

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-00558-CMA, CBS

TERRY L. NICHOLS,
Plaintiff,

v.

FEDERAL BUREAU OF PRISONS,
et al, Defendants.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

FEB 18 2010

GREGORY C. LANGHAM
CLERK

NOTICE OF PLAINTIFF NICHOLS' HUNGER STRIKE

Mr. Nichols, pro se, believes it's only right to inform the Court and Defendants of his hunger strike for the following reasons:

1. Since September 2004 Mr. Nichols has patiently tried to get the ADX/BOP to provide Plaintiff with foods high in insoluble fiber in his daily diet to prevent his chronic serious medical issues from occurring, and conform to his sincerely held religious beliefs.
2. In April 2007 Plaintiff provided ADX Health Services a copy of his 1984 medical records documenting his rectal surgery and surgeon's recommendation to stay on a high fiber diet.
3. At the same time Mr. Nichols also provided ADX Health Services with an affidavit from his ex-wife documenting same, and it providing more details of Plaintiff's pain & suffering and simple solution preventing such.

4. Due to Mr. Nichols filing a civil action against the ADX/BOP Food Service began serving 100% whole wheat (w.w.) bread and 100% w.w. hoagie buns beginning around mid-November 2009 to provide more insoluble fiber daily.
5. However, Food Service Administrator (FSA) Jones eliminated all bran and 100% w.w. cereals. Thus he merely "shifted" the source of insoluble fiber from the cereal to the bread, and served only soluble fiber type cereals (i.e., refined Cheerios & Corn Flakes).
6. Mr. Nichols informed both Warden Davis & FSA Jones of these facts and other actions regarding Mr. Jones violations of food policy in December 2009 (and again to Warden Davis in February 2010).
7. On January 07, 2010 Plaintiff wrote to BOP Nat'l. Dietitian in Springfield, MA informing her that Jones is not following BOP food policy on Heart Health (H.H.) meals and requested her assistance to have Mr. Jones comply.
8. Then around mid-January 2010 FSA Jones replaced the 100% w.w. bread with an inferior species (refined) brown bread and returned to the white refined hoagie buns.
9. Finally on January 26, 2010 FSA Jones began to serve some bran cereal, but not consistently and only half the usual amount ($\approx 1-1/4$ cups) - nowhere near what Plaintiff requires daily.
10. Then on February 14, 2010 Mr. Jones served $1 1/2$ cups of Bran cereal but diluted it with Corn Flakes. The Bran cereal amounted to only $1/2$ cup total and the Corn Flakes 1 cup, thereby providing even less Bran cereal than before (cutting it by 75%).
11. FSA Jones clearly is not following BOP Food Manual Policy

PS 4700.05, nor the BOP Nat'l. Dietician's Memo of September 2008, regarding H.H. meals Mr. Nichols is on. Jones violates numerous areas regularly for "convenience sake" from serving greasy deep fried foods to serving refined bread to not making proper substitutions to shorting H.H. meals with less food items.

12. Clearly, any minor improvements have been lost and retaliation continues by FSA Jones against Mr. Nichols and allowed by ADX Warden Davis.

13. Mr. Nichols is fed-up with all the games ADX/BOP staff are playing with his diet, and the continual chronic serious pain & suffering he is experiencing needlessly at the hands of Mr. Jones & Warden Davis.

14. There's no consistency nor enough insoluble fiber provided in Mr. Nichols' daily meals to eliminate his medical problems.

15. Additionally, being forced to consume those refined and dead foods, absent insoluble fiber and other essential nutrients God intentionally put in our foods for good health, defiles God's holy temple (i.e., Mr. Nichols' body). Mr. Nichols will no longer allow this defilement to occur.

16. And since there is not enough wholesome unrefined & living foods for Mr. Nichols to consume daily to maintain his weight, and these silly games played by ADX staff, he is going on a hunger strike/food protest.

17. Unofficially, on February 05, 2010 Mr. Nichols began to prepare for a hunger strike by flushing all his meals down the toilet, and severely restricting his fluid intake. Thus

actually starting his hunger strike on Feb. 05th. No Commissary consumed either.

18. On February 15, 2010, beginning with the breakfast meal Mr. Nichols "officially" ^② began his hunger strike/food protest by informing the officers, verbally and in writing, who serve the trays that Plaintiff was refusing meals, going on a hunger strike, and to log it in their book.
19. Mr. Nichols understands that after he refuses 9 consecutive meals (3 days) he will be thrown into "the hole" - an unnecessary act and form of punishment but one they do anyways.
20. Unless a quick resolution occurs Mr. Nichols will be in "the hole" by the time the Court receives this notice.
21. And since Plaintiff is not consuming food nor liquids he will be force fed by a tube placed down his throat and by IV. Mr. Nichols is already very weak and lost several pounds.
22. Mr. Nichols is prepared to die if necessary because he is done allowing his body to be defiled by those refined & dead foods. And he has endured enough pain & suffering needlessly beyond what the sentencing court imposed due to the lockdown nature of ADX and the deliberate indifference and purposeful acts of FSA Jones and Warden Davis.
23. Mr. Nichols' dietary requirements can be easily resolved at minimal cost.

② Mr. Nichols also sent a 6 page "NOTICE/REQUEST TO STAFF" to Warden Davis on Friday, Feb. 12, 2010, informing him of Plaintiff's intentions and a request to come see Plaintiff to work out this issue before it goes too far.

24. ADX Health Services has the medical documentation to pre-
scribe a high fiber diet of insoluble fiber but refuses to do so.

25. Mr. Nichols is informing the Court of these facts and
actions so they are not in the dark.

26. Additionally, Plaintiff wants to ask the Court that if any
ruling or order comes down by the Court in Mr. Nichols' pend-
ing case, and a response is required or allowed, that the Court
would take into consideration Plaintiff's physical & mental
condition due to his hunger strike and allow additional time
for him to respond.

27. Mr. Nichols has been on a hunger strike in the past at
another institution several years ago thus it's not new to him.

28. Mr. Nichols' prayer is that this hunger strike issue can be
resolved quickly and fairly with Warden Davis and FSA Jones.

DECLARATION UNDER PENALTY OF PERJURY

I, Terry L. Nichols, am the Plaintiff in the above cited
civil action and declare under penalty of perjury, pursuant to
28 USC § 1746, the above information is true and correct.

Dated this 15th day of February 2010.

Terry L. Nichols, pro se

Terry L. Nichols, 08157-031

U.S. Penitentiary - ADX

P.O. Box 8500

Florence, CO 81226

CERTIFICATE OF SERVICE


I hereby certify that on February 16, 2010, I mailed "NOTICE OF PLAINTIFF ~~VS~~ NICHOLS' HUNGER STRIKE" to the below named individuals/parties by first class mail, postage paid.

Clerk of the Court

Gregory C. Langham
U.S. District Court
901 19th St., Room A105
Denver, CO. 80294

Defendant's Counsel

Amy L. Padden
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Re: Civil Action No. 09-cv-00558-cma, CBS