

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

MATEEN HALEEM,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civil Action No.:
DR. MOISES QUINONES,	)	5:17-cv-003-EKD
in his individual capacity,	)	
and,	)	
JOHN DOE #1, JOHN DOE #2,	)	
JOHN DOE #3,	)	
in their individual capacity,	)	
	)	
Defendants.	)	JURY TRIAL DEMANDED

AMENDED COMPLAINT FOR MONETARY DAMAGES

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff, Mateen Haleem, files this Amended Complaint, using 42 U.S.C. § 1983 as the statutory vehicle to vindicate his rights under the Fourth, Eighth, and Fourteenth Amendment of the U.S. Constitution. Plaintiff makes two claims pursuant to 42 U.S.C. § 1983: (1) while a pretrial detainee, Defendants used excessive force against Plaintiff, and (2) while a pretrial detainee, Defendants showed deliberate indifference to his diagnosed and serious medical need for his seizure medication of which Plaintiff had been taking since the age of 9.

INTRODUCTION

1.

These Defendants deprived Mr. Haleem of his seizure medication, and as a result, Mr. Haleem blacked out on multiple occasions, and suffered at least one seizure in which he was shaking and his eyes rolled to the back of his head.

These same Defendants never provided Mr. Haleem with his prescribed narcotic pain medication to treat his medically diagnosed broken vertebrae, torn disc (L5) and two pinched nerves back injury – all injuries suffered as a result of a traumatic vehicle crash in which Mr. Haleem received a settlement for not being at fault. As a result of not receiving his pain medication, Mr. Haleem endured severe pain during his two stints at MRRJ.

2.

On top of causing Mr. Haleem to suffer blackouts and severe back pain that prevented him from sleeping, Defendants John Doe #1 and John Doe #2 punished Mr. Haleem for grieving about his rotten and maggot filled food, by going into his cell; repeatedly dousing his eyes with pepper spray even though he was not resisting, as evidenced by the fact that he was placing his hands behind his back as he was repeatedly peppered in his eyes; cuffing his hands behind his back; and thereafter mangling his finger *until it broke*. Mr. Haleem, as

a free citizen, now seeks compensation for the abuse he suffered at the hands of these Defendants while incarcerated at Middle River Regional Jail.

JURISDICTION AND VENUE

3.

Jurisdiction is proper under 28 U.S.C. § 1331 and 1343(a)(4), as well as under 42 U.S.C. § 1983. And Venue is proper under 28 U.S.C. § 1391(b) and L.R. 2 (b) because (1) a substantial part of the events and omissions giving rise to Mr. Haleem's claims occurred within this District and Division and (2) Defendants reside and transact business in this District and Division. Venue is also proper on the supplemental jurisdiction of this Court to adjudicate claims arising under state law pursuant to 28 U.S.C. § 1367(a).

ADMINISTRATIVE EXHAUSTION

4.

Mr. Haleem is not incarcerated and thus does not have to show exhaustion.

PARTIES

A. Mateen Haleem, Plaintiff

5.

Mr. Haleem is age 39 and currently not incarcerated. Mr. Haleem spent two stints at MRRJ. The first time he entered MRRJ was from August 9, 2015 (appx) to late September 2015. The second time he entered MRRJ was from

August 2016 through November 2016. A Judge, during a bench trial, found Mr. Haleem *not guilty* of the charges that caused him to be housed at MRRJ on both occasions in 2015 and 2016. The facts pertaining to his claims are outlined in the Fact Section and Counts below.

B. Dr. Moises Quinones, Defendant

6.

Defendant Dr. Moises Quinones was the medical doctor at Middle River Regional Jail (“MRRJ”), from at least July 1, 2015 through June 30, 2016. During that time period Dr. Quinones had the obligation to provide Plaintiff with his requested seizure and narcotic pain medication. During the 2015 time period, Dr. Quinones knew Plaintiff required narcotic pain and seizure medication because Quinones reviewed Plaintiff’s medical records, which demonstrated that while at MRRJ, Plaintiff required prescribed narcotic pain and seizure medication to treat his various injuries. During the 2015 time period, Dr. Quinones never provided Plaintiff with his required narcotic pain and seizure medication and as a result, Plaintiff suffered blackouts and at least one seizure in which his body shook and his eyes rolled back into his head. During the 2015 time period, Plaintiff made several requests for his narcotic pain medication and these requests reached Dr. Quinones per policy of submitting such requests to Dr. Quinones. Also, Dr.

Quinones never performed an independent examination of Plaintiff to determine whether he needed narcotic pain medication.

7.

At all times relevant to this Complaint, Dr. Quinones was responsible for ensuring that he knew all controlling law within the Fourth Circuit regarding deliberate indifference to medical needs, including the Fourth Circuit Court of Appeal's case law with respect to under-medicating inmates and flat-out denying narcotic pain medication to inmates who demonstrate a medical need for said medication.

8.

At all times relevant to this Complaint, Quinones was acting under the color of state and federal laws, while upholding his responsibility as the general doctor for MRRJ.

C. John Doe #3, Defendant

9.

During the 2016 time period that Mr. Haleem was housed at MRRJ, Defendant John Doe # 3, at all times relevant, was the medical doctor at Middle River Regional Jail ("MRRJ") who had the obligation to provide Plaintiff with his requested seizure and narcotic pain medication. During the 2016 time period that Mr. Haleem was housed at MRRJ, John Doe # 3 knew Plaintiff required narcotic

pain and seizure medication because John Doe # 3 reviewed Plaintiff's medical records, which demonstrated that while at MRRJ, Plaintiff required prescribed narcotic pain and seizure medication to treat his various injuries. During the 2016 time period that Mr. Haleem was housed at MRRJ, John Doe # 3 never provided Plaintiff with his required narcotic pain and seizure medication and as a result, Plaintiff suffered blackouts and at least one seizure in which his body shook and his eyes rolled back into his head. During the 2016 time period that Mr. Haleem was housed at MRRJ, Plaintiff made several requests for his narcotic pain medication and these requests reached John Doe # 3 per policy of submitting such requests to John Doe # 3. Also, during the 2016 time period that Mr. Haleem was housed at MRRJ, John Doe # 3 never performed an independent examination of Plaintiff to determine whether he needed narcotic pain medication.

10.

At all times relevant to this Complaint, John Doe # 3 was responsible for ensuring that he knew all controlling law within the Fourth Circuit regarding deliberate indifference to medical needs, including the Fourth Circuit Court of Appeal's case law with respect to under-medicating inmates and flat-out

denying narcotic pain medication to inmates who demonstrate a medical need for said medication.

11.

At all times relevant to this Complaint, John Doe # 3 was acting under the color of state and federal laws, while upholding his responsibility as the general doctor for MRRJ.

D. John Doe #1 and John Doe #2, Defendants

12.

Defendants John Doe #1 and John Doe #2, at all times relevant, were correctional officials at MMRJ. At all times relevant to this Complaint, John Doe #1 and John Doe #2 were responsible for ensuring that they knew all controlling law within the Fourth Circuit, including Fourth Circuit Court of Appeals' case law regarding deliberate indifference to medical needs, excessive force against inmates, and retaliation against inmates for exercising their First Amendment rights to free speech, including speech in the form of filing grievances.

13.

At all times relevant to this Complaint, John Doe #1 and John Doe #2 were acting under the color of state and federal laws, and John Doe #1 was responsible for knowing and acting in accordance with all policies, procedures, orders,

special orders, general orders, guidelines and regulations of the Middle River Regional Jail and Middle River Regional Jail Authority.

14.

Prior to repeatedly dousing Mr. Haleem's eyes with pepper spray, John Doe #1 had told Mr. Haleem that if Mr. Haleem kept filing grievances, John Doe #1 would "get him" and "lock him down." Despite what John Doe #1 told him, Mr. Haleem continued to file grievances for what he perceived as unconstitutional conditions of confinement. Shortly thereafter, John Doe #1 entered into Mr. Haleem's cell and told him to lock down. Mr. Haleem asked why and John Doe #1 told him again to lock down. Then, Mr. Haleem asked to speak to a supervisor because he had previously been told by John Doe #1's supervisor that he would not be put on lock down for filing grievances. John Doe #2 then entered the cell and began dousing Mr. Haleem's eyes with pepper spray peppered repeatedly – all the while Mr. Haleem was not resisting physically in any way. At that point, John Doe #1 and John Doe #2 slammed Mr. Haleem's head into the cell block wall, and cuffed Mr. Haleem's hands behind his back. After Mr. Haleem was cuffed and not resisting, John Doe #1 and John Doe #2 wrangled Mr. Haleem's hands to the point that one of his fingers snapped, and broke.

RELEVANT FACTS

A. Facts related to Mr. Haleem's claims of deliberate indifference against Dr. Quinones

15.

Mr. Haleem is age 39, and currently not incarcerated.

16.

On or about August 9, 2015 Mr. Haleem entered MRRJ, and on that date, Mr. Haleem went through the typical initial screening process, to include a medical screening by a nurse staff member.

17.

At his initial medical screening that took place in August 2015, Mr. Haleem informed the nurse that he (1) requires his seizure medication and (2) requires prescribed pain medication because he suffers from a medically diagnosed broken vertebrae, torn disc (L5), and two pinched nerves back injury – all injuries suffered as a result of a traumatic vehicle crash in which Mr. Haleem received a settlement for not being at fault.

18.

Also, during the same initial medical screening that took place in August 2015, Mr. Haleem signed a Release Authorization, authorizing an MRRJ staff

member to request Mr. Haleem's medical records from his treating physician(s).

Donna Reynolds requested said medical records.

19.

The medical records for which Mr. Haleem signed a medical release – permitting MRRJ to see his medical records – contained medical diagnosis of Mr. Haleem's need for seizure medication and Mr. Haleem's need for narcotic pain medication to treat his medically diagnosed broken vertebrae, torn disc (L5), and two pinched nerves back injury – all injuries suffered as a result of a traumatic vehicle crash in which Mr. Haleem received a settlement for not being at fault. Dr. Quinones read these medical records.

20.

After being assigned an inmate cell at MRRJ, Mr. Haleem began to submit Medical Request Authorization forms to Defendants, in order to receive his prescribed seizure and narcotic pain medication; within one day of Mr. Haleem making the request, these medical request forms were transmitted to Dr. Quinones, who read Mr. Haleem's request for medical attention and the reasons for those requests.

21.

While working in his capacity as a physician for MRRJ, Defendant Quinones failed to provide Mr. Haleem with his prescribed medications – for the approximate month-and-a-half he was at MRRJ. As a result, during that entire time-period, Mr. Haleem experienced severe blackouts from failure to take his seizure medication. Those blackouts affected his memory. He also suffered at least one seizure in which he was shaking and his eyes rolled to the back of his head.

22.

While working in his capacity as a physician for MRRJ, Defendant Quinones failed to provide Mr. Haleem with his prescribed medications – for the approximate-month-and-a-half he was at MRRJ. As a result, during that entire time-period, Mr. Haleem experienced at least one seizure in which he was shaking and his eyes rolled to the back of his head.

23.

While working in his capacity as a physician for MRRJ, Defendant Quinones failed to provide Mr. Haleem with his prescribed medications – for the approximate-month-and-a-half he was at MRRJ. As a result, during that entire time-period, Mr. Haleem experienced severe back pain from failure to take his

pain medication for his medically diagnosed broken vertebrae, torn disc (L5), and two pinched nerves back injury – all injuries suffered as a result of a traumatic vehicle crash in which Mr. Haleem received a settlement for not being at fault. See Williams v. Benjamin, 77 F.3d 756, 762 (4th Cir. 1996) (stating, “[i]ndeed, we have specifically recognized that the objective component can be met by ‘the pain itself,’ even if an inmate has no ‘enduring injury’”).

24.

MRRJA representatives, while on duty at MRRJ, refused to provide Mr. Haleem with his prescribed narcotic medication to treat his medically diagnosed broken vertebrae, torn disc (L5) and two pinched nerves back injury.

25.

While Mr. Haleem was housed at MRRJ from August 9, 2015 through mid-to-late September 2015, no MRRJ medical staff member met with Mr. Haleem, in an attempt to determine if he needed prescribed narcotic pain medication to treat his medically diagnosed broken vertebrae, torn disc (L5), and two pinched nerves – despite Mr. Haleem’s *numerous grievances* stating that he needed his medically prescribed narcotic pain medication.

26.

While Mr. Haleem was housed at MRRJ from August 9, 2015 through mid-to-late September 2015 – and despite telling Mr. Haleem that an MRRJ doctor would see him – no MRRJ medical staff member met with Mr. Haleem, to make an independent assessment of Mr. Haleem’s complaint about back pain such as ordering x-rays, an MRI, or any other normal assessment procedure routinely used by physicians to assess a complainant’s back injury.

27.

During Mr. Haleem’s second stint at MRRJ from approximately August 2016 through November 2016, he had his pain medication with him when he entered MRRJ, but MRRJ officials immediately took the pain medication away from him, while telling him that MRRJ does not permit inmates to have prescribed narcotic pain medication.

28.

During Mr. Haleem’s second stint at MRRJ from August 2016 through November 2016, no MRRJ medical staff member, including John Doe # 3, met with Mr. Haleem, in an attempt to determine if he needed prescribed narcotic pain medication to treat his medically diagnosed broken vertebrae, torn

disc (L5), and two pinched nerves – despite Mr. Haleem numerous grievances stating that he needed his medically prescribed narcotic pain medication.

29.

During Mr. Haleem's second stint at MRRJ from August 2016 through November 2016, no MRRJ medical staff member met with Mr. Haleem, including John Doe # 3, to make an independent assessment of Mr. Haleem's complaint about back pain such as ordering x-rays, and MRI or other normal assessment procedures routinely used by physicians to assess a complainant's back injury.

30.

During Mr. Haleem's second stint at MRRJ from August 2016 through November 2016, he repeatedly *submitted grievances* based on MRRJ staff failing to provide him with his prescription narcotic pain medication. John Doe # 3 was informed about these grievances and thus new Mr. Haleem required his seizure medication. John Doe # 3 also knew Mr. Haleem needed medication because he reviewed Mr. Haleem's medical records, yet, never prescribed Mr. Haleem his subject prescription medication and never took any steps to ensure Mr. Haleem received his subject prescription medication such as requiring medical staff to order and provide the subject medication to Mr. Haleem.

31.

While taking his prescribed seizure medication of which he repeatedly requested from Defendants, Mr. Haleem does not experience blackouts.

32.

While taking his prescribed narcotic pain medication of which he repeatedly requested from Defendants, Mr. Haleem does not experience severe pain.

B. Facts Related to Mr. Haleem's excessive force claim against Defendants John Doe #1 and John Doe #2.

33.

After being released in mid-to-late September 2015, Mr. Haleem ultimately returned to MRRJ as a pretrial detainee, related to the same previous charge, in August 2016.

34.

Upon return to MRRJ in August 2016, Mr. Haleem began to submit numerous grievances about cold and rotten food, to the point that Defendants John Doe #1 and John Doe #2, amongst others, targeted him as a "trouble maker," and told Mr. Haleem that if he kept submitting grievances "he would get it" by putting Mr. Haleem on lock down.

35.

Mr. Haleem told Captain Shiplett, Major Nichols, and Corporal Thomas at MRRJ about the threat that “he would get it” if he kept submitting grievances, and Captain Shiplett, Major Nichols and Corporal Thomas told Mr. Haleem that no one would retaliate against him for filing grievances regarding the failure to received his medication.

36.

One day, after Mr. Haleem had been threatened for filing grievances, and after Shiplett, Nichols, and Thomas assured him that no one would retaliate against him for filing grievances, Defendant John Doe #1 entered Mr. Haleem’s cell and told Mr. Haleem to “lock down.” Mr. Haleem raised his hands in compliance, stood still, and asked “what’s going on.”

37.

After telling Mr. Haleem to “lock down” once, John Doe #1 again told Mr. Haleem to “lock down” and Mr. Haleem continued to keep his hands raised in compliance, continued standing still, while asking to speak to Major Thomas, who told him Mr. Haleem that he would not experience retaliation (i.e., locked down) for submitting grievances about his serious medical conditions.

38.

After Mr. Haleem asked to speak to Major Thomas as referenced in above paragraph 37, Defendant John Doe #2 immediately entered Mr. Haleem's room; mased Mr. Haleem's eyes with pepper spray repeatedly; then Mr. Haleem turned around to face the wall with his hands behind his back, in full compliance, waiting to be cuffed, and that's when both Defendants John Doe #1 and John Doe #2 slammed Mr. Haleem's head into the wall and cuffed his hands behind his back.

39.

After cuffing Mr. Haleem's hands behind his back, Defendants John Doe #1 and John Doe #2 grabbed Mr. Haleem and deliberately wrangled Mr. Haleem's hand until one of his fingers snapped, broke.

40.

After cuffing Mr. Haleem's hands behind his back, and thereafter breaking his finger, Defendants John Doe #1 and John Doe #2 moved Mr. Haleem outside into the prison hallway, where they, along with Defendant correctional officer Petty, began walking Mr. Haleem to solitary confinement/administrative segregation.

41.

On the way to taking Mr. Haleem to solitary confinement as mentioned in above paragraph 40, Defendants John Doe #1 and John Doe #2 used Mr. Haleem's head as a battering ram to open up the multiple steel doors that they encountered on their way to solitary confinement/administrative segregation. Mr. Haleem – who suffers from seizures that can be triggered in multiple ways – blacked out as a result of his head slamming against steel doors.

42.

Once in solitary confinement, Mr. Haleem's hands were uncuffed, and as a result, Mr. Haleem immediately looked at his finger that had been wrangled by Defendants John Doe #1 and John Doe #2. Mr. Haleem's finger was dangling and deformed, so he immediately called for medical assistance. A nurse arrived, looked at this dangling finger, and summarily declared: "there is nothing wrong with his hand." Eventually, Mr. Haleem saw a doctor and his finger was diagnosed as broken.

COUNT I

VIOLATION OF MR. HALEEM'S FOURTEENTH AMENDMENT RIGHTS PURSUANT TO 42 U.S.C. § 1983

(Federal claim against Defendants John Doe #1 and John Doe #2)

As recent as 2015, the Supreme Court has stated that “a pretrial detainee must show only that the force purposely or knowingly used against him was objectively unreasonable.” Kingsley v. Hendrickson, 135 S. Ct. 2466, 2473, 192 L. Ed. 2d 416 (2015).

43.

Plaintiff fully incorporates paragraphs 1-42, *and any paragraph this Court deems relevant*, as full stated herein to support Plaintiff's Count I.

44.

Based on the incorporated paragraphs to support this Count, Defendants John Doe #1 and John Doe #2 violated Mr. Haleem's right to be free from excessive force, a right that was clearly established at the time Defendants used excessive, unreasonable force to break Mr. Haleem's finger. Said use of force by Defendants John Doe #1 and John Doe #2 was also unconstitutional because it was objectively unreasonable under the Fourth Amendment and Kingsley v. Hendrickson, 135 S.Ct. 2466 (June 22, 2015). Consequently, Mr. Haleem is entitled to all damages permissible under controlling law, as well as attorney fees and cost regarding this lawsuit.

COUNT II

VIOLATION OF MR. HALEEM'S FOURTEENTH AMENDMENT RIGHTS PURSUANT TO 42 U.S.C § 1983

(Federal claim against Defendants Dr. Quinones and John Doe # 3)

45.

Plaintiff fully incorporates paragraphs 1-42, *and any paragraph this Court deems relevant*, as full stated herein to support Plaintiff's Count II.

46.

Based on the incorporated paragraphs to support this Count II, Defendant Quinones and John Doe # 3 violated Mr. Haleem's right to be free from deliberate indifference to his known serious medical need for both his seizure medication and pain medication, and said right was clearly established at the time Defendant Quinones and John Doe # 3 deliberately failed to provide Mr. Haleem with his seizure medication and deliberately failed to provide Mr. Haleem with his pain medication – while all the time knowing that Mr. Haleem required said prescribed medication to avoid serious injury/pain. Consequently, Mr. Haleem is entitled to all damages permissible under controlling law, as well as attorney fees and cost regarding this lawsuit.

COUNT III
RETALIATION
IN VIOLATION OF THE FIRST AMENDMENT
PURSUANT TO 42 U.S.C. § 1983
(Federal claim against Defendants John Doe #1 and John Doe #2)

47.

Plaintiff fully incorporates paragraphs 1-42, *and any paragraph this Court deems relevant*, as full stated herein to support Plaintiff's Count III.

48.

Based on the incorporated paragraphs to support this Count, Defendants John Doe #1 and John Doe #2 violated Mr. Haleem's First Amendment right to protected free speech by retaliating against Mr. Haleem for filing grievances, a right that was clearly established at the time that John Doe #1 and John Doe #2 came Mr. Haleem's cell to "lock him down" because he refused to stop filing grievances, and by using unreasonable force to repeatedly douse his eyes with pepper spray even though he was not resisting; cuffing his hands behind his back; and thereafter mangling his finger until it broke. Consequently, Mr. Haleem is entitled to all damages permissible under controlling law, as well as attorney fees and cost regarding this lawsuit.

COUNT IV

PUNITIVE DAMAGES *(Against Defendants individually)*

Based on the facts alleged in this complaint, Plaintiff is entitled to punitive damages under all applicable laws, because Defendants acted with a willful and conscious indifference to the law that protect Mr. Haleem's Constitutional rights.

COUNT V

ATTORNEY FEES

Based on the facts alleged in this Amended Complaint, Mr. Haleem is entitled to attorney fees under all applicable laws.

WHEREFORE, Mr. Haleem prays for a trial by jury of twelve and judgment against Defendants as follows:

- (a) The process issue and service be had on each Defendant;
- (b) That judgment be granted in favor of the Plaintiff against the Defendants, jointly and severally, for the injuries of Plaintiff;
- (c) That Plaintiff recovers compensatory damages including pain and suffering, lost income and future lost income, and other expenses in an amount to be determined at trial, including attorney fees;

- (d) Plaintiff be awarded damages for his loss earnings and reduction in his earning capacity from Defendants;
- (e) That Plaintiff recover all costs of this litigation;
- (f) That a jury trial be held on all issues so triable;
- (g) Plaintiff have Judgment against Defendants for punitive damages; and
- (h) That Plaintiff receives such other and further relief as the Court deems just and proper.

Respectfully submitted on this 13th day of October 2017,

/s/ MARIO B. WILLIAMS
Mario B. Williams (VSB #91955))

/s/ ANDREW R. TATE
Andrew R. Tate (Ga. Bar #518068)
Pro Hac Vice Ordered Oct. 11, 2017

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing AMENDED COMPLAINT FOR MONETARY DAMAGES has been served upon the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney of record:

Brian J. Brydges
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Attorney for Defendant Dr. Moises Quinones

Respectfully submitted on this 13th day of October 2017,

/s/ MARIO B. WILLIAMS
Mario B. Williams (VSB #91955)

/s/ ANDREW R. TATE
Andrew R. Tate (Ga. Bar #518068)
Pro Hac Vice Ordered Oct. 11, 2017

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