

Part 2, Seeking Justice for Wisconsin
Prison Inmates in Segregation

For those of you readers interested in what the wheels of justice have done regarding my lawsuit seeking the criminal prosecution of WI prison staff for their Gitmo-esque abuse of segregated prisoners (e.g. unneeded anal probes), see the enclosed/attached documents, which are:

1) the U.S. Dept. of Justice's form letter blowing off my Civil Rights Complaint - rubber stamped rather than handsigned (I doubt a live person even read my very specific complaint, which described multiple beatings, tazings & sexual assaults of named prisoners, the names of staff involved, dates, times, & official report #s they could review);

2) the Dodge County D.A.'s letter to the court explaining why he refuses to have my criminal complaint investigated (that criminal complaint is attached to my previous post on this subject)

3) the Dodge County Circuit Court Judge's Order deciding to dismiss said action, without conducting the hearing state law obliges him to conduct.

I intend to appeal the state court's refusal to act, as I initially had to do to get him to simply pass my complaint along to the D.A. I won the first appeal (technically called a petition for a supervisory writ, a writ of mandamus). But, it's costly, & I've yet to be paid a cent for my work in the B.O.P. This financial burden discourages many prisoners from pursuing legal action to obtain what prison staff have illegally taken from them, such as their right to not have their head smashed into the floor for no good reason.



U.S. Department of Justice

Civil Rights Division

Disability Rights Section - NYA
950 Pennsylvania Avenue N.W.
Washington, DC 20530

204-85-0

Nate A. Lindell #303724
Waupun Correctional Institution
P.O. Box 351
200 South Madison Street
Waupun, WI 53963-0351

NOV 20 2013

Re: Waupun Correctional Institution

Dear Mr. Lindell:

This is in response to the complaint that you filed with this office alleging a possible violation of the Americans with Disabilities Act (ADA). After carefully reviewing the information that you provided, we have decided not to take any further action on your complaint. Unfortunately, because the Section receives thousands of ADA complaints each year, we do not have the resources to resolve all of them.

It is important to note that the Justice Department has made no determination regarding the merits of your complaint or whether it could be redressed under the ADA or another statute. Moreover, our decision not to take further action does not affect your right to pursue your complaint in another manner. You may wish to contact an attorney or legal service provider to determine what remedies may be available.

In addition, a number of other options are available to you, including consulting state or local authorities or disability rights groups. Enclosed is a list of such organizations serving your area. These listings come from various sources, and our offices cannot guarantee that the listings are current and accurate. We suggest that if you contact any of these organizations, you let them know that you have received this letter from us, so that they will not forward your complaint to our office.

If you have access to the internet, the text of the ADA, the Department's regulations, and many technical assistance publications are provided on our ADA Home Page at <http://www.ada.gov>. If you have specific questions about Title II or III of the ADA, or want copies of technical assistance publications sent to you, you may call the ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TTY).

We regret that we are unable to further assist you in this matter.

Sincerely,
Mellie H. Nelson

Mellie Nelson
Supervisory Trial Attorney
Disability Rights Section

Enclosures

425212

STATE
OF
WISCONSIN

CIRCUIT COURT
BRANCH 3

COUNTY
OF
DODGE

In re the John Doe application of :

**ORDER DECLINING FURTHER
PROCEEDINGS**

NATE LINDELL

Case No. 14 JD 5

Nate Lindell filed a request under Sec. 968.26 to convene a John Doe proceeding alleging that he had suffered personal injury at the hands of prison staff. The Court referred the matter to the District Attorney on or about February 19, 2014. The Dodge County District attorney responded on May 16, 2014, and stated that after reviewing the law enforcement investigative reports he determined that the allegations are not supported by the evidence and that he will not be issuing charges.

The Court reviewed the investigative reports provided by the District Attorney. It appears the alleged offense is completely unsubstantiated and consists of the verbal statement of the reporter which at best, would constitute a technical de minimus battery under circumstances in which most prosecutors would decline prosecution on the grounds that the case lacks prosecutorial merit. Due to the lack of corroborating evidence, and the minor nature of the alleged injuries, the Court has determined that further proceedings are not warranted in this matter and hereby declines to convene further proceedings.

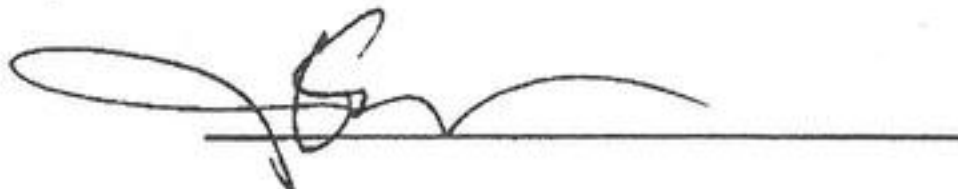
Dated this 9 day of June, 2014.

BY ORDER OF THE COURT

**FILED
IN THE CIRCUIT COURT**

JUN - 9 2014

Dodge County WI
Lynn M. Hron
Clerk of Courts



OFFICE OF THE DISTRICT ATTORNEY
Kurt F. Klomberg, District Attorney

Dodge County Justice Facility • 3rd Floor • 210 W. Center Street • Juneau, Wisconsin 53039
(920) 386-3610 • Fax: (920) 386-3623 • Website: www.co.dodge.wi.us/da



May 16, 2014

Honorable Joseph G Sciascia
Justice Facility
210 W. Center Street
Juneau, WI 53039

RE: John Doe 13IP32

Dear Judge Sciascia:

I have reviewed the submission of the defendant. The only thing that he provides adequate detail to warrant review is the alleged battery by the officer with the handcuffing. The defendant seems to think that I should go on an unrestricted fishing expedition (or actually I should send the Sheriff on such an expedition) into the vague allegations of general and sexual abuse of prison officials against inmates. I will not do so. There needs to be a sufficient basis in articulable fact before I am going to do so. I will only address the handcuffing.

I will not issue any charges against the officer for these allegations. If we were to take what the defendant says as true, we have a situation where he was handcuffed and the handcuffs were placed on improperly causing an minor injury. He couples this with a statement of "that's what you get" from the officer. This is insufficient to warrant charges. There is no way this case could be proven beyond a reasonable doubt in criminal court. Reasonable doubt is a reasonable hypothesis consistent with innocence. I can come up with many reasonable hypotheses consistent with innocence that could not be overcome with even the best evidence.

I am closing my file. The information from the Sheriff's Department is included with this letter.

Sincerely,

Kurt F. Klomberg
District Attorney

cc. Brian Drumm (without attachments)

↑ This was cut by Coleman & staff when it was mailed in to me & they opened it.

Assistant District Attorneys
Gilbert G. Thompson
Yolanda J. Tienstra
James T. Sempf

Managing Attorney
Robert G. Barrington

Victim/Witness Coordinators
Peggy Novak
Cayla Her