

Richard Gause #162805

A.S.P.C. LEWIS RAST

P.O. Box 3600 -

Buckeye, A.Z. 85326

United States District Court

District of Arizona

Richard Gause

Plaintiff

v

Doctor Indy, et al.

Defendants

No: CV 15-02514-PHX-JJT (esw)

Discovery Response

Attached are requested documents in #1 Discovery Request 10 attached pages.

Defendants state nothing is on the computer, yet here are C.O.III responses stating it is in the computer - months after. The Grievance Process only went to the Formal Grievance stage on 7-24-15 and then again on 11-16-15. The Grievance Co-ordinator would not respond to either and when his time frames were way past and I tried to proceed with the next level, that goes through him also and he would refuse to process my Grievances and attached are inquiries to verify I was denied my right to continue the grievance process and the Grievance Co-ordinator refused to respond.

Copy sent to the Courts this 26th Day of May 2016



Richard Gause



ARIZONA DEPARTMENT OF CORRECTIONS

Inmate Informal Complaint Resolution

Complaints are limited to one page and one issue. NO ATTACHMENTS PERMITTED. Please print all information.

Inmate Name (Last, First M.I.) Gause, Richard L.	ADC Number 162805	Institution/Unit ASPC - Lewis, Rast Unit	Date 11-5-15
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To C.O. III Milliron	Location House # 2
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State briefly but completely the problem on which you desire assistance. Provide as many details as possible.

I am attempting to informally resolve the following: I have been here over 5 months now and still not received my Basic Necessities of clothing & linen. I have not received Socks, Towels, Laundry Bag, my Blanket on arrival was a shredded blanket, no Wash Rag. All I have received since I got here is 2 shorts, 2 Boxers, 2 Pants. I've written & talked to C.O. II Utterbeck about receiving this stuff, she told me they don't give out Laundry Bags. The other stuff I will get when they have it. Well I came from Elay a private prison that issues all new state issue items, Laundry Bag included and when you leave they keep it all, Laundry Bag included. So how can I supposed to do my Laundry? I know for a fact they have all these items in stock and have had them in stock cause her inmate workers repeatedly tell me they do, she's issuing them to other people. She keeps telling me I probably have a bag somewhere she doesn't know when I will get it, but I will. She's been saying this for 4 months now. This is my 2nd informal on this subject, I filed a Formal Grievance about 3 months ago and still not received a response & when I try to do a Appeal you send it back as "unprocessed" even though Policy states if no response is given in 15 work days I am allowed to proceed, you are not letting me do that so I am starting over.

To resolve I would like to be issued my Basic Necessities that State Law states I'm to be given - the minimum.

1-Laundry Bag 2-Pants Socks 1-Wash Rag
2-Towels 1-Blanket that's not shredded.

Thank You.

Inmate Signature 	Date 11-5-15 11-9-15
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Have You Discussed This With Institution Staff? Yes No

If Yes, give the staff member Name: **C.O. III Milliron, C.O. III May, C.O. II Utterbeck, ADW Lee**

Distribution: Original - Inmate
Copy - Grievance Coordinator File

802-11(e)
12/19/12



ARIZONA DEPARTMENT OF CORRECTIONS

Inmate Informal Complaint Response

For Distribution: Copy of Corresponding Inmate Informal Complaint Resolution must be attached to this response.

Inmate Name (Last, First M.I.)	ADC Number
Gauge, Richard 2-B25	162805
Institution/Unit	
ASPC - Lewis, Rast Unit	

From	Location
CO III Milliron	Rast unit, HU2

I am in receipt of your informal resolution dated 11/9/15 regarding state issued clothing/bedding. In your informal you state that you have been trying to get your state issued clothing/bedding for months but have yet to receive any. You also made an unsubstantiated allegation that the sanitation officer has these items but will not issue them to you. You then make a false allegation against me stating "when I try to do an appeal you send it back." If an appeal is returned to you unprocessed, it was done by the grievance coordinator, not by me. No proposed resolution.

Investigation: I spoke with the new sanitation officer, Officer Aldred. I explained your clothing/bedding situation and the fact that you have been trying for months to get this resolved. He would like for you to submit another clothing exchange form or an inmate letter addressed to HIM.

Staff Signature	Date
<i>CO III Milliron</i>	11-14-15

Distribution: Original - Inmate
Copy - Grievance Coordinator File

802-12(e)
12/19/12



Inmate Informal Complaint Resolution

Complaints are limited to one page and one issue.

Please print all information.

INMATE NAME (Last, First M.I.) (Please print) Gause, Richard L.	ADC NUMBER 162805	INSTITUTION/UNIT Lewis/RAST	DATE (mm/dd/yyyy) 10-5-15
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TO COTT Milliron	LOCATION RAST House #2
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State briefly but completely the problem on which you desire assistance. Provide as many details as possible.

I am attempting to informally resolve the following: The Grievance Co-ordinator COTT May is failing to respond to my formal Grievances and is months past his allotted time frames. I've tried to proceed to Grievance Appeal and the had my paperwork returned unprocessed due to No Formal Grievance response. I've talked to May repeatedly about responding his response is always he's aware of my Grievances, he paraphrases what the issues are, then tells me how busy he is & he will respond to them soon. He's been saying this for months now. The 3 Grievances he's failing to respond to are as follows: #1 - Filed Formally on 7-24-15 concerning I have yet to receive Towels, Socks, Laundry Bag, Blanket, Wash Rag, my basic necessities #2 - Filed Formally on 9-1-15 concerning contraband photos I am trying to send out that can't be found in my contraband. #3 - Filed Formally on 6-22-15 concerning Medical issues. Started in Eloy at Red Rock for the informal part, filed formally here at RAST. He has all of these grievances, he's showed them to me to prove he has them and is working on them, but just does not ever respond. These aren't complicated grievance issues. To resolve, all I want is a response and for him to do his job. If the response is adequate, these are easily resolvable issues, if not a response so I can proceed with the grievance process.

Thank You!

INMATE SIGNATURE 	DATE (mm/dd/yyyy) 10-5-15
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10/5/15 CM'''

Have you discussed this with institution staff? Yes No

If yes, give the staff member name: May COTT Whitney

PLEASE BE ADVISED: I would appreciate it if you would refrain from using profanity when speaking with me, I prefer not to hear it. To ensure you receive a timely response requests must be received no later than 8:00 a.m. Monday morning. This is the only CO III request form that will be accepted. All other versions will be discarded. Subsequent correspondence(s) received which pertain to the same issue(s) and continued inquiry regarding the same issue(s) shall not receive a response. IF YOU HAVE A QUESTION WHILE I'M WALKING THE POD RETURNING PAPERWORK, PLEASE WAIT UNTIL I'M FINISHED & I'LL SPEAK WITH YOU. I do not stop by cells of those who bang on their window, kick their door, disobey directives or are disrespectful to staff.

Date Submitted: 9-27-15 Date Received (CO III): _____ Housing: 2-B-25

LAST Name: Gause ADC #: 162805

- Classification (1st Monday of the Month): Date: ___/___/___ Score: ___|___ Points: ___|___
- Account Printout (1st Monday of the month)
- Spendable Balance: - 2.35 as of 9/30 (Store date and amount shopped is on the store receipt)
- Phase Level: ___ as of ___/___/___ (no disciplinary convictions for 6 months to advance)
- Release Dates (1st Monday of the Month): CSBD: ___/___/___ ERCD: ___/___/___ CSED: ___/___/___
- Visitation status of the following individual(s):

Legend: A - Approved to visit C - Call approval only D - Denied I - Inactive N - No record P - Pending S - Suspended

There is a limit of 2 of each form - except those indicated by a 1.

- | | | |
|---|--|--|
| <u>2</u> HNR | <input checked="" type="checkbox"/> Indigent Request (Monthly)-1 | ___ MTR |
| <u>2</u> Inmate Letter | ___ Phone Trouble Report-1 | <u>1</u> Library Request-1 |
| ___ Visitation Application | ___ Job Application (Monthly) -1 | ___ Paralegal Request-1 |
| ___ Add/Delete-1 | ___ Legal Call Request-1 | ___ Contraband Request-1 |
| (3 ADD or DELETE actions may Be done on 1 form) | ___ Clothing Exchange (Monthly)-1 | <u>1</u> Informal Complaint Resolution |

- Write the Chaplain for matters involving:
- Marriage Requests
 - Religious diet requests
 - Change of religion
 - Religious visits
 - Religious property purchases

OTHER (I cannot respond to your question(s) if I'm unable to read your writing. PLEASE PRINT LEGIBLE):

I filed some grievances months ago that are months past time frames. One is a Medical Grievance, one is concerning I've been here 4 months and still not received Socks, Towels, Laundry Bag, Blanket, Wash Rag, etc. Those were filed almost 3 months ago and another concerning trying to send out contraband photos. How can I go about progressing in the Grievance process as my appeals are being sent back unprocessed due to no grievance response from May. I've talked to May multiple times about responding over the past few months, he keeps telling me he'll get to them, he has them but is inundated with work. Give him time. He is over 60 days past his 15 work day time frames for a response. My Medical one concerns serious medical issues as well. What can I do? What should I do? Thank You.

..... Do Not Write below This Line OR Remove Bottom Portion of This Form - Staff Use Only

CO III's Response / Comments:

After researching my records, I see that on 7/24/15 I responded to your informal regarding clothing. On 9/1/15 I responded to your informal regarding contraband photos. Regarding your informal concerning medical, I have no record of any such informal.

PLEASE BE ADVISED: I would appreciate it if you would refrain from using profanity when speaking with me, I prefer not to hear it. Concerning CO III Requests, this is the only CO III request form that will be accepted. All other versions will be discarded. Regarding correspondences, if you wish a timely response to your correspondence than your correspondence must be received no later than 8:00 a.m. Monday morning. Subsequent correspondence(s) received which pertain to the same issue(s) shall not receive a response. **IF YOU HAVE A QUESTION FOR ME WHILE I'M WALKING THE POD RETURNING PAPERWORK, PLEASE WAIT UNTIL I'M FINISHED & I'LL SPEAK WITH YOU.** However, I do not stop by cells of those who bang on their window, kick their door, disobey directives or are disrespectful to staff.

Date Submitted: 11-9-15 Date Received (CO III): _____ Housing: 2-B-25

LAST Name: Gause ADC #: 162805

[] Phase Level: _____ as of ____/____/____ (no disciplinary convictions for 6 months to advance)

[] Classification (1st MONDAY of the month): Score: _____ Points: _____

[] Release Dates (1st MONDAY of the month): ERCD: ____/____/____ CSED: ____/____/____

[] Spendable Balance: _____ as of ____/____ (Store date and amount shopped is on the store receipt)

[] Visitation status of the following individual(s): _____

Legend: A - Approved to visit C - Call approval only D - Denied I - Inactive N - No record P - Pending S - Suspended

3 Formal Grievances Forms are limited to 2 of each - except those indicated by a 1.

- | | | |
|--|--|--|
| <input type="checkbox"/> HNR | <input type="checkbox"/> Indigent Request (Monthly)-1 | <u>2</u> MTA |
| <u>2</u> Inmate Letter | <input type="checkbox"/> Phone Trouble Report-1 | <u>1</u> Library Request-1 |
| <input type="checkbox"/> Visitation Application | <input type="checkbox"/> Job Application (Monthly) -1 | <input type="checkbox"/> Paralegal Request-1 |
| <input type="checkbox"/> Add/Delete-1 | <input type="checkbox"/> Legal Call Request-1 | <input type="checkbox"/> Contraband Request-1 |
| (3 ADD or DELETE actions may
Be done on 1 form) | <input type="checkbox"/> Clothing Exchange (Monthly)-1 | <input type="checkbox"/> Informal Complaint Resolution |

Write the Chaplain for matters involving:

- Marriage Requests
- Religious diet requests
- Change of religion
- Religious visits
- Religious property purchases

OTHER (I cannot respond to your question(s) if I'm unable to read your writing. **PLEASE PRINT LEGIBLE**):

What is going on with you not responding to my Informal Resolution Complaints? You have 3 of them, ALL way past your allotted time frames. You keep telling me you are waiting on other people to respond that is not a adequate excuse. 2 of these informals were filed months ago. One in August, One in September. The 3rd you said you received on 10-15, your past your Max time frames on that was well. Every week I ask you about these informals on this form & you give me different answers every week. So you know, I've write ADD Lec, Complex Warden, Central Office Donna Mett about this and sent them your C.O.II responses where you put it off on other people and last weeks where you state you do not do informal responses. Please respond.

..... Do Not Write Below This Line OR Remove Bottom Portion of This Form - Staff Use Only

CO III's Response / Comments: 

We can discuss this at your cell front.



Complaints are limited to one page and one issue.

Please print all information.

Inmate Informal Complaint Resolution

INMATE NAME (Last, First M.I.) (Please print) Gause, Richard L.	ADC NUMBER 162805	INSTITUTION/UNIT Lewis/RAST	DATE (mm/dd/yyyy) 10-5-15
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TO COIII Milliron	LOCATION RAST House #2
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State briefly but completely the problem on which you desire assistance. Provide as many details as possible.

I am attempting to informally resolve the following: The Grievance Co-ordinator COIII May is failing to respond to my formal Grievances and is months past his allotted time frames. I've tried to proceed to Grievance Appeal and the had my paperwork returned unprocessed due to No Formal Grievance response. I've talked to May repeatedly about responding his response is always he's aware of my Grievances, he paraphrases what the issues are, then tells me how busy he is he will respond to them soon. He's been saying this for months now. The 3 Grievances he's failing to respond to are as follows: #1 - Filed Formally on 7-24-15 concerning I have yet to receive Towels, Socks, Laundry Bag, Blanket, Wash Rag, my basic necessities #2 Filed Formally on 9-1-15 concerning contraband photos I am trying to send out that can't be found in my contraband #3 - Filed Formally on 6-22-15 concerning Medical issues. Started in Eloy at Red Rock for the informal part, filed formally here at RAST. He has all of these grievances, he's showed them to me to prove he has them and is working on them, but just does not ever respond. These aren't complicated grievance issues. To resolve, all I want is a response and for him to do his job. If the response is adequate, these are easily resolvable issues, if not a response so I can proceed with the grievance process.

Thank You!

INMATE SIGNATURE 	DATE (mm/dd/yyyy) 10-5-15
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10/5/15 00'''

Have you discussed this with institution staff? Yes No

If yes, give the staff member name: May C. OIII Whitney



ARIZONA DEPARTMENT OF CORRECTIONS

Inmate Informal Complaint Resolution

Complaints are limited to one page and one issue. NO ATTACHMENTS PERMITTED. Please print all information.

Inmate Name (Last, First M.I.) <i>(Gause, Richard) L.</i>	ADC Number <i>162805</i>	Institution/Unit <i>ASPC - Lewis, Rast Unit</i>	Date <i>11-15-15</i>
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To <i>C.O. III Milliron</i>	Location <i>RAST</i>
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State briefly but completely the problem on which you desire assistance. Provide as many details as possible.

I am attempting to informally resolve the following: My C.O. III, C.O. III Milliron is refusing to respond to my informal complaint resolutions in time frames if he even responds at all. Currently not including this one, I have 3 unanswered informals that are all way past his time frames for a response. One of them concerning Legal Mail goes back to July. The other 2 were filed in September and October. I repeatedly ask Milliron about responding both verbally and on C.O. III Forms. His response is usually, He is waiting to hear back from other departments. That is it. That is it he even deems it necessary to respond which he doesn't even do a lot of the time. Policy states I may proceed with the Grievance Process if he does not respond in 15 work days (or 3 weeks), yet he will not give me the forms to proceed until he responds to the informal, which he is not doing and that is nowhere in Policy that I can find. These are basic and not complex issues, he has not asked for any extensions. This is becoming ridiculous.

To resolve: I would like for all my Informal Resolutions that are past his allotted timeframes to be answered and for Grievance Forms to be provided to me so I may proceed if I need to. At the least his response can be that other people are not responding to his request of the issues, proceed with the Grievance Process. Blatantly ignoring ADC Policy & A.R.S statutes is unacceptable.

Thank You.

Inmate Signature 	Date <i>11-15-15</i> <i>11-14-15</i>
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Have You Discussed This With Institution Staff? Yes No

If Yes, give the staff member Name: *ADW Lee, Complex Warden, Central Office Donna Mett, C.O. IV*

Distribution: Original - Inmate
Copy - Grievance Coordinator File

802-11(e)
12/19/12



Inmate Grievance

RECEIVED BY	
TITLE	
BADGE NUMBER	DATE (mm/dd/yyyy)

Note: You may appeal the Grievance Coordinator's decision to the Warden/Deputy Warden/Administrator by filing form 802-3, within 10 calendar days of receipt of this notice

INMATE NAME (Last, First M.I.) (Please print)	ADC NUMBER	DATE (mm/dd/yyyy)
Clause, Richard L.	162805	7-24-15
INSTITUTION/FACILITY	CASE NUMBER	
LEWIS/RAST		
TO: GRIEVANCE COORDINATOR		

Description of Grievance (To be completed by the Inmate)

I have been here since 6-3-15 from Eky and still have not been issued any Towels, Socks, Laundry Bag, Wash Bag, I just barely received shirts, Boxes? Pants. My Blanket given to me is a shredded half blanket that's ripped to pieces. All I want is to receive the clothing that ADC is required by law to provide. No towels or Laundry Bag to wash my clothes in, no socks. Utterbeck states she gave me what she had at the time, so in 2 months No Socks, No Towels, No Nat Bags, No Blankets, No Wash Bags and whatever are required to be issued have been available?

Proposed Resolution (What informal attempts have been made to resolve the problem? What action(s) would resolve the problem?)

I filed a informal and talked to Utterbeck. To resolve I would like to receive all the state issue clothes that law requires ADC to provide. 2 Towels, 2-Socks, 1-Wash Bag, 1-Laundry Bag, 1-Blanket (Not shredded) and anything else I am supposed to be issued like Pillow, Pillow Case, etc. Thank You.

Inmate's Signature	Date	Grievance Coordinator's Signature	Date
	7-24-15		

Action taken by Documentation of Resolution or Attempts at Resolution.

Staff Member's Signature	Badge Number	Date