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**Pro hac vice pending*

14 Attorneys for Plaintiff

20 UNITED STATES DISTRICT COURT

21 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

22 M.L.,

23 Plaintiff,

24 v.

25 UNITED STATES OF AMERICA; UNITED
STATES OF AMERICA FEDERAL BUREAU OF
PRISONS, a governmental entity; RAY J. GARCIA;
and JUSTIN BELL,

26 Defendants.

COMPLAINT

JURY TRIAL DEMANDED

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1 Plaintiff M.L. (“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.”¹

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
25

26 ¹ 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-%20Sexual%20Abuse%20of%20Female%20Inmates%20in%20Federal%20Prisons.pdf](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 regulations that provide precise procedures that prisons must follow. The Federal Bureau
2 of Prisons (“BOP”) adopted PREA policies in response to these regulations.

3 4. Despite these mandatory protections, while incarcerated at FCI Dublin in 2021,
4 Plaintiff, was repeatedly sexually harassed and abused by Defendant BELL until he transferred to
5 another prison. In doing so, Defendant violated Plaintiff’s Constitutional rights and California law
6 on gender violence, sexual assault, and common law on battery.

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

9 6. Plaintiff brings this suit under the United States Constitution Eighth Amendment’s
10 prohibition on cruel and unusual punishment. Plaintiff also brings this suit under the Federal Tort
11 Claims Act (“FTCA”) 28 U.S.C. §§ 2671, *et seq.*, under state law on gender violence and sexual
12 assault, and in connection with the deficient supervision and custodial care provided by various
13 BOP personnel, including Defendant BELL, within the scope of their employment within the
14 BOP. Plaintiff also brings this suit under the Trafficking Victims Protection Act (“TVPA”) 22
15 U.S.C. §§ 7101, *et seq.*

16 **JURISDICTION AND VENUE**

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

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

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

26 **THE PARTIES**

27 10. At all times relevant hereto, Plaintiff was incarcerated in the custody of BOP,
28 incarcerated at FCI Dublin located at 5701 8th St., Dublin, CA 94568. Plaintiff was transferred to

1 Federal Detention Center SeaTac (FDC SeaTac). She was released into her community in Alaska.

2 11. Defendant United States of America (hereinafter “United States”) is the appropriate
3 defendant for Plaintiffs’ claims under the Federal Tort Claims Act. The United States is a
4 sovereign entity that has waived its immunity for certain claims, including the claims set forth
5 herein, and is liable for the acts or omissions of its agents, servants, contractors, and employees
6 that occur within the scope of their employment.

7 12. At all times relevant hereto, Defendant United States, acting through the BOP, was
8 responsible for the operation, control, supervision, policy, practice, implementation, and conduct
9 of all BOP matters including at FCI Dublin and was responsible for the hiring, retention, training,
10 supervision, management, discipline, and conduct of all BOP personnel, including but not limited
11 to Defendants GARCIA and BELL.

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

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

20 15. Defendant RAY J. GARCIA (“Defendant GARCIA”) was the associate warden at
21 FCI Dublin between December 2018 and November 2020, and the warden of FCI Dublin from
22 November 2020 to July 2021 – a time that overlapped with Plaintiff being abused by Defendant
23 BELL. As the warden, Defendant GARCIA was responsible for safekeeping, care, protection,
24 discipline, programming, and release of inmates incarcerated at FCI Dublin. Defendant GARCIA
25 was also responsible for hiring, training, and supervising/managing staff, and determining
26 operating procedures and policies. In his capacity as an agent, servant, and employee of
27 Defendant United States, and within the course and scope of his employment as such, Defendant
28 GARCIA was responsible for the day-to-day oversight, supervision, care, custody, control,

1 direction, safety, and well-being of people confined at FCI Dublin, including Plaintiff. Defendant
2 Garcia is sued in his individual capacity.

3 16. At all times relevant hereto, Defendant United States, acting through the BOP,
4 hired Defendants GARCIA and BELL to serve as “correctional officers” and “law enforcement
5 officers” within the meaning and powers of 28 U.S.C. § 2680(h).

6 17. While acting and failing to act as alleged herein, Defendants had complete custody
7 and total control of Plaintiff, who was dependent upon Defendants for personal security and
8 necessities.

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

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

24 20. Individual Defendants further directly assaulted, harassed, demeaned, degraded,
25 and trafficked particular Plaintiffs as alleged herein.

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

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

1 22. Plaintiff exhausted these claims against the United States in accordance with the
2 requirements of the FTCA.

3 23. Plaintiff submitted a “Claim for Damage, Injury, or Death” to the BOP as a PREA
4 victim involving staff at FCI Dublin in the sum of \$10,000,000.00. The BOP received her
5 administrative claim on May 2, 2023. By November 2, 2023, six months after BOP received
6 Plaintiff’s administrative claim, the BOP has neither accepted nor rejected the claims. Pursuant to
7 28 U.S.C. § 2675(a), Plaintiff considers this failure to act as a final denial of the claims.

8 **JURY DEMAND**

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

11 **FACTUAL ALLEGATIONS**

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

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

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

22 27. Under PREA regulations, BOP is required to “train all employees who may have
23 contact with inmates” on the following: its “zero-tolerance policy for sexual abuse and sexual
24 harassment”; prevention, reporting, detection, and response to such behavior; “the right of inmates
25 to . . . be free from retaliation for reporting sexual abuse and sexual harassment”; signs and
26 dynamics of sexual abuse in confinement, and “common reactions of . . . victims”; and “how to
27 avoid inappropriate relationships with inmates.” *Id.* § 115.31(a). The training must be “tailored to
28 the gender of the inmates at the employee’s facility,” and the agency must conduct a refresher

1 training on PREA standards every two years. *Id.* § 115.31(b)–(c). In off years from the training,
2 “the agency shall provide refresher information on current sexual abuse and sexual harassment
3 policies.” *Id.* § 115.31(c).

4 28. PREA regulations mandate staff reporting. BOP must “require all staff to report
5 immediately . . . any knowledge, suspicion, or information regarding an incident of sexual abuse
6 or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation
7 against inmates or staff who reported such an incident; and any staff neglect or violation of
8 responsibilities that may have contributed to an incident or retaliation.” 28 C.F.R. § 115.61(a).

9 29. Per PREA regulations, administrative investigations of alleged sexual abuse by a
10 staff member or incarcerated person are required to proceed “promptly, thoroughly, and
11 objectively for all allegations, including third-party and anonymous reports.” *Id.* § 115.71(a).
12 Investigators must be specially trained in sexual abuse investigations and must “gather and
13 preserve direct and circumstantial evidence,” including interviewing “alleged victims, suspected
14 perpetrators, and witnesses” and “shall review prior complaints and reports of sexual abuse
15 involving the suspected perpetrator.” *Id.* § 115.71(c)–(b). The agency is prohibited from
16 determining an alleged victim’s credibility based on their “status as inmate or staff.” *Id.* §
17 115.71(e). Investigations are further required to “include an effort to determine whether staff
18 actions or failures to act contributed to the abuse.” *Id.* § 115.71(f). “The departure of the alleged
19 abuser or victim from the employment or control of the facility or agency shall not provide a basis
20 for terminating an investigation.” *Id.* § 115.71(j).

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

28 31. PREA also includes measures designed to prevent staff retaliation following

1 incarcerated persons’ reports of abuse. PREA requires that BOP establish a policy to prevent
2 retaliation, and that staff monitor retaliation, provide “emotional support services for inmates . . .
3 who fear retaliation,” and monitor for at least 90 days the conduct and treatment of incarcerated
4 people who report abuse. *Id.* § 115.67. These protective measures include strict limits on the use
5 of administrative segregation. The regulations provide: “Inmates at high risk for sexual
6 victimization shall not be placed in involuntary segregated housing unless an assessment of all
7 available alternatives has been made, and . . . there is no available alternative means of separation
8 from likely abusers. If a facility cannot conduct such an assessment immediately, the facility
9 may” hold the individual in segregated housing for “less than 24 hours while conducting the
10 assessment.” *Id.* § 115.43(a). Any incarcerated person placed in protective custody for this
11 purpose “shall have access to programs, privileges, education, and work opportunities to the extent
12 possible.” *Id.* § 115.43(b).

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

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

21 33. Eight former officers—including former Warden Ray Garcia and a former
22 chaplain—have been charged with sexual misconduct for incidents spanning from 2019 into 2021,
23 with more charges likely forthcoming. *See United States v. Garcia*, No. 4:21-cr-00429-YGR
24 (N.D. Cal.) (sentenced to 70 months in prison and 15 years of supervised released following jury
25 trial); *United States v. Highhouse*, No. 4:22-cr-00016-HGS (N.D. Cal.) (sentenced to 84 months in
26 federal prison and 5 months of supervised release following guilty plea); *United States v. Chavez*,
27 No. 4:22-cr-00104-YGR-1 (N.D. Cal.) (sentenced to 20 months in federal prison and 10 years of
28 supervised release following guilty plea); *United States v. Klinger*, No. 4:22-cr-00031-YGR (N.D.

1 Cal.) (plead guilty to three counts of sexual abuse of a ward); *United States v. Bellhouse*, No. 4:22-
2 cr-00066-YGR (N.D. Cal.) (sentenced to 63 months in federal prison and 5 years of supervised
3 release following jury trial); *United States v. Smith*, No. 4:23-cr-00110-YGR-1 (charges pending);
4 *United States v. Nunley*, No. 4:23-cr-00213-HSG (N.D. Cal.) (awaiting sentencing following
5 guilty plea for 4 counts of sexual abuse of a ward, 5 counts of abusive sexual contact, and 1 count
6 of false statements to a government agency); *United States v. Jones*, No. 4:23-cr-00212-HSG
7 (N.D. Cal.) (sentenced to 96 months in federal prison and 10 years of supervised release following
8 guilty plea for 6 counts of sexual abuse of a ward and 1 count of false statements to a government
9 agency).

10 34. Defendant RAY J. GARCIA (“Defendant GARCIA”) was the associate warden at
11 FCI Dublin between December 2018 and November 2020, and the warden of FCI Dublin from
12 November 2020 to July 2021 – a time that overlapped with Plaintiff being abused by Defendant
13 BELL. As the warden, Defendant GARCIA was responsible for safekeeping, care, protection,
14 discipline, programming, and release of inmates incarcerated at FCI Dublin. Defendant GARCIA
15 was also responsible for hiring, training, and supervising/managing staff, and determining
16 operating procedures and policies.

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

20 36. Defendant GARCIA led training on the Prison Rape and Elimination Act and
21 chaired the audit of FCI Dublin under the PREA. Thus, the man responsible for reporting
22 incidents to the government and teaching inmates how to report rape was in fact a serial rapist of
23 incarcerated people, and he was clearly tolerating and allowing abuse by many more of his
24 underlings, including Defendant BELL.

25 37. Defendant GARCIA had actual knowledge that the other correctional officers under
26 his supervision were sexually assaulting inmates before and after Plaintiff was abused. Despite
27 this knowledge, Defendant GARCIA did not do anything to stop it, even though he had a duty to
28 do so. Due to the fact that Defendant GARCIA had knowledge of prior sexual abuse at FCI and

1 failing to do anything about it, it allowed FCI agents, representatives, and employees to abuse
2 Plaintiff.

3 38. Defendant GARCIA had actual knowledge that inmates complained about the
4 assaults. Defendant GARCIA knew or should have known that the inmates were subjected to
5 retaliation. Because Defendant did not investigate complaints of abuse and harassment and did
6 not do anything to stop it, inmates, including Plaintiff, were abused. Had Defendant GARCIA
7 taken reasonable actions, which he was under a legal duty to perform, Plaintiff would not have
8 been abused. Defendant Garcia’s intentional indifference to inmate abuse was a substantial factor
9 in Plaintiff suffering abuse.

10 39. PREA guidelines and FCI Dublin policies and procedures required all inmate
11 complaints of sexual assault and sexual abuse filed or reported internally be reported to Defendant
12 GARCIA. During GARCIA’s tenure, complaints of sexual assaults of inmates by correctional
13 officers and/or staff were reported.

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

18 41. Further, Defendant GARCIA and others inadequately supervised and trained the
19 prison’s correctional officers and other employees, including Defendant BELL. Employees of the
20 UNITED STATES failed to supervise which was a substantial factor in causing Plaintiff’s abuse.

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

28

1 **III. Defendant BELL Began to Abuse Plaintiff When She Was Placed in Quarantine**
2 **Upon Arrival**

3 43. Plaintiff was incarcerated at FCI Dublin beginning on or around March 2021.

4 44. Defendant began sexually harassing Plaintiff in March 2021 when Plaintiff was in
5 quarantine during her early days of incarceration.

6 45. On one occasion, Defendant BELL used his authority to gain access to Plaintiff.
7 While Plaintiff was taking a shower, Defendant BELL stood outside of her shower and waited for
8 her. He proceeded to walk with Plaintiff back to her cell and then closed the door, then stood
9 outside of her cell staring at her for about two minutes conversing. He later came back to her cell
10 and began conversing with Plaintiff's roommate for an hour while staring at her.

11 **IV. Defendant BELL Continued to Give Plaintiff Unwanted Attention After Quarantine**

12 46. Defendant BELL continued to give Plaintiff unwanted sexual attention after this
13 incident. Plaintiff was moved from Unit E/F to Unit A/B. Defendant BELL was the officer in
14 charge of that unit. Every time he saw Plaintiff, he would tell her where the blind spots were:
15 where the security cameras in the facility would not capture them if they were to meet there. For
16 example, Defendant BELL told Plaintiff about a blind spot in the counselor's office in Unit B and
17 told her that if she stood towards the side of the door, the camera could not see them. He also told
18 her that if she walked towards the elevator, there would be another blind spot. Plaintiff tried to
19 avoid all of these blind spots.

20 **V. Defendant BELL Digitally Penetrated Plaintiff**

21 47. In April 2021, only a few weeks after she was moved to Unit A/B, Defendant
22 BELL sexually assaulted Plaintiff by digitally penetrating her. As she returned from the shower in
23 her bathrobe, Defendant BELL came to her cell door. He grabbed her waist with one hand, and
24 slipped his other hand into her bathrobe from the top of her chest, sliding it down to her stomach
25 and then to her vagina. Defendant BELL then inserted his fingers into her vagina for about two
26 minutes. Plaintiff was shocked, but powerless. She thought this is what the officers here do; she
27 felt like she had to go with it. When he removed his fingers, he said, "be a good girl" which
28 Plaintiff understood to be his way of telling her not to report him. He also said, "come see me in a

1 little bit.” Thus, Plaintiff was aware that he expected her to allow him to touch her again. Plaintiff
2 did not come out of her cell for the rest of the day. Later that same day, Plaintiff was sent to the
3 secure housing unit (SHU) after her roommate got into a fight with someone. When she returned,
4 Defendant BELL gave her fancy lip gloss as a gift.

5 **VI. Defendant BELL Continued To Give Plaintiff Unwanted Attention Through June**
6 **2021**

7 48. After this incident, Defendant BELL visited Plaintiff every time he came to work
8 stopping by her cell every time he did his rounds. He came to work at least four times per week,
9 and therefore he saw her at least four times per week.

10 49. Defendant BELL was concerned that Plaintiff was upset about what happened and
11 would report him. For example, he would walk by her room and ask her, “Why aren’t you talking
12 to me?” Plaintiff didn’t want him to feel uncomfortable and retaliate, so she sometimes went to his
13 office to speak to him. When he visited her, he would hug Plaintiff and smell her hair while
14 hugging her. They had small conversations about what each other has been doing. Defendant
15 BELL gave Plaintiff special privileges by allowing Plaintiff to cook quesadillas on her iron, and
16 Defendant BELL would take the food that she made. Defendant BELL often kissed her during the
17 visits.

18 50. Plaintiff attempted to ensure that she was never physically in a place she could be
19 assaulted again. So, while Defendant BELL never digitally penetrated her again, this was solely
20 because of lack of opportunity.

21 51. Plaintiff worried that if she reported him, and something happened to him, the other
22 women would be upset with her and come after her in retaliation for taking away a source of their
23 money or other gifts. She also felt intimidated by the other officers. She saw officers open cell
24 doors, fill it with pepper spray, then lock the door, leaving women to cough with the pepper spray
25 in the air. She was worried about what would happen if they found out that Defendant BELL
26 sexually assaulted her.

27 **VII. Defendant BELL Moved to Another Facility, and Plaintiff Reported Him After She**
28 **Was Transferred**

52. After Defendant BELL moved to another facility and Plaintiff was transferred, she

1 reported him. In June 2021, Defendant BELL visited M.L. to inform Plaintiff that he was moving
2 to a facility in Texas. He told Plaintiff not to tell anyone what he did. He told Plaintiff, “Don’t
3 worry, I’m going to give you my information and my email. I want to take care of you. I want to
4 make sure you’re okay.” Plaintiff thought this was his way of making sure she wasn’t going to
5 report him for what he did.

6 53. Plaintiff still did not feel safe reporting Defendant BELL to officers at FCI Dublin
7 because of her fear of the other officers. Plaintiff first reported the assault to a psychologist at
8 FDC SeaTac. The psychologist had Plaintiff meet with a nurse to undergo a PREA medical exam.

9 **VIII. Plaintiff’s Mental Health Deteriorated As A Result of Defendant BELL’S Assault**

10 54. As a result of the sexual assault and other abuse that Plaintiff experienced, in
11 August 2022, over a year after her assault, Plaintiff reported that she was feeling very depressed
12 and requested to be on suicide watch while incarcerated at FDC SeaTac. Plaintiff was placed on
13 suicide watch for two days. Plaintiff was on the psychiatric waiting list for a year and didn’t ever
14 receive care.

15 55. In February 2023, while at the Nevada Southern Detention Center in Pahrump,
16 Plaintiff was put on amitriptyline, an anti-depressant, for nightmares and depression. Plaintiff was
17 put on this drug because she cannot fall sleep, and she wakes up often when sleeping. Plaintiff
18 had not experienced these symptoms or the need for such medication prior to her assault. Even
19 now after being released to here community, Plaintiff continues to feel physical and psychological
20 effects from her abuse.

21 **CLAIMS FOR RELIEF**

22 **FIRST CLAIM FOR RELIEF**

23 ***Plaintiff Against Defendant BELL***
(Eighth Amendment, Cruel and Unusual Punishment)

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

26 57. Defendant BELL subjected Plaintiff to serious bodily harm as defined by the Eight
27 Amendment when he sexually assaulted and harassed Plaintiff and provided or withheld privileges
28 to coerce sexual favors from Plaintiff.

1 58. Defendant's actions and failures described here caused the Plaintiff's physical,
2 emotional, and constitutional harms, and she has a claim for damages for such violations under
3 ongoing deprivation of rights secured by the United States Constitution under the Eighth
4 Amendment.

5 59. This claim for damages is cognizable under *Bivens v. Six Unknown Named Agents*,
6 403 U.S. 388 (1971) because it claims the same harm and injury as recognized in *Carlson v.*
7 *Green* 446 U.S. 14 (1980) and *Farmer v. Brennan* 511 U.S. 825 (1994), two recognized *Bivens*
8 contexts.

9 **SECOND CLAIM FOR RELIEF**
10 ***Plaintiff Against Defendant GARCIA***
(Eighth Amendment, Cruel and Unusual Punishment)

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

13 61. Defendant GARCIA was deliberately indifferent to the substantial likelihood of
14 serious harm to Plaintiff. Despite knowledge, Defendant GARCIA did nothing to prevent the
15 alleged sexual misconduct.

16 62. Defendant's actions and failures described here caused the Plaintiff's physical,
17 emotional, and constitutional harms, and she has a claim for damages for such violations under
18 ongoing deprivation of rights secured by the United States Constitution under the Eighth
19 Amendment.

20 63. This claim for damages is cognizable under *Bivens v. Six Unknown Named Agents*,
21 403 U.S. 388 (1971) because it claims the same harm and injury as recognized in *Carlson v.*
22 *Green* 446 U.S. 14 (1980) and *Farmer v. Brennan* 511 U.S. 825 (1994), two recognized *Bivens*
23 contexts.

24 **CLAIMS FOR RELIEF UNDER THE FTCA**

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

27 64. Plaintiff incorporates by this reference every allegation in the preceding paragraphs
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1 as if fully set forth herein.

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

7 66. A person commits a sexual battery when he acts with the intent to cause a harmful
8 or offensive contact with another by use of the person's intimate part, and a sexually offensive
9 contact with that person directly or indirectly results. Cal. Civ. Code § 1708.5(a)(2).

10 67. Defendants subjected Plaintiff to sexual acts, with the intent to cause harmful or
11 offensive contact. Such contact with Plaintiff was deeply offensive to their personal dignity and
12 would offend a person of ordinary sensitivity.

13 68. As a direct and proximate result of the foregoing, Plaintiff suffered psychological
14 trauma, distress, anxiety, depression, loss of quality of life and dignity, as well as medical and
15 economic injuries.

16 69. Pursuant to the FTCA, Plaintiff is entitled to recover damages from the United
17 States for the wrongful acts/omissions of its employees.

18 **FOURTH CLAIM FOR RELIEF**
19 ***Plaintiff Against the United States***
20 **(Intentional Infliction of Emotional Distress ("IIED") – California common law)**

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

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

28 72. A person is liable for IIED when the defendant engages in outrageous conduct,
when the defendant intended to cause plaintiff to suffer emotional distress or engaged in the

1 conduct with reckless disregard to the probability of causing plaintiff to suffer emotional distress,
2 the plaintiff suffered emotional distress, and the outrageous conduct was a cause of the severe
3 emotional distress.

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

7 74. Plaintiff's injuries and damages were caused by intentional torts perpetrated by
8 Defendants. Under 28 U.S.C. § 2680(h), Defendant United States is liable for intentional torts
9 perpetrated by its agents, including correctional officers, that occurred within the scope of their
10 employment under color of federal law.

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

14 76. Defendants used their authority as law enforcement officers to sexually assault and
15 harass Plaintiff, and as a direct and proximate cause of this conduct Plaintiff has suffered
16 psychological trauma, distress, anxiety, depression, loss of quality of life and dignity, as well as
17 medical and economic injuries.

18 77. Pursuant to the FTCA, Plaintiff is entitled to recover damages from the United
19 States for the wrongful acts/omissions of its employees.

20 **FIFTH CLAIM FOR RELIEF**
21 ***Plaintiff Against the United States***
22 **(Sexual Harassment - Cal. Civ. Code § 51.9)**

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

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

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

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

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

14 83. Defendants in this special relationship with Plaintiff violated Cal. Civ. Code § 51.9
15 by repeatedly sexually abusing her.

16 84. Plaintiff has suffered emotional distress as a result, including psychological trauma,
17 distress, anxiety, depression, loss of quality of life and dignity, as well as medical and economic
18 injuries.

19 85. Pursuant to the FTCA, Plaintiff is entitled to recover damages from the United
20 States for the wrongful acts/omissions of its employees.

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

24 86. Plaintiff incorporates by this reference every allegation in the preceding paragraphs
25 as if fully set forth herein.

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

1 work hours.

2 88. A person interferes with another’s civil rights if the person uses or attempts to use
3 threats, intimidation, or coercion to interfere with the exercise or enjoyment of rights secured by
4 the Constitution or state or federal laws.

5 89. Speech alone is sufficient where the threatened person reasonably fears violence
6 because the person threatening had the apparent ability to carry out the threat. Because of the
7 coercive, and sometimes violent, nature of a prison and the fact that survivors had seen retaliation
8 before, Plaintiff reasonably feared violence by Defendants.

9 90. Defendant United States through its agents, servants, contractors, and/or employees
10 violate Plaintiff’s rights, including but not limited to, their right of protection from bodily harm
11 and sexual violation, imposition of punishment without due process, and cruel and unusual
12 punishment. Defendants violated these rights by threats, intimidation, or coercion.

13 91. As a direct and proximate result of the foregoing, Plaintiff has suffered emotional
14 distress as a result, including psychological trauma, distress, anxiety, depression, loss of quality of
15 life and dignity, as well as medical and economic injuries.

16 92. Pursuant to the FTCA, Plaintiff is entitled to recover damages from the United
17 States for the wrongful acts/omissions of its employees.

18 **SEVENTH CLAIM FOR RELIEF**
19 ***Plaintiff Against the United States***
20 **(Gender Violence – Cal. Civ. Code § 52.4)**

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

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

28 95. Gender violence is a form of sex discrimination and includes a physical intrusion or
physical invasion of a sexual nature under coercive conditions, whether or not those acts have

1 resulted in criminal complaints, charges, prosecution, or conviction.

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

6 97. Defendants discriminated against Plaintiff based on her sex and/or gender when
7 they repeatedly sexually abused her, physically intruding and invading upon her bodies under
8 coercive conditions.

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

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

14 **EIGHTH CLAIM FOR RELIEF**
15 ***Plaintiff Against the United States***
16 **(Invasion of Privacy – California common law)**

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

19 101. 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.

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

103. Defendants intentionally and substantially intruded, both physically and otherwise,

1 upon Plaintiff's seclusion when they repeatedly sexually abused her.

2 104. Such intrusions were substantial and highly offensive to an ordinarily reasonable
3 person due to their sexual and degrading nature.

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

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

9 **NINTH CLAIM FOR RELIEF**
10 ***Plaintiff Against the United States***
11 **(Negligence – California common law)**

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

14 108. 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.

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

22 110. At all relevant times, FCI Dublin personnel, including individual Defendants, held
23 themselves out to Plaintiff as correctional and/or administrative personnel with the knowledge,
24 capacity, and ability to provide due care in accordance with standards of reasonable care common
25 and acceptable in the community.

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

1 112. BOP policy forbids staff in engaging with sexual activity with inmates and staff
2 may not allow other people to engage in sexual activity. BOP policy makes clear that all sexual
3 activity with inmates, even non-physical, is against policy. BOP states that there is no such thing
4 as consensual sex between staff and inmates.

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

7 114. It was the Defendants' duty to maintain, operate, and control FCI Dublin as a safe
8 and secure space for incarcerated people.

9 115. It was the Defendants' duty to protect incarcerated people from foreseeable harm
10 inflicted by BOP personnel.

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

15 117. A reasonable administrator would have complied with PREA regulations, including
16 safeguarding against retaliation for those who report misconduct.

17 118. A reasonable administrator would also not have exposed Plaintiff to the danger of
18 ongoing sexual abuse.

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

22 120. Despite notice, Defendant United States, through its employees, did not take
23 reasonable, available measures to abate the risk of sexual abuse to Plaintiff in violation of federal
24 regulations and BOP policy.

25 121. The United States, through its employees also failed to train, retain, and supervise
26 officers as well as monitor and investigate them.

27 122. When the employer is aware of its employees' tortious conduct, as it was here, and
28 it ignores or assists in it, retention of employees does not represent legitimate policy

1 considerations warranting discretion.

2 123. At all relevant times, each of the Defendants stood in such a relationship with the
3 other Defendants as to make each of the Defendants liable for the acts and omissions of all other
4 Defendants in regard to their treatment of Plaintiff.

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

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

10 126. Defendant officers' conduct was grossly negligent as they showed complete
11 disregard for rights and safety of Plaintiff.

12 127. It was foreseeable to FCI Dublin personnel that Plaintiff was at risk of imminent
13 serious harm including sexual abuse.

14 128. Pursuant to the FTCA, Plaintiff is entitled to recover damages from the United
15 States for the wrongful acts/omissions of its employees.

16 **TENTH CLAIM FOR RELIEF**
17 ***Plaintiff Against the United States***
18 **(Negligent Infliction of Emotional Distress ("NIED") – California common law)**

19 129. Plaintiff incorporates by this reference every allegation in the preceding paragraphs
20 as if fully set forth herein.

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

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

1 132. Defendant officers and the United States engaged in negligent conduct and willful
2 violations of statutory standards by repeatedly sexually abusing Plaintiff, constituting both
3 extreme and outrageous behavior and the negligence.

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

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

9 **CLAIMS FOR RELIEF UNDER THE TVPA**

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

12 136. The exploitation of vulnerable people is so common that Congress has passed the
13 Trafficking Victims Protection Act ("TVPA"), 18 U.S.C. § 1581 *et seq.*, a comprehensive
14 statutory framework imposing both criminal and civil liability, *see* 18 U.S.C. § 1595, of persons
15 engaging or attempting to engage or benefit from sexual exploitation and labor trafficking or
16 obstructing anti-trafficking enforcement.

17 137. Specifically, the TVPA punishes anyone who attempts to, conspires to, or actively
18 "recruits, entices, harbors, transports, provides, obtains, advertises, maintains, patronizes, or
19 solicits by any means a person; or . . . benefits, financially or by receiving anything of value, from
20 participation in a [trafficking] venture" while knowing "that means of force, threats of force,
21 fraud, coercion . . . will be used to cause the person to engage in a commercial sex act." 18 U.S.C.
22 § 1591(a); 18 U.S.C. § 1594.

23 138. "Coercion" means "threats of serious harm to or physical restraint against any
24 person . . . any scheme, plan, or pattern intended to cause a person to believe that failure to
25 perform an act would result in serious harm to or physical restraint against any person" or "the
26 abuse or threatened abuse of law or the legal process." 18 U.S.C. § 1591(e)(2).

27 139. "Serious harm" means "any harm, whether physical or nonphysical, including
28 psychological, financial, or reputational harm, that is sufficiently serious, under all the

1 surrounding circumstances, to compel a reasonable person of the same background and in the
2 same circumstances to perform or to continue performing commercial sexual activity in order to
3 avoid incurring that harm.” 18 U.S.C. § 1591(e)(5).

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

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

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

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

14 (2) by means of serious harm or threats of serious harm to that person or another
15 person;

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

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

20 18 U.S.C. § 1589 (a).

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

26 144. The term “abuse or threatened abuse of law or legal process” in the forced labor
27 provision means “the use or threatened use of a law or legal process, whether administrative, civil,
28 or criminal, in any manner or for any purpose for which the law was not designed, in order to exert

1 pressure on another person to cause that person to take some action or refrain from taking some
2 action.” 18 U.S.C. § 1589 (c)(1).

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

8 146. The TVPA also punishes anyone who “obstructs, attempts to obstruct, or in any
9 way interferes with or prevents the enforcement of this section,” 18 U.S.C. § 1591(d).

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

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

18 **ELEVENTH FIRST CLAIM FOR RELIEF**
19 ***Plaintiff Against Defendant BELL***
20 **(Sex Trafficking)**

21 149. Defendant BELL engaged or attempted to engage in sex trafficking of Plaintiff as
22 prohibited under 18 U.S.C. § 1591, 1594(a).

23 150. Defendant BELL forced Plaintiff to engage in commercial sex acts within the
24 meaning 18 U.S.C. § 1591. These sex acts included digitally penetrating M.L..

25 151. Defendant BELL knowingly recruited, enticed, and solicited Plaintiff by
26 exchanging a lip gloss and other gifts for sex acts.

27 152. Defendant BELL made Plaintiff commit these sexual acts through force, fraud, or
28 coercion within the meaning of 18 U.S.C. § 1591. For example by:

- assaulting or forcing to perform acts where plaintiff could not easily escape;

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and

- using power and status as a correctional officer to control movement to facilitate sexual asks.

153. These methods of force, fraud, and coercion were a plan designed to make Plaintiff believe that she would suffer serious harm should she not obey his sexual advances.

154. 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 failure to perform an act would result in serious harm or physical restraint.

155. Defendant BELL exchanged valuable goods and special benefits for these sex acts. In this way, Defendant BELL’s conduct constitutes an attempt to engage in sex in exchange for things of value, the definition of commerciality under 18 U.S.C. § 1591.

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

157. Defendant’s 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, 1595.

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

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

**TWELFTH CLAIM FOR RELIEF
Plaintiff Against Defendant BELL
(Obstruction)**

160. Defendant BELL 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:

- Defendant BELL intimidated M.L. to prevent her from reporting

161. 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

1 serious harm or physical restraint.

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

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

7 164. Defendant’s conduct warrants the Court’s imposition of compensatory and punitive
8 damages against the Defendants.

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

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

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

16 167. The Trafficking Victims Protection Act establishes that “[w]hoever conspires with
17 another to violate section 1581, 1583, 1589, 1590, or 1592 shall be punished in the same manner
18 as a completed violation of such section; . . . [and w]hoever conspires with another to violate
19 section 1591 shall be fined under this title, imprisoned for any term of years or for life, or both.”
20 18 U.S.C. § 1594 (b), (c).

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

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

170. At all relevant times, Defendants knowingly agreed, contrived, confederated, acted

1 in concert, aided and abetted, and/or conspired to continue their longstanding practice of
2 exchanging sex for valuable goods or special benefits as defined in 18 U.S.C. § 1591, or obtaining
3 forced labor as defined in 18 U.S.C. § 1589 by coercing incarcerated people to perform sexual acts
4 or to act as lookouts as the Defendants engaged in sexual acts.

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

8 172. Defendants committed overt acts in furtherance of the agreement or understanding
9 by committing one or more of the following acts:

- 10 • Directly receiving or attempting to receive sexual acts in exchange for
11 valuable goods or benefits;
- 12 • Directing Plaintiff into locations where principal perpetrating officers could
13 engage or attempt in engage in sexual acts;
- 14 • Knowingly refusing to report abuse or trafficking occurring at FCI Dublin;
- 15 • Maintaining practices, policies, and procedures that allowed Defendant to
16 benefit from unlawful commercial sex ventures and human trafficking.

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

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

22 175. Defendants' conspiracy kept Plaintiff and other witnesses of the trafficking from
23 taking meaningful action, resulting in significant injuries to Plaintiff.

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

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

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PRAYER FOR RELIEF

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

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

178. 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

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

Respectfully submitted,

DATED: March 7, 2024

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