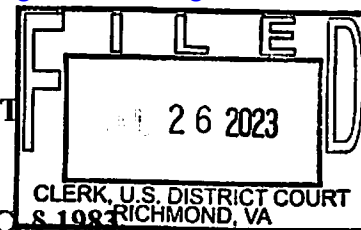


Gibney

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA



COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number 3:23cv469
(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

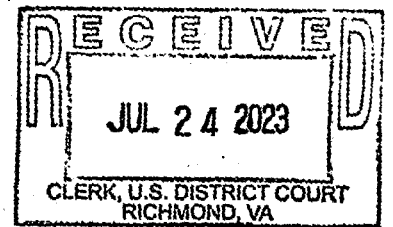
1. (a) MATTHEW L. RATCLIFFE (b) #1202148
(Name) (Inmate number)
- (c) 701 Sanderson Road
(Address)
- Chesapeake, VA 23328

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

B. Defendant(s):

1. (a) HAROLD W. CLARKE (b) Director of Department of Corrections
(Name) (Title/Job Description)
- (c) 6900 Atmore drive
(Address)
- Richmond, VA



ATTACHMENT TO PLAINTIFF: ATTACHMENT TO DEFENDANT(S)

A. Plaintiff(s):

1. Matthew Ratcliffe, #1202148
2. Jamie Desper, #1204039
3. Cody Iverson, #2051439
4. Eddie Taylor, #1150207
5. John E. EL-Smith, #1040488
6. Algie Saunders, #1434783
7. John Leddy, #1354037
8. Charles E. Memboli, #1113704
9. John Floyd, #1496096

VS.

B. Defendant(s):

1. Harold W. Clarke, Director of Virginia Department of Corrections
2. Warden Dara Watson, Warden, St. Brides Correctional Center
3. Waste Water Treatment Plan, Supervisor for all water treatment
4. Environmental Protection Agency (EPA)

2. (a) WARDEN: WATSON (Name) (b) WARDEN (Title/Job Description)
 (c) 701 Sanderson Road (Address)
Chesapeake, VA 23328
3. (a) WASTE WATER Treatment plant (Name) (b) Supervisor, Management (Title/Job Description)
 (c) 701 Sanderson Road (Address)
Chesapeake, VA 23328

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.

II. PREVIOUS LAWSUITS

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [☒] No [☐]
- B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

1. Parties to previous lawsuit:

Plaintiff(s) MATTHEW L. RATCLIFFE

Defendant(s) HAROLD W. CLAPKE, Bobby Russel,

2. Court (if federal court, name the district; if state court, name the county):

IN THE UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF ROANOKE

3. Date lawsuit filed: 06/05/2017

4. Docket number: 7:16-CV-00582-JPJ-RSB

5. Name of Judge to whom case was assigned: K. Moon, Pamela Meade,
and S. Baloa

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?):

dismissed without Prejudice

III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place:

St. Brides Correctional Center

B. Does the institution listed in "A" have a grievance procedure? Yes [☒] No [☐]

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes [☒] No [☐]

2. If so, where and when: _____

3. What was the result? referred us to sign up for medical
services. medical does not control water supply.

4. Did you appeal? Yes [☒] No [☐]

5. Result of appeal: upheld: accordance with operating
procedure 866.1, and

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes [☒] No [☐]

If your answer is Yes, what steps did you take? _____

E. If your answer is No, explain why you did not submit your complaint to the prison authorities:

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

- (1) There are Ten plaintiff(s) in this claim and we proceed as a class action.
- (2) All plaintiff(s) have been here at St. Brides for many months to several years.
- (3) The plaintiff(s) sue for intentional infliction of emotional distress, The plaintiff(s) sue for Cruel and Unusual punishment under the EIGHTH.
- (4) The defendant HAROLD CLARKE is named because he is the director and he knows of these claims, WARDEN WATSON is a named defendant because of her negligence and not pursuing measures to aid our health. The waste water Treatment plant workers/supervisor is responsible for adequate testing and providing detailed summary reports, they are aware of the risky contaminants in the water.
- (5) The plaintiff(s) have exhausted there administrative remedies.
- 6 The plaintiff(s) have attached supporting documentation of the grievance process, Affidavits, declarations, Notary, and we also have submitted (FOIA) to the medical department.
- (6) We allege that the defendant(s) are willingly, knowingly, and intelligently allowing our health to deteriorate and they deliberately refuse to provide any help to our claims.

V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. MLR (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

- ☒ Award money damages in the amount of \$ 50,000,000
- ☒ Grant injunctive relief by providing safe drinking water by bottled, free
- ☒ Other Fine St. Brides for health code violations, test our water.

VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

St. Brides Correctional Center, 701 Sanderson Road,
Chesapeake, VA 23328

VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes [☒] No [☐]. You may consent at any time; however, an early consent is encouraged.

VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this July 16, day of July, 20 23.

Plaintiff Math Batecliffe, Jamie Desper, Jonathan Taylor,
Eddie A. Taylor Jr, Alvin Saunders,
Cory Iverson,