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Plaintiff's Name Daniel Rowe
Inmate No. H90911
Address P.O. Box 290066 B3-120
REPRESA, CA. 95671

MAY 22 2008

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

Daniel Rowe

1:07-cv-1150 OWW (NEW) DLB-PC

(Name of Plaintiff)

(Case Number)

vs.

M. CASTRO, ET AL.,

AMENDED COMPLAINT

Civil Rights Act, 42 U.S.C. § 1983

FILED

MAY 22 2008

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

(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

(PC) Rowe v. Castro et al

If your answer to A is yes, how many? 3

Doc. 14 Att. 1

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 Daniel Rowe

Defendants Smyth, Tomlin, Escalera, Olivarría, Cribbs,
Recek, Pear, Castro, Ortiz, Land, Conklin

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

U.S.D.C. Eastern District of California - Fresno

3. Docket Number

CV 006843 AWJLTOP

4. Assigned Judge

Lawrence J. O'Neill

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

Dismissed

6. Filing date (approx.)

Oct. 30, 2000

7. Disposition date (approx.)

8/24/2005

1.

PARTIES TO PREVIOUS LAWSUIT:

PLAINTIFF: DANIEL ROWE

DEFENDANTS: DIRECTOR OF CORRECTIONS, CHIEF PSYCHIATRIST, CHIEF MEDICAL OFFICER, HEALTH CARE MANAGER, HEALTH PROGRAM COORDINATOR, CHIEF PHYSICIAN & SURGEON, J. KURZ (MTA), D. RODRIGUEZ (SENIOR MTA)

2.

COURT: U.S.D.C. EASTERN DISTRICT OF CALIFORNIA - FRESNO

3.

DOCKET NO: CV 01171 OWW SMS

4. ASSIGNED JUDGE:

5. DISPOSITION: STILL PENDING

6. FILING DATE: 8/31/2006

7. DISPOSITION DATE: STILL PENDING

1. PARTIES TO PREVIOUS LAWSUIT:

PLAINTIFF: DANIEL ROWE

DEFENDANTS: MONTROYA, THE WARDEN, CHIEF MEDICAL OFFICER, DOCTOR T. HASAD/SRI

2. COURT: U.S.D.C. EASTERN DISTRICT OF CALIFORNIA - FRESNO

3. DOCKET NO: CV 00 2072 LJOWWW PC

4. ASSIGNED JUDGE:

5. DISPOSITION: STILL PENDING

6. FILING DATE: 2/20/2007

7. DISPOSITION DATE: STILL PENDING

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

Yes No

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

Yes No

If your answer is no, explain why not _____

C. Is the process completed?

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

INFORMAL level AND FIRST level by PASSED, SECOND level PARTIALLY GRANTED, but nothing solved, DIRECTOR'S level DENIED.

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 M. CASTRO is employed as CORRECTIONAL OFFICER at CORCORAN STATE PRISON

V. FRESCURA (CORRECTIONAL OFFICER),
G. MALDONADO (CORRECTIONAL SERGEANT),
R. SALINAS JR. (CORRECTIONAL SERGEANT),
G. RODRIGUEZ (CORRECTIONAL OFFICER)
N. GRANNIS (CHIEF - DEPARTMENT OF CORRECTIONS - SAC,

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.)

M. CASTRO, And K. FRESCURA AT NUMEROUS OF TIMES HAVE ENTERED MY CELL DOOR WITH CONFIDENTIAL LEGAL MAIL, AND REGULAR PERSONAL MAIL ADDRESSED TO ME FROM COURTS, LAWYERS AND OTHER OUTSIDE COMMUNICATIONS, CASTRO AND FRESCURA HAVE INTENTIONALLY READ RIGHT IN FRONT OF ME, MY LEGAL DOCUMENTS IN MY MAIL, CASTRO AND FRESCURA HAVE ALSO CENSORED AND HELD MY MAIL, LEGAL AND REGULAR PERSONAL MAIL IN RETALIATION OF BRINGING LITIGATIONS AND OTHER COMPLAINTS IN THE INSTITUTION, AND FOR PUNISHMENT OF MY CELL LIGHT BEING TURNED OFF. G. MALDONADO IS THE SERGEANT WHO INTERVIEW ME ON THE ISSUE OF MY COMPLAINT AGAINST CASTRO AND

V. Relief.

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

ABOUT MY READ LEGAL DOCUMENTS, AND CENSORED AND HELD LEGAL AND PERSONAL MAIL, MALDONADO \$ 500 IN PUNITIVE DAMAGES, \$ 4,971 ATTORNEY FEES, AND ALL DEFENDANTS TO BE REVOKED FROM CDC EMPLOYMENT.

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

Date 5/12/08

Signature of Plaintiff Daniel Rowe

(revised 2/10/2006)

MADE A STATEMENT TO ME THAT IF I DON'T HAVE MY CELL LIGHT ON THAT I WILL NOT BE GETTING MY MAIL AT ALL, AND PUTS MALDONADO IN AWARE OF THE SITUATION OF CASTRO AND FRESCURA'S MISCONDUCT OF TAMPERING, READING LEGAL CONFIDENTIAL MAIL, CENSORING, WITHHOLDING LEGAL CONFIDENTIAL AND PERSONAL MAIL. G. RODRIGUEZ IS CORRECTIONAL OFFICER WHO HANDLES PROPERTY AS PROPERTY OFFICER AT CORCORAN STATE PRISON. I WAS NOTIFIED ON 3-14-07 THAT I HAD INCOMING PACKAGE FROM A PLACE CALLED "ART IN PRISON", WHICH WAS A "CD", BY OFFICER G. RODRIGUEZ. RODRIGUEZ ASKED ME IF I WANTED TO SEND IT BACK TO SENDER, HOME OR DONATE IT, I SAID TO SEND IT BACK TO SENDER, OR IF HE COULD HOLD IT UNTIL I GOT OUT OF THE SHU (HOLE) BACK TO GENERAL POPULATION, BECAUSE "CD'S" ARE ALLOWED ON GENERAL POPULATION MAINLINE, AND HE SAID IT WAS NOT ALLOWED IN THE SHU (HOLE). RODRIGUEZ THEN SENT ME A CHRONO STATING THAT HE HAD DISPOSED MY "CD" WITH DESTRUCTION. G. RODRIGUEZ ALSO NOTIFIED ME WITH RECEIPTS OF INCOMING PACKAGES TO ME, "3 BOOKS AND A MAGAZINE FROM PUBLICATIONS, THAT MY INCOMING PROPERTY OF THESE 3 BOOKS

And MAGAZINE WAS being destroyed.

R. SALINAS JR. interview me on the issue on my ~~my~~ property being destroyed by G. RODRIGUEZ that brought him to AWARENESS. SALINAS STATED AN AGREEMENT THAT IT WAS OKAY FOR RODRIGUEZ TO DESTROY MY PROPERTY ON COZINMATE APPEAL in the the first level interview section. SALINAS IS SERGEANT AT CORCORAN STATE PRISON AND WAS NOTIFIED AND AWARE OF THE SITUATION. SALINAS ALSO WAS NOTIFIED AND INTERVIEWED ME ON THE ISSUE OF C/O FRESCURA READING, CENSORING, WITHHOLDING MY LEGAL MAIL, AND CENSORING WITHHOLDING MY PERSONAL MAIL. SALINAS ADMITS THAT FRESCURA DID LOOK AT MY LEGAL MAIL IN STATEMENT DOCUMENTS SENT TO ME. AND HE TOLD ME AT THE INTERVIEW THAT THEY HAD A RIGHT AND COULD READ PORTIONS OF A PERSONS LEGAL DOCUMENTS.

N. GRANNIS IS CHIEF DIRECTOR OF CORRECTIONS AND WAS NOTIFIED OF THE ISSUES BROUGHT ON ALL ABOVE DEFENDANTS ON A WRITTEN INMATE APPEALS GRANNIS REVIEW THE APPEAL AND DENIED TO FIX OR TAKE ACTION AS SUPERVISER. GRANNIS WAS AWARE.

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, Daniel Rowe, declare:

I am over 18 years of age and a party to this action. I am a resident of REPPESA, CALIFORNIA,
CALIFORNIA STATE PRISON - SAC Prison,

in the county of SACRAMENTO

State of California. My prison address is: PO BOX 290066, B3-120
REPPESA, CA. 95671

On 5/12/08
(DATE)

I served the attached: 2 Amended Complaint 1983 42 U.S.C

(DESCRIBE DOCUMENT)

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

United States District Court
Eastern District of California — 2500 Tulare St.
Rm. 1505
FRESNO, CA. 93721

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

Executed on 5/12/08
(DATE)

Daniel Rowe
(DECLARANT'S SIGNATURE)