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14 Attorneys for Plaintiff

20 UNITED STATES DISTRICT COURT

21 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

22 F.S.,

23 Plaintiff,

24 v.

25 UNITED STATES OF AMERICA; UNITED  
STATES OF AMERICA FEDERAL BUREAU OF  
PRISONS, a governmental entity; RAY J. GARCIA;  
26 PATRICK POOL; and SERGIO SAUCEDO,

27 Defendants.

**COMPLAINT**

**JURY TRIAL DEMANDED**

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1 Plaintiff F.S. (“Plaintiff”), by and through her attorneys allege against the Defendants as  
2 above captioned as follows upon information and belief:

3 **INTRODUCTION**

4 1. For years, people incarcerated at the Federal Correctional Institute, Dublin (“FCI  
5 Dublin”), a federal female low-security prison with an adjacent satellite camp, have been  
6 subjected to rampant, horrific, and ongoing sexual abuse that continues to this day, including but  
7 not limited to: rape and sexual assault; manipulation and sexual coercion, including officers  
8 entering into relationships with incarcerated individuals and officers forcing incarcerated  
9 individuals to undress in order to be released from cells or for exchange of goods; degrading  
10 sexual comments; voyeurism; taking and sharing explicit photos; drugging, groping, and other  
11 forms of abuse during medical exams; and targeted abuse towards immigrants under threat of  
12 deportation. The Federal Bureau of Prisons (“BOP”) and employees at every level have been  
13 aware of these problems for decades and have failed, and continue to fail to take action to protect  
14 those in its care by preventing and addressing rampant staff sexual misconduct.

15 2. The staff sexual abuse at FCI Dublin became the center of a sprawling criminal  
16 investigation, multiple Congressional inquiries, and national media attention. The United States  
17 Senate’s Permanent Subcommittee on Investigations devoted multiple hearings to addressing its  
18 causes and impact, and issued a report in December 2022 describing the abuse as “horrific” and  
19 Defendant BOP’s investigative practices as “seriously flawed,” and concluding that “BOP  
20 management failures enabled continued sexual abuse of female prisoners by BOP’s own  
21 employees.”<sup>1</sup>

22 3. Congress enacted the Prison Rape Elimination Act in 2003, 34 U.S.C. § 30301, *et*  
23 *seq.* (“PREA”) to establish national standards for preventing precisely this kind of sexual abuse  
24 from happening to incarcerated people. Under PREA, the U.S. Department of Justice promulgated  
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26 <sup>1</sup> S. PERMANENT SUBCOMM. ON INVESTIGATIONS, REP. ON SEXUAL ABUSE OF FEMALE INMATES IN  
27 FEDERAL PRISONS, 1 (Dec. 13, 2022), [https://www.hsgac.senate.gov/wp-](https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/2022-12-13%20PSI%20Staff%20Report%20-%20Sexual%20Abuse%20of%20Female%20Inmates%20in%20Federal%20Prisons.pdf)  
28 [content/uploads/imo/media/doc/2022-12-13%20PSI%20Staff%20Report%20-](https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/2022-12-13%20PSI%20Staff%20Report%20-%20Sexual%20Abuse%20of%20Female%20Inmates%20in%20Federal%20Prisons.pdf)  
(hereinafter “Senate Report”).

1 detailed mandatory regulations that provide precise procedures that prisons must follow. The  
2 Federal Bureau of Prisons (“BOP”) adopted PREA policies in response to these regulations.

3 4. Despite these mandatory protections, while incarcerated at FCI Dublin from 2017  
4 to 2019, Plaintiff, was subjected to repeated sexual abuse by many officers at FCI Dublin. At least  
5 twice a week for months, Defendant POOL forcibly raped Plaintiff while Defendants SAUCEDO  
6 and RAMOS held her down. Defendant SAUCEDO also sexually harassed and threatened  
7 Plaintiff. Defendant SAUCEDO and Officer RAMOS knew about Defendant POOL’s sexual  
8 abuse and actively promoted it by repeatedly searching and destroying Plaintiff’s room to coerce  
9 her to comply with Defendant POOL’s advances. They also conspired to perpetuate the systemic  
10 abuse and harassment by other officers by creating a payment system to encourage other  
11 incarcerated people to act as lookouts and acted as lookouts themselves. All three of Defendant  
12 POOL, Officer RAMOS, and Defendant SAUCEDO threatened Plaintiff with retaliation to  
13 prevent her from reporting the abuse and misled her as to the viability of her claims. In doing so,  
14 Defendants violated Plaintiff’s Constitutional rights and California law on gender violence, sexual  
15 assault, and common law on battery.

16 5. As a result of Defendants’ actions, Plaintiff suffered numerous emotional injuries  
17 and incurred severe personal injuries, which continue to affect her today.

18 6. Plaintiff brings this suit under the United States Constitution Eighth Amendment’s  
19 prohibition on cruel and unusual punishment. Plaintiff also brings this suit under the Federal Tort  
20 Claims Act (“FTCA”) 28 U.S.C. §§ 2671, *et seq.*, under state law on gender violence and sexual  
21 assault, and in connection with the deficient supervision and custodial care provided by various  
22 BOP personnel, including Defendant GARCIA, Defendant POOL, Officer RAMOS, and  
23 Defendant SAUCEDO, within the scope of their employment within the BOP. Plaintiff also  
24 brings this suit under the Trafficking Victims Protection Act (“TVPA”) 22 U.S.C. §§ 7101, *et seq.*

25 **JURISDICTION AND VENUE**

26 7. This Court has original subject matter jurisdiction in this action involving claims  
27 arising under the United States Constitution pursuant to 28 U.S.C. §§ 1331 and 1346(b).  
28 Plaintiffs’ claims are predicated, in part, upon the FTCA, 28 U.S.C. §§ 2671, *et seq.*, authorizing

1 actions seeking relief against the United States.

2 8. The Court has personal jurisdiction of the Defendants because the alleged incidents  
3 occurred within the confines of the State of California.

4 9. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)(2) and 1402(b) as  
5 a substantial part of the events or omissions giving rise to Plaintiff's claims occurred within the  
6 boundaries of this District, in the County of Alameda.

7 **THE PARTIES**

8 10. At all times relevant hereto, Plaintiff was incarcerated in the custody of BOP,  
9 incarcerated at FCI Dublin located at 5701 8th St., Dublin, CA 94568. In February 2019, Plaintiff  
10 was transferred to FCI Phoenix and Plaintiff was transferred to FCI Pekin in May 2023.

11 11. Defendant United States of America (hereinafter "United States") is the appropriate  
12 defendant for Plaintiffs' claims under the Federal Tort Claims Act. The United States is a  
13 sovereign entity that has waived its immunity for certain claims, including the claims set forth  
14 herein, and is liable for the acts or omissions of its agents, servants, contractors, and employees  
15 that occur within the scope of their employment.

16 12. At all times relevant hereto, Defendant United States, acting through the BOP, was  
17 responsible for the operation, control, supervision, policy, practice, implementation, and conduct  
18 of all BOP matters including at FCI Dublin and was responsible for the hiring, retention, training,  
19 supervision, management, discipline, and conduct of all BOP personnel, including but not limited  
20 to Defendants GARCIA, POOL and SAUCEDO, and Officer RAMOS .

21 13. In addition, at all relevant times, United States was responsible for enforcing the  
22 rules of the BOP, and for ensuring that BOP personnel obey the Constitution and laws of the  
23 United States.

24 14. Defendant PATRICK POOL ("Defendant POOL") was an officer at FCI Dublin  
25 during the time period relevant to the events described herein and is sued in his individual  
26 capacity. While performing the acts and omissions that Plaintiffs allege in this complaint,  
27 Defendant POOL was acting within the scope of his official employment, or with the BOP's  
28 permission and consent and under color of federal law.

1           15.     Officer NICHOLAS T. RAMOS (“Officer RAMOS”)<sup>2</sup> was an officer at FCI  
2 Dublin during the time period relevant to the events described herein. While performing the acts  
3 and omissions that Plaintiffs allege in this complaint, Officer RAMOS was acting within the scope  
4 of his official employment, or with the BOP’s permission and consent and under color of federal  
5 law.

6           16.     Defendant SERGIO SAUCEDO (“Defendant SAUCEDO”) was an officer at FCI  
7 Dublin during the time period relevant to the events described herein and is sued in his individual  
8 capacity. While performing the acts and omissions that Plaintiffs allege in this complaint,  
9 Defendant SAUCEDO was acting within the scope of his official employment, or with the BOP’s  
10 permission and consent and under color of federal law.

11           17.     At all times relevant hereto, Defendant United States, acting through the BOP,  
12 hired Defendants GARCIA, POOL and SAUCEDO, and Officer RAMOS to serve as  
13 “correctional officers” and “law enforcement officers” within the meaning and powers of 28  
14 U.S.C. § 2680(h).

15           18.     Defendant RAY J. GARCIA (“Defendant GARCIA”) was the associate warden at  
16 FCI Dublin between December 2018 and November 2020, and the warden of FCI Dublin from  
17 November 2020 to July 2021 – a time that overlapped with Plaintiff being abused by Defendants  
18 POOL and SAUCEDO, and Officer RAMOS. As the warden, Defendant GARCIA was  
19 responsible for safekeeping, care, protection, discipline, programming, and release of inmates  
20 incarcerated at FCI Dublin. Defendant GARCIA was also responsible for hiring, training, and  
21 supervising/managing staff, and determining operating procedures and policies. In his capacity as  
22 an agent, servant, and employee of Defendant United States, and within the course and scope of  
23 his employment as such, Defendant GARCIA was responsible for the day-to-day oversight,  
24 supervision, care, custody, control, direction, safety, and well-being of people confined at FCI  
25 Dublin, including Plaintiff. Defendant Garcia is sued in his individual capacity.

26           19.     While acting and failing to act as alleged herein, Defendants had complete custody  
27

28 <sup>2</sup> In August 2022, former Dublin Officer Nicholas T. Ramos died by suicide while on administrative leave and under investigation for sexually abusing incarcerated women.

1 and total control of Plaintiff, who was dependent upon Defendants for personal security and  
2 necessities.

3 20. In performing the acts and/or omissions contained herein, Defendants acted under  
4 color of federal law, and each acted maliciously, callously, intentionally, recklessly, with gross  
5 negligence, and with deliberate indifference to the rights and personal security of Plaintiff. Each  
6 of them knew or should have known that their conduct, attitudes, actions, and omissions were a  
7 threat to Plaintiff and to their constitutionally and statutorily protected rights. Despite this  
8 knowledge, Defendants failed to take steps to protect Plaintiff and to ensure that their rights were  
9 adequately protected while in the custody of Defendants.

10 21. At all times relevant hereto, each Defendant was the agent, representative, or  
11 employee of each other Defendant. At all times relevant hereto, each Defendant was acting within  
12 the course and scope of said alternative agency, representation, or employment and was within the  
13 scope of their authority, whether actual or apparent. At all times relevant hereto, each Defendant  
14 was the authorized agent, partner, servant, or contractor of each other Defendant, and the acts and  
15 omissions herein alleged were done by them acting through such capacity, within the scope of  
16 their authority, with the permission, ratification, approval, and consent of each other Defendant.  
17 Accordingly, each of them is jointly and severally liable to Plaintiff.

18 22. Individual Defendants further directly assaulted, harassed, demeaned, degraded,  
19 and trafficked particular Plaintiffs as alleged herein.

20 **CONDITIONS PRECEDENT TO FEDERAL TORT CLAIMS ACT CLAIMS**

21 23. Plaintiff brings claims under the Federal Tort Claims Act, asserted against the  
22 United States of America.

23 24. Plaintiff exhausted these claims against the United States in accordance with the  
24 requirements of the FTCA.

25 25. Plaintiff submitted a “Claim for Damage, Injury, or Death” to the BOP as a PREA  
26 victim involving staff at FCI Dublin in the sum of \$10,000,000.00. The BOP received her  
27 administrative claim on July 11, 2023. By January 11, 2024, six months after BOP received  
28 Plaintiff’s administrative claim, the BOP has neither accepted nor rejected the claims. Pursuant to

1 28 U.S.C. § 2675(a), Plaintiff considers this failure to act as a final denial of the claims.

2 **JURY DEMAND**

3 26. Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiffs hereby demand a trial  
4 by jury on all issues and claims in this action that are so triable.

5 **FACTUAL ALLEGATIONS**

6 **I. Federal Law Requires BOP to Take Action to Prevent and Appropriately Respond to**  
7 **Reports of Staff Sexual Misconduct**

8 27. Prison staff sexual abuse of incarcerated people constitutes a form of torture that  
9 violates the Eighth Amendment. *See Bearchild v. Cobban*, 947 F.3d 1130, 1144 (9th Cir. 2020).  
10 Such abusive sexual contact also violates federal criminal law. *See, e.g.*, 18 U.S.C. §§ 2243, 2244.

11 28. The Prison Rape Elimination Act (“PREA”) of 2003 required the Attorney General  
12 to promulgate rules to prevent sexual abuse in prison facilities. *See* 34 U.S.C. § 30307. In 2012,  
13 the U.S. Department of Justice issued regulations designed to “prevent, detect, and respond to  
14 prison rape.” *See* 28 C.F.R. § 115, 77 Fed. Reg. No. 119 (June 20, 2012). These regulations were  
15 immediately binding on BOP facilities. *Id.*

16 29. Under PREA regulations, BOP is required to “train all employees who may have  
17 contact with inmates” on the following: its “zero-tolerance policy for sexual abuse and sexual  
18 harassment”; prevention, reporting, detection, and response to such behavior; “the right of inmates  
19 to . . . be free from retaliation for reporting sexual abuse and sexual harassment”; signs and  
20 dynamics of sexual abuse in confinement, and “common reactions of . . . victims”; and “how to  
21 avoid inappropriate relationships with inmates.” *Id.* § 115.31(a). The training must be “tailored to  
22 the gender of the inmates at the employee’s facility,” and the agency must conduct a refresher  
23 training on PREA standards every two years. *Id.* § 115.31(b)–(c). In off years from the training,  
24 “the agency shall provide refresher information on current sexual abuse and sexual harassment  
25 policies.” *Id.* § 115.31(c).

26 30. PREA regulations mandate staff reporting. BOP must “require all staff to report  
27 immediately . . . any knowledge, suspicion, or information regarding an incident of sexual abuse  
28 or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation



1 against inmates or staff who reported such an incident; and any staff neglect or violation of  
2 responsibilities that may have contributed to an incident or retaliation.” 28 C.F.R. § 115.61(a).

3 31. Per PREA regulations, administrative investigations of alleged sexual abuse by a  
4 staff member or incarcerated person are required to proceed “promptly, thoroughly, and  
5 objectively for all allegations, including third-party and anonymous reports.” *Id.* § 115.71(a).  
6 Investigators must be specially trained in sexual abuse investigations and must “gather and  
7 preserve direct and circumstantial evidence,” including interviewing “alleged victims, suspected  
8 perpetrators, and witnesses” and “shall review prior complaints and reports of sexual abuse  
9 involving the suspected perpetrator.” *Id.* § 115.71(c)-(b). The agency is prohibited from  
10 determining an alleged victim’s credibility based on their “status as inmate or staff.” *Id.* §  
11 115.71(e). Investigations are further required to “include an effort to determine whether staff  
12 actions or failures to act contributed to the abuse.” *Id.* § 115.71(f). “The departure of the alleged  
13 abuser or victim from the employment or control of the facility or agency shall not provide a basis  
14 for terminating an investigation.” *Id.* § 115.71(j).

15 32. Substantiated allegations of potentially criminal conduct must be referred for  
16 prosecution and the agency must retain written reports of investigations for five years beyond the  
17 end of the staff member’s employment. *Id.* § 115.71(h)–(i). After investigating an incarcerated  
18 person’s allegation that they were abused, BOP must inform that person of whether their  
19 allegation was found to be substantiated, unsubstantiated, or unfounded, even if the investigation  
20 was completed by another agency. *Id.* § 115.73(a)–(b). The presumptive disciplinary sanction for  
21 substantiated allegations of sexual abuse is termination. *Id.* § 115.76(b).

22 33. PREA also includes measures designed to prevent staff retaliation following  
23 incarcerated persons’ reports of abuse. PREA requires that BOP establish a policy to prevent  
24 retaliation, and that staff monitor retaliation, provide “emotional support services for inmates . . .  
25 who fear retaliation,” and monitor for at least 90 days the conduct and treatment of incarcerated  
26 people who report abuse. *Id.* § 115.67. These protective measures include strict limits on the use  
27 of administrative segregation. The regulations provide: “Inmates at high risk for sexual  
28 victimization shall not be placed in involuntary segregated housing unless an assessment of all

1 available alternatives has been made, and . . . there is no available alternative means of separation  
2 from likely abusers. If a facility cannot conduct such an assessment immediately, the facility  
3 may” hold the individual in segregated housing for “less than 24 hours while conducting the  
4 assessment.” *Id.* § 115.43(a). Any incarcerated person placed in protective custody for this  
5 purpose “shall have access to programs, privileges, education, and work opportunities to the extent  
6 possible.” *Id.* § 115.43(b).

7 34. Defendants repeatedly violated these regulations. From inadequate training, to lack  
8 of confidential reporting mechanisms and access to outside support services, to failures in  
9 administrative investigations, widespread misuse of administrative segregation, and rampant staff  
10 retaliation, its actions and failures to act created an environment that exposed Plaintiff to an  
11 unconscionable risk of sexual violence. As one survivor of staff sexual abuse at Dublin remarked  
12 at the trial of Defendant GARCIA, PREA “really doesn’t exist in Dublin.” Transcript at 401,  
13 *United States v. Garcia*, No. CR-21-00429-YGR (N.D. Cal. Nov. 29, 2022).

## 14 **II. FCI Dublin Leadership and Staff Allowed Sexual Assault to Flourish.**

15 35. Eight former officers—including former Warden Ray Garcia and a former  
16 chaplain—have been charged with sexual misconduct for incidents spanning from 2019 into 2021,  
17 with more charges likely forthcoming. *See United States v. Garcia*, No. 4:21-cr-00429-YGR  
18 (N.D. Cal.) (sentenced to 70 months in prison and 15 years of supervised released following jury  
19 trial); *United States v. Highhouse*, No. 4:22-cr-00016-HGS (N.D. Cal.) (sentenced to 84 months in  
20 federal prison and 5 months of supervised release following guilty plea); *United States v. Chavez*,  
21 No. 4:22-cr-00104-YGR-1 (N.D. Cal.) (sentenced to 20 months in federal prison and 10 years of  
22 supervised release following guilty plea); *United States v. Klinger*, No. 4:22-cr-00031-YGR (N.D.  
23 Cal.) (plead guilty to three counts of sexual abuse of a ward); *United States v. Bellhouse*, No. 4:22-  
24 cr-00066-YGR (N.D. Cal.) (sentenced to 63 months in federal prison and 5 years of supervised  
25 release following jury trial); *United States v. Smith*, No. 4:23-cr-00110-YGR-1 (charges pending);  
26 *United States v. Nunley*, No. 4:23-cr-00213-HSG (N.D. Cal.) (awaiting sentencing following  
27 guilty plea for 4 counts of sexual abuse of a ward, 5 counts of abusive sexual contact, and 1 count  
28 of false statements to a government agency); *United States v. Jones*, No. 4:23-cr-00212-HSG

1 (N.D. Cal.) (sentenced to 96 months in federal prison and 10 years of supervised release following  
2 guilty plea for 6 counts of sexual abuse of a ward and 1 count of false statements to a government  
3 agency).

4 36. Defendant RAY J. GARCIA (“Defendant GARCIA”) was the associate warden at  
5 FCI Dublin between December 2018 and November 2020, and the warden of FCI Dublin from  
6 November 2020 to July 2021 – a time that overlapped with Plaintiff being abused by Defendants  
7 SMITH, DINES, and BLANCA. As the warden, Defendant GARCIA was responsible for  
8 safekeeping, care, protection, discipline, programming, and release of inmates incarcerated at FCI  
9 Dublin. Defendant GARCIA was also responsible for hiring, training, and supervising/managing  
10 staff, and determining operating procedures and policies.

11 37. Defendant GARCIA was found guilty of three counts of having sexual contact with  
12 an incarcerated person, four counts of abusive sexual contact, and one count of lying to the FBI.  
13 Defendant GARCIA was sentenced to 5 years and 10 months in prison.

14 38. Defendant GARCIA led training on the Prison Rape and Elimination Act and  
15 chaired the audit of FCI Dublin under the PREA. Thus, the man responsible for reporting  
16 incidents to the government and teaching inmates how to report rape was in fact a serial rapist of  
17 incarcerated people, and he was clearly tolerating and allowing abuse by many more of his  
18 underlings, including Defendants POOL and SAUCEDO, and Officer RAMOS.

19 39. Defendant GARCIA had actual knowledge that the other correctional officers under  
20 his supervision were sexually assaulting inmates before and after Plaintiff was abused. Despite  
21 this knowledge, Defendant GARCIA did not do anything to stop it, even though he had a duty to  
22 do so. Due to the fact that Defendant GARCIA had knowledge of prior sexual abuse at FCI and  
23 failing to do anything about it, it allowed FCI agents, representatives, and employees to abuse  
24 Plaintiff.

25 40. Defendant GARCIA had actual knowledge that inmates complained about the  
26 assaults. Defendant GARCIA knew or should have known that the inmates were subjected to  
27 retaliation. Because Defendant did not investigate complaints of abuse and harassment and did  
28 not do anything to stop it, inmates, including Plaintiff, were abused. Had Defendant GARCIA

1 taken reasonable actions, which he was under a legal duty to perform, Plaintiff would not have  
2 been abused. Defendant Garcia’s intentional indifference to inmate abuse was a substantial factor  
3 in Plaintiff suffering abuse.

4 41. PREA guidelines and FCI Dublin policies and procedures required all inmate  
5 complaints of sexual assault and sexual abuse filed or reported internally be reported to Defendant  
6 GARCIA. During GARCIA’s tenure, complaints of sexual assaults of inmates by correctional  
7 officers and/or staff were reported.

8 42. With knowledge of prior abuse against inmates by FCI Dublin, representatives, and  
9 employees, Defendant GARCIA failed to protect the inmates and turned a blind eye. Such  
10 behavior set the tone for rape culture at FCI Dublin, garnering Garcia and his subordinate  
11 correctional officers and employees the nickname – “the Rape Club.”

12 43. Further, Defendant GARCIA and others inadequately supervised and trained the  
13 prison’s correctional officers and other employees, including Defendants Defendants POOL and  
14 SAUCEDO, and Officer RAMOS. The UNITED STATES failed to supervise which was a  
15 substantial factor in causing Plaintiff’s abuse.

16 44. Defendants repeatedly violated the law. From inadequate training, to lack of  
17 confidential reporting mechanisms and access to outside support services, to failures in  
18 administrative investigations, widespread misuse of administrative segregation, and rampant staff  
19 retaliation, its actions—and failures to act—created an environment that exposed Plaintiff to an  
20 unconscionable risk of sexual violence. As one survivor of staff sexual abuse at Dublin remarked  
21 at the trial of Defendant GARCIA, PREA “really doesn’t exist in Dublin.” Transcript at 401,  
22 *United States v. Garcia*, No. CR-21-00429-YGR (N.D. Cal. Nov. 29, 2022).

23 **III. Defendants POOL And SAUCEDO, And Officer RAMOS Terrorized Plaintiff And**  
24 **Forced Her To Have Sex With Defendant POOL**

25 45. Plaintiff was incarcerated at FCI Dublin beginning on or around August 2014.  
26 Defendant POOL subjected Plaintiff to extensive sexual harassment and abuse while Plaintiff was  
27 incarcerated. Defendant POOL used his power and authority as a correctional officer to coerce  
28 Plaintiff into having sex with him. Officer RAMOS, and Defendants POOL and SAUCEDO all

1 entered into the facility around the same time in Fall 2017. Plaintiff worked in Safety, and these  
2 officers had various supervision duties over her, such as signing off about where Plaintiff was and  
3 whether he had completed her work tasks.

4 46. Defendant POOL began making advances toward Plaintiff in December 2017.  
5 Defendant POOL started making sexual innuendos and became pushy with her, directly asking her  
6 to have sex with him. Defendants POOL, SAUCEDO, and RAMOS were good friends and helped  
7 each other sexually harass and assault other women. When Plaintiff rejected Defendant POOL's  
8 sexual advances, Defendant SAUCEDO and Officer RAMOS terrorized her, searched her room,  
9 and destroyed or threw away her belongings if she denied sex to Defendant POOL. The cycle  
10 repeated for months, and the officers worked together to pressure her by psychologically breaking  
11 her down to have sex with Defendant POOL.

12 47. In October 2018, after persistent sexual advances and pressure, Plaintiff was raped  
13 by Defendant POOL. More specifically, Officer RAMOS came to Plaintiff's cell between  
14 approximately 1 and 3 am and escorted her to the compound office, stating that she had to provide  
15 a urinalysis sample for testing (colloquially known as a "UA"). Defendants POOL and  
16 SAUCEDO were waiting in the compound office in a small room when she arrived. Plaintiff  
17 immediately began to feel nervous because she knew that according to BOP policy, UAs are  
18 required to be conducted by women, and that incarcerated women should not be alone in rooms  
19 with men. Defendant POOL then asked Plaintiff if she knew why she was there and said "you are  
20 not here for a UA, you are here for me." Plaintiff then tried to leave, but Defendant SAUCEDO  
21 and Officer RAMOS pinned Plaintiff to the wall and then pushed her to ground before forcefully  
22 pulling her pants down. Defendant POOL then pulled down his pants and had vaginal intercourse  
23 with Plaintiff for approximately 10 minutes. Defendant SAUCEDO and Officer RAMOS then let  
24 go of Plaintiff, and Officer RAMOS escorted her back to her cell, stating that if she told anyone  
25 what had happened she would "be sorry" and that they would make Plaintiff's life "harder than it  
26 already was," threatening to put her in the Special Housing Unit ("SHU") and charge her with  
27 seducing an officer.

28 48. Defendant POOL raped Plaintiff in the same way eight days later. Plaintiff

1 attempted to avoid these officers, but around 10 or 11 am Defendant SAUCEDO called her into a  
2 room to get a fire extinguisher checked. When she went in, she was once again pinned down by  
3 Officer RAMOS and Defendant SAUCEDO while Defendant POOLE forcibly removed her pants  
4 and forced himself into her. Poole stated she should “start getting used to doing what he wanted or  
5 else SAUCEDO and RAMOS would make her have a hard time.” When this was over, she was  
6 taken to her unit where she had her room searched. The officers told her not to speak to anyone.

7 49. From October 2018 to February 2019, Defendant POOL sexually abused Plaintiff  
8 between one to three times a week, amounting to at least 30-60 (thirty to sixty) sexual interactions  
9 in four months. The abuse primarily consisted of vaginal sex. Plaintiff sometimes attempted to  
10 avoid being assaulted by stating she was on her period. When Defendant POOL “wanted to seem  
11 important,” he would force Plaintiff to have oral sex. In most of these instances of abuse,  
12 Defendant SAUCEDO and Officer RAMOS held plaintiff down while she was being raped.

13 50. Defendant POOL was often violent during this abuse. Before having vaginal  
14 intercourse, he often held her up by the throat, pulled her hair, and yanked her around by her hair.  
15 When he was violent, Plaintiff would protest and say she didn’t want to have sex and wanted  
16 nothing to do with Defendant POOL. Defendant POOL laughed at her, and told her “You think I  
17 can’t find someone else?” When Plaintiff resisted, Defendant POOL instructed Defendant  
18 SAUCEDO and Officer RAMOS to bring Plaintiff back to her room, where they would destroy it  
19 in front of her. After a few hours, Defendant SAUCEDO and Officer RAMOS would return and  
20 threaten Plaintiff to either have sex with Defendant POOL or be placed in solitary confinement.  
21 Plaintiff felt as though she could not say no, and she had no choice but to relent to what they  
22 wanted.

23 51. Defendant SAUCEDO and Officer RAMOS also coordinated Defendant POOL’s  
24 sexual abuse Plaintiff in other ways. They escorted Plaintiff to areas in FCI Dublin that were not  
25 visible to facility cameras, including the visiting room, the compound room, and the food service  
26 area. Officer RAMOS sometimes worked as a lookout while Defendant POOL raped Plaintiff to  
27 ensure that Defendant POOL did not get caught by another officer or incarcerated person. Officer  
28 RAMOS and a staff counselor also facilitated a payment system to entice other incarcerated

1 people to help keep this sexual abuse a secret from other prison officials. Defendant POOL and  
2 Officer RAMOS gave incarcerated people food, perfumes, alcohol, spices, and drugs—including  
3 K-2—in exchange for their time as a lookout. They facilitated payment for their lookouts by  
4 putting their “payment”—whether that was food, drugs, or special items—in a trash bag. They  
5 then told the lookout to “get the trash” where their payment could be found. Plaintiff witnessed  
6 others act as lookouts in order to get these items. This complex system covered up Defendant  
7 POOL’s abuse and allowed it to continue.

8 52. During and after this abuse, Plaintiff became withdrawn, and she stopped enjoying  
9 some of things and activities she once participated in. She previously was involved in Native  
10 events and religious ceremonies at the facility, but after this occurred, all she wanted to do was  
11 hide.

#### 12 **IV. Defendant SAUCEDO Sexually Harassed And Threatened Plaintiff**

13 53. Defendant SAUCEDO not only assisted Defendant POOL’s sexual abuse, but also  
14 sexually harassed Plaintiff himself. Defendant SAUCEDO repeatedly asked Plaintiff to have sex  
15 with him. When she rejected his advances, Defendant SAUCEDO would use the same retaliation  
16 tactics that he used for Defendant POOL and destroyed her room in an effort to coerce her to  
17 comply. Plaintiff heard that Defendant SAUCEDO often acted the same way towards other  
18 incarcerated women in the facility. Plaintiff also knew Defendants POOL, SAUCEDO, and  
19 RAMOS threw incarcerated people’s commissary food on the floor and instructed people to pick it  
20 up as punishment for rejecting their advances.

21 54. One day while Plaintiff was in the visitation room, Defendant SAUCEDO ended  
22 her visitation early by forty-five minutes. Defendant SAUCEDO forced Plaintiff to strip so he  
23 could search her upon leaving the visitation room. During this strip search, Defendant SAUCEDO  
24 propositioned her again and told her that he “wanted to see what [she] can do.” When she again  
25 rejected his advances, he threatened her by saying he could make her life “hell.”

#### 26 **V. Plaintiff Was Repeatedly Subjected To Discrimination Because Of Her Identity As A 27 Native American**

28 55. Plaintiff is Native American—she is from the Lakota and Apache tribes. She

1 experienced consistent discrimination by officers because she is Native American. Defendants  
2 SAUCEDO and RAMOS made comments to her while they were bullying her and other Native  
3 Americans. They often said, “Native Americans are worth nothing but drinking alcohol and going  
4 to prison.” They also said, “All Native people do is just commit crimes on each other.”  
5 Defendant SAUCEDO specifically told Plaintiff, “You are a recovering alcoholic Native  
6 American and when you are released, you’ll just go back to drinking like all Native Americans  
7 do.” Officer RAMOS often jumped in to make similar racist and anti-indigenous comments.  
8 Plaintiff knew they wanted to make Native people hate themselves based on their Native  
9 membership or identity.

10 56. Officers at FCI Dublin regularly discriminated against Native people’s religious  
11 rights. Officers intentionally prevented Native people from participating in prayer circles or sweat  
12 lodges as a form of harassment. This happened to Plaintiff in 2017 and 2018 during Native Holy  
13 Days which happened every year in September. Officers forbade her and other Native people  
14 from passing through the facility during the only times when the prayer circles and sweat lodges  
15 occurred to intentionally prevent them from attending religious ceremonies.

16 57. She also saw officers throw Native people’s religious items in the trash. Defendant  
17 SAUCEDO threw away religious and cultural items including a Native American head medallion.

18 **VI. Defendants POOL And SAUCEDO, And Officer RAMOS Threatened Retaliation  
19 And Coerced Plaintiff Not To Report Her Abuse**

20 58. Throughout Plaintiff’s incarceration and experiences of sexual abuse, Defendants  
21 POOL and SAUCEDO, and Officer RAMOS repeatedly subjected Plaintiff to various forms of  
22 coercion and threats to force her to engage in sexual acts, and to prevent her from reporting. If  
23 Plaintiff rejected either Defendant POOL or Defendant SAUCEDO’s sexual advances, her room  
24 was searched in retaliation, and her things were stolen, confiscated, or destroyed without cause.  
25 Plaintiff faced constant threats to keep quiet which made her terrified to tell anyone at all about  
26 her abuse. Defendant POOL told her, “If you tell anyone, they won’t believe you. They’ll believe  
27 me because I’m an officer.” Defendant POOL also told Plaintiff, “I will tell people you forced  
28 yourself on me if you report.”





1 contexts.

2 **SECOND CLAIM FOR RELIEF**  
3 ***Plaintiff Against Defendants GARCIA, POOL, and SAUCEDO***  
4 **(Eighth Amendment, Cruel and Unusual Punishment)**

5 65. Plaintiff incorporates by this reference the allegations contained in the preceding  
6 paragraphs as if set forth fully herein.

7 66. Defendants GARCIA, POOL, and SAUCEDO were deliberately indifferent to the  
8 substantial likelihood of serious harm to Plaintiff. Despite knowledge, Defendants did nothing to  
9 prevent the alleged sexual misconduct.

10 67. Defendant's actions and failures described here caused the Plaintiff's physical,  
11 emotional, and constitutional harms, and she has a claim for damages for such violations under  
12 ongoing deprivation of rights secured by the United States Constitution under the Eighth  
13 Amendment.

14 68. This claim for damages is cognizable under *Bivens v. Six Unknown Named Agents*,  
15 403 U.S. 388 (1971) because it claims the same harm and injury as recognized in *Carlson v.*  
16 *Green* 446 U.S. 14 (1980) and *Farmer v. Brennan* 511 U.S. 825 (1994), two recognized *Bivens*  
17 contexts.

18 **CLAIMS FOR RELIEF UNDER THE FTCA**

19 **THIRD CLAIM FOR RELIEF**  
20 ***Plaintiff Against the United States***  
21 **(Sexual Assault; Sexual Battery – Cal. Civ. Code § 1708.5)**

22 69. Plaintiff incorporates by this reference every allegation in the preceding paragraphs  
23 as if fully set forth herein.

24 70. Plaintiff brings this claim against the United States under the FTCA based on acts  
25 and/or omissions of Defendant United States and all other Defendants, while working in their  
26 official capacities at FCI Dublin. Defendants are employees of BOP and at all relevant times were  
27 acting within the scope of their employment as federal employees in their official uniforms during  
28 work hours.

71. A person commits a sexual battery when he acts with the intent to cause a harmful

1 or offensive contact with another by use of the person’s intimate part, and a sexually offensive  
2 contact with that person directly or indirectly results. Cal. Civ. Code § 1708.5(a)(2).

3 72. Defendants subjected Plaintiff to sexual acts, with the intent to cause harmful or  
4 offensive contact. Such contact with Plaintiff was deeply offensive to their personal dignity and  
5 would offend a person of ordinary sensitivity.

6 73. As a direct and proximate result of the foregoing, Plaintiff suffered psychological  
7 trauma, distress, anxiety, depression, loss of quality of life and dignity, as well as medical and  
8 economic injuries.

9 74. Pursuant to the FTCA, Plaintiff is entitled to recover damages from the United  
10 States for the wrongful acts/omissions of its employees.

11 **FOURTH CLAIM FOR RELIEF**  
12 ***Plaintiff Against the United States***  
13 **(Intentional Infliction of Emotional Distress (“IIED”) – California common law)**

14 75. Plaintiff incorporates by this reference every allegation in the preceding paragraphs  
15 as if fully set forth herein.

16 76. Plaintiff brings this claim against the United States under the FTCA based on acts  
17 and/or omissions of Defendant United States and all other Defendants while working in their  
18 official capacities at FCI Dublin. Defendants are employees of BOP and at all relevant times were  
19 acting within the scope of their employment as federal employees in their official uniforms during  
20 work hours.

21 77. A person is liable for IIED when the defendant engages in outrageous conduct,  
22 when the defendant intended to cause plaintiff to suffer emotional distress or engaged in the  
23 conduct with reckless disregard to the probability of causing plaintiff to suffer emotional distress,  
24 the plaintiff suffered emotional distress, and the outrageous conduct was a cause of the severe  
25 emotional distress.

26 78. Defendant United States, individually or through its agents, servants, contractors,  
27 and/or employees, engaged in extreme and outrageous conduct by subjecting Plaintiff to sexual  
28 acts while incarcerated in their custody, through the above-described acts and omissions.

79. Plaintiff’s injuries and damages were caused by intentional torts perpetrated by

1 Defendants. Under 28 U.S.C. § 2680(h), Defendant United States is liable for intentional torts  
2 perpetrated by its agents, including correctional officers, that occurred within the scope of their  
3 employment under color of federal law.

4 80. At all relevant times, Defendants were acting under color of law by supervising,  
5 disciplining, overseeing, monitoring, controlling, directing, restraining, and imprisoning Plaintiff  
6 within the scope of their employment for the United States.

7 81. Defendants used their authority as law enforcement officers to sexually assault and  
8 harass Plaintiff, and as a direct and proximate cause of this conduct Plaintiff has suffered  
9 psychological trauma, distress, anxiety, depression, loss of quality of life and dignity, as well as  
10 medical and economic injuries.

11 82. Pursuant to the FTCA, Plaintiff is entitled to recover damages from the United  
12 States for the wrongful acts/omissions of its employees.

13 **FIFTH CLAIM FOR RELIEF**  
14 ***Plaintiff Against the United States***  
15 **(Sexual Harassment - Cal. Civ. Code § 51.9)**

16 83. Plaintiff incorporates by this reference every allegation in the preceding paragraphs  
17 as if fully set forth herein.

18 84. Plaintiff brings this claim against the United States under the FTCA based on acts  
19 and/or omissions of Defendant United States and all other Defendants while working in their  
20 official capacities at FCI Dublin. Defendants are employees of BOP and at all relevant times were  
21 acting within the scope of their employment as federal employees in their official uniforms during  
22 work hours.

23 85. A person is liable for sexual harassment when a special relationship exists between  
24 a plaintiff and person where there is a considerable imbalance of power; the defendant has made  
25 sexual advances, solicitations, sexual requests, demands for sexual compliance by plaintiff, or  
26 engaged in other verbal, visual, or physical conduct of a sexual nature or hostile nature based on  
27 gender, that were unwelcome and pervasive or severe; and the plaintiff has suffered or will suffer  
28 economic loss or personal injury including emotional distress or violation of a statutory or  
constitutional right.

1 86. There exists in FCI Dublin, as all prisons, an extreme imbalance of power between  
2 the officers and the incarcerated individuals. Officers control every aspect of incarcerated persons  
3 lives. In addition to this always-present imbalance of power, the problem is compounded by  
4 retaliation against those who report misconduct.

5 87. For purposes of Cal. Civ. Code § 51.9, a special relationship exists/existed between  
6 Defendants and Plaintiff due to the coercive power of the officers' positions.

7 88. Defendants in this special relationship with Plaintiff violated Cal. Civ. Code § 51.9  
8 by repeatedly sexually abusing her.

9 89. Plaintiff has suffered emotional distress as a result, including psychological trauma,  
10 distress, anxiety, depression, loss of quality of life and dignity, as well as medical and economic  
11 injuries.

12 90. Pursuant to the FTCA, Plaintiff is entitled to recover damages from the United  
13 States for the wrongful acts/omissions of its employees.

14 **SIXTH CLAIM FOR RELIEF**  
15 ***Plaintiff Against the United States***  
16 **(Tom Bane Civil Rights Act– Cal. Civ. Code § 52.1)**

17 91. Plaintiff incorporates by this reference every allegation in the preceding paragraphs  
18 as if fully set forth herein.

19 92. Plaintiff brings this claim against the United States under the FTCA based on acts  
20 and/or omissions of Defendant United States and all other Defendants while working in their  
21 official capacities at FCI Dublin. Defendants are employees of BOP and at all relevant times were  
22 acting within the scope of their employment as federal employees in their official uniforms during  
23 work hours.

24 93. A person interferes with another's civil rights if the person uses or attempts to use  
25 threats, intimidation, or coercion to interfere with the exercise or enjoyment of rights secured by  
26 the Constitution or state or federal laws.

27 94. Speech alone is sufficient where the threatened person reasonably fears violence  
28 because the person threatening had the apparent ability to carry out the threat. Because of the  
coercive, and sometimes violent, nature of a prison and the fact that survivors had seen retaliation

1 before, Plaintiff reasonably feared violence by Defendants.

2 95. Defendant United States through its agents, servants, contractors, and/or employees  
3 violate Plaintiff's rights, including but not limited to, their right of protection from bodily harm  
4 and sexual violation, imposition of punishment without due process, and cruel and unusual  
5 punishment. Defendants violated these rights by threats, intimidation, or coercion.

6 96. As a direct and proximate result of the foregoing, Plaintiff has suffered emotional  
7 distress as a result, including psychological trauma, distress, anxiety, depression, loss of quality of  
8 life and dignity, as well as medical and economic injuries.

9 97. Pursuant to the FTCA, Plaintiff is entitled to recover damages from the United  
10 States for the wrongful acts/omissions of its employees.

11 **SEVENTH CLAIM FOR RELIEF**  
12 ***Plaintiff Against the United States***  
13 **(Gender Violence – Cal. Civ. Code § 52.4)**

14 98. Plaintiff incorporates by this reference every allegation in the preceding paragraphs  
15 as if fully set forth herein.

16 99. Plaintiff brings this claim against the United States under the FTCA based on acts  
17 and/or omissions of Defendant United States and all other Defendants while working in their  
18 official capacities at FCI Dublin. Defendants are employees of BOP and at all relevant times were  
19 acting within the scope of their employment as federal employees in their official uniforms during  
20 work hours.

21 100. Gender violence is a form of sex discrimination and includes a physical intrusion or  
22 physical invasion of a sexual nature under coercive conditions, whether or not those acts have  
23 resulted in criminal complaints, charges, prosecution, or conviction.

24 101. The conditions at FCI Dublin are that of coercive conditions, as evident by officers  
25 regularly withholding things like out of cell time or personal property in exchange for sexual  
26 favors. Further, officers exchanged sexual favors for perks that are not normally available to  
27 inmates such as treats, alcohol, and the ability to roam the halls.

28 102. Defendants discriminated against Plaintiff based on her sex and/or gender when  
they repeatedly sexually abused her, physically intruding and invading upon her bodies under

1 coercive conditions.

2 103. As a direct and proximate result of the foregoing, Plaintiff has suffered emotional  
3 distress as a result, including psychological trauma, distress, anxiety, depression, loss of quality of  
4 life and dignity, as well as medical and economic injuries.

5 104. Pursuant to the FTCA, Plaintiff is entitled to recover damages from the United  
6 States for the wrongful acts/omissions of its employees.

7 **EIGHTH CLAIM FOR RELIEF**  
8 ***Plaintiff Against the United States***  
9 **(Invasion of Privacy – California common law)**

10 105. Plaintiff incorporates by this reference every allegation in the preceding paragraphs  
11 as if fully set forth herein.

12 106. Plaintiff brings this claim against the United States under the FTCA based on acts  
13 and/or omissions of Defendant United States and all other Defendants while working in their  
14 official capacities at FCI Dublin. Defendants are employees of BOP and at all relevant times were  
15 acting within the scope of their employment as federal employees in their official uniforms during  
16 work hours.

17 107. The elements of invasion of privacy are (1) whether the defendant intentionally  
18 intruded, physically or otherwise, upon the solitude or seclusion, private affairs or concerns of the  
19 plaintiff; (2) the intrusion was substantial, and of a kind that would be highly offensive to an  
20 ordinarily reasonable person; and (3) the intrusion caused plaintiff to sustain injury, damage, loss,  
21 or harm.

22 108. Defendants intentionally and substantially intruded, both physically and otherwise,  
23 upon Plaintiff's seclusion when they repeatedly sexually abused her.

24 109. Such intrusions were substantial and highly offensive to an ordinarily reasonable  
25 person due to their sexual and degrading nature.

26 110. As a direct and proximate result of the foregoing, Plaintiff has suffered emotional  
27 distress as a result, including psychological trauma, distress, anxiety, depression, loss of quality of  
28 life and dignity, as well as medical and economic injuries.

111. Pursuant to the FTCA, Plaintiff is entitled to recover damages from the United

1 States for the wrongful acts/omissions of its employees.

2 **NINTH CLAIM FOR RELIEF**  
3 ***Plaintiff Against the United States***  
4 **(Negligence – California common law)**

5 112. Plaintiff incorporates by this reference every allegation in the preceding paragraphs  
6 as if fully set forth herein.

7 113. Plaintiff brings this claim against the United States under the FTCA based on acts  
8 and/or omissions of Defendant United States and all other Defendants while working in their  
9 official capacities at FCI Dublin. Defendants are employees of BOP and at all relevant times were  
10 acting within the scope of their employment as federal employees in their official uniforms during  
11 work hours.

12 114. At all relevant times, Defendant United States hired various correctional and/or  
13 administrative personnel at FCI Dublin, including but not limited to wardens, associate wardens,  
14 captains, lieutenants, unit managers, counselors, correctional officers, and investigators.

15 115. At all relevant times, FCI Dublin personnel, including individual Defendants, held  
16 themselves out to Plaintiff as correctional and/or administrative personnel with the knowledge,  
17 capacity, and ability to provide due care in accordance with standards of reasonable care common  
18 and acceptable in the community.

19 116. **Duty.** United States and all other Defendants had a custodial duty, as well as a  
20 mandatory statutory obligation under PREA and BOP policy, to protect Plaintiff, who was  
21 incarcerated by the United States, from foreseeable harm, including sexual abuse. This duty was  
22 non-delegable.

23 117. BOP policy forbids staff in engaging with sexual activity with inmates and staff  
24 may not allow other people to engage in sexual activity. BOP policy makes clear that all sexual  
25 activity with inmates, even non-physical, is against policy. BOP states that there is no such thing  
26 as consensual sex between staff and inmates.

27 118. United States and all other Defendants also had a general duty of care to Plaintiff to  
28 act as a reasonable prudent person would under similar circumstances.

119. It was the Defendants' duty to maintain, operate, and control FCI Dublin as a safe



1 and secure space for incarcerated people.

2 120. It was the Defendants' duty to protect incarcerated people from foreseeable harm  
3 inflicted by BOP personnel.

4 121. **Breach of Duty.** The United States, individually or through its agents, servants,  
5 contractors, and/or employees acting within the scope of their employment, breached those duties  
6 by failing to supervise and operate FCI Dublin in a manner that would have prevented ongoing  
7 sexual abuse and retaliation against Plaintiff.

8 122. A reasonable administrator would have complied with PREA regulations, including  
9 safeguarding against retaliation for those who report misconduct.

10 123. A reasonable administrator would also not have exposed Plaintiff to the danger of  
11 ongoing sexual abuse.

12 124. Agents, servants, contractors, and/or employees of Defendant United States knew  
13 or should have known about the ongoing sexual abuse against Plaintiff, and in breaching their duty  
14 directly exposed Plaintiff to an unreasonable risk of bodily injury and sexual assault.

15 125. Despite notice, Defendant United States, through its employees, did not take  
16 reasonable, available measures to abate the risk of sexual abuse to Plaintiff in violation of federal  
17 regulations and BOP policy.

18 126. The United States, through its employees also failed to train, retain, and supervise  
19 officers as well as monitor and investigate them.

20 127. When the employer is aware of its employees' tortious conduct, as it was here, and  
21 it ignores or assists in it, retention of employees does not represent legitimate policy  
22 considerations warranting discretion.

23 128. At all relevant times, each of the Defendants stood in such a relationship with the  
24 other Defendants as to make each of the Defendants liable for the acts and omissions of all other  
25 Defendants in regard to their treatment of Plaintiff.

26 129. **Causation.** The United States' negligence in administering FCI Dublin is a direct  
27 and proximate cause of Plaintiff's injuries, including psychological trauma, distress, anxiety,  
28 depression, loss of quality of life and dignity, as well as medical and economic injuries.

1 130. Officers' employment at FCI Dublin was essential to their commission of tortious  
2 misconduct, which would not have happened absent their employment and privileges.

3 131. Defendant officers' conduct was grossly negligent as they showed complete  
4 disregard for rights and safety of Plaintiff.

5 132. It was foreseeable to FCI Dublin personnel that Plaintiff was at risk of imminent  
6 serious harm including sexual abuse.

7 133. Pursuant to the FTCA, Plaintiff is entitled to recover damages from the United  
8 States for the wrongful acts/omissions of its employees.

9 **TENTH CLAIM FOR RELIEF**  
10 ***Plaintiff Against the United States***  
11 **(Negligent Infliction of Emotional Distress ("NIED") – California common law)**

12 134. Plaintiff incorporates by this reference every allegation in the preceding paragraphs  
13 as if fully set forth herein.

14 135. Plaintiff brings this claim against the United States under the FTCA based on acts  
15 and/or omissions of Defendant United States and all other Defendants while working in their  
16 official capacities at FCI Dublin. Defendants are employees of BOP and at all relevant times were  
17 acting within the scope of their employment as federal employees in their official uniforms during  
18 work hours.

19 136. The elements of an NIED claim are as follows: (1) the defendant engaged in  
20 negligent conduct/a willful violation of a statutory standard; (2) the plaintiff suffered serious  
21 emotional distress; and (3) the defendant's negligent conduct/willful violation of statutory  
22 standard was a cause of the serious emotional distress.

23 137. Defendant officers and the United States engaged in negligent conduct and willful  
24 violations of statutory standards by repeatedly sexually abusing Plaintiff, constituting both  
25 extreme and outrageous behavior and the negligence.

26 138. The United States' negligence in administering FCI Dublin is a direct and  
27 proximate cause of Plaintiff's injuries, including psychological trauma, distress, anxiety,  
28 depression, loss of quality of life and dignity, as well as medical and economic injuries.

139. Pursuant to the FTCA, Plaintiff is entitled to recover damages from the United

1 States for the wrongful acts/omissions of its employees.

2 **CLAIMS FOR RELIEF UNDER THE TVPA**

3 140. Plaintiff incorporates by this reference the allegations contained in the preceding  
4 paragraphs as if set forth fully herein.

5 141. The exploitation of vulnerable people is so common that Congress has passed the  
6 Trafficking Victims Protection Act (“TVPA”), 18 U.S.C. § 1581 *et seq.*, a comprehensive  
7 statutory framework imposing both criminal and civil liability, *see* 18 U.S.C. § 1595, of persons  
8 engaging or attempting to engage or benefit from sexual exploitation and labor trafficking or  
9 obstructing anti-trafficking enforcement.

10 142. Specifically, the TVPA punishes anyone who attempts to, conspires to, or actively  
11 “recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes, or  
12 solicits by any means a person; or . . . benefits, financially or by receiving anything of value, from  
13 participation in a [trafficking] venture” while knowing “that means of force, threats of force,  
14 fraud, coercion . . . will be used to cause the person to engage in a commercial sex act.” 18 U.S.C.  
15 § 1591(a); 18 U.S.C. § 1594.

16 143. “Coercion” means “threats of serious harm to or physical restraint against any  
17 person . . . any scheme, plan, or pattern intended to cause a person to believe that failure to  
18 perform an act would result in serious harm to or physical restraint against any person” or “the  
19 abuse or threatened abuse of law or the legal process.” 18 U.S.C. § 1591(e)(2).

20 144. “Serious harm” means “any harm, whether physical or nonphysical, including  
21 psychological, financial, or reputational harm, that is sufficiently serious, under all the  
22 surrounding circumstances, to compel a reasonable person of the same background and in the  
23 same circumstances to perform or to continue performing commercial sexual activity in order to  
24 avoid incurring that harm.” 18 U.S.C. § 1591(e)(5).

25 145. The term “abuse or threatened abuse of law or legal process” means the use or  
26 threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or  
27 for any purpose for which the law was not designed, in order to exert pressure on another person to  
28 cause that person to take some action or refrain from taking some action. 18 U.S.C. § 1591(e)(1).

1           146. Commercial sex act “means any sex act, on account of which anything of value is  
2 given to or received by any person.” 18 U.S.C § 1591(e)(3).

3           147. Additionally, the TVPA punishes anyone who “knowingly provides or obtains the  
4 labor or services of a person by any one of, or by any combination of, the following means.

5                   (1) by means of force, threats of force, physical restraint, or threats of physical  
6 restraint to that person or another person;

7                   (2) by means of serious harm or threats of serious harm to that person or another  
8 person;

9                   (3) by means of the abuse or threatened abuse of law or legal process; or

10                   (4) by means of any scheme, plan, or pattern intended to cause the person to believe  
11 that, if that person did not perform such labor or services, that person or another  
12 person would suffer serious harm or physical restraint.”

13 18 U.S.C. § 1589 (a).

14           148. The TVPA punishes anyone who knowingly benefits, financially or by receiving  
15 anything of value, from participation in a venture which has engaged in the providing or obtaining  
16 of labor or services by any of the means described in subsection (a), knowing or in reckless  
17 disregard of the fact that the venture has engaged in the providing or obtaining of labor or services  
18 by any of such means, shall be punished as provided in subsection (d). 18 U.S.C. § 1589 (b).

19           149. The term “abuse or threatened abuse of law or legal process” in the forced labor  
20 provision means “the use or threatened use of a law or legal process, whether administrative, civil,  
21 or criminal, in any manner or for any purpose for which the law was not designed, in order to exert  
22 pressure on another person to cause that person to take some action or refrain from taking some  
23 action.” 18 U.S.C. § 1589 (c)(1).

24           150. The term “serious harm” means “any harm, whether physical or nonphysical,  
25 including psychological, financial, or reputational harm, that is sufficiently serious, under all the  
26 surrounding circumstances, to compel a reasonable person of the same background and in the  
27 same circumstances to perform or to continue performing labor or services in order to avoid  
28 incurring that harm.” 18 U.S.C. § 1589 (c)(12).



- 1 • Paying incarcerated persons with items of value such, for example food,  
2 perfume, alcohol, spices, and drugs in exchange for keeping these sexual  
3 abuses a secret and for serving as a lookout while these sexual abuses were  
taking place.

4 158. Defendant SAUCEDO made Plaintiff commit these sexual acts through force,  
5 fraud, or coercion within the meaning of 18 U.S.C. § 1591. For example by:

- 6 • Using his power and status as a correctional officer who has the power to  
7 control and direct incarcerated persons and their movements to have  
commercial sex acts with Defendant POOL;
- 8 • Using physical force to hold Plaintiff down while Defendant POOL  
9 assaulted her;
- 10 • Transporting Plaintiff to and from locations to facilitate Defendant POOL's  
11 commercial sex acts with Plaintiff;
- 12 • Threatening her and conducting cell searches if she did not comply with  
13 POOLE's sexual abuse .

14 159. These methods of force, fraud, and coercion were a plan designed to make Plaintiff  
15 believe that she would suffer serious harm should she not obey Defendant POOL and  
16 SAUCEDO's abuses.

17 160. These tactics are part of a well-known scheme, plan, or pattern at FCI Dublin by a  
18 network of officers that were intended to cause a person to believe that failure to perform an act  
19 would result in serious harm or physical restraint.

20 161. These acts constitute civil wrongs inflicted on Plaintiff and actionable under 18  
21 U.S.C. § 1595.

22 162. Defendants' conduct has caused Plaintiff serious harm including, without  
23 limitation, physical, psychological, emotional, financial, and reputational harm and she has a claim  
24 for damages for such violations under 18 U.S.C. §§ 1591, 1594(a), and 1595.

25 163. Defendant's conduct warrants the Court's imposition of compensatory and punitive  
26 damages against the Defendants.

27 164. Pursuant to 18 U.S.C. § 1595, Plaintiff is entitled to recover damages and  
28 reasonable attorneys' fees for the Defendants' wrongful conduct.

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**TWELFTH CLAIM FOR RELIEF**  
**Plaintiff Against Defendants POOL and SAUCEDO**  
**(Obstruction)**

165. Defendants POOL and SAUCEDO together and individually obstructed or attempted to obstruct enforcement efforts or investigations into the sex trafficking of Plaintiff under 18 U.S.C. § 1591(d). They did so in the following ways:

- Defendants POOL and SAUCEDO threatened Plaintiff’s safety and property to silence her and prevent reporting of her sexual abuse; and
- Defendant SAUCEDO threatened Plaintiff with further incarceration to silence her and prevent her from reporting her sexual abuse after being transferred to a new facility.

166. These tactics are part of a well-known scheme, plan, or pattern at FCI Dublin by a network of officers that were intended to cause a person to believe that reporting would result in serious harm or physical restraint.

167. These acts constitute civil wrongs inflicted on Plaintiff and are actionable under 18 U.S.C. § 1595.

168. Defendants’ conduct has caused Plaintiff serious harm including, without limitation, physical, psychological, emotional, financial, and reputational harm, and she has a claim for damages for such violations under 18 U.S.C. § 1591, 18 U.S.C. § 1595.

169. Defendants’ conduct warrants the Court’s imposition of compensatory and punitive damages against the Defendants.

170. Pursuant to 18 U.S.C. § 1595, Plaintiff is entitled to recover damages and reasonable attorneys’ fees for the Defendants’ wrongful conduct.

**THIRTEENTH CLAIM FOR RELIEF**  
***Plaintiffs Against All Individual Capacity Defendants***  
**(Conspiracy to Violate the Trafficking Victims and Protection Act, 18 U.S.C. § 1584)**

171. Plaintiff incorporates by this reference the allegations contained in the preceding paragraphs as if set forth fully herein.

172. The Trafficking Victims Protection Act establishes that “[w]hoever conspires with another to violate section 1581, 1583, 1589, 1590, or 1592 shall be punished in the same manner

1 as a completed violation of such section; . . . [and w]hoever conspires with another to violate  
2 section 1591 shall be fined under this title, imprisoned for any term of years or for life, or both.”  
3 18 U.S.C. § 1594 (b), (c).

4 173. The TVPA allows “[an] individual who is a victim of a violation of this chapter [to]  
5 bring a civil action against the perpetrator (or whoever knowingly benefits, or attempts or  
6 conspires to benefit, financially or by receiving anything of value from participation in a venture  
7 which that person knew or should have known has engaged in an act in violation of this chapter)  
8 in an appropriate district court of the United States and may recover damages and reasonable  
9 attorneys fees.” 18 U.S.C. § 1595(a).

10 174. Congress grants a plaintiff up to ten years in which to bring a civil action under 18  
11 U.S.C. § 1595(c).

12 175. At all relevant times, Defendants knowingly agreed, contrived, confederated, acted  
13 in concert, aided and abetted, and/or conspired to continue their longstanding practice of  
14 exchanging sex for valuable goods or special benefits as defined in 18 U.S.C. § 1591, or obtaining  
15 forced labor as defined in 18 U.S.C. § 1589 by coercing incarcerated people to perform sexual acts  
16 or to act as lookouts as the Defendants engaged in sexual acts.

17 176. All Defendants conspired to recruit, entice, harbor, transport, provide, obtain,  
18 maintain, patronize, solicit, or benefit from participation in the sex and/or labor trafficking of  
19 Plaintiffs as defined by 18 U.S.C. § 1581 *et seq.*

20 177. Defendants committed overt acts in furtherance of the agreement or understanding  
21 by committing one or more of the following acts:

- 22 • Directly working as lookouts themselves while perpetrating officers  
23 engaged or attempted to engage in sexual acts;
- 24 • Forcing or coercing other incarcerated people to act as lookouts while  
25 perpetuating officers engaged or attempted to engage in sexual acts in  
26 exchange for valuable goods or benefits;
- 27 • Transporting or directing incarcerated people into locations where principal  
28 perpetrating officers could engage or attempt in engage in sexual acts;
- Engaging in retaliatory tactics to threaten and silence survivors or witnesses  
of sexual abuse or trafficking including but not limited to threats of physical



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abuse and/or restraint, threats of law or process, indiscriminate searches, taunting, and humiliation;

- Knowingly refusing to report abuse or trafficking occurring at FCI Dublin and/or obstructing investigation into abuse or trafficking;
- Maintaining practices, policies, and procedures that allowed Defendants to benefit from unlawful commercial sex ventures and human trafficking.

178. Defendants’ participation and assistance in the furtherance of an illegal sex trafficking plan and/or purpose was intentional and/or willful and, therefore, Defendants intentionally and/or willfully caused the facilitation of the sex acts in support of their trafficking venture.

179. Defendants knew or should have known that their acts supported and facilitated a trafficking venture.

180. Defendants’ conspiracy kept Plaintiff and other witnesses of the trafficking from taking meaningful action, resulting in significant injuries to Plaintiff.

181. Defendants’ conduct caused Plaintiff serious harm including, without limitation, physical, psychological, emotional, financial, and reputational harm, and Plaintiffs have claims for damages for such violations under 18 U.S.C. § 1584; 18 U.S.C. § 1589, 18 U.S.C. § 1591; 18 U.S.C. § 1595.

WHEREFORE, Plaintiff prays for judgment against Defendants as set forth below.

**PRAYER FOR RELIEF**

Plaintiff prays for judgment against Defendants, and each of them, as follows:

182. An award of compensatory, punitive, and nominal damages to Plaintiff in an amount to be determined at trial;

183. An award to Plaintiff, pursuant to 42 U.S.C. §§ 1988 and 12205 of the costs of this suit and reasonable attorneys’ fees and litigation expenses; and

184. For such other and further relief as this Court may deem just and proper.

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DATED: March 7, 2024

Respectfully submitted,  
ARNOLD & PORTER KAYE SCHOLER LLP

By: /s/ Carson D. Anderson

Stephen Cha-Kim  
Carson D. Anderson  
Natalie Steiert

DATED: March 7, 2024

RIGHTS BEHIND BARS

By: /s/ Oren Nimni

Ms. Amaris Montes (she/her)  
Mr. Oren Nimni (he/him)

Attorneys for Plaintiff