

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

Case No.

v.

JIM DOYLE, Governor of Wisconsin;
RICK RAEMISCH, Secretary, Wisconsin
Department of Corrections; and
CATHY JESS, Warden, Taycheedah
Correctional Institution,

Defendants.

COMPLAINT

THE UNITED STATES OF AMERICA alleges:

1. The Attorney General files this complaint on behalf of the United States of America pursuant to the Civil Rights of Institutionalized Persons Act of 1980, 42 U.S.C. § 1997, to enjoin the named Defendants from depriving persons incarcerated at the Taycheedah Correctional Institution ("TCI"), located in Fond du Lac, Wisconsin, of rights, privileges, or immunities secured and protected by the Constitution of the United States.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345.

3. The United States is authorized to initiate this action

pursuant to 42 U.S.C. § 1997a.

4. The Attorney General has certified that all pre-filing requirements specified in 42 U.S.C. § 1997b have been met. The Certificate of the Attorney General is appended to this Complaint and is incorporated herein.

5. Venue in the Eastern District of Wisconsin is proper pursuant to 28 U.S.C. § 1391.

DEFENDANTS

6. Defendant Jim DOYLE is the Governor of the State of Wisconsin and has authority over TCI and over the care of women at TCI. Governor DOYLE is sued in his official capacity.

7. Defendant Rick RAEMISCH is Secretary of the Wisconsin Department of Corrections and is responsible for the general supervision and control of TCI and provides for the care and maintenance of women at TCI. Secretary RAEMISCH is sued in his official capacity.

8. Defendant Cathy JESS is the Warden at TCI and is responsible for the day-to-day operations of TCI. Warden JESS has custody, control and charge of TCI and the women incarcerated at TCI. Warden JESS is sued in her official capacity.

9. Defendants are legally responsible, in whole or in part, for the operation and conditions of TCI, and for the health and safety of women incarcerated at TCI.

10. At all relevant times, the Defendants or their

predecessors in office have acted or failed to act, as alleged herein, under color of state law.

FACTUAL ALLEGATIONS

11. TCI is an institution within the meaning of 42 U.S.C. § 1997(1).

12. TCI is a state-operated, post-conviction facility that houses over 600 maximum and medium security women and approximately 100 women who are being evaluated for placement within the Wisconsin prison system.

13. Defendants have engaged in and continue to engage in a pattern or practice of failing to provide adequate mental health care to women in TCI.

14. Defendants have been aware of the unlawful practices alleged in paragraph 13 for a substantial period of time and have failed to adequately address these practices, despite their knowledge of the deficiencies.

VIOLATIONS ALLEGED

15. Through the acts and omissions alleged in paragraphs 13 and 14, Defendants have exhibited deliberate indifference to the health and safety of TCI inmates, in violation of the rights, privileges, or immunities of those inmates as secured or protected by the Constitution of the United States. U.S. Const. amend. VIII, XIV.

16. Unless restrained by this Court, Defendants will

continue to engage in the acts and omissions set forth in paragraph 13 that deprive persons confined in TCI of rights, privileges, or immunities secured or protected by the Constitution of the United States.

PRAYER FOR RELIEF

17. The Attorney General is authorized under 42 U.S.C. § 1997 to seek equitable and declaratory relief.

WHEREFORE, the United States prays that this Court enter an order permanently enjoining Defendants, their officers, agents, employees, subordinates, successors in office, and all those acting in concert or participation with them from continuing the acts, omissions, and practices set forth in paragraph 13 above, and that this Court require Defendants to take such actions as will ensure lawful conditions of confinement are afforded to inmates at TCI. The United States further prays that this Court grant such other and further equitable relief as it may deem just and proper.

Respectfully submitted,

MICHAEL B. MUKASEY
Attorney General of the
United States

STEVEN M. BISKUPIC
United States Attorney
Eastern District of Wisconsin
530 Federal Building
517 East Wisconsin Avenue
Milwaukee, WI 53202

GRACE CHUNG BECKER
Acting Assistant Attorney
General
Civil Rights Division

SHANETTA Y. CUTLAR
Chief
Special Litigation Section

DANIEL H. WEISS
Deputy Chief

LAURA L. COON
KENYAN R. McDUFFIE
Trial Attorneys
U.S. Department of Justice
Civil Rights Division
Special Litigation Section
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
(202) 514-1089
Facsimile: (202) 514-0212
E-mail: Laura.Coon@usdoj.gov

CERTIFICATE OF THE ATTORNEY GENERAL

I, Michael B. Mukasey, Attorney General of the United States, certify that with regard to the foregoing Complaint, I have complied with all subsections of 42 U.S.C. § 1997b(a)(1). I certify as well that I have complied with all subsections of 42 U.S.C. § 1997b(a)(2). I further certify, pursuant to 42 U.S.C. § 1997b(a)(3), my belief that this action by the United States is of general public importance and will materially further the vindication of rights, privileges, or immunities secured or protected by the Constitution of the United States.

In addition, I certify that I have the "reasonable cause to believe," as set forth in 42 U.S.C. § 1997a, to initiate this action and that all prerequisites to the filing of this lawsuit pursuant to 42 U.S.C. § 1997 have been satisfied.

Pursuant to 42 U.S.C. § 1997a©, I have personally signed the foregoing Complaint. Pursuant to 42 U.S.C. § 1997b(b), I am personally signing this Certificate.

Signed this _____ day of _____, 2008, at
Washington, D.C.

Michael B. Mukasey
Attorney General of the
United States