

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

Civil Action No.

(To be supplied by the court)

SEP 27 2024

JEFFREY P. COLWELL
CLERK

NICHOLAS SCOTT WERLING p/k/a Lil Sippy, Plaintiff

v.

Jury Trial requested:
(please check one)
 Yes No

USP FLORENCE ADMAX,

ANDREW MICHAEL CIOLLI, both in his individual capacity
and in his official capacity as warden of USP Florence ADMAX
and complex warden of FCC Florence,

ANDRE VAHE MATEVOUSIAN, both in his individual capacity
and in his official capacity as BOP regional director of the North
Central Region,

COLLETTE M. S. PETERS, both in her individual capacity and in
her official capacity as director of the BOP,

WILLIAM W. LOTHROP, both in his individual capacity and in his
official capacity as deputy director of the BOP,

KATHLEEN TOOMEY, both in her individual capacity and in her
official capacity as associate deputy director of the BOP,

J. TODD, both in his individual capacity and in his official capacity
as representative of Defendant Baime,

EUGENE E. BAIME, both in his individual capacity and in his official
capacity as supervisory attorney for the BOP,

CHRISTINA TROIANI, both in her individual capacity and in her
official capacity as the chief of the administrative appeals staff for the
Office of Information Policy of the U.S. DOJ,

FEDERAL BUREAU OF PRISONS,

UNITED STATES DEPARTMENT OF JUSTICE,

and

UNITED STATES OF AMERICA, Defendants.

(List each named defendant on a separate line. If you cannot fit the names of all defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names of the defendants listed in the above caption must be identical to those contained in Section B. Do not include addresses here.)

COMPLAINT

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievances, witness statements, or any other materials to the Clerk's Office with this complaint.

A. PLAINTIFF INFORMATION

You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.

Name and complete mailing address: Nicholas Werling, P.O. Box 803, Sun Prairie, WI 53590-0803, USA.

Telephone number and e-mail address: (414) 286-9611, gothshooter_trenchcoat@protonmail.ch

B. DEFENDANT(S) INFORMATION

Please list the following information for each defendant listed in the caption of the complaint. If more space is needed, use extra paper to provide the information requested. The additional pages regarding defendants should be labeled "B. DEFENDANT(S) INFORMATION."

Defendant 1:

Name and complete mailing address: USP FLORENCE ADMAX, P.O. Box 8500, Florence, CO 81226-8500, USA

Telephone number and e-mail address if known: (719) 784-9464, FLX-ExecAssistant-S@bop.gov

Defendant 2:

Name and complete mailing address: Andrew Michael Ciolli, 201 Lamkin Street, APT 102, Pueblo, CO 81003-3558, USA (38.2658472, -104.6157733)

(Telephone number and e-mail address if known) - Unknown

**THE REST OF THE DEFENDANTS' CONTACT INFORMATION IS UNKNOWN TO
PLAINTIFF AT THIS TIME**

C. JURISDICTION

Identify the statutory authority that allows the court to consider your claim(s): (check one)

Federal question pursuant to 28 U.S.C. § 1331 (claims arising under the Constitution, laws, or treaties of the United States)

List the specific federal statute, treaty, and/or provision(s) of the United States Constitution that are at issue in this case: 5 U.S.C. § 522(a)(4)(B)

Diversity of citizenship pursuant to 28 U.S.C. § 1332 (a matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000)

Plaintiff is a citizen of the State of Wisconsin.

If Defendant 1 is an individual, Defendant 1 is a citizen of N/A.

If Defendant 1 is a corporation,

Defendant 1 is incorporated under the laws of the USA.

Defendant 1 has its principal place of business in the USA

Same info for the rest of the defendants.

D. STATEMENT OF CLAIM(S)

State clearly and concisely every claim that you are asserting in this action. For each claim, specify the right that allegedly has been violated and state all facts that support your claim, including the date(s) on which the incident(s) occurred, the name(s) of the specific person(s) involved in each claim, and the specific facts that show how each person was involved in each claim. You do not need to cite specific legal cases to support your claim(s). If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "D. STATEMENT OF CLAIMS."

CLAIM ONE:

Supporting facts:

On April 19, 2024 Plaintiff submitted a FOIA request to the Federal Bureau of Prisons requesting a) the full names of all 328 inmates at USP Florence ADMAX as of April 18, 2024, and b) the BOP register numbers of all 328 inmates housed at USP Florence ADMAX as of April 18, 2024. The BOP claims that they did not receive this FOIA request until May 1, 2024. The BOP assigned this request a Request Number of 2024-03370.

On May 13, 2024, Plaintiff received a letter dated May 3, 2024 from the BOP informing Plaintiff that the BOP had denied Plaintiff's FOIA request, falsely claiming that disclosure of the records would invade another person's personal privacy. The BOP thus falsely claimed also that they were exempt from disclosure of the records Plaintiff requested pursuant to 5 U.S.C. § 522(b)(6) and 5 U.S.C. § 522(b)(7)(C). The letter denying Plaintiff's request was signed "J. Todd, for/Eugene E. Baime, Supervisory Attorney".

On or about May 3, 2024, Plaintiff appealed the BOP's determination to the U.S. Department of Justice's Office of Information Policy. The DOJ-OIP assigned this appeal an Appeal Number of A-2024-01800. On September 21, 2024, Plaintiff received an letter dated September 17, 2024 from the DOJ-OIP. The letter said that the DOJ-OIP would be affirming the BOP's denial of the records request and cited the same two statutes that the letter from the BOP cited (5 U.S.C. § 522(b)(6) and 5 U.S.C. § 522(b)(7)(C)) as reasons for their refusal to disclose. The letter was signed "Christina Troiani/Chief, Administrative Appeals Staff". It should be noted that this letter was incorrectly addressed and that whomever wrote the letter wrote the wrong prison—the letter says Plaintiff requested information about "USP Florence". In reality, Plaintiff requested information about USP Florence ADMAX. It is clear that the DOJ-OIP did not actually conduct a full review of Plaintiff's requests and instead just rubberstamped the BOP's denial.

This information Plaintiff is requesting will not invade anyone's personal privacy. The register number and location of a prisoner is public record and can be accessed by anyone with internet access at https://www.bop.gov/mobile/find_inmate/byname.jsp#inmate_results. Information related specifically to notable current and former USP Florence ADMAX prisoners can be found on Wikipedia at https://en.wikipedia.org/wiki/List_of_current_inmates_at_ADX_Florence and at https://en.wikipedia.org/wiki/List_of_former_inmates_at_ADX_Florence. The names and BOP register numbers of certain prisoners at USP Florence ADMAX can also be

found in cases on WestLaw, which is public record. Moreover, every prisoner at ADX has their federal criminal record on PACER for all to see. It's public record. One could just go on PACER and find their names and put their names in the BOP inmate locator webpage. The BOP and the DOJ-OIJ say that this info would invade privacy but they give absolutely no reasons why. Because there are no reasons why this info would invade privacy, because it wouldn't.

E. REQUEST FOR RELIEF

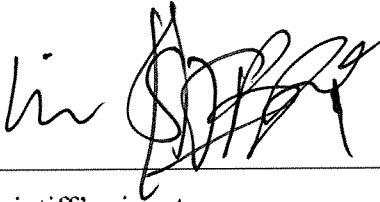
State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "E. REQUEST FOR RELIEF."

Plaintiff requests that this Court compel disclosure of the requested records, \$5,000,000.00 in compensatory damages from each defendant, \$600,000,000,000.00 in punitive damages from each defendant, a declaratory judgment from this court declaring that the requested records do not fall into the exemptions the BOP listed because they do not invade anyone's privacy, and any other relief deemed warranted by judge or jury.

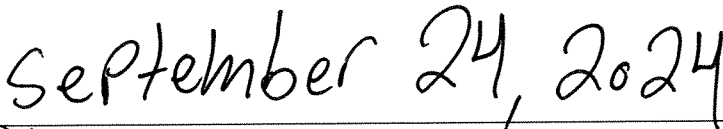
F. PLAINTIFF'S SIGNATURE

I declare under penalty of perjury that I am the plaintiff in this action, that I have read this complaint, and that the information in this complaint is true and correct. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.



Plaintiff's signature



Date

(Revised February 2022)

Nicholas Werling
P.O. Box 803
Sun Prairie, WI 53590-0803
USA

United States District Court for the District of Colorado
office of the clerk
Alfred A. Arrais United States Courthouse
901 19th Street
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Denver, CO 80294
USA

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