

Plaintiff's Name CARL Higgins  
Inmate No. J-06160  
Address CCI, P.O. Box 1902  
TeHachapi, CA 93581

**FILED**

MAR 16 2009

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY [Signature]  
DEPUTY CLERK

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

CARL Higgins  
(Name of Plaintiff)

1:07 cv-00934-LJO-GSA-PC  
(Case Number)

vs.

AMENDED COMPLAINT

Civil Rights Act, 42 U.S.C. § 1983

J. Medina, Miranda, Williams,  
Lozano, Jose, Reynoso, Zanichi,  
Chapman, Rhodes, Robinson

(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 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.) \_\_\_\_\_

**RECEIVED**

MAR 16 2009

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY [Signature]  
DEPUTY CLERK

①

(PC) Higgins v. Medina et al

Doc. 24 Att. 1

II. Exhaustion of Administrative Remedies

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? SEE ATTACHED PAGES

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

\_\_\_\_\_  
\_\_\_\_\_

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 J. Medina is employed as corrections officer  
at Kern Valley State Prison

(2)

B. Additional defendants Don Miranda Correctional Officer AT Kern Valley State Prison,  
D. Williams Correctional Officer AT Kern Valley State Prison, M. Lozano Correctional Officer  
AT Kern Valley State Prison, C. Jose Sargeant within Department of Correction,  
F. J. Reynolds Lieutenant within Department of Correction AT Kern Valley  
State Prison, D. Zanchi Capt. within Department of Correction AT CCI,  
D. Chapman Supervisor Counselor within Department of Correction AT  
CCI, D. Rhodes Counselor within Department of Correction AT CCI,  
M. Robinson Correctional Officer AT CCI.

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.)

SEE SUPPORTING DOCUMENTS IN THERE OF

V. Relief.

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

SEE SUPPORTING DOCUMENTS IN THERE OF

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

Date MARCH 3, 2009

Signature of Plaintiff



(revised 2/10/2006)

# Points And Authority

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## (I.)

THE PLAINTIFF FILE AN AMENDED COMPLAINT ON THE ISSUE ON THE (BMU) PILOT PROGRAM THAT WAS NOT REGISTER WITH CALIFORNIA OFFICE OF ADMINISTRATIVE LAW DURING THE TIME THE PLAINTIFF WAS PLACED IN PROGRAM, SEE PAGES 11 TO 17.

## (II.)

THE PLAINTIFF FILE AN AMENDED COMPLAINT ON THE ISSUE OF "CONSPIRACY ACT" SEE PAGES 18 TO 24.

## (III.)

THE PLAINTIFF WOULD LIKE TO PROCEED IN THE ORIGINAL ACCESSSES FORCE CLAIMS SEE PAGES 25 TO 59.

1 THE PLAINTIFF OPT TO FILE AN  
2  
3 Amended complaint on the ISSUE  
4 on the NAMED DEFENDANTS WHO PLACED THE  
5  
6 PLAINTIFF IN THE (BMU) PILOT PROGRAM  
7  
8 Illegally AND CAUSED Punitive Damages  
9 By Punishing THE PLAINTIFF OF 60 DAYS OF  
10 no YARD, OF THE 90 DAYS PLACEMENT IN  
11 THE PROGRAM AND COMPENSATORY DAMAGES BY  
12  
13 TAKING AWAY HIS PERSONAL PROPERTY DESTROYING IT,  
14 AND "CCI" CLEARLY VIOLATED THE PLAINTIFF  
15 U.S. CONSTITUTIONAL RIGHTS UNDER STATE AND  
16 FEDERAL LAW, DUE PROCESS VIOLATION OF (CDCR) LAW.

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20 THE PLAINTIFF IS ALSO WILLING TO  
21  
22 PROCEED IN THE ORIGINAL EXCESSIVE  
23  
24 FORCE CLAIM'S AGAINST DEFENDANTS  
25 medina, miranda, Williams, LOZANO, JOSE, AND  
26 REYNOSO.  
27

(5)

THE RESULT OF THE NEGATIVE IMPLICATION JURISPRUDENCE IS NOT TO REQUIRED THE PRISON OFFICIALS TO FOLLOW THE NEGATIVE IMPLICATION DRAWN FROM THE REGULATIONS, BUT INSTEAD TO ATTACH PROCEDURAL PROTECTIONS THAT MAYBE OF QUITE A DIFFERENT NATURE.

HERE, THE PRISON OWN DISCIPLINARY RULES SEVERELY CABIN THE AUTHORITY OF PRISON OFFICIALS TO IMPOSE THIS KIND OF PUNISHMENT ON THE PLAINTIFF MR. HIGGINS, THEY PROVIDED AMONG OTHER THINGS.

SUMMARY, THE PLAINTIFF SERVED AN 15 MONTH SHUABLE OFFENSE FOR "RVR" BATTERY ON STAFF THAT HE DID NOT COMMIT, NOTED IN THE AMENDED A TRUE FACT THAT THE PLAINTIFF WAS PUNISH EVEN MORE BY BEING PLACED IN A ILLEGALLY BMU PROGRAM INWHICH LED TO LOST OF YARD FOR 60 DAYS AND PERSONAL PROPERTY IN A 90 DAYS PROGRAM BASED ON "CCI" MADE UP BMU PROGRAM POLICY THAT WAS NOT "REGISTER" WITH CALIFORNIA OFFICE OF ADMINISTRATIVE LAW.

## I. Jurisdiction

(1) THIS COURT HAS JURISDICTION OVER PLAINTIFF  
FEDERAL CLAIMS PURSUANT TO 28 U.S.C. 1331  
AND 1343 (A)(3).

## II. Venue

(2) THE EASTERN DISTRICT OF CALIFORNIA IS AN  
APPROPRIATE VENUE UNDER 28 U.S.C. 1391 (B)(2)  
BECAUSE A SUBSTANTIAL PART OF THE EVENT  
OR OMISSIONS GIVING RISE TO THE CLAIMS  
OCCURRED IN THIS DISTRICT.

## III. Parties

(3) PLAINTIFF MR. CARLL HIGGINS IS CURRENTLY AN  
INMATE IN THE 4A FAC, AT TEHACHAPI CALIFORNIA  
CORRECTIONAL INSTITUTION.



(4.) DEFENDANT D. CHAPMAN IS A CORRECTIONAL SUPERVISING COUNSELOR, WITHIN (CCI) DEPARTMENT OF CORRECTIONS. D. CHAPMAN IS RESPONSIBLE FOR PLACING ME THE PLAINTIFF IN A (BMU) PILOT PROGRAM THAT WAS NOT "REGISTERED" WITH CAL OFFICE OF ADMINISTRATIVE LAW. SHE IS BEING SUED IN HER INDIVIDUAL CAPACITY.

(5.) DEFENDANT D. RHODE IS A CORRECTIONAL COUNSELOR WITHIN (CCI) DEPARTMENT OF CORRECTIONS. D. RHODE IS RESPONSIBLE FOR PLACING ME THE PLAINTIFF IN A (BMU) PILOT PROGRAM THAT WAS NOT "REGISTERED" WITH CAL OFFICE OF ADMINISTRATIVE LAW. SHE IS BEING SUED IN HER INDIVIDUAL CAPACITY.

(6.) DEFENDANT M. ROBINSON IS A CORRECTIONAL OFFICER WITHIN (CCI) DEPARTMENT OF CORRECTIONS. M. ROBINSON IS RESPONSIBLE FOR DESTROYING THE PLAINTIFF PERSONAL PROPERTY THAT HE WANTED TO SEND HOME, SINCE HE COULD NOT HAVE IT IN THE ILLEGALLY NON REGISTERED BMU PILOT PROGRAM THE PLAINTIFF WAS PLACED IN. HE IS BEING SUED IN HIS INDIVIDUAL CAPACITY.

(7.) DEFENDANT D. ZANCHI IS A CORRECTIONAL CAPT. WITHIN (CCI) DEPARTMENT OF CORRECTIONS. D. ZANCHI IS RESPONSIBLE FOR PLACING THE PLAINTIFF IN A (BMU) PILOT PROGRAM THAT WAS NOT "REGISTERED" WITH CAL OFFICE OF ADMINISTRATIVE LAW. HE IS BEING SUED IN HIS INDIVIDUAL CAPACITY.

(8)



(8.) DEFENDANT J. MEDINA IS A CORRECTIONAL OFFICER WITHIN (KVSP) DEPARTMENT OF CORRECTIONS. J. MEDINA IS AN (B-RECREATION) BUILDING AT THE TIME. HE IS BEING SUED IN HIS INDIVIDUAL CAPACITY.

(9.) DEFENDANT G. MIRANDA IS A CORRECTIONAL OFFICER WITHIN (KVSP) DEPARTMENT OF CORRECTIONS. G. MIRANDA IS AN (B6 FLR #1) FOR FAC B-YARD, AND IN 5 BUILDING AT THE TIME. HE IS BEING SUED IN HIS INDIVIDUAL CAPACITY.

(10.) DEFENDANT M. LOZANO IS A CORRECTIONAL OFFICER WITHIN (KVSP) DEPARTMENT OF CORRECTIONS. M. LOZANO IS AN (B S<sup>1</sup>E #4), AND IN 5 BUILDING AT THE TIME. HE IS BEING SUED IN HIS INDIVIDUAL CAPACITY.

(11.) DEFENDANT D. WILLIAMS IS A CORRECTIONAL OFFICER WITHIN (KVSP) DEPARTMENT OF CORRECTIONS. D. WILLIAMS IS AN (B-YARD #2), AND IN 5 BUILDING AT THE TIME. HE IS BEING SUED IN HIS INDIVIDUAL CAPACITY.

1 (12) Defendant C. JOSE is A CORRECTIONAL SERGEANT  
2 Within (KVSP) DEPARTMENT OF CORRECTIONAL. C. JOSE  
3 IS RESPONSIBLE FOR SUPERVISING IN THE INSTITUTIONAL  
4 HIS OFFICER'S CONDUCT IN MAINTAINING INMATES  
5 SAFETY AND SECURITY. HE IS BEING SUED IN  
6 HIS INDIVIDUAL CAPACITY.  
7

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9  
10 (13) DEFENDANT F. J. REYNOSO IS A CORRECTIONAL  
11 LIEUTENANT WITHIN THE DEPARTMENT OF CORRECTIONS.  
12 F. J. REYNOSO IS RESPONSIBLE FOR SUPERVISING IN  
13 THE (KVSP) INSTITUTION, HIS OFFICER'S CONDUCT  
14 IN MAINTAINING INMATES SAFETY AND SECURITY.  
15 HE IS BEING SUED IN HIS INDIVIDUAL CAPACITY.  
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Amended Complaint  
(I)

1 The Committee Action AT "CCI", CAPT-D.  
 2 ZAnchi, D. Chapman CC-II, D. Rhode CC-I  
 3  
 4 Clearly Violated my Constitutional Rights  
 5 DUE PROCESS OF LAW By Subjecting me To  
 6 A Underground Regulation BMU And CAUSE  
 7 my Property To BE SENT Home In which  
 8 WAS BMU Policy, now AT THE TIME "CCI"  
 9 Committee DEFENDANT'S CAPT. D. ZAnchi, CC-II  
 10 D. Chapman, CC-I D. Rhode PLACED me INTO This  
 11  
 12  
 13  
 14 BMU PROGRAM ON JANUARY 31, 2007, THE  
 15  
 16 BMU PROGRAM OPERATIONAL PROCEDURE #154 WAS  
 17 A ILLEGAL PROGRAM AND NOT REGISTERED WITH  
 18 CAL, OFFICE OF ADMINISTRATIVE LAW WHO REGULATES  
 19 STATE LAW, ALSO THE UNDERGROUND REGULATION  
 20  
 21 BMU OPERATIONAL PROCEDURE #154 IS NOT IN  
 22 THE (CDCR) TITLE 15 CCR. (SEE EXHIBIT = W-1 TO 3)  
 23  
 24  
 25 ACCORDING 5058. RULES AND REGULATIONS,  
 26 ADMINISTRATION OF PRISONS, THE DIRECTOR MAY  
 27 PRESCRIBE AND AMEND RULES AND REGULATIONS

(11)

FOR THE ADMINISTRATION OF THE PRISON

BUT THE RULES AND REGULATIONS SHALL BE PROMULGATED AND FILED PURSUANT TO CHAPTER 3.5, COMMENCING WITH SECTION 11340, PART 1 OF DIVISION 3 OF TITLE 2 OF THE GOVERNMENT CODE, ANY PURPOSE PILOT PROGRAM IMPLEMENT MUST BE FILED WITH THE SECRETARY OF STATE, HERE THE BMU OPERATIONAL PROCEDURE #154 PILOT PROGRAM WAS NOT CLEARED BY THE SECRETARY OF STATE NOR REGISTERED WITH CAL, OFFICE OF ADMINISTRATIVE LAW DOING THE TIME THE DEFENDANT'S CAPT. D. ZANCHI, CCI D. CHAPMAN, CCI D. RHODE PLACED THE PLAINTIFF MR. CARL L. HIGGINS INTO THIS BMU OPERATIONAL PROCEDURE #154 PILOT PROGRAM ON 1-31-07.

IT IS CLEARLY THAT THE PLAINTIFF WAS PLACED IN AN ILLEGAL BMU OPERATIONAL PROCEDURE #154 PILOT PROGRAM THAT WAS NOT REGISTERED WITH CAL, OFFICE OF ADMINISTRATIVE LAW.

THE PLAINTIFF CONTENDS HIS DUE PROCESS WAS VIOLATED BY THE DEFENDANT'S CAPT. D. ZANCHI, CC II D. CHAPMAN, CC II D. RHODE BY IMPOSE ADVERSE CONDITION OF CONFINEMENT INTO THE OPERATIONAL PROCEDURE #154 BMU PILOT PROGRAM, SECTION VI, NUMBER 2.

BRIEF SUMMARY, PLAINTIFF WAS FOUND GUILTY FOR RVR OF 12-21-05 BATTERY ON A PEACE OFFICER FOR AN OFFENSE WHICH A DETERMINATE TERM OF CONFINEMENT HAD BEEN ACCESSED, NOW THE "KVSP" RULE VIOLATION RESULTING IN AN SHU TERM OF 12 MONTH EXP, AGGRAVATING FACTORS ADDITIONAL 3 MONTH GUILTY FINDING OF PASS RVR BATTERY ON STAFF 2-19-00, TOTAL SHU TERM OF 15 MONTH, LOSS OF YARD FOR 30 DAYS AND 30 DAYS CANTEN, AND RETURN TO GENERAL POPULATION, COMPLETION OF MERD DATE.  
SEE EXHIBIT = V-2

AFTER RELEASE FROM SHU, THE DEFENDANT  
CAPT. D. ZANCHI, CCI D. CHAPMAN, D. RHODE CCI,  
WAS CLEARLY WRONG FOR PLACING THE PLAINTIFF  
IN THE BMU PILOT PROGRAM OP#154, NOW  
ACCORDING TO THE AN MEMORANDUM OP#154  
BMU PAMPHLET, IT STATES A PRISONER MUST  
BE FREE FROM 115 DISCIPLINARY ACTION OF A  
PERIOD OF 6 MONTH, MEANING IF YOU RECEIVE  
TWO 115 RVR WITHIN THE 6 MONTH, YOU ARE  
ELIGIBLE FOR PLACEMENT INTO THE "BMU"  
PROGRAM. I WAS PLACED IN THE BMU PROGRAM  
FOR RVR 12-21-05 FOR WHICH AGGRAVATE OF RVR  
2-19-00. THE ISSUE IS I WAS PLACED IN  
AN ILLEGAL "OP" #154 BMU PILOT PROGRAM  
THAT WAS NOT REGISTERED WITH CAL, OFFICE  
OF ADMINISTRATION LAW, BY BEING PLACED INTO  
THE PROGRAM I LOSS "PERSONAL PROPERTY" SUCH  
AS "T.V. - FAMILY PHOTOS - OBITUARY OF MY DECEASE



FATHER AND GRANDMOTHER - COSMETICS -

THERMAL TOP/BOTTOM, NO YARD FOR THE FIRST  
60 DAYS OF PLACEMENT, I SERVED 90 DAYS  
THAT IS REQUIRED. SEE EXHIBIT = W-1-3, X-9.

PLAINTIFF CONTENDS THAT DEFENDANT M. ROBISON  
RER CORRECTIONAL STAFF OF PERSONAL PROPERTY, WAS  
CLEARLY ~~IN~~ VIOLATION FOR CONFISCATED AND  
DISTRROYING MY PERSONAL PROPERTY, NOTED THE  
BMU PROGRAM AT CCI, DOES NOT ALLOW  
INMATE TO HAVE THEIR PERSONAL PROPERTY, THEY  
GIVE YOU THE OPPORTUNITY TO SEND YOUR PROPERTY  
HOME OR IF YOU DO NOT HAVE MONEY ON THE  
BOOKS OF YOUR ACCOUNT THEY CONFISCATE IT AND  
DISTRROY IT, THE PLAINTIFF AT THE TIME HAD  
MONEY THAT WAS NOT SPENT, NOW THE PLAINTIFF  
APPEARED IN FRONT OF DEFENDANT M. ROBINSON C/O,  
ON 2-6-07 AND THE DEFENDANT ASK THE PLAINTIFF  
IF HE HAD MONEY IN HIS TRUST ACCOUNT, IF NOT  
THE DEFENDANT STATED HE WILL DISTRROY MY PROPERTY,  
THE PLAINTIFF MR. HIGGINS EXPLAINED TO DEFENDANT



M. Robinson OF THE FACT THAT HE  
HAD MONEY THAT WAS<sup>10</sup> SPENT AND IT WAS  
HELD UP IN CCI CANTEN, \$18.00 WAS PLACED  
BACK INTO MY TRUST ACCOUNT, NOW FROM  
JANUARY 2007 AND FEBRUARY 2007 I HAD MONEY  
IN CCI INSTITUTION, DEFENDANT M. ROBINSON HAD  
CONFISCATED AND DESTROYED MY PROPERTY ON 2-6-07,  
I ALSO INFORMED DEFENDANT M. ROBINSON THAT I  
HAD MANILLA ENVELOPE WITH POSTED STAMPS, SO I CAN  
SEND HOME MY "OBITUARYS" AND FAMILY PHOTOS" BEFORE  
HE CONFISCATE AND DESTROYED THEM HE STATED NO.  
SEE EXHIBIT = X-1 TO 13

NOW ACCORDING TO (CDCR) TITLE 15. SECTION 3147, (A)(B),  
WITHHELD OR DISALLOWED MAIL, IN WHICH MY PROPERTY  
WAS COMING FROM 4B FACILITY CCI SHU YARD  
IN ● THREE BIG BOXES, WITHHELD BY DEFENDANT M. ROBINSON  
C/O, RFR 4A FACILITY YARD, MY DISALLOWED PROPERTY THAT  
WAS CONFISCATED AND DESTROYED SHOULD HAVE BEEN HELD  
FOR 15 DAYS ● PENDING RESULT FROM APPEAL ACTION  
OF HIGHER RANK.

DEFENDANT Mr. Robinson Destruction  
RESULTING IN EMPLOYEE NEGLIGENCE OF  
PLAINTIFF PROPERTY, NOT ONLY DID DEFENDANT  
M. ROBINSON VIOLATED (CDCR) TITLE 15 3193 (B), 3391 (A)  
3147 (A)(B), OF RULES AND REGULATION POLICY  
BUT VIOLATED MY DUE PROCESS GOVERN THE  
CALIFORNIA DEPARTMENT OF CORRECTION, AND  
VIOLATED MY U.S. CONSTITUTIONAL RIGHTS.  
SEE EXHIBIT = X-1 TO 12

THE PLAINTIFF PLACEMENT INTO THE  
ILLEGAL OP #154 BMU PILOT PROGRAM FOR  
90 DAYS WITH LOST OF PERSONAL PROPERTY  
AND FIRST 60 DAYS LOSS OF YARD, RESULTING  
IN A DUE PROCESS VIOLATION OF MY U.S. -  
CONSTITUTION OF LAW, BASED ON THE "BMU" NOT  
BEING REGISTER, THIS ISSUE IS EXISTENCE OF A  
PROTECTED OF LIBERTY INTEREST SUFFICIENT TO INVOKE  
DUE PROCESS CLAUSE. (17)

Amended Complaint  
II.

Summery on Incident

1  
2  
3 The PLAINTIFF contends AFTER The Defendant's  
4 medina, miranda, williams, Lozano USED Pepper Spray  
5 ON THE PLAINTIFF MR. Higgins while on THE Floor  
6 And HANDCUFFED, DROPPED THE PLAINTIFF on His  
7 STOMACH on THE Floor on His chin And Blood  
8 EVERY Where, THE PLAINTIFF ALLEGES THAT THE  
9 Defendant Sgt. Jose WAS on THE scene  
10 And HAD CONTACTED LT. REYNOSO, And They  
11 PUT Together A Plan To COVER UP THE  
12 Wrong Doing Here, By Doing MORE DAMAGES  
13 By DROPPING THE PLAINTIFF on THE Facility  
14 YARD, CAUSING MORE INJURY'S To FEET And  
15 Knees, And PUTTING FALSE BATTERY charges  
16 on THE PLAINTIFF.  
17  
18  
19  
20

"CONSPIRANCY ACT"

21  
22 THE ABOVE NAMED DEFENDANT'S WORKED  
23 Together To cover up A Accessive Force  
24 ACT And Then committed A Conspiracy  
25 ACT By charging The PLAINTIFF on BATTERY  
26 on STAFF on medina Inwhich WAS FALSE.  
27

FOR THE STATE TO CODIFY PRISON MANAGEMENT  
PROCEDURE IN THE INTEREST OF UNIFORM TREATMENT,  
PRISON ADMINISTRATIONS NEED BE CONCERNED WITH  
THE SAFETY OF THE STAFF AND INMATE POPULATION,  
ENSURING THAT WELFARE OFTEN LEADS PRISON ADMINISTRATION  
TO CURB THE DISCRETION OF STAFF ON THE FRONT  
LINE WHO DAILY ENCOUNTER PRISONERS HOSTILE TO  
THE AUTHORITARIAN STRUCTURE OF THE PRISON  
ENVIRONMENT.

SUPERVISOR MAYBE HELD LIABLE FOR THE  
CONSTITUTIONAL VIOLATIONS OF SUBORDINATES  
IF THE SUPERVISOR PARTICIPATED IN DIRECTED  
VIOLATIONS AND FAILED TO ACT TO PREVENT THEM.

LT. REYNOSO AND SGT. JOSE, HAD ADVANCE NOTICE  
OF THE USE OF FORCE ACTS AND WITNESS IT,  
NOTED, LT. REYNOSO WAS ALREADY ON THE FACILITY YARD WHEN HIS  
CORRECTIONAL OFFICERS SLAMMED THE PLAINTIFF ON THE GROUND,  
AND THAT WHEN HE CAME AND THREATEN THE PLAINTIFF.

THE PLAINTIFF CONTENDS THAT THE NAMED DEFENDANT'S CORRECTIONAL OFFICERS AND LT. REYNOSO, SGT. JOSE, ALL PARTICIPATING IN THE FALSIFICATION OF (RVR) RULE VIOLATION REPORTS.

THE EVIDENCE THAT THE PLAINTIFF PRESENTED IN THE ORIGINAL COMPLAINT, HOW INJURIES OCCURRED DON'T FIT WITH THE DEFENDANTS REPORTS, IT SHOWS THAT THE DEFENDANTS ARE TRYING TO COVER UP A USE OF FORCE ACTS, BY CHANGING THEIR STORY TO COVER UP WHAT REALLY HAPPEN, ONCE THE DEFENDANT'S MEDINA AND MIRANDA, BUSTED THE PLAINTIFF CHIN INSIDE OF THE PLAINTIFF CELL, THE DEFENDANT'S HAD TO NOTIFY THEIR SUPERVISOR, AND THE SUPERVISOR HAD THE CHANCE TO CORRECT THE CORRECTIONAL OFFICER ACTING UNDER THE COLOR OF LAW, BUT INSTEAD THE LT. REYNOSO AND SGT. JOSE HELPED THEM OUT BY COACHING THEM WITH THEIR REPORTS BY GIVING THEM WRONGFULLY ADVICE AND IDEAS TO PLAIN A BATTERY CHARGE ON THE PLAINTIFF.

THE FACT THAT SGT. JOSE WAS ON THE SCENE WHEN THE INCIDENT OCCURRED AND TALKED TO THE CORRECTIONAL OFFICERS WHO IS NAMED, AND THEN NOTIFIED LT. REYNOSO, NOTED, LT. REYNOSO WAS ALREADY WAITING FOR ME ON THE YARD WHEN I WAS BEING ESCORTED AND INFORMED ME DOING THE THREAT, THAT I WAS BEING SET UP ON BATTERY CHARGES ON A PEACE OFFICER

NOTED, THE VERY NEXT DAY 12.22.05, LT. REYNOSO PLAYED A MAJOR ROLE BY ACTING AS ACTIVE CAPT. TO RETAIN THE PLAINTIFF PENDING REVIEW BY ICC, AND SET UP A INTERVIEW WITH RECORDED CAMERA, TO GET A STATEMENT OUT OF ME IN WHICH THE PLAINTIFF FAIL TO GIVE, A 114(D) REVIEW IS A LOCK UP ORDER WHEN INMATE DEEMED A THREAT TO THE SAFETY AND SECURITY OF THE INSTITUTION.

(SEE EXHIBIT = ~~104~~ 104-2 Amended Complaint)

ONLY A CAPTAIN CAN RETAIN A INMATE 114(D) LOCK UP ORDER.

THE ACTION MENTION HEREIN DOES NOT  
ONLY VIOLATE THE RULE, REGULATIONS AND POLICYS  
THAT GOVERN THE CALIFORNIA DEPARTMENT OF  
CORRECTIONS, BUT ALSO VIOLATE MY U.S. CONSTITUTIONAL  
RIGHTS UNFAIRNESS OR CORRUPTION OF OFFICERS  
IN CIVIL OR CRIMINAL CASES IN STATE COURT  
AS IN VIOLATIONS OF THE FOURTEENTH AMENDMENT,  
THIS IS CLEARLY AN ACT OF CRUELTY BY  
PRISON CORRECTIONAL STAFF, A PRIME EXAMPLE  
OF FAILURE TO SUPERVISE AND REGULATE THE  
RESPONSIBILITY OF EMPLOYEE, THE PRISON OFFICIALS  
REASONABLY SHOULD HAVE KNOWN THAT A VIOLATION  
HAD OCCURRED, AND HAD THE DUTY AND RESPONSIBILITY  
TO TAKE CORRECTIVE OR PREVENTATIVE MEASUREMENTS  
BUT INSTEAD THE PRISON OFFICIALS CHOOSE TO  
CONDONE SUCH VIOLATIONS!



1 THE DEFENDANT LT. REYNOSO AND SGT. JOSE  
 2 WERE SUPPOSE TO FOLLOW (CDCR) PROCEDURE OF  
 3 TITLE 15 3268.1 (b)(2)(3), BOTH DEFENDANT SHOULD HAD  
 4 PROPERLY INVESTIGATE THE INCIDENT SCENE OF THE  
 5 PLAINTIFF, BY FIRST QUESTIONING ALL NAMED DEFENDANTS  
 6 AS TO WHY WAS THE PLAINTIFF CELL DOOR OPEN AND  
 7 CORRECTIONAL OFFICERS CONDUCTING A BODY SEARCH OF THE  
 8 PLAINTIFF, WHILE ALL OTHER INMATE CELL DOORS CLOSE DURING  
 9 THE BODY SEARCH, WHY PHOTOS OF THE PLAINTIFF  
 10 BLOOD INSIDE THE CELL, THE UNIT TIER, THE FACILITY  
 11 YARD, WHY WAS PHOTOS OF ACCESS FORCE OF INMATE  
 12 OR PLAINTIFF HIGGINS WAS NOT TAKING OFF A CRIME SCENE  
 13 INCIDENT.  
 14

15  
 16 THE PLAINTIFF CONTENDS BASED ON THAT THEIR  
 17 WAS NO INVESTIGATION DONE BY (CDCR) PROCEDURE, BY  
 18 SUPERVISOR LT. REYNOSO AND SGT. JOSE, THIS GIVE  
 19 BOTH OF THEM MOTIVES TO ACT UNDER THE  
 20 COLOR OF LAW AND COVER UP THE EXCESSIVE  
 21 FORCE ACTS AND PUT TOGETHER A FALSE REPORT  
 22 AND SET UP FALSE ALLEGATION OF BATTERY ON  
 23 PEACE OFFICER, A CRIME SCENE INVESTIGATION IS  
 24 REQUIRED ACCORDING TO STATE AND FEDERAL LAW, SO  
 25 MAYBE EVIDENCE MAYBE USES IN THE COURT OF LAW.  
 26  
 27

(23)



1 When EVER An Incident Involving Excessive  
 2 Force, Involving Injuries OR BATTERY on STAFF,  
 3 It is (CDCR) Procedure For The Institution STAFF  
 4 To Push The "Panic" Button To Alert Other  
 5 Officers That An Incident Had Occurred, Noted,  
 6 For The Record, The Plaintiff contends That  
 7 It Was A Conspiracy Done Here By The  
 8 Lt. Reynoso, Sgt. Jose, Medina, Miranda, By Setting  
 9 The Plaintiff Mr. Higgins on BATTERY charges  
 10 That supposedly occurred on The FAC, YARD AT  
 11 (KVSP), now It is Policy That The Officers  
 12 Push The "Panic" Button To Alert Other Officers  
 13 That A BATTERY on STAFF Had Occurred, Did  
 14 Know Other Correctional Officer Respond To  
 15 A BATTERY on STAFF That Occurred on The  
 16 YARD BUT Lt. Reynoso, noted, Lt. Reynoso WAS  
 17 Already on The YARD waiting on me, noted,  
 18 Did no Other Correctional Officer's In The  
 19 Building Run To A BATTERY on STAFF, Medina  
 20 OR Miranda never Push The "Panic" Button To  
 21 Alert Other STAFF That The Plaintiff Mr. Higgins  
 22 Assaulted "Medina" In His "Shoulder" Prior To  
 23 Being Escorted To Medical OR Program Office,  
 24 IT nowhere In Their Report who Push The Panic Button,  
 25 so Therefore An Conspiracy Had Been committed.

ON DEC. 21, 2005 AT APPROXIMATELY 0920 HOURS, THE CORRECTIONAL STAFF WAS CONDUCTING AN MAJOR INSPECTION OF ALL OF FAC B YARD. ON THIS MORNING BUILDING 5 HOUSING UNIT WAS BEING SEARCHED. (NOTED) THAT BEFORE MY ASSIGNED CELL WAS APPROACH FOR A BODY INSPECTION, ALL THE OTHER CELLS WAS BEING CONDUCTED CLOSED AND THE CORRECTIONAL OFFICER'S WAS INSPECTING OTHER INMATES BODY THREW THE GLASS WINDOW AND INMATES HANDED CORRECTIONAL OFFICER'S BOXER'S - SOCKS - T-SHIRTS - SHOWER SHOES OR TENNIS SHOES, THREW THE CELL DOOR TRAY SLOTS.

ONCE THE PLAINTIFF MR. HIGGINS CELL WAS APPROACH B-5 206. THE DEFENDANT'S M. GIBB C/O WAS WORKING B-5 CONTROL BOTH, CORRECTIONAL OFFICERS D. WILLIAMS AND M. LOAZANO APPROACH PETITIONER ASSIGN CELL B.5 206, THE DEFENDANT M. GIBB C/O OPEN CELL B.5 206 FROM THE B.5 CONTROL BOTH, MYSELF PLAINTIFF MR. HIGGINS AND MY CELLMATE, WE WAS ORDER TO STRIP OUT, MYSELF PLAINTIFF MR. HIGGINS WAS THE FIRST TO APPROACH THE CELL DOOR I THEN REMOVED MY SOCKS - T-SHIRT - GYM SHORTS - BOXERS - TENNIS SHOES, AND HANDED THEM TO DEFENDANT D. WILLIAMS, ONCE MY CLOTHES WERE INSPECTED, I WAS

ORDER TO PUT my clothes BACK on once they WAS Handed TO me OF The completion of my Body SEARCH. PLAINTIFF WAS THEN ORDER TO TURN AROUND And CUFF UP, AFTER I WAS CUFFED. I WAS Told TO STEP ~~to~~ BACK TO THE BACK window CELL, SO THAT my CELLMATE could PERFORM THE SAME PROCEDURE. ONCE my CELLMATE COMPLETED THE PROCEDURE, HE WAS ALSO PLACE In HANDCUFFS. SHORTLY AFTER, THE TWO DEFENDANT CORRECTIONAL OFFICERS D. WILLIAMS And M. LOAZANO In which who WAS ASSIGNED TO SEARCH OUR CELL, BEGIN TO PEPPER SPRAY my CELLMATE And ATTACK Him, "AS They yelled", "GET Down". ACTIVATING Their ALARMS. PLAINTIFF MR. HIGGINS Immediately got Down on The FLOOR In HANDS CUFFS on my STOMACH. AS CORRECTIONAL OFFICERS D. WILLIAMS And M. LOAZANO CONTINUE TO SPRAY THE CHEMICAL AGENT INTO THE CELL. OFFICER D. WILLIAMS And M. LOAZANO And OFFICER J. PALMER grabbed my CELLMATE And DRAGGED Him OUT OF THE CELL. In HANDSCUFFS on His STOMACH. now DEFENDANT J. MEDINA And G. MIRANDA grabbed ME PLAINTIFF MR. HIGGINS BY THE T. SHIRT And BOTH LEGS, In which They crossed THEM, Pulling my FEET up TO my BACK, In Hog Tied Position. DEFENDANT G. MIRANDA And J. MEDINA DROPPED me on my STOMACH. "My CHIN Hit The FLOOR" And "BUSTED open"

Blood STARTED TO LEAR INSIDE THE CELL,  
THE DEFENDANT G. MIRANDA AND J. MEDINA  
DRAGGED ME OUT THE CELL. THE TWO CORRECTIONAL  
OFFICERS THEN REMOVE MY TENNIS SHOES - SOCKS  
AND GYM SHORTS. THEN PLACE ME ON MY FEET.  
AS I STARTED TO WALK DOWN THE TIER, A UNIDENTIFY  
CORRECTIONER OFFICER YELLED OUT LOUD, "HE'S BLEEDING"  
"HE'S BLEEDING". AS I WAS ESCORDED OFF THE UPPER  
TIER, THROUGH THE "A SECTION OF BUILDING 5 DOOR.

THE PLAINTIFF MR. HIGGINS AND DEFENDANT G. MIRANDA  
AND J. MEDINA ESCORTED ME PASS AN "MEDICAL STAFF"  
"KUSH" THE TWO CORRECTIONAL OFFICER AS WELL AS  
THE SERGEANT C. JOSE REFUSE TO LET THE PLAINTIFF  
MR. HIGGINS BE TREATED ON THE SCENE FOR MY  
INJURIES.

AS THE PLAINTIFF WAS BEING ESCORTED TOWARDS THE

PROGRAM OFFICE AND MEDICAL OFFICE, MIDWAY  
THEIR, I WAS THEN SLAMMED TO THE GROUND  
REAL HARD AND DRAGGED CAUSING ME TO SUFFER  
INJURIES OF ABRASION TO BOTH OF MY "KNEES" AND  
THE TOP OF MY "FOOT". IN WHICH CAUSE EXTREME  
PAIN FROM "BUSTED CHIN" AND EXPOSURE TO THE CHEMICAL  
AGENT FROM THE INCIDENT IN B-5 CELL 206. ONCE I  
WAS ON THE GROUND. DEFENDANT LIEUTENANT F.J. REYNOSO  
STOOD OVER ME AND STATED YOU EVER TOUCH MY C/O, I  
WILL MAKE SURE YOUR BRAINS BE ALL OVER THIS FIELD.  
I WAS THEN ESCORTED TO THE MEDICAL CLINIC.

FOR THE RECORD, ONCE THE PLAINTIFF MR. HIGGINS HAD  
BEEN SLAMMED ON THE GROUND ON THE YARD AND  
THREATENED BY DEFENDANT F.J. REYNOSO THE LIEUTENANT,  
THIS WAS MERELY AN ATTEMPT TO COVER UP CRIMINAL  
ACT THAT HAD BEEN CARRIED OUT BY HIS SUBORDINATES.

THE DEFENDANT LIEUTENANT F.J. REYNOSO AND SERGEANT  
C. JOSE FAIL TO CALL "IGI" TO COME INVESTIGATE.

THE SCENE OF B-5 CELL 206, FOR TO TAKE  
PICTURE'S OF THE BLOOD INSIDE THE CELL AND  
ON THE TIER, THAT COME FROM PLAINTIFF MR. HIGGINS  
BUSTED CHIN.

"MEDICAL REPORT OF INJURY"

PLAINTIFF SUFFER A "BUSTED CHIN" IN WHICH HE  
RECEIVED "SEVERAL STICHES" AND INJURY'S TO  
BOTH OF PLAINTIFF "KNEES" AND "TOP FOOT".

SEE ATTACHED EXHIBITS ON DEPARTMENT OF  
CORRECTIONAL MEDICAL STAFF REPORT.

(<sup>medical report</sup>  
EXHIBIT = B-1)

EXHAUSTION.

THE PETITIONER MR. HIGGINS FILED A 602 INMATE APPEAL  
FORM ON 12-28-05 THAT THE GRIEVANCE AROSE  
IN A TIMELY MANNER, TO THE APPEAL COORDINATOR.

(29)

(18)



AT (KVSP). THE APPEALS COORDINATOR FAILURE TO RESPOND BACK TO THE PLAINTIFF MR. HIGGINS IN A REASONABLE TIME FRAME REGARDING THE EMERGENCY MISCONDUCT 602 STAFF COMPLAINT APPEAL. ONCE THE PLAINTIFF MR. HIGGINS WAS NOT GETTING ANY TYPE OF RESPONSE BACK FROM THE APPEALS COORDINATOR WITH A LOG NUMBER. THE PLAINTIFF TOOK IT AS DUE TO THE NATURE OF THE STAFF COMPLAINT 602 APPEAL AND THE PARTIES WHO WAS IMPLEMENTED IN THE MISCONDUCT 602 STAFF COMPLAINT APPEAL, THE APPEALS COORDINATOR DID NOT WANT TO FILE AND LOG IT SO I COULD NOT EXHAUST MY REMEDIES OR THE (ADSEG BUILDING • CORRECTIONAL OFFICERS) GOT RID OF THE MISCONDUCT 602 COMPLAINT FORM. THE PLAINTIFF ALSO WROTE A REQUEST FOR INTERVIEW TO APPEALS COORDINATOR ON 1-24-06 REGARDING THE "602" PLAINTIFF FILE ON 12-28-05, NO RESPONSE AT ALL.

THE PLAINTIFF MR. HIGGINS THEN WRITTEN A LETTER "2-6-06" TO HIS FAMILY AND EXPLAINED MY SITUATION TO THEM STATING THAT I AM NOT GETTING ANY COOPERATION



REGARDING THE INMATE APPEAL 602 I SUBMITTED  
TO THE APPEALS COORDINATOR ON 12-28-05.

THE PLAINTIFF MR. HIGGINS INFORMED HIS FAMILY  
TO WRITE A LETTER TO THE OFFICE OF INTERNAL  
AFFAIRS AND SEND THEM A COPY OF THE INMATE  
APPEAL 602 I SUBMITTED DATED 12-28-05.  
(SEE ATTACHED EXHIBITS OF FAMILY LETTER TO INTERNAL AFFAIRS  
EXHIBIT = C-2-3 602 COMPLAINT FORM)

THE PLAINTIFF MR. HIGGINS, FAMILY WRITTEN THE  
LETTER AND SENT A COPY OF THE APPEAL 602  
TO THE INTERNAL AFFAIRS ON THE DATE OF 2-12-06.

THE OFFICE OF INTERNAL AFFAIRS FORWARD  
THE LETTER AND MY 602 COMPLAINT FORM  
DATED 12-28-05 TO THE APPEALS COORDINATOR  
AT "KVSP" ON THE DATE OF 4-12-06.  
(SEE ATTACHED EXHIBITS = C-1-3)

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APPEALS COORDINATOR AT (KVSP), ON THE DATE  
OF 5-11-06 <sup>APPEALS COORDINATOR</sup> FORWARD THE PLAINTIFF MR. HIGGINS  
A RE: SCREENING STATING THERE AS BEEN A GREAT  
TIME LAPSE WHEN ACTION OCCURRED, AND IF I  
WOULD LIKE TO PURSUE MY MATTER FURTHER,  
I MUST SUBMIT AN EXPLANATION AND SUPPORTING  
DOCUMENTATION EXPLAINING WHY I DIDN'T NOT  
FILE APPEAL TIMELY.  
(SEE ATTACHED  
EXHIBIT = D-1)

THE PLAINTIFF MR. HIGGINS RESPONDED TO THE  
APPEALS COORDINATOR SCREEN OUT APPEAL ON  
THE DATE OF 5-18-05, ON A CDC INMATE  
REQUEST FOR INTERVIEW, EXPLAINING THE SITUATION  
THAT I HAD RESPONDED WITH A COMPLAINT  
FORM OF 602 ON THE DATE OF 12-28-05  
ON MISCONDUCT ON THE CORRECTIONAL OFFICERS.  
(SEE EXHIBIT = E-1-2)

ON 6-15-06 THE APPEALS COORDINATOR B. GRICEWICH (KVSP)

FORWARD THE PLAINTIFF MR. HIGGINS A, RE: SCREEN  
OUT, INFORMING ME THAT THE MATTER WILL  
BE REFERRED TO THE HIRING AUTHORITY.  
(SEE EXHIBIT=F.1)

AND THERE HAS BEEN TOO GREAT A TIME LAPSE,  
AND THAT THE PLAINTIFF MR. HIGGINS MUST  
SUBMIT AN EXPLANATION AND SUPPORTING DOCUMENTS  
EXPLAINING WHY I COULDN'T FILE MY APPEAL TIMELY.  
(SEE EXHIBIT=F.1)

ON 6.18.06 THE PLAINTIFF SUBMITTED A LETTER  
TO THE APPEALS COORDINATOR WITH AN EXPLANATION TELLING  
THE APPEALS COORDINATOR THAT I MR. HIGGINS FILED  
A COMPLETED ORIGINAL INMATE APPEAL 602 FORM VIA  
INSTITUTIONAL MAIL, AND IT SHOULD BE NOTED THAT  
STAFF AT "KVSP" ARE NOT REQUIRED TO RELINQUISH  
602 RECEIPTS UPON RECEIVING A INMATE APPEAL TO  
BE PLACED INTO INSTITUTIONAL MAIL, I ASSERT OF MY  
OWN FREE VIOLATION UNDER THE PENALTY OF PERJURY.  
THAT I CARL HIGGINS # J.06160 PLACED AND DIRECTED A  
INMATE APPEAL TO THE APPEALS COORDINATOR DATED 12-28-05  
SIGNED BY MY MARK INTO INSTITUTIONAL MAIL.

FURTHER MORE, PURSUANT TO KERN VALLEY STATE PRISON  
AND ADSEG NORTH PROCEDURE. I STATE AFTER AN  
APPEAL LEAVE MY HANDS I HAVE NO CONTROL OVER  
ITS WHEREABOUTS, UPON NOT RECEIVING A RESPONSE  
FROM APPEALS COORDINATOR "THE PLAINTIFF WAITED PATIENTLY",  
I MR. HIGGINS CAME CONCERNED THAT THE NATURE OF  
MY COMPLAINT MOTIVATED A STAFF MEMBER(S) TO  
HINDER OR EXCLUDE MY APPEAL, THEN I CONTACTED  
MY FAMILY AND THE COURTS AND ADVISED THEM  
OF THIS SITUATION. I TAKE THIS MATTER VERY  
SERIOUSLY AND BELIEVE THAT THE INACTION REGARDING  
MY APPEAL IS A DILATORY TACTIC TO HINDER MY  
APPEAL. HOWEVER I DO CONCEDE THAT NO SYSTEM  
IS PERFECT THUS I REQUEST THAT YOUR OFFICE  
PROCEED WITH MY APPEAL AND TREAT ATTACHED  
APPEAL AS ORIGINAL. THANK YOU. DATED 6.18.06  
SIGNATURE. (SEE EXHIBIT 29.1)

ON JULY 12, 2006 APPEALS COORDINATOR B. GRICE WHICH  
FORWARD THE PLAINTIFF ANOTHER RE-SCREEN OUT  
STATING THE SAME THING, AND STATED MY APPEAL  
WOULD NOT BE PROCESS. (SEE EXHIBIT 31.1)

THE PLAINTIFF contend THAT According  
To THE CALIFORNIA STATE LAW, Time Limits  
On An Administration Appeal For challenges  
To Employee misconduct For which THE  
Prisoner HAS ONE YEAR From THE DATE  
OF THE misconduct.

THE PLAINTIFF MR. Higgins CAN PROVE THAT  
THE ADMINISTRATIVE Appeal "KVSP" HAVE FAILED  
THE PLAINTIFF. (SEE EXHIBIT = I.1)

On JAN. 23, 2006 THE U.S. DISTRICT COURT, CENTRAL  
District, STAMPED A LETTER I WROTE TO THEM  
"PORTION" OF THE ADMINISTRATION AT "KVSP" IS NOT  
PUTTING my 602 COMPLAINT FORM DATE 12-28-05  
THRU THE Appeal Policy. (SEE EXHIBIT = I.1)

THE PLAINTIFF HAS FILED ADMINISTRATIVE  
602 INMATE COMPLAINT FORM ON 12-28-05  
ON THE MATTERS DESCRIBED IN THIS COMPLAINT  
TO EXHAUST ALL AVAILABLE REMEDIES, AND THE  
PLAINTIFF HAVE DOCUMENTS TO PROVE FUTILITY THAT  
HE FILED IN A TIMELY MATTER. ONCE A COMPLAINT  
LEAVES A PLAINTIFF HANDS, AND PLACE INTO INSTITUTIONAL  
MAIL, I HAVE NO CONTROL OVER IT WHERE ABOUT, UPON  
NOT RECEIVING A RESPONSE FROM "KVSP" OFFICE OF  
APPEALS COORDINATOR.

I WOULD LIKE ALL LISTED DEFENDANT'S PLACE UNDER  
INVESTIGATION, DUE TO THERE UNPROFESSIONAL DEALING'S  
WITH AN INMATE, AND CREATING FALSE STATEMENTS  
AND REPORTS TOWARDS AN INMATE. ALSO BY USING  
EXCESSIVE FORCE WITH MALICIOUS INTENT, WHEN NONE  
WAS NEEDED. THE PLAINTIFF WAS ALREADY SECURED IN



RESTRAINTS ON THE FLOOR FACE DOWN, THE ACTS  
AND OMISSION DESCRIBED HEREIN VIOLATED PLAINTIFF  
RIGHTS UNDER THE CONSTITUTION AND LAW OF THE  
UNITED STATES, BY THE DEFENDANT'S DROPPING THE  
PLAINTIFF ON HIS "BUSTED CHIN" AND PEPPER SPRAYED  
HIM WITH CHEMICAL AGENTS IN HIS FACE AREA, AND  
CONTINUE TO DO CORRUPTED NATURE BY SLAMMING THE  
PLAINTIFF MR. HIGGINS ON THE GROUND AS WELL AS DRAGGED  
AND THE RESULTS OF DEFENDANT'S CAUSING THE PLAINTIFF  
TO SUFFER MORE INJURIES TO BOTH OF KNEES AND TOP  
FOOT, LEAVING THE PLAINTIFF IN MAJOR PAIN AND  
LIFE TIME SCARS. (SEE EXHIBITS B-1)

THE DEFENDANT'S TRULY ABRUSED THEIR AUTHORITY.

V. CAUSE OF ACTION

PLAINTIFF SUPPORT THE FOLLOWING CLAIMS BY  
REFERENCE TO THE PREVIOUS PARAGRAPHS OF  
THIS COMPLAINT.

Summary

MEDICAL REPORT OF INJURIES OF THE  
DEFENDANT J. Medina, ALLEGES THAT HE  
SUFFER MILD PAIN TO HIS RIGHT SHOULDER, ALLEGELY  
CAUSE BY THE PLAINTIFF MR. HIGGINS.  
(SEE EXHIBIT = J.1)

DEFENDANT J. Medina ALLEGELY STATING IN  
HIS REPORT THAT THE PLAINTIFF MR. HIGGINS  
BROKE GRASP OF HIM AND PARTNER G. MIRANDA  
AND TURN TO MY LEFT AND PLAINTIFF USE HIS  
HEAD IN A FORWARD MOTION TO STRIKE  
J. Medina RIGHT shoulder.  
(SEE EXHIBIT = K.1-2)

THE PLAINTIFF CONTEND THAT THE DEFENDANT  
J. Medina <sup>INJURIES</sup> IS "FALSE" AND THE BATTERY TO  
HIS SHOULDER NEVER HAPPEN, IT'S ALL A  
COVER UP FOR WHAT THE TWO DEFENDANTS  
J. Medina AND G. MIRANDA DID TO THE PLAINTIFF.

Count I.

DEFENDANT'S c/o J. Medina And c/o G. Miranda  
 VIOLATED THE PLAINTIFF FOURTEENTH Amendment  
 Right under THE United STATES Constitution,  
 BY c/o J. Medina And c/o G. Miranda Writing  
 FALSE RULES Violation Reports And Intentionally  
 Introduce FALSE Information In which CAUSE  
 Any written statements In A Incident  
 Report maintained By THE DEPARTMENT OF  
 CORRECTIONS TO BE A FALSE Document By  
 REASON OF SUCH ACTION. (EXHIBITS = K-1-2, L-1-2)

- (1.) THE DEFENDANT'S c/o J. Medina And c/o G. Miranda  
 FAILURE TO TAKE CORRECTIVE MEASUREMENT'S  
 IN THERE ACTIONS BY NOT REPORTING  
 THE TRUTH, THE FACTS THAT c/o J. Medina  
 And c/o G. Miranda GRABBED THE PLAINTIFF  
 MR. Higgins BY THE T-SHIRT And BOTH legs  
 while THE PLAINTIFF WAS FACE Down And HANDCUFFED  
 And THE TWO DEFENDANT'S CROSSED my legs, Pulling  
 my FEET up TO my BACK In A Hog Tied Position



And DROPPED me on my stomach, my  
"CHIN HIT THE FLOOR AND BUSTED OPEN".  
(SEE EXHIBITS = A.1-4, B.1)

(2.) THE DEFENDANTS c/o J. MEDINA AND G. MIRANDA, FAILED TO ADD THE ABOVE INCIDENT INTO THEIR REPORTS, NOTED THAT BOTH OF THE CORRECTIONAL OFFICERS NEVER "DOCUMENTED" HOW THE PLAINTIFF MR. HIGGINS SUFFER A BUSTED CHIN INJURY AND THE CAUSE OF THEIR ACTION RESULTING IN THE PLAINTIFF HAD TO GET "STICHES PUT INTO HIS CHIN".  
(EXHIBITS = K.1-2, L.1-2)

(3.) THE DEFENDANTS c/o J. MEDINA AND G. MIRANDA, KNOWS IN THEIR HEARTS THEY WAS WRONG AND THEY MESSED UP REAL BAD OF WHAT THEY HAVE DONE TO THE PLAINTIFF, SO TO MAKE THE MATTER WORSE, c/o J. MEDINA AND G. MIRANDA SLAMMED THE PLAINTIFF MR. HIGGINS TO THE GROUND ON THE WAY TO THE PROGRAM AND MEDICAL OFFICE, CAUSING THE PLAINTIFF TO SUFFER EXTREME PAIN FROM MY "BUSTED CHIN" AND EXPOSURE TO THE CHEMICAL AGENT.

NOT TO MENTION THE FACT THAT  
BOTH C/O DRAGGED ME AND CAUSE ME  
THE PLAINTIFF TO RECIEVE MORE INJURIES  
TO BOTH OF THE PLAINTIFF "KNEES" AND  
TOP OF PLAINTIFF FOOT. (SEE EXHIBIT = B-1)  
NOTED THAT I WAS TREATED BY THE  
LT. F.J. REYNOSO, THE DEFENDANT WORDS WAS  
IF YOU EVER TOUCH MY OFFICER, I WILL  
MAKE SURE YOUR BRAINS ARE ALL OVER THIS  
FIELD. THATS WHEN THE PLAINTIFF KNEW  
HE WAS BEING SET UP BY THE CORRUPTION  
OF THE DEFENDANTS. THE DEFENDANT'S  
J. MEDINA AND G. MIRANDA ALLEGES THAT  
I THE PLAINTIFF MR. HIGGINS WAS SAYING  
FUCKING COPS AND I BEGIN TO THROWING  
MY HEAD FROM LEFT TO RIGHT WHILE SAYING  
STUPID MOTHER FUCKERS, THE DEFENDANT'S  
J. MEDINA AND G. MIRANDA ALLEGES THAT THEY

GAVE THE PLAINTIFF MR. Higgins A DIRECT ORDER TO STOP moving His HEAD side To side. J. medina ALLEGES THE PLAINTIFF TURN TO His LEFT with THE PLAINTIFF IN A FORWARD MOTION TO STRIKE THE DEFENDANT RIGHT "SHOULDER". J. medina MAINTAINED GRASP OF THE PLAINTIFF MR. Higgins with His LEFT ARM with J. medina RIGHT HAND AND USED my LEFT HAND TO Push AGAINST Higgins CHEST AREA TO Push THE PLAINTIFF MR. Higgins Down TO THE ground IN A Prone Position.

(SEE ATTACHED EXHIBITS K-1-2 OF DEFENDANT J. medina INCIDENT REPORT ON THE DEFENDANT STORY)

DEFENDANT C/O G. miranda ALLEGES THAT THE PLAINTIFF MR. Higgins, WAS yelling FUCKEN cops, you STUPID motherfuckers, while His PARTNER ALLEGES GAVE THE <sup>ORDER FOR</sup> PLAINTIFF TO STOP, THE PLAINTIFF SPUN AROUND TO C/O J. medina FACE, AND ALLEGES THAT THE PLAINTIFF MR. Higgins BREAKING

THE DEFENDANT G. MIRANDA GRASP OF HIS RIGHT ARM, THE PLAINTIFF USED HIS HEAD IN A FORWARD MOTION TO STRIKE c/o MEDINA ON HIS SHOULDER AREA. c/o G. MIRANDA TOOK HOLD OF PLAINTIFF HIGGINS SHIRT BY THE COLLAR AREA BEHIND PLAINTIFF NECK, c/o G. MIRANDA USED HIS LEFT HAND AND RIGHT HAND TO GRAB THE RIGHT ARM TO PULL THE PLAINTIFF DOWN TO THE GROUND. AND I GOT DOWN IN A PRONE POSITION. (SEE EXHIBIT = L-1-2 DEFENDANT G. MIRANDA INCIDENT REPORT OF STORY)

(1) FOR THE RECORD, BOTH DEFENDANTS c/o J. MEDINA AND G. MIRANDA NEVER MENTION IN THEIR REPORTS ON HOW THE PLAINTIFF MR. HIGGINS RECEIVED HIS INJURIES.

(2) BOTH THE DEFENDANTS c/o J. MEDINA AND G. MIRANDA REPORTS IS NOT MAKING ANY TYPE OF SENSE AS TO HOW I WAS FORSE TO THE GROUND, c/o J. MEDINA



STATED IN HIS REPORT THAT HE USE HIS RIGHT AND LEFT HAND TO PUSH AGAINST THE PLAINTIFF MR. HIGGINS CHEST AREA TO PUSH THE PLAINTIFF DOWN TO THE GROUND IN A PRONE POSITION. C/O G. MIRANDA REPORTS STATES THAT C/O MIRANDA TOOK THE PLAINTIFF MR. HIGGINS SHIRT BY THE COLLAR AREA BEHIND THE NECK WITH C/O MIRANDA LEFT HAND AND USED HIS RIGHT HAND TO GRAB THE RIGHT ARM OF THE PLAINTIFF TO PULL ME DOWN TO THE GROUND. THE PLAINTIFF GOT DOWN IN A PRONE POSITION.  
(SEE EXHIBIT = K-1-2, L-1-2  
MIRANDA AND MEDINA  
REPORTS)

COUNT II.

DEFENDANT'S C/O D. WILLIAMS AND M. LOZANO IS IN DIRECT VIOLATION OF THE PERFORMANCE OF ADMINISTRATIVE FUNCTION. FURTHER MORE, THEY VIOLATED THE PLAINTIFF FOURTEENTH AMENDMENT

Right under The United STATES constitution,  
By c/o D. Williams And M. LOZANO Writing FALSE  
RULES VIOLATION REPORTS And Intentionally  
Introduce FALSE InFOrmation In which CAUSE  
Any WRITTEN STATEMENTS In A Incident  
REPORT maintained By The DEPARTMENT OF  
CORRECTIONS TO BE A FALSE Document By  
REASON OF such ACTION.

(1) THE DEFENDANT'S c/o D. Williams And c/o M. LOZANO  
FAILURE TO TAKE CORRECTIVE MEASUREMENT'S IN  
THEIR ACTIONS BY NOT REPORTING THE TRUTH,  
BOTH CORRECTIONAL OFFICERS D. Williams And  
M. LOZANO KNOWS THAT THE FACT OF THE  
TRUE MATTERS THAT THE PLAINTIFF MR. HIGGINS  
WAS THE FIRST TO BE STRIPPED OUT FOR A  
UNCLOTHED BODY SEARCH, AND THAT I COMPLY

With Their ORDER, DEFENDANT c/o D. Williams  
Placed me The PLAINTIFF MR. Higgins In Hands-  
cuffs. And Then ORDER me To STEP To The  
BACK OF The cell wall, And Then Both c/o  
D. Williams And M. Lozano ORDER my cellmate  
"woods" To STRIP OUT And PERFORM The  
SAME. PROCEDURE, ONCE INMATE woods completed  
THE PROCEDURE, HE WAS PLACE In HANDSCUFFS,  
SHORTLY AFTER THAT THE TWO DEFENDANT c/o  
Williams And Lozano BEGIN To PEPPER SPRAY my  
cellie INMATE woods And ATTACKING Him, AS  
"THEY yelled" "GET Down" ACTIVATING Their ALARMS.  
PLAINTIFF MR. Higgins Immediately got Down on  
The FLOOR In Hands cuffs on my STOMACH.  
AS BOTH OFFICERS c/o D. Williams And M. Lozano  
CONTINUE To SPRAY The chemical AGENT Into  
The cell. Than OFFICER D. Williams And M. Lozano  
And c/o J. Palmer grabbed my cellmate And DRAGGED

Him OUT OF THE cell IN HANDSCUFFS  
ON HIS STOMACH.

THE DEFENDANT'S c/o D. Williams and M. LOZANO,  
REPORTS ARE CLONED, AS IF THEY ALL COACHED  
ONE ANOTHER AT SOME POINT.

(SEE EXHIBIT = M-1-2, N-1-2  
INCIDENT REPORT  
D. WILLIAMS &  
M. LOZANO)

THE DEFENDANTS c/o D. Williams and M. LOZANO  
ALLEGES THAT THE PLAINTIFF MR. HIGGINS WERE  
INVOLVED IN RESISTING STAFF ORDER IN RESULTING  
IN THE USE OF THERE "O.C. PEPPER SPRAY".

(SEE EXHIBIT = M-1-2, N-1-2  
INCIDENT REPORT  
D. WILLIAMS AND  
M. LOZANO)

1.) THE DEFENDANT'S c/o D. WILLIAM AND M. LOZANO  
NEVER MENTION HOW THE PLAINTIFF RECEIVED  
A "BUSTED CHIN" IN THEIR REPORTS.



(2) The DEFENDANT'S c/o D. Williams and M. Lozano, And THE PLAINTIFF MR. Higgins knows THE PROCEDURE OF A MASS SEARCH OF THE "KVSP" AS WELL AS (CDCR), DUE TO POLICY OF A MASS SEARCH, ALL INMATES WAS SUPPOSE TO BE BODY SEARCH WITH THE INMATE'S cells DOOR CLOSE, AND HAND THE CORRECTIONAL OFFICERS CLOTHES THREW THE INMATES cells TRAY SLOTS.

NOTED FOR THE RECORD, THAT ALL THE INMATES HOUSE IN FAC B5 UNIT, WAS STRIPPED OUT AND SEARCHED WITH THEIR CELL DOORS CLOSES AS PROCEDURE.

THE PLAINTIFF cell 206 B5, WAS THE ONLY CELL DOOR OPEN, WHILE CONDUCTING A MASS SEARCH, THE DEFENDANTS WAS IN VIOLATION THERE.



3.) THE PLAINTIFF WAS NOT "CHARGED" WITH A RESISTING STAFF, THE DEFENDANTS CHARGED THE PLAINTIFF cellmate "WOODS" WITH RESISTING STAFF. (SEE EXHIBIT = R-1)

(4.) THE PLAINTIFF WAS CHARGE WITH BATTERY ON PEACE OFFICER, IN WHICH OCCURRED OUTSIDE OF BUILDING ALLEGELY. (SEE EXHIBIT = S-4)

(5.) THE PLAINTIFF HAD A RECORDED PHONE TO ALLOW THE PLAINTIFF MR. HIGGINS TO HEAR WOODS A INMATE ON THE OTHER END OF THE PHONE DOING A 115 HEARING, NOW INMATE WOODS STATED THAT HE WAS THE FIRST INMATE TO BE ESCORTED [REDACTED] TO MEDICAL OFFICE, AND OUT OF KNOW WHERE WE WAS SLAMMED TO THE GROUND FOR NO REASON. (SEE EXHIBIT = U-1-6)

COUNT IV.

DEFENDANT SGT. C. JOSE VIOLATED THE PLAINTIFF FOURTEENTH AMENDMENT RIGHT UNDER THE UNITED STATES CONSTITUTION, BY SGT. C. JOSE WRITING FALSE RULE VIOLATION REPORTS AND INTENTIONALLY INTRODUCE FALSE INFORMATION IN WHICH CAUSE ANY WRITTEN STATEMENT IN AN INCIDENT REPORT MAINTAINED BY THE DEPARTMENT OF CORRECTIONS TO BE A FALSE DOCUMENT BY REASON OF SUCH ACTION. (EXHIBIT = P.1)

DEFENDANT SGT. C. JOSE FAILURE TO PROPERLY SUPERVISE AND TAKE RESPONSIBILITY TO CORRECT THE CORRUPTION ON THE INVOLVEMENT OF HIS CORRECTIONAL OFFICERS J. MEDINA - G. MIRANDA - D. WILLIAMS - M. LOZANO - [REDACTED], HAVE DONE TO THE PLAINTIFF MR. HIGGINS BY WRONGFULLY



And Malicious with DESIRE OF INFlicting  
Pain TO THE PLAINTIFF MR. Higgins. This  
WAS CLEARly AN ACT OF CRUELty By  
CORRECTIONAL OFFICERS. THE PLAINTIFF MR. Higgins  
SUFFER A "BUSTED chin IN WHICH CAUSES THE PLAINTIFF  
TO RECIEVE SEVERAL STiches" AND SUFFER LIFE  
"PERMANENT" SCARS ON THE PLAINTIFF "chin"  
"BOTH OF HIS KNEES" AND "TOP FOOT". THE  
DEFENDANT SGT. C. JOSE CHOOSE TO condone AND  
COVER UP SUCH CONSTITUTIONAL VIOLATIONS OF THIS  
MATTER HERE, THIS IS ALSO FAILURE ON SGT.  
C. JOSE TO SUPERVISE AND REGULATE THE "USE OF FORCE"  
POLICY, IT CLEARly SHOWS THAT THE DEFENDANT'S  
% J. Medina - G. MIRANDA - D. Williams - M. LOZANO -   
ARE ACTing UNDER THE COLOR OF STATE LAW.

(SEE EXHIBIT = B.1  
INJURY)

(b) THE DEFENDANT SGT. C. JOSE FAILURE TO  
ADD HOW THE PLAINTIFF INJURIES OCCURRED

(51)



In His REPORT, IT Shows THAT  
All THE DEFENDANT'S who is LISTED  
In Their Individual CAPACITY, INFLICTED  
THESE "INJURIES" on THE PLAINTIFF AND  
All CAME TOGETHER To clone THE Incident  
REPORT'S BUT MADE THE MISTAKE OF Adding  
To How THE INJURIES OCCURRED on THE PLAINTIFF.  
(EXHIBIT = P.1)

SEE EXHIBITS = K.1-2, L.1-2, M.1-2, N.1-2, O.1-2, Q.1-2  
ON ALL THE DEFENDANT'S INCIDENT REPORTS  
NOT Adding on How THE PLAINTIFF RECEIVED  
THE INJURIES.



COUNT VI.

DEFENDANT LT. F.J. REYNOSO VIOLATED THE PLAINTIFF FOURTEENTH AMENDMENT RIGHT UNDER THE UNITED STATES CONSTITUTION, BY LT. F.J. REYNOSO THREATENING THE PLAINTIFF MR. HIGGINS WHILE HE WAS SLAMMED ON THE GROUND AND DRAGGED BY THE CORRECTIONAL OFFICERS J. MEDINA AND G. MIRANDA ON THE FAC. B. YARD, WHILE BEING ESCORTED HALF WAY TO MEDICAL OFFICE. THE LT. REYNOSO WORDS WERE IF YOU TOUCH MY OFFICER I WILL MAKE SURE YOUR BRAINS ARE ALL OVER THIS FIELD, AND ONCE THE PLAINTIFF HEARD THEM WORDS FROM LT. REYNOSO, THE PLAINTIFF KNEW THAT HE WAS BEING SET UP, AND THE DEFENDANT'S WAS PLANTING FALSE BATTERY CHARGES ON HIM, THIS WAS ALL A COVER UP FOR WHAT THE DEFENDANTS % J. MEDINA AND G. MIRANDA HAD DONE TO THE PLAINTIFF IN THE

(53)

(53)

CELL 206 B 5, By Dropping THE PLAINTIFF  
On His "Busted Chin".

DEFENDANT **L.T. REYNOSO** FAILURE TO PROPERLY  
SUPERVISE AND TAKE RESPONSIBILITY TO CORRECT  
THE CORRUPTION ON THE INVOLVEMENT FOR HIS  
PART THAT HE PLAYED BY THREATEN A INMATE  
PLAINTIFF MR. HIGGINS, COACHING IN THE SGT.  
C. JOSE, CORRECTIONAL OFFICERS J. MEDINA - G. MIRANDA -  
D. WILLIAMS - M. LOZANO - [REDACTED], BY TEACHING THEM  
ON HOW TO CLONE THE REPORTS AND COVER UP  
CRIMINAL ACTIVITIES THAT WAS BROUGHT ON TO  
THE PLAINTIFF MR. HIGGINS LIFE TIME SCARS INJURIES.  
THIS IS CLEARLY AN ACT OF CRUELTY BY ALL THE  
DEFENDANTS LISTED IN THEIR INDIVIDUAL CAPACITY,  
THE PLAINTIFF MR. HIGGINS DUE PROCESS WAS  
VIOLATED HERE UNDER THE 8th AMENDMENT AND  
14th AMENDMENT RIGHTS OF THE UNITED STATES  
CONSTITUTION BY SUCH ACTION MENTION HERE ABOVE.

THE DEFENDANT LT. F.J. REYNOSO FAILURE TO SUPERVISE THE SGT. AND C/O'S AND REGULATE THE "USE OF FORCE" POLICY, IT IS CLEARLY THAT ALL THE DEFENDANT'S LISTED WAS IN FACT ACTING UNDER THE COLOR OF STATE LAW.

THE DEFENDANT F.J. REYNOSO, LT. FAILURE TO INVESTIGATE THIS MATTER OF HOW THE INJURIES OCCURRED ON THE PLAINTIFF MR. HIGGINS, TAKE PICTURES OF THE BLOOD OF THE B5 206 CELL AND THE TOP TIER. TAKE PICTURE OF THE FAC B. YARD OF BLOOD FROM THE PLAINTIFF MR. HIGGINS,

NOTED FOR THE RECORD,

IN THE DEFENDANT'S REPORTS, THEY DOCUMENTED ON HOW "FALSE" INJURIES OCCURRED ON THEIR

FELLOW OFFICER J. MEDINA. BUT NEVER DOCUMENTED

THE PLAINTIFF MR. HIGGINS INJURIES ON HOW THEY OCCURRED, IT SHOWS CORRUPTION WAS DONE HERE TO

THE PLAINTIFF MR. HIGGINS.


FOR THE RECORD, THE PLAINTIFF MR. Higgins  
WAS FOUND guilty OF THE ACCUSED  
COMPLAINT (BATTERY ON A PEACE OFFICER)  
ON c/o J. Medina. By LT. Hamlin on 5-31-06  
(SEE ATTACHED EXHIBIT = U-1-6)

NOTED THAT NO REFERRAL WAS MADE TO  
KERN COUNTY DISTRICT ATTORNEY FROM THIS  
FALSE COMPLAINT, AGAINST THE PLAINTIFF,  
THAT'S NOT NORMAL.

ON ALL DEFENDANT'S THAT IS LISTED IN  
THEIR INDIVIDUAL CAPACITY, KNOWS THAT  
THIS WAS MALTREATMENT IN A NUMBER  
OF WAYS, THE DEFENDANT'S HAVE DEMONSTRATED  
NEGLECT AND CORRUPTION ON BEHALF OF  
PRISON GUARDS, ON MANY OCCASIONS THE  
CONSISTANT PATTEN OF ILL-TREATMENT AND  
MISMANAGEMENT OF THE FACILITY IS  
UNACCEPTABLE AND DEEPLY PROBLEMATIC.

## Supporting FACTS

THE PLAINTIFF MR. Higgins ARGUMENTS BACK UP TRUE FACTS TO HIS SIDE OF THE STORY.

1.) THE PLAINTIFF MR. Higgins cellmate INMATE woods WAS THE PERSON INVOLVED IN THE ISSUE BETWEEN C/O D. Williams AND M. LOZANO AT THE FRONT OF BS 206 cell door, when C/O D. Williams AND M. LOZANO Pulled OUT They OC SPRAY AND PEPPER SPRAYED THE PLAINTIFF MR. Higgins cellmate INMATE woods, AT CLOSE RANGED TO HIS FACE AREA AND CHESS, NOTED INMATE wood WAS NOT WEARING A "SHIRT" SO THATS WHY ITS  REDDENED IN WOODS "FACE" AND "CHESS" AREA, FROM VERY CLOSE RANGE. AND THE PLAINTIFF cellmate WAS THE FIRST TO BE ESCORTED OUT OF THE CELL.

(SEE EXHIBITS T.1. U.2.)  
woods medical report =  
woods interview =  
PHONE

2.) THE PLAINTIFF MR. Higgins ARGUE THE FACT THAT WHILE HE WAS BEING ESCORTED OUT OF THE UNIT B5 AND ON HIS WAY TO THE PROGRAM OR MEDICAL HALF WAY THERE IS WHEN HE WAS ACUSES OF ASSAULT AND BATTERY ON C/O J. Medina, BUT THE PLAINTIFF ARGUE THE FACT THAT THE FAC. B YARD CONTROL OFFICER BADGER DID NOT SEE ANYTHING AT



THE TIME I WAS ALLEGED BROKE GRASP OF  
C/O J. MEDINA AND G. MIRANDA, BECAUSE C/O BADGER  
CLEARED HIS ATTENTION TO CLEAR THE PATIO FOR  
ESCORT, BUT HE HEARD SOMEONE YELL, GET  
DOWN AND C/O BADGER TURNED HIS ATTENTION BACK  
TO THE ESCORT. (EXHIBIT = 9-1-2)

1) THE PLAINTIFF POINTS OUT HERE A TRUE  
FACT THAT, IN ALL THE REPORTS FROM  
THE DEFENDANTS C/O J. MEDINA AND G. MIRANDA  
THE FACTS THAT THEY DID NOT YELL ANYTHING,  
AND THE PATIO GATE WAS ALREADY OPEN AS  
I WAS BEING ESCORTED ALONG WITH THE TWO  
DEFENDANTS C/O MEDINA AND MIRANDA. C/O BADGER  
REPORT TELLS US THAT IN SO MANY WORDS  
THAT THIS WAS ALL A SET UP HERE.

(SEE EXHIBIT = K-1-2, L-1-2, 9-1-2.)

IT IS CLEARLY THAT THE PLAINTIFF  
SUFFER LIFE TIME SCARS FROM CORRUPTION  
ON THE DEFENDANTS WHO IS LISTED HERE.

THE CALIFORNIA DEPARTMENT OF CORRECTION AND REHABILITATION WAS BUILT TO HOUSE THOSE WHO HAVE BROKEN THE LAW, NOT DEVIATE FROM ITS OWN CODES OF CONDUCT.

THE DEFENDANT'S WHO IS LISTED IN THEIR INDIVIDUAL CAPACITY CHOOSE TO BRING THEIR OWN SET OF RULES ON DEC. 21, 2005, AND INEVITABLY CAUSE BLOODSHED ON THE PLAINTIFF MR. HIGGINS.

THE ACTS AND OMISSIONS OF THE DEFENDANT AS DESCRIBE HERE IN ABOVE WERE PART OF A WIDE SPREAD AND SYSTEMATIC PRACTICE OF THE DEPARTMENT OF CORRECTIONS AND ENDORSED, RATIFIED, AND SANCTIONED THE ACTIONS OF THE DEFENDANTS WHO INVOLVED.

THE DEFENDANT'S OF THE DEPARTMENT OF CORRECTION, CAN BE HELD VICARIOUSLY LIABLE WHEN OFFICERS ACTING IN THE COURSE OF HIS OR HER EMPLOYMENT USES EXCESSIVE FORCE ON THE PLAINTIFF AND ENGAGE IN ASSAULTIVE CONDUCT.

1 THE PLAINTIFF SEEKS DAMAGES FROM DEFENDANTS  
2 AT "CCI", CDCR, AS FOLLOWS.

3  
4 (1) PLAINTIFF SEEKS COMPENSATORY DAMAGES FROM  
5 CAPT. D. ZANCHI IN AN AMOUNT OF NOT LESS  
6 THAN \$20,000 DOLLARS IN HIS INDIVIDUAL CAPACITY.

7 PLAINTIFF SEEKS PUNITIVE DAMAGES FROM CAPT. D. ZANCHI  
8 IN AN AMOUNT OF NOT LESS THAN \$20,000 DOLLARS  
9 IN HIS INDIVIDUAL CAPACITY.

10  
11 (2) PLAINTIFF SEEKS COMPENSATORY DAMAGES FROM SUPERVISOR  
12 CORRECTIONAL COUNSELOR D. CHAPMAN IN AN AMOUNT OF NOT  
13 LESS THAN \$20,000 DOLLARS IN HER INDIVIDUAL CAPACITY.

14  
15 PLAINTIFF SEEKS PUNITIVE DAMAGES FROM SUPERVISOR CORRECTIONAL  
16 COUNSELOR D. CHAPMAN IN AN AMOUNT OF NOT LESS THAN  
17 \$20,000 DOLLARS IN HER INDIVIDUAL CAPACITY.

18  
19 (3) PLAINTIFF SEEKS COMPENSATORY DAMAGES FROM CORRECTIONAL  
20 COUNSELOR D. RHODE IN AN AMOUNT OF NOT LESS THAN  
21 \$20,000 DOLLARS IN HER INDIVIDUAL CAPACITY.

22 PLAINTIFF SEEKS <sup>PUNITIVE</sup> DAMAGES FROM CORRECTIONAL COUNSELOR  
23 D. RHODE IN AN AMOUNT OF NOT LESS THAN \$20,000 DOLLARS  
24 IN HER INDIVIDUAL CAPACITY.

25  
26 (4) PLAINTIFF SEEKS COMPENSATORY DAMAGES FROM CORRECTIONAL  
27 OFFICER M. ROBINSON IN AN AMOUNT OF NOT LESS THAN  
\$20,000 DOLLARS IN HIS INDIVIDUAL CAPACITY.

(60)

(5.) PLAINTIFF SEEKS COMPENSATORY DAMAGES FROM CORRECTIONAL OFFICER J. MEDINA IN AN AMOUNT OF NOT LESS THAN \$50,000 DOLLARS IN HIS INDIVIDUAL CAPACITY.

PLAINTIFF SEEKS PUNITIVE DAMAGES FROM CORRECTIONAL OFFICER J. MEDINA IN AN AMOUNT OF NOT LESS THAN \$50,000 DOLLARS IN HIS INDIVIDUAL CAPACITY.

(6.) PLAINTIFF SEEKS COMPENSATORY DAMAGES FROM CORRECTIONAL OFFICER G. MIRANDA IN AN AMOUNT OF NOT LESS THAN \$50,000 DOLLARS IN HIS INDIVIDUAL CAPACITY.

PLAINTIFF SEEKS PUNITIVE DAMAGES FROM CORRECTIONAL OFFICER G. MIRANDA IN AN AMOUNT OF NOT LESS THAN \$50,000 DOLLARS IN HIS INDIVIDUAL CAPACITY.

(7.) PLAINTIFF SEEKS COMPENSATORY DAMAGES FROM CORRECTIONAL OFFICER D. WILLIAMS IN AN AMOUNT OF NOT LESS THAN \$25,000 DOLLARS IN HIS INDIVIDUAL CAPACITY.

PLAINTIFF SEEKS PUNITIVE DAMAGES FROM CORRECTIONAL OFFICER D. WILLIAMS IN AN AMOUNT OF NOT LESS THAN \$25,000 DOLLARS IN HIS INDIVIDUAL CAPACITY.

(8.) PLAINTIFF SEEKS COMPENSATORY DAMAGES FROM CORRECTIONAL OFFICER M. LOZANO IN AN AMOUNT OF NOT LESS THAN \$25,000 DOLLARS IN HIS INDIVIDUAL CAPACITY.

PLAINTIFF SEEKS PUNITIVE DAMAGES FROM CORRECTIONAL OFFICER M. LOZANO IN AN AMOUNT OF NOT LESS THAN \$25,000 DOLLARS IN HIS INDIVIDUAL CAPACITY.

(9.) PLAINTIFF SEEKS COMPENSATORY DAMAGES FROM CORRECTIONAL SERGEANT C-JOSE IN AN AMOUNT OF NOT LESS THAN \$10,000 DOLLARS IN HIS INDIVIDUAL CAPACITY.

PLAINTIFF SEEKS PUNITIVE DAMAGES FROM CORRECTIONAL SERGEANT C-JOSE IN AN AMOUNT OF NOT LESS THAN \$10,000 DOLLARS IN HIS INDIVIDUAL CAPACITY.

(10.) PLAINTIFF SEEKS COMPENSATORY DAMAGES FROM CORRECTIONAL LIEUTENANT F.J. REYNOSO IN AN AMOUNT OF NOT LESS THAN \$10,000 DOLLARS IN HIS INDIVIDUAL CAPACITY.

PLAINTIFF SEEK PUNITIVE DAMAGES FROM CORRECTIONAL LIEUTENANT F.J. REYNOSO IN AN AMOUNT OF NOT LESS THAN \$10,000 DOLLARS IN HIS INDIVIDUAL CAPACITY.

Any OTHER RELIEF DEEMED JUST AN APPROPRIATE INCLUDING AN ORDER THAT DEFENDANTS PAY ALL ATTORNEY FEES AND COST ASSOCIATED WITH THE PROSECUTION OF THIS SUIT.

### JURY DEMAND

THE PLAINTIFF REQUEST TRIAL BY A JURY OF TWELVE (12) PERSON ON ALL ISSUES SO TRIABLE.

### PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS THAT THIS COURT:

- (1.) DECLARE THAT THE ACTS AND OMISSION DESCRIBED HEREIN VIOLATED PLAINTIFF RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES.
- (2.) ENTER JUDGEMENT IN FAVOR OF PLAINTIFF FOR COMPENSATORY AND PUNITIVE DAMAGES, AS ALLOWED BY LAW AGAINST EACH DEFENDANT JOINTLY, AND SEVERALLY.

(3.) order such Additional RELIEF AS THE COURT  
MAY DEEM, JUST AND PROPER.


PURSUANT TO 28 U.S.C 1746, I DECLARE  
AND VERIFY UNDER PENALTY OF PERJURY UNDER  
THE LAWS OF THE UNITED STATES OF AMERICA  
THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED ON MARCH 3, 2009.

Sign 

PRINT CARL L. Higgins

RESPECTFULLY SUBMITTED THIS  
ON: MARCH 3, 2009

Sign 

PRINT CARL L. Higgins

CDC# J.06160



In The United States District  
Court For The Eastern District.

MR. Higgins, CARL  
# J.06160  
PLAINTIFF,

✓

DEFENDANT'S,  
c/o J. Medina In His own  
CAPACITY, c/o G. Miranda  
In His own CAPACITY,  
c/o D. Williams In His own  
CAPACITY, M. LOAZANO In  
His own CAPACITY, Sgt. C. JOSE  
In His own CAPACITY, [REDACTED]  
F. J. REYNOSO In His own  
CAPACITY, CAPT. D. ZANCHI In His  
own CAPACITY, CC TWO D. Chapman  
In Her own CAPACITY, CC one D. Rhodes  
In Her own CAPACITY, c/o M. Robinson  
In His own CAPACITY.

Motion For  
Appointment of  
Counsel:

CIVIL ACTION NO. 1:07cv-  
00934-LJO-  
GSA-PC

PURSUANT TO 28 U.S.C 1915 (E) (1) PLAINTIFF MOVE FOR AN ORDER  
APPOINTING COUNSEL TO REPRESENT HIM IN THIS CASE. IN  
SUPPORT OF THIS MOTION, PLAINTIFF STATES:

(1) PLAINTIFF IS UNABLE TO AFFORD COUNSEL. HE HAS REQUESTED LEAVE  
TO PROCEED IN FORMA PAUPERIS.

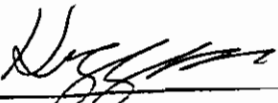
(2) PLAINTIFF IMPRISONMENT WILL GREATLY LIMIT HIS ABILITY  
TO LITIGATE. THE ISSUES INVOLVED IN THIS CASE ARE  
COMPLEX, AND WILL REQUIRE LIMITS OF SIGNIFICANT  
RESEARCH AND INVESTIGATION. PLAINTIFF HAS LIMITED ACCESS  
TO THE LAW LIBRARY AND LIMITED KNOWLEDGE OF THE LAW.

(3) A TRIAL IN THIS CASE WILL LIKELY INVOLVE CONFLICTING  
TESTIMONY, AND COUNSEL WOULD BETTER ENABLE PLAINTIFF  
TO PRESENT EVIDENCE AND CROSS EXAMINE WITNESSES  
OR DEFENDANT'S.

65

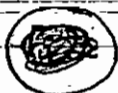
WHEREFORE, PLAINTIFF REQUEST THAT THE  
COURT Appoint An ATTORNEY, A MEMBER  
OF THE CALIFORNIA STATE BAR, AS A COUNSEL  
IN THIS CASE.

MARCH 3, 2009  
DATE

  
\_\_\_\_\_  
SIGNATURE

CALIFORNIA CORRECTIONAL INSTITUTION  
P.O. BOX 1902 4A 5C-211  
TEHACHAPI, CA 93581  
ADDRESS.

66





INMATE/PAROLEE

APPEAL FORM

CDC 602 (12/87)

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME Higgins	NUMBER J-06160	ASSIGNMENT	UNIT/ROOM NUMBER ASU # 187
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A. Describe Problem.

THIS IS A 602 INMATE APPEAL. BASE ON STAFF CONDUCT, PURSUANT TO PENAL CODE SECTION 832.5. CITIZEN'S COMPLAINT. INTRODUCTION INTO ALLEGATIONS: ON 12-21-05 AT APPROXIMATELY 0920 HOURS, CORRECTIONAL STAFF WAS CONDUCTING AN INSPECTION OF B-5 HOUSING UNIT. MYSELF YM HIGGINS # J-06160 AND WOODS # R-11320 WERE HOUSED IN CELL 206. WHEN OUR CELL WAS APPROACH BY S/O D. WILLIAM AND M. LOAZANO AND WE WERE ORDERED TO STRIP OUT. MYSELF YM HIGGINS WAS THE FIRST TO APPROACH THE DOOR. I REMOVE

If you need more space, attach one additional sheet.

B. Action Requested

THAT AN INVESTIGATION BE IMMEDIATELY CONDUCTED ON S/O D. WILLIAM AND M. LOAZANO. G. MIRANDA & J. MEDINA. THAT THIS INVESTIGATION BE CONDUCTED THROUGH THE INTERVIEWING OF PRISONER HOUSED IN B-5 ON 12-21-05 0920 HOURS. CONTINUE ON PAGE 2

Inmate/Parolee Signature

*[Handwritten Signature]*

Date Submitted

1/28/06

C. INFORMAL LEVEL (Date Received)

Staff Response

Staff Signature

Date Returned to Inmate

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature

Date Submitted

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number

RECEIVED MAY 24 2006

MAY 5 2006 11:07

EXHIBIT'S = A-1



MY socks • T-shirt • gym shorts • Tennis shoes • Boxers, and handed them  
 to C/O D. William, once my clothes were inspected, I was handed them  
 back to put on, then I was ordered to turn around and cuff up. After  
 I was cuffed, I was told to step back to the back window cell,  
 so that my cellmate could perform the same procedure. Once 1/m Woods  
 completed the procedure, he was also placed in handcuffs. Shortly  
 after the two C/O D. William and M. Lozano assigned to search our cell, began  
 to pepper spray my cellmate 1/m Woods and attack him, as they yelled:  
 "Get Down," activating their alarms. I immediately got down on the  
 floor in hands cuffed on my stomach. As the C/O's continue to  
 spray the chemical agent into the cell. Officer D. William and  
 M. Lozano and Officer J. Palmer grabbed my cellmate and dragged him  
 out of the cell. in handcuffs on his stomach. Now Officers G. Miranda  
 and J. Medina grabbed me (1/m Higgins) by the T-shirt and both legs, in  
 which they crossed them, pulling my feet up to my back, in a hog tied  
 position. Officer G. Miranda and J. Medina dropped me on my stomach.  
 "My chin hit the floor" and "busted open". Blood started to leak  
 inside the cell, and C/O G. Miranda and J. Medina dragged me out of  
 the cell. These two officers then remove my tennis shoes - socks - and  
 gym shorts. Then place me on my feet. As we started to walk down  
 the upper tier, a officer yelled out loud, "He's bleeding" "He's bleeding". As  
 I was escorted off the upper tier, through the "A section of B-S door.  
 we walk past an medical staff "kush" the officer G. Miranda and  
 J. Medina and Sgt. Jose refuse to let medical staff "kush" treat  
 me on the scene, as I was being escorted to the program and  
 medical office, midway there, I was slammed to the ground by  
 C/O G. Miranda and J. Medina, causing me to suffer extreme pain  
 from my "busted chin" and exposure to the chemical agent.

(see reverse side) RECEIVED MAY 24 2006

IF YOU EVER TOUCH MY OFFICER, I WILL MAKE SURE YOUR BRAINS ARE ALL OVER THIS FIELD. THEN LT. REYNOSO RELIEVE C/O J. MEDINA AND G. MIRANDA AND OFFICER J. COPELAND CONTINUE TO ESCORTED ME TO THE MEDICAL CLINIC! "FOR THE RECORD I HAD SEVERAL STICHES PUT IN MY CHIN...

BECAUSE I HAD BEEN SLAMMED ON THE YARD AND THREATENED BY LT. REYNOSO, THIS WAS MERELY AN ATTEMPT TO COVER UP CRIMINAL ACT THAT HAD BEEN CARRIED OUT BY HIS SUBORDINATES...

LT. REYNOSO AND SGT. JOSE FAIL TO INVESTIGATE OR CALL "IGI" TO COME INVESTIGATE THE SCENE AND TAKE PICTURES OF THE BLOOD INSIDE OF THE CELL B-5 206 AND ON THE UPPER TIER THAT CAME FROM (M. HIGGINS) CHIN!

I WAS ALSO NOT DECONTAMINATED FROM OC SPRAY EXPOSURE, THEIR IS NOT A C/O THAT SAID PERSONALLY NOR DOCUMENTED THAT THEY PUT ME INSIDE OF A SHOWER, AND ALSO THE MEDICAL CLINIC DOES NOT HAVE A SHOWER. I WAS PLACED IN A ONE MAN CAGE THE WHOLE TIME I WAS IN THE B-YARD MEDICAL CLINIC!

I SENT THE "APPEAL COORDINATOR" THE ORIGINAL COPY OF THIS INMATE COMPLAINT FORM ON 12-28-05 AND I HAVE NOT GOTTEN ANY LOG NUMBER NOR A RESPONSE BACK!

THE ACTION MENTION HEREIN, WERE WANTON, MALICIOUS AND DELIBERATELY, AND SUCH ACTION IS IN DIRECT VIOLATION OF THE CDC TITLE 15 RULES AND REGULATIONS SUCH AS: 3024. RIGHTS AND RESPECTS OF OTHERS; 3391. EMPLOYEE CONDUCT (A); 3371. RESPONSIBILITY OF EMPLOYEE; 3368. USE OF FORCE (2)(3); 3382. INCIDENT REPORTS (A)(B); AND 33413. INCOMPATIBLE ACTIVITY (A)(1)(2)(3)(4)(1) (C); WHICH CLEARLY STATES: VIOLATION OF THESE PROVISIONS MAY RESULT IN DISCIPLINARY ACTIONS UP TO AND INCLUDING TERMINATION OF EMPLOYMENT AND CIVIL ACTION, CRIMINAL PROSECUTION MAY RESULT FROM CONDUCT, WHICH VIOLATES PENAL CODE SECTION 502.

(SEE NEXT PAGE)

RECEIVED MAY 24 2006

The Action Mention Herein Does Not only Violates The Rule, Regulations and Policy's THAT govern THE California Department of corrections, But also Violates my U.S. Constitutional Rights • my 8<sup>th</sup> Amendment<sup>s</sup> and 14<sup>th</sup> Amendment • UnFairness OR CORRUPTION OF OFFICERS in Performance OF Administrative Functions in Civil OR criminal cases in state court AS in Violation OF the Fourteenth Amendment • THIS was clearly Act OF CRUELTY BY Prison correctional STAFF, A Prime Example OF Failure To Supervise and Regulate THE "USE OF Force" Therefore, THESE Prison STAFF ARE Acting under THE color OF STATE LAW • Each OF THEM Know OR Reasonably Should Have Known THAT A Violation Had occurred, AND HAD THE Duty and Responsibility To TAKE corrective OR Preventative Measurements • But INSTEAD THESE OFFICERS D. William and M. LOAZANO → G. MIRANDA and J. Medina and also LT. REYNOSO Each OF THEM choose To condone and cover up such Violation •

"Action Request: (continue)"

- 2.) THAT OFFICERS D. William and M. LOAZANO → G. MIRANDA and J. Medina and also LT. REYNOSO Be Terminated OF Employment" OR " This complaint Be Placed in all Four OFFICERS and LT. "File"!
- 3.) THAT I receive THE Incident Report's FROM all STAFF correctional and medical who Responded To ALARM in SBK B-FAC on 12-21-05 0920 Hours!
- 4.) THAT I receive THE Medical Report's OF THE "NURSE and RN Doctor" who Put in MY Stiches!
- 5.) THAT I Be compensated in the Amount OF HUNDREN THOUSAND DOLLARS (\$100,000,00) FOR THE SUFFERING and INJURIES caused BY THE STAFF!

(D) 12-28-05

(S) Higgins

RECEIVED MAY 24 2006

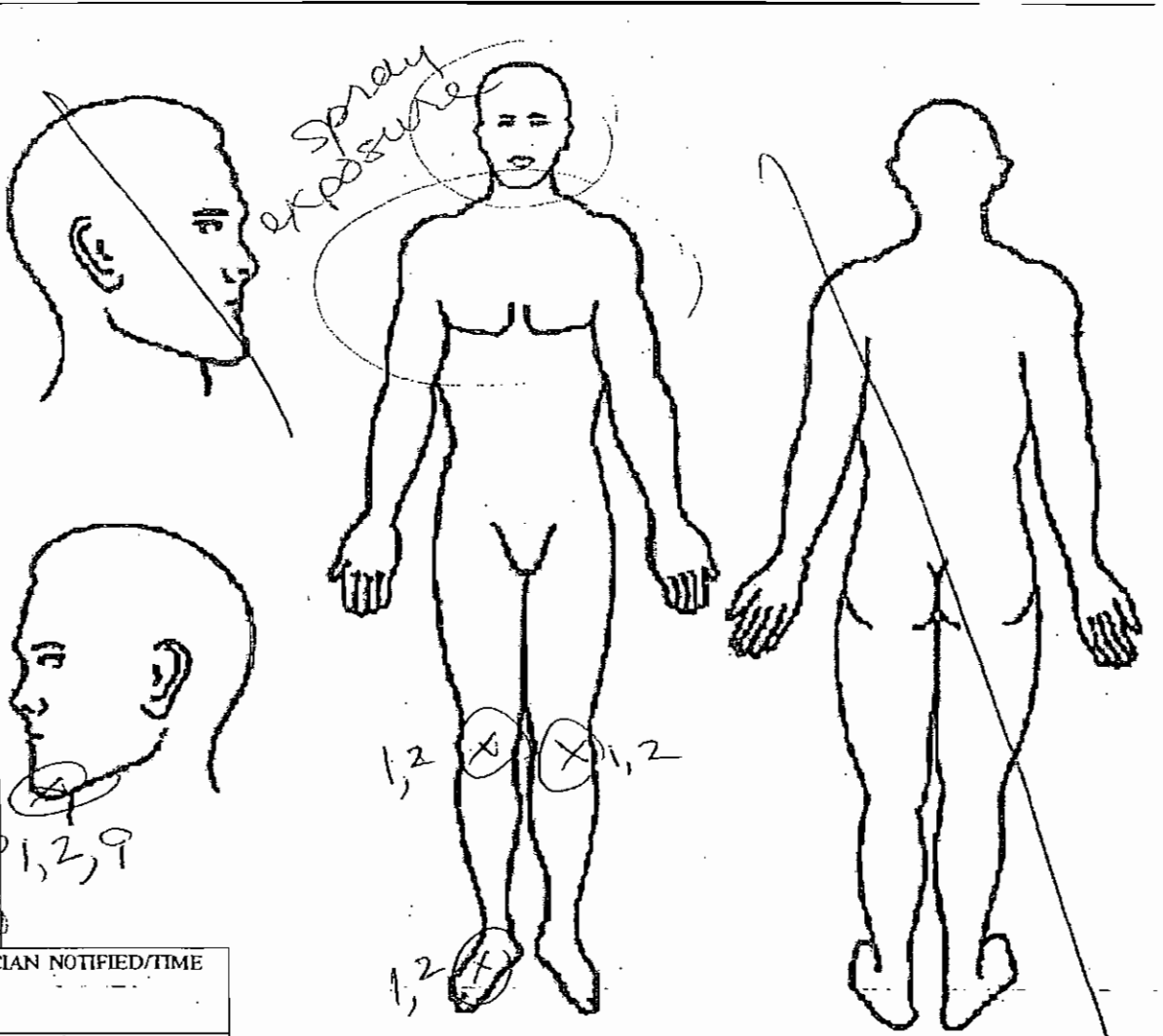
STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS  
**INCIDENTAL REPORT OF INJURY**  
**UNUSUAL OCCURRENCE**

NAME OF INSTITUTION <b>KVSP</b>	FACILITY/UNIT <b>Byard</b>	REASON FOR REPORT (circle) <b>UNUSUAL OCCURRENCE</b>	INJURY <b>UNUSUAL OCCURRENCE</b>	ON THE JOB INJURY <b>PRE AD/SEG ADMISSION</b>	DATE <b>12-21-05</b>
IS SECTION FOR STATE ONLY	NAME LAST <b>Higgins,</b>	FIRST <b>[REDACTED]</b>	CDC NUMBER <b>J06160</b>	HOUSING LOC. <b>BS-206L</b>	NEW HOUSING LOC.
IS SECTION FOR OFF ONLY	NAME LAST <b>N/A</b>	FIRST	BADGE #	RANK/CLASS	ASSIGNMENT/RDOs
IS SECTION FOR EDITOR ONLY	NAME LAST <b>N/A</b>	FIRST	MIDDLE	DOB	OCCUPATION
HOME ADDRESS <b>N/A</b>		CITY	STATE	ZIP	HOME PHONE

PLACE OF OCCURRENCE <b>Byard</b>	DATE/TIME OF OCCURRENCE <b>12-21-05 0930</b>	NAME OF WITNESS(ES)
PERSON NOTIFIED <b>9330</b>	TIME SEEN <b>0933</b>	ESCORTED BY <b>Custody</b>
MODE OF ARRIVAL (circle) <b>AMBULATORY</b>	LITTER <b>ON SITE</b>	WHEELCHAIR
AGE <b>31</b>	RACE <b>Black</b>	SEX <b>male</b>

DEFINITION IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE  
*When I was handcuffed in cell the police dropped me on the floor + I bumped my chin. "They slammed me"*

INJURIES FOUND? YES/NO	
1. Abrasion/Scratch	<input checked="" type="checkbox"/>
2. Active Bleeding	<input checked="" type="checkbox"/>
3. Broken Bone	<input type="checkbox"/>
4. Bruise/Discolored Area	<input type="checkbox"/>
5. Burn	<input type="checkbox"/>
6. Contusion	<input type="checkbox"/>
7. Faded Blood	<input type="checkbox"/>
8. Fresh Tattoo	<input type="checkbox"/>
9. Gash/Laceration/Slash	<input type="checkbox"/>
10. C. Spray Area	<input checked="" type="checkbox"/>
11. Foreign Object	<input type="checkbox"/>
12. Foreign Object	<input type="checkbox"/>
13. Foreign Object	<input type="checkbox"/>
14. Irritated Area	<input type="checkbox"/>
15. Skin Flap	<input type="checkbox"/>
16. Swollen Area	<input type="checkbox"/>
17. Other	<input type="checkbox"/>
18.	<input type="checkbox"/>
19.	<input type="checkbox"/>
C. SPRAY EXPOSURE? YES/NO	<input checked="" type="checkbox"/>
DECONTAMINATED? YES/NO	<input checked="" type="checkbox"/>
Decontamination instructions given? YES/NO	<input checked="" type="checkbox"/>
Decontamination? YES/NO	<input checked="" type="checkbox"/>
15 min. checks	
Decontamination packet? YES/NO	<input checked="" type="checkbox"/>



PERSON NOTIFIED/TIME <b>9335</b>	PHYSICIAN NOTIFIED/TIME	REPORT COMPLETED BY/TITLE (PRINT AND SIGN) <b>A. Massey LVN</b>	BADGE #	RDOs
MEDICAL DISPOSITION <b>Ref to RN for chin laceration</b>				



LOS ANGELES CA 900

08 APR 2005 PM 11 F



Office of Internal Affairs  
P.O. Box 3009  
Sacramento, CA 95812

CD/CR  
Office of Internal Affairs

APR 12 2006

DEPARTMENT

EXHIBIT = C-1

Urgent !!

February 12, 2006

Request to file a Citizen Complaint

Regarding: Prison Guard Brutality @  
Kern Valley State Prison  
(Request for a Citizen Complaint)

Inmate: Carl Higgins #J-06160

This is a request for investigation of an incident which occurred on 12/21/2005 at Kern Valley State Prison. Inmate Higgins filed a complaint on 12/28/05 with the appeal coordinator and has received no correspondence nor a log number regarding his complaint. Inmate Higgins suffered from a busted chin and had to get stitches. Enclosed is a copy of the complaint in which inmate Higgins submitted. We the family of the inmate request a full and thorough investigation into these allegations without retaliation by the prison guards. It seems that this incident was covered up from start to finish. Prison is a place of reform and these guards has no right to brutalize inmates especially for no apparent reason. Our family was appalled and outraged once we read the complaint form. This problem needs to be addressed and investigated at once. This type of incident adds to problems which are seen on the news often which at times results in inmates being killed. The media

EXHIBIT = C-2

RECEIVED MAY 24 2006

often speaks of riots between inmates but the prison guard brutality is kept low key. I ask that you please read the following complaint from Higgins and conduct an investigation and do what is right to stop this corruption.

This type of behavior from guards who are supposed to be there in the prisons to keep the peace instead they're acting like loose cannons and their actions are saying it's OK to be violent and hurt others which leads to riots. This has to stop immediately. Our family has a copy of this complaint in case any more of these inappropriate incidents occur. We will also forward a copy to the mayor's office, authorities in Sacramento and local news stations. If anything further happens to inmate Higgins we will hold the state liable and pursue legal action.

Family of Inmate Higgins  
(Barbara Higgins, Rhonda E.)

We are requesting that a Citizen's Complaint be filed. Also, inmate Higgins has mentioned that he has been constantly placed in the hole for no apparent reasons since this incident. Please read the following complaint written by Inmate Higgins.

RECEIVED MAY 24 2006

State of California

CDC FORM 695

Screening For:

CDC 602 Inmate/Parolee Appeals

CDC 1824 Reasonable Modification or Accommodation Request

---

RE: Screening at the INFORMAL Level

May 11, 2006

**HIGGINS, J06160**

ASU100000000180L

Log Number: KVSP-U-

(Note: Log numbers are not assigned to screen out appeals, or informal level appeals)

The enclosed documents are being returned to you for the following reasons:

*There has been too great a TIME LAPSE between when the action or decision occurred and when you filed your appeal with no explanation of why you did not or could not file in a timely fashion. Time limits expired per CCR 3084.6(c). Therefore, if you would like to pursue this matter further, you must submit an explanation and supporting documentation explaining why you did not or could not file your appeal timely.*

*However, due to the nature of the appeal issue it will be referred to the hiring authority for possible investigation.*

4 KM (OT)  
Appeals Coordinator  
Kern Valley State Prison

**NOTE:** Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

RECEIVED JUN 10 2006 RECEIVED MAY 24 2006

PERMANENT-APPEAL-ATTACHMENT-DO NOT REMOVE

Exhibit = D-1



~~EXHIBIT E-1~~

STATE OF CALIFORNIA  
(9/92)

### INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

DATE: 5-18-06	TO: Appeals Coordinator	FROM (LAST NAME): Higgins	CDC NUMBER: J106160
NO: ASU 1	BED NUMBER: 180	WORK ASSIGNMENT: _____	JOB NUMBER: FROM _____ TO _____
ASSIGNMENT (SCHOOL, THERAPY, ETC.): _____			ASSIGNMENT HOURS: FROM _____ TO _____

Clearly state your reason for requesting this interview.

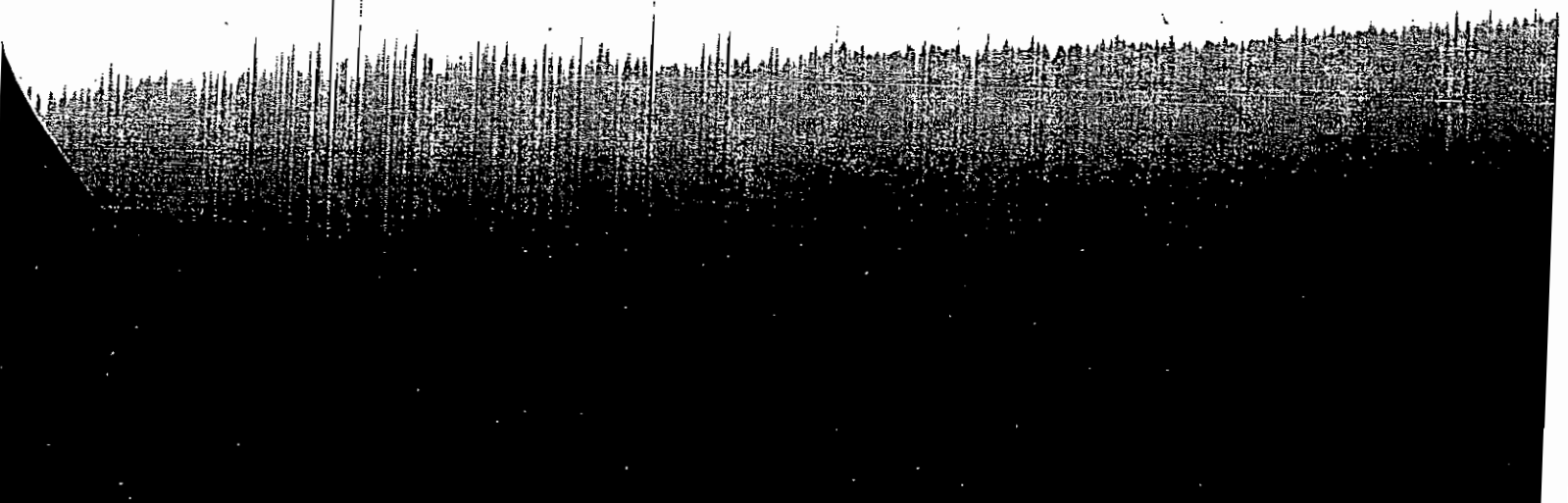
You will be called in for interview in the near future if the matter cannot be handled by correspondence.

ON 5-11-06 I Received A copy of my Family Citizen complaint Along with MR. Higgins Inmate 602 Appeal Form and also A letter "Re: Screening at the Informal Level, in A USAVE UM. <sup>Interdepartment envelope</sup> It states I must submit an Explanation and Supporting Documentation Explaining why Did I not File Timely. <sup>see next page</sup>

REVIEWED BY

DATE

POSITION



ASU cell 180.

on 12-28-05 I Filed A Inmate 602 Appeal Form To the Appeals coordinator, now the Appeals coordinator At KERN VALLEY STATE PRISON FAILED to Respond BACK To me Inmate Higgins, now let me Remind you that this is 33 DAYS LATER, And this Put us At Feb. 1, 2006. the Beginning of the Month of Feb. 06, I informed my Family [redacted] OF the Situation that occurred and also Regarding the inmate Appeal 602 Form I Submitted to the Appeals coordinator on 12-28-05 and I then sent my Family A Copy of the Appeal 602 Form, Stating I Did not get any Type of Respond BACK. So my Family Then written up A Citizen Complaint letter to the OFFICE OF Internal AFFAIRS OFFICE and also sending THEM A Copy of the Inmate 602 Form DATE 12-28-05, To them, My Family letter DATED 2-12-06. IF you READ the Documents you will see that this SCREEN out is in ERROR, To whom this MAY concern I would like To move FORWARD with this Inmate 602 Form DATE 12-28-05 and Pursue this matter Further.

THANK YOU FOR YOUR time out OF YOUR DAY.

5-18-06

CARL Higgins  
Carl Higgins

State of California  
CDC FORM 695  
Screening For:  
CDC 602 Inmate/Parolee Appeals  
CDC 1824 Reasonable Modification or Accommodation Request

---

RE: Screening at the INFORMAL Level

6

June 15, 2006

**HIGGINS, J06160**  
ASU100000000180L


Log Number: KVSP-U-

(Note: Log numbers are not assigned to screen out appeals, or informal level appeals)

The enclosed documents are being returned to you for the following reasons:

*There has been too great a TIME LAPSE between when the action or decision occurred and when you filed your appeal with no explanation of why you did not or could not file in a timely fashion. Time limits expired per CCR 3084.6(c). Therefore, if you would like to pursue this matter further, you must submit an explanation and supporting documentation explaining why you did not or could not file your appeal timely.*

*The Appeals Office does not show record of you submitting this appeal prior to 5/5/06. Your appeal will not be processed due to your untimely filing. Again, your issue has been referred to the hiring authority.*

  
B. GRICEWICH / C. PFEIFFER  
Appeal Coordinator  
Kern Valley State Prison

**NOTE:** Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

PERMANENT APPEAL ATTACHMENT - DO NOT REMOVE

Exhibit = F-1



CARL HIGGINS  
ASU #1 - G-180  
KERN VALLEY STATE PRISON  
P.O. Box 5107  
DELAND CA. 93216

To: Appeals Coordinator  
(Kern Valley State Prison)

RE: INMATE APPEALS

subject: FORMAL Explanation REGARDS PER CDC Form 695  
DATED 6/15/06

ON 6-16-06 THIS WRITER RECEIVED A SECOND CDC Form 695. Log # KVSP DATED 6-16-06  
THIS FORM INDICATED THAT THERE HAS BEEN TO GREAT A TIME LAPSE BETWEEN  
SAID ACTION AND THE TIME I FILED MY APPEAL. THIS FORM FURTHER STATES  
THAT IF I WISH TO PURSUE THIS MATTER I MUST SUBMIT AN EXPLANATION  
AND OR SUPPORTING DOCUMENTATION WHY I DID NOT OR COULD NOT FILE AN  
APPEAL IN A TIMELY FASHION, THUS I SUBMIT FORMALLY, THE FOLLOWING  
RESPONSE/EXPLANATION:

ON 12-28-05 THIS WRITER FILED A COMPLETED ORIGINAL INMATE APPEAL 602 FORM  
VIA INSTITUTIONAL MAIL, [REDACTED]  
IT SHOULD BE NOTED THAT STAFF AT KERN VALLEY STATE PRISON ARE NOT  
REQUIRED TO RELINQUISH 602 RECEIPTS UPON RECEIVING A INMATE APPEAL TO BE  
PLACED INTO INSTITUTIONAL MAIL, I ASSERT OF MY OWN FREE VIOLATION UNDER  
THE PENALTY OF PERJURY, THAT I CARL HIGGINS # J106160 PLACED AND DIRECTED  
A INMATE APPEAL TO THE APPEAL COORDINATOR DATED 12-28-05. SIGNED BY MY  
MARK INTO INSTITUTIONAL MAIL, PURSUANT TO KERN VALLEY STATE PRISON § AD-SEG  
NORTH PROCEDURE. FURTHER I STATE AFTER AN APPEAL LEAVE MY HANDS I  
HAVE NO CONTROL OVER IT WHEREABOUTS, UPON NOT RECEIVING A RESPONSE  
FROM YOUR OFFICE, (WHICH I WAITED PATIENTLY) I BECAME CONCERNED THAT THE  
NATURE OF MY COMPLAINT MOTIVATED A STAFF MEMBER(S) TO HINDER OR  
EXCLUDE MY APPEAL, I THEN CONTACTED MY FAMILY AND THE COURTS AND  
ADVISED THEM OF THIS SITUATION. I TAKE THIS MATTER VERY SERIOUSLY AND  
BELIEVE THAT THE INACTION REGARDING MY APPEAL IS A DILATORY TACTIC  
TO HINDER MY APPEAL. HOWEVER I DO CONCEDE THAT NO SYSTEM IS PERFECT -  
THUS I REQUEST THAT YOUR OFFICE PROCEED WITH MY APPEAL AND TREAT  
ATTACHED APPEAL AS ORIGINAL. THANK YOU...

EXHIBIT = G-1

RECEIVED JUN 20 2006  
Carl Higgins # J106160

State of California

CDC FORM 695

Screening For:

CDC 602 Inmate/Parolee Appeals

CDC 1824 Reasonable Modification or Accommodation Request

---

RE: Screening at the INFORMAL Level

July 12, 2006

**HIGGINS, J06160**  
ASU100000000180L

Log Number: KVSP-U-

(Note: Log numbers are not assigned to screen out appeals, or informal level appeals)

The enclosed documents are being returned to you for the following reasons:

*There has been too great a TIME LAPSE between when the action or decision occurred and when you filed your appeal with no explanation of why you did not or could not file in a timely fashion. Time limits expired per CCR 3084.6(c). Therefore, if you would like to pursue this matter further, you must submit an explanation and supporting documentation explaining why you did not or could not file your appeal timely.*

*You're appealing an even that took place on 12/21/05. You did not file this appeal until 5/5/06. Your appeal will not be processed due to your untimely filing. The issue of staff misconduct was forwarded to the hiring authority for review.*



B. GRICEWICH / C. PFEIFFER

Appeal Coordinator

**NOTE:** Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

**PERMANENT APPEAL ATTACHMENT - DO NOT REMOVE**

Exhibit = H.1

Title: CARL LAMONT Higgins # J.06160 V. George GALAZA

The United States Magistrate Judge, Hon. ARTHUR NAKAZATO.

Motion

In Respond to the order to show CAUSE.

1) The Pititioner CARL L. Higgins, HAVE Not Receive any Responses From Centinela State Prison Regarding "INcoming and outgoing Legal log DATES"

I need the Legal log DATES to show, the U.S. District Court why it Took so long to File A Federal writ OF Habeas corpus, it would show the DATES that the Appellate Attorney SARA H. Ruddy wrote to me at Centinela State Prison To inForm me ON Oct. 20, 2003, that my Pitition of Review Been Denied in 2002 I Do Not Have any OF my Legal Material to show the Right DATE, also it will show when she sent my TRANSCRIPT'S in Oct. 23, 2003.

BUT NOT FILED  
JAN 23 2006  
CLERK, U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
BY DEPUTY

2) 12-21-05 I WAS PLACE in Administrative Segregation, NO REASON AT ALL, THE Ministrative and STAFF Here AT Kern Valley State Prison, HAVE VIOLATED my U.S. Constitutional rights My 8<sup>th</sup> AMendment and 14<sup>th</sup> Amendment and the Fornia Department of Corrections Rule and Regulations Policy's. See the AT Tach PAGE OF the green INMATE Appeal Form 1 OF 3. Now the Ministrative FAIL To Not Put the 12-29-05 Above citizen complaint THru THE Appeal Policy.

I Showed THE STAFF Here in Administrative Segregation THE letter I Received from the District Court DATED JAN 4, 2006, AND also inForming THEM THAT I Need some OF my Legal Material out OF my PERSONAL Property, the STAFF out Right Ignored Me, see ATTACH PAGE 1-3 OF INMATE Request Interview. And Also Here go A copy OF what they let me Have.

RETURNED  
CLERK, U.S. DISTRICT COURT  
FJR  
CENTRAL DISTRICT OF CALIFORNIA

Motion

Exhibit I

Continue on Next Page



EXHIBIT J

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**MEDICAL REPORT OF INJURY  
UNUSUAL OCCURRENCE**

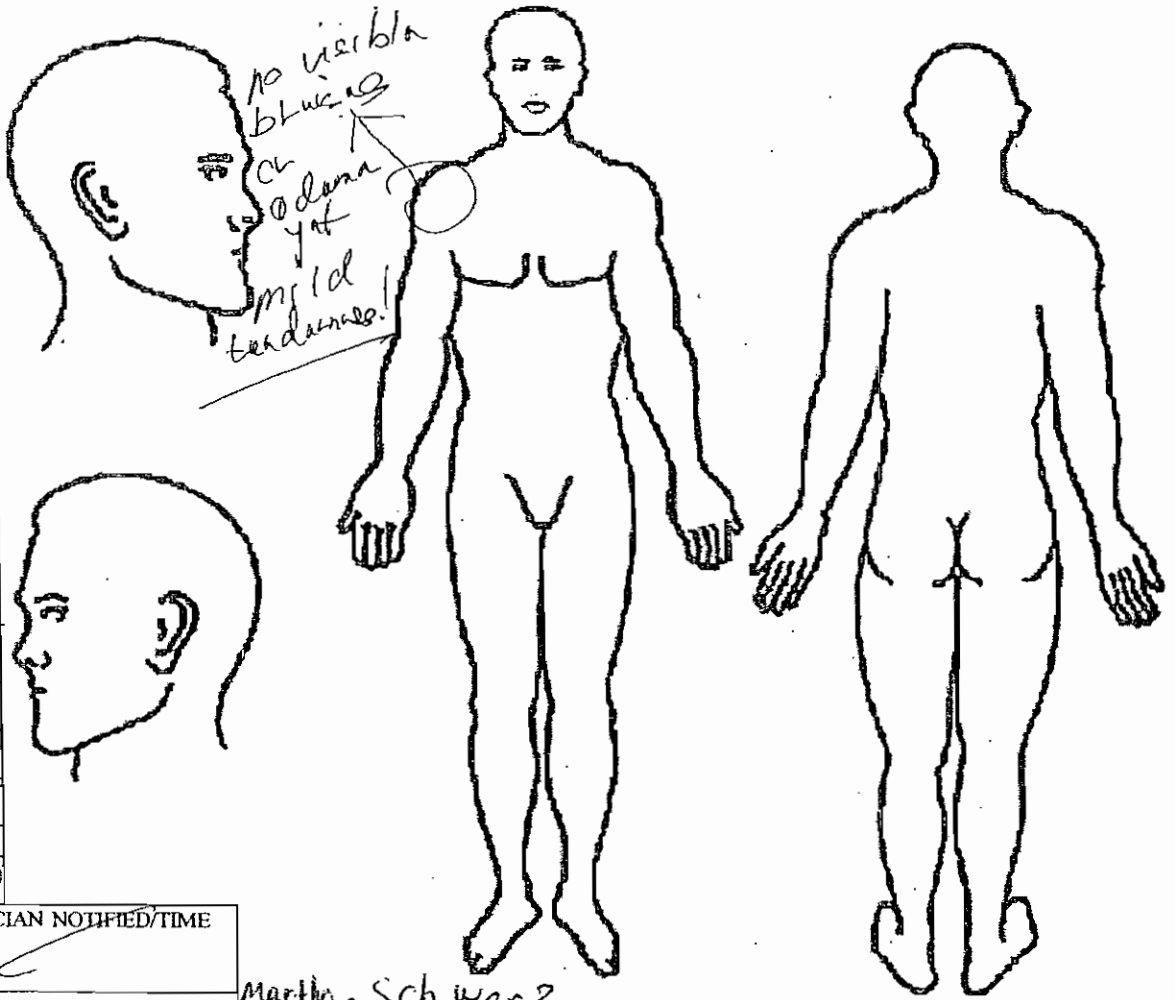
NAME OF INSTITUTION <b>CVST</b>	FACILITY/UNIT <b>Byard</b>	REASON FOR REPORT (circle) USE OF FORCE	INJURY UNUSUAL OCCURRENCE	ON THE JOB INJURY PRE AD/SEG ADMISSION	DATE <b>12-21-05</b>
IS SECTION FOR MATE ONLY	NAME LAST _____	FIRST _____	CDC NUMBER	HOUSING LOC.	NEW HOUSING LOC.
IS SECTION FOR AFF ONLY	NAME LAST <b>Medina</b>	FIRST [REDACTED]	BADGE # <b>67379</b>	RANK/CLASS <b>C10</b>	ASSIGNMENT/RDOs <b>Mo. Tu.</b>
IS SECTION FOR SITOR ONLY	NAME LAST _____	FIRST _____	MIDDLE _____	DOB _____	OCCUPATION _____
HOME ADDRESS _____		CITY _____	STATE _____	ZIP _____	HOME PHONE _____

PLACE OF OCCURRENCE <b>yard - in yard</b>	DATE/TIME OF OCCURRENCE <b>12-21-05 9:20</b>	NAME OF WITNESS(ES) <b>Maranda occupation</b>
TIME NOTIFIED <b>9:25</b>	TIME SEEN <b>9:25</b>	ESCORTED BY _____
MODE OF ARRIVAL (circle) <b>AMBULATORY</b>	LITTER ON SITE	WHEELCHAIR
AGE	RACE	SEX

DEFINITION: STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

**I was escorting 1114, and 1114 attempted to headbut me / hurt me with his head, 1114 strike me on my r. shoulder with his fca head!**

INJURIES FOUND?	YES/NO
abrasion/Scratch	1
Active Bleeding	2
Broken Bone	3
bruise/Discolored Area	4
Burn	5
Dislocation	6
Dried Blood	7
Fresh Tattoo	8
Gut/Laceration/Slash	9
H.C. Spray Area	10
Hair	11
Protrusion	12
Puncture	13
Reddened Area	14
Skin Flap	15
Swollen Area	16
Other	17
Employee OK	18
OK mild pain to his R. shoulder	19
H.C. SPRAY EXPOSURE?	YES/NO
DECONTAMINATED?	YES/NO
Self-decontamination instructions given?	YES/NO
Refused decontamination?	YES/NO
> 15 min. checks	
Staff issued exposure packet?	YES/NO



PERSON NOTIFIED/TIME <b>9:25 M. Schwarz</b>	PHYSICIAN NOTIFIED/TIME <b>PK</b>
TIME/DISPOSITION <b>Good 12-21-05 9:45</b>	REPORT COMPLETED BY/TITLE (PRINT AND SIGN) <b>Martha Schwarz</b> <b>M. Schwarz RN/PTN</b>
BADGE # <b>246969</b>	RDOs <b>Salt...</b>

(Medical data is to be included in progress note or emergency care record filed in UHR)

STATE OF CALIFORNIA

CRIME / INCIDENT REPORT

ART C-STAFF REPORT

DC 837-C (Rev. 09/03)

DEPARTMENT OF CORRECTIONS

PAGE 1 OF 2

INCIDENT LOG NUMBER

KVP-FBS-05-12-0125

NAME LAST <b>MEDINA</b>	FIRST <b>[REDACTED]</b>	MI <b>C</b>	DATE OF INCIDENT <b>12-21-05</b>	TIME OF INCIDENT <b>0920</b>
----------------------------	----------------------------	----------------	-------------------------------------	---------------------------------

OST # <b>21723</b>	POSITION <b>B-Recreation</b>	YEARS OF SERVICE <b>2 YR 11 MO.</b>	DATE OF REPORT <b>12-21-05</b>	LOCATION OF INCIDENT <b>1</b>
-----------------------	---------------------------------	--	-----------------------------------	----------------------------------

DO's <b>T</b>	DUTY HOURS <b>06-1400</b>	DESCRIPTION OF CRIME / INCIDENT <b>Battery on a Peace Officer</b>	CCR SECTION / RULE <b>3005 C</b>	<input type="checkbox"/> N/A
------------------	------------------------------	--	-------------------------------------	------------------------------

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
<input type="checkbox"/> PRIMARY <input checked="" type="checkbox"/> RESPONDER <input type="checkbox"/> WITNESS <input type="checkbox"/> VICTIM <input type="checkbox"/> CAMERA	<b>Sgt. F. Jose</b> <b>PO G. Miranda</b>	<b>Higgins Job 660</b>

FORCE USED BY YOU	WEAPONS USED BY YOU	SHOTS FIRED BY YOU																		
<input type="checkbox"/> WEAPON <input checked="" type="checkbox"/> PHYSICAL <input type="checkbox"/> NONE	<input type="checkbox"/> MINI-14 <input type="checkbox"/> 9 MM <input type="checkbox"/> 38 CAL <input type="checkbox"/> SHOTGUN <input type="checkbox"/> 37 MM <input type="checkbox"/> 40 MM <input type="checkbox"/> HFWRs <input type="checkbox"/> L8 <input type="checkbox"/> 40 MULTI <input type="checkbox"/> BATON <input checked="" type="checkbox"/> N/A	<table border="1"> <tr> <th>TYPE:</th> <th>NO:</th> <th>NO:</th> </tr> <tr> <td>37 MM</td> <td></td> <td>9 MM</td> </tr> <tr> <td>L8</td> <td></td> <td>38 CAL</td> </tr> <tr> <td>40 MM</td> <td></td> <td>MINI-14</td> </tr> <tr> <td>40 MULTI</td> <td></td> <td><input checked="" type="checkbox"/> N/A</td> </tr> <tr> <td>SHOTGUN</td> <td></td> <td></td> </tr> </table>	TYPE:	NO:	NO:	37 MM		9 MM	L8		38 CAL	40 MM		MINI-14	40 MULTI		<input checked="" type="checkbox"/> N/A	SHOTGUN		
TYPE:	NO:	NO:																		
37 MM		9 MM																		
L8		38 CAL																		
40 MM		MINI-14																		
40 MULTI		<input checked="" type="checkbox"/> N/A																		
SHOTGUN																				

EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION	BIO HAZARD	PPE
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO

REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL / CLINIC)	FLUID EXPOSURE	SCIF 3301 / 3067 COMPLETED
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> BODILY <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER:	<input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> NO

**NARRATIVE:**  
 ON 12-21-05 AT APPROXIMATELY 0920 HOURS WHILE ASSIGNED AS B-RECREATION OFFICER I RESPONDED TO A CODE ONE alarm IN BS. UPON ARRIVAL I WAS INSTRUCTED BY SGT. F. JOSE TO ASSIST OFFICER G. MIRANDA IN ESCORTING Ym HIGGINS J-06160 (FBS-2064) OUT OF BS. OFFICER MIRANDA AND I WERE ESCORTING HIGGINS ACROSS THE YARD IN HANDCUFFS Ym HIGGINS STARTING SAYING "FUCKEN COPS." Ym HIGGINS BEGAN THROWING HIS HEAD FROM LEFT TO RIGHT WHILE SAYING "

CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF <i>[Signature]</i>	TITLE <b>do</b>	BADGE # <b>67379</b>	ID # <b>2461346</b>	DATE <b>12-21-05</b>
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) <b>F. [Signature]</b>	DATE RECEIVED <b>12-21-05</b>	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE <b>12-21-05</b>

Distribution: Original: Incident Package Copy: Reporting Employee Copy: Reviewing Supervisor

coppliance  
EXHIBIT = K-1

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**E / INCIDENT REPORT  
C1- SUPPLEMENT  
37-C1 (Rev. 09/03)**

PAGE 2 OF 2 INCIDENT LOG NUMBER  
KUP-FBS-05-12-0125

LAST MEDINA FIRST [REDACTED] MI C

OF INFORMATION:  
 CONTINUATION OF REPORT   
  CLARIFICATION OF REPORT   
  ADDITIONAL INFORMATION

NARRATIVE: Stupid mother fuckers." I GAVE Ym HIGGINS A  
RECT order to stop moving HIS Head side to side.  
Suddenly observed Ym HIGGINS turn to His Left  
and use His Head IN a Forward motion to STRIKE MY  
Right shoulder - I MAINTAINED GRASP OF Ym HIGGINS  
Left Arm with my Right Hand and used my LEFT  
AND TO PUSH AGAINST HIGGINS CHEST AREA TO PUSH  
HIGGINS DOWN TO the Ground IN A PRONE POSITION.  
Responding Staff ARRIVED and SGT F. JOSE THEN  
REMOVED ME FROM the ESCORT. I WAS INSTRUCTED  
Go TO C.T.C For a 7219 Medical Evaluation

CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL C1

SIGNATURE OF REPORTING STAFF <u>[Signature]</u>	TITLE <u>C/O</u>	BADGE # <u>67379</u>	ID # <u>2461346</u>	DATE <u>12-21-05</u>
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) <u>[Signature]</u>	DATE RECEIVED <u>12-21-05</u>	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE <u>12-21-05</u>





INCIDENT REPORT  
 C1- SUPPLEMENT  
 37-C1 (Rev. 09/03)

PAGE 2 OF 2 INCIDENT LOG NUMBER  
 KVP-FB5-05-12-0125

LAST Miranda FIRST [REDACTED] MI

OFFICER INFORMATION:

CONTINUATION OF REPORT  CLARIFICATION OF REPORT  ADDITIONAL INFORMATION

NARRATIVE: officer J. Medina gave Higgins a direct order to stop. Higgins suddenly spun his body to his left to face Medina, breaking my grasp of his right arm. He then used his head in a forward motion to strike Medina on his shoulder area. I took a hold of Higgin's shirt by the collar area behind neck with my left hand and used my right hand to grab right arm to pull him down to the ground. Higgins got down in a prone position. Officer J. Copeland and I assisted Higgins on his feet, with Higgins complying and escorted him to the Facility Medical Clinic for a medical evaluation. I placed him in Clinic Holding Cell #2 and conducted an unclothed body search on him with negative results.

CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL C1

SIGNATURE OF REPORTING STAFF <u>Miranda</u>	TITLE <u>C/O</u>	BADGE # <u>58657</u>	ID # <u>2461651</u>	DATE <u>12-21-05</u>
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) <u>REYNOLDO TORRES</u>	DATE RECEIVED <u>12-21-05</u>	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE <u>12-21-05</u>

STATE OF CALIFORNIA

CRIME / INCIDENT REPORT

ART C - STAFF REPORT

OC 837-C (Rev. 09/03)

DEPARTMENT OF CORRECTIONS

PAGE 1 OF 2	INCIDENT LOG NUMBER KUP-FBS-05-12-0125
-------------	---

NAME: LAST WILLIAMS	FIRST [REDACTED]	MI R	DATE OF INCIDENT 12/21/05	TIME OF INCIDENT 0920
POST # 21710	POSITION B YARD OFFICER #2	YEARS OF SERVICE 9 YR 8 MO	DATE OF REPORT 12/21/05	LOCATION OF INCIDENT B Housing unit #5
DO's JAM	DUTY HOURS 0600-1400	DESCRIPTION OF CRIME / INCIDENT BATTERY ON A PEACE OFFICER	CCR SECTION / RULE 3005 (c)	<input type="checkbox"/> N/A

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
<input checked="" type="checkbox"/> PRIMARY	M. LOZANO (S)	HIGGINS (J-06160) S
<input type="checkbox"/> RESPONDER		WOODS (P-71320) S
<input type="checkbox"/> WITNESS		
<input type="checkbox"/> VICTIM		
<input type="checkbox"/> CAMERA		

FORCE USED BY YOU	WEAPONS USED BY YOU	SHOTS FIRED BY YOU
<input checked="" type="checkbox"/> WEAPON	<input type="checkbox"/> MINI-14	TYPE: NO: NO:
<input checked="" type="checkbox"/> PHYSICAL	<input type="checkbox"/> 9 MM	37 MM _____ 9 MM _____
<input type="checkbox"/> NONE	<input type="checkbox"/> 38 CAL	L8 _____ 38 CAL _____
FORCE OBSERVED BY YOU	<input type="checkbox"/> SHOTGUN	40 MM _____ MINI-14 _____
<input type="checkbox"/> WEAPON	<input type="checkbox"/> 37 MM <input type="checkbox"/> L8	40 MULTI _____ <input checked="" type="checkbox"/> N/A
<input checked="" type="checkbox"/> PHYSICAL	<input type="checkbox"/> 40 MM <input type="checkbox"/> 40 MULTI <input type="checkbox"/> N/A	SHOTGUN _____
<input type="checkbox"/> NONE	<input type="checkbox"/> HFWS <input type="checkbox"/> BATON	

EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION	BIO HAZARD	PPE
<input type="checkbox"/> YES			<input type="checkbox"/> YES	<input type="checkbox"/> YES
<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> NO

REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL / CLINIC)	FLUID EXPOSURE	SCIF 3301 / 3067 COMPLETED
<input type="checkbox"/> YES			<input type="checkbox"/> BODILY <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> YES
<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> UNKNOWN	<input checked="" type="checkbox"/> NO
			<input type="checkbox"/> OTHER: _____	

NARRATIVE:

ON 12/21/05, AT APPROXIMATELY 0920 HRS WHILE PERFORMING MY DUTIES AS B YARD OFFICER #2, CORRECTIONAL OFFICER M. LOZANO, AND MYSELF WERE CONDUCTING UNCLOTHED BODY SEARCHES OF INMATES HIGGINS (J-06160) B/S-2066 AND WOODS (P-71320) B/S-2064 DURING THE MASS HOUSING UNIT SEARCH OF B/S.

AFTER BOTH INMATES HAD DRESSED I PLACED WOODS IN HANDCUFFS AND ORDERED HIM TO GO TO THE BACK OF THE

CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF 	TITLE C/O	BADGE # 54203	ID # 2461519	DATE 12/21/05
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) JOSE P. LEO	DATE RECEIVED 12/21/05	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE 12/21/05

Distribution: Original: Incident Package Copy: Reporting Employee Copy: Reviewing Supervisor

EXHIBIT m-1

**INCIDENT REPORT  
1- SUPPLEMENT**  
C-1 (Rev. 09/03)

PAGE <u>2</u> OF <u>2</u>	INCIDENT LOG NUMBER <u>KUP-FBS-05-12-0125</u>
LAST NAME <u>WILLIAMS</u>	FIRST NAME <u>[REDACTED]</u>
MI <u>2</u>	

CONTINUATION OF REPORT  CLARIFICATION OF REPORT  ADDITIONAL INFORMATION

**ACTIVE:**  
 CELL. I THEN ORDERED HIGGINS TO STEP TO THE DOOR AND  
 FACE THE BACK WALL. AS I TOOK HIGGINS BY HIS LEFT  
 WRIST IN ORDER TO PLACE HIM IN HANDCUFFS, HIGGINS  
 TURNED AROUND TO HIS LEFT SIDE AND TOOK A BLADED STANDE  
 WITH CLINCHED FISTS OFFICER M. LOZANO AND I PUSHED  
 HIGGINS TOWARDS THE BACK OF THE CELL AND ORDERED  
 BOTH HIGGINS AND WOODS TO GET DOWN AND PRONE OUT.  
 BOTH INMATES REFUSED OUR ORDERS. HIGGINS ATTEMPTED  
 TO RUN TOWARDS US WITH CLINCHED FISTS. I THEN  
 SPRAYED HIGGINS IN THE FACIAL AREA WITH A 5-7 SECOND  
 BURST OF O.C. PEPPER SPRAY. THE BURST OF O.C. PEPPER  
 SPRAY HAD THE DESIRED EFFECT, AND HIGGINS HALTED HIS  
 ATTEMPTED ATTACK. HIGGINS AND WOODS THEN PRONED OUT  
 FACE DOWN ON THE CELL FLOOR. OFFICER M. LOZANO  
 THEN PLACED HIGGINS IN HANDCUFFS. RESPONDING STAFF  
 ARRIVED AND ESCORTED HIGGINS AND WOODS TO B FACILITY  
 MEDICAL FOR DECONTAMINATION AND MEDICAL REEVALUATION

CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL C1

NATURE OF REPORTING STAFF <u>D. Woods</u>	TITLE <u>CO.</u>	BADGE # <u>54203</u>	ID # <u>2461519</u>	DATE <u>12/21/05</u>
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) <u>Sgt. Jose [Signature]</u>	DATE RECEIVED <u>12/21/05</u>	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE <u>12/21/05</u>

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**IRIME / INCIDENT REPORT**  
**ARTC-STAFF REPORT**  
DC 837-C (Rev. 09/03)

PAGE 1 OF 2

INCIDENT LOG NUMBER  
KVP-F85-05-12-0125

NAME LAST LOZANO FIRST [REDACTED] MI [REDACTED] DATE OF INCIDENT 12/21/05 TIME OF INCIDENT 0920

OST # 21706 POSITION B-530 #4 YEARS OF SERVICE 5 YR 8 MO. DATE OF REPORT 12/21/05 LOCATION OF INCIDENT Building #5 CELL 206

DO's 1F DUTY HOURS 0600-1400 DESCRIPTION OF CRIME / INCIDENT BATTERY ON A PEACE OFFICER CCR SECTION / RULE 3005 (C)

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
<input checked="" type="checkbox"/> PRIMARY	<u>% D. WILLIAMS (S)</u>	<u>WOODS P-71320 (S)</u>
<input type="checkbox"/> RESPONDER		<u>HIGGINS J-06160 (S)</u>
<input type="checkbox"/> WITNESS		
<input type="checkbox"/> VICTIM		
<input type="checkbox"/> CAMERA		

FORCE USED BY YOU	WEAPONS USED BY YOU	SHOTS FIRED BY YOU
<input checked="" type="checkbox"/> WEAPON	<input type="checkbox"/> MINI-14	<u>TYPE:</u> _____ <u>NO:</u> _____ <u>NO:</u> _____
<input checked="" type="checkbox"/> PHYSICAL	<input type="checkbox"/> 9 MM	<input checked="" type="checkbox"/> OC <u>MK-90</u>
<input type="checkbox"/> NONE	<input type="checkbox"/> 38 CAL	<input type="checkbox"/> CN
	<input type="checkbox"/> SHOTGUN	<input type="checkbox"/> CS
	<input type="checkbox"/> 37 MM	<input type="checkbox"/> OTHER: _____
	<input type="checkbox"/> L8	
	<input type="checkbox"/> 40 MM	<input type="checkbox"/> N/A
	<input type="checkbox"/> HFWRs	<input type="checkbox"/> N/A
	<input type="checkbox"/> BATON	
		<input type="checkbox"/> 37 MM
		<input type="checkbox"/> L8
		<input type="checkbox"/> 40 MM
		<input type="checkbox"/> 40 MULTI
		<input type="checkbox"/> SHOTGUN
		<input checked="" type="checkbox"/> NA

EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION	BIO HAZARD	PPE
<input type="checkbox"/> YES			<input type="checkbox"/> YES	<input type="checkbox"/> YES
<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> NO

REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL / CLINIC)	FLUID EXPOSURE	SCIF 3301 / 3067 COMPLETED
<input type="checkbox"/> YES			<input type="checkbox"/> BODILY	<input type="checkbox"/> YES
<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> NO
			<input type="checkbox"/> UNKNOWN	
			<input type="checkbox"/> OTHER: _____	

**NARRATIVE:**

ON DECEMBER 21, 2005 AT APPROX. 0920 HRS WHILE PERFORMING MY DUTIES AS B-YARD SEARCH & ESCORT OFFICER #4, I WAS ASSISTING OFFICER D. WILLIAMS PERFORM AN ULLTIMA BODY SEARCH ON INMATE HIGGINS J-06160 (B-5 2064) AND INMATE WOODS P-71320 (B-5 2060) DURING THE MASS SEARCH OF B-YARD BUILDING #5, OFFICER D. WILLIAMS CUFFED INMATE WOODS AND TOLD HIM TO GO TO THE BACK OF THE CELL, AS HE WAS GOING TO CUFF INMATE HIGGINS. INMATE HIGGINS SPUN AROUND TO HIS LEFT, TOOK A BLADED STANCE AND PLACED HIS HANDS ABOUT CHIN LEVEL AND INTO A FIST

CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF <u>[Signature]</u>	TITLE <u>90</u>	BADGE # <u>61613</u>	ID # <u>2461046</u>	DATE <u>12/21/05</u>
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) <u>Sgt. [Signature]</u>	DATE RECEIVED <u>12/21/05</u>	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input type="checkbox"/> NO	DATE

Distribution: Original: Incident Package Copy: Reporting Employee Copy: Reviewing Supervisor

EXHIBIT



INCIDENT REPORT  
1-SUPPLEMENT  
C1 (Rev. 09/03)

PAGE <u>2</u> OF <u>2</u>	INCIDENT LOG NUMBER <u>KVP-FBS-05-12-0125</u>
LAST <u>LOZANO</u>	FIRST <u>[REDACTED]</u>
MI <u></u>	

CONTINUATION OF REPORT  CLARIFICATION OF REPORT  ADDITIONAL INFORMATION

**ACTIVE:**  
 OFFICER D. WILLIAMS AND I PUSHED INMATE HIGGINS TOWARDS THE BACK OF  
 CELL, AND ORDERED BOTH INMATES TO GET DOWN WITH NEGATIVE RESULTS,  
 HIGGINS GAIN HIS BALANCE HE ATTEMPTED TO RUN TOWARDS THE DOOR WITH  
 SWUNG FISTS. INMATE WOODS P-71320 ALSO TURNED AROUND AND FACED THE  
 ME. I PULLED MY MK-90 OC PEPPER SPRAY AND ORDERED BOTH INMATES TO GET DOWN  
 WITH NEGATIVE RESULTS, I THEN DEPLOYED MY MK-90 OC PEPPER SPRAY WITH A 5-7 SECOND  
 2ST, INMATE HIGGINS GOT SPRAYED IN THE FACIAL AREA, AS THE OC PEPPER SPRAY  
 DID THE DESIRED EFFECT BOTH INMATES PROVE OUT FACE DOWN. I PLACED INMATE  
 HIGGINS IN HANDCUFFS, RESPONDING STAFF ARRIVED AND ESCORTED BOTH INMATES OUT OF  
 THE UNIT TO THE PROGRAM MEDICAL OFFICE FOR A MEDICAL EVALUATION (7219) AND  
 CONTINUATION.

CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL C1

SIGNATURE OF REPORTING STAFF <u>[Signature]</u>	TITLE <u>40</u>	BADGE # <u>61613</u>	ID # <u>2461046</u>	DATE <u>12/21/05</u>
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) <u>[Signature]</u>	DATE RECEIVED <u>12/21/05</u>	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE <u>12-21-05</u>

TIME / INCIDENT REPORT  
STAFF REPORT  
C 837-C (Rev. 09/03)

PAGE 01 OF 02 INCIDENT LOG NUMBER  
KVPFB5-05-12-0125

NAME: LAST **HIBBS** FIRST **[REDACTED]** MI **R** DATE OF INCIDENT **12-21-05** TIME OF INCIDENT **0920**

ST # **21791** POSITION **B5 CONTROL** YEARS OF SERVICE **4** YR. **1** MO. DATE OF REPORT **12-21-05** LOCATION OF INCIDENT **B-5 206**

O's **IS** DUTY HOURS **0600-1400** DESCRIPTION OF CRIME / INCIDENT **BATTERY ON A PEACE OFFICER** CCR SECTION / RULE **3008(C)**  N/A

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
<input type="checkbox"/> PRIMARY	<b>Gibbs et al (S)</b>	<b>woods P71320(S)</b>
<input type="checkbox"/> RESPONDER		<b>Higgins J06160(S)</b>
<input checked="" type="checkbox"/> WITNESS		
<input type="checkbox"/> VICTIM		
<input type="checkbox"/> CAMERA		

FORCE USED BY YOU	WEAPONS USED BY YOU	SHOTS FIRED BY YOU
<input type="checkbox"/> WEAPON	<input type="checkbox"/> MINI-14	<input type="checkbox"/> TYPE: _____ NO: _____ NO: _____
<input type="checkbox"/> PHYSICAL	<input type="checkbox"/> 9 MM	37 MM _____ 9 MM _____
<input checked="" type="checkbox"/> NONE	<input type="checkbox"/> 38 CAL	L8 _____ 38 CAL _____
FORCE OBSERVED BY YOU	<input type="checkbox"/> SHOTGUN	40 MM _____ MINI-14 _____
<input type="checkbox"/> WEAPON	<input type="checkbox"/> 37 MM <input type="checkbox"/> L8	40 MULTI _____ 40 MULTI _____
<input type="checkbox"/> PHYSICAL	<input type="checkbox"/> 40 MM <input type="checkbox"/> 40 MULTI <input checked="" type="checkbox"/> N/A	SHOTGUN _____ <input checked="" type="checkbox"/> N/A
<input checked="" type="checkbox"/> NONE	<input type="checkbox"/> HFWS <input type="checkbox"/> BATON	

EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION	BIO HAZARD	PPE
<input type="checkbox"/> YES			<input type="checkbox"/> YES	<input type="checkbox"/> YES
<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> NO

REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL / CLINIC)	FLUID EXPOSURE	SCIF 3301 / 3067 COMPLETED
<input type="checkbox"/> YES			<input type="checkbox"/> BODILY <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> YES
<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> UNKNOWN	<input checked="" type="checkbox"/> NO
			<input type="checkbox"/> OTHER: _____	

**NARRATIVE:**

ON DECEMBER 21ST, 2005 AT ABOUT 0920 HOURS WHILE CONDUCTING MY ASSIGNED DUTIES AS B-5 CONTROL BOOTH OFFICER. I OFFICER M. HIBBS OBSERVED BOTH INMATE HIGGINS J06160, B5-206L AND INMATE WOODS P71320, B5 206U NOT COMPLYING TO STAFFS ORDERS TO COME OUT OF THEIR CELL. I IMMEDIATELY PRESSED MY PERSONAL ALARM DEVICE AND ADDITIONAL STAFF MEMBERS RESPONDED BY

CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF <b>[Signature]</b>	TITLE <b>CORRECTIONAL OFFICER</b>	BADGE # <b>W4158</b>	ID # <b>2113440</b>	DATE <b>12-21-05</b>
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) <b>C. JOSE</b>	DATE RECEIVED <b>12/21/05</b>	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE <b>12-21-05</b>

TIME / INCIDENT REPORT  
 REPORT C1- SUPPLEMENT  
 C 837-C1 (Rev. 09/03)

PAGE 02 OF 02 INCIDENT LOG NUMBER  
 KIPFB5-05-12-0125

NAME: LAST GIBBS FIRST [REDACTED] MI R

TYPE OF INFORMATION:  
 CONTINUATION OF REPORT  CLARIFICATION OF REPORT  ADDITIONAL INFORMATION

NARRATIVE:  
 ESCORTING BOTH INMATES OUT OF THE BUILDING. THIS CONCLUDES THIS REPORT.

CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL C1

SIGNATURE OF REPORTING STAFF <u>[Signature]</u>	TITLE CORRECTIONS OFFICER	BADGE # 10458	ID # 21134410	DATE 12-21-05
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) <u>JOSE</u>	DATE RECEIVED 12/21/05	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE 12-21-05



STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

**CRIME / INCIDENT REPORT  
PART C - STAFF REPORT**

CDCR 837-C (Rev. 07/05)

PAGE <u>1</u> OF <u>1</u>	INCIDENT LOG NUMBER KVP-FB5-05-12-0125
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NAME: LAST JOSE	FIRST [REDACTED]	MI S	INCIDENT DATE 12/21/05	INCIDENT TIME 09:20
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POST # 220326	POSITION Facility B Program Sgt	YEARS OF SERVICE 10 Years 11 Months	DATE OF REPORT 12/21/05	LOCATION OF INCIDENT Facility B-5 212
------------------	------------------------------------	--	----------------------------	--

RDO's S/S	DUTY HOURS 0600/1400	DESCRIPTION OF CRIME / INCIDENT Battery on a Peace Officer	CCR SECTION / RULE 3005 (c) <input checked="" type="checkbox"/>
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<b>YOUR ROLE</b>	<b>WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)</b>	<b>INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)</b>
<input type="checkbox"/> PRIMARY	C. JOSE Sgt (S)	I/M Woods P71320 (S)
<input checked="" type="checkbox"/> RESPONDER	D. Williams C/O (S)	I/M Higgins J06160 (S)
<input type="checkbox"/> WITNESS	M. Lozano C/O (S)	
<input type="checkbox"/> VICTIM		
<input type="checkbox"/> CAMERA		

<b>FORCE USED BY YOU</b>	<b>WEAPONS AND SHOTS FIRED BY YOU</b>	<b>CHEMICAL AGENTS USED BY YOU</b>
<input type="checkbox"/> WEAPON	<b>NO: TYPE:</b>	<b>TYPE:</b>
<input type="checkbox"/> PHYSICAL	<input type="checkbox"/> MINI-14 _____	<input type="checkbox"/> OC _____
<input type="checkbox"/> CHEMICAL	<input type="checkbox"/> 9 MM _____	<input type="checkbox"/> CN _____
<input checked="" type="checkbox"/> NONE	<input type="checkbox"/> 38 CAL _____	<input type="checkbox"/> CS _____
<b>FORCE OBSERVED BY YOU</b>	<input type="checkbox"/> SHOTGUN _____	<input type="checkbox"/> OTHER: _____
<input type="checkbox"/> WEAPON	<input type="checkbox"/> 37 MM _____	<input checked="" type="checkbox"/> N/A
<input type="checkbox"/> PHYSICAL	<input type="checkbox"/> 40 MM _____	
<input type="checkbox"/> CHEMICAL	<input type="checkbox"/> LB _____	
<input checked="" type="checkbox"/> NONE	<input type="checkbox"/> 40 MULTI _____	
	<input type="checkbox"/> HFWRS _____	
	<input type="checkbox"/> BATON _____	

<b>EVIDENCE COLLECTED BY YOU</b>	<b>EVIDENCE DESCRIPTION</b>	<b>EVIDENCE DISPOSITION</b>	<b>BIO HAZARD</b>	<b>PPE</b>
<input type="checkbox"/> YES			<input type="checkbox"/> YES	<input type="checkbox"/> YES
<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> NO

<b>REPORTING STAFF INJURED</b>	<b>DESCRIPTION OF INJURY</b>	<b>LOCATION TREATED (HOSPITAL / CLINIC)</b>	<b>FLUID EXPOSURE</b>	<b>SCIF 3301 / 3067 COMPLETED</b>
<input type="checkbox"/> YES			<input type="checkbox"/> BODILY	<input type="checkbox"/> YES
<input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> NO
			<input type="checkbox"/> UNKNOWN	
			<input type="checkbox"/> OTHER: _____	

**NARRATIVE:**

On December 21, 2005 at approximately 0920 hours, while performing duties as Facility B Program Sergeant, I was supervising the cell searches in housing unit B-5 due to the modified program. I heard the alarm activation in B-5 activated by Control Booth Officer Gibbs I looked up at the top tier and saw officers rushing toward cell 206 I responded to the top tier cell 206 and observed officers Williams and Lozano assisting inmates Woods P71320 FAB-5 206U and Higgins J06160 FAB-5 206L off the cell floor. I instructed officers Medina, Miranda, Mosqueda and Palmer to escort both inmates to the MTA for a Medical Evaluation report CDC 7219 and decontamination. While escorting inmate Higgins in the middle of the yard he had broke loose from officer Miranda grasp turning and attempted to head butt Medina in the shoulder area. It was necessary to force him to the ground. Once staff had control officers Miranda and Copeland assisted Higgins up to his feet. I instructed Medina if he needed medical attention and to go to CTC for a medical Evaluation CDC 7219. Officer Copeland assisted Miranda in escorting Higgins to the MTA for CDC 7219. Subsequently he was placed in in holding cell #2.

CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF <i>[Signature]</i>	TITLE Sergeant	BADGE # 50978/2461350	DATE 12/21/05
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) <i>[Signature]</i>	DATE RECEIVED 12-21-05	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Distribution: Original: Incident Package Copy: Reporting Employee Copy: Reviewing Supervisor			

Exhibit = P.1

**CRIME / INCIDENT REPORT**  
**ART C - STAFF REPORT**  
 DC 837-C (Rev. 09/03)

PAGE 1 OF 2 INCIDENT LOG NUMBER KVP-FBS-05-12-0125

NAME: LAST Badger FIRST [REDACTED] MI E DATE OF INCIDENT 12-21-05 TIME OF INCIDENT 0920

OST # 21718 POSITION Upper Yard observation YEARS OF SERVICE 3 YR 5 MO. DATE OF REPORT 12-21-05 LOCATION OF INCIDENT FB-5 cell 206

DO's 1/T DUTY HOURS 0600-1400 DESCRIPTION OF CRIME / INCIDENT Battery on a Peace officer CCR SECTION / RULE 3005 (e)  N/A

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESS)
<input type="checkbox"/> PRIMARY	<u>J. Meding (S)</u>	<u>Woods P-71320 (S)</u>
<input type="checkbox"/> RESPONDER	<u>G. Miranda (S)</u>	<u>Higgins J06160 (S)</u>
<input checked="" type="checkbox"/> WITNESS	<u>J. Mosqueda (S)</u>	
<input type="checkbox"/> VICTIM	<u>J. Palmer (S)</u>	
<input type="checkbox"/> CAMERA		

FORCE USED BY YOU	WEAPONS USED BY YOU	SHOTS FIRED BY YOU
<input type="checkbox"/> WEAPON <input type="checkbox"/> PHYSICAL <input checked="" type="checkbox"/> NONE	<input type="checkbox"/> MINI-14 <input type="checkbox"/> 9 MM <input type="checkbox"/> 38 CAL <input type="checkbox"/> SHOTGUN <input type="checkbox"/> 37 MM <input type="checkbox"/> L8 <input type="checkbox"/> 40 MM <input type="checkbox"/> 40 MULTI <input checked="" type="checkbox"/> N/A <input type="checkbox"/> HFWRS <input type="checkbox"/> BATON	TYPE: NO: NO: 37 MM _____ 9 MM _____ L8 _____ 38 CAL _____ 40 MM _____ MINI-14 _____ 40 MULTI _____ <input checked="" type="checkbox"/> N/A SHOTGUN _____

EVIDENCE COLLECTED BY YOU	EVIDENCE DESCRIPTION	EVIDENCE DISPOSITION	BIO HAZARD	PPE
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

REPORTING STAFF INJURED	DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL / CLINIC)	FLUID EXPOSURE	SCIF 3301 / 3067 COMPLETED
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> N/A	<input type="checkbox"/> BOOILY <input checked="" type="checkbox"/> N/A <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER: _____	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

**NARRATIVE:**  
 On Wednesday, December 21, 2005 at approximately 0920 hours, I was performing my duties as Bravo facility upper yard observation. I saw 2 black inmates later identified as inmate Woods P-71320 housed in B5-206V and inmate Higgins J06160 housed in B5-206L being escorted across the recreation yard by officers J. Meding, G. Miranda, J. Mosqueda, and J. Palmer. I turned my attention to clearing the patio for the escort and I heard someone yell, Get down.

CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF <u>D. Badger</u>	TITLE <u>C/O</u>	BADGE # <u>65455</u>	ID # <u>2461517</u>	DATE <u>12-21-05</u>
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) <u>F. Reyes</u>	DATE RECEIVED <u>12/21/05</u>	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE <u>12-21-05</u>

Distribution: Original: Incident Package Copy: Reporting Employee Copy: Reviewing Supervisor

Exhibit = 9-1

STATE OF CALIFORNIA  
**CRIME / INCIDENT REPORT**  
**PART C1- SUPPLEMENT**  
 CDC 837-C1 (Rev. 09/03)

DEPARTMENT OF CORRECTIONS

PAGE 2 OF 2 INCIDENT LOG NUMBER  
KVP-FBS-0512-0125

NAME: LAST Bodger FIRST [REDACTED] MI E

TYPE OF INFORMATION:

- CONTINUATION OF REPORT       CLARIFICATION OF REPORT       ADDITIONAL INFORMATION

NARRATIVE:

I turned my attention back to the escort and the inmates were already down. The officers assisted the inmates back to their feet and were escorted to the M.T.A. clinic without further incident. This concludes my involvement in this incident.

CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL C1

SIGNATURE OF REPORTING STAFF <u>D. Bodger</u>	TITLE <u>C/O</u>	BADGE # <u>65455</u>	ID # <u>2461517</u>	DATE <u>12-21-05</u>
NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE) <u>F. [Signature]</u>	DATE RECEIVED <u>12-21-05</u>	APPROVED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	CLARIFICATION NEEDED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	DATE <u>12-21-05</u>

Distribution: Original: Incident Package Copy: Reporting Employee Copy: Reviewing Supervisor

EXHIBIT = 2.2



STATE OF CALIFORNIA ADMINISTRATIVE SEGREGATION UNIT PLACEMENT NOTICE CDC 114-D (Rev 10/98)

DEPARTMENT OF CORRECTIONS

DISTRIBUTION: WHITE - CENTRAL FILE BLUE - INMATE (2ND COPY) GREEN - ASU CANARY - WARDEN PINK - HEALTH CARE MGR GOLDENROD - INMATE (1ST COPY)

INMATE'S NAME CDC NUMBER

REASON(S) FOR PLACEMENT (PART A)

- PRESENTS AN IMMEDIATE THREAT TO THE SAFETY OF SELF OR OTHERS
JEOPARDIZES INTEGRITY OF AN INVESTIGATION OF ALLEGED SERIOUS MISCONDUCT OR CRIMINAL ACTIVITY
ENDANGERS INSTITUTION SECURITY
UPON RELEASE FROM SEGREGATION, NO BED AVAILABLE IN GENERAL POPULATION

DESCRIPTION OF CIRCUMSTANCES WHICH SUPPORT THE REASON(S) FOR PLACEMENT: On March 11, 2009, at approximately 11:00 AM, the inmate was found in possession of contraband in the form of a mobile phone. The inmate was placed in segregation for possession of contraband. The inmate was placed in segregation for possession of contraband. The inmate was placed in segregation for possession of contraband.

CONTINUED ON ATTACHED PAGE (CHECK IF ADDITIONAL) IF CONFIDENTIAL INFORMATION USED, DATE OF DISCLOSURE: / /
DATE OF ASU PLACEMENT SEGREGATION AUTHORITY'S PRINTED NAME SIGNATURE TITLE
DATE NOTICE SERVED TIME SERVED PRINTED NAME OF STAFF SERVING ASU PLACEMENT NOTICE SIGNATURE STAFF'S TITLE
INMATE REFUSED TO SIGN INMATE SIGNATURE CDC NUMBER

ADMINISTRATIVE REVIEW (PART B) The following to be completed during the initial administrative review by Captain or higher by the first working day following placement

STAFF ASSISTANT (SA) INVESTIGATIVE EMPLOYEE (IE)
STAFF ASSISTANT NAME TITLE INVESTIGATIVE EMPLOYEE'S NAME TITLE
IS THIS INMATE:
LITERATE? YES NO EVIDENCE COLLECTION BY IE UNNECESSARY YES NO
FLUENT IN ENGLISH? YES NO DECLINED ANY INVESTIGATIVE EMPLOYEE YES NO
ABLE TO COMPREHEND ISSUES? YES NO ASU PLACEMENT IS FOR DISCIPLINARY REASONS YES NO
FREE OF MENTAL HEALTH SERVICES DELIVERY SYSTEM NEEDS? YES NO DECLINED 1ST INVESTIGATIVE EMPLOYEE ASSIGNED YES NO
DECLINING FIRST STAFF ASSISTANT ASSIGNED? YES NO
Any "NO" requires SA assignment Any "NO" may require IE assignment
NOT ASSIGNED NOT ASSIGNED

INMATE WAIVERS

INMATE WAIVES OR DECLINES INTERVIEW WITH ADMINISTRATIVE REVIEWER INMATE WAIVES RIGHT TO 72 HOURS PREPARATION TIME
NO WITNESSES REQUESTED BY INMATE INMATE SIGNATURE DATE

WITNESSES REQUESTED FOR HEARING

WITNESS NAME TITLE/CDC NUMBER WITNESS NAME TITLE/CDC NUMBER
WITNESS NAME TITLE/CDC NUMBER WITNESS NAME TITLE/CDC NUMBER

DECISION: RELEASE TO UNIT/FACILITY RETAIN PENDING ICC REVIEW DOUBLE CELL SINGLE CELL PENDING ICC

REASON FOR DECISION:

ADMINISTRATIVE REVIEWER'S PRINTED NAME TITLE DATE OF REVIEW TIME ADMINISTRATIVE REVIEWER'S SIGNATURE
CORRECTIONAL ADMINISTRATOR'S PRINTED NAME (if necessary) CORRECTIONAL ADMINISTRATOR'S CO-SIGNATURE (if necessary) DATE OF REVIEW

STATE OF CALIFORNIA  
 ADMINISTRATIVE SEGREGATION UNIT PLACEMENT NOTICE  
 CDC 114-D (Rev 10/98)

DEPARTMENT OF CORRECTIONS

DISTRIBUTION:  
 WHITE - CENTRAL FILE  
 BLUE - INMATE (2ND COPY)  
 GREEN - ASU  
 CANARY - WARDEN  
 PINK - HEALTH CARE MGR  
 GOLDENROD - INMATE (1ST COPY)

INMATE'S NAME <b>HIGGINS</b>	CDC NUMBER <b>J-05160</b>
---------------------------------	------------------------------

**REASON(S) FOR PLACEMENT (PART A)**

- PRESENTS AN IMMEDIATE THREAT TO THE SAFETY OF SELF OR OTHERS
- JEOPARDIZES INTEGRITY OF AN INVESTIGATION OF ALLEGED SERIOUS MISCONDUCT OR CRIMINAL ACTIVITY
- ENDANGERS INSTITUTION SECURITY  UPON RELEASE FROM SEGREGATION, NO BED AVAILABLE IN GENERAL POPULATION

DESCRIPTION OF CIRCUMSTANCES WHICH SUPPORT THE REASON(S) FOR PLACEMENT: On December 21, 2005, at approximately 0920 hours, you were involved in a battery of a Peace Officer. Specifically, while being escorted to Facility B Medical Clinic, you struck C/O J. Medina in the shoulder with your forehead. Based on this information, you are deemed a threat to the Safety and Security of the Institution. Therefore you are being re-housed in Administrative Segregation. You will remain in Ad-Seg pending Administrative Review. Due to this placement your privilege group, credit earning, custody and visiting status are subject to change.

Inmate Higgins is / is not a participant in the Mental Health Delivery System.

<input type="checkbox"/> CONTINUED ON ATTACHED PAGE (CHECK IF ADDITIONAL)		<input type="checkbox"/> IF CONFIDENTIAL INFORMATION USED, DATE OF DISCLOSURE: / /	
DATE OF ASU PLACEMENT <b>12/21/05</b>	SEGREGATION AUTHORITY'S PRINTED NAME <b>W. LURDEN</b>	SIGNATURE <i>[Signature]</i>	TITLE <b>LIEUTENANT (A)</b>
DATE NOTICE SERVED <b>12-21-05</b>	TIME SERVED <b>1335</b>	PRINTED NAME OF STAFF SERVING ASU PLACEMENT NOTICE <b>C/O Clare</b>	SIGNATURE <i>[Signature]</i>
<input checked="" type="checkbox"/> INMATE REFUSED TO SIGN		INMATE SIGNATURE	CDC NUMBER

**ADMINISTRATIVE REVIEW (PART B)**  
 The following to be completed during the initial administrative review by Captain or higher by the first working day following placement

STAFF ASSISTANT (SA)		INVESTIGATIVE EMPLOYEE (IE)	
STAFF ASSISTANT NAME	TITLE	INVESTIGATIVE EMPLOYEE'S NAME	TITLE
IS THIS INMATE:			
LITERATE?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	EVIDENCE COLLECTION BY IE UNNECESSARY	<input type="checkbox"/> YES <input type="checkbox"/> NO
FLUENT IN ENGLISH?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DECLINED ANY INVESTIGATIVE EMPLOYEE	<input type="checkbox"/> YES <input type="checkbox"/> NO
ABLE TO COMPREHEND ISSUES?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	ASU PLACEMENT IS FOR DISCIPLINARY REASONS	<input type="checkbox"/> YES <input type="checkbox"/> NO
FREE OF MENTAL HEALTH SERVICES DELIVERY SYSTEM NEEDS?	<input type="checkbox"/> YES <input type="checkbox"/> NO	DECLINED 1ST INVESTIGATIVE EMPLOYEE ASSIGNED	<input type="checkbox"/> YES
DECLINING FIRST STAFF ASSISTANT ASSIGNED?	<input type="checkbox"/> YES		
<input type="checkbox"/> NOT ASSIGNED		<input type="checkbox"/> NOT ASSIGNED	

**INMATE WAIVERS**

INMATE WAIVES OR DECLINES INTERVIEW WITH ADMINISTRATIVE REVIEWER  INMATE WAIVES RIGHT TO 72 HOURS PREPARATION TIME

NO WITNESSES REQUESTED BY INMATE

INMATE SIGNATURE: *[Signature]* DATE: **12-22-05**

**WITNESSES REQUESTED FOR HEARING**

WITNESS NAME	TITLE/CDC NUMBER	WITNESS NAME	TITLE/CDC NUMBER
WITNESS NAME	TITLE/CDC NUMBER	WITNESS NAME	TITLE/CDC NUMBER

**DECISION:**  RELEASE TO UNIT/FACILITY  RETAIN PENDING ICC REVIEW  DOUBLE CELL  SINGLE CELL PENDING ICC

REASON FOR DECISION: **RETAIN ASU POSITIVE SHU TERM**

ADMINISTRATIVE REVIEWER'S PRINTED NAME <b>F. F. G. [Signature]</b>	TITLE <b>CAPTAIN (A)</b>	DATE OF REVIEW <b>12-21-05</b>	TIME <b>1110</b>	ADMINISTRATIVE REVIEWER'S SIGNATURE <i>[Signature]</i>
CORRECTIONAL ADMINISTRATOR'S PRINTED NAME (if necessary)		CORRECTIONAL ADMINISTRATOR'S CO-SIGNATURE (if necessary)		DATE OF REVIEW

**MEDICAL REPORT OF INJURY  
UNUSUAL OCCURRENCE**

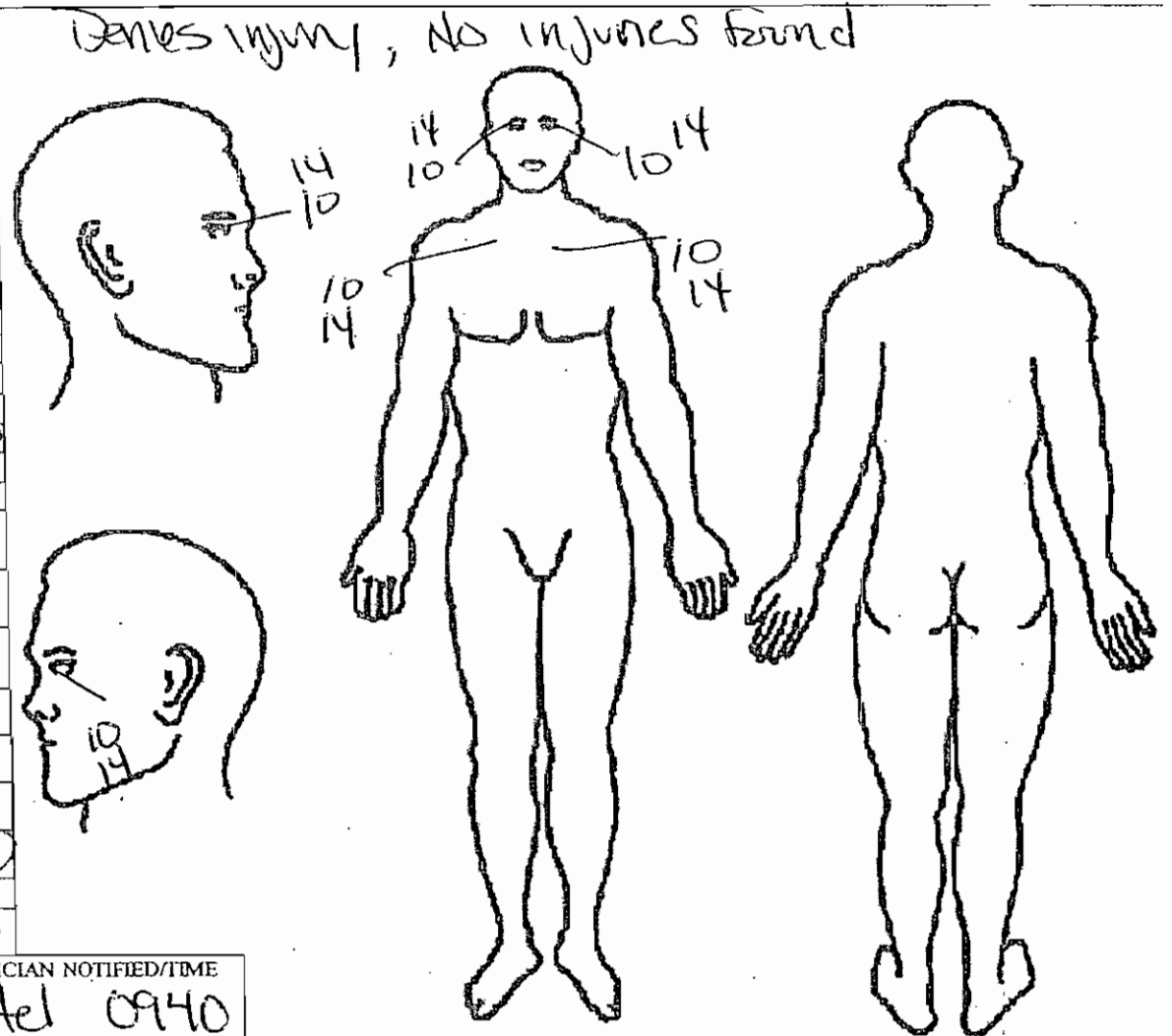
NAME OF INSTITUTION <b>VSP</b>	FACILITY/UNIT <b>B5</b>	REASON FOR REPORT (circle) <b>USE OF FORCE</b>	INJURY UNUSUAL OCCURRENCE	ON THE JOB INJURY <b>PRE AD/SEG ADMISSION</b>	DATE <b>12-21-05</b>
IS SECTION FOR DATE ONLY	NAME LAST <b>Woods</b>	FIRST <b>[REDACTED]</b>	CDC NUMBER <b>P-71320</b>	HOUSING LOC. <b>B5-206</b>	NEW HOUSING LOC.
IS SECTION FOR AFF ONLY	NAME LAST <b>N/A</b>	FIRST	BADGE #	RANK/CLASS	ASSIGNMENT/RDOs
IS SECTION FOR STATOR ONLY	NAME LAST <b>N/A</b>	FIRST	MIDDLE	DOB	OCCUPATION
	HOME ADDRESS <b>N/A</b>	CITY	STATE	ZIP	HOME PHONE

PLACE OF OCCURRENCE <b>2</b>	DATE/TIME OF OCCURRENCE <b>12-21-05 0930</b>	NAME OF WITNESS(ES)						
AGE NOTIFIED <b>130</b>	TIME SEEN <b>0933</b>	ESCORTED BY <b>Custody</b>	MODE OF ARRIVAL (circle) <b>AMBULATORY</b>	LITTER ON SITE	WHEELCHAIR	AGE <b>38</b>	RACE <b>BLK</b>	SEX <b>M</b>

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE:  
 "Prayed after called up"  
 "No Comments at this time"

INJURIES FOUND?	YES / NO
Ab abrasion/Scratch	1
Active Bleeding	2
Broken Bone	3
Bruise/Discolored Area	4
Burn	5
Dislocation	6
Dried Blood	7
Fresh Tattoo	8
Cut/Laceration/Slash	9
Eye/C. Spray Area	<b>10</b>
Swelling	11
Protrusion	12
Contusion	13
Reddened Area	<b>14</b>
Skin Flap	15
Swollen Area	16
Other	17
	18
	19

YES  NO  
 DECONTAMINATED?  YES  NO  
 Self-decontamination instructions given?  YES  NO  
 Refused decontamination? YES  NO   
 15 min. checks  
 Staff issued exposure packet? YES  NO



PERSON NOTIFIED/TIME <b>Parks 0940</b>	PHYSICIAN NOTIFIED/TIME <b>Ratel 0940</b>	REPORT COMPLETED BY/TITLE (PRINT AND SIGN) <b>N Kush LVN Kush</b>	BADGE # <b>2461691</b>	RDOs <b>Jones</b>
TIME/DISPOSITION <b>0940</b>	<b>Cleared for Ad-SEG Rehousing</b>			



**RULES VIOLATION REPORT - PART C**

CDC NUMBER J06160	INMATE HIGGINS	LOG NUMBER FB-05-12-039	INSTITUTION KVSP	TODAY'S DATE 04/27/2006
<input type="checkbox"/> SUPPLEMENTAL	<input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT			<input type="checkbox"/> OTHER

On Tuesday, April 9, 2006, at approximately 1039 hours, Correctional Lieutenant, J. Hamlin introduced himself to Inmate HIGGINS as the Senior Hearing Officer (SHO), for this Rules Violation Report (RVR) hearing. HIGGINS stated that he was in good health with no hearing or visual impairments. HIGGINS acknowledged that he received copies of the following documents more than 24 hours, in advance of the hearing: CDC-115, CDC-115-A, and including Crime/Incident report Log # KVP-FB1-05-12-0135, Investigative Employee reports. HIGGINS was advised that the results of this hearing are not final until reviewed and approved by the Chief Disciplinary Officer and after that review he will receive his final copy of the completed CDC-115. These reports as well as the disciplinary charges of BATTERY ON A PEACE OFFICER were reviewed with HIGGINS in the hearing. HIGGINS stated that he understood both and that he was prepared to begin the hearing.

**MENTAL HEALTH:** HIGGINS is not a participant in the Mental Health Services Delivery System at any level of care. Upon review of this RVR, it has been determined that HIGGINS did not show bizarre, unusual, or uncharacteristic behavior indicating a possible mental disorder and he is not one of the groups requiring a Mental Health-Assessment. Accordingly, a Mental Health Assessment is not required.

**DISTRICT ATTORNEY:** This case has been referred for criminal prosecution. Inmate HIGGINS initially requested a postponement pending the referral, but rescinded the request on March 11, 2006. Inmate Higgins was asked at the start of the hearing if he still desired to continue. HIGGINS indicated his desire to continue and resigned the CDC-115-A.

**DUE PROCESS:** The disciplinary was served on the inmate within 15 days of discovery. The hearing was not completed within the allowed 30 days therefore there was a due process violation.

**STAFF ASSISTANT:** A Staff Assistant (SA) was not assigned in accordance with the California Code of Regulations, Title 15, Section 3315 (d)(2), as HIGGINS agrees that he does speak English, is literate, the issues are not complex, and a confidential relationship is not required.

**INVESTIGATIVE EMPLOYEE:** Officer D. Pare was assigned as the Investigative Employee (IE), was assigned in accordance with the California Code of Regulations, Title 15, Section 3315 (d)(1), as HIGGINS cannot complete his own investigation due to Administrative Segregation placement. In the IE report, HIGGINS indicated that he did not request the IE to be present during the hearing. HIGGINS did request the presence of Inmate Woods (P71320), LVN N. Kush and F. Beshirs, Facility B Laundry supervisor at the RVR hearing.

HIGGINS states that he is satisfied with the IE report.

**WITNESS:**

The SHO requested no additional witnesses.

**INMATE STATEMENT:** Lieutenant Hamlin read aloud the written violation to HIGGINS and he pled **Not Guilty**, stating, "The IE report is my statement. The officers that worked the control didn't observe any of this and the Officer that works in the yard gun didn't observe any of this."

<input checked="" type="checkbox"/> COPY OF CDC-115-C GIVEN TO INMATE	SIGNATURE OF WRITER J. HAMLIN, Correctional Lieutenant	DATE SIGNED 05/18/06
	GIVEN BY: (Staff's Signature) <i>J. Jantz</i>	DATE SIGNED 5/31/06

EXHIBIT = 0.1



**RULES VIOLATION REPORT - PART C**

CDC NUMBER J06160	INMATE HIGGINS	LOG NUMBER FB-05-12-039	INSTITUTION KVSP	TODAY'S DATE 04/27/2006
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER				

The SHO contacted Inmate Woods in FBB7-123U via the floor officer in the housing unit. Inmate Woods was placed on the speaker phone to allow for Inmate HIGGINS to hear the conversation. The SHO directed the following questions towards Inmate Woods:

- Do you remember what occurred outside the housing unit during the escort on December 21, 2005 at approximately 0920 hours?  
 Inmate Woods responded, "Yes, we were slammed to the ground for no reason".
- How many officers were escorting you and Inmate HIGGINS?  
 Inmate Woods responded, "There were two with each of us".
- Who was placed on the ground first?  
 Inmate Woods responded, "It seemed like we were both slammed at the same time".
- Were you in front or behind during the escort?  
 Inmate Woods responded, "I was in the front".
- So, with the officers escorting you across the yard, you could not see what was happening behind you?  
 Inmate Woods responded, "No"

No further questions were asked of Inmate Woods.

The SHO contacted F. Beshirs via speaker phone. The SHO directed the following questions towards Beshirs:

- Do you remember the incident on December 21, 2005 at approximately 0920 hours?  
 Beshirs responded, "No, I don't remember the incident."
- Do you remember standing outside Laundry and seeing the escort coming across the yard?  
 Beshirs responded, "No, I don't remember."

No further questions were asked of Beshirs.

The hearing was suspended due to LVN. Kush not being available.

<input checked="" type="checkbox"/> COPY OF CDC-115-C GIVEN TO INMATE	SIGNATURE OF WRITER J. HAMLIN, Correctional Lieutenant	DATE SIGNED 05/18/06
	GIVEN BY: (Staff's Signature) J. Sautel	DATE SIGNED 5/31/06

Exhibit = U-2

**RULES VIOLATION REPORT - PART C**

CDC NUMBER J06160	INMATE HIGGINS	LOG NUMBER FB-05-12-039	INSTITUTION KVSP	TODAY'S DATE 04/27/2006
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER				

On 5/3/06 the hearing was continued. The SHO contacted LVN Kush via speaker phone. The SHO directed the following questions towards Kush:

1. On the day of the incident on December 21, 2005 at approximately 0920 hours, do you remember walking out the housing unit and seeing the escort crossing the yard?

Kush responded, "I don't remember if I walked out the building."

2. Do you remember seeing the escort of the two inmates across the yard?

I responded to the alarm in the building. I don't remember stepping out and seeing the escort.

No further questions were asked of LVN Kush.

**FINDING:** HIGGINS is being found **GUILTY** of a Division "B" offense for BATTERY ON A PEACE OFFICER. This finding is based upon the following preponderance of evidence:

- A. The written testimony in the RVR submitted by Officer J. Medina who describes the circumstances of the escort on December 21, 2005. Officer Medina described how Inmate HIGGINS resisted during the escort by swinging his head left to right and was given order to cease his actions. Officer Medina further describes how he was struck on his right shoulder by the head of Inmate Higgins and the subsequent forcing HIGGINS to the ground.
- B. The written testimony in the RVR submitted by Officer G. Miranda who describes his assisting Officer Miranda with the escort of the inmates to the Facility B Program. Officer Miranda describes HIGGINS actions prior to the battery, on Officer Medina and assisting in forcing HIGGINS to the ground.
- C. During the hearing, HIGGINS failed to provide a defense or offer a reasonable alternative to the charges. In consideration of the evidence listed above, I believe that a reasonable person would find a preponderance of evidence that HIGGINS was involved in the incident.
- D. It is reasonable to conclude based on the evidence therefore that HIGGINS did, in fact, participate in this incident, and culpable of violating CCR § 3005 (c).

**DISPOSITION:** HIGGINS has been assessed:

0 Days Credit Forfeiture, due to due process violation.

10 days loss of yard starting 5-3-2006 to 5-13-2006.

30 days loss of canteen starting on 5-3-2006 to 6-3-2006.

SIGNATURE OF WRITER J. HAMLIN, Correctional Lieutenant		DATE SIGNED 05/18/06	
GIVEN BY: (Staff's Signature) <i>J. Sauter</i>		DATE SIGNED 5/31/06	TIME SIGNED 1155

COPY OF CDC-115-C GIVEN TO INMATE

EXHIBIT 03

**RULES VIOLATION REPORT - PART C**

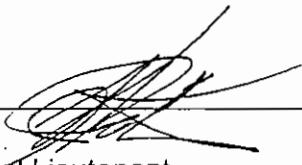
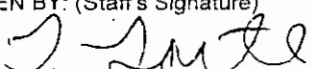
CDC NUMBER J06160	INMATE HIGGINS	LOG NUMBER FB-05-12-039	INSTITUTION KVSP	TODAY'S DATE 04/27/2006
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input checked="" type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER				

HIGGINS was counseled and reprimanded regarding future behavior expectations, specifically in the area of the CCR § 3005(c).

HIGGINS was referred to classification for SHU term assessment.

HIGGINS was informed pursuant to the CCR, § 3327 (a) (1), credit restoration is not available for this offense.

Appeal rights were explained to HIGGINS. HIGGINS was referred to CCR §3084 and following for additional information on appeal procedures.

SIGNATURE OF WRITER  J. HAMLIN, Correctional Lieutenant		DATE SIGNED 05/18/06	
GIVEN BY: (Staff's Signature) 		DATE SIGNED 5/31/06	TIME SIGNED 1155

COPY OF CDC-115-C GIVEN TO INMATE

EXHIBIT = U-4

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**RULES VIOLATION REPORT - PART C**

PAGE \_\_\_ OF \_\_\_

CDC NUMBER J-06160	INMATE'S NAME HIGGINS	LOG NUMBER PR-05-12-035	INSTITUTION K.V.S.P.	TODAY'S DATE
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SUPPLEMENTAL  CONTINUATION OF:  115 CIRCUMSTANCES  HEARING  IE REPORT  OTHER

began to remove my tennis shoes, socks and gym shorts and then placed me on my feet. As we started to walk down the tier, a C/O yelled "He's bleeding, He's bleeding!" As I was escorted off the upper tier, through the A-Section of B-5 door, we walked pass a medical staff. As I was being escorted to the program office, midway there, I was slammed to the ground by C/O G. Miranda and J. Medina, causing me to suffer extreme pain from my busted chin and exposure to the Chemical Agent. Once I was on the ground, Lieutenant Reynoso stood over me and said "If you ever touch my C/O Officers, I will make sure your brains is all over this field." Then Lt. Reynoso realized C/O J. Medina and G. Miranda and C/O J. Copeland continued to escort me to the Medical clinic... "That's what happen, the hole truth."

PERPETRATOR'S STATEMENT: None.

STAFF WITNESS STATEMENT: None.

**DEBORAH'S QUESTIONS FOR WITNESSES:**

(Notes: The questions directed to the INVESTIGATIVE EMPLOYEE Correctional Officer D. Bear were found to be irrelevant to the charges against you as your witnesses and questions pertained to inside of Housing Unit Five (5). The incident occurred on the yard. You requested for the I.E. to interview unknown individuals without having specific questions you wanted asked. It is not possible to interview unknown individuals or conduct an interview without specific questions. S.S.O., please note that inmates statement was recorded and a copy of his question have been attached for your review.)

First incident that occurred inside cell # B-5-206. Witness who seen everything. Inmate HIGGINS, CDC# P-71320.

Witnesses who seen me come out of my cell B-5-206 Bleeding and sprayed with pepper spray. Inmate Hackett, B-6-106 and Inmate Givens, B-5-107. Medical staff "Gust" (arrived to the alarm in Building 5.) Correctional Officers Welsh, B-6, B-5 Correctional Officers, B-7 Correctional Officers, B-8 Correctional Officer, B-4 Correctional Officers, B-3 Correctional Officers, B-2 Correctional Officers, B-5 Control Officer M. Gibbs, and Sgt. C. Jose. All Bottom tier inmates and inmates from cell 207-211. I want you to ask inmates, Did they see me bleeding at the chin? I want the name of Officers who sprayed me inside B-5-206 and I want them interviewed. I want the incident reports of all staff, Correctional Officers who was responding to the alarm. I want name of C/O's who were assigned to searches in B-5. It's in the logs.

Second incident that occurred on B-Yard 12/21/05 at 0920 hours. Witnesses who seen everything from when I walked across the grass area being escorted by C/O J. Medina and G. Miranda to Medical Clinic. They will say that I didn't touch C/O Medina and that Lt. Reynoso stood over me. Free Staff Laundry worker Sonya Bashira. Medical Staff Parks. Medical staff 3 other females (I don't know their names) who was standing outside watching the whole thing. I want you to interview them all. I want a copy of every witness on here, statements and I want a copy of the medical reports. I want a copy of the doctor who put the stitches in my chin. Medical Report.

(note: Inmate Higgins was given a copy of the CDC-115 (Date: 12/27/05 at 1230 hours.) CDC-115A (Date: 12/27/05 at 1230 hours.) CDC 837 and CDC-729 (Date: 01/07/06 at 1300 hours.). Some of the information requested, the inmate already has. The only information not available is the name of Doctor who treated inmate Higgins. He would have to request the information from medical.)

I advised inmate Higgins of his right to have witnesses interviewed and to request them present at his hearing. I asked Subject if he had and witnesses to be interviewed and present at his hearing? Subject stated "I wrote it down."

PERPETRATOR'S STATEMENT REQUESTED AT HEARING? No.

STAFF WITNESS'S REQUESTED AT HEARING? No.

INMATE WITNESS'S REQUESTED AT HEARING? No.

INTERVIEWING EMPLOYEE REQUESTED AT HEARING? No.

<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	SIGNATURE OF WRITER D. BEAR, CORRECTIONAL OFFICER	DATE SIGNED 11/1/06
	GIVEN BY: (Staff's Signature) <i>[Signature]</i>	DATE SIGNED 11/1/06
		TIME SIGNED 0900



EXHIBIT U-5



STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

PAGE \_\_\_ OF \_\_\_

CDC NUMBER <del>J-05160</del>	INMATE'S NAME HIBBINS	LOG NUMBER FB-05-12-039	INSTITUTION K.V.S.P.	TODAY'S DATE
<input type="checkbox"/> SUPPLEMENTAL <input checked="" type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input checked="" type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER _____				

On 03/11/06, at approximately 1030 hours, I received correspondence (Via CDC-Inmate Request Form) dated 01/29/06 from inmate HIBBINS, CDC# J-05160, Housing # ASU-2-184. He requested that his Rule Violation Report (RVR) dated 12/21/05, LOG# FB-05-12-039, hearing postponement be lifted and that his RVR Hearing be heard as soon as possible. His signature on CDC-115A indicates as such.

X

SIGNATURE OF WRITER T. FORIE, CORRECTIONAL OFFICER		DATE SIGNED 3/11/06 @17A	
GIVEN BY: (Staff's Signature) J. Saito		DATE SIGNED 5/31/06	TIME SIGNED 1155

COPY OF CDC 115-C GIVEN TO INMATE.





STATE OF CALIFORNIA  
**SHU TERM ASSESSMENT WORKSHEET**  
 CDC 629-A (Rev 3/96)

DEPARTMENT OF CORRECTIONS

CDC NUMBER <u>J06160</u>	NAME (LAST, FIRST, MI) <u>Higgins</u>	INSTITUTION <u>KUSP</u>	UNIT <u>Fa. B</u>
-----------------------------	--	----------------------------	----------------------

1. **RULE VIOLATION RESULTING IN SHU TERM ASSESSMENT** FB-05-12-039  
 (If more than one SHU assessable offense and no SHU term has been established, use most serious as base term and less serious as aggravation.)

- a. Rule No: 3005(b) Date Issued 12-21-05 Title B. Hays, ma P/O
- b. Specific Act Assault on a Non-Timale w/physical force sufficient to cause serious injury  
 (Must be an offense on SHU Term Assessment Chart.)
- c. List range of months for the offense using SHU Time Computation Table: 6 12 18  
 LOW EXP HIGH
- d. Enter "expected" (mid-range) years, months, days of confinement: 12  
 YR MO DAYS

2. **FACTORS IN MITIGATION AND AGGRAVATION**  
 (Enter "NONE" for item 2c or indicate amount of time. Describe factors and document sources. Use only factors listed in the DOM 62050 or concurrent offenses.)

- a. Mitigating Factors. Time subtracted for mitigations:           
 1)          YR MO DAYS  
 2)           
 3)
- b. Aggravating Factors. Time added for aggravations: 3  
 1) Battalion Staff 2-17-00 A-00-030060 YR MO DAYS  
 2) Merid 1117-00  
 3)
- c. Total time added or subtracted: 3  
 YR MO DAYS

3. **TOTAL SHU CONFINEMENT TIME ASSESSED**  
 (Subtract or add time for mitigation or aggravation to expected, item 1d plus or minus 2c) 15  
 YR MO DAYS

4. **DATE OF ADMINISTRATIVE SEGREGATION CONFINEMENT/VIOLATION**.....

5. **MAXIMUM DATE OF RELEASE FROM SHU**..... 05 12 21  
 (Add total time assessed to date of confinement, item 3 plus 4) YR MO DAY  
07 3 21  
 YR MO DAY

6. **MINIMUM SHU CONFINEMENT TIME TO SERVE**..... 11 8  
 (Enter 75% of the total SHU time (item 3) using the SHU Time Computation Table) YR MO DAYS  
 a. Date of confinement/violation (item 4)..... 15 12 21  
 YR MO DAY

7. **MINIMUM ELIGIBLE RELEASE DATE (MERD)**..... 06 11 29  
 (Add the minimum SHU time to the date of confinement, item 6 plus 6a) YR MO DAY

8. **FORFEITURE OF GOOD CONDUCT CREDITS FOR SUBSEQUENT MISCONDUCT**  
 (Enter "NONE" for item 8a or indicate the amount of time lost and describe and document the misconduct for which credit is being forfeited). SHU inmates may forfeit up to 45 days of clean conduct credits for each disciplinary infraction that is not serious enough to warrant the assessment of a subsequent or concurrent SHU term. Such forfeiture may be assessed against credits already earned or future credits.

- a. Time forfeited for CDC 115 - Dated:           
 1)          YR MO DAYS  
 2)
- b. **ADJUSTED MERD Cannot Exceed MAXIMUM**.....  
 (Add the amount of time forfeited to the prior MERD, item 7 plus 8a)          YR MO DAY

NAME AND TITLE OF STAFF COMPUTING TERM <u>A. G. [Signature]</u>	DATE SIGNED <u>6-6-06</u>	DATE ICC ESTABLISHED TERM <u>6/8/06</u>
--	------------------------------	--

**CALIFORNIA CORRECTIONAL INSTITUTION  
SECOND LEVEL APPEAL RESPONSE**

**DATE:** April 18, 2007  
**NAME/NUMBER:** Higgins, J-06160  
**APPEAL LOG NUMBER:** CCI-0-07-00974  
**INTERVIEWED BY:** T. Gassaway, Correctional Counselor II (A)  
**APPEAL DECISION:** **DENIED**  
**APPEAL ISSUE:** **CUSTODY/CLASSIFICATION**

Appellant alleges he was inappropriately housed in the Behavior Modification Unit (BMU), as he does not meet the criteria for placement in that program.

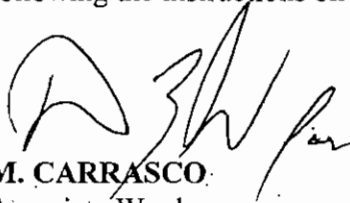
**APPEAL RESPONSE:**

All relevant documents and information submitted in writing have been carefully reviewed and considered. A thorough review has been conducted and evaluated in accordance with departmental policies and institutional procedures. Appellant was interviewed by T. Gassaway, Correctional Counselor II (A), on April 17, 2007, and had nothing to add to this appeal.


Operational Procedure #154, *Behavior Modification Unit Pilot Program*, Section VI, Number 2, has been reviewed in response to this appeal. Operational Procedure #154 states, "If the inmate has been found guilty of an offense for which a determinate term of confinement has been assessed or is deemed to be a threat to the safety and security of the institution, the inmate may be referred to a Classification Committee for placement in the Behavior Modification Unit. Prior to release from the Security Housing Unit, the Institutional Classification Committee (ICC) shall review the circumstances of the disciplinary offense and the inmate's behavior history to determine if placement in the Behavior Modification Unit is appropriate."

The appellant appeared before Institutional Classification Committee on November 29, 2006, for a Pre-MERD review. At that time appellant's case was reviewed and Committee made the determination that appellant's case factors warranted placement in a BMU. Appellant's case was referred to the Classification Services Representative for endorsement to CCI-IVA for placement in the BMU. The referral for placement was based on a CDC 115, Rules Violation Report, dated December 21, 2005, for Battery on a Non-Prisoner, which resulted in a 15-month, aggravated SHU term. The ICC noted in their CDC 128G chrono dated November 29, 2006, that the appellant met the criteria for BMU placement. Appellant was endorsed for CCI-IVA for placement in the BMU. Unit Classification Committee affirmed that placement on January 31, 2007. The appellant does meet the criteria for placement in the BMU and will be retained in that program until completion.

Based on the above, this appeal is **DENIED**. If dissatisfied, appellant may request a Director's Level review by following the instructions on the appeal form.

  
**M. CARRASCO**  
Associate Warden  
Units IVA and IVB

Date 4/27/07

  
**F. GONZALEZ**  
Chief Deputy Warden  
Units IVA and IVB

Date 4-27-07

EXHIBIT = W-1

INMATE/PAROLEE - TENACHAPPEL  
 APPEALS OFFICE  
 CDC 602 (12/87)

Location: Institution/Parole Region: CCI-0 Log No: 07-0974 Category: 2

2007 FEB -2 PM 1:29

You may appeal any policy, action or decision which has a significant adverse effect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Higgins	J-06160		4A5B 205

A. Describe Problem: THIS IS A 602 INMATE APPEAL BASED ON CCI ADMINISTRATION CONDUCT. INTRODUCTION INTO ALLEGATIONS: BASE ON THE CRITERIA OF THE "BMU" PROGRAM THAT WAS IMPLEMENTED UP NORTH AT HIGH DESERT STATE PRISON, THE POLICY OF THIS PROGRAM WAS DESIGNED TO DISCIPLINE INMATE IN WHICH ARE GENERAL POPULATION, IS THE GROUP WHO ARE SUPPOSED TO BE PLACE IN PRIVILEGE GROUP "C-STATUS" ONLY, PER THE CRITERIA SET FORTH IN SECTION 3044 (F). IN WHICH STATE THE PLACEMENT OF PROGRAM FAILURE, A INMATE REFUSE TO PERFORM WORK DUTY OR TRAINING ASSIGNMENTS,

B. Action Requested: 1) THAT INMATE HIGGINS BE REMOVE FROM "BMU" PROGRAM CAUSE HE DO NOT MEET THE CRITERIA!  
2.) I WOULD LIKE THE CRITERIA "BMU" DOCUMENT FORM STATING THIS PROGRAM IS TO PLACE "SHU" KICK OUT INMATES FOR PAST DISCIPLINARY ACTION!

Inmate/Parolee Signature: Higgins Date Submitted: 1-30-07

C. INFORMAL LEVEL (Date Received: \_\_\_\_\_)  
 Staff Response: \_\_\_\_\_

**BYPASS**

2007 FEB 21 PM 2:29  
 CCI TENACHAPPEL APPEALS OFFICE

Staff Signature: \_\_\_\_\_ Date Returned to Inmate: \_\_\_\_\_

D. FORMAL LEVEL  
 If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chronology, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

**BYPASS**

Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim  
 CDC Appeal Number: \_\_\_\_\_

- 1) Inmate copy.
- 2) THE "CCI ADMINISTRATION COPY."
- 3) Higgins Family copy.
- 4) AT Tormal GENERAL copy.
- 5) ETernal AFFAIRS copy.



W-2



First-Level  Granted  P. Granted  Denied  Other \_\_\_\_\_

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: \_\_\_\_\_ Due Date: \_\_\_\_\_

Interviewed by: \_\_\_\_\_

**BYPASS**  
5/10/07

Staff Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Division Head Approved: \_\_\_\_\_ Returned \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date to Inmate: \_\_\_\_\_

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

**BYPASS**  
5/10/07

Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Second Level  Granted  P. Granted  Denied  Other \_\_\_\_\_

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: 4-10-07 Due Date: 5-4-07

See Attached Letter

Signature: \_\_\_\_\_ Date Completed: 5/2/07

Warden/Superintendent Signature: McAnasco COW Date Returned to Inmate: 5/2/07

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

For the Director's Review, submit all documents to: Director of Corrections  
P.O. Box 942883  
Sacramento, CA 94283-0001  
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION:  Granted  P. Granted  Denied  Other \_\_\_\_\_

See Attached Letter

Date: \_\_\_\_\_

07-0974

CCI - TENACHAPI  
APPEALS OFFICE

PERFORMANCE AS TO DISRESPECTING STAFF - FIGHTS WITH INMATES -

2007 FEB -2 PM 1:29

THAT IS WRITTEN UP AS A SERIOUS RULE VIOLATION. NOW ON 7.1.06

I Inmate Higgins was Found guilty For A BATTERY on

A PEACE OFFICER INWHICH IS A "SHU" ABLE OFFENCE THE CLASSIFICATION COMMITTEE ACTION AT DELANO STATE PRISON RECOMMENDED

THAT I SERVE A "15 MONTH SHU" ONLY FOR THE ABOVE AND UPON MY MERD DATE I BE PLACE BACK INTO "GENERAL POPULATION".

YES I RECEIVED A "115" WHILE IN THE "SHU" FOR REFUSING A CELLMATE

BUT THE "CHIEF OFFICER RICK GRENZ" REGULATION AND POLICY MANAGEMENT BRANCH OFFICE OF CORRECTIONAL PLANNING SIGNED A DOCUMENT THAT

STATES, ANY INMATES WHO REFUSE TO DOUBLE CELL CANNOT BE PLACED

INTO "PRIVILEGE GROUP C", OR BMU PROGRAM. AND IS NOT CONSIDER

A PROGRAM FAILURE OR HAVE HIS PROPERTY CONFISCATED. BY PLACING

INMATE HIGGINS INTO THIS BMU PROGRAM INWHICH HE MEET

THE CRITERIA NOR IS A "C-STATUS" INMATE. YOU "CCI HIGHER ADMINISTRATION", IS VIOLATING MR. HIGGINS DUE PROCESS OF THE

RULES OF REGULATION OF THE TITLE 15 AND DOMESTIC RIGHTS OF

HIS 8TH AMENDMENTS AND 14TH AMENDMENTS. AND IF FAILURE TO DO

THE RIGHT THING CRIMINAL NEGLIGENT CAN BE BROUGHT UPON THE

ADMINISTRATION ACCORDING TO THE UNITED STATES LAW OF CALIFORNIA.

I Inmate Higgins would LIKE TO BE PLACE INTO GENERAL POPULATION

LIKE "CSR" RECOMMENDED UPON MERD DATE, SO I CAN "PROGRAM"

"NOTED" THE CLASSIFICATION COMMITTEE CHAIRMAN PERSON "REFUSE" TO ACCEPT THIS

Thank You For your Time

DATE 1/30/07

W-3

Sign Higgins

CCI - TENACHAPI  
APPEALS OFFICE  
2007 MAR 23 PM 3:36

CCI - TENACHAPI  
APPEALS OFFICE  
2007 FEB 23 PM 2:28

By placing him in "BMU" and "C-STATUS", PER SECTION 3044 (F)



**INMATE/PAROLEE  
APPEAL FORM**  
CDC 602 (12/87)

Location: Institution/Parole Region

1. CCI - 0

Log No.

1. 07-00049

Category

7

2. \_\_\_\_\_

2. \_\_\_\_\_

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
<u>Higgins</u>	<u>J-06160</u>	<u>N/A</u>	<u>4A 5B 205</u>

A. Describe Problem: THIS IS A 602 INMATE APPEAL BASED ON RER STAFF CONDUCT. INTRODUCTION INTO ALLEGATIONS: ON 2-6-07 AT APPROX. 12:00 PM THE APPELLANT MR. HIGGINS WAS CALL OVER THE LOUD SPEAKER BY HOUSING UNIT'S CONTROLL OFFICER, I WAS INFORM THAT I WAS TO REPORT TO RER, ONCE I ARRIVED TO RER, THE RER STAFF C/O M. ROBINSON INFORM ME THAT I COULD NOT HAVE ANYTHING OTHER THAN MY LEGAL MATERIAL AND (2) BOOKS AND THAT WAS IT. C/O M. ROBINSON THEN INFORM ME THAT IF I DID NOT HAVE ANY MONEY ON MY ~~TRUST~~ TRUST ACCOUNT HE WAS GOING TO CONFISCATE AND DESTROYED MY PROPERTY. I

If you need more space, attach one additional sheet.

- B. Action Requested: 1) I WOULD LIKE A FULL INVESTIGATION INTO THIS MATTER!  
2) I WOULD LIKE AFFORDED TIME TO SEND MY BELONGING HOME!  
3) THAT THIS 602 BE PLACE IN M. ROBINSON "FILE"!  
4) I WOULD LIKE TO BE REINBURST FOR MY PROPERTY!

Inmate/Parolee Signature: Higgins

Date Submitted: 2-12-07

C. INFORMAL LEVEL (Date Received: \_\_\_\_\_)

Staff Response:

**RECEIVED**  
**JUL - 9 2007**  
**INMATE APPEALS**  
**BRANCH**

BYPASS

**2007 FEB 21 PM 2:35**  
**CCI - TENACIARI**  
**APPEALS OFFICE**

Staff Signature: \_\_\_\_\_

Date Returned to Inmate: \_\_\_\_\_

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

BYPASS

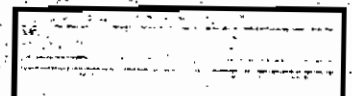
Signature: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number: \_\_\_\_\_

Board of Control form BC-1E, Inmate Claim



F.V.H.R.T. = X-1

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned:

Due Date:

Interviewed by:

**BYPASS**

Staff Signature:

Title:

Date Completed:

Division Head Approved:

Returned

Signature:

Title:

Date to Inmate:

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

**BYPASS**

Signature:

Date Submitted:

Second Level  Granted  P. Granted  Denied  Other

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned:

3-8-07

Due Date:

4-4-07

See Attached Letter

Signature:

Date Completed:

4-4-07

Warden/Superintendent Signature:

*M. Canasio*

Date Returned to Inmate:

4-4-07

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Appellant Higgins contend that he had money to send his personal property home that was in canteen that appellant Higgins informed the R&R staff Robinson, that he was not going to spend, and the fact he could call "canteen" and have them put the money back on appellant book, now the <sup>"attached"</sup> exhibit = A-B-1-2 show that inmate Higgins had money hold up in canteen that was waiting to be place back into his trust account from the dates of Jan. 1, 2007 to Feb. 20, 2007.

Signature:

*Higgins*

Date Submitted:

4-15-07

For the Director's Review, submit all documents to: Director of Corrections  
P.O. Box 942883  
Sacramento, CA 94283-0001  
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION:  Granted  P. Granted  Denied  Other

See Attached Letter

OCT 03 2007

Date:

00049

Explain To c/o m. Robinson THAT I Had money In The canteen  
 THAT I Had not spend nor signed For, And I wish To spend  
 THE money To send my Belonging Home That mean so much To  
 me such AS my, "OBITUARY OF my DECEASE FATHER and grandmother"  
 "Family Photos" - T.V. - Cosmetics - Thermal Top & Bot Toms. m. Robinson  
 Disrespected me And said I Do not give A F---K, And since you Do  
 not HAVE money In The Trust office I AM CONFISCATED These ITEMS  
 And IT will BE DISTRAGED. c/o m. Robinson Then stated you can LEAVE  
 now, I THEN Explain To Him IF I could AT lease send my (2)  
 OBITUARY And Family Photos, In A Big yellow Envelope with STAMPS  
 And send Them Home, His words WAS "NO" And Then c/o m. Robinson  
 STATED IF I SAY ANOTHER word About my Property, Then He THREATEN  
 To SPRAY me with His "Chemical Agents oc spray". I WAS "not" given  
 A 30 DAYS notice To HAVE money in my Account To send my Property Home.  
 when I FIRST ARRIVED To 4A FAC. 5B Bmu Pilot Program, THE STAFF  
 STATED THAT all my Property will Be Held UNTIL my Time is UP The  
 Bmu Program. now TITLE 15. 3193 (B) STATES, THE DEPARTMENT SHALL ACCEPT  
 LIABILITY FOR THE LOSS OR DESTRUCTION OF Inmate Personal Property  
 when IT is ESTABLISHED THAT such loss OR DESTRUCTION RESULTS FROM  
 EMPLOYEE negligence. Also, THE ABOVE ACTION mention HEREIN, were  
 WANTED, MALICION And DELIBERATELY, And such ACTION is In Direct  
 VIOLATION OF THE CDC TITLE 15 Rule And Regulations such AS:  
 3004. RIGHTS And Respect OF OTHER. 3391. EMPLOYEE conduct (A)

COOPER  
 APPEALS  
 TECHNICAL  
 CHIEF  
 OFFICE  
 2007 FEB 21 PM 2:33



up to and including termination of employment or civil action, criminal prosecution may result from conduct which violates Penal code section 502!

THE ACTION MENTION HEREIN DOES NOT ONLY VIOLATE THE RULES, REGULATIONS AND POLICIES THAT GOVERN THE CALIFORNIA DEPARTMENT OF CORRECTION, BUT ALSO VIOLATE MY U.S. CONSTITUTIONAL RIGHTS, UNFAIRNESS OR CORRUPTION OF OFFICER IN PERFORMANCE OF ADMINISTRATIVE FUNCTIONS IN CIVIL OR CRIMINAL CASES IN STATE COURTS AS IN VIOLATIONS OF THE FOURTEENTH AMENDMENTS. THIS IS CLEARLY AN ACT OF CRUELTY BY CORRECTIONAL STAFF M. ROBINSON. A PRIME EXAMPLE OF EMPLOYEE, FURTHER MORE, THE LT AND SGT. OF R/R FAILURE TO SUPERVISE, OFFICER M. ROBINSON COMMITTED THIS CRUEL ACT AND IS IN VIOLATION HERE AND HE CHOOSE TO CONDONE MISCONDUCT.

DATE 2.12.07

Sign Nuggins

EXHIBIT = ~~X~~ = 2

continue → DIRECTOR'S Level REVIEW = Response.

now, LET me Remind The Reviewing OFFICERS THAT The Appellate HAD TALK TO The R&R STAFF ON Feb. 6, 2007 OF When The Incident FIRST occurred, That He HAD money Hold up In canteen waiting To Be PUT BACK on His Trust Account, And The Trust Account STAFF Informed OFFICER R&R STAFF Robinson This, now AT some Point Doing JAN. 2007 And Feb. 2007, IT shows That The money \$18.00 was PLACE BACK INTO my Account, And on 2-20-07 The money RETURN BACK INTO canteen. AFTER Feb. 6. 2007 When OFFICER R&R STAFF <sup>Robinson</sup>  CONFISCATED my Personal Property. I ALSO InForm R&R STAFF Robinson THAT I would like To PUT my "PICTURES - OBITUARY OF my Decease Family In A <sup>big</sup> yellow Envelope with Posted STAMPS, so I can send Home Be BEFORE He CONFISCATE Them, He STATE IT NO, NOT To mention The "misconduct" THAT He ACTed Towards me, SEE ATTACHED I/m complaint 602 Pg-1-2. I would like This To Be PLACE In OFFICER Robinson File. And my Personal ITem To Be sent Home. Note: The second level Reviewing OFFICER Did not EXPLAIN IF He WAS going To give me The opportunity To send my Personal Property Home.

[EXHIBIT = X = 5]



PLEASE Fully GRANT my Appeal, IT clearly  
Show MISCONDUCT ON STAFF BEHALF HERE,  
SO I PRAY THE DIRECTOR REVIEWER OF SOME  
RELIEF HERE AT HAND.

god BLESS YOU And THANK YOU FOR  
HAVING THE TIME TO LOOK INTO THIS  
COMPLAINT.

DATE April 15, 2007

Sign Viggins

EXHIBIT

STATE OF CALIFORNIA  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
INMATE APPEALS BRANCH  
P. O. BOX 942883  
SACRAMENTO, CA 94283-0001

**DIRECTOR'S LEVEL APPEAL DECISION**

Date: OCT 03 2007

In re: Carl Higgins, J06160  
California Correctional Institution  
P.O. Box 1031  
Tehachapi, CA 93581

IAB Case No.: 0701072

Local Log No.: CCI-07-00649

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner A. A. Read. All submitted documentation and supporting arguments of the parties have been considered.

**I APPELLANT'S ARGUMENT:** It is the appellant's position that on February 6, 2007, the appellant was called over the loud speaker to report to the California Correctional Institution (CCI) Receiving & Release (R&R). The appellant states that upon arrival to R&R, the R&R staff, Correctional Officer (CO) M. Robinson, informed the appellant that he could not have anything other than the appellant's legal material and two books. CO Robinson informed the appellant that if the appellant did not have any money on his trust account, then the appellant's property would be confiscated and destroyed. The appellant states he informed the officer that the appellant had money in the canteen that the appellant had not spent nor signed for and the appellant wished to spend the money in sending his property home. It is contended that the appellant had an obituary of his deceased father and grandmother, family photographs, television, cosmetics, and thermal top/bottom. The appellant states that CO Robinson disrespected him and said, "I do not give a fuck and since you do not have money in the trust office, I am confiscating those items and they will be destroyed. The appellant attempted to explain the value of his property but the officer stated "NO" and threatened to spray the appellant with Oleoresin Capsicum Pepper spray, if the appellant did not leave the area. The appellant requests that a full investigation is conducted into this matter and that the appellant is given time to send his property home. It is also requested that this documentation is placed in CO Robinson's personnel file.

**II SECOND LEVEL'S DECISION:** The reviewer found that the appellant's concerns have been properly addressed by involved and/or assigned CCI staff. The Second Level of Review (SLR) states that the appellant was interviewed on March 26, 2007, by Correctional Lieutenant J. Jones regarding the appellant's appeal issues. The appellant was advised that the appeal inquiry was completed; however, the appellant was not advised of the specific finding, as all staff complaint findings are confidential and would not be released to the appellant. The appellant's appeal is granted in part at the SLR, as an inquiry into his allegations has been conducted. All staff personnel matters are confidential in nature and as such, results of any inquiry will not be shared with staff, members of the public or inmates. Although, the appellant has the right to submit a staff complaint, a request for administrative action regarding staff or the placement of documentation in a staff member's personnel file is beyond the scope of the staff complaint process. Based upon the aforementioned information, the SLR granted in part the appeal.

**III DIRECTOR'S LEVEL DECISION:** Appeal is denied.

**A. FINDINGS:** The documentation and presented arguments are persuasive that the appellant has failed to support his appeal issue with sufficient evidence or facts to warrant a modification of the SLR. The examiner reviewed California Code of Regulations, Title 15, Section (CCR) 3004, Rights and Respect of Others, CCR 3193, Liability, CCR 3271, Responsibility of Employees, and CCR 3391, Employee Conduct. Upon review of the documentation submitted, it is determined that the appellant's allegations have been reviewed and evaluated by administrative staff and an inquiry has been completed at the SLR. The examiner contacted Correctional Counselor II K. Sampson, Appeals Coordinator, in the CCI Appeals Office on September 6, 2007, to request and obtain a copy of the finalized inquiry report. On September 6, 2007, the examiner received a faxed copy of the inquiry report containing the institution's decision and/or action taken regarding the appellant's complaint. In the event that staff misconduct was

EXHIBIT ~~4~~

CARL HIGGINS, J06160  
CASE NO. 0701072  
PAGE 2

substantiated, the institution would take the appropriate course of action. All staff personnel matters are confidential in nature and not privy to the inquiries of other staff, the general public or the inmate population, and would not be released to the appellant. Although the appellant has the right to submit an appeal as a staff complaint, the request for administrative action regarding staff or the placement of documentation in a staff member's personnel file is beyond the scope of the appeals process. The appellant has not shown any documentation or other verified evidence that would lend credence to his appeal issues and requests. The appellant has been duly informed regarding his appeal issues and responding institutional staff has addressed all pertinent areas of the appellant's complaint. The examiner finds that the appellant has failed to present any new documentation and/or evidence that would substantiate his claim; therefore, justification for intervention at the Director's Level of Review is not warranted.

**B. BASIS FOR THE DECISION:**

California Penal Code Section: 832.5, 832.7, 832.8, 5058

CCR: 3001, 3004, 3006, 3084.1, 3190, 3192, 3193, 3270, 3271, 3391

CDC Operations Manual Section: 13030:10, 31140.14, 54030.1, 54030.2, 54030.6, 54030.7, 54030.7.1, 54030.10.9, 54030.10.11

Administrative Bulletin (AB) 98/10: PROCESSING OF INMATE/PAROLEE APPEALS, CDC FORMS 602, WHICH ALLEGE STAFF MISCONDUCT

AB 05/03: PROCESSING OF ADULT INMATE/PAROLEE APPEALS, CDC FORM 602, WHICH ALLEGE STAFF MISCONDUCT

**C. ORDER:** No changes or modifications are required by the Institution.

This decision exhausts the administrative remedy available to the appellant within CDCR.



N. GRANNIS, Chief  
Inmate Appeals Branch

cc: Warden, CCI  
Appeals Coordinator, CCI

EXHIBIT = X 5

State of California

# Memorandum

Date : March 26, 2007

**C-FILE**

To : HIGGINS J-06160  
4A<sup>5C</sup>-211L

Subject: **STAFF COMPLAINT RESPONSE - APPEAL # CCI-0-07-00649**

**APPEAL ISSUE:** The Appellant alleges that on February 6, 2007, Officer M. Robinson refused to Inmate Higgins to send disallowed property home. Appellant also alleges that Officer M. Robinson disrespected him by stating to Appellant that he didn't give a F\_\_ K, since he has no money on the Books.

**DETERMINATION OF ISSUE:** A review of the allegations of staff misconduct presented in the written complaint has been completed. Based upon this review your appeal has been handled as follows:

- PROCESSED AS A STAFF COMPLAINT APPEAL INQUIRY
- REFERRED TO THE OFFICE OF INTERNAL AFFAIRS (Note: You will be notified of the conclusion of any internal affairs investigation)

**SUMMARY FOR APPEAL INQUIRY:**

You were interviewed on Monday, March 26, 2007, by J. Jones, Correctional Lieutenant, and stated that Officer M. Robinson would not allow you to send home your personal property since you had no money in your trust account. You also stated that there was money in canteen that was supposed to be returned to you. You felt Officer Robinson should have waited till the money was put back on the books and then send your property home. Officer M. Robinson was interviewed by Lt. J. Jones on 3-27-07 he stated that there was no money in Appellants trust account on 2-06-07 and policy for sending property home is that you have to have money in your trust account to mail the property home. Operational Procedure 154, Behavior Modification Unit Pilot program, states in part that it will be the responsibility of the sending facility to ensure only authorized property is delivered to R&R. The disposition of unauthorized property will be per title 15, section 3191 ©, which states in part an inmate shall select one of the methods listed for disposing of personal property which is unauthorized pursuant to Title 15. if the inmate makes no selection or has insufficient funds, staff shall document that fact and determine the method of disposition.

**FINDINGS FOR AN APPEAL INQUIRY:**

Your appeal is PARTIALLY GRANTED at the  First level  Second level, as an inquiry into your allegation has been conducted. ALL STAFF PERSONNEL MATTERS ARE CONFIDENTIAL IN NATURE. As such, results of any inquiry/investigation will not be shared with staff, members of the public, or inmates. Although you have the right to submit a staff complaint, a request for administrative action regarding staff or the placement of documentation in a staff member's personnel file is beyond the scope of the staff complaint process.

Exhibit = ~~XXXXXXXXXX~~ X-6

**C-FILE**

Inmate Higgins J-06160  
CCI-0-07-00649  
Page 2

Allegations of staff misconduct do not limit or restrict the availability of further relief via the inmate appeals process. If you wish to appeal the decision, you must submit your staff complaint appeal through all levels of appeal review up to, and including, the Director's Level of Review. Once a decision has been rendered at the Director's Level of Review, your administrative remedies will be considered exhausted.

Please print and sign below:

M Carrasco @ M Canasio  
Warden/CDW/HCM (Second Level) AW/Med. Mgr. (First Level)

4-4-07  
Date

Exhibit - ~~X~~ 7



DEPARTMENT OF CORRECTIONS

STATE OF CALIFORNIA

PROPERTY AND CASH RECEIPTS - ARRIVAL

DISTRIBUTION  
 ORIG: Inmate (White)  
 CC: Property File (Canary)  
 Trust Office (Pink)  
 Central File (Green)

00049

INMATE'S NAME: HIGGINS NUMBER: J06160 CASH PLACED IN INMATE'S ACCOUNT: \_\_\_\_\_

DISPOSITION CODE: K=KEPT IN POSSESSION (WATCHES, RINGS, AND METALS VALUED LESS THAN \$30)  
 M=MAIL D=DONATED S=HELD IN SAFE V=VAULT

QUANTITY	ARTICLES	DISP.	QUANTITY	ARTICLES	DISP.	QUANTITY	ARTICLES	DISP.
	BELT			SUIT			DENTURES	
	BLOUSE			SWEATER			DRIVER'S LICENSE	
	CAP			TANK TOP			EYEGLASSES	
	COAT			UNDERWEAR			KEYS	
	DRESS							
	HANDKERCHIEF							
	HAT			LEGAL PAPERS			MEDICAL ID	
	JACKET			LETTERS			MISC. ID	
	NECKTIE/SCARF			PHOTOS			MARR. CERT.	
	OVERCOAT			PURSE			BIRTH CERT.	
	PAJAMAS			BILLFOLD			SEL. SER. CARD	
	PANTS/SLACKS			BOOKS			SOC. SEC. CARD	
	SHIRT			BIBLE			RELIGIOUS MEDALS	
	SHOES			DICTIONARY			RING	
	SHORTS						SUNGLASSES	
	SKIRT						WATCH	
	SLIPPERS			COIN				
	SOCKS			CURRENCY				
	STOCKINGS			CANTEEN DUCAT				

DESCRIPTION OF ITEMS ALLEGED BY INMATE TO HAVE A VALUE OVER \$30

(1) T.V. (misc) paper work (12) Books (1) Thermal top & bottom (2) soaps  
 No money on Books 2/6/17 MR  
 Confiscated.

DESCRIPTION OF ITEMS "TO BE DESTROYED"

ARTICLES LISTED AS "MAIL" ABOVE ARE TO BE FORWARDED TO:  
 NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE AND ZIP CODE: \_\_\_\_\_

CLAIM AND RELEASE

I relinquish all claim to the articles listed above as "Donated", and hereby acknowledge receipt of articles listed as "Kept in Possession". The above is a correct inventory of personal property in my possession at the time of admission.

SIGNATURE OF INMATE: \_\_\_\_\_ DATE: \_\_\_\_\_ WITNESSING OFFICER: \_\_\_\_\_

I hereby authorize destruction of articles listed above as "To be Destroyed".

SIGNATURE OF INMATE: \_\_\_\_\_ DATE: \_\_\_\_\_ WITNESSING OFFICER: \_\_\_\_\_

I hereby acknowledge receipt of the articles listed above as "Held in Safe" which was given to me upon my release from the institution.

SIGNATURE OF INMATE: \_\_\_\_\_ DATE: \_\_\_\_\_ WITNESSING OFFICER: \_\_\_\_\_

2007 FEB 21 PM 2:36  
 CCL - TITHA PHANI  
 APPEALS OFFICE

State of California

Department of Corrections and Rehabilitation

# ALLEGATION OF MISCONDUCT BY PEACE OFFICER

## Notice of Rights and Responsibilities

Pursuant with the Penal Code 81.48, anyone wishing to file an allegation of misconduct by a Departmental Peace Officer must read, sign and submit the following statement with the CDC 602 form, to the Appeals Coordinator.

You have the right to make a complaint against a Departmental Peace Officer for any improper peace officer conduct. California law requires this agency to have a procedure to investigate complaints. You have a right to a written description of this procedure. This agency may find, after investigation, that there is not enough evidence to warrant action on your complaint, even if that is the case, you have the right to make the complaint and have it investigated if you believe an officer behaved improperly. Complaints and any reports relating to complaints must be retained by this agency for at least five years.

It is against the law to make a complaint that you know to be false. If you make a complaint against an officer knowing that it is false, you can be prosecuted on a misdemeanor charge in a criminal court.

*Refused to Sign*

INMATE SIGNATURE

*3-26-07*  
DATE

*J. J. [Signature]*

INTERVIEWER SIGNATURE

*3-26-07*  
DATE

EXHIBIT = ~~XXXXXXXXXX~~ X-9

**INMATE APPEALS BRANCH**

1515 S Street, Sacramento, CA 95814  
P.O. Box 942883  
Sacramento, CA 94283-0001



June 15, 2007

HIGGINS, CDC #J-06160  
California Correctional Institution  
P.O. Box 1031  
Tehachapi, CA 93581

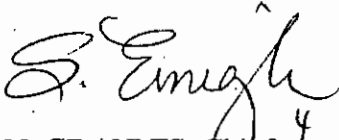
Re: Institution Appeal Log #CCI 07-00649 Staff Complaint

Dear Mr. HIGGINS:

The enclosed documents are being returned to you for the following reasons:

Only the original appeal form is accepted at the Director's Level of Review. If you do not have the original appeal, see your Appeals Coordinator for a replacement copy.

Your assigned counselor, the Appeals Coordinator, or your Parole Agent can answer any questions you may have regarding the appeals process. Library staff can help you obtain any addresses you need.

  
N. GRANNIS, Chief  
Inmate Appeals Branch



REPORT ID: TS3030

REPORT DATE: 04/11/07  
PAGE NO: 2

CALIF CORRECTIONAL INSTITUTION  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JAN. 01, 2007 THRU APR. 11, 2007

ACCT: J06160

ACCT NAME: HIGGINS, CARL

ACCT TYPE: I

\* THIS STATEMENT DOES NOT REFLECT THE ADMINISTRATIVE FEE CHARGE THAT \*  
\* IS EQUAL TO TEN PERCENT OF THE RESTITUTION AMOUNT COLLECTED. \*

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
16.80	21.89	38.69	0.00	1.41	0.00
					CURRENT AVAILABLE BALANCE
					1.41

Exhibit = ~~XXXXXXXXXX~~ X-12



NAME: HIGGINS, CARI

CDCR #: J06160

BED: ASU1-180L

COMMITTEE ACTION SUMMARY

RETAIN IN ASU PENDING TRANSFER. ASSESS AND IMPOSED A 15 MONTH SHU TERM WITH A MERD OF 11-29-06. REFER TO SHU CSR RX AUDIT AND TXRX CGI/COR SHU. CONTINUE MAX CUSTODY CONTINUE DI/D WG/PG EFF 12-21-05. CONTINUE DOUBLE CELL STATUS AND W/A YARD W/CELLIE.

COMMITTEE'S COMMENTS

Inmate HIGGINS, J06160 made a personal appearance before KVSP ICC on 6-8-06 for Special ASU Review. "S" received his 72-hour notice for the purpose of this review. Prior to committee reviewing and discussing this case, "S" was introduced to the committee members. "S" stated he was in good health and was ready to proceed.

COMMITTEE NOTES: "S" was placed in ASU on 12-21-05, as a result of being charged with BATTERY ON A PEACE OFFICER (CDC-115 Log# FB-05-12-039). On 4-9-06 this RVR was adjudicated and "S" was found guilty of the above charge and assessed NO forfeiture of credit due to lost time constraints. The review process for the RVR was completed on 5-23-06 and the "S" received his final copy on 5-31-06. A CDC-629A has been prepared for a 15 month aggravated SHU term with a MERD of 11-29-06. This SHU term has been aggravated due to prior RVR for the same nature dated: 2-19-00 BATTERY ON A PEACE OFFICER A-00-02-0060 MERD 11-19-00.

COMMITTEE ACTION: RETAIN IN ASU PENDING TRANSFER. ASSESS AND IMPOSED A 15 MONTH SHU TERM WITH A MERD OF 11-29-06. REFER TO SHU CSR RX AUDIT AND TXRX CGI/COR SHU. CONTINUE MAX CUSTODY CONTINUE DI/D WG/PG EFF 12-21-05. CONTINUE DOUBLE CELL STATUS AND W/A YARD W/CELLIE.

CELL / YARD REVIEW: After review of case factors "S" is approved for double-cell housing and walk alone yard with his cell partner.

INMATE COMMENTS/PARTICIPATION: "S" was a active participant in today's committee and stated that he understood committee's actions and is in agreement. "S" was advised of his appeal rights. No additional case concerns at this time.

CLINICIAN REVIEW: Mental Health Staff, provided a MH status review and indicated that "S" is not a participant in the Mental Health Delivery System.

CASE FACTORS ADDITIONAL: All case factors remain the same as noted in initial UCC CDC-128G dated 8-15-05.

CUSTOD	SSN	WG/PG EFF DATE	RELEASE DATE	GPL	RECLASS	AGE	ETHNIC	PSYCH	NEARLY DATE
MAX	561V	D1D-12/21/2005	LWOP	8.1	9/1/2006	32	BLA	CLE	N/A-

INMATE

COMMITTEE MEMBERS

CHAIRPERSON  
NATE DILL CDW(a)

MEMBERS

R. CARREIDO, C&PR (A), E. FLORES, FACILITY CAPTAIN,  
DR. SCHMIDT, PSY

RECORDER  
D.A. WHITE ASU CC-II

Committee Date: 6/8/2006

ASU REVIEW

Typed By: DAW - Distribution: C-File & Inmate

KERN VALLEY STATE PRISON

EXHIBIT = 2-1

NAME: HIGGINS, CARL

CDC #: J06160

BED: ASU2-187L

**COMMITTEE ACTION SUMMARY**

RETAIN IN ASU PENDING COMPLETION OF THE DISCIPLINARY PROCESS. ESTABLISH MAX CUSTODY, DID EFFECTIVE 12/21/05. REFER TO CSR RX 90 DAY ASU EXTENSION. DOUBLE CELL, WALK ALONE YARD WITH CELLIE. USE OF FORCE, PROPERTY, VISITING, AND APPEAL RIGHTS EXPLAINED.

**COMMITTEE'S COMMENTS**

Inmate HIGGINS, J06160 appeared before KVSP ICC AdSeg on 12/29/05 for Initial ASU Review. 'S' voiced no health concerns. 'S' was provided 72 hours notification prior to ICC regarding this review.

**CDC 114D REVIEW:**

'S' was placed in KVSP ASU on 12/21/05 per order of W. Durden, Lieutenant, due to battery on a Peace Officer. The administrative review was performed on 12/22/05 by F. Reynoso, Facility Captain (A); who retained 'S' in ASU pending review by ICC, and 'S' return to GP deemed a threat to the safety and security of the institution. The CDC 114D was reviewed by N. Dill, Associate Warden.

**COMMITTEE NOTES:**

Committee notes while 'S' was being escorted to facility B medical clinic, 'S' struck Correction Officer, J. Medina, in the shoulder with his forehead. Committee elects to retain 'S' in ASU pending completion of the disciplinary process. Establish MAX custody, DID effective 12/21/05. REFER TO CSR RX 90 DAY ASU EXTENSION. Use of force, property, visiting, and appeal rights explained.

**INMATE COPY**

**CELL STATUS / YARD STATUS REVIEW:**

After review of 'S' case factors, noting no in cell predacious behavior, ICC elects to place 'S' on double cell status and walk alone yard while housed in ASU.

**INMATE COMMENTS/PARTICIPATION:**

'S' stated he understood classification action, and 'S' stated he agreed with committee's action. 'S' was informed of committee's decision and his appeal rights.

**CLINICIAN REVIEW:**

Dr. Metcalf, Clinical Psychologist, advised committee 'S' is not a participant in the MHSDS and is able to comprehend the issues under review.

**CASE FACTORS ADDITIONAL:**

'S' has a reading GPL of 8.1 per CDC I28B dated 5/15/03. Therefore, does not require a staff assistant for this review.

GUSTODY	CS/LEVEL	AWC/PC & EFF. DATE	RELEASE DATE	GPL	RECLASS	AGE	ETHNIC	PSYCH	NEXT BIRTH DATE
MAX	52/IV	DID 12/21/2005	LWOP	8.1	3/30/06	31	BLA	CLEAR	N/A

**COMMITTEE MEMBERS**

**CHAIRPERSON**

*F. B. Haws*  
 F. B. Haws, CDW (A)

**MEMBERS**

*H. Tyson*, Captain (A) - Dr. Metcalf, PHD  
 D. Smith; C&PR - T. Billings, Captain (A)

**RECORDER**

*R. Thomas*  
 R. Thomas, CCH

Committee Date: 12/29/05

**ASU INITIAL**

Typed By: aat - Distribution: C-File & Inmate

KERN VALLEY STATE PRISON

Classification Chrono CDC 128G (Rev: 5/01)

Exhibit = ~~128~~ - 2



STATE OF CALIFORNIA  
**NOTICE OF CLASSIFICATION HEARING**  
 DEPARTMENT OF CORRECTIONS AND REHABILITATION  
**CDC 128B-1**

INMATE NAME HIGGINS	CDC NUMBER J-06160	HOUSING ASU1-180L	DATE 05/03/06
------------------------	-----------------------	----------------------	------------------

You will appear before a classification committee on **A.S.A.P.** for consideration of a major program change as follows:

- TRANSFER
- INCREASE IN CUSTODY
- ASSIGNMENT TO SECURITY HOUSING
- REMOVAL FROM PROGRAM
- OTHER ICC **NOTED BELOW**

**REASONS:** On 05/03/06 The above named inmate made a personal appearance before this Senior Hearing Officer (SHO) for Adjudication / Disposition of Rules Violation Report, Log # FB-05-12-039. Subject was subsequently found guilty and ordered to appear before I.C.C. for Program / Custody Review. AND ASSESSMENT FOR POSSIBLE SECURITY HOUSING UNIT PLACEMENT

STAFF NAME J. HAMLIN	INSTITUTION CSP-KERN VALLEY
ORIGINAL C-FILE	COPY TO INMATE



EXHIBIT =  Y-3

CARL L. Higgins  
Plaintiff

v.

Case Number: 1:07cv-00934-LJO-GSA-R

MEDINA, Miranda, Williams, LOZANO,  
JOSE, REYNOSO, ZANCHI, Chapman,  
RHODES, Robinson

PROOF OF SERVICE

I hereby certify that on MARCH 3 2009, I served a copy  
of the attached Amended Complaint

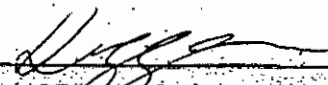
by placing a copy in a postage paid envelope addressed to the person(s) hereinafter  
listed, by depositing said envelope in the United States Mail at

CCI, Tehachapi, CA. 93581

(List Name and Address of Each  
Defendant or Attorney Served)

United STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
Office of the Clerk  
2500 TOLARE STREET, Room 1-505  
U.S. COURT HOUSE Building  
FRESNO, CA. 93721-2201

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

  
(Signature of Person Completing Service)