

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

SEP 22 2022

JEFFREY P. COLWELL  
CLERK

Civil Action No. \_\_\_\_\_

(To be supplied by the court)

Leticia Stauch, Plaintiff

v.

El Paso County - Official Capacity

L. Stengle

B. Snipe

WellPath, Defendant(s).

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

**PRISONER COMPLAINT**

**NOTICE**

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

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

**A. PLAINTIFF INFORMATION**

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

Letecia Stauch A# 0342156 CJC  
(Name, prisoner identification number, and complete mailing address)

2739 E. Las Vegas Colorado Springs, CO 80906  
(Other names by which you have been known)

Indicate whether you are a prisoner or other confined person as follows: (check one)

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Other: (Please explain) \_\_\_\_\_

**B. DEFENDANT(S) INFORMATION**

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

Defendant 1: El Paso County  
(Name, job title, and complete mailing address)

2739 E. Las Vegas St. Colorado Springs, CO 80906

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law?  Yes  No (check one). Briefly explain:

Officer of the State

Defendant 1 is being sued in his/her  individual and/or  official capacity.

Defendant 2: L. Stengle, Deputy, CJC  
(Name, job title, and complete mailing address)  
2739 E. Las Vegas Colorado Springs, CO 80906

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law?  Yes \_\_\_ No (check one). Briefly explain:  
Officer

Defendant 2 is being sued in his/her \_\_\_ individual and/or  official capacity.

Defendant 3: B. Snipe, Deputy, CJC  
(Name, job title, and complete mailing address)  
2739 E. Las Vegas Colorado Springs, CO 80906

At the time the claim(s) in this complaint arose, was this defendant acting under color of state or federal law?  Yes \_\_\_ No (check one). Briefly explain:

Defendant 3 is being sued in his/her \_\_\_ individual and/or  official capacity.

**C. JURISDICTION**

Indicate the federal legal basis for your claim(s): (check all that apply)

- 42 U.S.C. § 1983 (state, county, and municipal defendants)
- Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) (federal defendants)
- Other: (please identify) \_\_\_\_\_

**D. STATEMENT OF CLAIM(S)**

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

CLAIM ONE: Freedom of Religion - Kosher Violations

Supporting facts:

Please see attached

Claim two: Medical Neglect

Please see attached

**E. PREVIOUS LAWSUITS**

Have you ever filed a lawsuit, other than this lawsuit, in any federal or state court while you were incarcerated? \_\_\_ Yes  No (check one).

*If your answer is "Yes," complete this section of the form. If you have filed more than one previous lawsuit, use additional paper to provide the requested information for each previous lawsuit. Please indicate that additional paper is attached and label the additional pages regarding previous lawsuits as "E. PREVIOUS LAWSUITS."*

Name(s) of defendant(s): \_\_\_\_\_

Docket number and court: \_\_\_\_\_

Claims raised: \_\_\_\_\_

Disposition: (is the case still pending? has it been dismissed?; was relief granted?) \_\_\_\_\_

Reasons for dismissal, if dismissed: \_\_\_\_\_

Result on appeal, if appealed: \_\_\_\_\_

**F. ADMINISTRATIVE REMEDIES**

**WARNING: Prisoners must exhaust administrative remedies before filing an action in federal court regarding prison conditions. See 42 U.S.C. § 1997e(a). Your case may be dismissed or judgment entered against you if you have not exhausted administrative remedies.**

Is there a formal grievance procedure at the institution in which you are confined?

Yes \_\_\_ No (check one)

Did you exhaust administrative remedies?

Yes \_\_\_ No (check one)

**G. REQUEST FOR RELIEF**

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

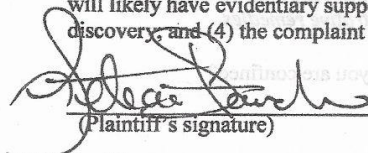
Claim #1 - general damages, restitution damages or reliance-loss damages (monetary)

Claim #2 - injunctive relief, monetary relief  
Policy change for WellPath Neglecting inmates

**H. PLAINTIFF'S SIGNATURE**

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

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

  
\_\_\_\_\_  
(Plaintiff's signature)

8-20-2022  
\_\_\_\_\_  
(Date)

(Form Revised December 2017)

Claim #1

#5) Attached Defendant(s)

Trinity Food Services  
Job title: Inmate Food Distribution

\$) B. Defendant(s) Information

Trinity Food Services  
2739 E. Las Vegas  
Colorado Springs, CO 80906

Defendant 4 is being sued in his/her  
 individual and/or  official capacity.

Claim #1

(1)

## Kosher Violations - (1<sup>st</sup> Amendment)

From July 2021 - Feb. 2022, my 1<sup>st</sup> Amendment right was violated by means of my Kosher diet. Inmates sign an agreement stating they will adhere to the policy and follow their Kosher diet guidelines to avoid interruption of meals and services.

During this time, I expressed several concerns of the meals not being wrapped appropriately, items that were not kosher approved being placed in our diets, and the violation of sanitation by putting kosher on open trays. I asked deputies to alert their superiors that the policy and custom by El Paso County Jail was not prohibited per the religious affiliation.

Below are a list of inmate kites that followed or staff refused to contact Trinity Food Services and let administration know of the violations:

- 2021
- Aug 8<sup>th</sup> - Kite to Trinity Foods explaining the contamination and kosher items on open trays
  - Sep. 4<sup>th</sup> - Reported improper kosher and contaminations through the El Paso County Jail grievance process and was told to contact Trinity instead of the jail.
  - Nov. 19<sup>th</sup> - Sent kite explaining that staff was using a pen/ marker to write (K) on non-kosher items that did not already have the standard approval. These were non-kosher items and violated the signed agreement. On 11/22 a response from the jail said to kite kitchen again.



The jail continued to ignore the customs and policy for Kosher Inmates and placed the blame on the contractor Trinity Foods. However, the Contractor is conducting business in El Paso County Jail and Administration/SSGT's failed to monitor or adjust violations. Next, during Court Transport in Sept. 2021, Nov. 2021, and Feb. 2022, I advised the deputies that they were not providing Kosher meals while at court and eating the "sack lunches" were a violation of our Kosher signed policy. I also asserted my 1<sup>st</sup> Amendment right on each occasion and asked the jail to adhere to their policy on Religious Diets. After several attempts, I noticed retaliation and was not provided my Kosher or my meal was delayed for hours when other Kosher and non-Kosher inmates had theirs. On Feb. 12<sup>th</sup> Deputy Stengle (a named defendant) sent in a violation of Kosher to religious programs and they terminated my meal. From Feb. 14<sup>th</sup> 2022 until Feb. 28<sup>th</sup> 2022 I sent several Kites and asked SSGT's could they provide the proof and reason behind the suspension that I did not violate the agreement; that in fact, the jail continued to show a direct link between the policy and constitutional injury. During this time, I received notification that Deputy Stengle observed me violating the diet by eating other foods. I explained to her that these purchased items on Commissary were not excluded and

③

Once again asked the jail to hold a meeting or some form of hearing demonstrating that I did not adhere and that these actions were not prejudice on behalf of Stengle. Instead I received unjust punishment as a result of this individual who was competent and who showed extreme indifference, more than negligence towards my 1<sup>st</sup> Amendment right. From Feb. 14<sup>th</sup> - Aug. 14<sup>th</sup> I was suspended from my diet which led to weight loss, depression, and being limited to one meal a day because of ~~excessive~~ commissary prices. I suffered conflicts between myself and substantial burdens on my religious practice. This led me to modified religious beliefs and being forced to eat regular meals and/or non-kosher items or not eat at all. I received my kosher back on 8-14-2022 after the 6 months. Immediately the disregard to our customs provided more constitutional injury (1<sup>st</sup> + 14<sup>th</sup>). On Aug. 17<sup>th</sup> 2022 I expressed the violations to Deputy Snipe (named def.) and how the jail continued to <sup>fail at</sup> controlling direction or supervising others for our rights explained in the inmate handbook and our 1<sup>st</sup> Amendment right to practice religion. I explained to her that the meal for lunch and dinner were not approved items and were processed with other foods causing contamination. I also addressed the need to reach out to her superiors to help bring the kitchen and compliance with their policy. After all she was a party to violation and continued operation.

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Deputy Snipe became confrontational and abused her power while acting in official capacity. She insisted that the meal was correct, ignored my claim to a 1<sup>st</sup> Amendment right, and refused to serve me with a proper Kosher diet. She was competent because she acknowledged the error but explained that she was "too busy" to deal with it. She accepted Trinity's reasoning and did not alert her superiors that our rights were being violated even though the 1<sup>st</sup> duty oath of office is to protect individual rights. She even stated, "If you don't like it, don't come to jail." This is not the 4<sup>th</sup> time that she retaliated with comments such as these. In fact, she was also a deputy who ignored the violations that I listed in 2021. Deputies are our only means to correct a meal while locked down for 21 to 22 hours a day. The following is the next few non-compliances: 8-15-2022 - non-Kosher 8-16-2022 - no proteins for Kosher meals, <sup>extremely</sup> low Calorie 8-17-2022 - Non-Kosher lunch + dinner 8-18-2022 - The most striking of the Kosher violations from Trinity Foods<sup>vs</sup> when they served "Smeat" which is processed meat with non-Kosher items in a plant around pork. They will claim that no pork touched the "Smeat" but the meal was a violation and contamination of non-Kosher either way. This item has always been excluded from any Kosher meals. Throughout this time I was told that a Trinity Employee named Tim

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Said, "We are cutting back due to inflation and sometimes the food will be non-Kosher eat it or buy commissary". On the next occasion, Tim told the ward deputy he was following guidelines. But still, El Paso County Jail refused to supervise the contractor. On 8-18-2022, we told SSGT Broux who entered A3 Female ward during our out-time. He said "He did not know anything about it. But yet, Nothing happened, as in no remedies to these reports of 1<sup>st</sup> Amendment Violations. On 8-19-2022 the meals were still incorrect & all defendants continue to ignore the Constitutional right. Defendants understand and have culpable state. This policy is ignored because there is a disregard to our customs and the jail's handbook. This forces inmates to alter their religious belief, not eat at all, or have excessive commissary spending when we are afforded 3 meals a day. These are deliberate intentions even after 1 year of trying to resolve the issue & demonstrate prejudice to the religion. The parties involved expect me to follow my signed religious agreement but can ignore it on their end. The defendants named are not immune under the 11<sup>th</sup> amendment because #1, 2, & 3 are in their official capacity and I have met the factors in the Prong test and all defendants implemented or possessed responsibility & know the

Claim #2

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## Medical Neglect - 8<sup>th</sup> Amendment

I was arrested in March 2020 and upon intake I signed an ROI and explained my extensive history with stomach issues. I suffer from severe IBS-C with symptoms present 12 or more days a month, leaky gut, abdominal pain (present 15 or more days a month), internal/external bleeding (blood in stool 7 or more days a month), swelling (beyond the normal range), the presence of knots in my stomach that one can feel, and constant pelvic pain due to my stomach issues listed above. I explained that I experience frequent times of not producing a bowel movement 10-15 days at a time and sometimes more. I have been prescribed Miralax, Senna, and a stool softener at various times. Below is a list of communication through the inmate Kite system (Kites only go show ~~to~~ through 2021 Nov.)

### Medical Kites

11-27-2021 - Stomach issues, constipation and current medication was not working. The provider responded that no changes would be made.

12-7-2021 - Denying medication that was productive - the provider responded that I was at a 56% compliant rate. I explained to the med cart nurse, Jane Doe that

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Stimac (7)

The percentage was invalid because Med pass was consistently out of miralax and or senna, due to staffing sometimes medical never showed, and they counted the days I was out of custody (temp.) in their responses thus making the response invalid.

1/18/2022 - My Kite said "Can I get different stomach meds since the provider refuses to evaluate me?" The response was a deflection as the provider responded with "Please make sure you are ~~placing~~ <sup>making</sup> request in a professional manner." I was flabbergasted because the kite listed above was appropriate. 15 Days w/o going.

3/12/2022 - Request for medication to clean system out because I was at 11 days straight.

3/26/2022 - Stomach help request in severe pain and they responded that I was scheduled to see the doctor. I never saw a doctor + bleeding started

2/11/2022 - 16 days w/o a stool, medication not working, stomach pain and bleeding.

4/10/2022 - Explained that I had been requesting help since 1/18/2022 and still did not see a doctor.

6/10/2022 - Spoke to Jane Doe nurse who had a her badge backwards and refused to give her name. She stated that I needed to drink water.

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and stop eating the trays. I told her I eat once a day and drink at least 12-14 8oz cups a day. I explained that the issue was chronic and I was at risk for bowel obstruction and for other long term health risk. No help provided. Bleeding continued, swelling, pain, tiny more bite knots in stomach appeared w/o seeing a doctor. Jane Doe described. Tall about 5'9, long dark brown hair, medium built, white/fair skin. 8-19-2022- told medical staff that I needed relief due to stomach swelling, constipation, bleeding and pain that was worse than any previous Kites & that current Fiber Lak and stool softeners are not working.

Note: I have sent grievances, spoke with several medical staff members to include but not limited to Heather, Danielle, Maggie and several other Jane Doe's who hide their badges inside of clothing or who turn it around backwards from March 2020 - Aug. 2022. I informed SSGT's named Bryant, Jaad, Doucett and someone named Simpson (according to the ward Deputy) about the medical neglect. I was told to keep kiting and to understand that staffing was low. The jail continues to ignore the negligence of contractor Wellpath, therefore being an active participant in the responsibility for the continued operation & constitutional violation.

Claim #2

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## Continued Neglect...

On another occasion, I request a medical evaluation for a Concussion. The second one ~~the~~ while at CTC. In July 2022 I rolled off the top bunk and hit my head (Sliced open) and bruised my ribs. I alerted the ward Deputy (Snipe) who called and emailed medical staff. I was told to put in a kite. These are the symptoms that was told to medical staff and that continued:

Nausea - several hours dizziness - 2 days

bleeding - 2 hours persistent and off and on for 1 day; later scabbing occurred

pain - ignored but lasted 4 days [back + head]

headaches - still active off and on + sensitivity

vomiting - off and on (1 day)

blurred vision - 2 days

Note:

I still continue to have headaches, difficulty thinking clearly and remembering information.

I did send a kite on 7/19/2022, 7/21/2022, 7/26/2022 and 7/30/2022. I was told to be patient and that I was placed on a Sick call multiple times. On Aug. 16<sup>th</sup> 2022 Maggie (WellPath Nurse) appeared almost 30 days after the incident. I explained to her



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that the incident occurred while sleeping, as I have nightmares and a sleepwalking conditions. I explained the continued issues and that this was the second one in a year. I also asked for a bottom bunk restriction to prevent further head damage and how I was sure that I damaged my ribs as well. I also expressed my concern for neglecting a head trauma for almost 30 days. She told me to kite mental health instead because "they handle those ~~type~~ of things." Once again I received incompetent responses from an individual who is a licensed nurse hired by Wellpath. This was beyond a reasonable response time and are beyond negligent as explained in the section involving my stomach issues. Both issues are serious and risk potential furthered health issues or risk of harm. Individuals and organizations in the same situation outside of these defendants would know that w/o the proper medication, x-rays, etc. the symptoms will increase, pain level will increase, and would lead to more stomach/gastrointestinal tract issues or head/cognitive related issues (concussions). In addition, the stomach issues could lead to bowel obstruction and internal bleeding per my previous GI Doctor.

In Summary, the named defendants in claim #2 show deliberate indifference, more than negligence causing medical suffering and harm or potential knowledge that harm will result. Both parties violate the 8<sup>th</sup> Amendment by 1) Deprivation of a basic human need that is serious and 2) Acted with a sufficiently culpable state of mind. Wellpath Controls the direction and disregards health and safety. El Paso County Jail fails to supervise and engages in promulgated implementation of the casual Policy also disregarding inmate's health and safety. Other individuals in both capacities comparisons would know that their actions violates the amendment. In addition, both capacities/entities are imposing the punishment of lack of medical care as a punishment and El Paso County is not immune under the 11<sup>th</sup> Amendment. I have included that a policy or custom exist and there is a direct link between the policy/custom and the Constitutional injury. Finally, both defendants refuse to protect inmates from inhumane treatment and conditions that are deliberate and prejudice when compared to other inmate populations or even at all. Inmates on Chemical Dependency are monitored and receive doctor visits but the handbook precludes treatment for all basic medical needs and this rises to the level of cruel and unusual.

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## Claim #1 Involved Defendants)

### Defendant #1

El Paso County for El Paso County Jail  
who are under color of law.

- 1) Failed to supervise + train staff properly to bring the Kitchen + workers in compliance with Kosher
- 2) Uniform Fashion → Entity's Policy or Custom
- 3) Promulgated, created, implemented or possessed responsibility for the continued constitutional injury to disregard 1<sup>st</sup> + 14<sup>th</sup> Amendment
- 4) Abuse of Discretion + used opinion evidence

### Defendant #2 L. Stengle

- 1) Deputy Stengle engaged in individual participation knowingly and with prejudice to one's legal rights due to plaintiff's ~~current~~ <sup>current</sup> prejudicial publicity, the plaintiff's right to practice religion in accordance with customs, and continued to report frivolous claims without merit (abuse of power or tactics). In fact, there was no tangible evidence to warrant the Kosher suspension.
- 2) She used false reputation evidence to punish/violate 1<sup>st</sup> Amendment.

### Defendant #3 R. Snipe

- 1) The individual participated in the violation by a total disregard the 1<sup>st</sup> Amendment + Due Process by suggesting that this is a deserved punishment with comments mentioned. In addition, to her disregard to fix the diet when she is the only means to do this while I was locked down 2/22 to

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## Continued Claim #1

### Defendant #5 Trinity Food Services

- 1) Disregard to inmates health and risk of the substantial burden placed by religious diet violations
- 2) Failure to Supervise Kitchen staff and outside employees (those that instruct inmates in the kitchen) on how to properly prepare a Kosher Diet
- 3) Aware that their actions violate the right

## Claim #2 Involved Defendants

### Defendant #4 Well Path

- 1) Deprivation of basic medical care ignoring El Paso County Jail's policy and the 8<sup>th</sup> Amendment
- 2) Acted with a culpable state of mind by hiring licensed/professionals in their area of expertise.
- 3) Disregard an objectively serious condition, medical need or risk of harm if left untreated properly.

### Defendant #1 El Paso County

- 1) Aware that contractor Well Path's actions violate 8<sup>th</sup> Amendment rights and they have possessed responsibility for the continued operation and risk of harm.

Note: In reference to all defendants: All other individuals or entities would adhere to these rights and/or know their action violates the right.