

Mailed 11 April 2024

Dear Between the Bars Comrades,

Enclosed you'll find a complete photocopy of my pending lawsuit that concerns what you do for us incarcerated writers. Please share this material with everyone you know of who is interested in the rights of incarcerated persons, to engage in journalism & inform the public of the realities of prison.

State ex rel. Lindell v. Sen. Nass, et al. ^{Case} #24-cv-0808

Fear not, my right to post material online was already established in Kalafi v. Brown, a case brought by another BTB writer (i.e. Stanley Felton) & which I testified at the damages trial for. I'm playing Cpt. Obvious for this suit. Because the WI prison system was already aware, from their loss in the Kalafi case, that they could punish captives because captives post material online, they will face punitive damages for persisting in doing so to me. They're in deep shit.

Thank you for your consideration.

Please go viral with this

Anyone willing to support me in this matter please do so by donating funds to Between the Bars. You may contact me directly at:

Nate A. Lindell #303724

Natester75@gmail.com Columbia Correctional Institution
Donations may be sent to P.O. Box 189
me by calling 866-345-1884 Phoenix, MD 21131
or through

accesscorrections.com

I will use them to fight for human rights in prison!

Dane County Circuit Court
to look up this case
wicourts.gov

Nate A. Lindell
Columbia Correctional Institution
2925 Columbia Drive
Portage, WI 53901,
Plaintiff

Jury Trial Demanded
Case No. 24-CV-0808
Code No. 30106-30107,
30701

V.

Sen. Steven L. Nass, Co-Chair,
Joint Committee for Review of Administrative Rules
2 East Main St., State Capital
Room 10 South
Madison, WI 53707

&

Wisconsin Department of Corrections, ("W.D.O.C."); **Kevin A. Carr**, Secretary, W.D.O.C.;
Sarah _ Cooper, the Administrator of the W.D.O.C.'s Division of Adult Institutions ("D.A.I."),
3099 E. Washington Ave.
Madison, WI 53707

&

Larry W. Fuchs, Warden of Columbia Correctional institution (C.C.I.); **Ryan M. Blount**,
Security Director at C.C.I.; **Cpt. Eric H. Peters**, Administrative Captain; **Anthony _ Bonfiglio**,
Captain; **Ashley _ Freitag**, Corrections Program Supervisor; **Lora _ Fitzsimmons**, a
Lieutenant at C.C.I.; **Natasha _ Radtke**, Secretary; **Dana L. Gorney**, Law Librarian; **Rebecca
_ Garner**, Secretary; **Richard J. Sedevic**, formerly an Inmate Complaint Examiner (I.C.E.) at
C.C.I.; **Brad _ Hompe**, a Corrections Complaint Examiner; **Cindy _ O'Donnell**, an Office of
the Secretary agent; **John Doe #1**, the as yet unidentifiable person(s) who incited **Peters** to
author Conduct Report #00334012; **John Doe #2**, the as yet unidentifiable person(s) who
created and approved the policy at C.C.I. that tutors lose their jobs if found guilty of a Major
misconduct, **John Doe #3**, the person(s) described in paragraph **29**, all employed at the
Columbia Correctional Institution,

2925 Columbia Dr.

Portage, WI 53901.

Respondents/Defendants

**Initial complaint Under ss. 1983 & Petition for Declaratory Judgement Under
Wis. Stat. 227.40**

To: The Honorable _____, Dane County Circuit Court, 215 S. Hamilton St.,
Madison, WI 53703.

I. Nature of the Case

This Complaint is a joint Declaratory Judgement (under **Wis. Stat. s.227.40(2)** and **(4)(a)**) and civil-liberties/rights action (under **42 U.S.C. s.1983**), brought by a *pro se* incarcerated person. This Complaint seeks Declaratory relief regarding a "guidance document" or "rule" (i.e. **DAI P&P 300.00.82**), which caused Lindell to be disciplined, have the Facebook page posting his materials harassed by **defendants**, fired from his job as a GED tutor for fellow residents at the Columbia Correctional Institution (C.C.I.), resulting in a cascade of catastrophic events, threatening further discipline and catastrophic events inflicted on Lindell if Lindell exercises his Free Speech rights as described in this Complaint. This Complaint further seeks relief under **42 U.S.C. s.1983** for the violation of his First and Fourteenth Amendment rights based on actions taken by **the defendants** due to **DAI P&P 300.00.82**.

II. Jurisdiction

1. **28 U.S.C. ss1331** and **1343(a)(3) & (4)** give this court jurisdiction over this case, as it seeks redress for the denial of federal liberties/rights under color of state law.

2. **Fed. R. Civ. P. 65** and **Wis. Stat. s. 227.40(4)(a)** gives this court jurisdiction to grant the injunctive relief sought.

3. **28 U.S.C. ss. 2201(a)** and **2202**, along with **Fed. R. Civ. P. 57** and **Wis. Stat. s.227.40(1), (2)(e), (4)(a)** gives this court jurisdiction over Lindell's Request for a declaration that **DAI P&P 300.00.82** constitutes either a "rule" or a "guidance document" and that it was not lawfully promulgated, is not authorized by any laws and violates the First Amendment of the U.S. Constitution and **Article I. s. 3** of the Wisconsin Constitution, while Dane County is the proper venue as the plaintiff is an incarcerated person and the defendants are state officers **Wis. Stat. s. 801.50(3)(c)**.

III. Parties

4. The plaintiff, Nate A. Lindell ("Lindell") is a naturally born citizen of the U.S. of A., currently residing at the Columbia Correctional Institution (C.C.I.), 2925 Columbia Drive, P.O. Box 900 Portage, WI 53901.

5. Kevin A. Carr ("**Carr**") is the Secretary of the Wisconsin Department of Corrections (W.D.O.C.). Sarah Cooper ("**Cooper**") is the current Administrator of the Division of Adult Institutions (D.A.I.). **Carr** and **Cooper** may be locate for service at 3099 E. Washington Ave., Madison, WI 53701.

6. Larry W. Fuchs ("**Fuchs**") is the Warden of Columbia Correctional Institution ("C.C.I."). **Fuchs** may be located for service at 2925 Columbia Drive, P.O. Box 900 Portage, WI 53901.

7. Ryan M. Blount ("**Blount**") is the Security Director at C.C.I. **Blount** may be located for service at 2925 Columbia Drive, P.O. Box 900 Portage, WI 53901.

8. Captain Anthony -. Bonfiglio ("**Bonfiglio**") and Captain Eric H. Peters ("**Peters**") are captains at C.C.I. Both may be located for service at 2925 Columbia Drive, P.O. Box 900 Portage, WI 53901.

8A. Ashley _ Freitag ("**Freitag**") is a Corrections Program Supervisor ("C.P.S.") at C.C.I., while Lora _ Fitzsimmons ("**Fitzsimmons**") is a Lieutenant at C.C.I. **Freitag** and **Fitzsimmons** may be located for service at 2925 Columbia Drive, P.O. Box 900 Portage, WI 53901.

9. Natasha _ Radtke ("**Radtke**"), Dana L. Gorney ("**Gorney**"), Rebecca _ Garner, Richard J. Sedevic ("**Sedevic**") are also or were also employed at C.C.I. and may be located for service at 2925 Columbia Drive, P.O. Box 900 Portage, WI 53901.

10. John Doe #1 ("**Doe #1**") is the as yet unidentified person(s) who is described in paragraph 10, below. **Doe #1** may be identified by **Peters** and then served at **their** official address, which is likely at C.C.I. and the W.D.O.C.'s headquarters in Madison.

11. John Doe #2 ("**Doe #2**"), described in paragraph 23, below, is the official at C.C.I. who created and approved the policy at C.C.I. that tutors lose their jobs if found guilty of Major misconduct.

12. Brad Hompe ("**Hompe**") was, at all relevant times, a Corrections Complaint Examiner ("C.C.E."), while Cindy O'Donnell ("**O'Donnell**") was, at all relevant times, an Office of the Secretary ("O.O.S.") agent, both employed at the W.D.O.C.'s headquarters in Madison. Both Hompe and O'Donnell may be served at 3099 E. Washington Ave., Madison, WI 53707.

13. John Doe #3 ("**Doe #3**") is the official or the officials at C.C.I. who recommended and directed the alteration of the records related to the disciplinary proceedings that is described in paragraphs 27-29, below.

14. Other than **Carr**, who is sued only in **his** official capacities, and **Fuchs** who is sued in **his** official and individual capacities, **each defendant** is sued in **their** individual capacities and at all times relevant to this action acted under color of Wisconsin law. The W.D.O.C. is also a defendant, for state-law declaratory judgement purposes, per **Wis. Stats. 227.40**.

IV. Facts Supporting Claims

A. Background

15. On 13 September 2021, Cooper approved a Department of Corrections Policy and Procedure (**DAI P&P**) with the number **300.00.82**. Attached as **Exhibit 1** is a true, accurate and complete photocopy of that P&P.

16. **DAI P&P 300.00.82** was and is, upon information and belief:

A) not submitted to the Legislative Reference Bureau, nor was a public comment period identified or offered, nor were public comments considered or retained by the W.D.O.C., nor was continued public comment afforded, nor are those who experienced the detriment of the P&P afforded an opportunity to have the W.D.O.C. considered seriously their challenges to “the legality or wisdom” of the P&P (e.g. disregarding such arguments in Lindell’s I.C.), C.C.I. officials’ failing to explain why they were enforcing the P&P on Lindell after (as revealed in I.C. #CCI-2023-3961) causing Lindell to believe that the P&P would not be enforced, all as **Wis. Stat. ss. 227.112(1)(a), (b), (d), (2), (3), (4)** requires and required;

B) not signed nor certified by the W.D.O.C. Secretary, as **s. 227.112(6)** required and requires;

C) not approved by the governor, as **Wis. Stat. s. 227.185** required and requires;

D) not provided to the Legislature, nor provided to the Legislative Reference Bureau, nor was the date of the governor’s approval provided, nor was a Report detailing the basis and purpose of the proposed rule provided, al as **Wis. Stat. s. 227.19(2)** required and requires;

E) applied to Lindell, treated as valid, without a certified copy being filed with the Legislative Reference Bureau, contrary to **Wis. Stat. s. 227.20(1)**;

F) violative of **s. 227.10(2)**, in that it is contrary to the First Amendment of the U.S. Constitution, **Article I. s. 3 of the Wisconsin Constitution** and **Wis. Admin. Code s. DOC 309.04(2)(c)**;

G) violative of **s. 227.11(1) & (2)(a) 1.-3.**, in that **the defendants** were not authorized by the Legislature to enact **DAI P&P 300.00.82**;

17. Lindell wrote to **Carr** on 14 February 2023 and explained that Lindell learned that **DAI P&P 300.00.82** was still in force and was clearly created in retaliation for another incarcerated person’s successful lawsuit about having been disciplined for posting an article on his blog and that **DAI P&P 300.00.82** was facially violative of the First Amendment. Lindell’s letter asked **Carr** to eliminate **DAI P&P 300.00.82**. See attached **Exhibit 2** which is a carbon copy of said letter to **Carr**. **Fuchs** responded to the letter on 24 March 2023, denying Lindell’s request that **DAI P&P 300.00.82** be eliminated. See attached **Exhibit 3**, which is **Fuch’s** response to Lindell’s forenoted letter to **Carr**.

B. Application of the P&P to Lindell

18. On 25 July 2023 a Correctional Officer ("C.O.") named Randall Bortz threatened to use the disciplinary process to harass Lindell, accusing Lindell of "selling a painting."

19. C.R. #00334012 was written by **Peters** on 25 July 2023 at around 1:26 PM. The C.R. charged Lindell with violating **Wis. Admin. Codes s. DOC 303.36 Enterprises and Fraud, s. DOC 303.28 Disobeying Orders** and **s. DOC 303.35 False Names and Titles**, based on *allegations* that: a) there was a Facebook page titled "Prometheus Writes" with Lindell's art and writings on it, b) Lindell sold art through that Facebook page; c) Lindell sold a drawing for \$425; d) in an article of Lindell's published in *The Pittsburgh Gazette*, Lindell explained to readers how readers could send Lindell money.

20. On 26 July 2023, **Pitzen** reviewed and approved C.R. #00334012, deemed it a "Major" based on **Pitzen's** unfounded conclusion that the allegations revealed "a risk of serious disruption at the facility or community." **Pitzen** had a history of abusing his authority to cause Lindell to suffer based on **Pitzen's** dislike of Lindell filing grievances and lawsuits about prison conditions and staff. See attached **Exhibit 13**, which is a complete and accurate photocopy of the Report prepared by former Detective Benjamin Oetzman about Lindell's John Doe complaints, a document that was provided to Lindell by the clerk of the Columbia County Circuit Court, on which are Lindell's handwritten notations.

21. **Bonfiglio**, at a hearing held on 31 July 2023, found Lindell guilty of **s. DOC 303.28 Disobeying Orders** and **s. DOC 303.35 False Names and Titles**, then sentenced Lindell to 20 days of cell confinement, which was a "major" disposition, a serious violation of the rules. **Bonfiglio** also told Lindell that **Peters** contacted Facebook and asked them to take down the Facebook page at issue in C.R. #00334012.

22. As a result of that discipline, Bortz came to Lindell's cell around 1 PM on 31 July 2023 and told Lindell that Lindell was fired from his job as a tutor due to the Major disposition of C.R. #00334012. Bortz boasted to Lindell that he (Bortz) got Lindell fired. It *may* be that Bortz is **Doe #1, the person** who incited **Peters** to draft C.R. #00334012. (**Peters** told Lindell, and noted in C.R. #00334012, that **Peters** wrote the C.R. based on **Doe #1's** information and direction.)

23. **Doe #2** may be Maria Boettcher, as Boettcher supervised C.C.I.'s tutor program at the relevant times. **Doe #2** created and approved the policy at C.C.I. that tutors lose their jobs if found guilty of Major misconduct. Based on that policy, as a result of being found guilty of two of the charges in C.R. #00334012, Lindell was fired from his job as a tutor for Mr. Keith Hunter.

24. Upon information and belief, within the month prior to Lindell being issued C.R. #00334012, another resident of C.C.I., Kevin Robinson (W.D.O.C. #521626), was issued a C.R. for violating a C.R. **DAI P&P 300.00.82**. Mr. Robinson was charged with the same rule violations as was Lindell, based on Robinson having an active Facebook page. Despite Robinson having a far worse disciplinary record (e.g. a sexual assault and misconduct charges) than did Lindell, Robinson's C.R. was made a Minor while Lindell's C.R. was made a Major, exposing Lindell to, *inter alia*, the loss of his job as a tutor and the loss of the single cell that Lindell earned from years of positive behavior.

25. The disciplinary hearing was held on 31 July 2023, led by **Bonfiglio**, with **Radtke** and **Garner** as members of the Disciplinary Committee (D.C.). The D.C. found Lindell *not* guilty of selling his art through the Facebook page, but found Lindell guilty of violating **303.28** and **303.35** and sentenced Lindell to 20 days of Cell Confinement, which was a Major penalty. As a result of that sentence, Lindell was, amongst other harms that the defendants are aware of:

A) fired from his job as a tutor, losing approximately \$56/month in pay;

B) stripped of the single cell status that he'd earned from staying free of Major misconduct for years;

C) ordered to cell up with an (upon information and belief) unmedicated bipolar homosexual (i.e. Ben Handl), who sexually harassed Lindell and then falsely accused Lindell of slapping the homosexual's butt, resulting in Lindell being placed in Restrictive Housing (R.H.), where Lindell was housed in filthy cells and subjected to persistent harassment based on an apparently false allegation that Lindell sexually assaulted Handl, which it appears that **defendants** concocted to further harm Lindell.

26. As a result of that placement in R.H.U., as an apparent custom and practice at C.C.I. (most C.C.I. residents put in T.L.U. experience the same thing), large amounts of Lindell's personal property was "lost" or allowed to be stolen by other C.C.I. residents or staff or was damaged by other C.C.I. residents or staff. That lost/stolen property included: a new tube of Arm & Hammer toothpaste, Adidas shower slides, hundreds of pages of Lindell's drawings and writings for books that Lindell was intending to publish, a new bottle of Irish Spring body wash, a coaxial cable, a 90-degree cable adapter, a nearly new WR2 radio, --total value over \$500,000, but actually irreplaceable.

C. Official Misconduct Showing Malicious Intent

27. Lindell filed a certiorari action in the Dane County Circuit Court, which challenged the disciplinary action at issue in this Complaint. That certiorari action was assigned the case # 23-cv-3008 and was titled *Lindell v. Sen. Nass, Carr and Fuchs*. In response to the Writ that was issued in case #23-cv-3008, **Fuchs** assigned Rebecca Keeran to prepare and file with the court the record of the proceeding. In that Return, there was a DOC-1266 Contraband Property Tag form, a form which claimed that documents were considered at the disciplinary hearing that were *not* considered at the hearing and that those documents were destroyed the day of the hearing.

28. As may be confirmed from the body-worn camera (BWC) footage of **Bonfiglio**, which Lindell requested that **C.C.I. defendants** preserve (and **DAI P&P 306.16.01 IV. D** required **them** to preserve for use in this lawsuit), the documents noted in the DOC-1266 form were not actually considered at the disciplinary hearing. If the documents noted in the aforementioned DOC-1266 form had been considered at the hearing, **DAI P&P 306.00.16 Contraband**, at subsection **II. A. B. and C. 2. c.**, required that those documents be stored in a secure area, tracked using a DOC-24477 form and preserved for 11 years beyond Lindell's release date. See

attached **Exhibit 4**, which is a true, accurate and complete photocopy of pages 2 and 3, from **DAI P&P 306.16 Contraband**.

29. Upon information and belief, **Doe #3** advised or directed the creation of the fraudulent DOC-1266 form with the purpose of continuing the harms caused on Lindell due to C.R. #00334012 and, for Case #23-cv-3008, to defraud the Dane County Circuit Court into believing that there was documentary evidence that was considered at the disciplinary hearing which justified the findings of guilt. In fact, there was no evidence considered at the hearing that justified the findings of guilt.

C. Refusal to Intervene or Direction to Violate Lindell's Rights By Supervisors

30. On 1 August 2023, Lindell submitted an appeal of the forenoted discipline to C.C.I. Warden, **Fuchs** as. But, in a decision dated 8 August 2023, **Fuchs** decided to affirm the disciplinary action, concluding, inter alia, that there was evidence supporting the findings of guilt. (Lindell was later informed that the evidence had been destroyed the day of the hearing, so it wasn't available for **Fuchs** to review when resolving Lindell's appeal.)

31. Lindell then filed an Inmate Complaint (I.C.) about the disciplinary action which was assigned the file #CCI-2023-12105. On 15 August 2023 **Sedevic**, an Inmate Complaint Examiner (I.C.E.), falsely concluded that Lindell had not presented any procedural errors in the disciplinary action, thus recommended that I.C. #CCI-2023-12105 be dismissed. On 18 August 2023 **Fuchs** dismissed I.C. #CCI-2023-12105.

32. Lindell mailed an appeal of I.C. #CCI-2023-12105 to the Corrections Complaint Examiner (C.C.E.). On 15 September 2023 C.C.E. **Hompe** recommended that I.C. #CCI-2023-12105 be dismissed. On 2 October 2023, **O'Donnell** dismissed I.C. #CCI-2023-12105 on behalf of **Carr**. By Hompe making his recommendation to dismiss Lindell's appeal and by O'Donnell making her decision to dismiss Lindell's appeal—even though **the defendants** had no evidence to justify the disciplinary action (see paragraphs 27-29, above)—**Hompe** and **O'Donnell** caused Lindell to continue to face discipline for posting expressive material on websites or social media accounts, deterring Lindell from sending his writings and art to other persons.

33. After discussing the matter with **Cooper**, **Fuchs** and **Glass**, who all happened to be on the housing unit (Four) where Lindell resided, at **Glass's** suggestion, on 2 August 2023 Lindell sent a Request Slip to **Glass** in which Lindell explained the two decisions issued by the U.S. SDistrict Court for the Western District of Wisconsin that declared that disciplining incarcerated persons for the activity that Lindell was disciplined for violated the First Amendment. See attached **Exhibit 5**, which is a true, accurate and complete photocopy of said Request Slip, bearing **Glass's** response.

34. In response to emails and Request Slips from Lindell that pointed out the attempt to defraud the court described in paragraph 27-29, above, on 13 February 2024 **Fuchs** decided to dismiss the discipline related to C.R. #00334012, yet noted that "Finding of guilt is appropriate,"

revealing that **the defendants** still intend to punish Lindell if his material is posted on social media.

35. Lindell learned that, around the Spring of 2023, DAI officials were concerned about the publication of Lindell's art, specifically a drawing of a solitary confinement cell at GBCI. See attached **Exhibit 6**, which is a copy of an email that Lindell obtained in response to an Open Records request. It may be that those DAI officials, such as **Cooper**, expressed that concern to **C.C.I. defendants** and directed or suggested **C.C.I. defendants** to initiate the discipline at issue in this case to deter Lindell from continuing to inform the public of the conditions within Wisconsin's prisons.

36. **Wis. Stat. s. 19.31** states, in relevant part, that: "[A] representative government is dependent upon an informed electorate...all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. [...] providing persons with such information is declared to be an essential function of a representative government.... [...] The denial of public access generally is contrary to the public interest...." The free publication of Lindell's extensive writings about his observations and experiences within the W.D.O.C., including publication of those writings and art on social media and websites, serves this statute.

D. General Allegations

37. From the circumstances, a reasonable jury can conclude that **the defendants** acted maliciously and with the intent to punish Lindell for exercising his rights to Freedom of Speech and of the Press and to deter Lindell from exercising those rights.

38. If not enjoined, **the defendants** will continue to abuse **their** authority by employing **their** disciplinary process to inflict adversities on Lindell for exercising his rights, including creating fraudulent records in an effort to try and justify discipline of Lindell. Indeed, while **Fuchs** dismissed the discipline when Lindell emailed **Fuchs** about the forenoted attempt to commit fraud on the court (see paragraphs 27-29, above), **Fuchs** noted that the "Finding of guilt is appropriate." **Fuchs** mischaracterized the failure of the hearing officer to note that the "Finding of guilt is appropriate." **Fuchs** mischaracterized the failure of the hearing officer to note that documentary evidence was considered and that the documents were supposedly destroyed as a "mistake," rather than evidence of the attempt at committing fraud on the court that it actually was.

39. **The defendants** P&P and actions described in this Complaint threaten to suppress Lindell's creation of writings and art about prison, something that Lindell has often engaged in. See attached **Exhibit 9**, which is a copy of an article authored by Lindell that was published on N.Y.U. Law's online journal *The Harbinger*; and **Exhibit 10**, which is a copy of another article authored by Lindell that was accepted for publication on the Harbinger; and **Exhibit 11**, which is a copy of the first and second pages of Prisoner Express's September-October Theme Essays,

containing an essay of Lindell's, which was also published on prisonerexpress.org. Each of these articles is published online, on the publishers' websites, which violates **the defendants** illegal P&P, exposing Lindell to discipline per the P&P. Each of these articles concerns issues that are of political and social significance, concerning gratuitous degradation and illegal conduct inflicted or engaged in by prison officials.

40. Lindell recently learned that **Freitag, Fitzsimmons, Peters, Pitzen** and other defendants conspired to suppress Lindell's writings of articles and production of art about prison issues. **They** scoured the internet, looking for material produced by Lindell, and, amongst other material, they cited an article of Lindell's that was published on *Progressive Perspectives* about the need for treatment of PTSD in prison in support of the discipline based on C.R. # 00334012, including that article photos that they took of "evidence" that Lindell violated **P&P 300.00.82**.

E. Allegations Related to Official Capacity Defendants

41. **Carr**, as the W.D.O.C. Secretary, and **Cooper**, as the D.A.I. Administrator, and **Sen. Nass**, as the J.C.R.A.R. co-chairperson, have the authority to redact **DAI P&P 300.00.82** and enact a P&P that ensures that Lindell's rights to Speech and Press are protected from suppression by W.D.O.C. agents.

42. Upon Lindell's receipt of the Return and Supplemental Return for Case No 23-cv-3008, Lindell learned that **the defendants** specifically targeted Lindell based on articles that Lindell managed to have published, including an article published on the *Progressive Perspectives* page of progressive.org, titled, "Nate Lindell; Treating prisoner's ptsd will change their lives and save others'." While it is common for incarcerated persons to have and openly discuss their social media pages and posts, it is clear that the defendants targeted Lindell for punishment and oppression due to the success and popularity of his writings about issues related to incarcerated persons and flaws in the current carceral system.

F. Compliance with Notice of Claim Statutes, ss. 893.80 and 893.82.

43. Attached as **Exhibit 7** is the Notice of Claim and Injury that Lindell mailed to Wisconsin's Attorney General on 4 October 2023, using Certified Mail. Attached as **Exhibit 8** is the Certified Mail slip that Lindell received from prison mailroom staff from mailing the Notice of Claim that is attached as **Exhibit 7**. Defendants had actual notice of Lindell's claims in this action, as **Wis. Stat. s. 893.80(1d)(a)** obliges, when **Carr** received Lindell's letter attached as **Exhibit 2**, when **the defendants** received and denied Lindell's objections to the the C.R. and Lindell's I.C. and appeal of the discipline at issue in this action, and when they were served Lindell's Certiorai Petition for Case #23-cv-23008.

V. Causes of Action

44. By the **defendants** enforcing a standard or requirement that **they** were not explicitly permitted to enforce, applying a guidance document or rule that was not lawfully promulgated **and filed, as mandated by Wis. Stat. s.227.112(1)(a), (b), (d), (2), (3), (4) (6), s.227.185, s.227.19(2) s.227.20(1)**, and which was, on its face and as applied to Lindell, contrary to state law, **s.227.10(2)**, and which was unfairly applied to Lindell **s.227.10(3)(c)** compared to another incarcerated person, the guidance document or rule known as **DAI P&P 300.00.82** must, pursuant to **Wis. Stat. s.227.40(4)(a)**, be declared invalid and the original action taken against Lindell based on **DAI P&P 300.0082** must be declared unlawful.

45. By **Doe #1** inciting or directing **Peters** to enforce **DAI P&P 300.00.82** and initiate the disciplinary process against Lindell based on Lindell's publishing his art and writing on a Facebook page titled *PrometheusWrites*, by **Peters** drafting and filing C.R. #00334012 based on that expressive activity, by **Pitzen** approving C.R. #00334012 and making it a Major C.R., while another incarcerated person was issued a Minor C.R. for the same conduct, by **Bonfiglio, Garner, Gorney** and **Radtke** finding Lindell guilty of two Major charges in C.R. #00334012 and imposing a Major penalty on Lindell, by **Fuchs** dismissing Lindell's appeal and I.C. challenging the discipline and thereby causing Lindell to continue to suffer adversities due to the discipline, and by **Hompe** recommending that Lindell's appeal of **Fuch's** dismissal of I.C. #CCI-2023-12105 and **O'Donnell's** dismissing Lindell's appeal of I.C. #CCI-2023-12105, then by **Doe #3** deciding to direct **Radtke** to create a document that falsely asserted that documents were considered at the disciplinary hearing in an effort at justifying the disciplinary decision and causing Lindell to continue suffering adversities based on the disciplinary action, **these defendants** are liable to Lindell for violating Lindell's First Amendment rights to Free Speech and Freedom of the Press, as well as Lindell's Fourteenth amendment rights to Due Process and Equal Protection.

VI. Relief Sought

46. Lindell seeks the following relief:

A) compensatory and punitive damages, in an amount to be determine by a jury;

B) declaratory judgement, pursuant to **Wis. Stat. ss. 227.40(a)**, that **DAI P&P 300.00.82** is contrary to or in violation of **Wis. Stats. s. 227.05, ss. 227.10(2) and (3)(c), ss. 227.11(1) and (2)(a) 1.-3., ss. 227.112(1)(a), (b), (d), (2)-(4), (6), (7)(a), s. 227.185, s. 227.19(2) and (3)(a)-(c), (e)1.-6., ss. 227.20(1) and (2)**.

C) declaratory judgement, pursuant to **Wis. Stat. s. 227.40(2)(a) and (4)(a)**, that **the defendants'** Lindell's rights, as identified in his Causes of Action, were violated;


D) an injunction, **MANDATING the defendants** and **their** agents reinstate Lindell in his position as a tutor for Mr. Hunter, **PROHIBITNING the defendants** from seeking to discipline Lindell because someone outside of prison sells Lindell's art and offers Lindell a portion of the

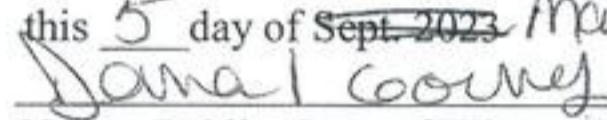
money from the sale; PROHIBITING the defendants from seeking to discipline Lindell because Lindell controls a Facebook page using a title other than his legal name;

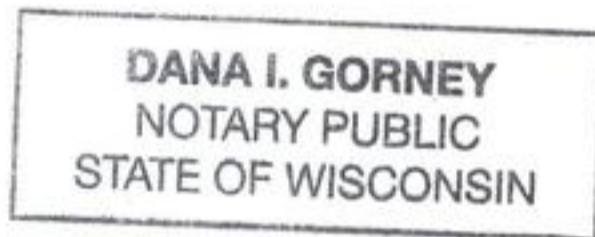
E) any and all costs, including attorney fees, incurred from litigating this action, along with any other just and fair relief allowed by the law.

Verification

47. I, Nate A. Lindell, have read the foregoing and I declare under penalty that, based on my personal knowledge, what is represented and asserted by me, herein, is true, truthful and correct, except where a matter is stated upon my information and belief; and, where a matter represented and asserted herein is identified as being based upon my information and belief, I genuinely believe that those matters are true, truthful and correct. Each of the exhibits cited herein is what Lindell has represented them as being, and, where they are copies, they are true, accurate complete and correct photocopies of the originals.


Nate A. Lindell
Columbia Correctional Institution
P.O. Box 900
Portage, WI 53901

Subscribed to and sworn to before me
this 5 day of ~~Sept. 2023~~ March 2024

Notary Public, State of Wisconsin
My commission expires: 09/05/2025



 <p>DIVISION OF ADULT INSTITUTIONS</p> <p>POLICY AND PROCEDURES</p> <p>AUG 28 2023</p>	DAI Policy #: 300.00.82	Page 1 of 3
	Original Effective Date: 08/20/18	New Effective Date: 08/20/18
	Supersedes: N/A	Dated: N/A
	Administrator's Approval: Jim Schwochert, Administrator	
	Required Posting or Restricted: <input checked="" type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted	
Chapter: 300 Administration		
Subject: Inmate Use of Social Media		

POLICY

The Division of Adult Institutions shall not permit inmates to create, maintain, update or develop any type of web-based social networking, social media or internet based website directly or indirectly, including but not limited to; Facebook, Twitter, Myspace, YouTube, etc.

REFERENCES

- Wisconsin Administrative Code s. 303.28 – Disobeying Orders
- Wisconsin Administrative Code s. 303.34 – Unauthorized Forms of Communication
- Wisconsin Administrative Code s.DOC 309.04(4) (c) – Inmate Mail
- Wisconsin Administrative Code s.DOC 309.05(2) (b) – Publications

DEFINITIONS, ACRONYMS, AND FORMS

DOC – Department of Corrections

Social Media - Computer-mediated technologies that facilitate the creation and sharing of information, ideas, career interests and other forms of expression via virtual communities and networks.

Social Networking - The use of dedicated websites and applications to interact with other users, or to find people with similar interests to oneself.

PROCEDURE

- I. **General Guidelines**
 - A. An inmate who possessed a social media account prior to entering prison shall not use that account via a third party.
 - B. Inmates shall not set up a social media account or participate in a social media account through a third party.
 - C. Inmates shall not receive or possess social media information which jeopardizes the safety and security of the facility or another person.
 - D. Inmates shall not request anyone to access their personal social media account for any reason.

DAI Policy #: 300.00.82	New Effective Date: 08/20/18	Page 2 of 3
Chapter: 300 Administration		
Subject: Inmate Use of Social Media		

- E. Inmates shall not request others post information for them on social media sites for any reason.
- F. Upon discovery of social media account, WI DOC staff shall take appropriate actions which may include the disciplinary process, to ensure the safety and security of the facility as well as the community.

Administrator's Approval: _____ Date Signed: _____
Jim Schwochert, Administrator

Mailed 14 Feb. 2023

Exhibit 2

page 1 of 2

Nate A. Lindell #303724
Columbia Correctional Institution

Re; An Illegal DA# P&P 300.00.82

Dear Secretary Carr:

You may know that the Milwaukee Journal-Sentinel ran an article on 22 Jan. 2023 about an exhibition of captive's art, which quoted me and discussed my art. That article was posted on their website, as most newspapers have websites (some only have websites, no physical papers).

You may know that I have posted articles on betweenthebars.org/blogs/540/, mostly about prison issues, some personal issues, philosophy, etc, and have done so since 2011.

Also, since at least 2015 I've wrote for Prisoner Express, had an article posted on Vice's website, The Marshall Project, and numerous other literary or news/journalistic websites.

Alas, in response to a lawsuit that Stanley Felton won, the then DA# Director signed in DA# P&P 300.0082, clearly doing so with retaliatory motive (Felton's suit concerned being punished for posting an expose on the betweenthebars platform), after a federal judge declared that it violated the First Amendment to punish a captive for posting a critical article on a blog.

Based on this DA# P&P, I can be punished for cooperating with the Milwaukee J-S article, even though such would be clearly illegal.

For years I have written and submitted for publishing online and in paper format, material about prison issues. Recently The Progressive published my Op Ed about the need for trauma-informed care in WI's adult prisons (I heard you on WPR saying that juvenile captives are provided such). Again, for that, under 300.00.82, I could be punished, for fundamental journalism.

This policy is illegal and needs to be ended.

This is apparent from the entire lack of laws cited in it (DA# P&Ps exist to interpret & apply enacted laws, not for the DAI to enact its own laws, which it lacks the authority to do).

Friends of mine have posted my exposes/journalism on facebook, Twitter, etc., because that is the new "Press", which the First Amendment guarantees must remain "Free". It may hurt some people's feelings that I have & do publish on this manner what I have observed in prison, including the corruption and abuses of DOC staff, but it serves a legitimate purpose, a purpose that I believe you understand and respect, that of enabling

Exhibit 2 page 2 of 2

supervisory officials such as yourself to correct corruption or at least investigate it; it allows the public to make better informed decisions. This Free Press/Speech, this "sunlight," is essential for democracy, especially in closed environments like prisons.

But this DAI policy & procedure was already used once to torment me for my Speech activity (when I was at GBCI, after having been stabbed to death [I was told that I died at the hospital]); a Cpt. Swiekatowski issued me a C.R. for, inter alia, violating the policy by merely possessing copies of articles & art posted on my blog). It may be used again, at any time, a tempting opportunity for abusive or corrupt staff angered at me exposing their corruption or abuse to the public, (This corruption is real --e.g., around two years ago a C.O. here, Ashley Suprise falsely accused me of threatening her after I declined to have sex with her, and shortly thereafter she was arrested for poss. Meth and illegal guns.)

So, I'm asking you to eliminate this clearly retaliatory inspired, lawless, illegal P&P and ensure that imprisoned journalist are protected from harassment.


A copy of this letter will be published, online, and it will be shared with EXPO, I.W.W., The Community; Bill Lueders at The Progressive, etc, so that you will either be known for respecting the law or enabling your agents to abuse their authority by intimidating captives from telling the public about life in prison. I hope that you have nothing to hide, are proud of your work.

You should be proud of your work!

After having been held, needlessly and abusively, in solitary confinement at W.SPP.F. for 15 years, until I was stabbed to death and brought back to life, after occasional harassment by corrupt C.O.s such as Ashley Suprise, I am finally in Pell-Grant funded college classes, after working as a tutor for around a year. I don't do drugs, have long declined involvement in White racial activity, don't engage in violence, get along well with staff (they treat me decent, and I will return that decency). So, there are positive changes that I hope are more than a weird fluke; hope are intentional. At least I respect that and will inform the public of that too.

Thank you for your consideration.

Sincerely,



DAI Policy #: 306.00.16	New Effective Date: 09/05/14	Page 2 of 5
Chapter: 306 Security		
Subject: Contraband		

PROCEDURE

I. Seizure of Contraband

- A. Any staff member who reasonably believes that an item is contraband may seize the item whether or not the staff member believes a violation has occurred.
- B. Items believed to be contraband shall be confiscated and identified utilizing DOC-1266.
 1. If an item(s) is known to be contraband or, after consultation with a supervisor is determined to be contraband, a DOC-9 or DOC-2466 and DOC-237B shall be completed.
 2. Notice of item confiscated and condition of item shall be given to the inmate on the DOC-237B.
 3. Items may be tested to determine their composition and content (intoxicants).
- C. All sharps (needles, razors, homemade weapons, etc.) shall be retained as evidence. If the contraband item is deemed to pose a health, sanitation or safety risk, photographs shall be taken of the contraband (i.e., fecal matter, open food, intoxicants).
 1. The photographs shall be labeled using either the number of the DOC-9 or DOC-2466 they correspond to and shall be maintained as evidence.
 2. These items shall be disposed of consistent with this policy.
- D. Property which is not determined to be contraband shall be returned to the inmate or rightful owner.
- E. Property belonging to the facility shall be returned to service if in a usable condition.

II. Retention/Storage of Contraband

- A. Contraband items shall be logged and tracked on DOC-2477.
- B. Items shall be stored in a secure contraband storage area.
- C. Retention of contraband items
 1. General contraband items shall be retained for 120 days when a disciplinary appeal has been filed.
 2. If an appeal has not been filed, contraband may be disposed of no earlier than 20 days after date of hearing decision being delivered to the inmate.
 - a. Prior to disposal, a photograph shall be taken of the items.
 - b. The photographs shall be labeled with the corresponding DOC-9 or DOC-2466 number.
 - c. Documents and photographs shall be retained for 11 years after the inmate's maximum discharge date.

DAI Policy #: 306.00.16	New Effective Date: 09/05/14	Page 3 of 5
Chapter: 306 Security		
Subject: Contraband		

3. Contraband to be used as evidence in outside prosecution shall be maintained until such time as they are no longer necessary for use in the criminal prosecution. If the contraband item is deemed to pose a health, sanitation or safety risk, photographs shall be taken of the contraband; i.e., fecal matter, open food, intoxicants.

III. Disposition/Disposal of Contraband

If the disciplinary process has been completed, the disposal of the item(s) shall be in accordance with this policy. Disposal shall be as follows:

A. Currency/cash

All confiscated money shall be deposited in the State's general fund.

B. Checks

Checks and other negotiable instruments shall be returned to the issuer. If it is not possible to determine an address for the issuer of the check, the check shall be destroyed.

C. U.S. Bonds and other Securities

1. Upon proof of ownership and the source of a U.S. Bond or other security, the item shall be held in the Business Office until it can be returned to the owner.
2. If the owner is an inmate, it shall be held until their release.

D. Property

1. If there is no DOC-9 or DOC-2466, it may be disposed of or sent out at the inmate's expense in accordance with DAI Policy 309.20.03.
2. The decision of how the property is processed is made by the Hearing Officer in the case of a DOC-9 or by the Warden/designee in the case of a DOC-2466.

E. Controlled/Intoxicating/Foreign/Hazardous substances shall be disposed of by the facility or given to law enforcement for use as evidence or for disposal.

F. Weapons and ammunition not required for use as evidence may be retained for training purposes or disposed of by the facility. Firearms or explosives shall be turned over to law enforcement agencies for disposal.

G. Facilities shall develop a procedure for disposal of sharps (e.g., razors, syringes, needles).

H. Medications taken as contraband shall be delivered to HSU for disposal in accordance with DAI Policy 500.80.12.

I. State property may be returned to service if in usable condition.

Exhibit 3

7



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony S. Evers / Secretary Kevin A. Carr

Columbia Correctional Institution

Lindell, Nathaniel A - 303724
UNIT: H4-AU - __7_L
Columbia Correctional Institution
P.O. BOX 950
Portage, WI 53901-0950

03/24/2023
OOS-2023-49591

Mr. Lindell,

Your letter to Secretary Carr, postmarked February 15, 2023, regarding Policy and Procedure 300.00.82 has been referred to me for response. You allege the policy is illegal and are requesting it to be ended. I have reviewed your concerns and find your rational and interpretation of the policy being illegal is unfounded, as such it is recommended no change regarding policy and procedure 300.00.82 be conducted.

I trust this addresses your concerns at this time.

Sincerely,

A handwritten signature in cursive script, appearing to read "L Fuchs".

Larry W Fuchs
Warden

CC: File #303724

INTERVIEW/INFORMATION REQUEST
SOLICITUD PARA INFORMACION / ENTREVISTA

Instruction to Inmate: Do not use this form to contact health staff. Use a Health, Dental or Psychological Service Request.
Instrucciones para Reclusos: No utilice este formulario para comunicarse con el personal de cuidados de salud. Utilice una solicitud de servicio de cuidados de salud, dentales o psicológicos.

OFFENDER NAME NOMBRE DEL LA OFENSOR(A) Nate A. Lindell	DOC NUMBER NUMERO DEL LA OFENSOR(A) 303724	LIVING UNIT UNIDAD DE VIVIENDA U4 Cell 6
DATE FECHA 2 Aug. 2023	WORK ASSIGNMENT ASIGNACION DE TRABAJO Tutor (!)	

Interview Entrevista Information Informacion

STATE REASON FOR INTERVIEW OR SPECIFY INFORMATION REQUESTED
INDIQUE LA RAZON PARA LA ENTREVISTA O ESPECIFIQUE LA INFORMACION QUE SOLICITA

Re: The Two Cases That I mentioned! Related to The Major C.R. I Was Just Convicted Of.

Please keep in mind that I am the person who litigated the Koutnik case & that I testified in the Kalafi case. So, I know them well.

I was just disciplined in CR 00334012 for having a Facebook page with the title "Prometheus Writes", deemed "False Names & Titles". This type of discipline was declared to violate the First Amendment in Koutnik v. Berge, 2004 WL 1629548 (W.D. Wis. 19 Jul 2004) --Judge Crabb carefully explained why use of nicknames is protected by the First Amendment &, when used outside of prison, the WDOC has no legitimate cause for punishing a captive for using a nickname. As i recall, Koutnik settled for \$13,500...in 2004. He won a declaratory judgement, which set precedent.

In Kalafi v. Brown, 2018 U.S. Dist. LEXIS 580510 (W.D. Wis. 5 April 2018), Judge Crocker held that it violated the First Amendment to punish a captive based on him posting a scathing article about a prison psychologist on betweenthebars.org. The WDOC appealed, and Judge Crocker shot down their motion for reconsideration. He settled his damages claim for over 10,000. The recent discipline of me flies in the face of both of these rulings. You employees are stubbornly violating my rights. No qualified immunity. DAI P&P 300.00.882 was enacted, illegally, weeks after the WDOC lost the Kalafi case -Schwochert knew it was illegal. Now you know.

I want an apology, my job back, staff instructed not to harass me for engaging in online journalism! (Do Not Write Below This Line) (No Escriba Debajo Esta Linea)

DISPOSITION OF REQUEST DISPOSICION DE LA SOLICITUD

the P&P voided --or I'm certainly going to sue & will win.

- You Will Be Interviewed
Usted sera entrevistado
- Information to Follow
Informacion Sera Proveida
- Request Referred To:
Solicitud Refereida A:



Date: AUG 03 2023 Time: _____
Fecha: 8/4 Hora: _____

Information/Comment: Informacion/Comentario: You may appeal your C.R.

But you received a major C.R and you signed rules stating if you received a Major C.R you would be terminated from your job

 Signed Firmado
 Department Departamento



TO: Lindell 
A:
NUMBER: 303724
NUMERO:
UNIT: U4 Cell 6
UNIDAD de VIVIENDA:
DATE: 
FECHA: 2 Aug. 2023

FOLD DOBLE

DESCARGO DE RESPONSABILIDAD (Disclaimer)

Esta es una traducción de un documento escrito en inglés, distribuido como una cortesía a las personas que no pueden leer inglés. Si resulta alguna diferencia o algún malentendido con esta traducción, el único documento reconocido será la versión en inglés.

This document contains translations of the English-language on this document provided as a courtesy to those not fluent in English. If differences or any misunderstandings occur, the document of record shall be the related English-language on this document.

FOLD DOBLE

DEPARTMENT OF CORRECTIONS
Division of Adult Institutions
DOC-0643 (Rev. 4/2015)

WISCONSIN

**INTERVIEW/INFORMATION REQUEST
SOLICITUD POR INFORMACION/ENTREVISTA**

TO: Michael Glass
A:
DEPARTMENT: Deputy Warden
DEPARTAMENTO:
DATE: 2 Aug. 2023
FECHA:

For Confidentiality Use Either Staple/Scotch Tape or an Envelope
Por Confidencialidad Engranpe o use Cinta Scotch o un Sobre

Exhibit 6

Harper, Nathan J - DOC

From: Haese, Michelle R - DOC <Michelle.Haese@wisconsin.gov>
Sent: Monday, August 28, 2023 3:43 PM
To: Glass, Michael J - DOC
Cc: Fuchs, Larry W - DOC; Stevens, Christopher M - DOC
Subject: RE: Lindell, Nathaniel #303724

Hello Michael,

I was able to recall some discussions that were had regarding Lindell, as he was recently discussed by SD Kind and SD Blount as a potential trade. [REDACTED] INMT NOT REQUESTER [REDACTED] that did not include Lindell. Ultimately, earlier this year, a concern was brought to us by DAI Administration regarding Lindell. Specifically he had published art at a Milwaukee Art Show; his art included a drawing/depiction of a Restrictive Housing cell at GBCI, [REDACTED] SECURITY CORR INST [REDACTED] Security Chief Miller has let us know the publication is currently under review. Due to the security concerns that exist and Lindell's willingness to publish/share intimate details of our RH cells, we would prefer not to house Lindell at GBCI if possible.

We appreciate your understanding and would be happy to discuss further if needed.
Thanks so much,

Michelle Haese CAPSW, CSAC
Deputy Warden
Green Bay Correctional Institution
920.436.3359

From: Glass, Michael J - DOC
Sent: Monday, August 28, 2023 3:19 PM
To: Haese, Michelle R - DOC <Michelle.Haese@wisconsin.gov>
Cc: Fuchs, Larry W - DOC <Larry.Fuchs@wisconsin.gov>; Stevens, Christopher M - DOC <Christopher.Stevens@wisconsin.gov>
Subject: Lindell, Nathaniel #303724

Good Afternoon Michelle,

[REDACTED] INMT NOT REQUESTER [REDACTED] At the end of the email I asked if there is any way that GBCI could help CCI out in taking PIOC Lindell #303724. PIOC Lindell has been accused of multiple PREA claims all of which have been unsubstantiated. These allegations have caused multiple other PIOCS to harass Lindell continuously. [REDACTED] INMT NOT REQUESTER [REDACTED] it is impossible to separate him from the PIOCS that are constantly harrassing him. He has only had 1 CR this year, only 1 CR in 2022 and is not a PSU issue. Thank you in advance for considering this. If you have any questions please let me know.

Michael Glass
Deputy Warden
Columbia Correctional Institution
Office: 608-742-9103
Cell: 608-843-4361

**STATE OF WISCONSIN --NOTICE OF INJURY & CLAIM
to Wis. Stats. ss. 893.80 & 893.82**

Pursuant

Claimant's Name & Address:

Nate A. Lindell #303724
Columbia Correctional Institution
P.O. Box 900
Portage, WI 53901-0900

Time & Date of Occurrence:

- 1) 13 Sept. 2021, when Sarah Cooper Approved DAI P&P 300.00.82;
- 2) 1:26 PM, when Cpt. Eric Peters drafted Conduct Report (C.R.) #00334012
- 3) some time on 26 July 2023, when Cpt. Kevin Pitzen approved C.R. #00334012 and unjustifiably made it a Major.
- 4) approximately 8:45 AM on 31 July 2023, when Cpt. Anthony Bonfiglio conducted the hearing for Conduct Report #00334012 and unjustifiably (without evidence) found Lindell guilty of two of the charges and sentenced Lindell to 20 days of cell confinement, causing Lindell to be fired from his prison job as a tutor.

Location of Occurrence:

- 1) The Wisconsin Department of Corrections (W.D.O.C.) headquarters, at 3099 E. Washington Ave., in Madison, WI
- 2) The W.D.O.C.'s Division of Adult Institutions (D.A.I.) office at 3099 E. Washington Ave., in Madison, WI
- 3) The Columbia Correctional Institution, 2925 Columbia Ave., in Portage, WI 53901

Relief Sought:

- 1) Declaratory relief, under Wis. Stat. ss. 227.40(4)(a), that DAI P&P 300.00.82 constitutes a "Rule" under Wis. Stat. ss. 227.01(13) and that said rule violates or was enforced in violation of Wis. Stats. ss.227.05, ss.227.10(2) & (3)(c), ss.227.11(1) & (2)(a) 1.-3., ss.227.112(1)(a), (b), (d), (2)-(4),6), (7)(a), ss.227.185, ss.227.19(2) & (3)(a)-(c) (e)1.- 6., (5)(c), ss. 227.20(1) & (2), the First Amendment's Free Speech clause and the Fourteenth Amendment's Due Process clause;
- 2) Declaratory judgement that there was no evidence to justify the charges lodged against Lindell in Conduct Report #00334012;
- 3) Declaratory judgement that the disciplinary action related to Conduct Report #00334012 violated Wis. Admin. Code ss.DOC 309.04(2)(c);
- 4) Declaratory judgement that, as applied to Lindell, ss.DOC 303.28 Disobeying Orders and ss.DOC 303.35 False Names and Titles, violate/violated Lindell's First Amendment rights, as ruled in Koutnik v. Berge, 2004 WL 1629548 (W.D. Wis. 2004) and Kalafi v. Brown, 2018 U.S. Dist. LEXIS 105201 (W.D. Wis. 2018), thus violated ss.227.10(2).
- 5) Injunctive relief, prohibiting the Department of Corrections ("the Department") and its agents from enforcing DAI P&P 300.00.82 and prohibiting the Department from in any other way restricting or deterring Lindell from arranging to have his art or writings posted on social media, websites or chatrooms
- 5) Injunctive relief, prohibiting the Department and its agents from in any way restricting or deterring Lindell from arranging to have his art or writings or copies thereof or the rights to publish such creations sold;
- 6) Compensatory damages in the maximum amount allowed under law, \$50,000, along with all of the attorney fees and other costs that Claimant Lindell incurs from litigating this matter.

Facts:

The Policy

On 13 Sept. 2021 Sarah Cooper approve a Department of Corrections Policy & Procedure (DAI P&P) with the number 300.00.82. That P&P states that:

I. General Guidelines

- A. An inmate who possessed a social media account prior to entering prison shall not use that account directly or through a third party.
- B. Inmates shall not set up media account or participate in a social media account directly or through a third party.
- C. Inmates shall not receive or possess information which jeopardizes the safety and security of the facility or another person.
- D. Inmates shall not request others post information for them on social media or social networking sites for any reason.
- E. Inmates shall not request others post information for them on social media or social networking sites for any reason.
- F. Upon discovery of social media account, WI DOC staff shall take appropriate actions which may include the disciplinary process, to ensure the safety and security of the facility as well as the community.

P&P 300.0082 was, upon information and belief: A) not submitted to the Legislative Reference Bureau, nor was a public comment period identified or offered, nor were public comments considered or retained by the W.D.O.C., nor was continued public comment afforded, nor are those who experience the detriment of the P&P afforded an opportunity to have the W.D.O.C. consider seriously their challenges to "the legality or wisdom" of the P&P (e.g. disregarding such arguments in Lindell's I.C.), C.C.I. officials' failing to explain why they were enforcing the P&P on Lindell after (as revealed in I.C. #CCI-2023-3961) causing Lindell to believe that the P&P would not be enforced, all as ss.227.112(1)(a),(b), (d), (2), (3), (4) required; B) the W.D.O.C. did not sign nor certified the P&P, as ss.227.112(6) mandated; b) the governor did not approve the P&P, as ss.227.185 required; C) not provided to the Legislature, nor to the Legislative Reference Bureau, nor was the date of the governor's approval provided, nor was a Report detailing the basis and purpose of the proposed rule provided, all as ss.227.19(2) requires; D) applied to Lindell, treated as valid, without a certified copy being filed with the Legislative Reference Bureau, , contrary to ss.227.20(1).

The Discipline

On 25 July 2023 a Correctional Officer named Randall Bortz threatened to use the disciplinary process to harass Lindell, accusing Lindell of "selling a painting."

C.R. #00334012 was written by Cpt. Eric Peters on 25 July 2023 at around 1:26 PM. The C.R. charged Lindell with violating Wis. Admin. Codes ss.DOC 303.36 **Enterprises and Fraud**, ss.DOC 303.28 **Disobeying Orders** and ss.DOC 303.35 **False Names and Titles**, based on: 1) there being a facebook page titled Prometheus Writes with Lindell's art and writings on it, 2) Lindell allegedly selling art through that Facebook page; 3) Lindell selling a drawing for \$425; 4) in an article of Lindell's published in *The Pittsburgh Gazette*, Lindell telling readers how to send him money.

Cpt. Bonfiglio, at a hearing held on 31 July 2023, found Lindell guilty of ss.DOC 303.28 **Disobeying Orders** and ss.DOC 303.35 **False Names and Titles**, then sentenced Lindell to 20 days of cell confinement, which is a "major" disposition, deemed a serious violation of the rules. Cpt. Bonfiglio also told Lindell that Cpt. Peters contacted Facebook and asked them to take down the Facebook page at issue in C.R. #00334012.

Exhibit 7 page 3 of 3

As a result of that discipline, Bortz came to Lindell's cell around 1PM on 31 July 2023 and told Lindell that Lindell was fired from his job as a tutor due to the Major disposition of C.R. #00334012. Bortz boasted to Lindell that he (Bortz) got Lindell fired.

The disciplinary hearing was held on 31 July 2023, led by Cpt. Anthony Bonfiglio, with Natasha Radtke and Rebecca Garner as members of the Disciplinary Committee (D.C.). The D.C. found Lindell not guilty of selling his art through the facebook page, but found Lindell guilty of violating 303.28 and 303.35 and sentenced Lindell to 20 days of Cell Confinement, which was a Major penalty. As a result of that sentence, Lindell was fired from his job as a tutor (losing pay approximately \$52/month in pay), the single cell status that Lindell'd earned from staying free of Major misconduct was taken. Then, on 11 August 2023, Lindell was ordered to cell up with an (upon information and belief) unmedicated bipolar homosexual who sexually harassed Lindell and falsely accused Lindell of slapping the homosexual's ass, resulting in Lindell being placed in Restrictive Housing [R.H.] where Lindell was housed in filthy cells. As a result of that placement in R.H.U., much of Lindell's property (e.g. a new tube of Arm & Hammer toothpaste, Adidas shower shoes, hundreds of pages of Lindell's drawings and writings for books that Lindell intended to publish, a new bottle of Irish Spring body wash, a coaxial cable, a 90-degree coaxial cable adapter, a nearly new WR2 radio --total value of over \$500,000, but actually irreplaceable) was stolen and/or destroyed by the cellmate and/or staff. Upon information and belief, it is a custom or practice to stealing or allow others to steal or destroy large amounts of prisoners property when they go to RHU at C.C.I.

Lindell filed an appeal of the forenoted discipline to C.C.I. Warden, Larry Fuchs; but, in a decision dated 8 August 2023, Warden Fuchs decided to affirm the disciplinary action. Lindell then filed an Inmate Complaint (I.C.) about the action, which was assigned the file #CCI-2023-12105. On 15 August 2023 Richard Sedevic, an Inmate Complaint Examiner (I.C.E.), erroneously concluding that Lindell had not presented any procedural errors in the disciplinary action, recommended that I.C. #CCI-2023-12105 be dismissed. On 18 August 2023 Warden Fuchs dismissed I.C. #CCI-2023-12105. Lindell mailed in an appeal of this I.C. to the Corrections Complaint Examiner (C.C.E.). On 15 September 2023 C.C.E. Brad Hompe recommended that I.C. #CCI-2023-12105 be dismissed. On 2 October 2023, Cindy O'Donnell dismissed I.C. #CCI-2023-12105 on behalf of W.D.O.C. Secretary Kevin Carr.

As a result of the forenoted officials' actions, per P&P 300.00.82, Lindell continues to face disciplinary action for requesting or asking anyone to access his social media pages or from accessing them himself or having another set up or run an internet websites/media with his (Lindell's) expressive material on it. The collateral consequences of Lindell trying to express himself in this manner are, as shown above, severe and myriad.

Verification:

Nate A. Lindell, being first duly sworn under oath, deposes and says that he is the claimant named above and that he read and wrote the foregoing and that the foregoing is true, truthful and correct, based on his own knowledge (except as to the matters herein stated upon information and belief, and as to those matter he believes them to be true).

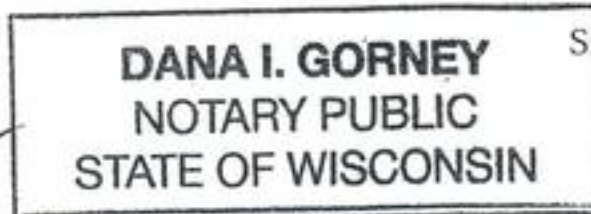
Lindell certifies that the injury or damage actually occurred.

Subscribed and sworn to before me this 4 day of October 2023.

Dana I Gorney

Notary Public, State of Wisconsin
Signed

My commission expires: 04/05/25



[Signature]

Signature of Claimant

4 Oct. 2023

Date

Exhibit 8

7020 1810 0001 3441 6394

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
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OFFICIAL USE

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Adult Signature Required \$ _____

Adult Signature Restricted Delivery \$ _____

Postage \$ 0.63

Total Postage and Fees \$ 4.98

Postmark
OCT - 6 2023

Sent To
Attorney General, Josh Kaul
114 East State Capitol
Madison, WI 53707

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

DEPARTMENT OF CORRECTIONS
Division of Adult Institutions
DOC-184 (Rev. 4/2021)

DISBURSEMENT REQUEST
SOLICITUD DE DESEMBOLSO

24

WISCONSIN
Administrative Code
Chapter DOC 309

INMATE LAST NAME / APELLIDO DEL RECLUSO(A) <u>Liodell</u>		INMATE FIRST NAME / PRIMER NOMBRE DEL RECLUSO(A) <u>Nate</u>		DOC NUMBER / NUMERO DOC <u>303724</u>	FACILITY (Abbreviate) ESTABLECIMIENTO (Abrevie) <u>CCI</u>	HOUSING UNIT/FLOOR/CELL UNIDAD / PISO / CELDA <u>F008</u>
PAY TO NAME / APPELLIDO DE BENEFICIARIO <u>CCI Business</u>		STREET ADDRESS / DIRECCION <u>2925 Columbia Drive</u>		CITY / CIUDAD <u>Portage</u>	STATE ESTADO <u>WI</u>	ZIP / CODIGO POSTAL <u>53901</u>

REQUEST FOR: SOLICITUD PARA:	<input type="checkbox"/> 4 - Photos / Fotos	<input type="checkbox"/> 9 - Property Purchase / Compra de Propiedad
<input type="checkbox"/> 1 - Copies / Copias	<input type="checkbox"/> 5 - DOC ID Photo / Foto ID del Estado	<input type="checkbox"/> 10 - Other (reason required)* Otro (requiere razón)*
<input type="checkbox"/> 2 - Shipping/Freight Envío/Mercancía	<input type="checkbox"/> 7 - Savings Deposit / Deposito Ahorros	<input type="checkbox"/> 11 - DMV Document/s- (No check)*
<input checked="" type="checkbox"/> 3 - Postage Estampilla	<input type="checkbox"/> 8 - Savings Withdrawal / Desembolso de Ahorros	

FUNDING SOURCE: FUENTE DE FONDOS

REG - Regular Account Cuenta Regular WR - Work Release Account Cuenta de Trabajo REL - Release Account Cuenta de Liberación Legal Loan Préstamo Legal*

*REASON FOR REQUEST OR CASE NUMBER (Must complete if selected 10, 11 OR Legal Loan above). *RAZON POR LA SOLICITUD (Debe completar si escoge casillas 10, 11, o Préstamo Legal arriba)

INDIVIDUAL ITEMS REQUESTED Artículos Individuales Solicitados	AMOUNT / CANTIDAD
Word certified mail A.A. Kaul	\$ 4.35
for attached letter to 114 E State Capitol	\$
Madison WI	\$
53707	\$

3893.82 requires me to mail Notice of claim to A.G.

INMATE SIGNATURE / FIRMA RECLUSO(A) Do not print or type/ no imprimir ni mecanografiar 	DATE SIGNED / FECHA DE FIRMA <u>4 Oct. 2023</u>	INMATE ID VERIFIED / ID DE RECLUSO(A) VERIFICADA Staff Initials: <u>CLB</u>	Total Amount Requested / Suma Total Solicitada: \$ <u>4.35</u>
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DECISION - Following section to be completed by staff only / DECISION-Siguiente sección debe ser completada por empleados solamente

DISBURSEMENT APPROVED BY SIGNATURE: 	DATE SIGNED <u>10/14/23</u>	Deliver Check to:
SUPERVISOR APPROVAL SIGNATURE (If required) <u>7020 1810 0001 3441 6394</u>	DATE SIGNED	Release Date (if REL acct is requested):
REQUEST DENIED BY SIGNATURE	DATE SIGNED	CHECK#
		DATE PAID <u>23 OCT 5 44 01 2023</u> <u>10/15/23 WJ</u>
		REASON REQUEST WAS DENIED

DISTRIBUTION: Original (White) - Business Office; Copy (Yellow) - Inmate

OUR FIGHT TO HELP COURTS UNDERSTAND THAT SOLITARY CONFINEMENT CAUSES BRAIN DAMAGE

NATE A. LINDELL^{2*}

In this article, Lindell discusses his experience with solitary confinement, and describes his ongoing struggle to gain legal recognition of the pain it causes.

The first day that I entered Wisconsin's prison system in 1998 with a life sentence, I asked, "Where's the law library?" I studied law for three years before I was transferred to Wisconsin's supermax prison. I was then a member of the class-action lawsuit *Jones-El v. Berge*,¹ which resulted in a preliminary injunction requiring that mentally ill prisoners be sent out of that prison... which otherwise, for the most part, left those not fortunate enough to be diagnosed as mentally ill to suffer.

I had no choice but to consider the nature of that suffering, as I spent more than ten more years in Wisconsin's supermax, in solitary confinement, with mental health issues such as PTSD ignored because acknowledging them might mean officials would need to let me out of solitary.

While I was in solitary, daily experiencing physical pain, I noted media reports about breakthroughs in understanding the effects of trauma and untreated PTSD, including David Eagleman's PBS series "The Brain"² which, among other things, explained the pain caused by social deprivation. I realized that the pain I was experiencing in solitary confinement *must* be physically affecting/modifying my brain, yet I knew that I lacked the qualifications to convince a court of that. But the issue intrigued me, and I kept studying psychology.

I'd won an important free speech case, *Lindell v. Frank*,³ and I'd won cases for other prisoners too, like *Koutnik v. Berge*.⁴ But I knew that without an expert backing me up, as reasonable as my theory was, a suit claiming that solitary confinement caused brain damage (surely subjecting prisoners to conditions that inflicted brain damage would implicate a "basic human need," constituting "cruel and unusual punishments" under the Eighth Amendment),⁵ would likely be dismissed, particularly given the courts' repeated tolerance of the practice.

While I lacked an expert, beginning in 2015, I spent around two years exhausting the grievance process with the claim of how the practices in Wisconsin's main solitary-confinement prison (the Wisconsin Secure Program Facility [W.S.P.F.], the "former" supermax) constituted torture and probably caused brain damage from the unrelenting stress that they inflicted on us. The process first required me to first write

* Nate A. Lindell has long written about his prison experiences on: betweenhebars.org/blogs/540/. His supporters run <[facebook.com/PrometheusWrites](https://www.facebook.com/PrometheusWrites)> for him, where you may find his exposés, art, and legal updates.

¹ 374 F.3d 541 (7th Cir. 2004).

² *The Brain with David Eagleman* (PBS television broadcast 2015).

³ 377 F.3d 655 (7th Cir. 2004).

⁴ 2004 WL 1629548 (W.D. Wis. 2018).

⁵ See *James v. Milwaukee Cty.*, 956 F.2d 696, 699 (7th Cir. 1992) (holding that deprivations of "basic human needs" trigger eighth amendment scrutiny); U.S. CONST. amend. VIII.

to the appropriate supervisors with my concerns (I was limited to filing one grievance per week), then obliged me to appeal the decisions to the Wisconsin Department of Correction's main office. One of the practices that I challenged was the requirement that prisoners deemed "high-risk" for violence, many of whom had spent years or even decades in solitary confinement, attend group recreation with each other, in a locked, small, concrete bunker...with no guards present. (Guards were present in the recreation areas for prisoners in W.S.P.F.'s general population). Many prisoners had been stabbed or otherwise assaulted in those solitary-confinement recreation rooms, which we called "murder rooms."

As I finished up exhausting the grievance process for the suit I'd hoped to file about conditions at W.S.P.F., I happened to receive some issues of *American Scientist* from a charity that sent free reading material to prisoners (*American Scientist* is a more scholarly magazine than the similarly named *Scientific American*). In one of the issues was an article authored by Dr. Michael J. Zigmond, whom it was noted had co-authored the ethical guidelines for the Society for Neuroscience (S.F.N.). I wrote to Dr. Zigmond to ask if he might provide an expert report on the effects of solitary confinement, letting him know of my studies of neuroscience. Dr. Zigmond was impressed, wrote me back, offered to provide such a report, and told me that he'd been studying the effects of isolation for several years in experimental animals and would like me to help him understand what solitary confinement was actually like.

So I mailed Dr. Zigmond my suit, which described the conditions, included realistic drawings of the cells, hallways, down to the locks on cell doors, and asked him to provide an opinion as to how those conditions would impact our brains, particularly someone such as myself who has untreated PTSD. This was a distinct question from the one that many past experts had answered—past experts in suits challenging solitary confinement only opined that the conditions deteriorated *mental* health, caused *behavioral* deterioration, not *physical* damage to brains.

However, before I could file the suit and before Dr. Zigmond could finish his expert report, I was stabbed in my head in one of those murder rooms by a prisoner who'd been kicked out of the Iowa prison system for founding a white supremacist gang, repeatedly making weapons, attacking staff and inmates, and putting hits on both staff and inmates there. Somehow the W.S.P.F. staff failed to notice the 10 ½-inch steel shank that the guy had in his waistband and let him bring it into the rec room where I was, even though he wasn't even signed up for group recreation that day. (This is being litigated in the Western District of Wisconsin U.S. District Court,⁶ which was set for trial, but the court decided that a psychiatrist must evaluate me to see if my PTSD is acute enough that counsel should be appointed to represent me at the trial.)

I almost died from that stabbing and had 32 staples put in my scalp to hold it back together. I was brought from the hospital to another prison, where I was still kept in solitary confinement and harassed by guards for helping other prisoners sue over even worse conditions than what I'd experienced at W.S.P.F.—I'm suing about

⁶ Lindell v. Boughton, 2021 WL 4893387 (W.D. Wis. 2021).

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that treatment in the Eastern District of Wisconsin U.S. District Court⁷—until they transferred me out of that prison three months later.

While I was healing from the stabbing and living a shit-smear cell at the new prison, I filed my suit challenging the conditions at W.S.P.F. The case was *Lindell v. Jess*.⁸ I explained to Dr. Zigmond how to properly draft his Expert Report, gave him time to revise it, and then filed it.

The defendants moved to dismiss the case, claiming that I'd deceived the court as to my three-strikes⁹ status, even though I'd paid the entire fee a year earlier. (It took the judge *two years* to screen and approve one of my claims). Yet even with Dr. Zigmond's Expert Report, the judge concluded that my claims about W.S.P.F.'s conditions causing brain damage weren't supported. On his own, the judge ruled that I had to pay the fee in order to proceed, because I'd had three prior cases deemed meritless, something that I wasn't aware of at the time that I filed the suit. The district court granted the defendants' motion to dismiss my case as a sanction for failing to inform the court of my three strikes when I filed the case.

Dr. Zigmond paid the fee so that I could appeal the dismissal of the case. (He had also paid the fee for the case). The case sat in the Seventh Circuit U.S. Court of Appeals for a couple months, then, on January 5th, 2022, one Trump-appointed judge and two other Conservative judges who constituted the judicial panel ruled that the case was properly dismissed, making no mention of my claim that W.S.P.F.'s conditions caused physical damage to brains by subjecting occupants to intentional and unrelenting stress with no legitimate need to do so.¹⁰

The flaws in those judges' reasoning don't matter. They grabbed an excuse to dismiss my case, which happens frequently. What matters is that scientists *are* becoming aware that prisons, particularly solitary confinement, do more than cause subjective misery, ephemeral "pain." Indeed, scientists are becoming aware that prisons, particularly solitary confinement, cause physical damage to our bodies, including our brains, the scientific source of our souls.

Dr. Zigmond and his colleagues are in the process of publishing a scientific paper that expounds on how solitary confinement damages our brains. It should be useful for the next persistent litigator who's willing to push the claim that I tried to.

The author may be contacted at:

Nate A. Lindell #303724

For Personal Mail:

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P.O. Box 189

⁷ *Lindell v. Pollard*, 2021 WL 4034150 (E.D. Wis. 2021).

⁸ 2021 WL 1574661 (W.D. Wis. 2021).

⁹ A "strike" in prison litigation refers to a case or appeal that was dismissed for being found to lack merit or being maliciously filed. When a prisoner has accumulated three of them, they are no longer entitled to file a new case or appeal unless they can show that they're in imminent danger of being seriously physically harmed. ACLU, KNOW YOUR RIGHTS: THE PRISON LITIGATION REFORM ACT 3, available at https://www.aclu.org/sites/default/files/images/asset_upload_file79_25805.pdf.

¹⁰ *Lindell v. Jess*, 2022 WL 42730 (7th Cir. 2022).

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21131

For Legal mail:
Columbia Correctional Institution
P.O. Box 900
Portage, WI
53901-0900

Dr. Michael Zigmond may be contacted at zigmond@pitt.edu.

Attempted Murder, Sexual Harassment and Shit-Smeared Cells in Wisconsin's Solitary Confinement Units

By: Nate A. Lindell

I. Almost Murdered in Wisconsin's Secure Program Facility

Despite solitary confinement having long been recognized as being torture by neuroscientists, former U.S. President Obama, Justices of our Supreme Court, the U.N., etc., the State of Wisconsin, "God's Country," allows counties to house people in Solitary Confinement, calling it "Restrictive Housing" (RH) so they can claim "we don't house people in 'Solitary Confinement.'"

In 2011 I began posting my writings about my experiences and observations in Wisconsin's main Solitary confinement facility, WSPF, on my blog, Prometheus Writes. Then, in 2018, with a friend's help, I expanded my blog to facebook.com/PrometheusWrites, where I was able to post more details, including the names of corrupt and abusive prison staff. That same year, while I was working on a comprehensive lawsuit that challenged the condition and practices in WSPF's RH unit as being inhumane, on October 8th, I was stabbed in my head three times by another prisoner while at rec (despite WSPF officials labeling us as "high-risk" prisoners, they required us to go to rec, in small locked rooms, with other high-risk prisoners, to prove that we are safe enough to be let out of RH; that has resulted in numerous stabbings and assaults). You can see photos of the foot-long steel knife, its tip curled up from impacting my skull, on Twitter. I was also stabbed in my lip and gum line, left leg, arm, finger and eye socket.

An artery in the back of my head was severed. I was in shock from blood loss by the time I arrived at the hospital. It took 32 staples to hold my scalp back together. After a night in a hospital, I was brought to the Green Bay Correctional Institute (GBCI) and placed in its Restrictive Housing Unit (RHU).

I learned from discovery in the lawsuit that I filed about the stabbing (i.e. W.D. Wis. Case #18-CV-895, Lindell v. Boughton, et alia) that the guy who stabbed me (Jesse Kyle Kieth, an Iowa prisoner who was kicked out of Iowa for stabbing and directing his fellow gang members to stab staff and prisoners there) was signed up to go to rec ALONE that day, and was not supposed to be put in the rec cell with me.

II. Reception at GBCI RHU

You can see a drawing of the first cell I was placed in upon arriving at GBCI. It doesn't show the dried body fluids and filth that streaked the walls of the cell, which I didn't realize were there until a couple days after my arrival. (Remember, I'd been stabbed in my head three times, almost bled to death, and was denied antidepressant medication that I'd been prescribed for years, and was barely alive.)

I woke up in this filthy cell, in the Seg/RH unit in Wisconsin's oldest prison. In that cell, because the cell had two doors separating its interior from the exterior, I could not speak with anyone outside of it, only pound on the window, kick the door, or wildly gesture to try and get the attention of the staff, who often ignored my attempts to communicate. I witnessed Troy Hammer (DOC #489983), the prisoner next to me, in a similar super-isolation cell, snapped under the pressure of being unable to communicate with others: once, often multiple times a day, Troy

threatened to or did harm himself, forcing staff to interact with him. Troy was covered in scars from harming himself.

Although very ill, I'd been through many harsh experiences during the 15 years that Wisconsin had kept me in Solitary, including being housed in cells with dried feces and urine covered floors. I began carefully observing what was going on around him. At rec, while I couldn't see other prisoners (because each rec cell had high concrete-block walls separating the prisoner in them from those in the other cells), I spoke with them, learning that EVERY DAY prisoners were being sent to the hospital due to severely cutting themselves, that the guards (mostly White men) acted as a gang, and that supervisors let subordinates do as they please, including outrageous sexual abuse.

I advised those other prisoners - most of whom were severely mentally ill how to properly file complaints so they would be able to sue about how they were being mistreated

While I was in that initial super-isolation cell, I noticed a young White prisoner walk past, wearing a Kevlar anti-suicide smock. The next day the guy was found in his cell, hanging, dead. Staff refused to tell me that guy's name, but I learned the name of a SECOND prisoner who hung himself to death, Martel Cason. Those two prisoners hung themselves to death within TEN DAYS after I arrived at GBCI...yet no changes were made in how the PEOPLE being held in those RHU cells were being treated; security staff, guards (with no higher education, no education as to how people needed to be treated so they didn't go insane or their preexisting mental illnesses didn't worsen) continued treating the people in those cells as if they were THINGS, not humans.

I began writing about how staff were treating prisoners, producing a seven-part series of exposés, which you can read, posted in early 2019.

III. Retaliation.

The minute that I arrived at GBCI and stepped off the transfer van, Captain Daniel Cushing met me and asked me if I still had my blog. I replied that I did, and Cpt. Cushing then told me that if I posted anything on that blog that I would be punished. Later, as part of a lawsuit, I obtained an email that Cushing sent to all GBCI supervisors upon my arrival, in which Captain Cushing wrote:

"This inmate is big into filing litigation. This inmate also writes Between The Bars and they post his writings to a blog on the internet. Anything you say to him or that he witnesses will end up on the internet." I first met Cushing in 2013, when Cushing was a guard at the Waupun Correctional Institution (WCI), where severe physical and sexual abuse was inflicted on prisoners.¹ I was the main inside source for that article, which describes much of the abuse and how staff denied any of it despite broken bones, severe scarring and numerous imprisoned witnesses verifying that it happened.

It was also noted in the minutes for a staff meeting at GBCI, while I was still in the initial filthy super-isolation cell, that I "Try to 'train' other inmates," revealing that the RHU staff were concerned about me helping others to properly file grievances and lawsuits.

A couple weeks after my arrival at GBCI, I was moved into another cell, but was given none of my legal papers, none of my allowed property.

¹ See <https://www.wisconsinwatch.org/series/waupun-allegations>

In a cell next to mine, a person named Travanti Schmidt was being held in observation status, because Travanti told staff that he was suicidal. Travanti had repeatedly severely cut himself, often by busting out the heavy-duty light fixtures in his cells, then using shards from the bulbs. Travanti had only a Kevlar™ suicide-resistant smock for clothing and half of a mattress-length piece of vulcanized rubber to sleep on, he was allowed no other property in his cell, not even soap. Travanti had been held in those conditions for weeks, denied showers, visits...everything.

I wrote multiple requests to the RHU Psychologist, Dr. Todd L. Hamilton, pointing out the obvious: that the conditions Travanti was being held in were inhumane and numerous scientific studies found that RHU conditions caused and worsened mental illnesses, such as Travanti's. And, each day, for at least ten days, I also wrote to Dr. Hamilton and gave him specific details as to how those around me were exhibiting symptoms of serious mental illnesses, which I explained were typical and known results of housing people in RHU, asking Dr. Hamilton to inform the prison's administration of how the conditions in GBCI's RHU were driving captives crazy/crazier.

Dr. Hamilton not only didn't answer those requests, but he refused to make them part of my Psych Services Unit (PSU) record. A complaint that I filed about that (file #GBCI-2019-860) was dismissed.

On the morning of November 2nd 2018, Travanti and another prisoner (David Czapiewski #321854, who was himself diagnosed with paranoid schizophrenia) heard Dr. Hamilton talking with the RHU's Supervisor, Cpt. Jay A. VanLanen. In response to Dr. Hamilton saying that I was complaining about how Travanti was being treated, VanLanen said that they needed to move me away from Travanti.

The next day, after I finished meeting with a psychiatrist, a guard named Joshua J. Gomm told me that VanLanen ordered them to strip search me then move me into another cell. While staff's policy (i.e. DAI PandP 306.16.01 Use of Body Cameras, sub. §I.B.) required each of them - a guard named Jesse Ault was with Gomm - to record that and EVERY interaction with me, no such recording was made. The only recording that was made, according to GBCI officials, in response to my discovery requests in my lawsuit (i.e. E.D. Wis. Case #19-CV-255, Lindell v. Pollard, et alia) about the incident² was a short clip of Gomm strip searching me.³ Ault turned off his Body-Worn Cam (BWC) immediately after Gomm's strip search, in violation of their own policy.

There is an approximately 30 minute period of time after I was strip searched that was not recorded. During that period Gomm (who has since been promoted to a Sergeant) made sexually degrading remarks while I was left naked, handcuffed to the door in the strip cell. Then Sgt. Drew M. Weycker came to speak with me, recording our conversation, verifying that I was still naked.⁴

After being strip searched and left naked in a cold cell for half an hour, I was moved into a cell that reeked of urine and feces,⁵ where I noticed and told C.O. Ault, "It smells like shit and

² You can look up the lawsuit -- Eastern District of Wisconsin Case #19-CV-255, Lindell v. Pollard -- using PACER.gov, including defendants own documents showing that they lied about finding screws missing from my cell to try and justify strip searching and moving me. See, using pacer, Docket # 174 p. 1 Section 17 Exhibits 122 and 206.

³ See, using pacer, the DVD filed in the case as Dkt. #118, the clip titled "Ault strip search (50sec.)."

⁴ Listen to the clip titled "Weycker conversation at 621."

⁵ See the clip titled "Maher placing property into cell, from 1:40 to 2:50, 4:45-4:50 then 5:40 to 5:50."

piss,"and asked, "This isn't retaliation for helping guys file lawsuits over there?" Then I told Ault, "I need some cleaning supplies too. I can smell shit on this door."

Despite guards noting the feces crammed in and around the window of the cell that they'd move me into,⁶ throughout that first day they repeatedly ignored then denied my requests to have the feces smeared inside of the cell they'd moved me into cleaned, as you can see/hear in these clips from guards' BWC footage.⁷ They refused to remove me or the filth from the cell that VanLanen moved me into the morning of November 30, 2018, continued through that night.⁸

Nine days later, while removing another guy from a cell to clean feces smeared by the guy in it, VanLanen AGAIN refused to have the still-filthy cell cleaned. See the clip,⁹ which reveals VanLanen, with extraordinary irony, telling a prisoner (Westly Furlow) whom VaLanen had just removed from a cell because that prisoner had smeared feces in it:

"I can't have you living in those conditions and I can't have those conditions on this unit. It's not healthy for anyone."¹⁰

Apparently it was healthy for me....

Not until I was transferred out of GBCI on February 25, 2019, was I relieved from living in a feces-smeared cell.

You can help me by sharing this post with journalists and activists, sending donations (to help cover legal expenses) to me using www.accesscorrections.com. Use the Touchnote app to send me messages, at Nate A. Lindell #303724 CCI PO Box 189 Phoenix, MD 21131.

⁶ See 4:45-4:50.

⁷ "Bonis Med Pass" from 0:14-1:17; "Bonis Lunch Trays" from 1:00-1:18; "Ault Lunch Meal Trays" from 0:48-0:51, which are on the DVD filed in my suit as Docket #118.

⁸ See the clips: "Whiting HS meds" from :36-:38, :47-1:09 1:28-1:29, and "Zitek mail 0:01-0:53; "Matushak at 9:20 PM"

⁹ "VanLanen-Furlow removal from 234" at 6:31-6:50, 19:43-45; 22:07-10

¹⁰ Clip at 22:08

Prisoner Express

Sept and Oct 23

Word and Picture Themes

Hi All, Gary here to explain the delay and new format. As some of you know I coordinate the PE program. Long story short, I fell, was concussed, and broke my wrist. My surgically repaired wrist is anything but functional at this point, but it is coming back little by little. The jury is still out about my brain, but then it was out even before the concussion. I just keep meandering along as long as I can, forgetting most everything I'm supposed to remember. Eventually when I'm put out to pasture I'll end up out in the woods making small fires and cleaning up the brush, Needless to say right now, typing is hard and cleaning up brush is impossible, but I find comfort in reading, watching the screen, , walking in nature and getting back to PE mailings.. I'm confident I will recover, and I am well enough to come back to work. In order to catch up I am sending 2 months of themes in one packet. November and December should be ready soon

Carl introduces each month's writings. Keep participating! You are doing important work in communicating your humanity to yourselves and those like me on the outside peering in.
Gary

Hi again! Carl, here, the new creative writing program coordinator. This month we have some excellent works related to our word theme "Stranger" and our picture theme of misty mountains. Both being very vague and interpretive topics. Great stories as always. I especially appreciated the personal accounts and events that the word and picture theme brought out. Whether it be introspective questions or reflecting on the world at large, there was much to write about.

In the next theme letter, I also wanted to incorporate ideas from y'all, whether it be writer spotlights, personal critiques, etc.... If you don't want to see anything extra at all and believe that the newsletter is accomplishing its goal, you can also let me know. If you could include your recommendations within your letter that would be helpful for curating theme letters more aligned to your wants. I want to make sure you are getting the most out of this newsletter as you can.

Attached below, I have also included the daily routines of famous authors. I hope it proves some inspiration.

As always, happy reading and writing and take care!

Stranger in a Strange Land by Nate Lindell

Most of the time I feel like a stranger. I am strangely sensitive, or so I feel, to the rampant disregard and despising of other humans that is rampant in Wisconsin (most U.S.) prisons.

As I write this the reek of built-up urine residue is wafting from my seg toilet and burning my sinuses. I can't clean the toilet; staff don't trust those of us in Columbia correctional institution's R.H unit 1 with either a toilet brush or toilet cleaner. I'm the only one whom I've heard object to this.

Everyone else accepts living in filth. So far I've been in C.C.I.'s R.H.U. Both had a variety of body fluids and O.C painting their walls. I used what I had- a sock and shampoo packets to clean the walls, dismayed when I recognized one of the body fluids that moisture had reconstituted, and which stubbornly clung to my sock.

Again, I am a stranger, weird for craving sanitation. Someone's been pounding on his door for the last hour. No one's answering. Does he feel strange? There's a pain I feel, a pain that sucks the air from my lungs and the will to beat from my heart. It's a pain that I'm terrifyingly familiar with from having spent over 15 years in solitary confinement in Wisconsin's "former" supermax. I know that I can hide this pain by raging against this machine, yet my sinuses will still burn from the odor of residue of dozens of hundreds of prior occupant's piss.

My hope for this change wanes. This kind of treatment has been decried for decades yet persists even worse. (AT least in the supermax I could clean my toilet and cells were power washed after each captive was moved.)

Last week 16 captives (out 40 on the unit) went on suicide watch. Staff spent the whole day gassing and moving those guys. Others and I with residual COVID damage and asthma were left in our cells struggling to breathe. The next day I watched a guy across from me eat over 150 pills listened to several captives call for staff to help that 17th suicidal captive and knew that staff would take their sweet time responding (they did, over twenty minutes, ten more to remove him from his cell, an hour more to get him to a hospital, several days more for the hospital to release him... back into solitary confinement)

Those suicidal guts should not feel, but I suspect that they do.

Why do I feel so strange screaming inside of myself (who else cares?) for an end to this barbaric practice of housing humans in conditions that would cause mass protests if the authorities held less-sentient apes in the same conditions?

Stranger by Marlon Olivera

She recognizes the face, the eyes, the ears. She recognizes the similarities in our features. However, I recognize that she doesn't recognize the person, this familiar stranger. From the stories she has heard from others and from me, she also recognizes the behavior and personality. I remember the first time that I got to spend time with her, all she did was stare at me as if saying to herself "this man looks so familiar, I think I know him."

I got incarcerated 10 days before my daughter's 1st birthday. She'll be turning 17 this year and she'll be 22 when I come home. On top of the separation from the fence we were separated by me and her mother's failure to establish a functional co-parenting relationship under the current circumstances. It's understandable especially since my daughter was a result of a one-night stand between two strangers, two people who barely knew anything about each other. Due to my incarceration and many other factors, mostly on her mother's part, I've become a stranger to my daughter. I look forward to when my daughter sees me as her dad and not a familiar stranger.

The Stranger by Leo Cardez

My father became a stranger to me the night of the storm. I was still in my spiderman underoos when he dragged me out of bed half-asleep into the bright kitchen.

My father faced me, chest heaving, "The gutters!?" Then he punched me like a man. He devolved, in an instant, to the brutality that all men are capable of, that exists in our lizard brain. Blood rushed to my ears. Lump in my throat. "How could you," he demanded, "how many times have I told you to put the gutter extensions back on after you mow the lawn? Mulatto is swimming in the basement, What the," He stopped short, eyes on fire. I swallowed hard. My tears threatened.

I stepped back in fear as mama bear walked in, I glided toward her still in a dream. She positioned herself between my father and I and guided me out of the room and back upstairs. Who was that man? I wondered, as I lay back in bed.

My father stood motionless watching the rain stream down the window before rushing into the basement to try and salvage the furniture. That was the beginning of the end.

Men raised in violence never learn to live without it, but that is a story for another day.

Stranger by John James Obiols

The women I loved most in my adult life were all strangers to me. At the time I thought I knew them; thought I knew them well. In a way I did. I knew their character and their type. But I didn't know them as unique people. Only seeing them through my own filter seeking to construct them or believe they were already the women I deeply desired.

This time alone with myself has allowed me the time and energy to focus on myself. And with a sound sober mind I have completed my journey of self-discovery.

In the world I without really knowing pursued the same type of women, femme fatale. I love dark, troubled characters that give women a certain color, something I very much desired.

The picture I'd painted of them was a false image yet, at the same time also true. The image I saw of them was a recurring image I saw while I slept a image or I do only fit for dreams.

I guess I'd believe halfheartedly that I'd find "the girl of my dreams" in them. Yet she wasn't real, not really my dream girl more than my vivid imagination, she was a part of me, maybe another side of me.

Every night I dreamed of her. I awoke in her bed next to a stranger. A stranger during my waking hours. I was never truly present with! All these strange women, caught on the con. They knew their head had to be imagining being with her and not them. I even went so far as to have my last girlfriend try to look like her in dress style and makeup, she was very uncomfortable and confused.

All these strangers are now gone from my life and looking back it surprises me how many things about them I'd overlook or flat out ignore. Because I didn't really care who they really were as people, only who they could have been for me. Knowing what I know now I'd never would've been involved in any relationship with them.

What about the girl of my dreams? Is she real? Is she a stranger? Or am I imagining myself as all the unfulfilled desires of life? Could I find her in the world? Maybe not. Or maybe from her myself using another woman again? Can't I know that doesn't work. Should I just adore her in dreams and image her as an untouchable supernatural creature that lives in a realm not our own? Too depressing to imagine yet maybe she is or can be all these things for me and more.

Maybe using pen and paper I could bring her life with my creativity, maybe that's what she wants. To be known by the world, by me. Not to live only in dreams as a strange creature of my imagination. But alive and loved.

Stranger by Brian Byrnes

It was dark outside, and my mom was highly upset as well as the neighbor lady a few doors down that shared the