

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

DOC NO  
REC'D/FILED

2016 APR 18 AM 11:15

PETER OPPENEER  
CLERK US DIST COURT  
WD OF WI

Ms. Mark A. Campbell  
(a/k/a Nicole Rose Campbell)  
DOC No. 524661

Plaintiff,

vs.

16 C 261  
Case No. \_\_\_\_\_

Brian Foster,  
Kevin Kallas,  
Ryan Holzmacher,  
Jim Greer,  
Gary Ankarlo,  
Jeff Anders,  
Mary Muse,  
Mark Weisgerber,  
Robert Hable,  
Cathy A. Jess

Defendants,

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

A. PARTIES

1. Plaintiff Mark Alan Ms. Campbell (a/k/a Nicole Rose Ms. Campbell) is a citizen of Wisconsin, and is located at Waupun Correctional Institution, 396 S. Drummond Street, P.O. Box 351, Waupun, WI. 53963. Ms. Campbell was incarcerated around 02/08/2008 and her release date is 03/13/2041. Ms. Campbell's prison ID number is 524661.
2. Defendant Brian Foster is a Citizen of Wisconsin and is the Warden of Waupun Correctional Institution, who works for the Wisconsin Department of

Corrections (WDOC) and his place of employment is located at is located at Waupun Correctional Institution, 396 S. Drummond Street, P.O. Box 351, Waupun, WI. 53963.. Home address is unknown.

3. Defendant Kevin Kallas is a Citizen of Wisconsin, who works for the WDOC and is the WDOC Mental Health Director. His place of employment is located at 3099 E. Washington Ave., P.O. Box 7925, Madison, Wisconsin 53707 and have harmed Ms. Campbell while doing his job. Home address is unknown.
4. Defendant Ryan Holzmacher is a Citizen of Wisconsin, who works for the WDOC and is the WDOC Medical Director His place of employment is located at 3099 E. Washington Ave., P.O. Box 7925, Madison, Wisconsin 53707 and have harmed Ms. Campbell while doing his job. Home address is unknown.
5. Defendant Jim Greer is a Citizen of Wisconsin, who works for the WDOC and is the WDOC Bureau Health Services. His place of employment is located at 3099 E. Washington Ave., P.O. Box 7925, Madison, Wisconsin 53707 and have harmed Ms. Campbell while doing his job. Home address is unknown.
6. Defendant Gary Ankarlo is a Citizen of Wisconsin, who works for the WDOC and is the WDOC Psychology Director. His place of employment is located at 3099 Washington Ave., P.O. Box 7925, Madison, Wisconsin 53707 and have harmed Ms. Campbell while doing his job. Home address is unknown.
7. Defendant Jeff Anders is a Citizen of Wisconsin, who works for the WDOC

and is the WDOC Psychiatry Director. His place of employment is located at 3099 E. Washington Ave., P.O. Box 7925, Madison, Wisconsin 53707 and have harmed Ms. Campbell while doing his job. Home address is unknown.

8. Defendant Mary Muse is a Citizen of Wisconsin, who works for the WDOC and is the WDOC Nursing Director. Her place of employment is located at 3099 E. Washington Ave., P.O. Box 7925, Madison, Wisconsin 53707 and have harmed Ms. Campbell while doing her job. Home address is unknown.

9. Defendant Mark Weisgerber is a Citizen of Wisconsin, who works for the WDOC and his place of employment is located at 3099 E. Washington Ave., P.O. Box 7925, Madison, Wisconsin 53707 and have harmed Ms. Campbell while doing his job. Home address is unknown.

10. Defendant Robert Hable is a Citizen of Wisconsin, who works for the WDOC and is the WDOC Deputy Warden for Oshkosh Correctional Institution. His place of employment is located at 1730 West Snell Road (54901), P.O. Box 3310, Oshkosh, Wisconsin 54903 and have harmed Ms. Campbell while doing his job. Home address is unknown.

11. Defendant Cathy Jess is a Citizen of Wisconsin, who works for the WDOC and is the WDOC Administrator. Her place of employment is located at 3099 E. Washington Ave., P.O. Box 7925, Madison, Wisconsin 53707 and have harmed Ms. Campbell while doing her job. Home address is unknown.

**B. STATEMENT OF CLAIM**

1. Ms. Campbell was diagnosed by a Ms. Cynthia S. Osborne, an outside consultant, as having Severe Unremitting Anatomic Gender Dysphoria. Ms. Campbell has been on optimal Hormone Therapy for over three years now.
2. There is a grievance procedure at all of the institutions throughout the WDOC and Ms. Campbell has filed grievances related to the facts in this case. Ms. Campbell has exhausted all of the available Administrative Remedies within the WDOC. *See* attached exhaustion of Administrative Remedies.
3. Defendant Brian Foster has custody of Ms. Campbell at Waupun Correctional Institution.
4. Defendants Kevin Kallas, Ryan Holzmacher, Jim Greer, Gary Ankarlo, Jeff Anders, Mary Muse, Mark Weisgerber, Robert Hable, and Cathy A. Jess make up the WDOC Gender Dysphoria Committee they are the people who decides what treatment is necessary for the Gender Dysphoria inmates and they have violated the Cruel and Unusual Punishment Clause of the 8th Amendment to the US Constitution. They have denied Ms. Campbell alternative treatments such as make-up and full body electrolysis and the desperately needed and medically necessary Sex Reassignment Surgery (SRS) treatment. On 5/9/13 Ms. Campbell wrote a Psychological Services Request (PSR), requesting the Sex Reassignment Surgery (SRS) and Ms. Campbell's Psychologist referred Ms. Campbell's request for the SRS to the Warden. On 9/5/13, Ms. Campbell wrote a Health Services Request (HSR), requesting the SRS. The Health Service Unit (HSU) Manager stated that based on available information Ms. Campbell should continue working with PSU staff. Ms. Campbell's request for the SRS was then

forwarded to Dr. Watson (KMCI Mental Health Supervisor) who in turn referred it to the WDOC Gender Dysphoria Committee. On 09/16/2013, the WDOC Gender Dysphoria Committee denied Ms. Campbell the desperately needed and medically necessary SRS treatment. On 9/17/13, Ms. Campbell wrote an Interview Request slip to the KMCI Deputy Warden requesting the SRS and the response was that they will not be providing this surgery and that due to policy, this surgery is not going to be approved state-wide due to the "real life" experience. On 10/30/13, Ms. Campbell wrote a letter to the Gender Dysphoria Committee requesting the SRS. On 11/22/13, Ms. Campbell still had not heard back from the Gender Dysphoria Committee regarding the request for the SRS, therefore, Ms. Campbell wrote the Gender Dysphoria Committee again requesting the SRS. On 1/31/14, the Gender Dysphoria Committee denied Ms. Campbell the desperately needed and medically necessary SRS treatment. On 5/19/14, Ms. Osborne reevaluated Ms. Campbell for approximately two hours to see if Ms. Campbell is a surgical candidate for the SRS and on 8/4/14, Ms. Osborne recommended the SRS for Ms. Campbell. On 09/29/14, Ms. Campbell wrote the Gender Dysphoria Committee requesting that the Gender Dysphoria Committee approve the SRS for Ms. Campbell due to Ms. Osborne recommending the SRS for Ms. Campbell. On 10/23/14, the Gender Dysphoria Committee wrote Ms. Campbell back denying Ms. Campbell the desperately needed and medically necessary SRS treatment. On 3/15/15, Ms. Campbell wrote the Gender Dysphoria Committee, requesting the SRS, electrolysis, and light make-up. On 04/27/15, the Gender Dysphoria Committee denied Ms.

Campbell make up, full body electrolysis, and the desperately needed and medically necessary SRS treatment. By the Gender Dysphoria Committee denying Ms. Campbell the desperately needed and medically necessary SRS treatment, it caused Ms. Campbell to suffer severe emotional distress, severe mental anguish, severe anxiety, and depression. Also by the Gender Dysphoria Committee denying Ms. Campbell the desperately needed and medically necessary SRS treatment Ms. Campbell has suffered severe cruel and unusual punishment. In addition, by the Gender Dysphoria Committee denying Ms. Campbell the desperately needed and medically necessary SRS treatment they were and are deliberately indifferent to Ms. Campbell's serious medical need and none of the Gender Dysphoria Committee are Gender Specialists. The Gender Dysphoria Committee continuously denies Ms. Campbell the SRS because the WDOC policy 500.70.27 states, "Due to the limitations inherent in being incarcerated, a real-life experience for the purpose of gender-reassignment therapy is not possible for inmates who reside within a correctional facility. However, treatment and accommodations may be provided within the correctional facility to lessen gender dysphoria." A couple of Ms. Campbell's WDOC Clinicians has stated to Ms. Campbell that it is because of public opinion as to why the WDOC Gender Dysphoria Committee denies Ms. Campbell the medically necessary SRS treatment. SRS treatment is medically necessary and is a serious medical need. Severe unremitting Anatomic Gender Dysphoria is the severest of Gender Dysphoria. Without the medically necessary SRS treatment an inmate who has severe anatomic Gender Dysphoria

suffers cruel and unusual punishment through severe emotional distress, severe mental anguish, severe anxiety, and depression, which can lead to self castration, self SRS or self SRS attempt to the point where the prison will have to continue the SRS, suicide or suicide attempts. Ms. Campbell has requested the desperately needed and medically necessary SRS treatment on numerous occasions and has requested make up and electrolysis to try to lesson her Gender Dysphoria. However, even with other alternatives the fact still remains that Ms. Campbell's disgusting unwanted genetalia will still remain and she will as a fact fight through court, appeal after appeal for the SRS treatment if need be, but if all appeals fails that she will perform the SRS treatment to the point where the WDOC will have to provide the SRS treatment the rest of the way. Ms. Campbell has stated as a fact to her WDOC Clinicians and has shown her Clinicians that she has step-by-step instructions on how the SRS treatment is done, and she will perform the SRS treatment to where the WDOC will have to continue the SRS treatment and not just self-castration. Ms. Campbell did not state this as a manipulation tactic, but as a fact and her desperate need for the SRS treatment and this all has been told to the WDOC Gender Dysphoria Committee, which the prison officials were and continues to be deliberately indifferent to Ms. Campbell's serious risk of harm. Ms. Campbell does demonstrate a significant risk of future harm.

*See:*

Ms. Campbell's attached Affidavit, World Professional Association of Transgender Health (WPATH)-Standards of Care for the Health of Transsexual, Transgender, and Gender Nonconforming People, Version 7, in *Kosilek v. Spencer*, 2014 U.S. App. Lexis 23673 (Massachusetts), the Massachusetts DOC made make up available to Kosilek and provided Kosilek with full body electrolysis, in *Fields v. Smith*, 712 F. 2d 830 Wisconsin (2010), the court found Act 105, denying hormone therapy or SRS unconstitutional on its face, in *Fields v. Smith*, 653 F. 3d 550 Wisconsin (2011), the court found Wisconsin State Statute 302.386 (5m) denying hormone therapy and the SRS treatment unconstitutional on its face, and as applied, and enjoined the enforcement of the statute, and in *Norsworthy v. Beard*, 87 F. Supp. 3d 1164 California (2015), the California DOC was ordered to provide Norsworthy with the SRS, however to avoid giving Norsworthy the SRS, the California DOC wrote the Governor and released Norsworthy on early parole, *Ms. Osborne's attached report of 08/04/2014*

C. JURISDICTION

Ms. Campbell is suing for a violation of federal law under 28 U.S.C. § 1331.

D. RELIEF WANTED

1. Ms. Campbell would like the court to order the Wisconsin Department of Corrections Gender Dysphoria Committee to make available make up, to provide Ms. Campbell with electrolysis, and to provide Ms. Campbell with the desperately needed and medically necessary SRS.



2. Ms. Campbell would like the Court to order the Wisconsin Department of Corrections to change its policies to make available make up to other inmates, to provide other inmates with electrolysis, and to provide the SRS to other inmates who has Severe Gender Dysphoria and who has been and/or will be, recommended for make up, electrolysis, and/or the SRS
3. Ms. Campbell would like the Court to order the Wisconsin Department of Corrections Gender Dysphoria Committee to pay monetary and punitive damages in the amount of \$273.98 a day and every day from the date she was eligible for the SRS until Ms. Campbell is provided the medically necessary **SRS**, which Ms. Osborne recommended the SRS for Ms. Campbell on 08/04/2014. Therefore, on 08/04/2014, Ms. Campbell was eligible for the SRS.
4. Ms. Campbell would like the defendants to reimburse her for any filing fees, court costs, expenses to Ms. Campbell for postage and copies, and any other future costs that arise from this case and any other cases related to this case.

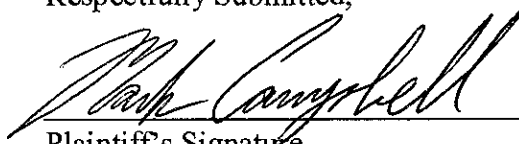
E. JURY DEMAND

Court Trial - Ms. Campbell wants a judge to hear her case.

I declare under penalty that the foregoing is true and correct.

Complaint signed this 6th day of April 2016.

Respectfully Submitted,

  
\_\_\_\_\_  
Plaintiff's Signature

524661  
\_\_\_\_\_  
Plaintiff's Prisoner ID Number

*Ms. Campbell, mck, DOC No. 524661, Waupun Correctional  
Institution, P.O. Box 351, Waupun, WI. 53963*  
Plaintiff's Mailing Address

**REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE  
FULL FILING FEE**

**I DO** request that I be allowed to file this complaint without prepaying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.

Waupun Correctional Institution  
Ms. Campbell, mark  
DOC No. 524661  
Waupun, WI. 53963

April 14, 2016

U.S. Courthouse  
Robert W. Kastenmeier  
Clerk of U.S. Circuit Court  
120 North Henry St. Room 320  
Madison, WI. 53703

Dear Mr. Kastenmeier,

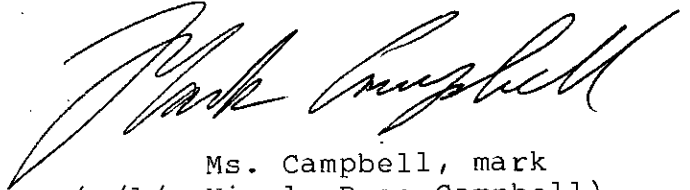
Please file with the U.S. District Court for Wisconsin my enclosed Complaint Under the Civil Rights Act 42 U.S.C. 1983, Prisoner Request To Proceed In District Court Without Prepaying The Full Filing Fee, and my Motion For Appointment Of Counsel Pursuant To F.R.CIV.P. 7 and all papers associated with the filings listed above. Thank you for your attention to these matters.

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PETER OPPENEER  
CLERK US DIST COURT  
WD OF WI

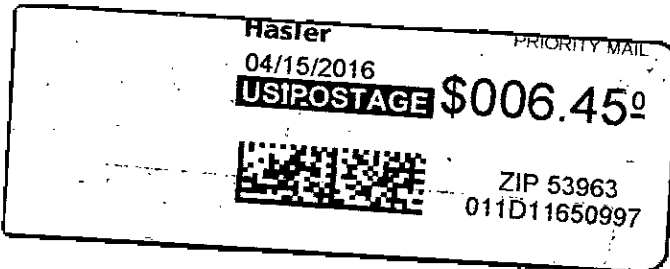
Sincerely,



Ms. Campbell, mark  
(a/l/a Nicole Rose Campbell)



Waupun Correctional Institution  
Ms. Campbell, wark  
DOC No. 524661  
P.O. Box 351  
Waupun, WI. 53963



U. S. Courthouse  
Robert W. Kastenmeier  
Clerk of U. S. Circuit Court  
120 North Henry St. Rm. 320  
Madison, WI. 53703

X-RAYED BY  
CSC WMI