

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

COMPLAINT

ANTHONY G. WHITTEN, P.O. SE

CIVIL ACTION NO. 16CV00195

PLAINTIFF

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

v.

APR 25 2016

HAROLD CLARKE (VA-DOC) DIRECTOR

JULIA C. DUDLEY, CLERK
BY: [Signature] DEPUTY CLERK

~~LESLIE FLEMING (WRSP) WARDEN~~

DAVID ANDERSON (WRSP) MAJOR

WILLIAM A. GUNTER (WRSP) K-9 CORP. OFFICER (STRIKE FORCE)

K.M. FLEMING (WRSP) (LT.) INSTITUTIONAL INVESTIGATOR

B.J. RAVIZEE (WRSP) INSTITUTIONAL OMBUDSMAN

MARCUS ELAM (WRSP) (Roanoke's) REGIONAL OMBUDSMAN

D.T. COOK (WRSP) CORRECTIONAL OFFICER (STRIKE FORCE)

A. LAWSON (WRSP) CORRECTIONAL OFFICER

DEFENDANTS

I. JURISDICTION AND VENUE.

1.) THIS IS A CIVIL ACTION AUTHORIZED BY 42 U.S.C., SECTION 1983 TO REDRESS THE DEPRIVATIONS UNDER COLOR OF STATE LAW, OF RIGHTS SECURED BY THE CONSTITUTION OF THE UNITED STATES. THE COURT HAS JURISDICTION UNDER 28 U.S.C. SECTION 1331 AND 1343(a)(3). THE COURT HAS SUPPLEMENTAL JURISDICTION OVER PLAINTIFF'S STATE LAW CLAIMS UNDER 28 U.S.C. SECTION 2201 AND 2202. PLAINTIFF'S CLAIMS FOR INJUNCTIVE RELIEF ARE AUTHORIZED BY 28 U.S.C. SECTION 2283 AND 2284 AND RULE 65 OF THE FEDERAL RULES OF CIVIL PROCEDURE.

2.) THE FOURTH DISTRICT IS AN APPROPRIATE VENUE UNDER 28 U.S.C. SECTION 1391(b)(2) BECAUSE IT IS WHERE THE EVENTS GIVING RISE TO THIS CLAIM OCCURED.

II. PLAINTIFF

- 3.) PLAINTIFF, ANTWON G. WHITTEN, IS AND AT ALL TIMES MENTIONED HEREIN A PRISONER OF THE STATE OF (VIRGINIA) IN CUSTODY OF THE (VIRGINIA DEPARTMENT OF CORRECTIONS) HE IS CURRENTLY CONFINED IN (RED ONION STATE PRISON), IN P.O. BOX 970 - POUND, VIRGINIA. 24279.

III. DEFENDANTS

- 4.) ^{DEFENDANT} (HAROLD CLARKE) IS THE (DIRECTOR) OF THE STATE OF (VIRGINIA) DEPARTMENT OF CORRECTIONS. HE IS LEGALLY RESPONSIBLE FOR THE OVERALL OPERATIONS OF THE (VA.) DEPARTMENT OF CORRECTIONS AND EACH INSTITUTION UNDER ITS JURISDICTION, INCLUDING (WALLENS RIDGE STATE PRISON).
- 5.) DEFENDANT (DAVID ANDERSON) IS THE (MAJOR) OF (WRSP), HE IS THE CHIEF OF THE OVERALL OPERATIONS OF SECURITY AT (WRSP). HE IS LEGALLY RESPONSIBLE FOR ALL THE CORRECTIONAL SECURITY STAFF UNDER HIS RANK WHICH IS THE HIGHEST OF SECURITY RANK.
- 6.) DEFENDANT (WILLIAM A. GUNTER) IS A (WRSP) STRIKE FORCE K-9 CORRECTIONAL OFFICER. HE IS LEGALLY RESPONSIBLE FOR THE SAFETY OF ALL INMATES AT THE PRISON. WHO AT ALL TIMES MENTIONED IN THIS COMPLAINT, HELD RANK OF STRIKE FORCE K-9 HANDLER AT (WRSP).
- 7.) DEFENDANT (K.M. FLEMING) IS A (LT.) AND INSTITUTIONAL INVESTIGATOR AT (WRSP). HE IS LEGALLY RESPONSIBLE FOR INVESTIGATING ANY AND ALL COMPLAINTS INVOLVING STAFF AND PRISONER WHEN A

COMPLAINT IS FILED/BOUGHT TO HIS ATTENTION, AND ALL TEAMES MENTIONED IN THIS COMPLAINT HELD RANK AS (Rt.)/INSTITUTIONAL INVESTIGATOR AT (WRSP).

- 8.) DEFENDANT (B.T. RAVIZEE) IS THE (WRSP) INSTITUTIONAL OMBUDSMAN, SHE IS LEGALLY RESPONSIBLE FOR RECEIVING AND INVESTIGATING COMPLAINTS MADE BY INDIVIDUAL INMATES AGAINST ABUSE OR CAPRICIOUS ACTS OF PRISON (VA.D.O.C.) OFFICIALS AT (WRSP).
- 9.) DEFENDANT (MARCUS ELAM) (ROANOKE'S WESTERN DIVISION REGIONAL ADMINISTRATOR) HE IS LEGALLY RESPONSIBLE FOR RECEIVING COMPLAINTS THAT ARE APPEALED FROM THE INSTITUTIONAL LEVEL AND INVESTIGATE THE ISSUE PRESENT BY ALL (VA.D.O.C.) INMATES.
- 10.) DEFENDANT (D.T. COOKE) IS A (WRSP) CORRECTIONAL OFFICER ASSIGNED TO THE STRIKE FORCE TEAM. HE IS LEGALLY RESPONSIBLE FOR THE SAFETY OF ALL INMATES AT (WRSP). WHO AT ALL TIMES MENTIONED IN THIS COMPLAINT HELD RANK AS A (WRSP) STRIKE FORCE CORRECTIONAL OFFICER AND IS ASSIGNED TO (WRSP).
- 11.) DEFENDANT (A. LAWSON) IS A (WRSP) CORRECTIONAL OFFICER AND IS LEGALLY RESPONSIBLE FOR THE SAFETY OF ALL INMATES THAT ARE ASSIGNED TO (WRSP). WHO AT ALL TIMES MENTIONED IN THIS COMPLAINT HELD RANK AS CORRECTIONAL OFFICER ASSIGNED TO (WRSP).
- 12.) EACH DEFENDANT IS SUED INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY. ALL TEAMES MENTIONED IN THIS COMPLAINT EACH DEFENDANT ACTED UNDER COLOR OF STATE LAW.

OVERVIEW

PLAINTIFF, (ANTWON G. WHITTEN, #1138537) CLAIMS THAT CELLMATE (CRAIG BROWN, #1174309) SEXUALLY ASSAULTED PLAINTIFF BY TOUCHING PLAINTIFF ON HIS BUTTACK WHILE PLAINTIFF WAS SLEEPING. THIS TOUCHING AWOKA PLAINTIFF AND AT THAT VERY MOMENT CELLMATE (CRAIG BROWN) TURNED AWAY FROM MY BED AND WALKED TO THE CELL DOOR. BEFORE I COULD GET MYSELF TOGETHER THE CELL DOOR OPENED AND (C. BROWN, #1174309) WENT OUT INTO THE DAY ROOM FOR MORNING'S RECREATION/SHOWER. PLAINTIFF, WAS EXTREMELY CONFUSED AND UPSET. PLAINTIFF, CONFRONTED CELLMATE (C. BROWN, #1174309) WHEN HE CAME BACK INTO THE CELL. HE BECAME THIS VERBAL TOUGH GUY AND ATTEMPTED TO ATTACK ME, SO I USED A WEAPON ON HIM FROM MY T.V. PLAINTIFF STRUCK INMATE (C. BROWN) WITH THIS WEAPON (ONLY ONCE) AND PLACED IT ON THE GROUND AND BEGAN TO FIGHT HIM. SEE: EXHIBITS ("BA" PAGES 1 & 2) AND "E" DETAILING THAT (C/O A. LAWSON) WAS THE FIRST PERSON (STAFF) TO COME TO THE CELL. (C/O A. LAWSON) STOOD AT THE CELL DOOR. THE ENTIRE FIGHT AND MACE# US THROUGH THE CELL DOOR FOOD SLOT THAT HE OPENED. HIS REPORT AND WITNESS STATEMENT IS FACT AND ANY STATEMENTS MADE BY STAFF AFTER THAT ARE MADE TO COVER FOR (C/O W. A. GUNTERS) ACTIONS AFTER THE FIGHT. (C/O A. LAWSON) CALLED FOR ASSISTANCE ON HIS RADIO AND THIS BOUGHT (C/O D. T. COOKE) (W. A. GUNTER) AND OTHER C/O'S TO THE INCIDENT. THE CELL DOOR WAS OPENED AND AT THAT TIME INMATE (C. BROWN) WAS HOLDING ONE OF MY HANDS WITH BOTH OF HIS AND BITING TWO (2) OF MY FINGERS ON MY OTHER HAND. I DID NOT SEE WHOM PULLED INMATE (C. BROWN) FROM THE CELL BUT IT WAS NOT C/O W. A. GUNTER BECAUSE WHEN HE ENTERED THE CELL HE ORDERED ME TO GET ON MY STOMACH SO I TURNED OVER. THE NEXT THING I KNOW (C/O W. A. GUNTER) ALLOWED HIS K-9 TO BIT ME (7) DIFFERENT

Times FROM MY HEAD TO MY UNDERARM AND BACK WITHOUT ANY REASON.

I WAS YELLING AND SCREAMING FOR HIM TO PULL HIS DOG OFF ME.

C/O W.A. GUNTER seemed to be enjoying himself along with (C/O D.T. COOKE) AND (A. LAWSON) (C/O) WHO WERE STOOD AT THE DOOR AND JUST WATCHED THE UNPROVOKED Mauling. THEY ALL COULD HAVE HAND CUFFED ME IMMEDIATELY WHEN (C. BROWN) WAS PULLED FROM THE CELL.

A1- SECURITY HOUSING VEDDED FOOTAGE WILL CLEARLY SHOW INMATE (CRAIG BROWN) STANDING ON THE OUTSIDE OF THE CELL BEFORE (C/O W.A. GUNTER) AND HIS K-9 DOG ENTERED THE CELL.

THIS WILL DISPUTE HIS CLAIM OF ME REPEATEDLY STABBING ~~BY~~ INMATE C. BROWN IN THE FACE WITH ONE HAND AND PUNCHING HIM IN THE FACE WITH MY OTHER HAND. THIS WAS THE STATEMENT C/O W.A. GUNTER GAVE AT THE DISCIPLINARY HEARING. THIS IS A RECORDED STATEMENT AS WELL, I INTEND TO PROVE I WAS WRONGFULLY ATTACKED WITH THE VEDDED AND AUDIO TAPES. SEE: EXHIBET "A" FOR A FULL DESCRIPTION OF MY INJURIES. THE THREE SCRATCH MARKS ON RIGHT SIDE OF MY FACE CAME FROM THE DOGS PAW.

C/O D.T. COOKE AND C/O W.A. GUNTER ARE BOTH ASSIGNED TO THE STRIKE FORCE, SO HE COVERED FOR C/O GUNTER AS WELL. HOWEVER, C/O LAWSON HAS ALREADY PROVED THEY ARE LYING BY STATING THE TRUE FACTS AS IT TOOK PLACE. IT'S NO WAY THIS C/O WOULD NOT STATE WHAT HE SAW IF I WERE DOING WHAT C/O GUNTER STATES. ALSO, I IMMEDIATELY NOTIFIED THE WARDEN (FLEMING) AND THE MAJOR (ANDERSON). THEY WERE ONLY CONCERNED WITH TAKING LOTS OF PICTURES ON THEIR CELL PHONES AND TALKING ABOUT THE JOB THEIR K-9 DID ON ME. THIS ATTACK WAS BRUTAL AND MALICIOUS.

I COULD HAVE BEEN KILLED. I MAY HAVE MISS COUNTED THE SUTURES, IT MAY HAVE BEEN AROUND (90) SUTURES INSIDE AND OUT.

I WILL ALSO BE ABLE TO PROVE THIS CLAIM BY THE MEDICAL

BILLS, THE ATTACHED (EXHIBIT'S # "F" AND "G" MEDICAL BILLS)
PROVE THIS ADMINISTRATION AT (WRSP) KNOW THAT (C/O GUNTER)
IS SOLELY RESPONSIBLE FOR MY INJURIES, THAT'S WHY THE D.O.C.
PAID MY MEDICAL BILL AND MADE ME PAY INMATE (C. BROWN'S)
MEDICAL BILL. I WANT TO SUBPOENA THE DISCIPLINARY TAPE
TO PROVE I WAS GIVEN RESTITUTION FOR ONLY INMATE (C. BROWN'S)
INJURIES AND ONCE THE (HEARING OFFICER FRANK'S) TOLD ME
THE TOTAL COST WEEKS LATER HE ADDED BOTH BILLS TO MY FINE.
THAT'S UNDER APPEAL RIGHT NOW IN ROANOKER. (TAP NO. WRSP-2015-1621)

V. FACTS

- 13.) (EXHIBIT-"A") A COPY OF THE LONESOME PINE HOSPITAL DIAGRAM OF MY WOUNDS IN DETAIL OF THE 10-31-15 DOG ATTACK.
- 14.) (EXHIBIT-"B") (WRSP) MEDICAL TREATMENT FORM OF PLAINTIFF ON 10-31-15 AFTER THE DOG ATTACK.
- 15.) (EXHIBIT-"C") (WRSP) MEDICAL TREATMENT FORM AFTER RETURN FROM LONESOME PINE HOSPITAL OF PLAINTIFF.
- 16.) (EXHIBIT-"D") PLAINTIFF'S LONESOME PINE HOSPITAL RECORD SHEET OF ALL MY MEDICATIONS AND MEDICAL HISTORY, MR #10184149 DATED 10-31-15.
- 17.) (EXHIBIT-"E") DISCIPLINARY REPORT FOR FIGHTING ON 10-31-15 WRITTEN BY (WRSP) C/O A. LAWSON AT 10:15 AM.
- 18.) (EXHIBIT-"F") WELLMONT HEALTH SYSTEM MEDICAL BILL OF INMATE CRAIG BROWN #1174309 OF 10-31-15 FROM TREATMENT AT LONESOME PINE HOSPITAL. (UNPAID)

- 19.) (EXHIBIT-"G") WELLMONT HEALTH SYSTEM MEDICAL BILL OF PLAINTIFF FOR TREATMENT AT LONESOME PINE HOSPITAL ON 10-31-15. (BILL PAID).
- 20.) (EXHIBIT-"H") LONESOME PINE HOSPITAL CHIEF COMPLAINT FORM OF PLAINTIFF ON ARRIVAL INFORMATION RECORD #10189149, DOG BITE, NO STABBING.
- 21.) (EXHIBIT-"I") LONESOME PINE HOSPITAL NUMBER OF DIAGNOSES OR MANAGEMENT OPTIONS FORM BY MEDICAL DOCTOR ATEE ATYIA ON 10-31-15 1513 (RECORD NO. 10189149)
- 22.) (EXHIBIT-"J") LONESOME PINE PHYSICAL EXAM FORM OF PLAINTIFF ON 10-31-15, DR. ATYIA MISDIAGNOSED MY UNDERARM DOG BITE AS 2 STABBING LACERATIONS DUE TO THE DOGS TEETH RECEIVING LONG FACING MARKS WHICH COULD HAVE KILLED ME.
- 23.) (EXHIBIT-"K") PLAINTIFF'S REQUEST FORM TO THE (WURSP) MENTAL HEALTH DEPARTMENT FOR HELP COPING WITH WHAT I WENT THROUGH AND NOW HAVE TO DEAL WITH.
- 24.) (EXHIBIT "L") (2) pages - WITNESS FORM FROM PLAINTIFF FOR (C/O A. LAWSON) AS TO WHAT HE SAW AND DID. THE BLOOD ON ME AT THAT TIME WAS DRIEDED FROM INMATE (C. BROWN) ON THE FRONT OF MY SHIRT. HE WAS ON TOP BITING MY FINGERS.
- 25.) PLAINTIFF CAN VERIFY ALL THESE EVENTS WITH THE VIEWING OF THE AI-HOUSING SECURITY VEDDED TAPE, THE DISCIPLINARY AUDIO TAPE (#"WURSP-2015-1621") AND PHOTO'S TAKEN BY THE

PLAINTIFF CAN VERIFY ALL THESE EVENTS TOOK PLACE WITH THE VIEWING OF THE A-1 HOUSING SECURITY TAPES, MEDICAL RECORDS AND PHOTOS OF INMATE (C. BROWN'S) INJURIES, AND THE AUDIO TAPES OF C/O GUNTER STATING FALSEHOOD AT THE DISCIPLINARY HEARING.

VI. EXHAUSTION OF LEGAL REMEDIES

26.) PLAINTIFF (ANTHON G. WHITTEN) #1138537 USED THE WALLERS RIDGE STATE PRISON GRIEVANCE PROCEDURE AVAILABLE AT (WRSP) AND THE REGIONAL OFFICE IN (ROANOKE VIRGINIA) TO TRY AND RESOLVE THIS ISSUE PRESENTED. ON 11-13 AND 16th, 2015 PLAINTIFF FILED INFORMAL COMPLAINTS PRESENTING THE FACTS RELATING TO THIS LEGAL ACTION. ON 11-23 AND 25th, 2015 PLAINTIFF (ANTHON WHITTEN, 1138537) PRESENTED THESE FACTS RELATING TO THIS LEGAL ACTION BY FILING REGULAR GRIEVANCE. ON 12-1, 2015 PLAINTIFF RECEIVED A RESPONSE OF BOTH STATING "SECURITY FOOTAGE SAVED PER POLICY". PLAINTIFF THEN FILED TO THE REGIONAL OFFICE IN ORDER TO FULLY EXHAUST HIS ADMINISTRATIVE REMEDIES. ON 12-11-15 REGIONAL CONCURRED WITH WRSP RESPONSE. THOSE WERE INFORMAL GRIEVANCE #'S 03770, 03795 (WRSP) -15-REG. GRIEVANCE # 00778 REGIONAL RESPONSE DATED 2-01-16 BY: MARCUS ELAM/AP ATTACHED AS WELL. THIS COMPLETES PLAINTIFF'S EXHAUSTION OF LEGAL REMEDIES AT THE PRISON LEVEL. ALL ATTACHED (1-2-3) LABELED

27.) PLAINTIFF CLAIMS TAPES, RECORDS AND PHOTOS WILL PROVIDE THE COURT WITH PROOF OF DEFENDANT'S GUILT OF THE ALLEGATIONS SET FORTH IN PLAINTIFF'S CLAIM.

VII. LEGAL CLAIMS

28.) PLAINTIFF REALLEGES AND INCORPORATES BY REFERENCE PARAGRAPHS (1 THROUGH 27).

29.) DEFENDANT (WILLIAM A. GUNTER) (WRSP) K-9 STROKE FORCE
8 OF

CORRECTIONAL OFFICER USED HIS K-9 DOG ON 10-31-15 AS A DEADLY WEAPON ON PLAINTIFF WITH EXCESSIVE FORCE IN AN UNPROVOKED INCIDENT WITH DELIBERATE INDIFFERENCE TO PLAINTIFF'S SAFETY. THIS TORTURE AND BARBAROUS METHOD OF PUNISHMENT IS CRUEL AND UNUSUAL PUNISHMENT UNDER THE EIGHTH AMENDMENT AS WELL. PLAINTIFF HAD FOUGHT WITH HIS CELLMATE BECAUSE INMATE (C. BROWN) SEXUALLY ASSAULTED PLAINTIFF WHILE PLAINTIFF WAS SLEEPING. AS PLAINTIFF AWAKE FROM FEELING BEING TOUCHED ON HIS BUTTACKS, PLAINTIFF ASSAULTED (C. BROWN) WITH A WEAPON (ONCE) AND PLACED IT ON THE GROUND. (C/O GUNTER) ENTERED THE CELL AFTER (C. BROWN) WAS PULLED FROM THE CELL. C/O GUNTER DID NOT USE VERBALLY OFFENSIVE WORDS BUT THE ACTIONS FROM HIM WAS MALICIOUS AND SADISTICAL FOR ONLY TO CAUSE PLAINTIFF SERIOUS HARM. PLAINTIFF CLAIMS AN EQUAL PROTECTION AND DUE PROCESS VIOLATION FOR THIS MISTREATMENT BY C/O W. A. GUNTER.

30.) DEFENDANT (W. A. GUNTER, C/O) AT (WESP) ON 10-31-15 INTENTIONALLY LET HIS K-9 DOG ATTACK AND MAUL PLAINTIFF AFTER THE FIGHT WAS OVER AND NO NEED FOR FORCE NECESSARY. PLAINTIFF SCREAMED AND BEGED FOR MERCY AS THE (7) SEVEN BITS TO THE BACK, UNDERARM AND BACK OF MY HEAD WERE CONTINUOUS AS I LAY ON MY STOMACH. PLAINTIFF'S CELLMATE WAS PULLED FROM THE CELL BEFORE THE DOG AND (C/O GUNTER) ENTERED THE CELL. NO THREAT WAS BEING POSED AT ALL. PLAINTIFF CLAIMS RACE DISCRIMINATION BASED ON ALL THE C/O'S AT THE CELL WERE WHITE AND DID NOT STOP C/O GUNTER'S MALICIOUS ACTIONS ON PLAINTIFF WHO IS BLACK. EQUAL PROTECTION AND DUE PROCESS VIOLATIONS UNDER THE FOURTEENTH AMENDMENT, I WAS TERRORIZED BY THIS C/O. THE DUE PROCESS AND EQUAL PROTECTION

CLAUSES OF THE FOURTEENTH AMENDMENT APPLIES.

31.) DEFENDANT (C/O W.A. GUNTER) (WRSP) STATED ON AUDIO TAPE # (WRSP-2015-1621) AT PLAINTIFF'S DISCIPLINARY HEARING HELD ON 11-13-15 THAT WHEN HE ENTERED CELL A1-136 ON 10-31-15 THAT PLAINTIFF WAS ON TOP OF INMATE (C. BROWN) STABBING HIM IN THE FACE AND PUNCHING HIM WITH THE OTHER HAND. THIS IS HOW (C/O GUNTER) WAS TRYING TO JUSTIFY MY SERIOUS INJURIES CAUSED BY HIS K-9. HE (C/O GUNTER) CLAIMS INMATE (C. BROWN) ROLLED TOWARDS THE BACK OF THE CELL WHEN HIS DOG WAS ATTACKING ME AND I ROLLED TOWARDS THE DOOR WHICH IS WHERE THE DOG IS. IF I AM ON TOP WHY WOULD I ROLL TOWARDS THE DOG ATTACK? DEFENDANT C/O GUNTER THEN CLAIMS HE ASSISTED INMATE (C. BROWN) OUT OF THE CELL, ALL THE WHILE I'M BEING MAULED BY HIS DOG. ALL MY INJURIES ARE ON MY BACK, UNDERARM, AND BACK OF MY HEAD, OTHER THAN THE HUMAN BIT ON MY FINGER. SEE: EXHIBIT "A" FOR INJURY REPORT. IF I ROLLED TOWARDS THIS DOG WHAT HAPPENED TO HIM BITING ME WHILE I'M ROLLING TOWARDS HIM? THIS ABOVE REFERENCED AUDIO TAPE AND THE A1-HOUSING SECURITY TAPE IS MY ONLY PROOF OF WHAT TOOK PLACE. THAT RIGHT SO FAR HAS BEEN DENIED ME AT ALL LEVELS OF D.O.C.

PLAINTIFF WAS INTENTIONALLY TORTURED BY (C/O GUNTER) BY THE USE OF A DEADLY WEAPON HIS (K-9 DOG) WHICH RESULTED IN LIFE TIME SCARS BOTH PHYSICALLY AND MENTALLY AND THIS ACT BY (C/O GUNTER) ON 10-31-15 WAS AN ACT OF DELIBERATE INDIFFERENCE TO PLAINTIFF'S SAFETY AND CRUEL AND UNUSUAL PUNISHMENT UNDER THE EIGHTH AMENDMENT, BY USE OF EXCESSIVE FORCE.

32) DEFENDANTS (C/O D.T. COOKE) AND (C/O A. LAWSON) OF (WASP)

ON 10-31-15 STOOD OUTSIDE PLAINTIFF'S CELL DOOR IN HOUSING UNIT A1-CELL 136 AND WATCHED ANOTHER C/O C/O W.A. GUNTER ATTACK ME WITHOUT PROVOCATION AND DID NOTHING TO STOP IT.

PLAINTIFF SUFFERE MAJOR INJURIES FROM THE K-9 DOG BITS BEING LEAD BY STRIKE FORCE TEAM MEMBE (C/O GUNTER.)

PLAINTIFF WAS ON HIS STOMACH WHEN ATTACKED AND NEVER POSED A THREAT TO ANYONE. PLAINTIFF WAS IN A FIGHT WITH HIS CELLMATE (C. BROWN), AFTER C. BROWN TOUCHED PLAINTIFF ON HIS BUTTUCK'S WHILE PLAINTIFF WAS SLEEPING. THIS LEAD TO C/O'S GUNTER, COOK AND LAWSON TO BE AT CELL A1-136

TO ENGAGE A CONFRONTATION IF NECESSARY. HOWEVER, AS SOON AS THE CELL DOOR OPENED INMATE C. BROWN WAS PULLED OFF ME AND OUT OF THE CELL. C/O GUNTER SOON AFTER THAT ENTERED WITH HIS K-9 AND JUST LET THE DOG HAVE HIS WAY WITH ME. THE ATTACK WAS SO BRUTAL THAT I WAS TAKEN TO A LOCAL HOSPITAL FOR OVER (58 STITCHES) TO THE BACK OF MY HEAD, BACK, AND UNDERARM.

IT APPEARS RACIALLY MOTIVATED BASED ON THE ALL WHITE C/O'S INVOLVED. I WAS DENIED HUMANE ^{CONDITIONS} ~~CONDITIONS~~ OF CONFINEMENT AND THE C/O'S STANDING AROUND C/O COOK AND C/O LAWSON KNEW OF AND DISREGARDED THE EXCESSIVE RISK TO PLAINTIFF'S HEALTH AND SAFETY. IT'S NO WAY THEY COULD NOT SEE THE OUTCOME OF C/O GUNTER'S ACTIONS,

THEREFORE PLAINTIFF CLAIMS A VIOLATION BY C/O COOK AND C/O LAWSON OF PLAINTIFF'S EIGHTH AMENDMENT RIGHT BY THEIR DELIBERATE INDIFFERENCE TO PLAINTIFF'S SAFETY, AND CRUEL AND UNUSUAL PUNISHMENT BY BEING AWARE OF THE SERIOUS RISK TO MY SAFETY AND JUST STOOD BY AND WATCHED PLAINTIFF SUFFER.

33.) DEFENDANTS HAROLD CLARKE (VADOC DIRECTOR), LESLIE FLEMING (WALLEN'S RIDGE STATE PRISON WARDEN) AND (WRSP) MAJOR-DAVID ANDERSON WERE AWARE OF THE SUBJECT MATTER EVENTS OF 10-31-15 IN A1-HOUSING CELL #136 BY VERBAL COMMUNICATION AND A SUPPOSEDLY INVESTIGATION. PLAINTIFF NEVER TO THIS DAY SPOKE WITH ANYONE FROM THE "SPECIAL INVESTIGATIONS UNIT" AS CLAIMED IN GRIEVANCE #00778. PLAINTIFF SPOKE TO A (S.I.U.) PERSON ONLY ABOUT THE FIGHT AND STABBING OF MY CELLMATE (C. BROWN). AT NO TIME WOULD HE LET ME SPEAK ABOUT ANY OTHER SUBJECT. THESE THREE (3) ABOVE NAMED DEFENDANTS FAILED IN THEIR SUPERVISORY DUTIES TO RESPOND TO THE KNOWLEDGE GIVEN TO THEM CONCERNING THE SADESTEC ATTACK BY C/O GUNTER ON PLAINTIFF. THEY EACH INDIVIDUALLY HAVE VIOLATED MY CONSTITUTIONAL RIGHT UNDER THE EQUAL PROTECTION AND DUE PROCESS CLAUSES OF THE FOURTEENTH AMENDMENT. THESE THREE DEFENDANTS CLARKE, FLEMING, AND ANDERSON DO NOT HAVE ENTITLEMENT OF QUALIFIED IMMUNITY BASED ON THEY VIOLATED CLEARLY ESTABLISHED CONSTITUTIONAL RIGHTS WHICH THEY KNEW AND DID NOTHING INTERVENE. NEITHER OF THESE THREE NAMED DEFENDANTS ABOVE CAME TO ME OR EVER ALLOWED ME TO KNOW IF THEY WATCHED THE SECURITY FOOTAGE, THIS TELLS ME THEY ALL APPROVE OF THE ACTIONS OF C/O GUNTER, COOK AND LAWSON.

34.) DEFENDANT K.M. FLEMING, (IA) AT (WRSP) INSTITUTIONAL INVESTIGATOR STATES IN HIS WRSP-15-INF-03794 DATED 11-20-15 THAT THIS INCIDENT OF 10-31-15 IS UNDER INVESTIGATION BY THE SPECIAL INVESTIGATIONS UNIT. WELL, THEY ONLY TALKED TO ME ABOUT THE FIGHT BETWEEN MY CELLMATE AND I. WOULD NOT TALK ABOUT THE DOG ATTACK

AT ALL. AFTER ALL THIS PAPERWORK NO ONE CAME TO SEE ME, NOT EVEN AT THE PRISON. LT. K.M. FLEMING SAW THE SECURITY TAPE OF 10-31-15 IN A1-HOUSING BUT IS CONSPIRING WITH HIS CO-WORKERS TO COVER FOR C/O GUNTER'S BRUTAL ACTS ON PLAINTIFF AND THUS HAS VIOLATED PLAINTIFF'S DUE PROCESS AND EQUAL PROTECTION RIGHTS UNDER THE FOURTEENTH AMENDMENT.

35.) DEFENDANT (B.J. RAVIZEE) (WALLENS RIDGE STATE PRISON'S) INSTITUTIONAL OMBUDSMAN AND (MARCUS ELAM) (WESTERN REGIONAL OMBUDSMAN, (ROANOKE OFFICE) BOTH (OMBUDSMAN) WHICH MEANS THEY ARE HIRED TO RECEIVE AND INVESTIGATE COMPLAINTS MADE BY INDIVIDUAL INMATES AGAINST ABUSE OR CAPRICIOUS ACTS OF PRISON (VA. DOC) OFFICIALS. THEY REPORT FINDINGS AND HELP TO ACHIEVE EQUITABLE SETTLEMENTS. PER THE (VA. DOC) 866.1 GRIEVANCE PROCEDURE THE OMBUDSMAN IS "A HUMAN RIGHTS ACTIVIST. DEF: TO ADVOCATE - PLEAD FOR THE CAUSE/DEFEND, NOT TO ALWAYS TAKE SIDES WITH THE (VA. DOC) OFFICIALS. BOTH DEFENDANTS (RAVIZEE) AND (ELAM) HAVE VIOLATED PLAINTIFF (ANTHONY WHITTEN'S) DUE PROCESS RIGHTS AND EQUAL PROTECTION BY THEIR FAILURE TO ASSIST PLAINTIFF WITH HIS COMPLAINT UNDER THE (VA.D.O.C.) 866.1 OPERATING PROCEDURE. THEIR FAILURE TO VIEW THE VIDEO IN QUESTION OF THE 10-31-15 BIGOTED EXCESSIVE FORCE ASSAULT UPON THE PLAINTIFF BY C/O W.A. GUNTER AND HIS K-9 DOG, IS ONLY HEALTHY FOR CONTINUED RACISM BY (VA. DOC) OFFICIALS. PLAINTIFF RESTATES THAT DEFENDANTS (RAVIZEE) AND (ELAM) HAVE VIOLATED PLAINTIFF'S FOURTEENTH AMENDMENT RIGHTS OF DUE PROCESS AND EQUAL PROTECTION OF THE LAW.

36) CONCLUSION

PLAINTIFF NEVER DENIED USING A WEAPON ON INMATE (C. BROWN) FROM START TO FINISH IN THESE PROCEEDINGS AFTER BEING SEXUALLY ASSAULTED BY INMATE (C. BROWN) HOWEVER, PLAINTIFF DENIES USING A WEAPON OR HAVING A WEAPON IN HIS HAND WHEN ATTACKED BY (C/O W.A. GUNTER) AND HIS K-9 DOG. PLAINTIFF STATES THAT THE EXCESSIVE FORCE USED BY (C/O GUNTER) IN CELL A-136 WAS DONE DUE TO THE INSIDE OF THAT CELL HAS NO CAMERAS, BUT THE CELL BLOCK DOES AND IT WILL CLEARLY SHOW INMATE (C. BROWN) STANDING ON THE OUTSIDE OF CELL A-136 BEFORE AND WHEN PLAINTIFF WAS ATTACKED MALICIOUSLY AND SAVISTICALLY BY C/O GUNTER OUT OF EVIL AND RACIST PURPOSES TO HARM PLAINTIFF. THERE WAS NO GOOD FAITH NOR CAUSE TO MAINTAIN ORDER. THE AMOUNT OF EXCESSIVE FORCE USED IN THIS ATTACK LEFT PLAINTIFF SCARED FOR LIFE AND RELIVING THE TORTURE OF 10-31-15 UPON MY BODY, THUS PLAINTIFF CLAIMS CRUEL AND UNUSUAL PUNISHMENT UNDER THE EIGHTH AMENDMENT AND DUE PROCESS AND EQUAL PROTECTION UNDER THE FOURTEENTH AMENDMENT BY C/O W.A. GUNTER. ALSO, DELIBERATE INDIFFERENCE OF THE EIGHTH AMENDMENT OF CRUEL AND UNUSUAL PUNISHMENT.

37) (A) - PLAINTIFF STATES ALL DEFENDANTS IN THIS COMPLAINT ARE GUILTY AND THE PLAINTIFF PRAYS THIS COURT WILL ALLOW PLAINTIFF TO HAVE THE OPPORTUNITY TO SHOW THIS AI HOUSING SECURITY TAPE, PLAY THE AUDIO TAPE OF C/O GUNTER AT THE DISCIPLINARY HEARING IN ORDER TO PROVE HE'S LYING AND ALL PHOTOS AND OTHER DOCUMENTS INVOLVED.

VIII. PRAYER FOR RELIEF

38.) WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THAT THIS COURT ENTER JUDGEMENT GRANTING PLAINTIFF:

39.) A DECLARATORY THAT THE ACTS AND OMISSIONS DESCRIBED HEREIN VIOLATED PLAINTIFF'S RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES, AND THE CONSTITUTION AND LAWS OF THE COMMONWEALTH OF VIRGINIA.

40.) A PRELIMINARY AND PERMANENT INJUNCTION ORDERING THE DEFENDANTS HAROLD CLARKE AND LESLIE FLEMING TO FERE V/O WILLIAM A. GUNTER FOR HIS MALICIOUS WOUNDING OF PLAINTIFF WITHOUT JUST CAUSE.

41.) COMPENSATORY DAMAGES IN THE AMOUNT OF (\$50,000) AGAINST EACH DEFENDANT.

42.) PUNITIVE DAMAGES IN THE AMOUNT OF (\$40,000) AGAINST EACH DEFENDANT.

43.) A JURY ON ALL ISSUES TRIABLE BY JURY.

44.) PLAINTIFF'S COST IN THIS SUIT.

45.) ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST, PROPER AND EQUITABLE.

DATE: APRIL 6, 2016

Antwon Whetten

"VERIFICATION"

I HAVE READ THE FOREGOING COMPLAINT AND HEREBY VERIFY THAT MATTERS ALLEGED THEREIN ARE TRUE, EXCEPT AS TO MATTERS ALLEGED ON INFORMATION AND BELIEF, AND AS TO THOSE, I BELIEVE THEM TO BE TRUE. I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED AT: RED ONION STATE PRISON
P.O. BOX 970
POUND, VIRGINIA. 24279
(WISE COUNTY)

DATE: APRIL 6, 2016

Antwon Whitten PRO SE
ANTWON WHITTEN, 1138537