

Plaintiff's Name ROBERT LEE JENKINS, JR.
Inmate No. H-53355
Address CMC-EAST 1134
P.O. BOX 8101
SAN LUIS OBISPO, CALIFORNIA
93409-8101

FILED

MAY 01 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

ROBERT LEE JENKINS, JR.
(Name of Plaintiff)

CASE NO. 1:07-cv-01223 LJO DLBPC
(Case Number)

vs.

AMENDED COMPLAINT

L.T. PERRY, SGT. BRADFORD,
SGT. CHALABIAN,
CPT. WILLIAMS

Civil Rights Act, 42 U.S.C. § 1983

(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) Jenkins v. Perry et al If your answer to A is yes, how many? 2

Doc. 10 Att. 2

Describe previous or pending lawsuits in the space below.
(If more than one, use back of paper to continue outlining all lawsuits.)

1. Parties to this previous lawsuit: C/O CAPLAN

Plaintiff ROBERT L. JENKINS, JR.

Defendants C/O CAPLAN

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

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA

3. Docket Number C02-5603 RMW (PR) 4. Assigned Judge RONALD-M. WHYTE

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

STILL PENDING

6. Filing date (approx.) 11/02

7. Disposition date (approx.) STILL PENDING

RECEIVED

MAY 01 2008

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY E. SCRIVNER
DEPUTY CLERK

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 N/A

C. Is the process completed?

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

MY APPEAL WAS DENIED AT EACH LEVEL

No If your answer is no, explain why not.

N/A

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 L.T. PERRY, M. is employed as LIEUTENANT B-YARD at PLEASANT VALLY STATE PRISON.

CAPTAIN WILLIAMS.

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.)

GROUND ONE: CORRECTIONALS OFFICERS ACTING UNDER THE COLOR OF LAW VIOLATED PETITIONERS CONSTITUTIONAL RIGHTS UNDER THE EIGHT AMENDMENTS BY FAILING TO PROTECT HIM.

(SEE ADDED PAGE)

V. Relief.

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

I'M REQUESTING TO BE COMPENSATED FOR ALL LEGAL FILING FEE'S \$350.00 I'M ALSO REQUESTING PUNITIVE DAMAGES \$10.000 DOLLARS EACH DEFENDANT. I'M ALSO REQUESTING COMPENSATORY DAMAGES TO BE PAID OUT OF EACH DEFENDANTS OWN POCKET IN THE AMOUNT OF &20.000 DOLLARS THAT ARE PROVEN TO BE INVOLVED. I'M ALSO REQUESTING ALL POSTAL FEE'S \$50.00 AND ALL COPIES \$40.00. FINALLY I'M REQUESTING THAT ALL STAFF INVOLVED BE TRAINED TO DEAL WITH FUTHER SITUATIONS THAT MAY ARISE SUCH AS THIS ONE DID.

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

Date 4-28-08

Signature of Plaintiff Robert Lee Jenkins

(revised 2/10/2006)

PETITIONER CONTENDS THAT CORRECTIONAL OFFICER AT PLEASANT VALLY STATE PRISON L.T. PERRY, SGT, BRADFORD, SGT. CHALABAIN, AND CAPTAIN WILLIAMS VIOLATED PETITIONERS CONSTITUTIONAL RIGHTS UNDER THE EIGHT AMENDMENT BY FAILING TO PROTECT HIM FROM HARM BY BEING DELIBERATE INDIFFERENT TO THE CIRCUMSTANCES SURROUNDING A FIGHT BETWEEN PETITIONER AND INMATE NEELEY. CORRECTIONAL OFFICERS WITH NEGLIGENCE AND WILLFUL DISREGARD FAILED TO INVESTIGATE THE INCIDENT IN ACCORDANCE WITH REGULATION SAFETY STANDARD PROCEDURES. THE INCIDENT OCCURRED DURING CLASS IN VOCATION MASONARY, WHERE

(SEE PAGE TWO)

THE VOC INSTRUCTOR ACTIVATED HIS ALARM, AT WHICH TIME THREE WHITE INMATES, AND TWO BLACK INMATES WERE ESCORTED FROM VOC. MASONRY TO THE PROGRAM OFFICE BY SGT. BRADFORD AND L.T. PERRY. TWENTY MINUTES LATER THE INSTITUTION WAS PALCED ON LOCKED DOWN FOR SECURITY REASON'S; AND THE YARD AND VOCATIONS WAS RECALLED. AT WHICH TIME SGT. BRADFORD AND L.T. PERRY UNDER THE WATCHFUL EYE OF CAPTIAN WILLIAMS TALK TO THE INMATES AT THAT POINT AND TIME IT WAS MADE CLEAR TO L.T. PERRY AND CAPTAIN WILLIAMS THAT THE INCIDENT THAT HAD JUST TOOK PLACE BACK IN VOCATIONS WAS BETWEEN I/M JENKINS AND I/M NEELEY, ONCE THIS INFORMATION WAS REVEALED SGT BRADFORD, AND L.T. PERRY, AND CAPTIAN WILLIAMS SHOULD HAVE HAD MYSELF AND I/M NEELEY ESCORTED TO THE PROGRAMM OFFICE FOR FUTHER QUESTIONING TO CONDUCT A INVESTIGATION TO DETERMINE THE SECURITY THREAT IF ANY, AND TO DETERMINE WETHER OR NOT THE INCIDENT WAS RESOLVED. BUT THEY DID NOT! INSTEAD ONCE THEY FOUND OUT THAT I WAS ONE OF THE I/M'S INVOLVED, L.T. PERRY SGT. BRADFORD AND CAPTAIN WILLIAMS NEGLECTED TO DO OR PERFORM THEIR JOB DUTIES BUT INSTEAD APPOINTED THE "SO CALLED" SHOT CALLERS ON THE MEN'S AVISORY COUNCIL IN CHARGE, AND TOLD THEM TODEAL WITH THE PROBELM, THE ADMINISTRATION NEVER INTERVIEWED ME OR INMATE NEELEY THEIR WAS NO INVESTIGATION DONE ON THIS ISSUE BY THE ADMINISTRATION ON THE LOCK DOWN BETWEEN MYSELF AND I/M NEELEY. THE NEXT DAY ON 8-3-05 THE WHITES JUMPED ON I/M NEELEY THAT SHOUD HAVE BEEN A CLUE THAT THEY THE ADMINSTRATION HAD A PROBLEM, BECAUSE THEY THE SGT BRADFORD, SGT CHALABIAL, L.T. PERRY AND CAPTIAN WILLIAMS ALL HAD KNOWLEDGE OF THE INCIDENT THAT TOOK PLACE IN VOC. MASONRY THAT CAUSED THE INSTITUTION TO GO ON LOCK-DOWN THE DAY BEFORE, AFTER I/M NEELEY WAS JUMPED BY THE WHITES HE WAS ROLLED UP OFF OF THE YARD AND PLACED ON C-YARD. ON THE FOLLOWING DAY 8-4-05 I WAS THEN JUMPED AND BEATEN SEVERLY IN FRONT OF VOCATIONS MASONRY

AND ALL ALONG THE STAFF HAD KNOWLEDGE OF THIS TAKING PLACE BEFORE IT HAPPEN. AFTER I WAS BEATEN I WAS THEN TAKEN TO THE PROGRAM OFFICE WHILE I WAS SITTING THEIR SGT CHALABIAN WALKED IN AND SAID OH "I SEE THEY ALREADY GOT TO HIM". CLEARLY THE STAFF HAD KNOWLEDGE OF THE ASSAULT AGAINST ME, WHEN THEY FAILED TO INVESTIGATE THE INCIDENT BETWEEN MYSELF AND INMATE NEELEY ON 8-2-05, BUT INSTEAD THEY ALLOWED THE "SO CALLED SHOT CALLERS" TO DEAL WITH THEIR OWN RACE, INMATE NEELEY WAS JUMPED BY HIS RACE AND I WAS JUMPED BY MY RACE, AND BECAUSE I CHOOSE NOT TO PLAY THEIR LITTE GAME AFTER THEY ALLOWED ME TO BE JUMPED, IN THEIR RESPONSE IN AN ATTEMPT TO COVER IT UP WHAT THEY L.T. PERRY, SGT BRADFORD, SGT. CHALABAIN, AND CAPTAIN WILLIAMS PARTICIPATED IN AND HAD KNOWLEDGE, THEY HAD KNOWLEDGE OF THE INCIDENT BETWEEN MYSELF AND INMATE NEELEY BUT FAILED TO INVESTIGATE THE INCIDENT THAT LEAD TO THE LOCK-DOWN BETWEEN MYSELF AND I/M NEELEY, AND INSTEAD OF FOCUSING ON THE INVESTIGATION CONCERNING THIS INCIDENT THE REVIEWER STATED TAHT BECAUSE I FAILED TO IMPLI-CATE ANY INMATE IN MY ASSAULT, WHEN I STATED THAT I FAILED AND HIT MY HEAD; WELL CLEARLY I HAD ALREADY BEEN BETRAYED BY THE TRUST OF THE SAME OFFICERS WHO ALLOWED THIS ASSAULT TO TAKE PLACE NOW THEY WANTED ME TO ENDANGER MY LIFE EVEN MORE BY POINTING OUT THE THREE INMATES WHO PARTICIPATED IN THE ASSAULT AGAINST ME SO THAT THEY COULD USE THAT INFORMATION TO FUTHER ENDANGER MY LIFE BY LABORING ME AS A SNITCH" AT THAT POINT AND TIME I WAS NOT GOING TO PLAY THAT GAME I HAD ALREADY BEEN BEATEN SEVERLY WHILE THEY ALLOWED IT TO HAPPEN I LOST TRUST, WHEN CLEARLY I KNEW THAT THEY THE STAFF ORC-ASTRATED THE ASSAULT AGAINST ME NOW THEY WANTED TO PLAY AS IF TH- EY WERE CONCERN OR CARED WHEN THEY DIDN'T. THEY WERE ONLY CONCERN AT THAT POINT IN COVERING UP THEIR ACT OF NEGLIGENCE THAT THEY COM- MITTED BY ALLOWING ME AND I/M NEELEY TO BE ASSAULTED TO HAVE US RE-

MOVED OFF THE YARD. AT THAT POINT AND TIME AFTER I WAS ASSAULTED I WAS RUSHED TO THE EMERGENCY ROOM OUT-SIDE OF THE INSTITUTION TO A LOCAL HOSPITAL, WHERE I HAD A TUBE STUCK IN MY CHEST TO REMOVE FLUIDS FROM MY LUNGS, I HAD FOUR BROKEN RIBS I HAD A COLLAPSED LUNG I HAD A HARD TIME BREATHING, I COULD NOT WALK I HAD NUMEROUS CUTS, AND BRUISES ALL OVER MY BODY MY FACE WAS SWOLLEN VERY BADLY. THE CALIFORNIA CODE OF REGULATIONS TITLE (15) 3271 RESPONSIBILITY OF EMPLOYEES REGARDLESS OF HIS OR HER ASSIGNMENT IS RESPONSIBLE FOR THE SAFE CUSTODY OF HIS OR HER ASSIGNMENT IN THE INSTITUTIONS OF THE DEPARTMENT. THE STAFF THAT I HAVE NAMED IN THIS COMPLAINT HAS FAILED TO DO THAT. THE INVESTIGATION THAT I REQUESTED INTO THIS COMPLAINT DID NOT TAKE PLACE AT NO LEVEL OF THE APPEAL, NOR DID THE DIRECTOR'S LEVEL INVESTIGATE OR ADDRESS THE ACTION THAT I REQUESTED, (1) WHY WASN'T MYSELF AND I/M NEELEY INTERVIEWED AFTER THE INCIDENT BETWEEN US IN VOCATIONS MASONRY THAT GOT THE INSTITUTION LOCK-DOWN? (2) WHY WAS THE SHOT CALLERS ALLOWED TO MAKE THE DECISION THAT I AND I/M NEELEY HAD TO ROLL IT UP OFF OF THE YARD? IF THE STAFF/ADMINISTRATION FELT THAT WE POSED A THREAT, OR A SAFETY CONCERN WHY DIDN'T THEY THE ADMINISTRATION TAKE THE RIGHT STEPS NECESSARY STEPS TO MAKE IT HAPPEN, INSTEAD OF INMATES DOING THEIR JOBS AND GETTING ME HURT IN THE PROCESS. (3) AFTER I/M NEELEY WAS JUMPED ON THE NEXT DAY 8-3-05 WHY WASN'T I PLACED IN PROTECTED CUSTODY? ON 8-4-05 I WAS JUMPED AND ASSAULTED. THE STAFF NAMED IN THIS COMPLAINT ACTIVELY PERMITTED, AND ENCOURGED THE ASSAULT AGAINST ME! THEY ALLOWED THE ASSAULT TO TAKE PLACE AGAINST MYSELF AND DID NOTHING TO PREVENT IT. I ALSO REQUESTED THAT ALL OF THE STAFF COMPLAINTS THAT I FILED AGAINST L.T. PERRY BE REVEALED AND ATTACHED, TO THIS COMPLAINT, BUT THAT REQUEST WAS ALSO IGNORED, AND IN-

(5)

STEAD OF ATTACHING THE ISSUE'S THAT I WAS PURSUING AGAINST L.T. PERRY ALONG WITH SOME OTHER STAFF THAT WORKED UNDER HIS SUPERVISION THE APPEALS COORDINATOR R.SHANNON AND M.C.VOSS DISREGARDED MY REQUEST AND DID NOT RESPOND TO THE ACTION THAT I REQUESTED THIS PARTIAL, INVESTIGATION WAS DONE IN A FASHION OF A "CODE OF SILENCE" TO COVER UP FOR THE OFFICERS MISCONDUCT INSPITE OF THE ADMINISTRATION HOLDING THIS APPEAL FOR TWO YEARS BEFORE I RECEIVED A FINAL DECISION ON THIS INCIDENT/STAFF MISCONDUCT. I ALSO REQUESTED THAT I BE INTERVIEWED BY AN OUTSIDE AGENCY OR OFFICIAL TO AVOID BIAS OR PREJUDICE IN COMPLETING THE INVESTIGATION TO PREVENT A "CODE OF SILENCE" FROM OCCURING, BUT NEVER THE LESS M.C.VOSS AND R. SHANNON CC-II APPEAL'S COORDINATOR'S DID NOT ADDRESS THAT PART OF MY APPEAL. M.C.VOSS AND R.SHANNON MADE IT CLEAR IN PRIOR APPEALS THAT I FILED AGAINST THEM, THAT THEY WERE NOT CONCERN WITH INVESTIGATING THE STAFF FOR MISCONDUCT. CLEARLY I FILED THIS COMPLAINT AS A STAFF COMPLAINT IN ACCORD WITH CCR TITLE (15) 3271 RESPONSIBILITY OF EMPLOYEES BUT FOR SOME STRANG REASON UNCLEAR OF THE "CODE OF SILENCE" THE ADMINISTRATION CATEGORIZED THIS COMPLAINT AS SEGREGATION HEARING, AND THIS COMPLAINT HAD NOTHING TO DO WITH SEGREGATION,BUT THIS COMPLAINT HAD A LOT TO DO WITH STAFF MISCONDUCT,AND NEGLIGENCE THIS COMPLAINT WAS EVALUATED AS SEGREGATION TO COVER UP FOR STAFF MISCONDUCT AND TO KEEP IT FROM THEIR PERSONAL FILES,"IN A CODE OF SILENCE" THE ADMINISTRATION DID NOT TAKE THE APPROPRIATE COURSE OF ACTION. IN THE FIRST LEVEL RESPONSE BY SGT HUDSON WHOM IN FACT SHOULD NOT HAVE BEEN INVESTIGATING A INCIDENT CONCERNING ANOTHER SERGEANT,LIEUTENTANT, AND A CAPTAIN THIS COMPLAINT SHOULD HAVE BEEN CONDUCTED BY A STAFF/ADMINISTRATION ABOVE A CAPTAIN, NOT BELOW A CAPTAIN. CAPTIAN WILLIAMS,AND

(6)

L.T. PERRY IS SGT HUDSON'S BOSS WHOM I'M SURE WOULD THINK TWICE ABOUT INVESTIGATING THEM AND POINTING FINGERS AT THEM. THAT WAS ONE OF THE FIRST REASONS THAT THIS INVESTIGATION WAS A "SHAME" MY DUE PROCESS WAS VIOLATED AT THAT POINT. SGT. HUDSON STATED IN HIS FINDINGS THAT LIEUTENANT PERRY, SGT CHALABAIN AND CAPTAIN WILLIAMS HAD NO PRIOR KNOWLEDGE OF AN ASSAULT ON MY PERSON WOULD OCCUR IN THE MASONRY CLASS. I DON'T KNOW HOW OR WHY SGT. HUDSON WOULD MAKE SUCH A STATEMENT WHEN IN FACT THE FIRST INCIDENT THAT TOOK PLACE ON 8-2-05 L.T. PERRY NOR CAPTAIN WILLIAMS NEVER MADE AN ATTEMPT TO INVESTIGATE THE INCIDENT BETWEEN MYSELF AND INMATE NEELEY THAT CAUSED THE INSTITUTION TO GO ON LOCK-DOWN. THEN THE NEXT DAY I/M NEELEY GOT JUMPED BY HIS OWN REACE, AND WAS REMOVED FROM THE YARD TO C-YARD. THAT INCIDENT SHOULD HAVE CAUGHT THE STAFF ATTENTION KNOWING THAT I/M NEELEY WAS INVOLVED IN THE INCIDENT THE DAY BEFORE. SO CLEARLY THE VERY NEXT DAY ON 8-4-05 THE ADMINISTRATION SHOULD HAVE HAD SOME KNOWLEDGE THAT THEY HAD A PROBLEM, IF THEY HAD BEEN DOING THEIR JOBS CORRECTLY IN ACCORD WITH CCR TITLE (15) RESPONSIBILITIES OF EMPLOYEE. THAT RESPONSIBILITY FOR MY SAFE CUSTODY, THAT FOR WHICH THEY THE ADMINISTRATION FAILED. TO DO. FINALLY I WAS NOT ASSAULTED BY ONE I/M AS THE ADMINISTRATION ALLEGES, IT WAS THREE I/M'S. BUT EVERY PHASE OF THIS INVESTIGATION THE ADMINISTRATION TRYED TO PLAY THIS INCIDENT DOWN TO AMOUNT TO NOTHING TO COVER UP THEIR MISCONDUCT. THE ADMINISTRATION FAILED ME AND I/M NEELEY IN PROTECTING US FROM HARM.

(SEE EXHIBIT-A ATTACHED TO THIS COMPLAINT)

(EXHIBIT-A)

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

DIRECTOR'S LEVEL APPEAL DECISION

JUL 02 2007

Date:

In re: Jenkins, H-53355
California Men's Colony
P.O. Box 8101
San Luis Obispo, CA 93409-8101

IAB Case No.: 0612760

Local Log No.: PVSP 06-00562

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

I APPELLANT'S ARGUMENT: It is the appellant's position that he was harmed by the actions of supervising custody staff at Pleasant Valley State Prison (PVSP). The appellant contends that supervising custody staff had knowledge that he was going to be assaulted by another inmate prior to him being assaulted. The appellant believes that the facility sergeant and captain both had prior knowledge of the assault and allowed his victimization. The appellant theorizes that due to the numerous staff complaint appeals he has filed against staff, he was allowed to be assaulted. The appellant requests a full and complete investigation into his claim.

II SECOND LEVEL'S DECISION: The reviewer found that an appeal inquiry was conducted into the appellant's complaint. There was no evidence to support the appellant's claims of improper actions by any staff member at PVSP. In contrast, the appellant informed both Correctional Sergeant (Sgt.) Bradford and Correctional Lieutenant Perry that he was not assaulted, but fell and hit his head on a door knob, fell and hit his ribs and then blacked-out. The appellant was housed in the Administrative Segregation Unit (ASU) for safety concerns regardless of his failure to implicate any inmate in his assault. The administrative review was completed within the required time constraints and the appellant appeared before the Institution Classification Committee within 10 days of ASU placement. The appellant's retention in the ASU was deemed appropriate. It was determined the appellant should be transferred to another institution, as the assailant of his assault was never identified. The appeal was partially granted at the Second Level of Review in that an inquiry was conducted into the appellant's complaint.

III DIRECTOR'S LEVEL DECISION: Appeal is denied.

A. FINDINGS: Upon review of the documentation submitted, it is determined that the appellant's allegations have been reviewed and properly evaluated by administrative staff. The appeal was conducted by Sgt. Hosman, and reviewed by the institution's warden. The appellant did not provide any proof that he was inappropriately placed in the ASU nor did he support his claim that staff allowed him to be assaulted by another inmate. The appellant transferred to the California Men's Colony on February 2, 2007.

The appellant has failed to provide any new or compelling information that would warrant a modification of the decision reached by the institution. Therefore, no relief will be afforded the appellant at the Director's Level of Review.


B. BASIS FOR THE DECISION:
California Code of Regulations, Title 15, Section: 3004, 3391

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

JENKINS, H-5355
CASE NO. 0612760

PAGE 2

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



N. GRANNIS, Chief
Inmate Appeals Branch

cc: Warden, CMC
Appeals Coordinator, CMC
Appeals Coordinator, PVSP

DEAR N. GRANNIS

11-1-06

I AM FORWARDING THESE DOCUMENTS BACK TO YOUR OFFICE FOR A RESPONSE. I ATTACHED A COPY OF THE CLASSIFICATION CHRONO CDC-128-G TO THIS COMPLAINT. THE VERY FIRST TIME I SUBMITTED THIS COMPLAINT TO YOUR OFFICE, I WILL TRY TO BE AS CLEAR TO YOUR OFFICE AS I POSSIBLY CAN, THIS IS THE ONLY COPY CDC-128-G THAT I HAVE OR CAN GET, AT THIS TIME "I AM IN AD. SEC.", AND I DO NOT HAVE MY PROPERTY AT THIS TIME, AND I DO NOT KNOW WHO MY COUNSELOR MAY BE! THIS CDC-128-G CHRONO IS THE ONLY ONE THAT I HAVE SO I AM SENDING THIS COMPLAINT BACK TO YOUR OFFICE, SO THAT THIS COMPLAINT IS NOT DELAYED ANY LONGER. THIS COMPLAINT WAS SUBMITTED ORIGINALLY TO YOUR OFFICE ON 7-3-06 MY RESOURCES ARE LIMITED AND I DON'T HAVE A CLUE OF WHAT YOU MEAN RE-AD-SEC. I WAS THERE AND NEVER LEFT UNTILL I WAS TRANSFERRED, TO ANOTHER INSTITUTION, AND THIS CDC-128-G IS THE ONLY CDC-128-G CHRONO THAT I HAVE EXPLAINING THE CIRCUMSTANCES TO THIS INCIDENT AS THEY WERE. CAN YOUR OFFICE PLEASE INVESTIGATE THIS COMPLAINT SO THAT I CAN MOVE ON TO THE NEXT LEVEL?

THANK YOU!

SIGN, Robert Lee Jenkins, Jr.

P.S. I HOPE THAT I HAVE EXPLAINED TO YOU TO THE BEST OF MY ABILITY CONCERNING THIS ISSUE...

ADDED PAGE 602 SECTION F.

MY FAITH BY GIVING TAKING THE INMATE A GREEN LIGHT TO HAVE ME REMOVED OFF THE YARD FOR PERSONAL REASONS ALONG WITH ALL OF THE 602 COMPLAINTS THAT I FILED AGAINST HIS MISCONDUCT. ALSO SGT CHALCUMIN WAS NOT INVESTIGATED AS TO HIS ROLL AND KNOWLEDGE AND COMMENTS THAT HE MADE WHEN HE WALKED INTO ~~THE~~ L.T. PERRY'S OFFICE, HE STATED (OH I SEE THEY ALREADY GOT TO HIM) NOW WAS SGT BRADFORD INVESTIGATED, HE ALSO PLAYED A ROLL IN THIS INCIDENT, WHETHER DID HE CONDUCT A INVESTIGATION INTO THE INCIDENT BETWEEN ME AND INMATE "NEELEY" BEFORE HE WAS JUMPED A NIGHT AFTER L.T. PERRY & CAPTAIN WILLIAMS LET US / THE INMATES OFF LOCK DOWN, OR AFTER HE WAS JUMPED ON AUG-3-05, OR BEFORE I WAS JUMPED ON AUG 4-05 THESE OFFICER NEGLECTED THEIR DUTIES, AND AS A RESULT OF THIS NEGLIGENCE, AND 3271 RESPONSIBILITY FOR THE SAFE CUSTODY OF THE INMATES TITLE IS (3271). CLEARLY THIS APPEAL HAS NOT BEEN INVESTIGATED FAIRLY OR IMPARTIALLY. STAFF CONTINUES TO FOSTER A CODE OF SILENCE. I'M REQUESTING A FULL AND COMPLETE INVESTIGATION INTO THIS INCIDENT. A (INDEPENDENT) INVESTIGATION

SIGNED

Robert Lee Jenkins

~~5-1-06~~ 5-1-06

(FOR A DIRECTOR'S LEVEL RESPONSE) (L-1)

INMATE/PAROLEE APPEAL FORM
CDC 602 (12/07)

Location: Institution/Parole Region Log No. Category #12
1. RIS-5 1. 06-00502
2. (unc) 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
ROBERT LEE JENKINS	H-53555	NONE	ASU-B-114-L

A. Describe Problem: ON 8-12-05 I RETURNED FROM COALINGA REGIONAL MEDICAL CENTER TO PLEASANT VALLEY STATE PRISON AT WHICH TIME I WAS PLACED IN (ASU) ADMINISTRATIVE SEGREGATION UNIT THIS DECISION WAS MADE PRIOR TO MY GOING TO THE MEDICAL CENTER ON 8-4-05 L.T. PERRY SPOKE TO ME IN A MATTER OF A FACT, STATING THAT HE HAD PRIOR KNOWLEDGE OF AN INCIDENT SUPPOSED TO TAKE PLACE I ASK L.T. PERRY WHAT DID HE MEAN BY THAT? L.T. PERRY DECLINE TO MAKE ANY FURTHER COMMENTS STATEMENTS ON THE SUBJECT AT WHICH POINT SGT. CHAIA UJAIN WALKED IN AND SAID SEND CHAIA UJAIN. I SAID SEE ADDED PAGE

If you need more space, attach one additional sheet. SGT. CHAIA UJAIN

B. Action Requested: I'M REQUESTING A FULL AND COMPLETE INVESTIGATION INTO THIS INCIDENT, AS TO L.T. PERRY HAVING KNOWLEDGE OF THIS INCIDENT AND FAILED TO PREVENT IT. I'M REQUESTING A FULL INVESTIGATION INTO THE AMOUNT OF STAFF COMPLAINTS FILED AND LOGED WITH THE APPEALS

Inmate/Parolee Signature: Robert Lee Jenkins Date Submitted: 8-15-05

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

BYPASS

BYPASS

RECEIVED
JUL 10 2006
INMATE APPEALS BRANCH
A2
11C Inmate
Res. Ad. Sec.
Res. Ad. Sec.
CSR
Res. Ad. Sec.

RECEIVED
SEP - 5 2006
INMATE APPEALS BRANCH
A2
CSR
12/29/06
Res. Ad. Sec.
APR - 4 2007
RECEIVED
CDC Appeal Number: _____

RECEIVED
14
INMATE APPEALS

MAY 10 2006

First Level Granted P. Granted Denied Other

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: 02/22/06 Due Date: 03/29/06

Interviewed by: S. Hosman, SGT.

See memorandum DATED 4/13/06 (ATTACHED)

Signature: S. Hosman Title: Sergeant Date Completed: 4-13-06
Division Head Approved: [Signature] Title: AUC Returned: APR 19 2006
Signature: [Signature] Title: AUC Date to Inmate: APR 19 2006

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.

DISSATISFIED THIS COMPLAINT HAS NOT BEEN INVESTIGATED. CLEARLY I INFORMED SGT. HOSMAN THAT PRIOR TO MY BEING ASSIGNED L.T. PERAY & SGT. BANFORD FAILED TO INVESTIGATE THE INCIDENT AFTER THEY ESCORTED INMATES FROM LOGAN MASONRY & BUILDING MAINTENANCE AFTER THEY HELD THE HAND DOWN L.T. PERAY INTENTIONALLY ALLOWED INMATES TO "DECIDE" SEE ABOVE

Signature: Robert Lee Jenkins Date Submitted: 5-1-06 PAGE

Second Level Granted P. Granted Denied Other

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: 05/12/06 Due Date: 06/09/06

See Attached Letter

Signature: [Signature] Date Completed: 5/25/06
Warden/Superintendent Signature: [Signature] Date Returned to Inmate: JUN 09 2006

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.

DISSATISFIED CLEARLY THE ISSUES TO THIS COMPLAINT AND ACTIONS REQUESTED HAS NOT BEEN ADDRESSED AS I REQUESTED ALSO SGT. CHALAVIAN WAS NOT MENTIONED AND HE PLAYED A MAJOR ROLE WITH ACTUALLY ACKNOWLEDGING THE FACT "OH I SEE THEY ALREADY GOT TO HIM" HIS STATEMENT. BEFORE I ADDRESS THIS COMPLAINT IN COURT I AM REQUESTING CHIEF INMATE APPEALS OFFICE TO CONDUCT A FULL AND COMPLETE INVESTIGATION INTO THIS ENTIRE 602 APPEAL, AS WELL AS WHY THE SLOP DID NOT CONDUCT INTERVIEWS THE DAY OF THE INCIDENT. MY ISSUES WAS NOT ADDRESSED IN FULL AND

Signature: Robert Lee Jenkins Date Submitted: 7-3-06

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: JUL 02 2007

(1)

ADDED PAGE TO 602

OH I SEE THEY ALREADY GOT HIM! I TURNED AROUND AND SAID WHAT DO YOU MEAN BY THAT? THEN HE SAID OH NO I WAS SPEAKING ABOUT SOMETHING ELSE! BUT I SAID YOU WERE LOOKING AT ME WHEN YOU WALKED THROUGH THE DOOR AND YOU WERE TALKING ABOUT ME AT WHICH POINT THE SERGEANT DECIDE TO SAY ANY THING ELSE! ON 8-15-05 CAPTAIN WILLIAMS CAME TO SEE ME AND CAPTAIN WILLIAMS SAID NOW DO YOU REALLY WANT TO TELL ME WHAT HAPPEN? I SAID I TOLD SGT. BRADFORD WHAT HAPPEN! CAPTAIN WILLIAMS SAID NO! I SAID THEN YOU TELL ME WHAT HAPPEN! CAPTAIN WILLIAMS SAID YOU ALMOST GOT INTO IT WITH A WHITE BOY IN VOC. AND YOU WERE DISCIPLINE BY YOUR FOLKS! I SAID WHERE DID YOU GET THIS INFORMATION FROM? BECAUSE NOW YOU'RE STARTING TO SOUND LIKE L.T. PERRY. ON 8-4-05 AND THE SERGEANT ^{CHAI-JAN} ~~WHE~~ MADE THOSE COMMENT THAT THEY HAD PRIOR KNOWLEDGE ABOUT THIS INCIDENT INVOLVING ME. CAPTAIN WILLIAMS SAID I GOT THIS INFO FROM SOME GUYS IN VOC. THEN CAPTAIN WILLIAMS SAID THE DAY BEFORE THE WHITE BOY WAS DISCIPLINE BY HIS FOLKS. I ASK CAPTAIN WILLIAMS WHAT DID HE/ THE WHITE BOY BEING DISCIPLINE HAVE TO DO WITH ME? AND ONCE AGAIN CAPTAIN WILLIAMS IS SPEAKING TO ME AS A MATTER OF A FACT. I SAID WELL CAPTAIN WILLIAM IF THAT WAS THE CASE AND THE STAFF HAD PRIOR KNOWLEDGE AND DID NOT ^{think} TO PREVENT IT THEN THE ONLY THING THAT I COULD THINK OF IS ALL OF THE STAFF COMPLAINTS THAT I'VE FILED ON THE STAFF ON B-FACILITY INCLUDING FOUR (4) ON L.T. PERRY! THEN CAPTAIN WILLIAMS SAID SO THE OTHER INMATES WANT YOU REMOVED FOR FILING STAFF COMPLAINTS? I SAID NO ITS THE OTHER WAY AROUND! THE

(OVER)

STAFF CLEARLY THE DAY ON 8-4-05 WITHOUT ANY INVESTIGATION BUT HE HAD PRE-DETERMINE THE OUTCOME AND IMMEDIATELY DREW UP A CDC-154 BED MOVE TO PLACE ME IN ADMINISTRATIVE SEGREGATION INSPITE OF THE MEDICAL STAFF TELLING HIM THAT I WOULD BE GOING TO THE EMERGENCY ROOM APPARANTLY L.T. PERRY AREA DY KNEW WHAT HE NEEDED TO KNOW! I'M REQUESTING A FULL AND COMPLETE INVESTIGATION INTO THIS COMPLAINT SEE COPY OF CDC 114 ATTACHED TO THIS APPEAL. CCA TITIE (IS) 3271 RESPONSIBILITY OF EMPLOYEES REGARDLESS OF HIS OR HER ASSIGNMENT IS RESPONSIBLE FOR THE SAFE CUSTODY OF THE INMATE CONFINED IN THE INSTITUTIONS OF DEPARTMENT, THAT FOR WHICH I WILL DECUS) ADDRESS DURING MY INDEPENDANT INTERVIEW.

~~_____~~ SGT. CHALA VIAN B-FACILITY 8-4-05

SIGN, Robert Lee Jenkins, Jr.

B. ACTION REQUESTED: COORDINATORS OFFICE AND LOG NUMBERS DATA BE ATTACHED TO THIS APPEAL DUE TO THE NUMBER OF COMPLAINTS AND POSSIBLE RETALIATION BY STAFF. FINALLY IF I AM INTERVIEWED I'M REQUESTING TO BE INTERVIEWED BY AN OUTSIDE AND INDEPENDANT AGENCY TO AVOID BIASNESS, PREJUICE TOWARDS ME FOR FILING THIS COMPLAINT AND ANY ATTEMPTS TO COVER THIS INCIDENT UP IN A "CODE OF SILENCE". I'M ALSO REQUESTING NO FUTHER HARASSMENT OR RETALIATIONS FOR FILING THIS COMPLAINT!

Robert Lee Jenkins, Jr.

State of California

Memorandum

Date : April 13, 2006

To : Jenkins, H-53355
CMC

Subject: **FIRST LEVEL RESPONSE, PVSP APPEAL LOG NO. PVSP-S-06-00562**

Your appeal was referred for the first level of review on February 22, 2006. S. Hosman, Correctional Sergeant, interviewed you on April 12, 2006, concerning your appeal.

In your appeal you contend, you were placed in Administrative Segregation, (Ad-Seg), for an incident you were supposed to be involved in and staff had knowledge of your impending involvement prior to it happening and failed to act which in turn endangered your life.

During a review of this appeal you request a complete investigation into Lieutenant Perry having prior knowledge of this incident and failed to prevent it. A full investigation on staff retaliation because of all the staff complaints you have filed. To be interviewed by an outside agency and that you do not receive any retaliation for filing this appeal.

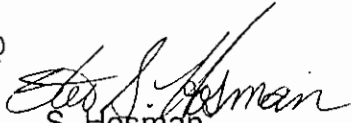
A thorough investigation into this matter was conducted and I discovered on August 04, 2005 you were believed to have been assaulted in your Masonry class, at which time you were placed into handcuffs and escorted to Lieutenant Perry's office to be interviewed and for a medical evaluation. Lt. Perry asked what had happened and you stated you had blacked out and fell in front of the classroom. During the Medical evaluation you were sent to an outside Hospital. You returned to Pleasant Valley State Prison on August 12, 2005 during this time you were believed to be the victim of a battery, so for your own safety you were placed in Ad-Seg. On August 13, 2005 you were interviewed by Sergeant M. Bradford concerning your Ad-Seg placement. During that interview you were asked again what had happened on August 04, 2005 and you said, "you hit your head on the door knob when you blacked out and fell on top of a wood stool were you hit your ribs". Sergeant Bradford asked you if you had been assaulted and you repeated your statement and said, "you blacked out and fell down."


In conclusion Lt. Perry did not have prior knowledge of an assault to you, due to his actions after he believed you may have been the victim of a battery by placing you in Ad-Seg for your safety. During this investigation there was no evidence to show any form of staff retaliation against you for filling any staff complaints in the past. Prior to an outside agency conducting any investigation into this matter, you must first exhaust

all levels of the appeal process in accordance to California Code of Regulations, Title 15.

Based on the above information, your appeal is partially granted at the first level of review.

*WAW
5/1/08*


S. Hosman
Correctional Sergeant


J. M. MATTINGLY
Associate Warden
Housing A/B

TO DIRECTOR & CHIEF INMATE APPEAL

ON JULY 3, 2006 C/O BROWN BROUGHT THIS 602 TO MY CELL, AND ACKNOWLEDGE THAT SHE ISSUED IT TO ME JULY 3RD 2006. C/O BROWN STATED THAT IF ANY ONE HAS ANY QUESTIONS ABOUT ME RECEIVING THIS HATE APPEAL, SHE WORKS "3RD WATCH" CMC - EAST A - FACILITY.

MEMORANDUM DATED 5-25-06, DATE ALLEGEDLY RETURNED TO ME 6-9-06. C/O BROWN ISSUED THIS APPEAL TO ME 7-3-06

I DECIDE UNDER PENALTY ^{OF PERJURY} THAT THE FORGOING IS TRUE!

SIGN,
Robert Lee Jenkins

7-3-06

Memorandum

Date: May 25, 2006

To: Jenkins, R., H-53355
California Men's Colony

Subject: **SECOND LEVEL APPEAL RESPONSE**
LOG NO.: PVSP-S-06-00562

ISSUE: You contend when you were placed in Administrative Segregation Unit (Ad/Seg) upon your return from an outside hospital, on August 12, 2005, you believe this decision was made prior to departure on August 4, 2005. You state at the time, M. Perry, Correctional Lieutenant, interviewed you, and had prior knowledge of the incident involving your assault. During this interview C. Chalabian, Correctional Sergeant, entered the room and said, "I see they already got him." When you questioned him, Sergeant Chalabian said, "I was speaking about something else." You include during your Administrative Hearing on the Ad/Seg Order, (CDC Form 114-D), completed by W. Williams, Facility B Captain, you believe he also had prior knowledge of the assault and allowed your victimization. You told Captain Williams, you believe staff allowed your assault to occur because of the number of Staff Complaints submitted by you regarding the staff on Facility B.

You are requesting: 1) A full and complete investigation into this incident, as to Lieutenant Perry having prior knowledge of this incident and his failure to prevent an assault from occurring; 2) An investigation and copy of the staff complaints filed or logged with the Appeals Office, as they may reveal retaliation by staff; 3) Request to be interviewed by an outside agency to avoid bias or prejudice in completing the investigation, to prevent the "Code of Silence" from occurring; and 4) No further harassment or retaliation for filing this appeal.

M. C. Voss, Appeals Coordinator, investigated your appeal at the second level of review.

INTERVIEWED BY: R. Shannon, Appeals Coordinator, on May 25, 2006.

REGULATIONS: The rules governing this issue are:

- California Code Regulation (CCR), Title 15, Section 3001. Subject to Regulations.
- CCR, Title 15, Section 3335. Administrative Segregation.
- CCR, Title 15, Section 3336. Segregation Order.

RESPONSE: Mr. Shannon interviewed you at the second level of review to allow you to clarify your issues. You restated your position in section "A" of the appeal. This concluded the interview.

Upon review of the documentation submitted, it is determined that your allegations have been reviewed and evaluated by administrative staff. However, it was determined that this appeal would be categorized as Segregation Hearings. In the event that staff misconduct was discovered, the institution would take the appropriate course of action.

A review of your appeal issues, in conjunction with the examination of your supporting documents(s), reveal you were provided your due process rights and the first level was partially granted, in that your allegations and placement in Ad/Seg were investigated. As such, Lieutenant Perry, Sergeant Chalabian, and Captain Williams, had no prior knowledge an assault on your person would occur in the Masonry class.

M. Bradford, Correctional Sergeant, and Lieutenant Perry both interviewed you regarding your assault. You were adamant and informed both staff, "I hit my head on the door knob, blacked out, and fell down." Your administrative review was completed within the required time constraints. You appeared before Institutional Classification Committee (ICC) within 10 days of placement in the unit and under provisions of Section 3338(a), of these regulations, retention in Ad/Seg was deemed appropriate pending completion of an investigation.

Inmate Jenkins, you are reminded, when an inmate's presence in an institution's general inmate population presents an immediate threat to the safety of the inmate or others, endangers institution security or jeopardizes the integrity of an investigation of an alleged serious misconduct or criminal activity, the inmate shall be immediately removed from general population and be placed in Ad/Seg. ICC did review your placement in temporary segregation and determined transfer to another prison would be appropriate, as the assailant of your assault was not identified. You were referred to the Classification Services Representative (CSR), who reviewed the ICC decision, and your case factors within your Central File (C-File). The CSR determined transfer is appropriate and endorsed you to transfer to California Men's Colony (CMC)-East. The CSR represents the Classification Services Unit and ensures proper placement of inmates throughout the State of California. Placement and transfer is based on all case factors; recommendation submitted by ICC, and bed space availability. According to the Distributed Data Processing System (DDPS), you transferred to CMC-East on February 2, 2006.

Your appeal listing for Staff Complaints received in the Appeals Office has been attached to include the appeals that were screened out.

DECISION: Considering the aforementioned information, your appeal is partially granted, in that an investigation was completed, the Appeal Listing of Staff Complaints is attached, and you will not retaliation by staff for filing this appeal. All other requests are denied.

The appellant is advised this issue may be submitted for a Director's Level of Review, if desired.


JAMES A. YATES
Warden

Pleasant Valley State Prison

JAY: mcv

Attachment

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

INMATE'S NAME JENKINS (B)	CDC NUMBER H-59355
-------------------------------------	------------------------------

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 Friday, August 12, 2005, you arrived at Pleasant Valley Prison (PVSP) from out to medical return via Pleasant Valley Transportation. On 08/04/05 you were suspected of being the victim of a ... assaultants therefore you will be housed in Administrative Segregation (Ad-Seg) pending Administrative Review. This may have an adverse effect on your custody status, credit earning status, and privilege group is subject to change. Inmate JENKINS is not a participant in the Mental Health Services Delivery System (MHSDS).

<input type="checkbox"/> CONTINUED ON ATTACHED PAGE (CHECK IF ADDITIONAL)	<input type="checkbox"/> IF CONFIDENTIAL INFORMATION USED, DATE OF DISCLOSURE: / /		
DATE OF ASU PLACEMENT 08/12/05	SEGREGATION AUTHORITY'S PRINTED NAME K. CORCORAN	SIGNATURE	TITLE LIEUTENANT
DATE NOTICE SERVED	TIME SERVED	PRINTED NAME OF STAFF SERVING ASU PLACEMENT NOTICE	SIGNATURE
<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 checked="" type="checkbox"/> YES <input type="checkbox"/> NO
FLUENT IN ENGLISH?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DECLINED ANY INVESTIGATIVE EMPLOYEE	<input checked="" 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 checked="" type="checkbox"/> YES <input type="checkbox"/> NO
FREE OF MENTAL HEALTH SERVICES DELIVERY SYSTEM NEEDS?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DECLINED 1ST INVESTIGATIVE EMPLOYEE ASSIGNED	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DECLINING FIRST STAFF ASSISTANT ASSIGNED?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
<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	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	

CALIFORNIA DEPARTMENT OF CORRECTIONS

NAME: JENKINS

CDC #: H53355

BED: ASU-114L

COMMITTEE ACTION SUMMARY

RETAIN PENDING BPT. REFER TO CSR RX 90 DAY ASU EXTENSION. ESTABLISH CUSTODY AT MAX. ESTABLISH WG/PG DID EFFECTIVE 8/12/2005. P/O WAY #2. CLEAR FOR DOUBLE CELLED HOUSING.

COMMITTEE COMMENTS

Inmate JENKINS appeared before Pleasant Valley State Prison's (PVSP's) Administrative Segregation Unit (ASU) Institutional Classification Committee (ICC) today for his Initial ASU Review. JENKINS stated that his health was good and was willing to proceed. JENKINS received his 72-hour notice for the purpose of this review. Prior to committee reviewing and discussing this case, JENKINS was introduced to the committee members. According to JENKINS' CDC 114D, he was placed into PVSP's ASU on 8/12/2005 for: Safety Concerns due to Enemies. The CDC-114D Administrative Review was conducted on 8/15/05 by R. Williams, FC. ICC finds all due process requirements have been met. Committee notes JENKINS has an enemy on facility C and enemy concerns on facility B. Refer to CDC 128-B's dated 8/11/05 by M. Davis; CC1, 8/13/05 by SGT M Bradford and 8/15/05 by C/O A. Legarretta. Committee feels JENKINS can no longer program at our GP at PVSP. Committee notes he can not be transferred at this time due to upcoming BPT on 10/2005.

Based upon a review of JENKINS' CDC 114D, Central File, case factors, and through discussion with him, committee elects to: Retain pending BPT. Refer to CSR RX 90 day ASU extension. Establish custody at MAX. Establish WG/PG DID effective 8/12/2005. P/O WAY #2. Clear for Double Celled housing. JENKINS was placed on non-contact visiting status during his placement in ASU and was informed of the Departmental Shooting Policy.

At the conclusion of this review, JENKINS was informed of his Appeal Rights with regards to this committee's actions. JENKINS acknowledged his understanding and agreement with committee's actions.

STAFF ASSISTANT

Not Assigned: (Issues not complex and non-participant in MHSDS)

INMATE CASE FACTORS

CUSTODY	CS LEVEL	WG/PG & EFF. DATE	RELEASE DATE	GPL	RECLASS	ETHNIC	PSYCH - DATE 128C	NEXT BPT & DATE
MAX	37/III	DID - 8/12/2005	MEPD 11/7/2006	6.4	11/17/2005	BLA	Clear	IPCH 10/2005

COMMITTEE MEMBERS

R. Trimble
CHAIRPERSON
R. Trimble, CDW(A)

R. Williams
MEMBERS
R. Williams, AW(A), J. Brown, LT-ASU-G, Shapirshteyn, Staff Psychologist - J. Smith, LT-ISU - N. Villa, CCH (Spec), Asst C&PR

R. Martin
RECORDER
R. Martin, CCH (Sup)

Committee Date: 8/18/2005

INITIAL ASU REVIEW

Committee: B081805RJM1

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

PLEASANT VALLEY STATE PRISON

Classification Chrono CDC 128G (Rev: 8/04)

→ THE ONLY COPY CDC-128-G THAT I HAVE ←
ONE COPY OF CDC-128-G

B-30-06

Robert Lee Jenkins, Jr.

ATTACHED TO 602 APPEAL

JENKINS**H-53355****ASU-114L**

On Saturday, August 13, 2005 at approximately 0915 hours, inmate Jenkins, H-53355 ASU-114L was interviewed by myself, Sergeant M. Bradford concerning his Administrative Segregation Placement. On Thursday, August 04, 2005, I was summoned to come back to work change because the Masonry instructor Mr. Lawrence believed there was an assault on inmate Jenkins outside his classroom but did not see anyone assault him. Mr. Lawrence stated he walked over to the door and observed inmate Jenkins getting up off the ground but no one was near him. I arrived at Mr. Lawrence classroom, Jenkins was placed into mechanical restraints and escorted to the Bravo facility Lieutenants office for interview and medical evaluation. Jenkins stated "I blacked out and fell in front of the classroom." Jenkins was then escorted to the Bravo facility Medical Clinic for medical evaluation when it was determined that he should be escorted to CTC for further medical evaluation because while in the MTA clinic, Jenkins blacked out again. I asked Jenkins on August 13, 2005 what happened on August 04, 2005 and he stated "I hit my head on the door knob when I blacked out and fell on top of a wood stool and hit my ribs." I asked Jenkins numerous times if he was assaulted and he repeatedly stated that he fell down. I asked Jenkins if he could program on Bravo facility and he stated he could but if not then he could program on Charlie facility or just transfer him to another prison. This concluded my interview with inmate Jenkins.

M. BRADFORD

Correctional Sergeant 2/W

Pleasant Valley State Prison

Original: Central File
Facility Captain
Facility CCII

Date: August 13, 2005

General Informal Chrono

CALIFORNIA DEPARTMENT OF CORRECTIONS
Inmate/Parolee Appeals Tracking System - Level I & II

Appeal Listing

Sorted By: CDC Number

CDC Number	Appellant Name	Area Of Origin	Issue	Log Number	Group Appeal
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-B-04-03233	
	Level II Review:	Received: 10/20/2004	Due: 12/06/2004	Completed: 12/06/2004	Disposition: GRANTED IN PART
	Level III Review:			Completed: 03/22/2005	Disposition: DENIED
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-B-04-03623	
	Level II Review:	Received: 11/22/2004	Due: 01/05/2005	Completed: 12/16/2004	Disposition: GRANTED IN PART
	Level III Review:			Completed: 03/22/2005	Disposition: DENIED
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-B-04-03941	
	Level II Review:	Received: 12/22/2004	Due: 02/03/2005	Completed: 01/27/2005	Disposition: GRANTED IN PART
	Level III Review:			Completed: 05/12/2005	Disposition: DENIED
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-B-05-00245	
	Level I Review:	Received: 01/18/2005	Due: 11/07/2005	Completed: 12/07/2005	Disposition: DENIED
	Level II Review:	Received: 01/18/2005	Due: 03/02/2005	Completed: 08/12/2005	Disposition: GRANTED IN PART
	Level III Review:			Completed: 12/12/2005	Disposition: DENIED
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-B-05-00726	
	Level II Review:	Received: 01/20/2005	Due: 03/04/2005	Completed: 03/22/2005	Disposition: GRANTED IN PART
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-B-05-01580	
	Level II Review:	Received: 05/19/2005	Due: 07/01/2005	Completed: 06/02/2005	Disposition: GRANTED IN PART
	Level III Review:			Completed: 09/22/2005	Disposition: DENIED
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-B-05-01747	
	Level II Review:	Received: 06/02/2005	Due: 07/15/2005	Completed: 07/19/2005	Disposition: GRANTED IN PART
	Level III Review:			Completed: 01/24/2006	Disposition: DENIED
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-B-	
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-B-	
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-B-	

CALIFORNIA DEPARTMENT OF CORRECTIONS
Inmate/Parolee Appeals Tracking System - Level I & II

Appeal Listing

Sorted By: CDC Number

CDC Number	Appellant Name	Area Of Origin	Issue	Log Number	Group Appeal
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-B-05-02578	
	Level I Review:	Received: 08/25/2005	Due: 10/07/2005	Completed: 09/07/2005	Disposition: GRANTED IN PART
	Level II Review:	Received: 09/21/2005	Due: 10/20/2005	Completed: 12/16/2005	Disposition: GRANTED IN PART
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-S-05-03152	
	Level I Review:	Received: 09/21/2005	Due: 11/03/2005	Completed: 11/10/2005	Disposition: GRANTED
	Level II Review:	Received: 11/22/2005	Due: 12/22/2005	Completed: 12/27/2005	Disposition: GRANTED IN PART
	Level III Review:		Completed: 04/14/2006	Disposition: DENIED	
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-S-05-03392	
	Level I Review:	Received: 10/17/2005	Due: 12/01/2005	Completed: 12/27/2005	Disposition: GRANTED IN PART
	Level II Review:	Received: 01/09/2006	Due: 02/07/2006	Completed: 02/15/2006	Disposition: GRANTED IN PART
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-S-	
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-S-05-03718	
	Level I Review:	Received: 11/18/2005	Due: 01/05/2006	Completed: 01/24/2006	Disposition: GRANTED IN PART
	Level II Review:	Received: 02/01/2006	Due: 03/03/2006	Completed: 02/23/2006	Disposition: GRANTED IN PART
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-S-05-03887	
	Level I Review:	Received: 11/30/2005	Due: 01/13/2006	Completed: 01/30/2006	Disposition: DENIED
	Level II Review:	Received: 03/15/2006	Due: 04/13/2006	Completed: 04/13/2006	Disposition: GRANTED IN PART
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-S-	
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-S-06-00130	
	Level II Review:	Received: 01/09/2006	Due: 02/23/2006	Completed: 02/15/2006	Disposition: SCREENED OUT
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-S-06-00188	
	Level I Review:	Received: 01/09/2006	Due: 02/23/2006	Completed: 02/10/2006	Disposition: GRANTED IN PART
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-S-06-00279	
	Level I Review:	Received: 01/18/2006	Due: 03/03/2006	Completed: 03/06/2006	Disposition: DENIED

CALIFORNIA DEPARTMENT OF CORRECTIONS
Inmate/Parolee Appeals Tracking System - Level I & II

Appeal Listing

Sorted By: CDC Number

CDC Number	Appellant Name	Area Of Origin	Issue	Log Number	Group Appeal
Level II Review: Received: 03/27/2006 Due: 04/25/2006 Completed: 04/13/2006 Disposition: GRANTED IN PART					
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-S-	
H53355	JENKINS, R	PVSP	STAFF COMPLAINTS	PVSP-O-	
Total: 22					

INMATE APPEALS BRANCH

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



October 27, 2006

JENKINS, CDC #H-53355
California Men's Colony
P.O. Box 8101
San Luis Obispo, CA 93409-8101

Re:

Dear Mr. JENKINS:

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

Your appeal is incomplete. You must include supporting documentation. Your appeal is missing the CDC 128-G, Institution Classification Committee Chrono (RE: Ad Seg); the CDC 128-G, Classification Staff Representative Chrono (RE: Ad Seg).

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.

A handwritten signature in black ink, appearing to be "N. Grannis".

N. GRANNIS, Chief
Inmate Appeals Branch

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

I am the party of the above entitled actions; a citizen of the United States and over the age of eighteen years; and a resident of San Luis Obispo County My current address is:

ROBERT LEE JENKINS, JR. #H-53355
California Men's Colony - East
P.O. Box 8103 Room AO-1134
San Luis Obispo, CA. 93409 - 8103

I CERTIFY (OR DECLARE), UNDER PENALTY OF PERJURY, THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON 4-28, 2008, AT SAN LUIS OBISPO, CALIFORNIA, 93409 - 8103.

ROBERT LEE JENKINS, JR.
PETITIONER

.....
PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO

I AM A RESIDENT OF SAID COUNTY, I AM OVER THE AGE OF EIGHTEEN YEARS AND NOT A PARTY TO THE ABOVE ENTITLED ACTION. MY BUSINESS ADDRESS IS:

ROBERT LEE JENKINS, JR. #H-53355
CALIFORNIA MEN'S COLONY - EAST
P.O. BOX 8103 / ROOM AQ-1134
SAN LUIS OBISPO, CALIFORNIA 93409 - 8103

ON 4-28, 2008, I SERVED THE WITHIN CIVIL RIGHTS ACT, 42
U.S.C. & 1983

ON THE PARTY: _____

IN SAID ACTION, BY PLACING A TRUE COPY THEREOF IN A SEALED ENVELOPE WITH POSTAGE THEREON PREPAID, IN THE UNITED STATES MAIL, AT CALIFORNIA MEN'S COLONY, SAN LUIS OBISPO, CALIFORNIA, 93409 - 8103, ADDRESSED AS FOLLOWS:

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
2500 TULARE STREET, SUITE 1501
FRESNO, CALIFORNIA 93721

I DECLARE, UNDER PENALTY OF PERJURY, THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON 4-28, 2008, AT SAN LUIS OBISPO COUNTY, CALIFORNIA.

Robert Lee Jenkins, Jr.
SIGNATURE OF DECLARANT
ROBERT LEE JENKINS, JR.