

Plaintiff's Name TY HERTIG
Inmate No. C. 54754
Address ACH HU. 02 #13
PO. BOX 3456
CORCORAN, CA 93212

FILED

MAR 14 2007

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

HERTIG, TY
(Name of Plaintiff)

CIV 04 5633 AWI SMS P
(Case Number)

vs.

**SECOND AMENDED
COMPLAINT**

Civil Rights Act, 42 U.S.C. § 1983

STEVEN CAMBRA (DIRECTOR)
G. GALINZA (WARDEN OF CSP-COR)
M.L. BENDON (CHIEF MED. OFFICER)
DR. VIRAVATHANA (NEUROLOGIST)
DR. FRIEDMAN (PAIN SPECIALIST)
D. EDMONDS, RN. (HA-FAC)
DOES # 1 THRU 3 & C/O FUJIOKA
(Names of all Defendants)

I. Previous Lawsuits (list all other previous or pending lawsuits on back of this form):

- A. Have you brought any other lawsuits while a prisoner? Yes ___ No
- B. If your answer to A is yes, how many? _____
Describe previous or pending lawsuits in the space below.
(If more than one, use back of paper to continue outlining all lawsuits.)

1. Parties to this previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if Federal Court, give name of District; if State Court, give name of County) _____

3. Docket Number _____ 4. Assigned Judge _____

5. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____

6. Filing date (approx.) _____ 7. Disposition date (approx.) _____

II.

A. Is there an inmate appeal or administrative remedy process available at your institution?

Yes No

B. Have you filed an appeal or grievance concerning ALL of the facts contained in this complaint?

Yes No

If your answer is no, explain why not _____

C. Is the process completed?

Yes If your answer is yes, briefly explain what happened at each level.

THE DEFENDANTS DENIED PLAINTIFF REQUEST AT ALL (3) LEVELS, AND DIDNT REQUIRE DEFENDANTS TO ACT ON MEDICAL RECOMMENDED COURSE OF ACTION.

No If your answer is no, explain why not.

NOTICE:

Pursuant to the Prison Litigation Reform Act of 1995, “[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.” 42 U.S.C. § 1997e(a). If there is an inmate appeal or administrative remedy process available at your institution, you may not file an action under Section 1983, or any other federal law, until you have first completed (exhausted) the process available at your institution. You are required to complete (exhaust) the inmate appeal or administrative remedy process before filing suit, regardless of the relief offered by the process. Booth v. Churner, 532 U.S. 731, 741 (2001); McKinney v. Carey, 311 F.3d 1198, 1999 (9th Cir. 2002). **Even if you are seeking only money damages and the inmate appeal or administrative remedy process does not provide money, you must exhaust the process before filing suit.** Booth, 532 U.S. at 734.

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item B for the names, positions and places of employment of any additional defendants.)

A. Defendant STEVEN CAMBRA JR. is employed as DIRECTOR OF COOR
ECTIONS at SACRAMENTO, CALIFORNIA

B. Additional defendants G. GALAZA, WARDEN OF CSP-CORCORAN.
M.L. BENDON, CHIEF MEDICAL OFFICER OF CSP-COR
DR. VIRAVATHANA, M.D. NEUROLOGIST OF CSP-COR
DR. FRIEDMAN MD. PAIN SPECIALIST OF CSP-COR
D. EDMONDS R.N. NURSE AT 4A FAC. CSP-COR.
DOE #1 A NURSE AT ACH CSP-COR
DOE #2 A C/O IN 4A-4L AT CSP-COR
DOE #3 A C/O IN 4A-4L AT CSP-COR
C/O FUDJOKA, A C/O IN 4B-FAC. PROPERTY

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

DEFENDANTS ARE DELIBERATELY INDIFFERENT TO PLAINTIFFS
SERIOUS MEDICAL NEEDS. DEFENDANTS RESPONSABILITY IS TO
ENSURE PLAINTIFFS STANDARD OF MEDICAL TREATMENT IS
ADEQUATE WITH NECESSARY STANDARDS OF CARE. WHEN
PLAINTIFF WAS TRANSFERRED TO CSP-COR ITS SPECIFIC HOUSING AND
HIS TREATMENT WERE TO BE CONTINUED. DEFENDANTS FAILED
TO ENSURE THAT THIS WAS CARRIED FORTH, IN FACT SCALING
BACK THE LEVEL THAT THE PLAINTIFF REQUIRED.

~ SEE ATTACHED PAGES ~


V. Relief.

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

PLAINTIFF IS WITHOUT REMEDY SAVE BY AN ORDER OF THIS COURT.
PLAINTIFF SEEKS (1) THE APPOINTMENT OF COUNSEL AS HE IS
NOT ABLE TO RESEARCH AND FILE MOTIONS IN THIS MATTER.
(2) PLAINTIFF SEEKS A DECLARATORY JUDGEMENT PHYSICAL AND
MENTAL DAMAGES AND PUNITIVE AND COMPENSATORY DAMAGES,
AS WELL AS WELL AS ATTORNEY FEES.
= SEE ATTACHED RELIEF =

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

Date 3-1-2007

Signature of Plaintiff 

CIVIL RIGHTS COMPLAINT

WITH A JURY DEMAND

THIS IS A 1983 ACTION FILED BY HERTIG, TY A STATE PRISONER ALLEGING VIOLATION OF HIS CONSTITUTIONAL RIGHTS AND SEEKING PUNITIVE DAMAGES, DECLARATORY JUDGEMENT AND INJUNCTIVE RELIEF. PLAINTIFF REQUEST A TRIAL BY JURY.

JURISDICTION

- 1) THIS IS A CIVIL RIGHTS ACTION UNDER 42, U.S.C. 1983. THIS COURT HAS JURISDICTION UNDER 28, U.S.C. 2201 AND 2202. THIS COURT ALSO HAS SUPPLEMENTAL JURISDICTION TO HEAR PLAINTIFF'S STATE LAW CLAIMS UNDER 28, U.S.C. 1367.

PARTIES

- 2) PLAINTIFF HERTIG, TY IS PRESENTLY INCARCERATED AT THE CALIFORNIA STATE PRISON - CORCORAN IN THE SECURITY HOUSING UNIT (SHU).
- 3) DEFENDANT STEVEN CAMBRA IS/WAS THE DIRECTOR OF COORECTIONS AND IS/WAS RESPONSABLE FOR THE OVERALL OPERATIONS OF THE (CDC), EACH INSTITUTION, INCLUDING CSP-CORCORAN.
- 4) DEFENDANT MIL BENDON IS/WAS THE CHIEF MEDICAL OFFICER (CMO) AT CSP-CORCORAN AND IS/WAS RESPONSIBLE FOR THE INSTITUTIONS HEALTHCARE PROGRAM, THIS INCLUDES THAT ESTABLISHED POLICIES ARE CARRIED OUT.

- 5) DEFENDANT G. GALAZA IS/WAS THE WARDEN OF CSP-CORCORAN AND IS/WAS LEGALLY RESPONSIBLE FOR THE OPERATION AND WELFARE OF ALL PRISONERS IN THIS INSTITUTION. HE IS ULTIMATELY RESPONSIBLE FOR THE TRAINING AND SUPERVISION OF ALL CORRECTIONAL STAFF EMPLOYED AT CSP-CORCORAN.
- 6) DEFENDANT VIRAVATHANA, IS A MEDICAL DOCTOR AT CSP-CORCORAN'S (ACH) ACUTE CARE HOSPITAL, HE'S EMPLOYED AS THE NEUROLOGIST.
- 7) DEFENDANT FREIDMAN, IS A MEDICAL DOCTOR AT CSP-CORCORAN'S (ACH) ACUTE CARE HOSPITAL, HE'S EMPLOYED AS A PAIN SPECIALIST.
- 8) DEFENDANT EDMONDS, IS A REGISTERED NURSE AT CSP-CORCORAN, STATIONED ON 4A-FACILITY CLINIC.
- 9) DEFENDANT DOE #1, IS A NURSE AT CSP-CORCORAN, IN THE (ACH) ACUTE CARE HOSPITAL.
- 10) DEFENDANTS DOE'S #2 ; #3, ARE C/O'S AT CSP-CORCORAN, THEIR POSTS WERE IN 4A-4L FLOOR OFFICERS.
- 10 1/2) DEFENDANT % FUJIOKA, 4B-FACILITY PROPERTY
- 11) EACH DEFENDANT ACTED UNDER COLOR OF AUTHORITY AND IS BEING SUED IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES.

FACTS

- 12) DEFENDANTS HOLDING THE POSITIONS OF RESPONSIBILITY OF ENSURING THAT THE PLAINTIFF WAS TREATED FAIRLY AND ADEQUATELY UNDER THE LAW FAILED.
- 13) PLAINTIFF COMPLAINED TO AND ABOUT DEFENDANTS NOT TREATING HIS SERIOUS MEDICAL PROBLEMS, SPECIFICALLY THE RECOMMENDATIONS OF OTHER QUALIFIED MEDICAL PERSONAL ON 8.5.03, 8.13.03, 9.9.03, 9.30.03, 10.8.03 AND 5.10.04.
- 14) DEFENDANTS WERE DILIBERATELY INDIFFERENT TO PLAINTIFFS COMPLAINTS, DID NOT REQUIRE ANY OF THE TREATMENTS RECOMMENDED BY OTHER MEDICAL ~~STAFF~~ STAFF BE GIVEN TO HIM.
- 15) ON 8.2.02, AN EPIDURAL WAS PERFORMED ON PLAINTIFF BY DR. PUTER, NO FOLLOW UP TOOK PLACE DUE TO PLAINTIFFS TRANSFER TO CSP. CORCORAN ON 8.14.02. DEFENDANTS SHOULD OF ~~HAD~~ HAD PLAINTIFFS ~~PERFORMED~~ FOLLOW UP WITH A SPECIALTY CONSULT WITHIN (30) DAYS, NO ~~AND~~ ACTION WAS TAKEN UNTIL 2.24.5.
- 16) ON 7.17.02, PLAINTIFF WAS CLASSIFIED UNDER THE (ADA) AMERICANS WITH DISABILITIES ACT AS "PERMANATELY MOBILITY IMPAIRED" (LOWER EXTREMITIES) AND THAT THIS "IMPACTS PLAINTIFFS PLACEMENT", THIS ACTION WAS TAKEN BY DR. JOHNS, M.D. AND RENEE KANAN, M.D. CHIEF PHYSICIAN AND SURGEON AT PBSP, ON BOTH A CDC-128C

(16-CONT.) AND A CDC-1845 INMATE/PAROLEE DISABILITY VERIFICATION FORM.

17) ON 7.24.02, A SPECIAL COMMITTEE REFERRED PLAINTIFFS CASE TO THE "CLASSIFICATION STAFF REPRESENTATIVE" (CSR), RECOMMENDING TRANSFER TO CSP. CORCORAN VIA "SPECIAL MEDICAL TRANSPORTATION" DUE TO PLAINTIFFS "IMMEDIATE MEDICAL NEEDS".

18) ON 7.30.02, THE (CSR) ENDORSED PLAINTIFF FOR (DPM) SERVICES TO CSP. CORCORAN AND TRANSFER TOOK PLACE ON 8.14.02.

19) UPON ARRIVAL AT CSP. CORCORAN, PLAINTIFFS RECORDS, X-RAYS, MRIS, ECT. WERE GIVEN TO DEFENDANT DOE #1, WHO TOOK POSSESSION OF THEM FROM THE TRANSPORTATION %'S. PLAINTIFF WAS TAKEN TO A REGULAR (SHU) CELL, NOT THE HOSPITAL OR A (DPM) CELL MODIFIED FOR MOBILITY IMPAIRED PRISONERS. PLAINTIFFS (LUSO) BACK BRACE AND WALKER WERE TAKEN FROM HIM BY DEFENDANTS DOES #2 & #3, THE 4A-4L FLOOR %'S THIS WRONGFULLY LEFT PLAINTIFFS ONLY MEANS TO GET AROUND FROM BED TO DOOR, TOILET, SINK, ECT. BY CRAWLING IN EXTREME PAIN, AND UNPROTECTED FROM WRONG MOVEMENTS WITHOUT HIS BRACE FOR SUPPORT.

20) PLAINTIFF HAD TO BE TAKEN TO E.R. WITHIN HOURS OF BEING PLACED IN THAT SITUATION, HE RECEIVED SOME INJECTIONS FOR PAIN AND SPASMS, THEN PLAINTIFF WAS RETURNED TO THE

(20-CONT.) SAME CELL, STILL WITHOUT THE NEEDED BRACE AND WALKER.

21) ON 8.20.02, DURING ROUNDS FOR MEDICATION IN THE HOUSING UNIT (4A.4L), THE R.N./MTA, SEEING PLAINTIFFS CONDITION HAS HIM IMMEDIATELY TAKEN TO THE FACILITY CLINIC, WHERE THE DR. HAD PLAINTIFF SENT TO DEFENDANT VIRATHANA (NEUROLOGIST), WHO ~~WAS~~ ADMITTED PLAINTIFF INTO (ACH) WHERE HE STAYED FOR APPROX. A WEEK BEFORE BEING RETURNED TO ANOTHER REGULAR (OHU) CELL, STILL NO BRACE OR WALKER. DEFENDANT VIRAVATHANA CLAIMED NO RECORDS FOR ME.

22) PLAINTIFF REQUESTED TO BE SEEN BY THE APPROPRIATE SPECIALIST, A NERVE SURGEON, SO THAT HIS TREATMENT COULD PICK UP FROM WHERE IT WAS LEFT UPON TRANSFER, ALL TO NO AVAIL!! DEFENDANTS WOULD TELL PLAINTIFF THAT HE DOESNT TELL FROM WHAT DR. OR TREATMENT IS GIVEN. PLAINTIFFS NUMEROUS ATTEMPTS TO RETRIEVE HIS WRONGFULLY TAKEN APPLIANCES WERE ALSO TO NO ~~AVAIL~~ AVAIL AS DEFENDANTS FAIL TO UPHOLD THEIR RESPONSIBILITIES TO PLAINTIFFS RIGHT TO PROPER TREATMENT.

23) ON 9.17.02, DEFENDANT D. ~~EDMONDS~~ EDMONDS, R.N., WROTE A 128-B CHRONO CONTAINING FALSE AND PREJUDICIAL INFORMATION, ~~THAT~~ THAT HAS AFFECTED THE WAY DEFENDANTS TREAT PLAINTIFFS MEDICAL NEEDS. DUE TO DEFENDANT EDMONDS INSTRUCTIONS REFERRING ALL TO SEEK OUT AND READ HER CHRONO. DEFENDANT D. EDMONDS STATES THAT

(23 CONT.) PLAINTIFF IS FAKING HIS CONDITION, A CONDITION THAT HAS BEEN DIAGNOSED AND DOCUMENTED BY DOCTORS WHO ARE MORE CAPABLE OF THIS TASK AND IN FACT, SPECIALIZE IN IT. WHILE THE DEFENDANT IS A MEDICAL PROFESSIONAL, SHE IS NOT A SPECIALIST IN THE FIELD NECESSARY TO ATTEMPT TO DISCREDIT THOSE WHO HAVE EXAMINED, DIAGNOSED MY CONDITION TO BE WHAT IT IS.

24) ON 12.20.02, AS THE RESULT OF A PARTIAL GRANTING OF PLAINTIFFS 602 APPEAL, SENIOR RN. J. WOOTEN ORDERED DEFENDANT D. EDMONDS TO REMOVE THE JUDGEMENTAL STATEMENT THAT SHOULD HAVE BEEN ALLOWED INTO THE RECORD FROM THE START. THIS REVISION NEVER TOOK PLACE, ANOTHER EXAMPLE OF DEFENDANTS NOT UPHOLDING THE RESPONSIBILITY OF THEIR POSITIONS AND A CLEARLY INDIFFERENT ATTITUDE TOWARDS THE RULES, CARE AND TREATMENT OF PLAINTIFFS RIGHT TO BE AFFORDED FAIR MEDICAL TREATMENT.

25) ON 8.13.03, AS A RESULT OF ONE OF DEFENDANT FREIDMANS NUMEROUS REFERRALS FOR A PHYSIC - EVALUATION, THE DR. MADE IT CLEAR THAT HE FOUND "NO MALINGERING" ON THE PART OF PLAINTIFF AND THAT HE SHOULD BE TREATED "BY ALL MEANS POSSIBLE".

26) DEFENDANT FREIDMAN (PAIN SPECIALIST) HAS REFUSED PLAINTIFF ANY MEANINGFULL COURSE OF TREATMENT UNTILL 2.24.05, THIS IS WHEN THE COURT ORDERED

(26 cont.)

MONITORS STARTED TAKING OVER AND EVEN THEN DEFENDANT FREIDMAN ONLY CARRIED OUT THE RECOMMENDATIONS OF THE SPECIALIST, BEFORE THEN DEFENDANT FREIDMAN WOULD ONLY PASS PLAINTIFF OFF TO THE MENTAL HEALTH DEPT. OR CLAIM HE DONT HAVE TO FOLLOW OTHERS RECOMMENDATIONS, THAT HE SAYS WHAT TREATMENT, IF ANY, IS CARRIED OUT FOR PLAINTIFF.

27)

DEFENDANT VIRAVATHANA (NEUROLOGIST) WOULD FOLLOW A SIMILAR PATTERN AS DEFENDANT FREIDMAN WOULD CONCERNING PLAINTIFFS CARE, EVEN THO ONCE SHOWN DR. POTTER'S DIAGNOSIS OF PLAINTIFFS POST-OPERATIVE CONDITION HE WOULD AGREE THAT PLAINTIFF NEEDED TO BE SEEN BY AN OUTSIDE SPECIALIST, PLAINTIFF MAY HAVE BEEN SEEN BY DEFENDANT NUMEROUS TIMES, BUT NOTHING WOULD EVER BE DONE) AND AGAIN, PLAINTIFF WENT FROM 8.14.02 TO 2.24.03 UNTREATED AND IS STILL WITHOUT HIS BACK BRACE AND ~~SHOE~~ SHOES EVEN THO DEFENDANTS ARE VIOLATING THEIR OWN RULES AND COURT ORDERS IN DOING SO.

28)

PLAINTIFF WAS ADMITTED INTO THE (ACH) WITH CELLULITIS IN HIS L. KNEE, REQUIRING IV. ANTIBIOTICS FOR APPROX. (2) WEEKS ON 10.26.02. THIS DAMAGE WAS CAUSED DUE TO PLAINTIFFS HAVING TO CRAWL AND FINALLY REQUIRED SURGERY ON 3.20.03 AS DIAGNOSED BY CSP-CORCORAN'S ORTHOPEDIC SURGEON. HE ALSO DOCUMENTED THE NEED FOR THE R. KNEE NEEDING SURGERY ALSO IN A REPORT

(28 CONT.) DATED 4.2.03, WHICH GIVES SOME SENSE OF THE DAMAGE CAUSED BY DEFENDANTS DILIBERATE INDIFFERENCE TO RULES AND PLAINTIFFS CARE AND TREATMENT.

29) PLAINTIFF WAS TRANSFERRED TO CSP. CORCORAN SPECIFICALLY DUE TO HIS NEED OF MEDICAL TREATMENT, ECT. BUT BECAUSE OF THE COMPLETE LACK OF IT, HE IS WORSE OFF AND ONLY AS OF 10.8.04 HAS ANY PROGRESS BEEN MADE DUE TO PLAINTIFFS BEING HOUSED PROPERLY AND STARTING TO GET THE SPECIALTY CONSULTATIONS NESSASARY.

30) ON 11.18.02, VIA POLICIES ENACTED BY THEM AND ENFORCED BY THE DEFENDANT % FUJIOKA DID ~~RE~~ PLAINTIFFS MEDICALLY AUTHORIZED SHOES AND ACE WRAPS ~~GET~~ TAKEN WITHOUT REPLACEMENTS BEING ISSUED FIRST. AS IT IS SUPPOSED TO BE DONE IN ACCORDANCE WITH COURT ORDERS AND TITLE 15 RULES

31) PLAINTIFF HAS HAD NO FOOT COVERING SINCE 11.18.02, EVEN THO ON 8.5.03, 9.30.03 AND 5.10.04 THE CONTRACTED PODIATRIST FOR CSP. CORCORAN EXAMINED, DIAGNOSED AND RECOMMENDED THAT PLAINTIFFS SHOES BE RETURNED TO HIM. IN A CHRONO DATED 4.21.00, IT CLEARLY STATES THAT SHOES WILL BE ISSUED ONLY AFTER THE CONTRACTED PODIATRIST HAS BEEN SEEN AND HE DECIDES WHAT, IF ANY, TYPE SHOES TO ALLOW.

32) ON 12.19.02, DEFENDANTS VIRAVATHANA AND FREIDMAN PLACED PLAINTIFF ON "AMITRIPTYLINE", A MENTAL HEALTH MEDICATION THAT CAUSED PLAINTIFF TO LOOSE CONSCIOUSNESS DURING AN INTERVIEW WITH MRS. DOAN (ADA/DPP COORDINATOR) ON 12.23.02, AFTER ONLY TAKING IT TWICE. PLAINTIFF REFUSED IT FROM THAT DATE ON EVEN THO DEFENDANTS ATTEMPTED TO HAVE PLAINTIFF TAKE IT UNTILL 2.25.03, MRS. DOAN RETURNED WITH A DOCTOR ON 1.7.03 AND PLAINTIFF WAS TOLD BY THAT DR. THAT THAT MEDICATION SHOULD ONLY BE GIVEN BY MENTAL HEALTH AND ONLY AFTER A COMPLETE EXAMINATION.

33) ON 9.9.03, PLAINTIFF WAS SENT TO A NUCROSURGEON CONSULTATION IN BAKERSFIELD, CALIF. WHO RECOMMENDED A COURSE OF TREATMENT, BUT DEFENDANT FREIDMAN REFUSED TO INACT IT. ON 10.8.03, THIS CONSULTATION RECOMMANDATION WAS AGAIN BROUGHT TO DEFENDANT FREIDMAN'S ATTENTION, BY ANOTHER DOCTOR, BECAUSE IT WAS NOT YET ACTED UPON AND HE WAS BEING DIRECTED TO DO SO, DEFENDANT FREIDMAN STILL REFUSED AND IT WAS NEVER ACTED ON.

34) ON 12.6.02, DEFENDANT FREIDMAN REFUSED TO TREAT PLAINTIFFS R. SHOULDER, EVEN THO IT WAS HIS OWN DIAGNOSIS. DEFENDANT FREIDMAN'S CLAIM WAS THAT PLAINTIFF WAS IN TO MUCH "PAIN" TO TREAT AT THAT MOMENT, YET HE'S THE "PAIN SPECIALIST" AND INSTEAD OF TREATMENT, HE HAD PLAINTIFF RETURNED TO

(34-CONT.) HIS CELL IN THAT CONDITION, DEFENDANT FREEDMAN AGAIN REFUSED TO TREAT PLAINTIFFS R-SHOULDER ON 8.8.03, OPTING THIS TIME TO AGAIN REFER HIM TO "PHYSIC-EVAL" FOR APPROX. THE 6TH OR 7TH TIME.

~ RELIEF ~

WHEREFOR THE PLAINTIFF REQUEST THE COURT GRANT THE FOLLOWING RELIEF.

- A) ISSUE A DECLARATORY JUDGEMENT THAT THE DEFENDANTS ACTS, POLICIES AND PRACTICES DESCRIBED HEREIN VIOLATED THE UNITED STATES CONSTITUTION AND STATE LAW.
- i) ISSUE A PRELIMINARY AND PERMANENT INJUNCTION WHICH;
 - a) REQUIRES AN END TO THE DEFENDANTS PRACTICES OF NOT FOLLOWING VALID RECOMMENDATIONS,
 - b) REQUIRES THE CDC TO TREAT PLAINTIFFS SERIOUS MEDICAL NEEDS WITH PRESCRIBED TREATMENTS,
 - c) REQUIRES DEFENDANTS TO RETURN PLAINTIFFS SHOES AND BACK BRACE,
 - d) REQUIRES THAT DEFENDANTS HOUSE THE PLAINTIFF IN HOUSING MODIFIED TO ACCOMMODATE HIS DISABILITIES.

(c-conti) IN THE (A.C.H.) ACUTE CARE HOSPITAL,

- e) REQUIRES DEFENDANTS TO REMOVE THE JUDGEMENTAL, FALSE REPORT AUTHORED BY DEFENDANT D. EDMONDS, RN.
- f) PLAINTIFF IS SEEKING PHYSICAL AND MENTAL DAMAGES IN THE AMOUNT OF \$75,000⁰⁰ FOR WILLFULL AND DELIBERATE NEGLECT OF HIS CONDITION.
- g) PLAINTIFF SEEKS COMPENSATORY DAMAGES IN THE AMOUNT OF \$75,000⁰⁰ FOR EACH DAY PLAINTIFF WAS NOT TREATED AS RECOMMENDED HE BE SO TREATED.
- h) PLAINTIFF SEEKS PUNITIVE DAMAGES IN THE AMOUNT OF \$10,000⁰⁰ FROM EACH DEFENDANT AND \$175,000⁰⁰ FROM DEFENDANTS FREIDMAN, EDMONDS, VIRAVATHANA AND FUDTOKA FOR PURPOSEFULLY IGNORING TREATMENT RECOMMENDATIONS BY QUALIFIED MEDICAL SPECIALIST, AND DEFENDANT EDMONDS FOR WRITING A FALSE REPORT AFFECTING PLAINTIFFS CARE.
- i) REQUIRES DEFENDANTS TO BE RESPONSABLE FOR PAYING THE COST OF THIS SUIT, INCLUDING FILING, COPYING, APPEALANT AND ATTORNEY FEES.
- j) ~~REQUIRES~~ REQUIRES THE DEFENDANTS TO REFRAIN FROM RETALIATING AGAINST PLAINTIFF FOR BRINGING THIS SUIT.

I DECLARE UNDER PENALTY OF PERJURY
THAT THE FORGOING IS TRUE AND CORRECT, AS TO
THOSE MATTERS OBTAINED UPON INFORMATION AND
BELIEF, I BELIEVE THEM TO BE TRUE AS WELL ...

DATED: 3.1.2007

RESPECTFULLY SUBMITTED,

[Signature]

PLAINTIFF W. PRO. PER

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, TY HERTIA C. 54754, declare:

I am over 18 years of age and a party to this action. I am a resident of C.S.P. - CORCORAN

STATE Prison,

in the county of KINGS CO.

State of California. My prison address is: HU-02 #13, PO Box 3456,

CORCORAN, CA. 93212-3456

On MARCH 1, 2007
(DATE)

I served the attached: CIVIL RIGHTS ACT, 42 U.S.C. § 1983

(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

UNITED STATES COURTS
OFFICE OF THE CLERK, UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO, CA. 93721-2201

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 3.1.2007
(DATE)

Ty Hertia
(DECLARANT'S SIGNATURE)