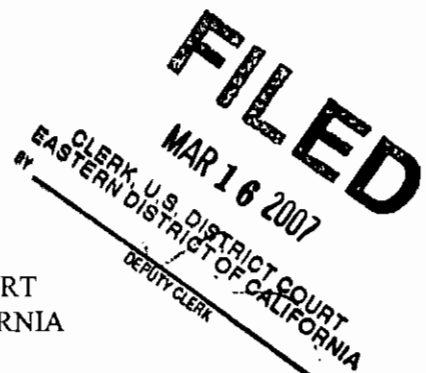


Plaintiff's Name ROBERT MAESHACK
 Inmate No. C-15018
 Address 5150 O'Eyrnes Ferry Rd.
JAMESTOWN, CA. 95327



IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT MAESHACK

1-06-CV-00011-AW1-NEW- DLE

(Name of Plaintiff)

(Case Number)

vs.

AMENDED COMPLAINT

Harbinson

Civil Rights Act, 42 U.S.C. § 1983

Smith

Grazier

Weed

McIrtyre

Sweetland

Greenough

(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 XX

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 N/A

Defendants N/A

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

3. Docket Number N/A

4. Assigned Judge N/A

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

6. Filing date (approx.) _____

7. Disposition date (approx.) _____

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

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

If your answer is no, explain why not_____ N/A.

C. Is the process completed?

Yes XX If your answer is yes, briefly explain what happened at each level.
On 4-23-04, I filed a CDC 602 appeal at Avenal State Prison while
in ad-seg building. On 5-19-05 -19-05 Plaintiff received the CDC
602 appeal back First Level Partially Granted. Avenal State Prison
passed all time constraints/ defaulted.

No ____ If your answer is no, explain why not.
N/A

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. § 1997c(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.

(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 Harbison is employed as M.T.A.
at Avenal state Prison

- B. Additional defendants Smith is a Lieutenant at Avenal state Prison
Grazier is the Appeals Coordinator at Avenal state Prison
Weed is a Doctor at Avenal State Prison, McIntyre is a Doctor
at Sierra conservation Center. Sweetland is a Doctor at Sierra
Conservation Center, Greenough is the Chief Medical Officer
at Sierra Conservation Center.

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.)

On 4-23-04, Plaintiff came into contact with a vector and complained to C/O Deagon about a mouse/rat bite. C/O Deagon informed MTA Harbison Plaintiff showed MTA Harbison his bitten and swollen right hand, with blood on it, and plaintiff's Left Leg MTA Harbison walked away refusing Plaintiff medical assistance, without regard to Plaintiff's pain & suffering, and absent consideration of possible long term ill effects on Plaintiff's health. Every person possessing any work place that is infested with 'Rodents', fails, neglects, or refuses to proceed & to continue to endeavor to exterminate. This Refusal imposes Cruel & Unusual Punishment, as he was left in pain. On 4-24-04 Lt Smith refused to enforce Plaintiff's right to Medical treatment, he did however sign a contract for receipt of the two mouse/rats plaintiff had caught in his cell,

SEP ATTACHED SHEET

V. Relief.

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

Declaratory Damages as Proof, of Violations of Civil Rights. Compensatory damages according to proof by plaintiff, Incidental Damages according to Proof by plaintiff. Punative Damages according to Proof, by plaintiff. Special Damages & Punative Damages also according to proof. Plaintiff seeks a preliminary injunction to prevent an irreparable injury from occurring before the Court has a chance to decide the case.

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

Date 3-12-2007

Signature of Plaintiff Robert Maeshack

ATTACHED

but later breached the contract and failed to take the two mice/rats to Medical staff for disease testing in hopes of assisting Plaintiff in Mitigating the health effects resultant from being bitten by rodents. Prison Officials who were notified about the Prisoners injury and deliberately ignore serious medical needs of an inmate cannot claim it was not apparent to a reasonable person that such actions violated law.

On 4-23-04 Plaintiff sent a CDC 602 to Appeals Coordinator Grazier, who failed to process it. Choosing instead to default. He sent subsequent appeals back to staff, without Log Numbers suggesting & inferring that reprisals were appropriate. Staff responded to these suggestions by committing punitive cell searches, taking my paperwork, and committing other acts prohibited by the rules of CCR.

On 5-8-04 Dr Weed, gave Plaintiff an EKG, and then refused to treat Plaintiff in regard to complaints of Pain, Suffering, and swellings he was provided. Then with deliberate indifference Dr Weed ordered C/O Deagon to take plaintiff back to his ad seg housing cell. Prison officials who deliberately ignore serious medical needs, of inmates cannot claim it was not apparent to a reasonable person that such actions violated the law, such action involving this type of deliberate indifference precluded the finding of qualified immunity.

On 12-23-05, at 1000 A.M. Plaintiff was interviewed at Sierra Conservation center by Dr. McIntyre when plaintiff explained about the mouse/rat bite and the possible infection/disease associated with the incident, Dr McIntyre ordered Skull X-Rays, then prescribed Ibuprofen 800 mg & Prilosac however nothing was done to relieve the swelling, or to abate the pain that Plaintiff still suffers. Reasonable Prison Officials who observed, or were notified of Plaintiff's injuries & how they were sustained would know that delays or failures to mitigate or prevent further pain & suffering by Plaintiff constitutes the Wanton Infliction of Pain which abrogates clearly protected constitutional rights.

Dr Sweetland, ordered medication for Plaintiff on several occasions without the basis of performing a physical to reach his diagnosis, and prior to the results of any of the test have been received (results which are needed to determine exactly what type of disease I contacted) from the mouse/rat bite. Dr Sweetland is 'Experimenting & guessing' what would work best for whatever disease pops into his mind, that I may have contacted.

On 6-02-06, I was interviewed by Dr Sweetland concerning the mouse/rat bite. Dr Sweetland ordered plaintiff to take Doxycycline from 6-2-06 to 7-14-06, Toradol from 6-2-06 to 6-7-06, Methcaramol from 7-24-06 to 8-24-06 Naprazen from 7-25-06 to 8-24-06 Hydroxychloroquin from 8-2-06 to 10-31-06 Prilosac from 8-2-06 to 10-31-06, Prednisone. All these medications were prescribed without the benefit of any diagnosis. It becomes clear that the defendant acted with deliberate indifference to Plaintiffs medical needs. The Plaintiff was given many medicines to take before Doctor sweetland ordered a blood panel to see exactly what

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Plaintiff came into contact with from the mouse/rat bite. To Plaintiff's dismay after complaining of still being in severe pain although taking all the medicine prescribed by Dr Sweetland, no further steps have been taken to relieve Plaintiff's continuing Pain & Suffering. Plaintiff has discovered the care or better lack of care he was given was not an isolated incident, but rather part of a pattern of Care denial at this facility. It is clear to Plaintiff that the defendants each of them acted with deliberate indifference to plaintiff's pain & suffering. Plaintiff also suffered the effects of Medical Malpractice at the hands of each Physician named as well. Hence Plaintiff has made a Prima Facie Case under 42 USC 1983.