

IN THE UNITED STATES DISTRICT COURT  
FOR THE Southern DISTRICT OF TEXAS  
Houston DIVISION

United States Courts  
Southern District of Texas  
FILED

DEC 12 2019

David J. Bradley, Clerk of Court

Jason Walker 1532092  
Plaintiff's Name and ID Number

Allred unit (TDCJ)  
Place of Confinement

CASE NO. \_\_\_\_\_  
(Clerk will assign the number)

v.

Brandon K. Pollock / Ellis unit  
Defendant's Name and Address

Zachary H. Williford / Ellis unit  
Defendant's Name and Address

Michael Hill / Ellis unit  
Defendant's Name and Address  
(DO NOT USE "ET AL.")

**INSTRUCTIONS - READ CAREFULLY**

**NOTICE:**

**Your complaint is subject to dismissal unless it conforms to these instructions and this form.**

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

**FILING FEE AND IN FORMA PAUPERIS (IFP)**

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

## CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

### I. PREVIOUS LAWSUITS:

- A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment?  YES  NO
- B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: November 2017
  2. Parties to previous lawsuit:
 

Plaintiff(s) Jason Walker

Defendant(s) Jason Clark, et al
  3. Court: (If federal, name the district; if state, name the county.) Northern
  4. Cause number: 2:17-cv-221
  5. Name of judge to whom case was assigned: Mary Lou Robinson
  6. Disposition: (Was the case dismissed, appealed, still pending?) Pending
  7. Approximate date of disposition: \_\_\_\_\_

### II. PLACE OF PRESENT CONFINEMENT: Allred Unit



III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure?  YES  NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: ~~XXXXXXXXXX~~ ~~XXXXXXXXXX~~ Jason Renard Walker  
Allred unit 2101 Fm 369 N  
Iowa Park, TX 76367

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Brandon K. Pollock, C.O. III  
Ellis unit Huntsville, TX

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.  
retaliation, excessive force, assault, conspiracy, violation of 1<sup>st</sup> amendment and substantive due process, supplemental jurisdiction state law for all federal claims.

Defendant #2: Zachary H. Williford, C.O. V  
Ellis unit Huntsville, TX

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.  
retaliation, excessive force, assault, conspiracy to advance assault

Defendant #3: Michael Hill, disciplinary hearing officer  
Ellis unit Huntsville, TX

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.  
Procedural due process, substantive due process, conspiracy to advance assaults

Defendant #4: Sylvester Glaze Jr, C.O. V  
Ellis unit Huntsville, TX

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.  
deliberate indifference, conspiracy, failure to render aid, supplemental jurisdiction state law for all claims.

Defendant #5: V.A. McMillian, Counsel substitute assistant  
Ellis unit, Huntsville TX

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.  
Procedural due process, substantive due process, conspiracy to advance assaults

Defendant #6 unknown guards - John Doe 1, John Doe 2, John Doe 3,  
sexual assault, conspiracy, excessive force, retaliation, supplemental jurisdiction state law claims for excessive force and sexual assault.

V. STATEMENT OF CLAIM:

C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_\_ YES \_\_\_\_\_ NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued. (If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): \_\_\_\_\_
2. Case number: \_\_\_\_\_
3. Approximate date warning was issued: \_\_\_\_\_

Executed on: 11-4-19  
DATE

\_\_\_\_\_  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 4<sup>th</sup> day of November, 20 19.  
(Day) (month) (year)

\_\_\_\_\_  
(Signature of Plaintiff)

**WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.**



State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

On the morning of 11-23-18 I was maliciously attacked and assaulted by Officer Brandon k. Pollock, Zachary H. Williford, and unknown guards at the Ellis unit. Pollock and Williford's actions were clearly unreasonable, excessive and deliberately inflicted to cause a substantial amount of harm. Pollock filed a false staff assault case on me to conceal the attack and justify the assault, under the banner of a use of force. The unknown guards' actions were malicious as well, as I was punched, kicked, choked, and pinned down while my eyes were gouged and my anus probed. This assault caused me physical and emotional harm, as well as psychological and emotional distress. I suffered eye pain, rib pain, finger pain, a contusion on the right temporal side of my face, a superficial abrasion to my forehead and untreated pinky fracture.

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Punitive relief, compensatory relief, nominal relief, declaratory relief, or transfer to the ~~Colorado State Prison~~ <sup>Colorado State</sup> Prison via Interstate compact transfer.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases.

Johnathan Dean Dotson

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

891598, 139219-177.

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES  NO

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): \_\_\_\_\_

2. Case number: \_\_\_\_\_

3. Approximate date sanctions were imposed: \_\_\_\_\_

4. Have the sanctions been lifted or otherwise satisfied? YES  NO

## STATEMENTS OF FACTS

- 1) On 11-23-19 around 3:10am and during breakfast in the dining hall. Pollock confronted prisoner Lawson (also called Lindsey) who lives in cellblock B4-1 10. He threatened to harm Lawson via a promise while Lawson was eating. I told Pollock if I saw him assault anyone I would report him to the media and his superiors. I identified myself as a published journalist.
- 2) Pollock told another white officer that I was the "newspaper nigger" who will rally complaints. Pollock began removing loose items off his person as if he was about to fight. He handed them to the white guard.
- 3) Pollock stood next to Lawson while he ate, then followed him out of the chowhall. As I was on my way out Pollock intentionally slammed the door after elbowing me. I was struck by the door. At this point Lawson moved behind the hallway security gate, to be out of Pollock's reach. I asked Pollock why he hit me; he then said "no good deed goes unpunished". He then grabbed me and tried to slam me on the floor face first.
- 4) Pollock punched me in the face several times, then Williford came out of nowhere and punched me in the head twice. I was bent against the wall and repeatedly punched by Pollock with body and rib shots. I felt an object hit me in the head, I fell to the ground.
- 5) At this point several black guards that were watching jumped in and kicked me and punched me in the body. While I was pinned on my stomach and as an elbow crushed my neck, choking me out, Pollock bent my left pinky obviously trying to break it. He poked my eyes with an object after my neck was loose enough for me to turn my head. It may as well have been his finger. I knew it was Pollock because he said he'd blind me as he dug his knee in my spine. My eyes have blisters.
- 6) During the event officer, Sylvester Glaze jr watched and never made an attempt to intervene. During the event I felt a hand pull my pants down, grab my genitals, then attempt to aggressively probe my anus. I screamed for help, then described what had happened under the pile of guards.
- 7) When the portable camera lady showed up the assaulting immediately stopped. One guard tried to sneak and pull my pants back up to avoid camera exposure. Pollock was still sneakily trying to grab and bend my fingers and crush my ribs.
- 8) I was denied medical care by Lt Nesby, then taken to lock up. I wasn't allowed to see a nurse until over nine hours later. To conceal the assault, Pollock wrote a false disciplinary case, saying I punched him in the left eye. The case said he had no injuries.
- 9) Several hours after my placement in lock up a prisoner I didn't know, Fidencio Juarez jr. #1501277 told me he heard Pollock telling another guard that Pollock and Williford tried to knock out my teeth and break my jaw. Juarez wrote a sworn affidavit stating in part "I heard an officer say 'Pollock what happened' I then heard a guard admit that he and officer Williford tried to break someone's jaw and knock their teeth out. When the officer asked who Pollock said 'Walker in 25 cell'. The officer asked what happened. Pollock said 'whatever I say happened wanna be a witness'".
- 10) Juarez' affidavit clearly validates that both Pollock and Williford assaulted me with the sole intent to injure me, unrelated to serving a penological objective further a governmental interest, or restore order and safety.



11) During the disciplinary hearing for the false case on 12-11-18, counsel sub Mcmillian began writing notes to hearing officer Hill. I asked her if she could read their secret exchange out loud. She ignored me. I said (for the record) let the record reflect that the counsel substitute is passing the hearing officer notes. Mcmillian told me that if she read it out loud it would hurt my chance of being found not guilty. She asked "do you still want me to read it out loud" or something similar. I said no.

12) During the recorded hearing Pollock admitted that he punched me multiple times, but never said if this act was to restore order. Pollock said I held my right fist in the air like I would hit him. He says he gave me several chances to put it down and walk away, but I didn't. Even if that was true I couldn't as he was blocking the door. He then says I punched him in the left eye with my right hand once.

13) Pollock claimed that the punch swelled his eye; he had to get medical care; photos were taken; and witnesses saw everything. He never said who the witnesses were and if they gave statements.

14) Mcmillian failed to produce these witnesses for questioning, collect the photos or verify they exist, and learn if he really sought medical care. Instead Hill found me guilty based on Pollock's word, nothing more.

Hill never analyzed or explained why my witnesses weren't considered, given that I never hit Pollock, but he admitted to hitting me. After the recorder was turned off Hill said he had no control over the unseen documents. Mcmillian said that she didn't know if they even existed. The only evidence presented was the report Pollock wrote.

16) An officer working in the kitchen, who saw everything, wasn't allowed to be called as a witness because I didn't know his name. But video cameras and records verify who he is. Mcmillian said he was an unidentifiable officer, without attempting to locate him.

17) Officer Glaze saw the entire event and went into the hallway to see the beating. During the hearing, Glaze said he didn't see anything because he never left the kitchen. The camera clearly shows Glaze leave the kitchen seconds after I was grabbed by Pollock.

18) I appealed the guilty finding but the step 1 was denied, stating no due process violations were found. I filed a step 2 and contacted the counsel substitute program supervisor. On 4-4-19 program supervisor V, Amy Oliver reinvestigated everything. She found that the case had a due process error to wit she stated in a letter "case #20190075590 was identified having a due process error. A request to overturn this case has been submitted..."

19) The case was removed from my record and my demotion to close custody was restored back to medium custody on 4-15-19, four months after the demotion. My good time was restored, but I ended up serving the 45 days of recreation restriction and 45 days of commissary restriction.

20) During the recorded disciplinary hearing, Pollock said he was fully aware that the case he wrote could result in me being put in AD-SEG and or charged with felony assault and given more time. Essentially he used retaliation as a means to cover the assault with little regards to the consequences.

21) A month or so before the attack, officer Glaze told me not to say anything to the white guards. He said I was a target because I'm black and involved in activism. He said "these white guards are known for assaulting prisoners then 'covering it up.'"

22)Administrative remedies against Pollock,Williford,Glaze and all defendants incidental to this claim have been fully exhausted in grievance#2019048001, grievance#2019049116,and all other grievances linked to the assault.

23)Mcmillian is a counsel substitute.Her job is to notify prisoners that they received a major case,assist them in collecting evidence,marshaling facts, finding witnesses and act as an advocate on their behalf.Since I was in lock up I had no way of effectively conducting duties the counsel substitute is paid to do.And since she failed to collect evidence essential towards determining guilt or innocence,I was found guilty.

24)Hill is the disciplinary hearing captain.He violated my procedural due process rights,substantive due process rights,and conspired with the other defendants by knowingly finding me guilty outside the bounds of an impartial fact finder.

25)He intentionally refused to atleast take the measure to question the officer about evidence he said existed,attempt to have it retrieved,examine other documentary evidence,or question other witnesses concerning the evidence.Given that I presented a witness that refuted the charge against me an impartial fact finder must examine other evidence if it exists or if it is key in bringing him to his decision.Or if it varifies the integrity of the accuser.