

Plaintiff's Name BARRY LAMON
 Inmate No. E-08345
 Address 4001 King Avenue
P.O. Box 3476
Corcoran, CA 93212

FILED

APR 08 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

BARRY LOUIS LAMON
 (Name of Plaintiff)

CV F 07 1390 LJO WMM
 (Case Number)

vs.

AMENDED COMPLAINT

DEARAL ADAMS, D.D. SHEPPARD-BROOKS,
JAMES O. HARTLEY, R. LOPEZ, D.J. RUIZ,
L. HOOGLAND, HODGES-WILKINS, B. DAVIO,
S. HOFFMAN, WORTHMAN, J. MARTINEZ,
M. MASON, J. MASTEL, L. MENDOZA,
J. MUÑOZ, F. YAMAT, FRANKLIN,
GOMEZ, and JANE DOE,
 (Names of all Defendants)

Civil Rights Act, 42 U.S.C. § 1983

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? Ten (10)

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 See Attached Supplemental Complaint, at Page 5-6, of 68

Defendants See Attached

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

3. Docket Number See Attached

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.) _____

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.

See Attached Supplemental Complaint, at page 6 of 68

No ☒ If your answer is no, explain why not.

See Attached Supp. Complaint, at p. 6 of 68

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 See Attached Supp. Complaint, at p. 7-11, of 68
_____ is employed as _____
_____ at _____

B. Additional defendants

See p. 11, of 68

[Handwritten signature]

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 pages 11 through 25, of 40, of 68,

[Handwritten signature]

V. Relief.

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

See Page 40-42, of 68.

[Handwritten signature]

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

Date February 5, 2009

Signature of Plaintiff

[Handwritten signature]

(revised 2/10/2006)

1 BARRY LAMON
E-08345, 4A1A-9L
2 P.O. Box 3476
Corcoran, CA 93212-3476
3 Plaintiff, In Pro Se

4
5
6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA
8
9

10 BARRY LAMON,
11 Plaintiff,

Case NO. CV F 07 1390 LJO/MMW (PC)

12 V.,

SECOND AMENDED COMPLAINT
Civil Rights Act, 42 U.S.C. § 1983
(Jury Trial Demand)
(State Tort)

13 DERRAL ADAMS, D.D. SHEPPARD-BROOKS,
14 JAMES D. HARTLEY, B. LOPEZ, L. HOOGLAND,
HODGES-WILKINS, S. HOFFMAN, WORTHMAN,
15 J. MARTINEZ, M. MASON, J. MASIEL, B. DAVED,
L. MENDOZA, D.J. PUJIZ, and JANE DOE, GOMEZ,
16 J. MUNOZ, F. YAMAT, FRANKLIN,
17 Defendants,

18 I.
INTRODUCTION

19 This is an action arising under the First, Fifth, Sixth, Eighth, and Fourteenth
20 Amendments to the United States Constitution, the Constitution of the State of
21 California, and California's Code of Regulations, alleging violation of Plaintiff Barry Lamon's
22 Federal and State Constitutional rights, while in the custody of the California Depart-
23 ment of Corrections and Rehabilitation ("CDCR") by officers and agents employed therein,
24 at California State Prison-Corcoran ("Corcoran") and Derral G. Adams, Warden of Corcoran.
25 Plaintiff Barry Lamon, was retaliated against by the defendants for exercising
26 his First Amendment right to petition the courts for redress of grievances threatened
27 and injured physically and mentally and my wellbeing deliberately placed in jeopardy
28 when Corcoran Prison officials and co-defendants acted and/or omitted to act to

1 adequate action to stop a insidious Corcoran Shadow Policy of denying inmates
2 adequate law library time and services, and retaliating against them for filing inmate
3 grievances, and civil litigation in the courts.

4 These aforesaid acts and/or omissions of the defendants were done under color
5 of state law, were premeditated, sadistic, and devoid of a legitimate penological
6 goal or excuse.

7 II.

8 JURISDICTION

9 1. The United States District Court for the Eastern District of California is the
10 proper jurisdiction over my allegations of violation of my federal constitutional rights
11 under authority of 28 U.S.C. § 1391(b)(2).

12 2. I have attached state tort claims to this action and the Eastern District Court
13 of California properly has supplemental jurisdiction over my allegations of violation
14 of my state constitutional rights under 28 U.S.C. § 1367.

15 III.

16 VENUE

17 3. The Eastern District Court of California is the proper venue for the review
18 of this complaint because all of my allegations of violation of my rights occurred
19 at Corcoran, in Kings County, California, a county within the purview of this court.

20 IV.

21 PREVIOUS LAWSUITS

22 4. BARRY LAMON V. DEPUTY KEEN, et al, NO. CIV-S-96-03738-UA (U.S.D.C.E.D. CA.)
23 (Dismissed)

24 5. BARRY LAMON V. _____, NO. F-98-6089-OWN-LJO-P (Dismissed)

25 6. BARRY LAMON V. C.K. PILLER, et al, NO. CIV-S-03-0423-FCO-GMK-P (U.S.D.C.E.D. CA.)
26 (Scheduled for June 9, 2009, Trial)

27 7. BARRY LAMON V. DIRECTOR, CDCR, et al, NO. CIV-S-06-0156-GER-KJM-P (U.S.D.C.E.D. CA.)
28 (Still Pending)

8. BARRY LAMON V. C. STILES, et al, NO. CIV-S-07-0015-MCE-EFB-P (U.S.D.C.E.D. CA.)
(Still Pending)

9. BARRY LAMON V. DERRAL ADAMS, et al, NO. CIV-S-07-0829-AWI-WWW-P (U.S.D.C.E.D. CA.)
(Still Pending)

10. BARRY LAMON V. S. KERNAN, NO. 05AS03021 (Sacramento County Superior Court)
(Dismissed)

11. BARRY LAMON V. JOHN TILTON, et al, NO. 1:07-cv-0493-AWI-DLB-P (U.S.D.C.E.D. CA.)
(Still Pending)

12. BARRY LAMON V. DIRECTOR, et al, NO. 2:08-cv-01762-MCE-GGH-P (U.S.D.C.E.D. CA.)
(Still Pending)

II.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

13. I have file, at least, two inmate grievances with respect to the allegations set forth in this Complaint, including, but not limited to, the following: (1) Concerning the Excessive Use of Force, I filed and exhausted grievance No. GSPC-06-2116, which I have attached in support of this Complaint as Attachment #1. Defendants Adams, Sheppard-Brooks, Lopez, Mason, Hartley, and Hodges-Wilkins provided meaningless responses to this grievance and "buried it" by converting it into a "Staff Complaint", and then hiding it under an duplicitous and sham assertion of Privilege of Confidentiality. (See Attachment #1, the grievance, No. GSPC-06-2116, at P. 1-11 of 11.)

14. I filed inmate Appeal No. GSPC-06-3346, with respect to my allegations of inadequate law library time, and services. I succeeded in timely exhausting this appeal through the First, and Second Levels of review, however, when I reached the Director's-Level, the last level, of review, Defendant L. Hoogland cancelled this appeal based on the clearly-sham assertion that I "failed to attend a hearing on the appeal." (See Attachment #2, Appeal No. GSPC-06-3346, at pages 1-7 of 7.) Nevertheless, by cancelling this appeal, Defendant Hoogland denied me further review. Thereby exhausting my remedies with respect to it.

VI.

PARTIES TO THE ACTION
(Plaintiff)

15. Plaintiff, Barry Lamon, is a 46 years-old African-American male and was at all times mentioned in this Complaint, in the custody of the GPCR and Derral Adams, the Warden of Corcoran.

(Defendants)

16. Defendant Derral Adams was, at all times mentioned in this Complaint, the Warden of Corcoran. As such, he was responsible for the day to day safety and operation of the entire institution, the creation and implementation of policies and practices concerning the hiring and firing, training, supervision and discipline of Corcoran personnel, and for ensuring that I was not subjected to retaliation and cruel and unusual punishment. Defendant Adams is sued in his individual capacity for acts and/or omissions under color of state law.

17. Defendant D.D. Sheppard-Brooks was, at all times mentioned in this Complaint, an Associate Warden ("A-W") and/or "Acting" Chief Deputy Warden ("CDW") at Corcoran. As such, she was responsible for the day to day safety and operation of the prison, the classification and review of inmate grievances, and the training, supervision and discipline of her subordinates at Corcoran. Defendant Sheppard-Brooks is sued in her individual capacity for acts and/or omissions under color of state law.

18. Defendant James D. Hartley was, at all times mentioned in this Complaint, an A-W or Acting CDW at Corcoran. As such, he was responsible for the day to day safety and operation of the prison, the classification and review of inmate grievances, and the training, supervision, and discipline of his subordinates. Defendant Hartley is sued in his individual capacity for acts and/or omissions under color of state law.

19. Defendant R. Lopez was, at all times mentioned in this Complaint, an A-W

1 or Acting COW at Corcoran. As such, he was responsible for the day to day safety and
 2 operation of the prison, the review and classification of inmate grievances, and the
 3 training, supervision and discipline of his subordinates. Defendant Lopez is sued in
 4 his individual capacity for acts and/or omissions under color of state law.

5 20. Defendant L. Hoogland was, at all times mentioned in this complaint, a designee
 6 of the Director of the California Department of Corrections and Rehabilitation ("CDCR")
 7 Inmate Appeals Branch (I.A.B.). As such, s/he was responsible for the review of my
 8 inmate grievance, No. CSPC-06-3346, at the Director's level of review. Defendant L.
 9 Hoogland is sued in his/her individual capacity for acts and/or omissions under
 10 color of state law.

11 21. Defendant Hodges-Wilkins was, at all times mentioned in this complaint, a
 12 Correctional Facility Captain ("Capt.") assigned to the I.A.B. As such, Defendant
 13 Hodges-Wilkins was responsible for reviewing my inmate appeal, No. CSPC-6-06-2116,
 14 at the Director's level of review. Defendant Hodges-Wilkins is sued in her/his
 15 individual capacity for acts and/or omissions under color of state law.

16 22. Defendant Northman, was, at all times mentioned in this complaint, a Academic
 17 Principal at Corcoran. As such, he was responsible for the training, supervision and
 18 discipline of his subordinate Academic Staff and law librarians, the creation and
 19 implementation of policies and practices with respect to the law libraries at the
 20 Corcoran Security Housing Units ("SHU"), and for the review of my inmate appeal, No.
 21 CSPC-6-06-3346, at the institutional level. Defendant Northman is sued in his
 22 individual capacity for acts and/or omissions under color of state law.

23 23. Defendant S. Hoffman was, at all times mentioned in this complaint, an
 24 Academic Vice Principle at Corcoran. As such, he was responsible for the training,
 25 supervision, and discipline of law librarians, the implementation and governance
 26 of law library system services, and review of my inmate appeal, No. CSPC-6-
 27 06-3346, at the institutional level. Defendant Hoffman is sued in his

1 individual Capacity For acts and/or omissions Under Color of State Law.

2 24. Defendant D.J. Ruiz was, at all times mentioned in this Complaint, a Facility
3 Captain ("Capt.") at Corcoran. As such, he was responsible for the day to day Safety and
4 Operation of 4A Facility, and the training, Supervision and discipline of Subordin-
5 ates. Defendant Ruiz is Sued in his individual Capacity For acts and/or omissions
6 Under Color of State Law.

7 25. Defendant J. Martinez was, at all times mentioned in this Complaint, a Cor-
8 rectional Sergeant ("Sgt.") at Corcoran. As such, he was responsible for the day to day
9 Safety and Operation of Unit 4A2, and the training, Supervision and discipline of
10 Defendants Masiel, David, Mendoza, and Doe. Defendant Martinez is sued in his
11 individual Capacity For acts and/or omissions Under Color of State Law.

12 26. Defendant M. Mason was, at all times mentioned in this Complaint, a Sgt. at
13 Corcoran. As such, he was responsible for the day to day training, Supervision and
14 discipline of Subordinates, the day to day Safety and operation of the Prison, and
15 for reviewing my inmate appeal, No. CSPC-6-06-2116, at the institutional level. Defen-
16 dant Mason is Sued in his individual Capacity For acts and/or omissions Under Color
17 of State Law.

18 27. Defendant Franklin was, at all times mentioned in this Complaint, the 4A SHU
19 Law Librarian. As such, she was responsible for ensuring that I enjoyed adequate
20 and meaningful access to Legal Library resources, and was not subjected to retaliation
21 , intimidation, harassment and/or coercion for exercising my right to file civil suits.
22 Defendant Franklin is Sued in her individual Capacity For acts and/or omissions
23 Under Color of State Law.

24 28. Defendant Gomez was, at all times mentioned in this Complaint, the 4A SHU
25 Law Library Officer. As such, he was responsible for the day to day operation of the
26 Law Library, and for ensuring that I enjoyed adequate and meaningful access to Law
27 Library Services, and that I was not subjected to intimidation, retaliation, harass-
28 ment and/or coercion for filing civil suits in the Courts. Defendant Gomez is sued in

1 his individual capacity for acts and/or omissions under color of State Law.

2 29. Defendant J. Munoz, and

3 30. Defendant F. Yamat, were, at all times mentioned in this Complaint, 4B
4 Law Library 40's. As such, they were responsible for the day to day safety and
5 operation of the library, ensuring I received adequate and meaningful access to
6 the library, its services and supplies, and for ensuring I was not intimidated and/
7 or retaliated against for filing grievances, and/or lawsuits. Defendants Munoz,
8 and Yamat, are sued in their individual capacity for acts and/or omissions under color
9 of State Law.

10 31. Defendant J. Masiel, and

11 32. Defendant B. David, and

12 33. Defendant L. Mendoza, and

13 34. Defendant Jane Doe, were, at all times mentioned in this Complaint, Correc-
14 tions Officers ("40's") assigned to Unit 4A2 of Corcoran. As such, they were responsible
15 for the day to day safety and operation of Unit 4A2, the supervision of Plaintiff,
16 and obeying the law. Defendants Masiel, David, Mendoza, and Doe, are sued in
17 their individual capacities for acts and/or omissions under color of State Law.

18 35. The true name of Defendant Jane Doe is unknown to me at this time. This
19 Complaint designates and refers to Defendant Doe by such fictitious title and I
20 will seek leave from this Court to amend this Complaint to add the true identity of
21 of Defendant Doe as soon as it has been ascertained.

22 36. In doing the acts and/or omissions alleged in this Complaint, Defendants,
23 and each of them, acted within the course and scope of their employment for the
24 COCA and/or Derral Adams, Warden of Corcoran.

25 37. In doing the acts and/or omissions alleged in this Complaint, Defendants, and each
26 of them, acted as the agent, servant, employee and in concert with each of herein said
27 other defendants. These aforesaid acts and/or omissions of the defendants were deliber-
28 ate, malicious, and were not in pursuit of a legitimate penological goal.

38. These aforesaid acts and/or omissions of the defendants, and each of them, proved the direct and proximate cause of the violation of Plaintiff's rights and the damages I sustained and as I allege in this Complaint.

VII.

STATEMENT OF FACTS

(Interference with access to courts)

39. Prior to May 23, 2006, Defendants Adams, Sheppard-Brooks, Hartley, Lopez, Ruiz, Worthman, Hoffman, Hodges-Wilkins, Hoogland, J. M. Martinez, Franklin, Gomez, and each of them, knew that the policies, practices, procedures and lack of adequate personnel, the training, supervision and discipline of personnel, and the funding, management and operation of Corcoran's 4A- and 4B- Facility's legal libraries was inadequate, and that the aforesaid inadequacies would likely result in persistent and recurring violation of the rights of the inmates at Corcoran.

40. Despite having such prior notice of the aforesaid inadequate conditions likely to result in persistent and recurring violation of the rights of inmates at Corcoran, including the rights of the Plaintiff, and with deliberate indifference to each of such said rights, Defendants Adams, Sheppard-Brooks, Hartley, Lopez, Ruiz, Worthman, Hoffman, Hodges-Wilkins, Hoogland, Martinez, Franklin, Gomez, and each of them, failed to take adequate remedial steps to prevent the aforesaid violation of inmate rights and, thereby, acquiesced to and/or directly promulgated, implemented and/or adopted said inadequate practices and subjected Plaintiff to the aforesaid persistent and recurring violation of his rights secured under the First, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

41. Plaintiff alleges that the violation of his rights and the damages I sustained, as alleged in this Complaint, are the result of policies, practices, procedures and/or "shadow-customs" at Corcoran whereby legal library staff, including, but not limited to, Defendant Franklin, Gomez, J. Munoz, and F. Yamat, deliberately interfere with inmate access to the courts by (1) maliciously failing to call them to library; (2) expelling them from the library based on sham and contrived excuse; (3) providing poor-quality copying or a complete denial

1 OF COPY SERVICES; (4) Stealing documents submitted for copying; (5) denying me adequate paper, enve-
 2 lopes and other forms; (6) Violating our State-Created right to Confidential Correspondence with Courts
 3 by Censoring inmate legal work-product and revealing the legal theories, allegations and
 4 supporting evidentiary documents to Co-Workers as part of a broad design of harassment,
 5 intimidation and suppression of inmate civil litigation against the CDCR and Corcoran Staff.

6 42. Plaintiff further alleges that the aforementioned Unconstitutional Policies, Practices,
 7 Procedures and/or "Shadow-Customs" of Defendants Franklin, Gomez, J. Munoz, and
 8 Yamat are official policies of Defendants Adams, Sheppard-Brooks, Hartley, Lopez, Ruiz,
 9 Worthman, Hoffman, Hodges-Wilkins, Hoogland, and J. Martinez, and each of them,
 10 who acquiesce to, and endorse them through the promulgation and implementation
 11 of a practice whereby they screen, review, classify and respond to inmate grievances
 12 challenging these aforesaid policies, practices, procedures and "shadow-customs" that is so
 13 deficient that the practice implicitly authorizes and perpetuates the acts and is
 14 itself a repudiation of constitutional rights and is a moving force of the interfe-
 15 rence, intimidation, harassment and retaliation alleged in paragraphs 39 through 41 in
 16 violation of Plaintiff's rights under the First, Fifth, Sixth, and Fourteenth Amendments to
 17 the United States Constitution.

18 43. These aforesaid acts and/or omissions by Defendants Adams, Sheppard-Brooks,
 19 Hartley, Lopez, Ruiz, Worthman, Hoffman, Hodges-Wilkins, Hoogland, Martinez, Franklin,
 20 Gomez, Munoz, and Yamat, as alleged in this Complaint in paragraphs 39 through 42 were
 21 protracted and incessant over more than an eighteen-month period, they denied me ade-
 22 quate services to research and file more than five forward-looking civil actions, including
 23 this one, and has required that I suffer the loss of time, effort, energy and costs of
 24 amending all of my aforesaid claims, including this one, to file less sloppy, better resea-
 25 rched, and "cognizable" claims, and they were not undertaken in pursuit of any legitimate
 26 penological goal.

27 44. From February 23, 2006, through July 15, 2006, it was standard procedure for
 28 Defendants Franklin, and Gomez to take seven (7) days to copy and return any

1 document given them and, On more than three occasions, Prior to May 1, 2006, I gave
 2 them the original Manuscript of a Forward-Looking Federal 42 U.S.C. § 1983 Civil
 3 action entitled Barry Lamon v. Director, CDCR, et al., alleging violation of my State and
 4 Federal rights by Prison Officials at California State Prison - Sacramento ("Sac") and
 5 Corcoran and they returned it Uncopied.

6 45. On May 1, 2006, I, again, left the aforesaid document with Defendants Fra-
 7 nklin and Gomez for copying. They held it for twenty-two days, despite my ince-
 8 ssant requests that it be returned, and, during this three-week period, I suffered
 9 a highly-amplified pattern of harassment, intimidation and retaliation from
 10 Corcoran Officials, including but not limited to, Defendant Gomez, Martinez,
 11 Masiel, Mendoza and David, including tampering of my meals with pain- and
 12 discomfort-causing chemical agents, physically beating me while I was handcuffed
 13 behind my back and intentional infliction of mental, and emotional anguish.

14 46. On May 23, 2006, When I, again, asked Defendant Franklin to return my Manu-
 15 script, she became very emotional and began complaining to me that Defendants
 16 Adams-Sheppard-Brooks, Hartley, Lopez, Ruiz, Worthman, and Hoffman, knew that she
 17 had been without a copy machine for more than four months and were not providing
 18 her with adequate funds, equipment or staff to do her job, and that she still had
 19 not copied my document.

20 47. I informed Defendant Franklin that she was being too overly-familiar by
 21 telling me her personal problems, and to return my manuscript so I could ad-
 22 dress my own problems. She became even more excited, and hostile, and infor-
 23 med me that she had resigned from her job. She stated I would have to get
 24 my manuscript from whoever took her place, because it was her last day as
 25 the Librarian. She had quit the job.

26 48. In light of this information of her imminent departure from CDCR em-
 27 ployment, and the length of time she had held my manuscript, I demanded that
 28 she notify the Facility Lieutenant or Sergeant in Charge of the Library that

1 I needed to speak with them concerning the recovery of my Manuscript.

2 49. When I asked to speak with the Lieutenant or Sergeant, Defendant Franklin
3 Venomously-erupted, stating: "I tried to copy your Complaint, I even took it to B-
4 Facility, and nobody would copy it. I am too over-worked to do it myself. I'm tired
5 of begging these people to give me the tools and supplies I am supposed to have.
6 I quit. I don't care anymore, and I'm not going to jail over this library. They will
7 just have to find someone to take the fall for these libraries."

8 50. When I repeated my opinion that those were her personal problems, and
9 again asked her to contact the Sergeant, Defendant Gomez hostilely stated that my
10 library session was terminated because I was "being disruptive." He then, spe-
11 cifically telephone-called Defendants Martinez, Masiel, David, Mendoza, and
12 Jane Doe, and asked them to come retrieve me from the library.

13 51. Defendants Martinez, Masiel, David, Mendoza, and Doe, arrived at the lib-
14 rary and met with Defendant Gomez for about five minutes. Then all of these
15 Defendants approached the two-and-one-half-feet-by-two-and-a-half-
16 feet (2 1/2' - 2 1/2') steel-mesh security-cage study-cubicle ("study-cage") I was
17 locked within and Defendant Martinez stated: "Lemon, what's your problem?
18 I hear you're demanding to see the Watch Sergeant. You're not seeing anybody. You
19 don't run shit around here but your mouth. You cuff up right now, or we'll pepper
20 spray you, then haul you out of there, and beat your ass."

21 52. I submitted to being shackled, both hands behind my back, and defend-
22 ants Masiel, David, Mendoza, and Doe, removed me from the library and began
23 escorting me back to my assigned cell.

24 53. As a direct and proximate result of acts and/or omissions of Defendants Adams,
25 Sheppard-Brooks, Hartley, Lopez, Ruiz, Worthman, Hoffman, Martinez, Franklin, Gomez,
26 and each of them, as alleged in paragraphs 39 through 52 of this Complaint, I was subjected
27 to retaliation, intimidation and a broad-pattern of harassments over more than eighteen
28 months.⁽²⁾ I was denied adequate access to law library services and access, and was, subsequently

1 Made to File Several Poorly-researched and Poorly-Pled Federal 42 U.S.C. §1983 Civil actions that
 2 must all be re-written and re-pled to cure mistakes that would not have been made if I had been
 3 allowed more time to study, and didn't have to deal with the hardships alleged herein, and (3) I was
 4 subjected to intentional mental anguish, and emotional distress over more than eighteen
 5 months. These acts and/or omissions of the aforesaid Defendants, and each of them, were
 6 malicious and were devoid of legitimate Penological excuse or goal.

7 (Retaliation and Unnecessary Use of Force)

8 54. On May 23, 2006, as Defendants Masiel, David, Mendoza, and Doe, were escorting
 9 me from the library to my cell, Defendant Masiel made incessant threats to me that
 10 he and my 90 escorts collectively, Defendants Gomez and Franklin, Sergeant Martinez, and
 11 (Unnamed) "Other Officers" were tired of my complaining, filing grievances, and
 12 trying to file "lawsuits" and, if I did not back off, they were going to "take me down."

13 55. I responded by telling Defendants Masiel, David, Mendoza, and Doe, that I had a
 14 right to file grievances, and lawsuits, and that I was going to exercise that right
 15 to sue them for threatening me to stop my litigations.

16 56. When we arrived at the cell solely occupied by me, Defendants Masiel, David,
 17 Mendoza, and Doe, shoved me into the cell and onto a concrete-slabbed bed, where they
 18 then all climbed astraddle me as I was shovelled face- and belly-down length-wise
 19 across the bed, with my hands cuffed behind my back, and Defendant Masiel pum-
 20 melled me all about the side of my head, ears, neck, and between the shoulders at my
 21 spine, while Defendants David, Mendoza, and Doe were piled atop me and using their
 22 body-weight, knees, elbows, and various Jujitsu-style Martial Arts "holds" and/or "locks" to
 23 hold me down as they issued verbal support, encouragement and motivation to De-
 24 fendant Masiel.

25 57. Prior to, and during this use of force on me, I was securely-shackled with
 26 both of my hands behind my back, I was compliant with all instructions issued to
 27 me, except the commands Defendant Masiel gave me to "shut up" during his attack
 28 when I began yelling for help, and at no time did any of the Defendants give me any

1 order which I Failed to comply with. This aforesaid Use of Force was malicious and
 2 Sadistic and was not applied in good-faith or the pursuit of any legitimate Penological goal and,
 3 therefore, subjected me to retaliation for filing civil actions with the courts under the
 4 First, and Cruel and Unusual Punishment Under the Eighth Amendments to the United
 5 States Constitution.

6 (Denial of Equal Protection Under the Law)

7 58. During the May 23, 2006, Unnecessary Use of Force against me by Defendants
 8 Masiel, David, Mendoza, and Doe, Defendant Masiel Spewed forth an incessant
 9 stream of racially-charged vitriol, including, but not limited to, the following com-
 10 ments: "You're one of proud niggers, well, we will beat the nigger right out of you."
 11 and "Shut up, nigger. Shut up. Your nigger friends can't help you, hear n, nigger, shut
 12 up." This, while he physically struck me more than twenty times, and while Defend-
 13 ants David, Mendoza, and Doe held me down, encouraged him, and failed to inter-
 14 cede on my behalf.

15 59. These acts and/or omissions of Defendants Masiel, David, Mendoza, Doe, and each
 16 of them, were malicious and sadistic and were motivated, at least in part, by the African-
 17 American heritage of this Plaintiff in violation of the Equal Protection clauses of
 18 the First, Fourth, and Fourteenth Amendments to the United States Constitution.

19 60. As a direct and proximate result of the retaliatory, unnecessary, and racially-
 20 motivated Use of Force against Plaintiff by Defendants Masiel, David, Mendoza,
 21 and Doe, I sustained serious damages, including, but not limited to, the following: (1) instant
 22 infliction of and suffering; (2) damage resulting in severe recurring chronic pain in my ears,
 23 (3) jaw, (4) head, (5) neck, (6) upper- and (7) lower-spine over more than nine months; (8) chronic
 24 stress; (9) chronic distress; (10) chronic physical discomfort; (11) fright; (12) humiliation; (13) loss of my
 25 rights.

26 61. On May 23, 2006, inmates (1) James Evans, E-72229; (2) Derrick Louins, T-
 27 42634; and (3) Damon Harrison, P-14450, were housed in my assigned housing unit and
 28 they have provided me with a group-affidavit, attesting to having been personal witness

1 to the retaliation, harassment, intimidation and to having heard me calling for help on
 2 May 23, 2006, during the Unnecessary and retaliatory attack by Defendants Masiel, David,
 3 Mendoza, and Doe. I have appended the group-affidavit of inmates Evans, Lovings
 4 and Harrison to this Complaint as Attachment No. 3.

5 62. I incorporate and re-allege herein the allegations in Attachment No. 3, the group
 6 affidavit of inmate-witnesses, Evans, Lovings, and Harrison.

7 (Unnecessary Force /supervisory Liability)

8 63. On May 28, 2006, I filed inmate appeal, Log No. GSPC-06-2116, Seeking relief from
 9 the retaliation, intimidation, harassment, interference and physical abuse alleged in Paragraphs
 10 1 through 62 of this Complaint. I hereby incorporate by reference and re-allege herein
 11 the allegation, averments, and Contentions set forth in my appeal No. GSPC-06-2116, which I
 12 have appended in support of this Complaint as Attachment No. 1.

13 64. As alleged in my appeal, No. GSPC-06-2116, Prior to May 23, 2006, Defendants Adams,
 14 Sheppard-Brooks, Hartley, Lopez, Ruiz, J.M. Martinez, and each of them, were aware
 15 of the high number of allegations of abuse of prisoners by SAs at Corcoran and that
 16 Defendants Martinez, Masiel, David, and Mendoza, had an additionally high number of
 17 allegations of racially-motivated abuses of African-Americans. (See Attachment #1, appeal
 18 No. GSPC-06-2116, at Pages 1, 3 and 4, of 11.) Despite having foreknowledge of these conditions
 19 and the propensities of said defendants, and with deliberate indifference to the substantial
 20 risk of harm the aforesaid propensities posed to my health, Defendants Adams, Shep-
 21 pard-Brooks, Hartley, Lopez, Ruiz, Martinez, and each of them, failed to take adequate
 22 remedial action to prevent the attacks from occurring and adopted the aforesaid Prac-
 23 tice of Using the 'Staff Complaint and Confidentiality' Scheme to foster and perpetu-
 24 ate the attacks.

25 65. As a direct and proximate result of the acts and/or omissions of Defendants
 26 Adams, Sheppard-Brooks, Hartley, Lopez, Ruiz, Martinez, and each of them, as alle-
 27 ged in this Complaint, Plaintiff was subjected to the Unnecessary Use of Force in
 28 Violation of my rights Under the Equal Protection Clauses of the First, Fourth, and

1 Fourteenth; and the Prohibition of Cruel and Unusual Punishment Under the Eighth
2 Amendment to the United States Constitution.

3 66. As alleged in my appeal, Prior to May 23, 2006, Defendants Adams, Sheppard-Brooks,
4 Hartley, Lopez, Ruiz, Martinez, Northman, Hoffman, and each of them, knew that the Law
5 Libraries of Corcoran's SHU Facilities were inadequately funded, under-staffed, poorly managed,
6 and lacked adequate research materials, and that said inadequacies were likely to
7 result in the denial of adequate law library resources to prisoners in violation of their
8 Constitutional rights. (See Attachment #, at p. 1, 3 and 4, of 11.) Despite having such foreknow-
9 ledge, and with deliberate indifference to the rights of the Plaintiff, aforesaid Defendants,
10 and each of them, took no or inadequate remedial action to improve the condition of the
11 Libraries and thereby implicitly authorized, promulgated and perpetuated the inadequacies
12 alleged in this Complaint and violated Plaintiff's rights under the First, Fifth, Sixth,
13 and Fourteenth Amendments to the United States Constitution.

14 67. These acts and/or omissions, of Defendants Adams, Sheppard-Brooks, Hartley, Lopez,
15 Ruiz, Martinez, Northman, and Hoffman, as alleged in Paragraphs 63 through 66
16 of this Complaint, proved the direct and proximate cause of the violation of Plaintiff's
17 rights and the damages I sustained as alleged in this Complaint.

18 68. Defendant M. Mason reviewed my appeal, No. CSPC-06-2116 (Attachment #1), at
19 the institutional-level. He conducted a purely-sham "inquiry" which did not include any
20 of my inmate witnesses, then refused to even tell me whether my allegations were
21 proved or disproved by hiding under a deliberately mis-used privilege of confidential-
22 ity. (See Attachment #1, appeal No. 06-2116, at p. 5, of 11.) In deliberate indifference
23 to the serious risk posed to my health by the then-ongoing retaliation, intimidat-
24 ion and continuing violation of my rights as alleged in this Complaint, Defendant
25 Mason failed to take adequate action to stop the abuses and implemented the Corco-
26 ran shadow-custom of burying complaints under sham-confidentiality thereby im-
27 plicitly authorizing the alleged unnecessary use of force and perpetuating the
28 violation of my rights as alleged in this Complaint.

69. On August 11, 2006, Defendant Lopez endorsed the sham and meaningless August 9, 2006, response of Defendant Mason. (See Attachment #1, appeal No. 06-2116, at P. 2, 5-6, of 11.)

70. On October 17, 2006, Defendant Hartley endorsed Defendant Mason's meaningless response. (See Attachment #1, appeal No. 06-2116, at P. 6 of 11.)

71. On October 19, 2006, Defendant Sheppard-Brooks endorsed the meaningless response of Defendant Mason. (See Attachment #1, appeal No. 06-2116, at P. 2 of 11.)

72. On June 13, 2007, Defendant M. Hodges-Wilkins reviewed my appeal at the Director's-Level of review and endorsed and adopted the sham and meaningless response of Defendants Mason, Lopez, Hartley and Sheppard-Brooks. (See Attachment #1, appeal No. 06-2116, at P. 11 of 11.)

73. Plaintiff alleges that Prior to May 23, 2006, Defendants Mason, Lopez, Hartley, Sheppard-Brooks, Hodges-Wilkins, and each of them, knew of the existence of a shadow-policy at Corcoran whereby Corcoran Officials suppressed inmate allegations of staff misconduct by classifying such allegations as "staff complaints" and then asserting the privilege of "confidentiality" which is commonly afforded to staff complaints as a device to conceal the fact that no real or meaningful disciplinary or other remedial action was taken against the wrongdoers. Despite having said foreknowledge, and with deliberate indifference to the rights, and serious ongoing risk of serious injury to Plaintiff and the continued violation of my rights, aforesaid Defendants, promulgated and implemented the shadow-policy that is itself a moving force of the violation of my rights under the First, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, as alleged in this Complaint.

74. As a direct and proximate result of these acts and/or omissions, of Defendants Mason, Lopez, Hartley, Sheppard-Brooks, and Hodges-Wilkins, Plaintiff was denied relief and the acts of retaliation, intimidation, harassment, interference and abuse were perpetuated.

75. Between June 15, 2006, and January 31, 2008, Defendants Adams, Sheppard-Brooks,

1 Hartley, Lopez, Worthman, and Hoffman assigned Defendant C/o's J. Munoz, and F. Yamat,
 2 the duty and responsibility for conducting the day to day operation and on-site
 3 management of the AB SHU Law Library, even though they were previously either
 4 entirely or grossly-inadequately trained to fulfill the tasks required of these posi-
 5 tions and, despite the foreknowledge that untrained or grossly-inadequately trained
 6 C/o's serving as law librarians would likely result in Corcoran AB SHU inmates being
 7 denied adequate and meaningful law library services, in violation of our rights
 8 under the First, Fourth, Fifth, Sixth, and the Fourteenth Amendments to the United
 9 States Constitution.

10 76. As a direct and proximate result of the deliberate indifference of Defen-
 11 dants Adams, Sheppard-Brooks, Hartley, Lopez, Worthman, and Hoffman to Plaintiff's
 12 right to adequate and meaningful access to law library services as alleged in
 13 paragraph 75 of this Complaint, Plaintiff was subjected to the lack of adequate law
 14 library services, retaliation, harassment, intimidation, and the sadistic and malicious
 15 interference with my efforts to file civil litigation in the courts as alleged in this
 16 Complaint. (See this Complaint, at paragraphs 39 through 43.)

17 77. Plaintiff further alleges that the violation of my rights and the damages I sus-
 18 tained as alleged in this Complaint, are the direct and proximate result of policies,
 19 customs and/or repeated practices adopted, promulgated and implemented by Defendants
 20 Adams, Sheppard-Brooks, Hartley, Lopez, Worthman, Hoffman, and each of them, where-
 21 by an inmate who was allowed to attend a regular two-and-one-half hour law library
 22 session in any given seven-(7) day ("one week") span of time, was automatically and
 23 arbitrarily precluded from requesting and/or receiving case citations ("paging")
 24 for the same entire 7-day time-span.

25 78. In promulgating and implementing the policy described in paragraph 77 of this
 26 Complaint, aforesaid Defendants, and each of them, adopted a policy that arbitrarily
 27 and unrelentingly limited Plaintiff "accumulative and total legal-research opportunities
 28 to just two-and-one-half hours per week" and denied me adequate study- and

1 research-Time to Prepare and Present a defense from Criminal-Trial Proceedings
 2 taking Place in the California State Superior Court for the County of Kings in June 2,
 3 2006, through December 13, 2006, and to research the laws, rules, and Procedures For
 4 Filing several Civil rights 42 U.S.C. § 1983 actions, including, but not limited to the instant one,
 5 or adequate time to study to Prosecute two previously-Filed 42 U.S.C. § 1983 Civil actions
 6 in Which I was Made, as a result of inadequate study-time, to File numerous poorly
 7 researched Motions that Contained old, irrelevant and/or no Supporting Case Citations
 8 and were mostly ineffectual, When not entirely so, (also see Paragraphs 39 through 43 of
 9 this Complaint.

10 79. On August 2, 2006, I Filed inmate Grievance No. CSPC-06-3346, alleging some of the
 11 herein alleged Violations of my rights, and I have appended Grievance No. 06-3346 in
 12 Support of this Complaint as Attachment #2. I incorporate by reference and re-allege
 13 herein the allegation, averments and Contentions Set Forth in Grievance No. 06-3346.

14 80. As alleged in my appeal, 4B so-called Law Librarian, Mr. Rosenthal, was the only Librarian
 15 assigned to 4A and 4B Facilities and was never actually "Physically Present" Within the
 16 4B Library From June, 2006, through January 2008. He was a Phantom and, at best, the 4B
 17 Law Librarian in name only. The Library was actually operated by Defendants Munoz, and Yamat,
 18 who harassed anyone filing Civil lawsuits against %0's and intentionally Sabotaged inmate Law
 19 Library Work-Product in ways including, but not limited to, those alleged in this Complaint
 20 in Paragraphs 39 through 43. (See Attachment #2, appeal No. 06-3346, at Pages 1, and 4
 21 of 7.)

22 81. On September 20, 2006, Defendants Northman, and Hoffman appeared at the
 23 Cell-Front of my assigned Cell in the SHU, While I was Secured Within it, to inter-
 24 view me at the institutional-Level for appeal No. 06-3346. At this interview, Defen-
 25 dants Northman and Hoffman informed me that Defendant Adams, or his designee had
 26 Classified appeal No. 06-3346 as a "Staff Complaint", that he had instructed them to only
 27 respond to Paragraph 16 of the appeal, and that any and all Findings of their inquiry
 28 would be "Confidential". (See Attachment #2, appeal No. 06-3346, at p. 5 of 7.)

82. During the September 20, 2006, interview of Defendants Worthman and Hoffman, I protested the unfairness of their, and Defendant Adams', decision to only address Paragraph 16 of my Grievance because Paragraphs 13, 14 and 15 alleged "ongoing" conditions and inadequacies at the Library (see Attachment #2, at p. 4-5, of 7.) Notwithstanding this clear and evident fact, Defendants Worthman, and Hoffman stated they were only going to "inquire" about Paragraph 16 to Defendants Munoz and Yamat and their "findings would be confidential", and they asked if I had "anything to add" to my allegations. Frustrated and disgruntled, I replied: "No, I have nothing to add, this 'inquiry' is a sham and we all know it. Just sign off on it so I can sue your asses. Now, you need to excuse me, I had been waiting for toilet-paper for more than two-hours prior to your coming. I just got it from the % as you saw when you walked up and I need to take a shit." (see Attachment #2, at p. 5, of 7.)

83. On October 17, 2006, Defendant Hoffman issued a sham, biased, and meaningless response to my appeal wherein he uncharitably recounted the events surrounding his and Worthman's September 20, 2006, interview of me but, nevertheless, "partially granted" my appeal. (see Attachment #2, appeal No. 06-3346, at p. 5, of 7.)

84. On October 20, 2006, Defendant Hartley signed the sham, biased, and meaningless response on behalf of Defendant Adams, and entirely consistent with the aforesaid shadow-policy of writing inmate complaints under a deliberate mis-usage of the privilege of confidentiality. (see Attachment #2, at p. 5, of 7. Also, see this complaint, at paragraphs 42-43, and 73.)

85. On May 29, 2007, Defendant L. Hoagland reviewed appeal No. 06-3346 on behalf of the Director of Corrections, and cancelled the grievance altogether, based on the outrageous-fraud assertion that I "refused to appear for an interview", without stating what interview I failed to appear at, although an earlier response from an unknown CDCR agent representing the Chief of Inmate Appeals. (see Attachment #2, at p. 6.)

86. Plaintiff alleges that the acts and/or omissions of Defendants Worthman, Hoffman, Hartley, Hoagland, and each of them, in responding to appeal No. 06-3346, as alleged

1 in Paragraphs 81 through 83 of this Complaint, Promulgated and implemented a Corcoran
 2 Shadow-Policy of burying inmate Complaints Under Shame assertions of Confidentiality, a Policy
 3 so deficient that the Policy itself is a repudiation of Constitutional rights and proved
 4 the moving force of Fosterment and Perpetuation of the denial of adequate Law
 5 Library Services to me, the Perpetuation of the herein-alleged retaliation, harassment,
 6 intimidation and, thereby, violated my rights Under the First, Fifth, Sixth, and Fourteenth
 7 Amendments to the United States Constitution.

8 87. As a direct and Proximate result of the acts and/or omissions of Defendants Nor-
 9 thman, Hoffman, Hartley, Hoogland, and each of them, I suffered the violation of
 10 my rights and sustained the damages as alleged in this Complaint.

11 88. In Support of this Complaint, I have appended the declaration of George H.
 12 Robinson, D-48919, within which he attests that he, too, was subjected to a racially-
 13 motivated and Unnecessary Use of Force by Defendants J.M. Martinez, J. Masiel,
 14 B. David, and L. Mendoza, while he was secured in both leg- and wrist-shackles, and
 15 and prone on the ground with his hands behind his back on January 22, 2007. (See Attach-
 16 ment # 4, The Declaration of George H. Robinson, at Pages 1-2, of 2.)

17 89. Inmate Witness and declarant George H. Robinson, D-48919, is a Jailhouse-Lawyer
 18 like this Plaintiff, and is additionally willing to testify that Prior to, during, and
 19 after the herein-described Unnecessary Use of Force, the aforesaid defendants made
 20 numerous allusions to his prolific exercise of right to file civil actions.

21 VIII.

22 STATEMENT OF DAMAGES

23 90. As a direct and Proximate result of the acts and/or omissions of the Defen-
 24 dants, and each of them, as alleged in this Complaint, Plaintiff suffered serious damages,
 25 including, but not limited to, the following: Plaintiff suffered (1) retaliation; (2) intimidation;
 26 (3) harassment; and (4) interference, for petition the courts. Plaintiff sustained (5) the instan-
 27 taneous infliction of pain; (6) suffering; (7) fright; (8) severe chronic ear-pain over four weeks; (9) severe
 28 chronic head-pain over seven days; (10) severe chronic jaw-pain over four weeks; (11) severe chronic

1 neck-Pain over Five months; ⁽¹²⁾ Severe Chronic Upper-back/spinal Pain over 24 months; ⁽¹³⁾ Severe
 2 Lower-back/spinal Pain over 24 months; ⁽¹⁴⁾ Severe Chronic Physical discomfort over eighteen months
 3 ; ⁽¹⁵⁾ denial of adequate Physical exercise over twenty-four months; ⁽¹⁶⁾ Severe Chronic Shoulder-, back- and
 4 Leg-Cramps From lack of adequate Physical exercise recurring over twenty-four months; ⁽¹⁷⁾ Severe
 5 Chronic Constipation From lack of adequate exercise over eighteen months; ⁽¹⁸⁾ Severe Chronic Head-Pain
 6 From lack of adequate exercise recurring over twenty-four months; ⁽¹⁹⁾ Severe Chronic Mental anguish
 7 From instantaneous infliction of Pain; ⁽²⁰⁾ Severe Chronic Mental anguish over twenty-four months due to
 8 recurring Pain, discomfort and Lack of exercise; ⁽²¹⁾ instantaneous infliction of emotional du-
 9 ress; ⁽²²⁾ Severe Chronic infliction of emotional duress recurring over twenty-four months due
 10 to Pain, discomfort and Lack of adequate exercise; ⁽²³⁾ Mortification; ⁽²⁴⁾ humiliation; and ⁽²⁵⁾
 11 Loss of rights due to the Unnecessary Use of Force. And due to being denied "Paging" For
 12 Cell-Study during my seven-day period that I spent two hours in the library, and thereby
 13 limited to two hours per week of research time, I was denied reasonable or adequate
 14 opportunity to handle and read books, Cell-Study and Prepare and Present defenses, and Prose-
 15 in the following legal actions:

16 (a). In a Federal 42 U.S.C. § 1983 Civil action entitled Barry Lamon v. The Director of
 17 The California Department of Corrections, et al., Case No: 2:06-cv-00156-GEB-KJM (PC) (U.S.D.C.
 18 E.D. CA.) I was delayed three months in Filing it, denied adequate opportunity, or ability to
 19 adequately research the laws involved therein, and had to file a poorly-researched docu-
 20 ment, which was poorly-pled, and has required more than two amendments and added
 21 expense to correct, and continues claims which may now be lost forever due to time-barred
 22 amendments.

23 (b) In Federal 42 U.S.C. § 1983 Civil action entitled Barry Lamon v. G.K. Piller, et al., Case No.
 24 Civ-S-03-0423-FOU-CMK (PC) I was forced to file poorly-researched motions citing old
 25 or irrelevant law that were near-entirely ineffectual. As a result, I have been denied any discovery
 26 in that case.

27 (c) In Federal 42 U.S.C. § 1983 Civil action entitled Barry Lamon v. G. Stiles, et al., Case No. Civ-S-
 28 07-00015-MCE-EFB (PC) I am currently facing dismissal with Prejudice and the loss forever of

1 the chance to litigate this meritorious case because, due to lack of study, I didn't know that I
2 had a time-bar, and had to file it within said time.

3 (d) In Federal 42 U.S.C. § 1983 Civil action entitled Barry Lamon v. Derral Adams, et al, Case No. Civ-
4 S-07-0829-AWI-WMW(PG) I was forced to file poorly-researched complaints, requiring repeated
5 amendments at additional costs.

6 (e) In Federal 42 U.S.C. § 1983 Civil action entitled Barry Lamon v. John Tilton, et al, Case No.
7 1:07-cv-0493-AWI-DLB(PG) I was forced to file poorly-researched complaints and motions that
8 have required repeated amendments and additional costs.

9 (f) In Criminal Trial Proceedings against me in a case entitled People of the State of
10 California v. Barry Lamon, Case No. 06CW7367, in the Superior Court of Kings County, I was
11 made to file several "meaningless" poorly-researched motions that the court rejected
12 as inadequate. As a result, I was denied Ancillary Funds for an investigator, denied all defense
13 funds, denied all witnesses, had to abandon my right to self-representation on the day of trial,
14 and was found guilty, and sentenced to 28 years-to-life and statutory fines. (This case is
15 NOT my controlling conviction. I was already a lifer, but this still violates my rights!) and,

16 Plaintiff suffered (27) chronic mental anguish; (28) chronic depression; (29) intentional infliction
17 of emotional distress over eighteen months; (29) fatigue; (30) exhaustion; (31) loss of leisure-time
18 due to worry and need to repair inadequate legal pleadings; and (32) loss of rights, due to the deni-
19 al of paying services, and adequate court procedures.

20 91. Plaintiff anticipates the court's appointment of counsel to represent him and is
21 and is entitled to an award of my attorney's fees pursuant to 42 U.S.C. § 1988, and Cal.
22 Civ. Code, § 52, and the costs of suit.

23 FIRST CLAIM FOR RELIEF
24 (42 U.S.C. § 1983)

25 (FIRST AMENDMENT INTERFERENCE)

26 92. Plaintiff incorporates by reference and re-alleges herein the allegations in
27 paragraphs 1 through 91.

28 93. In doing the acts and/or omissions alleged in paragraphs 39 through 91 of this
Complaint, Defendants Adams, Sheppard-Brooks, Hartley, Lopez, Ruiz, Northman, Hoffman,

1 Hodges-Wilkins, Hoorland, Martinez, Franklin, Gomez, Munoz, Yamat, Masiel, David, Mendoza,
2 Doe, and each of them, Subjected me to malicious interference with my civil litigation and criminal
3 defense in violation of my rights Under the First, Fifth, Sixth, and Fourteenth Amendments
4 to the United States Constitution.

5 WHEREFORE, I Pray the Court For the relief hereinafter Set Forth.

6 SECOND CLAIM FOR RELIEF

7 42 U.S.C. § 1983

8 (DENIAL OF MEANINGFUL ACCESS TO THE COURTS)

9 94. Plaintiff incorporates by reference and re-alleges herein the allegations in
10 Paragraphs 1 through 93.

11 95. In doing the acts and/or omissions alleged in Paragraphs 39 through 53, 66-67,
12 and 73 through 87 of this Complaint, Defendants Adams, Sheppard-Brooks, Hartley, Lopez, Ruiz,
13 Martinez, Worthman, Hoffman, Franklin, Gomez, Munoz, Yamat, and each of them, denied
14 me adequate or meaningful access to the Courts in violation of my rights Under the First,
15 Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

16 WHEREFORE, I Pray For the relief as hereinafter Set Forth.

17 THIRD CLAIM FOR RELIEF

18 42 U.S.C. § 1983

19 (DENIAL OF ADEQUATE AND/OR REASONABLE LAW LIBRARY)

20 96. Plaintiff incorporates by reference and re-alleges herein the allegations in Para-
21 graphs 1 through 95.

22 97. In doing the acts and/or omissions alleged in this Complaint in Paragraphs 39
23 through 53, 66-67, and 73 through 87, Defendants Adams, Sheppard-Brooks, Hartley, Lopez,
24 Ruiz, Martinez, Worthman, Hoffman, Franklin, Gomez, Munoz, Yamat, and each of them,
25 denied me adequate and/or reasonable access to a Law Library and/or its services in
26 violation of my rights Under the First, Fifth, Sixth, and Fourteenth Amendments to the
27 United States Constitution.

28 WHEREFORE, I Pray For the relief as hereinafter Set Forth.

FOURTH CLAIM FOR RELIEF

(42 U.S.C. § 1983)

(FIRST AMENDMENT RETALIATION FOR PETITIONING THE COURTS)

98. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs 1 through 97.

99. In doing the acts and/or omissions alleged in Paragraphs 54 through 62 of this Complaint, Defendants Masiel, David, Mendoza, Doe, and each of them, subjected me to retaliation for my exercise of my right to petition the Court for redress of my grievances in violation of my rights Under the First Amendment to the United States Constitution.

WHEREFORE, I Pray for the relief as hereinafter set forth.

FIFTH CLAIM FOR RELIEF

(42 U.S.C. § 1983)

(DENIAL OF EQUAL PROTECTION UNDER THE LAWS)

100. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs 1 through 99.

101. In doing the acts and/or omissions alleged in Paragraphs 54 - 62, the actions of Defendants Masiel, David, Mendoza, and Doe, were in part, motivated by my African-American Heritage in violation of my rights Under the Equal Protection Clauses of the First, Fourth, and Fourteenth Amendments to the United States Constitution.

WHEREFORE, I Pray for the relief as hereinafter set forth.

SIXTH CLAIM FOR RELIEF

(42 U.S.C. § 1983)

(CRUEL AND UNUSUAL PUNISHMENT/UNNECESSARY USE OF FORCE)

102. Plaintiff incorporates by reference and re-alleges the allegations in Paragraphs 1 through 101.

103. In doing the acts and/or omissions alleged in Paragraphs 54 through 62 of this Complaint, Defendants Masiel, David, Mendoza, Doe, and each of them, subjected me to the malicious Unnecessary Use of Force and Cruel and Unusual Punishment in violation of my rights Under the Eighth Amendment to the United States Constitution.

WHEREFORE, I Pray for the relief as hereinafter set forth.

SEVENTH CLAIM FOR RELIEF
(42 U.S.C. § 1983)

(CRUEL AND UNUSUAL PUNISHMENT / INTENTIONAL INFLICTION OF PAIN)

104. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs 1 through 103.

105. In doing the acts and/or omissions alleged in Paragraphs 54 through 62 of this Complaint, Defendants Mosiel, David, Mendoza, Doe, and each of them, Subjected Plaintiff to Wanton and Unnecessary infliction of Pain and Subjected him to Cruel and Unusual Punish- in doing so, thereby Violating MY rights Under the Eighth Amendment to the United States Constitution.

WHEREFORE, I Pray For relief as hereinafter Set Forth.

EIGHTH CLAIM FOR RELIEF
(42 U.S.C. § 1983)

(VIOLATION OF PERSONAL SECURITY INTEREST)

106. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs 1 through 105.

107. In doing the acts and/or omissions alleged in Paragraphs 54 through 62 of this Complaint, Defendants Mosiel, David, Mendoza, Doe, and each of them, Subjected me to a Sadistic, malicious and Unnecessary Use of Force in deliberate disregard of MY right to Personal Security interest in Violation of MY rights Under the Fourteenth Amendment to the United States Constitution.

WHEREFORE, I Pray For the relief as hereinafter Set Forth.

NINTH CLAIM FOR RELIEF
(42 U.S.C. § 1983)

(FIRST AMENDMENT RETALIATION / SUPERVISORY LIABILITY)

108. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs 1 through 107.

109. In doing the acts and/or omissions alleged in Paragraphs 39 through 42, 63 through 89 of this Complaint, Defendants Adams, Sheppard-Brooks, Hartley, Lopez, Ruiz, Northman, Mason,

HOFFMAN, Hodges-Wilkins, Hoogland, Martinez, and each of them, Promulgated or implemented Policies so deficient that the Policies themselves Proved a Moving Force in Subjecting me to the Malicious interference with my access to the Courts as alleged in this Complaint and Violated my rights Under the First, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

WHEREFORE, I Pray for the relief as hereinafter Set Forth.

TENTH CLAIM FOR RELIEF
(42 U.S.C. § 1983)

(DENIAL OF MEANINGFUL ACCESS TO THE COURTS / SUPERVISOR LIABILITY)

110. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs I through 109.

111. In doing the acts and/or omissions alleged in Paragraphs 39 through 42, and 63 through 91 of this Complaint, Defendants Adams, Sheppard-Brooks, Hartley, Lopez, Ruiz, Northman, Hoffman, Hodges-Wilkins, Hoogland, Martinez, Mason, and each of them, Promulgated or implemented Policies so deficient the the Policies themselves Proved a Moving Force in denying me meaningful access to the Courts in violation of my rights Under the First, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

WHEREFORE, I Pray for the relief as hereinafter Set Forth.

ELEVENTH CLAIM FOR RELIEF
(42 U.S.C. § 1983)

(DENIAL OF REASONABLE OR ADEQUATE LAW LIBRARY / SUPERVISORY LIABILITY)

112. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs I through 111.

113. In doing the acts and/or omissions alleged in Paragraphs 39 through 42, and 63 through 91 of this Complaint, Defendants Adams, Sheppard-Brooks, Hartley, Lopez, Ruiz, Mason, Martinez, Northman, Hoffman, Hodges-Wilkins, Hoogland, and each of them, denied me reasonable or adequate access to Law Library Services in violation of my rights Under the First, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

WHEREFORE, I Pray for the relief as hereinafter Set Forth.

TWELFTH CLAIM FOR RELIEF
(42 U.S.C. § 1983)

(FIRST AMENDMENT RETALIATION / SUPERVISORY LIABILITY)

114. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs 1 through 113.

115. In doing the acts and/or omissions alleged in Paragraphs 39 through 42, and 63 through 90 of this Complaint, Defendants Adams, Shepard-Brooks, Hartley, Lopez, Ruiz, Mason, Martinez, Warthman, Hodges-Wilkins, Hoogland, and each of them, Promulgated or implemented Policies so deficient that the Policies themselves Prove a Moving Force in my being Subjected to retaliation For Petitioning the Courts For redress of my grievances and the Violation of my rights Under the First Amendment to the United States Constitution.

WHEREFORE, I Pray For the relief as hereinafter Set Forth.

THIRTEENTH CLAIM FOR RELIEF
(42 U.S.C. § 1983)

(DENIAL OF EQUAL PROTECTION UNDER THE LAWS / SUPERVISORY LIABILITY)

116. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs 1 through 115.

117. In doing the acts and/or omissions alleged in Paragraphs 39 through 42, and 63 through 90 of this Complaint, Defendants Adams, Shepard-Brooks, Hartley, Lopez, Ruiz, Mason, Martinez, Hodges-Wilkins, and each of them, Promulgated or implemented Policies so deficient that the Policy itself Proved a Moving Force in my being denied equal Protection Under the Laws and Violated my rights Under the Equal Protection Clauses of the First, Fourth, and Fourteenth Amendments to the United States Constitution.

WHEREFORE, I Pray For the relief as hereinafter Set Forth.

FOURTEENTH CLAIM FOR RELIEF
(42 U.S.C. § 1983)

(CRUEL AND UNUSUAL PUNISHMENT / UNNECESSARY USE OF FORCE / SUPERVISORY LIABILITY)

118. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs 1 through 117.

119. In doing the acts and/or omissions alleged in Paragraphs 39 through 42, and 63 through 90 of this Complaint, Defendants Adams, Shepard-Brooks, Hartley, Lopez, Ruiz,

1 Mason, Martinez, Hodges-Wilkins, and each of them, Promulgated or implemented Policies so
 2 deficient that the Policies themselves Proved a moving Force in my being Subjected to the
 3 malicious and Unnecessary Use of Force and Cruel and Unusual Punishment in violation of my rights
 4 Under the Eighth Amendment to the United States Constitution.

5 WHEREFORE, I Pray for the relief as hereinafter Set Forth.

6 FIFTEENTH CLAIM FOR RELIEF

7 (42 U.S.C. § 1983)

8 (CRUEL AND UNUSUAL PUNISHMENT/INTENTIONAL INFLICTION OF PAIN/SUPERVISORY)

9 120. Plaintiff incorporates by reference and re-alleges herein the allegations in
 10 Paragraphs 1 through 119.

11 121. In doing the acts and/or omissions alleged in Paragraphs 39 through 42, and
 12 63 through 90 of this Complaint, Defendants Adams, Sheppard-Brooks, Hartley, Lopez,
 13 Mason, Martinez, and each of them, Promulgated or implemented Policies so deficient
 14 that the Policy itself was a moving Force in Subjecting Me to the Wanton and Unneces-
 15 sary infliction of Pain and Suffering and Cruel and Unusual Punishment in violation of my
 16 rights Under the Eighth Amendment to the United States Constitution.

17 WHEREFORE, I Pray for the relief as hereinafter Set Forth.

18 SIXTEENTH CLAIM FOR RELIEF

19 (42 U.S.C. § 1983)

20 (VIOLATION OF PERSONAL SECURITY INTEREST/SUPERVISORY LIABILITY)

21 122. Plaintiff incorporates by reference and re-alleges herein the allegation in
 22 Paragraphs 1 through 121.

23 123. In doing the acts and/or omissions alleged in Paragraphs 39 through 42, and 63
 24 through 90 of this Complaint, Defendants Adams, Sheppard-Brooks, Hartley, Lopez, Ruiz, Mason,
 25 Martinez, Hodges-Wilkins, and each of them, Promulgated or implemented Policies so deficient
 26 that the Policies themselves Proved a moving Force in violating my Personal Security
 27 interest in violation of my rights Under the Fourteenth Amendment to the United
 28 States Constitution.

WHEREFORE, I Pray for the relief as hereinafter Set Forth.

SEVENTEENTH CLAIM FOR RELIEF

(42 U.S.C. § 1983)

(CRUEL AND UNUSUAL PUNISHMENT/FAILURE TO TRAIN, SUPERVISE & DISCIPLINE)

124. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs 1 through 123.

125. In doing the acts and/or omissions alleged in Paragraphs 39 through 42, and 63 through 90 of this Complaint, Defendants Adams, Sheppard-Brooks, Hartley, Lopez, Ruiz, Mason, Martinez, Hodges-Wilkins, and each of them, were deliberately indifferent to the need to adequately train, supervise, and discipline their subordinates to stop inmates at Corcoran from being subjected to conditions of confinement constituting cruel and unusual punishment in violation of the Eighth Amendment to the United States Constitution.

126. As a direct and proximate result of the failure of the aforesaid defendants to properly train, supervise and discipline their subordinates, I was subjected to the conditions constituting cruel and unusual punishment, and each one of them, as alleged in this Complaint in violation of my rights under the Eighth, Fourteenth, and the Equal Protection Clauses of the First, Fourth, and Fourteenth Amendments to the United State Constitution.

WHEREFORE, I pray for the relief as hereinafter set forth.

EIGHTEENTH CLAIM FOR RELIEF

(42 U.S.C. § 1983)

(DENIAL OF REASONABLE AND ADEQUATE LAW LIBRARY/FAILURE TO TRAIN)

127. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs 1 through 126.

128. In doing the acts and/or omissions alleged in Paragraphs 39 through 42, and 63 through 90 of this Complaint, Defendants Adams, Sheppard-Brooks, Hartley, Lopez, Ruiz, Martinez, Worthman, Hoffman, Hoogland, and each of them, were deliberately indifferent to the need for adequate training, supervision and discipline of their subordinates to stop inmates from being denied reasonable and adequate access to the law library and its services and violating inmate rights under the First, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

129. As a direct and proximate result of the aforesaid defendants' deliberate

1 indifference to the need to adequately train, supervise, and discipline their sub-
2 ordinates, I was denied reasonable or adequate access to a law library and/or its
3 services in violation of my rights under the First, Fifth, Sixth, and Fourteenth
4 Amendments to the United States Constitution.

5 WHEREFORE, I pray for the relief as hereinafter set forth.

6 NINETEENTH CLAIM FOR RELIEF

7 (California Constitution, Article I, Sections 7, 13, and 17)

8 (FIRST AMENDMENT RETALIATION FOR EXERCISING RIGHT)

9 130. Plaintiff incorporates by reference herein the allegations in paragraphs 1
10 through 129.

11 131. In doing the acts and/or omissions alleged in paragraphs 39 through 40 of this
12 Complaint, Defendants, and each of them, subjected Plaintiff to retaliation for exercise of my
13 right to petition the courts for redress of my grievances in violation of my rights
14 under Article I, Sections 7, 13 and 17 of the California Constitution.

15 WHEREFORE, I pray for the relief as hereinafter set forth.

16 TWENTIETH CLAIM FOR RELIEF

17 (California Constitution, Article I, Section 17)
18 (Cruel and Unusual Punishment)

19 132. Plaintiff incorporates by reference and re-alleges herein the allegations in
20 paragraphs 1 through 131.

21 133. In doing the acts and/or omissions alleged in paragraphs 54 through 62 of
22 this Complaint, Defendants Masiel, David, Mendoza, Doe, and each of them, subjected
23 the Plaintiff to Cruel and Unusual Punishment in violation of my rights under Article I, Section
24 17 of the California Constitution.

25 WHEREFORE, I pray for the relief as hereinafter set forth.

26 TWENTY-FIRST CLAIM FOR RELIEF

27 (California Constitution, Article I, Section 7 and 17)

28 (Cruel and Unusual Punishment/Infliction of Pain and Suffering.)

134. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs 1 Through 133.

135. In doing the acts and/or omissions as alleged in Paragraphs 54-62 of this Complaint, Defendants Masiel, David, Mendoza, Doe, and each of them, subjected the Plaintiff to Unnecessary and Wanton infliction of Pain and Physical Injury in violation of Article 1, Section 17 of the California Constitution.

Wherefore, Plaintiff prays for the relief as herein after set forth.

9 TWENTY-SECOND CLAIM FOR RELIEF

10 (California Constitution, Article 1, Section 17)
11 (Cruel and Unusual Punishment / Supervisory Liability)

12 136. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs 1 Through 137.

137. By knowingly failing to adequately train, supervise and/or discipline subordinate custodial personnel with respect to the use of force on inmates at CSP-COR, defendants Adams, Sheppard-Brooks, Lopez, Ruiz, Mason, Hodges-Wilkins, Martinez, and each of them, subjected the Plaintiff to Cruel and Unusual Punishment in violation of his rights under Article 1, Section 17 of the California Constitution.

Wherefore, Plaintiff prays for relief as herein after set forth.

21 TWENTY-THIRD CLAIM FOR RELIEF

22 (California Constitution, Article 1, Section 17)
23 (Infliction of Pain and Suffering / Failure to Train and Supervise)

24 138. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs 1 Through 137.

25 139. By knowingly failing to adequately train, supervise and/or discipline subordinate custodial personnel with regard to the Unnecessary and Wanton infliction of Pain and Physical Injury on inmates

1 AT GSP-COH, defendants Adams, Lopez, Sheppard-Brooks, Ruiz, Mason, Hodges-Wil-
 2 kins, Martinez, and each of them, Subjected The Plaintiff To Unneces-
 3 sary and Wanton infliction of Pain and Physical Injury in Violation
 4 of his Rights Under Article I, Section 17 of The California Const.

5 Wherefore, Plaintiff prays for relief as hereinafter set forth.

6 TWENTY-FOURTH CLAIM FOR RELIEF

7 (California Constitution, Article I, Section 13)
 8 (Violation Of Personal Security Interest)

9 140. Plaintiff incorporates by reference and re-alleges herein
 10 the allegations in paragraphs 1 through 139.

11 141. In doing the acts and/or omissions as alleged in this Com-
 12 plaint, defendants Adams, Sheppard-Brooks, Lopez, Ruiz, Mason, Martinez, Hodges-Wilkins,
 13 Masial, Mendoza, David, Doe, and each of them, Violated The Plaintiff's
 14 Personal Security Interest in Violation of Article I, Section 13 of The
 15 California Constitution.

16 Wherefore, Plaintiff prays for the relief as hereinafter set forth.

17 TWENTY-FIFTH CLAIM FOR RELIEF

18 (California Constitution, Article I, Sections 7 and 17)
 19 (Infliction Of Pain and Suffering)

20 142. Plaintiff incorporates by reference and re-alleges herein the
 21 allegations in paragraphs 1 through 141.

22 143. In doing the acts and/or omissions as alleged in this
 23 Complaint, defendants Martinez, Masial, David, Mendoza, and Doe,
 24 and each of them, Subjected The Plaintiff To Physical Pain and
 25 Mental Suffering thereby Violating his Rights Under Article I, Sections
 26 7 and 17 of The California Constitution.

27 Whereby, Plaintiff prays for relief as hereinafter set forth.

28 TWENTY-SIXTH CLAIM FOR RELIEF

(California Constitution, Article I, Sections 7 and 17)
 (Deliberate Indifference / Infliction Of Pain / Failure To Train)

1 144. Plaintiff incorporates by reference and re-allows herein
2 the allegations in Paragraphs 1 Through 143.

3 145. By knowingly failing to train, supervise and/or discipline
4 subordinate custodial personnel with regard to the unnecessary
5 and wanton infliction of pain and physical injury on inmates
6 at GSP-COR, defendants Adams, Sheppard-Brooks, Lopez-Ruiz, Mason, Hodges-Wil-
7 kins, Martinez, and each of them, subjected the Plaintiff to
8 unnecessary and wanton infliction of pain and physical injury
9 in violation of his rights under Article I, Sections 7 and 17 of
10 the California Constitution.

11 Wherefore, Plaintiff prays for relief as hereinafter set forth.

12 TENTH-SEVENTH. Claim For Relief

13 (California Constitution, Article I, Section 7)

14 (Denial of Equal Protection under the laws)

15 146. Plaintiff incorporates by reference and re-allows herein
16 the allegations in Paragraphs 1 Through 145.

17 147. Plaintiff is informed and believes and thereon alleges
18 that the acts and/or omissions of the defendants as alleged
19 in this Complaint, were racially motivated and done, in part, for
20 the purpose of discriminating against the Plaintiff because of
21 my African-American race in violation of the Equal Protection
22 Clause of Article I, Section 7 of the California Constitution.

23 Wherefore, Plaintiff prays for relief as hereinafter set forth.

24 28th Claim For Relief

25 California Civil Code Section 51.7

26 148. Plaintiff incorporates by reference and re-allows herein
27 the allegations in Paragraphs 1 Through 147.

28 149. Plaintiff is informed and believes and thereon alleges

1 in doing the aforementioned acts and/or omissions, defendants
 2 defendants Martinez, Masiel, David, Mendoza, and Doe, and
 3 each of them, engaged in violence or caused violence
 4 to be used, against the Plaintiff as a result of his race
 5 in violation of California Civil Code 51.7.

6 150. As a direct and proximate result of the violation of
 7 California Civil Code 51.7 by defendants Martinez, Masiel,
 8 David, Mendoza, and Doe, and each of them, Plaintiff
 9 suffered general and special damages, and is entitled to statutory
 10 damages and fees and costs.

11 Wherefore, Plaintiff prays for relief as herein after set forth.

12 29th Claim For Relief
 13 (California Civil Code Section 52.1)

14 151. Plaintiff incorporates by reference and re-alleges herein the
 15 allegations in paragraphs 1 through 150.

16 152. Plaintiff is informed and believes and thereon alleges that
 17 in doing the acts and/or omissions as alleged in this Complaint,
 18 defendants, and each of them, denied Plaintiff the right to be
 19 free from interference, attempted interference, threats, intimidation
 20 and coercion in exercising and enjoying his rights secured by
 21 the Constitution and laws of the State of California in violation
 22 of California Civil Code Section 52.1.

23 153. As a direct and proximate result of the violation of Cal-
 24 ifornia Civil Code Section 52.1 by defendants, and each of
 25 them, Plaintiff suffered general and special damages, and
 26 is entitled to statutory damages and Attorney's Fees.

27 Wherefore, Plaintiff prays for relief as hereinafter set forth.

28 // // // //

30TH Claim For Relief

(Assault and Battery)

154. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs 1 Through 153.

155. In doing the acts and/or omissions as alleged in this Complaint, defendants Martinez, Masial, David Mendoza, and Doc, and each of them, subjected the Plaintiff to Assault and Battery under the laws of California.

Wherefore, Plaintiff prays for relief as hereinafter set forth.

31st Claim For Relief

(Negligence)

156. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs 1 Through 155.

157. Defendants, and each of them, owed Plaintiff a duty to use due care at or about the times of the aforementioned incidents.

158. In doing the acts and/or omissions as alleged in this Complaint, defendants, and each of them, negligently breached said duty to use due care, directly and proximately resulting in the injuries and damages to the Plaintiff as alleged in this Complaint.

Wherefore, Plaintiff prays for relief as herein after set forth.

32nd Claim For Relief

(Negligent Supervision)

159. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs 1 Through ..

160. Defendants Adams, Shepard-Brooks, Lopez, Ruiz, Mason, Martinez, Worthman, Hoffman, Hodges-Wilkins, Hoagland, In doing the acts and/or omissions alleged in this Complaint, were negligent in their supervision of subordinate personnel, including, but not limited

1 to Defendants Masiel, David, Mendoza, Doe, Franklin, Gomez, Munoz, Yamat, and
 2 each of them, resulting in the violation of my rights and the injuries and dam-
 3 ages I sustained as alleged in this Complaint;

4 WHEREFORE, I Pray for the relief as hereinafter set forth.

5 33rd CLAIM FOR RELIEF

6 (California Code of Regulations, Section 3141-3145)

7 161. Plaintiff incorporates by reference and re-alleges herein the allegations in
 8 Paragraphs 1 through 160.

9 162. In doing the acts and/or omissions alleged in Paragraphs 39 through 53 of
 10 this Complaint, Defendants Adams, Shepard-Brooks, Hartley, Lopez, Ruiz, Northman, Hoffman,
 11 Franklin, Gomez, and each of them, denied Plaintiff access to Legal Counseling Services in
 12 violation of CCR, Tit. 15, § 3162.

13 WHEREFORE, Plaintiff Prays for the relief as hereinafter set forth.

14 34th Claim For Relief

15 California Code of Regulations, § 3163

16 162. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs
 17 1 through 161.

18 163. In doing the acts and/or omissions alleged in Paragraphs 39 through 53, and 63
 19 through 91 of this Complaint, Defendants Adams, Shepard-Brooks, Hartley, Lopez, Ruiz, Northman,
 20 Hoffman, Franklin, Gomez, Munoz, Yamat, and each of them, denied me inmate Legal Assis-
 21 tance in violation of CCR, Tit. 15, § 3163

22 WHEREFORE I seek the relief as hereinafter set forth.

23 35th Claim For Relief

24 California Code of Regulations, § 3164

25 164. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs 1
 through 163.

26 165. In doing the acts and/or omissions alleged in Paragraphs 39-53, and 63-91, Defendants Ada-
 27 ms, Shepard-Brooks, Hartley, Lopez, Ruiz, Northman, Hoffman, Franklin, Gomez, Munoz, and Yamat, deni-
 28 ed Plaintiff access to the Courts in violation of CCR, Tit. 15, § 3165.

1 WHEREFORE, I Pray the Court for the relief as hereinafter set forth.

2 36TH CLAIM FOR RELIEF
 3 (California Civil Code Section 52.1)

4 166. Plaintiff incorporates by reference and re-alleges herein the allegations in Paragraphs 1 through 165.

5 167. In doing the acts and/or omissions alleged in this Complaint, Defendants, and each
 6 of them, denied Plaintiff the right to be free from interference, attempted interference,
 7 threats, intimidation and/or coercion in exercising and enjoying his rights secured by
 8 the Constitution of California in violation of California Civil Code Section 52.1.

9 168. As a direct and proximate result of the violation of California Civil Code Section 52.1
 10 by Defendants, and each of them, Plaintiff suffered general and special damages, as alleged
 11 in this Complaint, and is entitled to statutory damages and attorney's fees.

12 WHEREFORE, Plaintiff Prays for the relief as hereinafter set forth.

13 VIII.

14 PRAYER FOR RELIEF

15 169. WHEREFORE, Plaintiff Prays that this Court grant the following relief:

16 A. Issue a declaratory Judgment stating that:

17 1. The Policy whereby Defendants Adams, Sheppard-Brooks, Hartley, Lopez, Ruiz, ^{Martinez} Mason, A
 18 Hodges-Wilkins, and each of them, use the privilege of Confidentiality to mask their wanton
 19 failure to discipline their subordinates for abusing inmates was a moving force in Plaintiff
 20 being subjected to malicious and unnecessary force and cruel and unusual punishment under
 21 the Eighth Amendment to the United States Constitution.

22 2. The Policy of willful mis-use of Confidentiality by Defendants Adams, Sheppard-Brooks,
 23 Hartley, Lopez, Ruiz, Worthman, Hoffman, Hoogland, and each of them, to mask their wanton
 24 failure to discipline, train and/or supervise their subordinates, and their deliberate indifference
 25 to Plaintiff's right to have access to adequate law library services, proved a moving force in
 26 Plaintiff being denied meaningful access to the courts, and to reasonable and/or adequate
 27 access to law library services in violation of my rights under the First, Fifth, Sixth, and
 28 Fourteenth Amendments to the United States Constitution.

3. The acts and/or omissions of Defendants Franklin, Gomez, Munoz, Yamat, and each of them, denied Plaintiff meaningful access to the Courts, and to reasonable and/or adequate access to Law Library Services in violation of my rights Under the First, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

4. The acts and/or omissions of Defendants Franklin, Gomez, Munoz, Yamat, Masiel, David, Mendoza, Doe, and each of them, Subjected Plaintiff to retaliation For Petitioning the Courts in violation of the First Amendment to the United States Constitution.

5. The acts and/or omissions of Defendants Masiel, David, Mendoza, Doe, and each of them, Subjected Plaintiff to malicious and Unnecessary Use of Force and Cruel and Unusual Punishment Under the Eighth Amendment to the United States Constitution.

B. Award Compensatory damages in the following amounts:

1. \$50,000 Per Defendant against Adams, Sheppard-Brooks, Hartley, Lopez, Ruiz, Mason, Hodges-Wilkins For Promulgating or implementing Policy so deficient that the Policy itself is a repudiation of Civil rights and Proved a moving Force in Plaintiff being Subjected to (1) First Amendment Retaliation; and (2) the malicious and Unnecessary Use of Force and Cruel and Unusual Punishment in violation of my rights Under the Eighth Amendment to the United States Constitution.

2. \$5,000 Jointly and Severally against Defendants Adams, Sheppard-Brooks, Hartley, Lopez, Ruiz, Worthman, Hoffman, Hoogland For Promulgating or implementing Policy so deficient that the Policy itself was a repudiation of Civil rights and Proved a moving Force in Plaintiff being denied meaningful access to the Courts, and (2) being denied reasonable or adequate access to Law Library Services in violation of my rights Under the First, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

3. \$6,000 Per Defendant against Defendants Franklin, Gomez, Munoz, and Yamat, For denying Plaintiff (1) meaningful access to the Courts; and (2) denying Plaintiff reasonable or adequate Law Library Services in violation of my rights Under the First, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

4. \$6,000 Per Defendant against Franklin, Gomez, Munoz, Yamat, Masiel, David, Mendoza,

1 Doe, and Martinez For Subjecting Plaintiff to retaliation For petitioning the Courts
2 For redress OF Grievances in violation OF MY rights Under the First Amendment to
3 the United States Constitution,

4 5. \$100,000 Per Defendant against Defendants Masiel, David, Mendoza, and Doe, For Subje-
5 cting the Plaintiff to Malicious and Unnecessary Use OF Force and Cruel and Unusual
6 Punishment in violation OF MY rights Under the Eighth, and Equal Protection Clause OF
7 the Fourteenth Amendments to the United States Constitution,

8 C. Award Punitive damages in the Following amounts.

9 1. \$50,000 each against Adams, Sheppard-Brooks, Hartley, Lopez, Ruiz, Mason, Martinez,
10 and Hodges-Wilkins,

11 2. \$5,000 each against Adams, Sheppard-Brooks, Hartley, Lopez, Ruiz, Northman, Hoffman, and
12 Hoogland.

13 3. \$10,000 each against Defendants Franklin, Gomez, Munoz, Yamat, and each of them For
14 denial OF Library.

15 4. \$15,000 each against Franklin, Gomez, Munoz, Yamat, Martinez, Masiel, David, Men-
16 doza, and Doe For retaliation,

17 5. \$200,000 each against Defendants Masiel, David, Mendoza, and Doe, For the Unnecessary
18 Use OF Force.

19 D. Award the Following Statutory damages:

20 1. Multiply the net award against each Defendant one time, each, For the violation
21 OF (1) Cal. Civ. Cde. 51; and (2) Cal. Civ. Cde. 52.

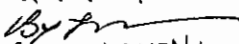
22 2. For Attorney's Fees and the Costs OF bringing this Suit.

23 E. Grant Such Other and Further relief as the Court may deem Just and Proper.

24 I declare, Under the Penalty OF Perjury, that the foregoing is true and Correct.

25 Dated: February 5, 2009

26 Respectfully Submitted,

27 
28 BARRY LAMON
EO8345, 4A1A-9L
P.O. Box 3476
Concord, CA 93212
Plaintiff, In Prose

ATTACHMENT

ONE (1)

= STAFF COMPLAINT =

**INMATE/PAROLEE
APPEAL FORM**

CDC 602 (12/87)

Location: Institution/Parole Region
CSP-CORCORAN

Log No.

1. **06-2116**

Category

7B 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
BARRY LAMON	E-08345	SHU	4A2B-#30

A. Describe Problem: On Tuesday, May 23, 2006, I was physically assaulted by Yous J. Masial, L. Mandorez, David and Jane Doe. On or about May 1, 2006, I gave a Title 42 U.S.C. § 1983 Complaint entitled Barry Lamon v. Director of Corrections and Rehabilitation, et al., U.S.-06-0196 GEB NJM-P, U.S.D.C., E.P.C.A., to Ms. Franklin, The Facility 4A law-Librarian, for copying. The 42 U.S.C. § 1983 Complaint, Lamon v. Dir. of Corr. and Rehab. is a lawsuit against more than 150 Corrections Personnel at CSP-SAG and CSP-COR, alleging physical abuse of this appellant, denial of access to the court, conspiracy to interfere with the prosecution of a Federal Civil Complaint, fraudulent subjection to the disciplinary process and denial of appropriate classification, amongst several additional claims. After holding that Complaint for more than twenty

If you need more space, attach one additional sheet. **SEE TWO-P) Paged Supplement and NOTICE OF RIGHTS & RESPONSIBILITIES;**

B. Action Requested: I request an Warden's-Level investigation of this attack; immediate Medical Treatment; That my 42 U.S.C. § 1983 be copied and returned; That Martinez, Masial, Mandorez, David and Jane Doe be Terminated from employment by the CORP; That I be awarded \$5,000 Compensatory, \$5,000 punitive and \$5,000 Exemplary in monetary damages for pain, suffering, mental anguish and physical discomfort, each defendant.

Inmate/Parolee Signature: [Signature]Date Submitted: **5-28-06****C. INFORMAL LEVEL** (Date Received: _____)

Staff Response: _____

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

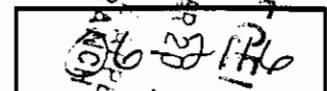
If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

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

CDC Appeal Number: _____



44 OF 68

First Level ☐ Granted ☐ P. Granted ☐ Denied ☐ Other _____

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: _____ Due Date: _____

☐ See Attached LetterSignature: _____ Date Completed: 8/11/06Warden/Superintendent Signature: [Signature] Date Returned to Inmate: [Redacted]

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.

First of all, I submitted this complaint on 5/28/06 and Sgt. Salinas just brought it back on 11/09/2006, that's CRAZY! This complaint was held so I could not use it as evidence in my Criminal case (People v. Lemon, Case No. 06-CM-7367, Kings County Superior Court). Second, Absolutely nothing has been done to prevent the on-going attacks and acts of retaliation been taken against me, including the on-going poisoning of my meals in an organized COCA attempt to murder me—with slow poisoning tactics.

Signature: [Signature] Date Submitted: 11/05/2006

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

CDC 602 (12/87)

JUN 13 2007
Date: _____

45 OF 68

FIRST SUPPLEMENTAL PAGE

Two (2) days MS. Franklin still had not copied the document although I had returned to the law library on three (3) separate occasions to claim the manuscript. This extraordinary delay in copying my legal documents was typical of a overall culture at the 4A law library whereby MS. Franklin and the 4A law library officer, Yo Gomez, regularly took seven (7) or more days to make copies of my legal documents concerning this and a related case, entitled *Lemon v. C.K. Phila, et al.*, CV S-03-0423 FGD CMK-P, U.S.D.C. E.D. CA.

On May 23, 2006, when MS. Franklin told me that she still had not copied my "Amended Complaint" (*Lemon v. Director, et al.*), I requested to speak with a supervisor. MS. Franklin became highly agitated and argumentative, stating: "Look, I'm just one person. There's got me stretched between here and the B-Facility. I've taken your complaint to the B-Facility on two separate occasions and nobody will copy it. You can have it back now or you can leave it here to see if whoever is replacing me will copy it, but this is my last day here and I don't care anymore! Nobody else should have copies, so neither do I. If they cared they would have given me a copier machine that worked and they would have someone to help us. It's just me and Hogan. That, two people to do A-B and C Facility and I'm fed up with all of it. I'm done!"

When I again requested a supervisor MS. Franklin and Yo Gomez said I was "disrupting the group" so my library period was terminated. When I said: "Well, I'll still need to see a supervisor", MS. Franklin and Yo Gomez phoned Sgt. Martinez, the 4A2A building housing supervisor and not the program supervisor. Sgt. Martinez, who has a history of abuse and racially-motivated violations of prisoners' rights came to the law library and, without provocation or cause, blurted: "Lemon, what is your problem? I'm told you're 'demanding' to see a supervisor. Well, you ain't seeing nobody! You don't run nothing but your mouth, now cuff up or get the shit beat out of yourself." I then complied and submitted to handcuffs, applied by Yo's Masial, Mendoza, David and Jana Doe, and was escorted by these four Yo's to my assigned cell. When placing me inside my cell, Yo's Masial, David, Mendoza and Jana Doe shoved me unceremoniously into the cell and then thrummed me with the palms of his hands atop and around my head. Yo Masial struck me approximately twenty (20) times while stating: "We're getting tired of your shit. Next time, it's going to be while you assaulted us, and we're going to beat the nigger right out of you!" Yo Masial and the others then dragged me to my cell door where they removed the cuffs and walked away, while pain in my lower-back and that pain is persistent. During the entire episode of this attack I was handcuffed behind my back and I offered no assistance to them at all. Yo's Masial, Sgt. Martinez, and L. Mendoza have a history of abuse against inmates. In light of the above, I elect to file suit.

Defendants Darryl Adams, J.R. Andrews, John Doe #1 and D.J. Ruiz, were at all times mentioned herein, the Warden of CSP-COR, Associate Warden of 4A F4B SHU, 4A Facility Captain and 4A Facility Lieutenant respectively. As such, they were responsible for the day to day operation of CSP-COR, Facility 4A, the supervision of subordinate personnel at CSP-COR and policies and practices employed at CSP-COR with respect to the use of force by Yo's. Defendants Adams, Andrews, Doe #1, Ruiz, and each of them, were also responsible for ensuring that inmates were not subjected to inhumane or excessive force constituting cruel and unusual punishment. Defendants Adams, Andrews, Doe #1 and Ruiz were also responsible for ensuring that inmates were not subjected to cruel and unusual punishment as a result of racial animosity, bias or discrimination.

Defendants Sgt. Martinez, MS. Franklin, Yo Gomez, Yo's David, Jana Doe, L. Mendoza, and J. Masial, and each of them, were responsible in some manner for the damages sustained as alleged herein.

In doing the acts alleged herein, Defendants, and each of them, acted within the course and scope of their employment for the COR and/or CSP-COR.

In doing the acts and/or omissions alleged herein, Defendants, and each of them, acted as the agent, servant, employee and/or in concert with each of said other defendants herein.

Prior to May 23, 2006, Defendants Adams, Andrews, Doe #1 and Ruiz, and each of them, knew that Customs, Policies, Practices and/or Procedures employed at GSP-COR encouraged, authorized and/or condoned the excessive use of force against inmates.

Nevertheless, Plaintiff alleges that defendants Adams, Andrews, Doe, Ruiz, and each of them, with deliberate indifference to the rights of inmates incarcerated at GSP-COR adopted and implemented Customs, Policies, Practices and/or Procedures which authorized or condoned the use of excessive force/infringement of Civil and Unusual Punishment on inmates.

Plaintiff is informed and believes and thereupon alleges that Prior to May 23, 2006, Defendants Andrews, Adams, Doe, Ruiz, and each of them, were aware that the Customs, Policies, Practices, Procedures and lack of appropriate Training provided to Yors at GSP-COR was seriously inadequate and that the lack of appropriate training was likely to result in the excessive use of force/infringement of Civil and Unusual Punishment on the inmates incarcerated at GSP-COR.

Plaintiff is further informed and believes and thereupon alleges that defendants Adams, Andrews, Doe, and Ruiz, and each of them, were deliberately indifferent to the need for training, supervision and discipline of such officers in the appropriate use of force and that said defendants, and each of them, failed to take appropriate remedial actions to ensure that excessive force was not used on inmates at GSP-COR.

Plaintiff is further informed and believes and thereupon alleges that Prior to May 23, 2006, Defendants Adams, Andrews, Doe and Ruiz, and each of them, had notice that Sgt. Martinez customarily poorly managed crisis situations and preferred to use force in situations where it could as easily have been avoided. Additionally, defendants knew that Martinez had a history of abuse perpetrated against African-American inmates and based upon their being African-American, Defendants Adams, Andrews, Doe and Ruiz also knew that Martinez supervised, disciplined and trained his subordinates or omitted to do so, in such a fashion as to permit, encourage, authorize and/or condone a similar racist and abusive conduct from them. Despite having this actual knowledge, and with deliberate indifference to the rights of the Plaintiff, defendants Adams, Andrews, Doe and Ruiz failed to take any or adequate remedial actions to prevent said abuses from occurring.

Plaintiff is further informed and believes and thereupon alleges that defendants Adams, Andrews, Doe, Ruiz and Martinez had notice, Prior to May 23, 2006, that Yo Jimasial had a history of attacking inmates while handcuffed, inappropriately using chemical weapons on inmates and of demonstrating racial animosity towards African-American inmates. But despite this knowledge, Defendants failed to take any or adequate remedial action to prevent such abuses thereby directly and proximately violating Plaintiff's rights.

Plaintiff is further informed and believes and thereupon alleges that Prior to May 23, 2006, Defendants Adams, Andrews, Doe, Ruiz, Martinez, and each of them, had notice that a code of silence existed amongst Yors at GSP-COR with respect to the fact that Yors regularly assaulted inmates without provocation or lawful excuse and pursuant to the professional code of silence, Yors who witnessed said assaults would fail to intervene to stop the abuse and would not report their occurrence or would falsify official Prison Records by conforming their reports to like said attacks. Despite actual knowledge of these problems, and with deliberate indifference to the rights of the Plaintiff, Defendants Adams, Andrews, Doe, Ruiz and Martinez failed to take appropriate action to prevent these incidents from occurring resulting in the damages alleged herein.

Plaintiff further alleges that the violation of his rights and the injuries sustained were the result of deliberate indifference by defendants Adams, Andrews, Doe, Ruiz, Martinez, Franklin and Gomez, and each of them, with regard to Customs, Policies or repeated practices whereby inmates at GSP-COR would be denied adequate law library access and materials and would be kicked out of the library if they lodged a complaint and/or be terminated from future use of the library, and with deliberate indifference to the rights of Plaintiff, Defendants failed to take appropriate remedial action to prevent such incidents from occurring, resulting in the damages alleged herein.

Respectfully,

BARRY LAMON 00345

State of California

Department of Corrections

Memorandum

4B2L
24

Date : August 9, 2006

To : INMATE LAMON, E08345
4B2R-50L
CSP-Corcoran

Subject: STAFF COMPLAINT RESPONSE- APPEAL #06-02116

APPEAL ISSUE:

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:

On July 28, 2006, you were interviewed by Sergeant M. Mason. In your appeal you are alleging that Correctional Officers J. Masiel, B. David, L. Mendoza and Jane Doe assaulted you in your cell on May 23, 2006. The following information was reviewed as a result of your allegations of staff misconduct: The May 23rd, 2006, Second Watch Federal Labor Standards Act (FLSA) sign-in sheet for Unit 4A2R.

FINDING FOR AN APPEAL INQUIRY:

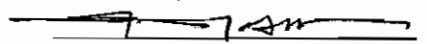
Your appeal is PARTIALLY GRANTED at the ☒ First level ☒ Second level, as an inquiry into your allegation has been conducted. ALL STAFF MATTERS ARE CONFIDENTIAL IN NATURE. As such, results of any inquiry/investigation will not be shared with staff, members of the public, or inmates. Although you have 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.

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. MASON
Appeal Interviewer (Print name)

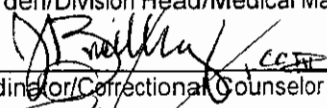

Appeal Interviewer (Signature)

08/09/06
Date

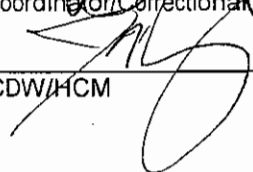
INMATE LAMON, #E-08345
STAFF COMPLAINT RESPONSE – APPEAL #06-2116
PAGE 2 OF 2



Associate Warden/Division Head/Medical Manager



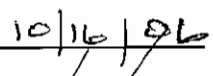
Appeals Coordinator/Correctional Counselor II



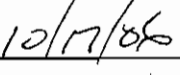
Warden/CDW/HCM



Date



Date



Date

STATE OF CALIFORNIA —DEPARTMENT OF CORRECTIONS AND REHABILITATION

ARNOLD SCHWARZENEGGER, GOVERNOR

INMATE APPEALS BRANCH

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



January 25, 2007

LAMON, CDC #E-08345
California State Prison, Corcoran
P.O. Box 8800
Corcoran, CA 93212-8800

Re: Institution Appeal Log #COR 06-02116 Staff Complaint

Dear Mr. LAMON:

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

An appellant must submit the appeal within 15 working days of the event or decision being appealed, or of receiving a lower level decision in accordance with CCR 3084.6(c).

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 read "N. Grannis".

N. GRANNIS, Chief
Inmate Appeals Branch

7

50 of 68

Return to: Lamon, E-08345
 Inmate Response to Screening Form #BRL:24L
 The Inmate Appeals Branch, dated January 25, 2007

I received this appeal back from the Inmate Appeals Branch on February 1, 2007.

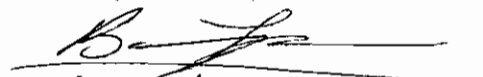
As set forth in Section H of the appeal, L. Cano, V. Castillo, & Jones, the appeals coordinators of CSP-Cor have acted in concert with other CSP-Cor staff, including, but not limited to, Warden Darral Adams & Edw. A. Lopez, Capt. M. Jennings, Sgt. A. Salinas, and numerous others to intentionally obstruct my access to the appeals process by disappearing entire boxes of attachments to boxes submitted by me.

Additional to the theft of new boxes deposited in the box by me, Sgt. Salinas, Capt. Jennings, Edw. A. Lopez, and other CSP-Cor administrators intentionally held many of my appeals, including this one - Log No. COAG-02116, for more than the law permitted them to. For the express purpose of obstructing my access to the Court.

As is made evident by the dates confirmed by the staff that reviewed this appeal, they held this box beyond the legal time constraint and did not give a statement as to why they did so. That has caused the Chief Inmate Appeal Coordinator, to return my appeal. Now, I am requesting that you, the CSP-Cor appeals coordinator, provide me with a letter explaining the unexplained delays in processing this appeal.

DATED: February 12, 2007

Respectfully,


 BARRY LAMON

(See page 2)
 51 of 68 (cont)

Inmate / Parolee Tracking System - Level I & II v2.0

Appeals

Case Number: 15421
 Area of Origin: 4A-2R
 Filing Date: 06/08/2006
 Current Housing: 4B2L0000000024L
 Issue Category: STAFF COMPLAINTS

Appellant's Last Name: LAMON
 First Name: BARRY
 EID Number: E08345

Assigned To: JAW 4A
 Assigned Date: 06/08/2006
 Expected Date: 10/12/2006

Received Date: 06/08/2006
 Due Date: 06/15/2006
 Completed Date: 10/19/2006
 Disposition: GRANTED IN PART

Level: 2
 Status: Closed
 Date: 10/19/2006

Printed: 02/26/2007 11:52 AM

This IATS printout reflects that this appeal was closed @ 2nd level and returned to you on 10/19/06. The Appeals office inadvertently failed to place the date in Section G. This has been corrected. You should now attach return this documentation to 3rd level.

Karen Cribbs, SSA

NOTE: A4-mailed on ~~March 4~~ March 4, 2007, to the Inmate Appeals Branch. Received on March 3, 2007, from Karen Cribbs, SSA; and I informed Psych. doctor Telisman & Gail Higginbottom of the ESP-con Act that bldg. 4B2L for 40's have been stealing my mail. The 4B AW was notified and I was told to mail all documents per normal procedure (602 given to AW by Gail Higginbottom).

9 *BARRY LAMON* 52 OF 68

State of California

Department of Corrections

CSP-CORCORAN
ALLEGATION OF MISCONDUCT BY PEACE OFFICER
NOTICE OF RIGHTS AND RESPONSIBILITIES

Pursuant with Penal Code Section 148.6, anyone wishing to file an allegation of misconduct by a departmental peace officer must read, sign and submit the following statement:

Please read and sign acknowledging the following and return to the appropriate Department staff as indicated above:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST A DEPARTMENTAL PEACE OFFICER FOR ANY IMPROPER PEACE OFFICER CONDUCT. CALIFORNIA LAWS REQUIRE 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 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. IN ADDITION, PER CCR TITLE 15, SECTION 3391(d), INMATES MAY BE ISSUED A SERIOUS DISCIPLINARY RULE VIOLATION.

BARRILAMON
Complainant's Name (PRINT)

[Signature]
Complainant's Signature

[Signature]
Receiving Staff's Signature

E08345
CDC Number

5-24-06
Date Signed

July 28, 2004
Date Signed

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: **JUN 13 2007**

In re: Lamon, E-08345
California State Prison, Corcoran
P.O. Box 8800
Corcoran, CA 93212-8800

IAB Case No.: 0611802

Local Log No.: COR 06-2116

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner M. Hodges-Wilkins, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that on May 23, 2006, he was physically assaulted by Correctional Officer's J. Maciel, L. Mendoza, and B. David, after they escorted him to his cell.

The appellant requests that his allegations be investigated, that the staff involved be terminated, and that he be awarded \$15,000.00 in damages.

II SECOND LEVEL'S DECISION: The reviewer found that an inquiry was conducted into the appellant's allegations. The appellant was notified of the completion of the inquiry, that all staff personnel matters are confidential in nature, and that as such the results of the inquiry will not be shared with staff, members of the public, or inmates.

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 evaluated by administrative staff and an inquiry has been completed. The appellant was notified of the completion of the inquiry. Although the appellant has the right to submit an appeal as a staff complaint, the request for administrative action regarding staff is beyond the scope of the appeals process. The appellant will not receive monetary compensation for this issue through the appeals process.

B. BASIS FOR THE DECISION:

California Penal Code Section: 832.7, 832.8

California Code of Regulations, Title 15, Section: 3004, 3391

Administrative Bulletin 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, COR
Appeals Coordinator, COR

ATTACHMENT

Two (2)

55 OF 68

INMATE/PAROLEE APPEAL FORM

CDC 602 (12/87)

Location: INMATE/Parole RegionLog No. 06-3344Category 7P

1. _____

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 <u>BARRY LAMON</u>	NUMBER <u>E-08345</u>	ASSIGNMENT <u>SHU</u>	UNIT/ROOM NUMBER <u>48A-#50</u>
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A. Describe Problem: Prior To February 23, 2006, The Director of Corrections and The Warden, Chief Deputy Warden, Associate Wardens of 4A & 4B Facility, Captains, Lieutenants and Second Watch Sergeants of 4A & 4B Facilities had notice that the Customs, Policies, Practices and/or Procedures and lack of appropriate staff and training provided to staff at Corcoran Prison's inmate law libraries was seriously inadequate and that the lack of appropriate staffing and training was likely to result in a denial of adequate access to the books to inmates incarcerated at Corcoran. Despite their awareness of this problem, the respondents took no or adequate remedial action to prevent that denial from occurring. As a result of the deliberate indifference of the respondents, and each of them, appellant suffered the damages and violations of his rights as alleged herein.

If you need more space, attach one additional sheet. SEE: ATTACHED SUPPLEMENTAL

B. Action Requested: I REQUEST THAT ALL OBSTRUCTION OF MY LAIN LIBRARY SERVICES and RETALIATION FOR MY LITIGATIONS BE INVESTIGATED BY INTERNAL AFFAIRS and IMMEDIATELY CURTAILED. I FURTHER RETAIN THE RIGHT TO SUPPLEMENT THESE ALLEGATIONS AS NEEDED, IN LIGHT OF ONGOING VIOLATIONS and RETALIATION(S).

Inmate/Parolee Signature: [Signature]Date Submitted: AUGUST 2, 2006

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: _____

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

CDC Appeal Number: _____



56 OF 68

First Level ☐ Granted ☐ P. Granted ☐ Denied ☐ Other _____

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

Interviewed by: _____

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.

Signature: _____ Date Submitted: _____

Second Level ☐ Granted ☒ P. Granted ☒ Denied ☐ Other _____

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: 8/30/06 Due Date: 10/13/06

☒ See Attached Letter

Signature: _____ Date Completed: 10-02-06

Warden/Superintendent Signature: _____ Date Returned to Inmate: 10/20/06

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. Received by Ym on 11/3/06.

I am dissatisfied because my Appeal clearly addresses "on-going" deficiencies and deprivations of Law Library Services. However, CSP-CA staff have, first, made no attempts to correct the deficiencies and, two, are trying to bi-furcate the issues and address only the most minor of them. The whole spiel about time-constraints is rubbish. I've always maintained that the denials and deliberate deprivations were on-going, as are the staff shortages, poor training, lack of adequate supplies and access, etc., etc., etc.

Signature: _____ Date Submitted: 11/05/2006

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

CDC 602 (12/87)

Date: _____

Upon my arrival to CSP-COR on February 23, 2006, I had several Court dead-lines in three separate civil legal actions including Cases: BARRY LAMON V. C.K. PLILGA, et al., Civ-5-03-0423 FCGMK-P (USDC-E.D.CA.2003); BARRY LAMON V. SEVENTY DEFENDANTS (Amended to LAMON V. S.KERNAN, et al.) Case No. 0603021, SACRAMENTO COUNTY SUPERIOR COURT, 2005; and BARRY LAMON V. S.KERNAN, et al., 0601907, SACRAMENTO COUNTY SUPERIOR COURT, 2006.

I made the law librarian, Mrs. Franklin, and law library officer, G. Gomez (both of the facility) aware of these dead-lines immediately upon my arrival.

On or about April 24, 2006, appellant was issued a 30 day dead-line (until May 30, 2006) in another case entitled, BARRY LAMON V. DIRECTOR OF CORRECTIONS, et al., Civ-5-06-0156 GEB KJM-P (USDC-E.D.CA.2006) and the Plaintiff immediately shared that information with Respondents Gomez and Franklin. Beginning with my very first appearances with Corcoran law library staff (Franklin & Gomez) my access to law library time, supplies, and services were unconstitutionally limited by woefully, and seriously inadequate library services including, but not limited to, the following:

1. Mrs. Franklin and Yo Gomez would take an average 7 days to simply copy documents that were longer than 10 pages in length. Library users, including Plaintiff Legal Users (PLU) inmates with dead-lines, were required to leave over documents to be copied and pick them up on our next visit the following week;
2. Mrs. Franklin was more often than not, emotionally-distressed, hostile and made to work without assistance;
3. On the majority of occasions, she would say she did not have the materials I and other inmates requested including books, pamphlets, forms, papers, envelopes and ink pens;
4. On repeated occasions I turned over documents to Mrs. Franklin for copying which were disassembled and never returned and, on or about April 24, 2006, I turned over a copy of my first Amended Complaint in Case No. Lamon v. Dir. of Corr., Civ-5-06-0156 GEB KJM-P (Id.) for copying and Mrs. Franklin returned them a week later with several pages uncopied and many others missing outright.
5. I submitted those copies on or about April 27, 2006 and Mrs. Franklin and Yo Gomez failed to return them for more than a month! On May 23, 2006, Mrs. Franklin announced that she was actually quitting her job at Corcoran because of a lack of support from the administrators.
6. Mrs. Franklin had been openly-complaining to the above-noted Respondents and/or their designees about the unconstitutional nature in which the law library was operating for several weeks including, but not limited to, telephone-conversations (mostly overheard), personal conversations and written communications from the Respondents which she shared with the inmate population, and within which she complained of the lack of a copying machine and then the delivery of one which upon delivery didn't even work;

7. When I requested my documents (my first amended complaint given to her for copying a month earlier) back for no less than the third time over as many weeks, Mrs. Franklin and Yo Gomez told me No. That I would have to wait and get it from whoever took her place.
8. When I demanded to speak with Franklin's and Gomez's Supervisor(s) Mrs. Franklin terminated my law library session and Yo Gomez dialed up several Corrections staff that I have complaints against including, but not limited to, Sgt. J. Martinez, Yo J. Masial, Yo David, and a Yo Jane Doe female, who then returned me to my cell and beat me about my head and neck while I remained shackled and they stood behind my back.
9. On or about June 8, 2006, I received a copy of a Rules Violation Report, Log No. 4A2-06-05-16, which Yo Gomez purports to have written on May 23, 2006 and in which he has fabricated allegations against me stating that I was loud and disruptive in the library on May 23, 2006. However, on several occasions since May 23, 2006, he had told me that Mrs. Franklin had written a "boogie" 115 but not to worry because she was gone (she had in fact quit!).
10. On July 6, 2006, Correctionsal Lt. D.J. Ruiz, Yo's Gomez, J. Alvarez, and K. Alvarez, all of whom I have active staff complaints against, heard the May 23, 2006, Rules Violation Report and refused to allow me any witnesses or evidence to prove my innocence of the charges, and then took 10 days yard, 90 days good-time credits, and took my television for 90 days.
11. It should be noted that my litigations are against more than 200 Corrections officials and I have been the ongoing victim of interference, obstruction and retaliation.
12. On June 13, 2006, I was moved to 4B facility where I have also encountered unconstitutional law library conditions including, but not limited to:
13. 4B law librarian MA. Rosenthal is never present and the library is being conducted by two untrained Yos named Yamat and Munoz, who are openly argumentative and confrontational with all pro AA inmates with complaints against prison officials and seem to seek out sham excuses to take their pro AA status;
14. On my 3 occasions to visit the 4B library I attempted to have Yo F. Munoz copy affidavits and subpoenas and staff complaint exhibits for attachments to my various lawsuits and on all three occasions those documents had declarations stolen and/or material poorly copied beyond use;
15. On each occasion, Yos Yamat and F. Munoz, and each of them, refused to sign a "triplicate" proof of service or provide me with a copy of my PLV request and after 3 weeks I'm still not on the PLV list even though I've submitted proof of my being proper in ongoing People of Calif. v. B. Lamon, 06 GM 7367, Kings County Superior Court and upcoming deadlines in the above active lawsuits.
16. On August 1, 2006, Yo F. Munoz issued me copies of a "Request for Documents" which were so lightly done that were illegible but he and Yamat refused to redo them. When I asked an inmate beside me (Ym Harmon) if he would write a declaration indicating his eye-witness of this denial, Yo Munoz gave me another set of copies he'd withheld after my complaint about the Request for Documents and asked Ym Harmon if he would help me? When Harmon confirmed that he had witnessed the denial, Yo Yamat terminated his session!

Respectfully Submitted,
 BARRY LAMON, E-04345

State of California

ATTACHMENT E

Memorandum

Date : October 17, 2006

To : Inmate Lamon, CDCR# E-08345
4B2L-24L

Subject: STAFF COMPLAINT RESPONSE - APPEAL # 06-3346

APPEAL ISSUE: Staff Complaint**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:

Mr. S. Hoffman, Academic Vice Principal, attempted to interview you on September 20, 2006 at approximately 1015 hours. When Mr. Hoffman informed you that Item Number 16 was the only Staff Complaint issue that fell within time restraints and it was the only issue that he could talk with you about, you stated to Mr. Hoffman, "I will only talk to you about all of my issues." Mr. Hoffman then stated, "If you want any action on this appeal, you need to talk to me about Item Number 16. I have been instructed to only deal with Item Number 16 because it is the only issue that is within time restraints." At that point, you stated, "I am not going to talk to you and I am waiting for toilet paper because I need to take a shit." At that point, you were informed that the interview was over as per CCR Title 15 3084.4 (D).

FINDINGS FOR AN APPEAL INQUIRY:

Your appeal is PARTIALLY GRANTED because an Appeal Inquiry was conducted into your allegations. However, all other requested actions are DENIED.

If you are dissatisfied with this decision, you may appeal to Director's Level.

*Please print and sign below.

S. Hoffman
 *Appeal Interviewer (Print Name)

[Signature]
 Appeal Interviewer (Signature)

10-17-06
 Date

[Signature]
 Associate Warden/Division Head/Medical Manager

10-17-06
 Date

[Signature]
 Appeals Coordinator/Correctional Counselor II

10/20/06
 Date

[Signature]
 Warden/CDW/HCM

10/20/06
 Date

INMATE APPEALS BRANCH

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



May 29, 2007

LAMON, CDC #E-08345
California State Prison, Corcoran
P.O. Box 8800
Corcoran, CA 93212-8800

Re: Institution Appeal Log #COR 06-3346 Staff Complaint

Dear Mr. LAMON:

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

Your appeal is cancelled. Since you refused to appear for an interview, your appeal has been cancelled. Refer to CCR section 3084.4(d).

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 cursive script, appearing to read "N. Grannis".

N. GRANNIS, Chief
Inmate Appeals Branch

ATTACHMENT

THREE(3)

63 OF 68

1 BARRY LAMON
2 E-08345
3 4A2A-30
4 P.O. BOX 3476
5 CORCORAN, CA 93212-3476
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9 In Pro Se

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

BARRY LAMON,

Plaintiff,

vs.

DIRECTOR OF THE CALIFORNIA
DEPARTMENT OF CORRECTIONS
AND REHABILITATIONS, ET AL.,

Defendants,

No. CIV S-06-0154 GEB KJM-P

AFFIDAVIT/DECLARATION
PURSUANT TO 28 U.S.C. § 1746

I, the below signed, am more than eighteen (18) years of age and am not a party to the within action. Being sound of mind and totally free of malice and animosity or favor for any of the parties herein, I do solemnly swear as follows:

1. That I am incarcerated at the California State Prison - Corcoran and am housed in the same building and section as is the Plaintiff, BARRY LAMON;

2. That during my period of incarceration at California State Prison - Corcoran, and while housed in building 4A2A, which is our current housing assignment, Corrections Officers assigned to work this building have used the deprivation or contamination of food as a reprisal or disciplinary action against me personally;

3. That I have also personally witnessed them use the deprivation and/or contamination of food as a reprisal or disciplinary action against other inmates and that such said conduct and/or action is common and pervasive at this facility;

1 4. That during my period of incarceration at the California State Prison-Concord, and
 2 while housed in building 4A2A, I have personally filed a complaint of staff misconduct
 3 with Sergeant Martinez, Lieutenant Ruiz, Associate Warden J.P. Andrews, the 4A Appeals
 4 Coordinator, Sergeant McDonald, the Institutional Appeals Coordinator and/or the Warden,
 5 Darryl Adams, alleging abuse of my Constitutional Rights and/or Person and no or ade-
 6 quate Remedial action was taken to prevent the said abuses from occurring;

7 5. That the Plaintiff, Barry Lamon, has informed me of ongoing and constant efforts
 8 of 4A2A-assigned Corrections Officers tainting his meals, and I have frequently heard
 9 Mr. Lamon complain to Corrections staff including, but not limited to, Jona-Hernandez,
 10 L. Mendoza, Guerra, Aquino, Masial, Busch, Vazborobough and Velasco to stop tainting
 11 his meals;

12 6. I have personally heard Officers Masial and L. Mendoza threatened to 'increase'
 13 and/or amplify the taintings of Mr. Lamon's meals, which I perceived as a threat to do
 14 harm and an admission that they had already engaged in similar misconduct and abuse
 15 of Mr. Lamon;

16 7. That on May 23, 2006, I personally witnessed Officers Masial, David, L. Mendoza and Jona
 17 Doe escort Mr. Lamon into our section in handcuffs and walk him to his cell, at which
 18 point all four (4) Officers entered Lamon's cell and a loud 'August' erupted from the cell
 19 and Mr. Lamon began yelling that he was being beaten;

20 8. That after spending three (3) to five (5) minutes in Lamon's cell, Officers David,
 21 L. Mendoza, Jona Doe and Masial exited Lamon's cell in a state of unusually-high excite-
 22 ment and could be heard unlopping him and securing his food-pots;

23 9. That as the four Officers walked away in high-excitement, Mr. Lamon continued
 24 to yell that he had been held down and beaten while in handcuffs and that he
 25 needed to see a doctor because his neck and back had been painfully injured, but
 26 all of the 4A2A Officers ignored Lamon and would not get him medical attention;

27 10. That on at least two (2) separate previous occasions, I have signed Inmate Appeals
 28 written by Mr. Lamon to gain relief from the above-described physical and constitutional

1 abuses, within which I swore to the accuracy and truthfulness of the same allegations
2 as are being made in the Affidavit/Declarations;

3 11. That there is a commonly-known and pervasive culture of silence amongst correc-
4 tions officers and prison officials here at California State Prison-Corcoran whereby prison
5 staff will generally not offer any aid, assistance or support to inmates who are trying to
6 make complaints of staff misconduct and that I personally have been victim to situations
7 where after having made a complaint against prison officials my complaint/inmate
8 appeal was either unjustly screened out by the appeals coordinator or disappeared
9 altogether;

10 12. That, based on my personal information and belief, MA. Lamon's allegations that he has
11 been unjustly sequestered in punitive segregation based on bogus rules violations reports and
12 that he was transferred to Corcoran under an agreement by some prison personnel at
13 Corcoran and California State Prison-Sacramento that he be maintained in as solitary a
14 fashion as possible and that his meals be tainted in an effort to make him appear
15 delusional seems fully supported by the conduct of prison officials towards MA. Lamon.

16 Pursuant to 28 U.S.C. Section 1746, I declare, under penalty of perjury, that the above
17 is true and correct to the best of my knowledge, information and belief.

18	Name: (Print)	CD#	Signature	Cell #
19	JAMES EVANS	E-72229	<i>James Evans</i>	9A2R 35R
20	DERICK LOVINGS	T-42634	<i>Derick Lovings</i>	T42634
21	DAMON HARRISON	P14450	<i>[Signature]</i>	AA2R CELL 4

22 Dated: May 25, 2006

23

24 BRYAN Lamon
25 E-08345
26 4A2R-30
27 P.O. Box 3476
28 Corcoran, Ca 93212-3476

In Pro Se

ATTACHMENT

FOUR (4)

Declaration of George H. Robinson

I, George H. Robinson, hereby declare;

1. That I am a prisoner at Corcoran State Prison and that during January 22, 2007 to March 13, 2007 I was housed on Facility 4A in building 2L.

2. That during the period of time mentioned I suffered abuse and harassment.

3. That on January 22, 2007, I was placed face down on the ground. I was in both leg and hand restraints. Correctional Officers David and Miranda started beating me. Hitting me with closed fists and kicking with their knees.

4. During this vicious attack Correctional Mendoza and Melo held my legs, and C/O Garcia at first was holding and at one point started slamming my face into the ground.

5. That Sgt Martinez joined in and peppered sprayed me.

6. That I told them to stop beating me and yelled for help.

7. That after the vicious attack, after I washed the pepper spray off C/O David called me a nigger and said that he was a member of a Nazi organization.

1 8. That C/O David subjected me to
2 torture by tweaking my fingers and ears.

3 9. That while C/O David was tweaking
4 my fingers and ears, C/Os Miranda, Garcia
5 and Masiel failed to take any steps
6 to stop C/O David.

7 10. That C/O David stated to me that
8 he was going to place me on paper tray
9 status, so they will know which tray
10 to spit in. I was placed on paper tray
11 status and as a result of the threat
12 I did not eat for 6 days.

13 11. That I was unlawfully placed on
14 Property restriction/Management status and
15 force to live in unconstitutional conditions
16 for several weeks.

17 12. That I passed out in the cell
18 and while unconscious Sgt Martinez saturated
19 me with pepper spray.

20 13. That each of the above mentioned
21 Correctional Staff submitted reports that
22 contained false and misleading facts to
23 cover up their abuse.

24 14. That these correctional staff have a
25 history of abusing their authority.

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

28 Dated: July 23, 2008

2 of 2

George Robinson
68 OF 68

PROOF OF SERVICE BY MAIL

I, BARRY LAMON, declare that I am over 18 years of age, and a party to the attached herein-cause of action, that I reside at California State Prison at Corcoran, in the County of King, California.

My mailing address is: BARRY LAMON, E-08345, P.O. Box 3426, Corcoran,
CA 93212

On February 5, 2009, I delivered to prison officials for mailing, at the above address, the attached: Motion To Submit A Second Amended Complaint;
and A Proposed Second Amended Complaint.

(Lamon v. Adams, AF 07 1390 LJO WNW)

in sealed envelope(s), with postage fully prepaid, and addressed to the following:

Prose Clerk of the Court
(1) United States District Court (2)
Eastern District of California
2500 Tulare Street, Room 1501
U.S. Courthouse

Fresno, CA 93721-2201

(3)

(4)

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 5th day of February, 2009, at California State Prison, Corcoran.

by [Signature]
In Presence of _____