaintiff I know you can have them, but they say not here, at which Plaintiff said a dam store policy has nothing to do with this look at the Property policy PD 04.07.112 like you are required to do.

193. That Defendant Crawford took his active part by writing a false misconduct ticket claiming that Plaintiff's Tooth brush was contraband, which it was not and an exhibit will be introduced to support this fact and which is part of the business records of the MDOC and (LRF) and having Defendant Patricio become a coconspirator in the false ticket. In that he refused to investigate the fact that the tooth brush had been grandfather in when the prisoners were ordered to down size their property.

DEFENDANT T. PLEWS

194. Plaintiff went to see Defendant Plews after being told by Defendant Crawford that Defendant Plews had taken Plaintiff's Guitar claiming that it was damaged. Claiming Plaintiff intentionally damaged his own Guitar and that he had written Plaintiff a ticket. The ticket was a retaliatory act taken against Plaintiff Berryman for his exercise of his First Amendment right to

access the courts against MDOC employees and in fact Defendant Plews stated this fact to Plaintiff Berryman during a conversation had in his office with Plaintiff's Handicapped aide present, that according to Defendant Plews it was Plaintiff who had damaged the Guitar prior to transfer to LRF, Plaintiff Berryman said do you know how dumb that sounds in that once the Guitar was checked by JCF staff Plaintiff had no further access to it and they said it was in perfect condition when they shipped it to LRF.

195. While talking with Defendant Plews in his office he stated that, we were told that you were coming this way. Plaintiff said what do you mean you were told I was coming this way? Defendant Plews said "I don't think you are a dumb person, the bus ride is one of the oldest tools the MDOC has and now you are on it.

196. You either damaged your Guitar on purpose or it was broken before getting here. Plaintiff said that's not true in that two staff members at JCF played it and made sure that it was packed and I went with them to the Sally Port to place it in the shed for pick up for transfer, so someone is lying and between you and I it's not me, or it took place here. Defendant Plews became upset and ordered Plaintiff out of his office.

197. While leaving Plaintiff said is that why you wrote me the Ticket (Major) so you could take my Guitar? Defendant Plews said You have the Ticket deal with it.

DEFENDANT DAVIS

198. Plaintiff was called to ADW Davis Office and once there Plaintiff asked Defendant Davis he would tell him why he was at the facility and, Defendant Davis said with a laugh "Philip it seems as you needed some diesel therapy, you must have really pissed off Stephenson at Macomb to be getting all this treatment, you won't be here to long."

199. Plaintiff then asked Defendant Davis when will he be placed in a Single person room/cell in that Plaintiff has to self evacuate my own feces and I use a Catheter.

200. Defendant Davis started laughing and said this is the reason for your bus ride, you'll not get a single person room here, Plaintiff said would you look at this its the policy 003 Single person cell-room that mandates that you do give me the Single-person room. 003 Medical Service Advisory Committee e Eff 01-08- 00, and handed it to Defendant Davis who read it and handed it back saying the answer is still no. Oh! for those footlockers you have, you'll be having a hearing on them also, have a nice day, and Plaintiff was shown the door.

201. On 10-26-2018 Plaintiff was told by one of the unit officers that: "Hey Berryman they are shooting at you ADW Davis and Patricio just put out this memo for us to follow about you and your footlockers in the back room, I guess you should get a copy you could have this one, take it to your room to read on? Plaintiff said yes and thank you.

202. Once at his room Plaintiff read the memo and it was written with hate in mind and may be wanting Plaintiff to get hurt in that they had officers stack the footlockers on top of each other

Five high and the fact that Plaintiff is wheelchair bound.

203. On 10-29-2018 Plaintiff waited until Defendant Patricio came into work and asked if Plaintiff could talk with him, what do you want Mr. Berryman I have work to do. Plaintiff said Well its about the memo you and Davis put out about me looking in my footlockers and no one being allowed to help me and You even acknowledged that You and Davis know I have an Attendant. The Memo reasons as follows:

Date: 10/26/18 TO: Unit Officers FROM: Housing Unit Staff SUBJECT: Berryman 107202 - Legal Property as you have probably noticed we currently have 7 footlockers being stored in the back storage closet. These footlockers belong to prisoner Berryman # 107202, A-69-B. Per Policy a prisoner who requests access to his stored property and shall be given access within 2 calendar days of said request. When accessing his footlockers, he will not be allowed to simply sit in the storage room and review legal work that is being stored he will be allowed to take out and/or exchange documents only. "We are not required to unlock or move any of the footlockers for him. Also, prisoner Berryman does have a pusher assigned to him, however, his pusher will only be allowed to push him into the back storage room. The pusher will not be allowed to assist this prisoner while he is in the back storage room, nor will he be allowed to open and/or move any of the footlockers."

204. This memo by and in itself shows the length the Defendants will go to retaliate against the Plaintiff and even to hoping that he will be harmed in trying to get his legal materials. Both Defendants ADW Davis and P.C. Patricio issued the memo to retaliate against the Plaintiff. They have acted with an evil mind.

205. Defendant Davis is the ADW of housing and programming at LRF and was during the period that Plaintiff was there.

DEFENDANT P. C. C. PATRICIO

206.. Plaintiff went to Defendant Patricio and asked him to be placed in a Single Person Room in A-unit and Defendant Patricio said that he could not do it.

207. Plaintiff said here is my copy of the policy and its clear on the face that there is no way around it, I'm in a Wheelchair permanently and have been for years now.

208. Plaintiff said you can see it says that I'm to be placed in a Barrier-free wheelchair accessible room, by putting another prisoner in the same room he becomes a barrier.

209. Then Plaintiff was told by line staff that Patricio and Davis were going to set Plaintiff up to get hurt, so he had better watch himself.

210. The next thing Plaintiff knew was that his legal property was ordered taken and placed in the back room where the officers have the lockers and solid doors so no one can see in the back room.

211. Plaintiff's legal lockers were placed in the back room stacked one on top of the other which consisted of (7) legal lockers. Defendants Patricio and Davis issued the following

Memo:

Date: 10/26/18 **TO:** Unit Officers **FROM:** Housing Unit Staff **SUBJECT:** Berryman 107202 - Legal Property as you have probably noticed we currently have 7 footlockers being stored in the back storage closet. These footlockers belong to prisoner Berryman # 107202, A-69-B. Per Policy a prisoner who requests access to his stored property and shall be given access within 2 calendar days of said request.

When accessing his footlockers, he will not be allowed to simply sit in the storage room and review legal work that is being stored he will be allowed to take out and/or exchange documents only. "We are not required to unlock or move any of the footlockers for him. Also, prisoner Berryman does have a pusher assigned to him, however, his pusher will only be allowed to push him into the back storage room. The pusher will not be allowed to assist this prisoner while he is in the back storage room, nor will he be allowed to open and/or move any of the footlockers."

DEFENDANT ASGT. GALLAWAY SERGEANT TRANSPORTATION LRF

212. Two other staff took part in the transferring of the Plaintiff's property (But names are unknown, therefore, John Doe (1) and (2)) and are responsible for the care of said property while it was in their care, after getting the tickets Plaintiff sent kites to Defendant Gallaway and got no response/answer back. So Plaintiff filed a grievance hoping to get some information regarding his property and why it was damaged in the first place and who did it and why.

The transportation Sergeant Gallaway (Defendant) called Plaintiff to the control center and there told him "Oh! Mr. Berryman I'm sorry about your Guitar being damaged but it was not my fault or I should say our fault because we did not transfer your property in any way, it was MSI that handles the property transfers from facility to facility and to what we call the HUB in St. Louis, MI, like I said myself and/or my officers did not transfer your property at any time. Defendant Gallaway then started to leave and Plaintiff said Excuse me but do I really look that dumb to you? Property room officer Crawford told me that You and your staff did transfer my property. When I had my property taken from my control at JCF it became the duty of any and all MDOC employees handling it to protect it and that includes You and your officers. Will you give me their names and Defendant Gallaway said No I'll not give you their names and got up and walked out of the area.

DEFENDANT Quartermaster SHAFU

213. Defendant Shafau played his part of the retaliation by refusing to issue Plaintiff state blues pants with a zipper front so that Plaintiff would have access for urination and to make it easier for Plaintiff to remove the pants for bath room use.

214. That Defendant Shafau continually refused Plaintiff the zipper fronted pants, thereby causing Plaintiff to fall several times while trying to use the toilet as Defendant Shafau stated to Plaintiff that he was ordered by Deputy Stephenson and Steece to refuse Plaintiff the zipper

fronted pants saying that if not he would lose his job. Plaintiff said but I can't get the other pants pulled down without falling off the toilet and hurting myself and Defendant said put some paper on the floor and laughed and walked away.

215. That Defendant Shafau starting laughing at Plaintiff saying you filed to many grievances, you like my answer I answered it myself. Plaintiff said I see that you answered it yourself and in court you'll have a chance to explain it to a jury why you were allowed to answer it yourself.

216. Defendant Shafau also refused to give Plaintiff his already medically prescribed Shoes which he needed due to his **ALLERGIC** medical condition to the leather and glue in the State issued shoes, and which is a matter of Plaintiff Berryman's medical records and which Plaintiff Berryman showed to Defendant Shafau and who still refused Plaintiff Berryman his Medically required shoes.

DEFENDANT MI BRIDGES

217. Defendant Bridges was took a very active part in the retaliation against the Plaintiff regarding the Major Misconduct Ticket, in that he refused to gather the responses from the witnesses statement/questions Plaintiff gave him so that they could be presented to the hearing officer to prove Plaintiff's innocence to the false charge.

218. That Defendant Bridges took part in the intentional concealing of Plaintiff's witness statement/answers, making up false statements by witnesses he chose himself to use at Plaintiff's hearing, which came in the form of memorandum answers.

219. That Defendant Bridges when asked by Plaintiff why he never gathered Plaintiff's witness statement, responded saying I got statements from staff just not the ones you wanted and my job means more to me that getting you answers, You piss people off Mr. Berryman with your grievances and helping other prisoners beat their ticket of which I'm fed up with myself and the deputies feel the same way and as they are my bosses I do what they say. You don't feel you got what you had coming appeal it. Plaintiff I will and Defendant Bridges said I bet you get denied, and started laughing as he walked away.

220. Defendant also stated to Plaintiff Berryman that 'I know it was you who typed up the lawsuit against me and the other staff for prisoner Ayotte, claiming I signed a Dead Person's name, you peace of shit.'

DEFENDANT RICKEY JOE COLEMAN

221. Defendant Rickey Joe Coleman acting as the AMO for the MDOC and Corizon Health in concert with the other Defendants retaliated against the Plaintiff by removing his Special Accommodation Notices leaving Plaintiff to suffer constant pain every day.

222. It should be noted that Defendant Coleman has never personally seen Plaintiff and/or examined the Plaintiff and refused to reinstate those Special Accommodation Notices he had removed without examining Plaintiff which is required per policy PD -04-06-150 which

224. Defendant Coleman never physically examined Plaintiff Berryman nor did any other medical personnel examine Plaintiff Berryman prior to the removal of Plaintiff Berryman's Special Accommodation Notice.

225. Defendants' Coleman and McIntyre with Defendant Farris to retaliated against Plaintiff Berryman by removing his must needed Special Accommodation Notice which caused the on set of BASIL-CELL CARCINOMA and with the help of Defendant Shafau who refused to issue Plaintiff his Long Sleeve Shirts and Zipper front or Button State Pants and WIDE BRIM HAT.

226. Defendant Coleman and Defendant McIntyre came to a meeting of the minds in further retaliating against Plaintiff Berryman and with the help of Defendant Farris when they ordered the CRUSHING (which the company states don't crush) of Plaintiff Berryman's pain medication which he has been on for approximately 20 years to ease the Pain in his Spine, thereby causing Plaintiff Berryman to suffer further pain in his Esophagus when the power and sharp edges of the pill caused Plaintiff to suffer further Heart Burn and choking in his Esophagus from which they all knew he suffered (Barrett's Esophagus).

DEFENDANT CMO CARMEN MCINTYRE

227. Plaintiff informed Defendant McIntyre of the violations and she refused to take any corrective steps against Defendant Coleman, whom she knew was not of sound mind in making decisions as he is a former Drug User and Dealer known to the Michigan Medical Board, who took legal actions against him for such violations.

228. Defendant McIntyre has the authority to take corrective actions against the violation committed by Defendant Coleman, but she refused to do so, and thereby condones his violations as she has taken an active part in forwarding those violations. Both Defendants McIntyre and Coleman with the aid of the other Defendants have retaliated against the Plaintiff thereby causing the Plaintiff to suffer pain unnecessarily.

229. Both Defendants McIntyre and Coleman were contained within the grievance # MRF, but were unnamed at that time due to the fact that no one would give Plaintiff their names. They just referred to them as the ones in Lansing.

230. It should be noted that Defendant McIntyre has never personally seen Plaintiff and/or examined the Plaintiff and refused to reinstate those Special Accommodation Notices he had removed without examining Plaintiff which is required per policy PD -04-06-150 which mandates that the medical staff removing the Special Accommodations Notices before they can be removed.

231. The MDOC's policy on Special Accommodation Notice is quite clear and it states that in order to remove a prisoner's Special Accommodation Notice the medical staff must first physically examine the prisoner to determine the need for removal.

232. Defendant McIntyre never physically examined Plaintiff Berryman nor did any other medical personnel examine Plaintiff Berryman prior to the removal of Plaintiff Berryman's Special Accommodation Notice.

233. Defendants' McIntyre and Coleman with Defendant Farris to retaliate against Plaintiff Berryman by removing his must needed Special Accommodation Notice which caused the on set of BASIL-CELL CARCINOMA and with the help of Defendant Shafau who refused to issue Plaintiff his Long Sleeve Shirts and Zipper front or Button State Pants and WIDE BRIM HAT.

234. Defendant McIntyre and Defendant Coleman came to a meeting of the minds in further retaliating against Plaintiff Berryman and with the help of Defendant Farris when they ordered the CRUSHING (which the company states not to crush of Plaintiff Berryman's pain medication which he has been on for approximately 20 years to ease the Pain in his Spine, thereby causing Plaintiff Berryman to suffer further pain in his Esophagus when the power and sharp edges of the pill caused Plaintiff to suffer further Heart Burn and choking in his Esophagus from which they all knew he suffered (Barrett's Esophagus and as Medical providers they knew that the power and pill pieces would stick to the Esophagus.

235. When Plaintiff Berryman complained of the removal of the items of his Special Accommodation Notice, the Defendants Farris, McIntyre and Coleman removed Plaintiff Berryman's Shoe Accommodation Notice thereby causing him to suffer the BUSTERS on both feet and refused to treat him for the medical condition which is documented in Plaintiff Berryman's Medical Files.

WHEREFORE, Plaintiff prays that the Court enter Judgment in their favor and award him compensatory and punitive damages in whatever amount the Court and Jury deem appropriate plus costs and reasonable attorney fees.

DEFENDANT KIM FARRIS

236. Farris has had a dislike for Plaintiff Berryman ever since Plaintiff filed several grievances against her and helped other prisoners file grievances against her, since 2016.

237. Defendant Farris refused to help Plaintiff when his face nose was infected to the point that it was double the regular size and he was in pain, and Plaintiff had to have friends call the Central office in Lansing in order to get some relief from the pain as the NP prescribed an anti biotic.

238. Defendant Farris then in 2016 prescribed an Anti Biotic that Plaintiff's medical records showed he was allergic to and that would cause Plaintiff Berryman's death (Bacterium).

239. According to Defendant Elrod Defendant Farris had ordered her to order the Plaintiff to take the Bacterium or be placed in the (HOLE) in segregation.

240. Defendants Stephenson, Farris and Elrod were all together when Defendant Stephenson called Plaintiff to the examination #1 and Plaintiff explained that they had tried to kill him with the Bacterium medication and Defendant Farris made the following statement 'Oh my God I guess I made a mistake on your anti biotic Mr. Berryman and smiled in a joking manner.

241. Defendant Farris then started on a crusade to retaliate against the Plaintiff step by step she started removing his Special Accommodation Notice items like his special clothing Extra Pants, Shirts Due to Plaintiff's Medical condition he needed and required the extra clothing to change two to three times a day or more.

242. Defendant Farris would tell Plaintiff that it was by orders of either Defendant Coleman or Defendant McIntyre or both, and that there was nothing she could do. Yet it was her name on the documents showing she ordered Plaintiff's Special Accommodation Notices be removed such as his extra clothing, needed due to the fact that he cannot control his bowels thereby smelling bad all the time with out knowing it due to COVID-19 destroying his ability to smell and Defendant Farris said do what you got to do Mr. Berryman, now leave though leave my office.

243. It was not until Nurse Johnson coming forward and telling Plaintiff that it was Defendant Farris who was requesting that Defendants Coleman and McIntyre to approve her requests to removal items from Plaintiff Berryman's Special Accommodation Notice (SAN) that Plaintiff confronted Defendant Farris in health care and asked her to stop her retaliating and Defendant Farris stated to Plaintiff while making eye to eye contact That 'I've just begun Mr. Berryman, you can keep helping prisoners file grievances against me and you'll keep losing items."

244. Plaintiff Berryman told Defendant Farris that as a Warden's Forum Rep. it was his duty to help the other prisoners and that if she did not believe him to look it upon policy and that it was a violation of policies for any staff to retaliate against any prisoner for the exercising their right to access the courts via the grievance procedure.

245. Defendant Farris knew from her contact use and access to Plaintiff Berryman's medical files that the items she was helping remove would cause his unnecessary pain and the fact that she never physically examined Plaintiff Berryman made it even a greater violation.

DEFENDANT MONA GOLSTON

246. Defendant Golston in prison language called the ~~buffer~~ between the Warden and the other staff and prisoner, her titles are the following (1) Administrative Assistant to the Warden; (2) ADA Coordinator; (3) Litigation Coordinator; (3) Sexual Harassment Coordinator; (4) Warren's Forum Coordinator.

247. Defendant Golston is the one that denies grievances that come before the Warden with claims of being in violation of the grievance policy on the part of the MDOC staff.. Plaintiff went to speak with Defendant Golston concerning his VA Health Coverage 1095-B document which Plaintiff needs in his possession and has always had these documents in his personal

possession, that is until B. DeGee MRF staff person opened Plaintiff's Legal Mail that was clearly marked as coming from the United States Government U. S. Department of Veteran's Affairs, the document was signed by Dionie Dent-Lockett, MS. SHRM-CP, Director Health Eligibility Center VHA Member Services. Said documents would have helped Plaintiff get a Stimulish check which would have helped Plaintiff to pay for an attorney on his criminal case.

248. Not only did Defendant Golston condone the violation by B.DeGee MRF staff person , but she then took extra steps to cover up the violation with Defendants Nenrod, Stephenson, Steece, to conceal a blatant violation in that the Grievance Plaintiff had filed was dated: (1) MRF 2103-428-17Z as being filed by Plaintiff on 02-09-21; (2) it was date stamped by the Grievance Coordinator as being received in that office on FEB 10 2021; (3) Defendant Golston affixed her signature to the Step 1 response dating it 3/3/21 and a reviewers signature of F. onnicczk (not sure of spelling) dated which looks to be 3/15/2021; (4) a return to grievant is dated 3/16/21. Which clearly supports the violation of the grievance policy by approximately (13) days, when Plaintiff pointed this out to Defendants Golston, Nenrod, Steece and Stephenson Defendant Stephenson said its not that important Mr. Berryman, Defendant Steece said I'm sure there is a reason for those dates, Golston said the only date that matters is the one I made on the form, and Nenrod said Berryman I just do what I'm told to do and if you follow the dates, are that important then filed another grievance, sooner or later they will get read of you.

249. Plaintiff stated to Defendant Golston: You can't just take my VA documents unless you can prove that they violate policy and the policy you've quoted dose not have a violation in it for my having the documents.

250. Defendant Golston went even further in stating Mr. Berryman I thought you were a little smarter that you are exhibiting, you file your grievances and then the Attorney General's gives us an attorney and then there is the Judge knows as much about the operations of the prison system as a Monkey knows about a telephone and you're right back here.

251. Plaintiff said do you really believe what just came out of your mouth. You'll need to defend your actions before a jury of (8) and they don't have numbers on their clothes and you can't threaten.

252. Plaintiff then said to Defendant Golston that the knowingly violating a the grievance policy if yet another violation I know you can count up to (14) business days and from 02-10-2021 to 03-03-2021 is well pass the time limits set out in the grievance policy. Defendant Golston stated all I need say I was investigating.

DEFENDANT N. FRONZACK

252. Defendant Frinzack denied the Plaintiff access to the law library by forcing the Plaintiff to pick between Yard or the law library all in violation of Allen v. State Prison of Honolulu, Hawaii

United States Supreme Court held that prisoners cannot be forced to choose between Yard exercise or Law Library, Defendant Fronczak stated to Plaintiff that he did not care what the Courts said you either pick one or the other.

253. Plaintiff then stated to Defendant that he would take the matter to the Warden and Defendant Fronczak said dummy who do you think told me have you or other pick one or the other. I don't have all day to set here making out call outs to accommodate your yard time.

254. Defendant Fronczak continued saying not only is the Warden and the deputies tired of you and your filing grievances I'm also tired of it get out of my office. Plaintiff left the office, without being able to do any research on his criminal case, and

255. Defendant N. Fronczak Library Tech. at MRF on 08-14-2020 at approximately 1350, I was on call out for the law library seeing that I have three cases that are active and require responses, but when I arrived at the 300 building I was stopped by the Officer who stated Fronczak canceled your call out for the law library Mr. Berryman. Grievant said are you sure? and the officer picked up the phone and made a call to whom he identified as Mr. Fronczak, and asked the person on the phone did you cancel prisoner Berryman's law library call for today? You did ok. He then turned me grievant and said sorry he says he canceled your call out, you must leave the building.

256.

257. Plaintiff was on call out on August 12, 2020, to the law library from 1900 to 2000 hrs soon after Plaintiff arrived he asked the law clerk if he would ask Mr. Fronczak if he would speak with Plaintiff and he stated he would as soon as the other prisoner left the office. In the mean time I started to work on my legal research and filled out the "L" request for copies of the cases I had written down;

358. I saw the prison had left Mr. Fronczak's office, I approached the desk and asked the same law clerk if he would ask Mr. Fronczak if I could speak to him and he did; Mr. Fronczak furiously yelled "come on!!" I wheeled my wheelchair into his office and politely stated "good afternoon/" I hope I'm not interrupting your computer movies but I need to ask you something he waived his hand and stated: "What do you want?" I politely requested not to be placed me on call out during yard time, and Defendant Fronczak stated "[N]o if you don't want to come here, then go to yard, but I'm not making special call outs"

259. I tried to explain to Defendant Fronczak that in *Allen v. Hawaii* the United States Supreme Court ruled that it's a constitutional violation to force a prisoner to choose between the law library and yard because both are mandatory requirements affording a prisoner with the right to exercise, get health, sun needed for health and the law library is needed for access to the courts, and Plaintiff asked Defendant. Fronczak to pull his mask over his mouth and nose, because I had just got over COVID-19.

260. Defendant Fronczak flouted the rules in a blustering manner yelled excessively loud, "get out of my office you-son-of-a Bitch" Defendant Fronczak was not wearing the mask, it was under his chin, not placed over his mouth or nose while aggressively yelling at me, and droplets were coming at my face and thus, exposing me to unnecessary risk to my health and safety.

261. Plaintiff told Defendant Fronczak that I'll be filing a grievance and you'll be getting time off for violating the law, and Departmental order regarding COVID-19 and covering your mouth and nose.

262. Plaintiff left the office and Defendant came out of his office yelling in a threatening manner and still with out wearing the face mask over the lower part of his face and created a disturbance, calling Plaintiff names and accusing Plaintiff of creating a disturbance and ordered Plaintiff out of the law library.

263. Plaintiff went to C/O Bonzar, reported the incident and asked him if he would please call the control center, he did, gave me a pass and I went to the control center."

264. Defendant Fronczak wrote a Major Misconduct Ticket on Plaintiff claiming that Plaintiff had his mask off during the time he was Defendant Fronczak's office and in the law library and and then restricted the Plaintiff from using the law library until the Major Misconduct Ticket was heard.

265. The ticket was heard and dismissed as it was false on its face as the cameras in the law library showed it was Defendant Fronczak who did not have his mask on in violation of MDOC's policies and the laws of the State of Michigan at that time.

266. Plaintiff argued that all prisoners committed to the jurisdiction of the Department shall be treated humanly and with dignity on matters ofpersonal safety and general living conditions." Furthermore, PD 03.03.130(1)(6): mandates that:

"Staff shall not use or engage in, and shall discourage through appropriate means any person's use of **derogatory, demeaning, humiliating, or degrading actions or language towards others**... Staff is also prohibited from retaliating against a prisoner who refused to participate in prohibited staff conduct or who files a complaint or cooperate with the investigation of prohibited staff conduct...."Id

267. Plaintiff went even further arguing PD 03.03.130(J) mandates that: "Prisoners shall not be subjected to personal abuse from staff" "K" of the same policy instructs that: "Staff have a responsibility to protect the lives of both employees and prisoners...and maintain good order and discipline."

268. Plaintiff filed a complaint arguing that Defendant Fronczak's conduct should be investigated and corrective action taken as well. If I would engage in the same conduct I would be facing severe punishment.

259. Defendant Fronczak's conduct and actions taken subjected Plaintiff to unnecessary stress, degradation, humiliation, and mental anguish, and fear for my life fro his not wearing his face mask over his mouth and nose. accordingly, Mr. Fronczak's conduct exposed me to potential dangers to my health and safety given the dangerousness of COVID-19 poses to my vulnerable condition and I am one of them. Simpley put Defendant forced Plaintiff to chose between his Yard time and his Law Library time, and even when Plaintiff showed Defendant the times and days he used the yard, Defendant still placed him on law library callout.

WHEREFORE, Plaintiff prays that the Court enter Judgment in their favor and award him compensatory and punitive damages in whatever amount the Court and Jury deem appropriate plus costs and reasonable attorney fees.

260. Defendants, actions would shock the conscience of a reasonable person.

261. Defendant Stephenson's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

262. Defendant Sleece's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

263. Defendant Grant's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

264. Defendant Sgambati's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

265. Defendant Greason's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

266. Defendant Torres' conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

267. Defendant Plews' conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

268. Defendant Davis' conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

269. Defendant Crawford's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

270. Defendant Patricio's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

271. Defendant Elrod's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

272. Defendant Gallaway's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

273. Defendant QM Shafau's conduct violated Plaintiff's right to substantive due process

under the First and Fourteenth Amendments of the United States Constitution.

274. Defendant Bridges' conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

275. Defendant Patton's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

276. Defendant Heinritz's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

277. Defendant AGC Nenrod's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

278. Defendant Coleman's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

279. Defendant McIntyre's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

280. Defendant Farris' conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

281. Defendant Golston's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

282. Defendant Fronzack's conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

283. Defendants conduct violated Plaintiff's right to substantive due process under the First and Fourteenth Amendments of the United States Constitution.

WHEREFORE, Plaintiff prays that the Court enter Judgment in his favor and award him compensatory and punitive damages in whatever amount the Court and Jury deem appropriate, plus costs and reasonable attorney fees.

VIOLATION OF 42 U.S.C. § 1983

284. Plaintiff incorporates the previous paragraphs as if fully set out herein

285. Defendant Stephenson, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy or deny all of the Plaintiff's other evidence to Plaintiff's defense to the false Retaliatory transfer.

286. Defendants Steece, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy or deny all of the Plaintiff's other evidence as to the retaliatory transfer.

287. Defendant Grant, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy or deny all of the Plaintiff's other evidence as to the retaliatory transfer.

288. Defendant Sgambati, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy (Word Processor) or deny all of the Plaintiff's other evidence as to the retaliatory transfer.

289. Defendant Greason, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy or deny all of the Plaintiff's other evidence as to the retaliatory transfer.

290. Defendant Torres, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy or deny all of the Plaintiff's other evidence as to the retaliatory transfer.

291. Defendant Plews, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy or deny all of the Plaintiff's other evidence to Plaintiff's defense to the false Retaliatory transfer.

292. Defendants Davis, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy or deny all of the Plaintiff's other evidence as to the retaliatory transfer.

293. Defendant Crawford, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy or deny all of the Plaintiff's other evidence as to the retaliatory transfer.

294. Defendant Patricio, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy (Word Processor) or deny all of the Plaintiff's other evidence as to the retaliatory transfer.

295. Defendant Elrod, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy or deny all of the Plaintiff's other evidence as to the retaliatory transfer.

296. Defendant Gallaway, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy or deny all of the Plaintiff's other evidence as to the retaliatory transfer.

297. Defendant Shafau, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy or deny all of the Plaintiff's other evidence to Plaintiff's defense to the false Retaliatory transfer.

298. Defendants Bridges, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy or deny all of the Plaintiff's other evidence as to the retaliatory transfer.

299. Defendant Patton, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy or deny all of the Plaintiff's other evidence as to the retaliatory transfer.

300. Defendant Heinritz, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy (Word Processor) or deny all of the Plaintiff's other evidence as to the retaliatory transfer.

301. Defendant Nenrod, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy or deny all of the Plaintiff's other evidence as to the retaliatory transfer.

302. Defendant Coleman, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy or deny all of the Plaintiff's other evidence as to the retaliatory transfer.

303. Defendant McIntyre, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy or deny all of the Plaintiff's other evidence as to the retaliatory transfer.

304. Defendant Farris, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy or deny all of the Plaintiff's other evidence as to the retaliatory transfer.

305. Defendant Golston, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy or deny all of the Plaintiff's other evidence as to the retaliatory transfer.

306. Defendant Golston, either intentionally, or with deliberate indifference and/or with reckless disregard of the truth and of Plaintiff's constitutional rights, to destroy or deny all of the Plaintiff's other evidence as to the retaliatory transfer.

307. The actions of Defendants were not taken spontaneously in response to an emergency, but were taken under circumstances allowing for deliberation.

308. The conduct of Defendants also violated Plaintiff's right against continued denial of medical treatment to relieve his pain.

310. The conduct of these Defendants violated 42 U.S.C. § 1983.

311. The constitutional rights that these Defendants violated were clearly established at the time that such rights were violated and a reasonable person in these defendants' position would have understood that such conduct was in violation of those rights.

312. Defendants Stephenson is therefore, not entitled to qualified immunity.

313. Defendant Steece is therefore, not entitled to qualified immunity.

314. Defendant Grant is therefore, not entitled to qualified immunity.

315. Defendant Sgambati is therefore, not entitled to qualified immunity.

316. Defendant Greason therefore, not entitled to qualified immunity.

317. Defendant Torres is therefore, not entitled to qualified immunity.

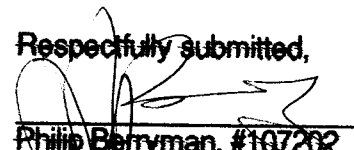
318. Defendants Plews is therefore, not entitled to qualified immunity.

- 319. Defendant Davis is therefore, not entitled to qualified immunity.
- 320. Defendant Crawford is therefore, not entitled to qualified immunity.
- 332. Defendant Patricio is therefore, not entitled to qualified immunity.
- 320. Defendant Elrod therefore, not entitled to qualified immunity.
- 322. Defendant Gallaway is therefore, not entitled to qualified immunity.
- 323. Defendant Shafau is therefore, not entitled to qualified immunity.
- 324. Defendant Bridges is therefore, not entitled to qualified immunity.
- 325. Defendant Patton is therefore, not entitled to qualified immunity.
- 326. Defendant Heinritz is therefore, not entitled to qualified immunity.
- 327. Defendant Nenrod therefore, not entitled to qualified immunity.
- 328. Defendant Coleman is therefore, not entitled to qualified immunity.
- 329. Defendants McIntyre is therefore, not entitled to qualified immunity.
- 330. Defendants Farris is therefore, not entitled to qualified immunity.
- 331. Defendants Golston is therefore, not entitled to qualified immunity.
- 332. Defendants Fronzack is therefore, not entitled to qualified immunity.
- 333. The conduct of these Defendants was a proximate cause of Plaintiff's continuing Pain, denial to have the protection of policy 0003 Medical Service Advisory Committee Single Person Cell and their continued retaliation.
- 334. By virtue of the actions of these Defendants, Plaintiff is entitled to compensatory and punitive damages.

WHEREFORE, Plaintiffs prays that the Court enter Judgment in his favor and award him \$50,000.00 from each of the Defendants in compensatory damages and \$50,000.00 in punitive damages and whatever other amount the Court and Jury deem appropriate plus costs and reasonable attorney' fees.

Dated: April.,08 2021

Respectfully submitted,


Philip Berryman, #107202
Macomb Correctional Facility
34625 26 Mile Rd.
Lenox Twp, MI 48048
in pro se

VERIFICATION

I Philip Berryman, declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief as to matters of law. I believe then to be true also.


Philip Berryman, #107202

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

PHILIP BERRYMAN
Plaintiff,

No.

HON:

-vs-

GEORGE STEPHENSON, KRISTOPHER STEECE,
RAGINA JENKINS-GRANT, FRANK SGAMBATTI,
ALLEN. GREASON,, J. TORRES, T. PLEWS
ADW DAVIS, C/O CRAWFORD, .P. C.. PATRICIO,
NURSE ELROD, A/SGT. GALLOWAY, KI M FARRIS,
QM SHAFU, H/I BRIDGES,, R. PATTON,
LAURA S. HEINRITZ,, ,A/G NENROD,
AMO RICKEY JOE COLEMAN, MONA GOLSTON,
CMO CARMEN MCINTYRE, N. FRONZACK, et al.,,
Each defendant is sued jointly and severally in their
Individual and officials capacities.
Defendants.

04-05-2021


TO: The Cler kf the Court

Dear Clerk:

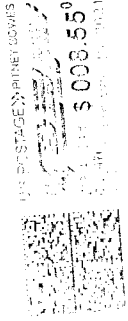
Please find enclosed for filing the ~~SUM of \$400.00 filing fee~~ with Plaintiff's (1) Three (3) Copies (requesting the return of One (1) copy marked with Judge's name and case number on it) of VERIFIED CIVIL RIGHTS COMPLAINT FOR DAMAGES, DECLARATORY AND INJUNCTIVE RELIEF WITH JURY DEMAND and (2) Plaintiff's Rule 8 statement for the record.

The copy of the pleadings is requested for my rords and so that I may copy it an serve it upon the named Defendants. Which I ask what kind of service must I use to serve them if you do not mind telling me.

Thank you in advance for your help in this matter, Have a nice day!
yours,


Philip Berryman, #107202
Macomb Correctional Facility
34625 26 Mile Rd.
Lenox Twp, MI 480484
in pro se

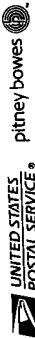
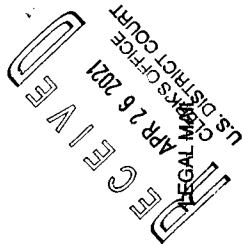
Philip W. Berryman, #107202
Macomb Correctional Facility
34625 26 Mile Rd.
Lenox Twp, MI 48048



10/25/13

(2)

TO: The Clerk of the Court
United States District Court
Eastern District of Michigan
231 W/ Lafayette Blvd,
Detroit, MI 48226



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3

Frank J. S. J.

CIVIL COVER SHEET FOR PRISONER CASES

Case No. <u>21-10925</u>		Judge: <u>Stephen J. Murphy, III</u>		Magistrate Judge: <u>Elizabeth A. Stafford</u>	
Name of 1st Listed Plaintiff/Petitioner: PHILIP BERRYMAN			Name of 1st Listed Defendant/Respondent: GEORGE STEPHENSON, ET AL		
Inmate Number: 107202			Additional Information:		
Plaintiff/Petitioner's Attorney and Address Information:					
Correctional Facility: Macomb Correctional Facility 34625 26 Mile Road New Haven, MI 48048 MACOMB COUNTY					

BASIS OF JURISDICTION

- ☐ 2 U.S. Government Defendant
☒ 3 Federal Question

ORIGIN

- ☒ 1 Original Proceeding
☐ 5 Transferred from Another District Court
☐ Other:

NATURE OF SUIT

- ☐ 530 Habeas Corpus
☐ 540 Mandamus
☒ 550 Civil Rights
☐ 555 Prison Conditions

FEE STATUS

- ☐ IFP *In Forma Pauperis*
☒ PD Paid

PURSUANT TO LOCAL RULE 83.11
1. Is this a case that has been previously dismissed?

- ☐ Yes ☒ No

➤ If yes, give the following information:

Court: _____

Case No: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

- ☐ Yes ☒ No

➤ If yes, give the following information:

Court: _____

Case No: _____

Judge: _____

Exhibit B

16

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

PHILIP BERRYMAN

Plaintiff

-Vs-

GEORGE STEPHENSON,
KIRSTOPHER STEECE,
ALLAN GREASON,
REGINA JENKINS-GRANT,
JENNIFER TORRES,
CARMEN McINTYRE,
RICKEY JOE COLEMAN,
YUSSUF SHAFU,
H.I. BRIDGES,
KIM FARRIS, et al.,
Each Defendant is sued in
thier Individual and Official
Capacity Jointly and Severally.

Defendants /

No. 2:21-cv-10925

HON: LAURIE J. MICHELSON

MAG: PATRICIA T. MORRIS,

JURY TRIAL DEMAND

FILED
SEP 20 2022
CLERK'S OFFICE
DETROIT

COURT ORDERED VERIFIED AMENDED COMPLAINT

PREPARED BY: MARK A. BOUSSUM
PARALEGAL

I. JURISDICTION AND VENUE

This action is brought pursuant to 42 U.S.C. § 1983, 29 U.S.C. § 794, 42 U.S.C. § 12132; 42 U.S.C. § 12102, First, Eighth, and Fourteenth Amendment of the United States Constitution and any cause of action that indicates that it arises under the laws of the State of Michigan, Plaintiffs would request that the court take supplemental or pendent jurisdiction, pursuant to 28 U.S.C. § 1367.

Venue is proper in this Court pursuant to 28 U.S.C. § 1391 and the other applicable law because the cause of action arose in LaPeer, Michigan which is situated within the divisional boundaries of the Eastern District of Michigan.

II. PARTIES AND VENUE

1. At all times relevant to this action, Defendant Rickey Joe Coleman, was an employee of the Corizon Health Inc., and subcontracted to the Michigan Department of Corrections, and is an Assistant Medical Officer (AMO) at Lansing, located at P.O.BOX-30003, Lansing, Michigan 48909 Rd., and at all times to this Verified Complaint, he acted under the color of law. He is being sued in his individual and official capacities.

2. At all times relevant to this action, Defendant K. Farris, was an employee of the Michigan Department of Corrections, and is an Physician Assistant (PA) at the Macomb Correctional Facility, located at 26 Mile Rd., in Lenox Twp, MI 48048 and at all times to this Verified Complaint, she acted under the color of law. She is being sued in his individual and official capacities.

3. At all times relevant to this action, Defendant Jenkis-Grant, was an employee of the Michigan Department of Corrections, and is an Resident Unit Manager (RUM) at the Macomb Correctional Facility, located at 26 Mile Rd., in Lenox Twp, MI 48048 and at all times to this Verified Complaint, she acted under the color of law. She is being sued in his individual and official capacities.

4. At all times relevant to this action, Defendant A. Greason, was an employee of the Michigan Department of Corrections, and is an Assistant Deputy Warden at the Macomb Correctional Facility, located at 26 Mile Rd., in Lenox Twp, MI 48048 and at all times to this Verified Complaint, he acted under the color of law. He is being sued in his individual and official capacities.

5. At all times relevant to this action, Defendant Carmen McIntyre-Leon Doctor, was an employee of the Michigan Department of Corrections, and is the Chief Medical Officer (CMO), located at P.O.BOX- 30003, Lansing, Michigan 48909, and at all times to this Verified Complaint, she acted under the color of law. She is being sued in his individual and official capacities.

6. At all times relevant to this action, Defendant I. Shafau, was an employee of the Michigan Department of Corrections, and is the Quarter -master at the Macomb Correctional Facility, located at 26 Mile Rd., in Lenox Twp, MI 48048 and at all times to this Verified Complaint, he acted under the color of law. He is being sued in his individual and official capacities.

7. At all times relevant to this action, Defendant K. Steece, was an employee of the Michigan Department of Corrections, and is an Assistant Deputy Warden at the Macomb Correctional Facility, located at 26 Mile Rd., in Lenox Twp, MI 48048 and at all times to

this Verified Complaint, he acted under the color of law. He is being sued in his individual and official capacities.

8. At all times relevant to this action, Defendant George Stephenson, was an employee of the Michigan Department of Corrections, and is the Warden at the Macomb Correctional Facility, located at 26 Mile Rd., in Lenox Twp, MI 48048 and at all times to this Verified Complaint, he acted under the color of law. He is being sued in his individual and official capacities.

9. At all times relevant to this action, Defendant J. Torres, was an employee of the Michigan Department of Corrections, and is the transfer coordinator at the Macomb Correctional Facility, located at 26 Mile Rd., in Lenox Twp, MI 48048 and at all times to this Verified Complaint, she acted under the color of law. She is being sued in his individual and official capacities.

10. At all times relevant to this action, Defendant H/I Bridges, was an employee of the Michigan Department of Corrections, and is a Hearing Investigator working at the Macomb Correctional Facility, located at 26 Mile Rd., in Lenox Twp, MI 48048 and at all times to this Verified Complaint, he acted under the color of law. He is being sued in his individual and official capacities.

11. This is a Civil Rights action filed by Plaintiff Berryman a State prisoner, who seeks money damages, declaratory and injunctive relief under 42 U.S.C. § 1983, alleging his First, Eighth, and Fourteenth Amendment rights were violated when the Defendants' covertly retaliated against Plaintiff when they:

- A. Wrongfully removed Special Accommodations;
- B. Wrongfully participated in a Retaliatory Transfer;

- C. Wrongfully denied Zipper Pants;
- D. Wrongfully denied Speical Medical accommodation Shoes;
- E. Wrongfully deprived of his law-library job retaliatorially;
- F. Wrongfully persuated Elrod to file a false misconduct ticket;
- G. Wrongfully deprived of Prisoner Observation job retaliatorially;
- H. Wrongfullydeprived gathering witness statements for a major misconduct ticket;
- I. Wrongfully deprived a Single-Person cell/room retaliatorially;

FACTS OF FIRST AND EIGHTH AMENDMENT VIOLATIONS

RICKEY JOE COLEMAN

12. On 7/2/2021 Defendant Coleman approved the increase of Baclofen along witha crush dissolve order. Plaintiff's family called the manufacture and asked if Baclofen should be crushed or not. The manufacture stated that Baclofen is a sustained release and should not ever be crushed. The manufacture stated that the pill is scored in case a half dose is required medically, but they don't recommend crushing the pill because it loses its forulated good. Plaintiff talked to medical about what the manufacture had to say about the crushing of the Pain medication Baclofen.

13. Plaintiff was told that the Pain Management Committee Ordeed it to done and that is the way it is, and if you don't like it file a grievance. (Grievance identifier No MRF 2017-1475-12F).

14. Defendant Coleman orded MRF medical staff even though he was informed of the manufactures statement and that by buy ordering Plaintiff's Pain medication crushedhe was causing esophagus reflux and that it was chiking Plaintiff. Plaintiff was told "this pain accommodation will stay the way it is, pain committee

ordered it and that that. (Grievance identifier No. MRF 2017-1608 -28A).

15. Defendant Coleman's actions and inactions violated Plaintiff's eighth Amendment Rights.

KIM FARRIS

16. On 06/20/2018, Plaintiff returned to MRF and was seen by PA. Farris and NP Martino and was told by them that Plaintiff was in need to be transferred to the Jackson area to be treated, even though he was being treated at the Henry Ford Hospital in Detroit. Nurse McCoy told Plaintiff that you better file a grievance on them because they are trying to transfer you, nurse McCoy went on to say, PA. Farris and NOP Martino got with Torres the transfer coordinator and the ADW Deputyies and Deputy Warden Stephenson to set up the transfer, so they could use medical reasons to transfer you because they want you gone and they can't do it for any other reason because you are part of the Jewish PrisonerProgram. (Grievance identifier No. MRF-1911-1619-12D).

17. On April 7, 2020, PA Farris had Plaintiff's Speical Accommodation changed by removing his accommodaitios for an Air Mattress, Extra Clothing/ Extra Bedding, Plaintiff talked to medical about the removal of those above items. Plaintiff told medical that in order to remove any items from his Speical Acommodations a doctor or medical provider must examine the prisoner before removal can take place, which PA Farris did not do.

18. PA Farris responded to Plaintiff by saying "I can do what ever I want and when I want to do it."(Grievance identifier No. MRF 2004-627-12D3).

19. 2/21/2021, Plaintiff sent in a reminder that his pain medication should be reordered. PA Farris refused to refill the pain medication knowing that Plaintiff's medical condition as a paraplegic with severe Spinal condition of Spinal Stenosis are in need of pain medication. Plaintiff was told by PA Farris, "maybe you should not write so many grievances and just maybe your pain meds would have gotten refilled." (Grievance identifier No. MRF 103-569-12B).

20. On 5/11/2021 PA. Farris removed Plaintiff's Wide Brim Hat Special Accommodation without again not examining Plaintiff. Plaintiff has had Basal-cell Carcinoma and was required to wear the Wide Brim Hat for protection from the sun. (Grievance identifier No. MRF 2105-1126-28C).

21. On 02/03/2022. Plaintiff put in a medical request form to have his ears flushed out. When Plaintiff went to medical, nurse White took Plaintiff into the E.R. and was getting ready to flush out the Plaintiff's ears, when PA Farris walked in and over and said, let me see. PA Farris told Plaintiff to lean his head to the left side, PA Farris suddenly jammed the flushing instrument into his left ear causing his ear to bleed. Plaintiff cried out in Pain, PA Farris said, "Oh did I do that" and left the E.R. without trying to stop the bleeding, (Grievance identifier No. MRF 2022-03-642-12Z).

22. Defendant PA Farris' actions and inactions violated Plaintiff's Eighth Amendment right by removing Special Accommodations. Defendant Farris' action and inactions violated Plaintiff's First Amendment right by retaliatorily removing Special Accommodation.

REGINA JENKINS-GRANT

23. On 06/21/2018, Defendants Grant had Plaintiff transferred out of MRF because of his litigation and because of his Warden's Form Representative activities. Plaintiff filed a Grievance against Grant for trying to cover up the retaliatory transfer.

24. Both Defendants Greason and Grant were prohibited from taking part in the grievance process and their supervisor was required by MDOC's Policy to answer the Plaintiff's grievance, yet both did respond to Plaintiff's grievance and stated. "You were transferred in accordance to policy to create bed space for an incoming in-reach prisoner with a wheelchair accommodation and to accommodate your ongoing medical appointment in the Jackson area." The problem with the statement is that Plaintiff had not such appointment in the Jackson area. (Grievance identifier No. MRF 1807-1088-24Z).

25. Defendant Jenkins-Grant's actions and inactions violated Plaintiff's First Amendment rights by participating in a retaliatory transfer.

YUSSAF SHAFU

26. On 9/1-/2020 Defendant Shafau Quartermaster refused to exchange Plaintiff's zipper pants. Plaintiff stated that he was in need of those type of pants because his medical condition required him to self catheter six or seven times a day and with the Arthritic pain in his hands and being a paraplegic he can't just get up and urinate. Shafau responded by saying, "Its not my problem what your medical condition is, you can't have them."

27. Plaintiff grieved Defendant Shafau and Shafau answered the grievance himself which is a violation and a direct conflict with MDOC departmental policy, PD 03.02.130 which states that "Prisoner and Staff who may be involved in the issue being grieved, shall not participate in any capacity in the grievance investigation, review or response, except as necessary to provide information to the responder."

28. Quartermaster Shafau refused to give Plaintiff his needed Zipper Pants and told Plaintiff that he didn't care about his medical condition, and retaliated against Plaintiff for writing a grievance on him by having his Special Accommodation for shoes, that Plaintiff has had for over 20 years.

a. Defendant Shafau violated Plaintiff's Eighth amendment Rights by removing or having his Special Accommodation for shoes

b. Defendant Shafau violated Plaintiff's Eighth amendment rights by denying Zippered pants.

c. Defendant Shafau violated Plaintiff's First Amendment rights by retaliatorially depriving Zippered pants.

d. Defendant Shafau violated Plaintiff's First Amendment rights by retaliatorially denying Special Accommodation shoes.

ALAN GREASON

29. On 6-21-2018 Defendant Alan Greason participated in a retaliatory transfer by telling Plaintiff by signing and/or approving Plaintiff's transfer from MRF to JCF claiming that the transfer was to accommodate an incoming prisoner who had a Wheelchair accommodation and needed a handicapped room, and using the false claim. Plaintiff filed a grievance on Defendant Greason. (Grievance identifier No. MRF 18-07-1088-24Z). See response:

"You were transferred in accordance to policy to create bedspace for an incoming prisoner with a wheelchair accommodation and to accommodate your ongoing medical appointments in the Jackson area."

30. Defendant Greason response was simply retaliation because Plaintiff had no Jackson area medical appointments because Plaintiff's treatment was at the Henry Ford Hospital in Detroit, Michigan, as they were providing Plaintiff's medical care.

a. Defendant Greason's action and inaction violated Plaintiff's First Amendment rights by participating in a retaliatory transfer.

CARMENT McINTYRE LEON

31. On 7/02/2021 Defendant McIntyre-Leon removed Speical Accommodations without ever personally examining the Plaintiff or having Plaintiff examined, Defendant McIntyre-Leon's actions of removing Speical Accommodations, Hat, Bedding, and Clothing that Plaintiff had as an Accommodation for over ten years, Defendant removed those Speical accommodations for writing grievances on medical staff. (Grievance identifier No. MRF 2021-07-1608-28A and MRF 21/07/1578/12F).

a. Defendant McIntyre-Leon violated Plaintiff's Eighth amendment rights by removing Special accommodations.

CHRISTOPHER STEECE

32. On 06/21/2018 Defendant Steece had Plaintiff transferred out of the MRF Facility to the JCF Facility causing Plaintiff to lose his high paying law library job and his P.O.A. high paying job, Which Plaintiff needed to pay for an attorney. Defendant Steece in order to get Plaintiff out of his P.O.A. job, Defendant Steece changed his PREA score in retaliation against the Plaintiff for writing grievances

and complaints on him and said to Plaintiff, "You Jews are ass holes," then he made a Hitler Salute and said, "You Jews killed Jesus.

33. Defendant Steece asked Plaintiff "how are those zipper pants doing," Plaintiff responded by saying, they wouldn't give them to me. Defendant Steece, said "Maybe if you weren't Jewish or just such an Ass Hole you maybe could get your zipper pants."

34. Defendant Steece violated Plaintiff's First amendment rights by participating in a retaliatory transfer.

a. Defendant Steece violated Plaintiff's First amendment rights by his actions or inaction by retaliatorially depriving Plaintiff of the law library job, Plaintiff already had.

b. Defendant Steece violated Plaintiff's First Amendment rights by his actions and inactions by retaliatorially depriving Plaintiff of a Prisoner-Observation Aide Job.

GEORGE STEPHENSON

35. On 6-21-2018 Defendant Stephenson Deputy warden of the Macomb Correctional Facility ordered Plaintiff Transferred to the Cotton Correctional Facility and on the day of that transfer Plaintiff asked Defendant Stephenson why he was being transferred, Defendant Stephenson answered, "Program or not, I'm tired of your grievance writing ass. "(Grievance identifier No. MRF 1807-1088-24Z).

36. Defendant Stephenson persuaded Elrod to write a false misconduct ticket on Plaintiff claiming that Plaintiff could have hit her with a catheter, that fell to the floor. Plaintiff denied almost hitting Elrod with a catheter and explained that he placed the supply bag

on his lefside of his wheelchair and the catheter simply fell out of the bag, never even coming close to hitting Elrod. Defendant Stephenson ordered that Plaintiff be placed in segregation and held the Plaintiff there for approximately (210 days.

37. Plaintiff asked Defendant stephenson when he would be returned to his P.O.A. job. Defendant stephenson said, "you've not transferred yet/" Plaintiff asked again about his P.O.A. job and Defendant Stephenson said "Oh I'll look into it." Two weeks later Plaintiff asked Defendant stephenson the same question and he answered, "Oh I'll look into it."

38. Plaintiff had asked Defendant Stephenson to stop medical and the Quartermaster from retaliating against him and to give him his Special Accommodation Zipper Pants. Defendant Stephenson said "Stop writing grievances and maybe you wouldn't have so many problems."

a. Defendant Stephenson Plaintiff's First Amendment right by his actions and inactions by "strongly persuading Elrod to file a false Misconduct Ticket";

b. Defendant Stephenson violated Plaintiff's First amendment right by his actions and inactions by participating in a retaliatory transfer'

c. Defendant Stephenson violated Plaintiff's First amendment right by his actions and inactions by retaliatorially depriving Plaintiff of his Law Library job;

d. Defendant stephenson violated Plaintiff's First Amendment right by his actions and inactions by retaliatorially depriving Plaintiff of the zipper Pants.

JENNIFER TORRES

39. On 06/21/2018, Defendant Torres who is the transfer coordinator at MRF did cover up the false claim that Plaintiff had to be transferred because of a Back Fill Order, and that was to get him to the Jackson area where he had medical appointments. Plaintiff had [n]o appointments in the Jackson area and the transfer was retaliatorily done as so many other transfers were done by Defendant Torres, and Plaintiff was ordered to be sent back to MRF after the Aleph Institute (Jewish Organization) had contacted the Governor's Office and Director's Office.

a. Defendant Jennifer Torres violated Plaintiff's First amendment right by her action and inactions by participating in a retaliatory transfer.

WILLIAM BRIDGES

40. On or about 06/11/2016, Defendant Bridges took a very active part in the retaliation against the Plaintiff regarding a Major Misconduct Ticket, in that he refused to gather statements from Plaintiff's witnesses and answer questions that would have proved his innocence of the false charge.

41. plaintiff asked Defendant Bridges why he never gathered Plaintiff's witness statements, Bridges responded by saying, "I got statements from staff just not the ones you wanted, and my job means more to me than getting your answers," "you piss people off Mr. Berryman with your grievances and helping other prisoners beat their tickets for which I'm fed up and the Deputies feel the same and they are my Boss and I do what they say." Defendant Bridges went on to say, I know it was you who typed the lawsuit against me and the other staff for prisoner ayotte, you peace of shit."


a. Defendant Briedges violated Plaintiff's First amendment right by his actions and inactions by not gathering witness statements for a major misconduct ticket.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Honorable Court Grant full relief that Plaintiff's Court Ordered Amended Complaint requests, and any other relief that the Court believes just and proper that Plaintiff is entitled to.

Respectfully submitted,

Dated; 09-14-2022


Philip Berryman, #107202
Thumb Correctional Facility
3225 John Conley, Dr.
LaPeer, MI 48446
In Pro Se


CERTIFICATE OF SERVICE

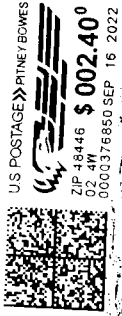
I hereby certify that on September 14, 2022, I served by handing the MDOC staff the attached pleadings requesting that they be placed in the U. S. Mail with postage fully paid thereon a true copy of the attached pleadings to all parties. Plaintiff's Court Ordered Amended Complaint,

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
The HONORABLE LURIE J. MICHELSON
CLERK OF THE COURT
231 W. Lafayette, Blvd.
Detroit, Michigan 48226

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U.S. DISTRICT COURT

Clerk of the Court
United States District Court
Eastern District of Michigan
231 W. Lafayette, Blvd
Detroit, MI 48226

U.S. MARSHALS

Handwritten signature: David J. [unclear]

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