

Edward Demerson, Pro se  
(Name) C-4-131L  
Salinas Valley State Prison  
(Address)  
P.O. BOX 1050  
(City, State, Zip)  
Soledad, CA. 93960  
(CDC Inmate No.)  
D-82551

**LODGED**

JUN 24 2009

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

**FILED**

JUN 24 2009

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

**RECEIVED**

JUN 24 2009

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

United States District Court  
Eastern District of California

Edward Demerson  
(Enter full name of plaintiff in this action.)

Plaintiff,

v.

James Woodford, Director of Corrections and Rehab. et.al.,

(Enter full name of each defendant in this action.)

Defendant(s).

Civil Case No. 1:08-cv-00144-SMS  
(To be supplied by Court Clerk)

Complaint Under the  
Civil Rights Act  
42 U.S.C. § 1983

THIRD AMENDED COMPLAINT

**A. Jurisdiction**

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

42 USC 1985, 42 USC 12132, eight Amend. Const, fourteenth Amend. Const

**B. Parties**

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, Edward Demerson  
(print Plaintiff's name)  
, who presently resides at Salinas Valley State Prison  
(mailing address or place of confinement)

C-4-131L, P.O.Box 1050, Soledad,, CA. 93960

, were violated by the actions  
of the below named individuals. The actions were directed against Plaintiff at Calif. Substance  
Abuse Treatment Facility on (dates) 01/25/06, \_\_\_\_\_, and \_\_\_\_\_  
(institution/place where violation occurred) (Count 1) (Count 2) (Count 3)

Defendant Jeanne S. Woodford resides in Sacramento, Calif.  
(name) (County of residence)  
and is employed as a Director of Correct. & Rehab. This defendant is sued in  
(defendant's position/title (if any))  
his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
and municipality  
under color of law: ; Deliberate and Indifferent violated Amend. Const.  
1.) Due Process 14th Amend. Const. Indifferent to Grievance which Imposed Atypical Significant Hardship,  
& Inhumane conditions of Prison Life 2.) Failure to Act, Supervise And to Train Subordinants

Defendant N. Grannis resides in Sacramento, Calif.  
(name) (County of residence)  
and is employed as a Chief Inmate Appeals Coordinator This defendant is sued in  
(defendant's position/title (if any))  
his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
and Municipality  
under color of law: Deliberant & Indifferent violated Amend. Const.  
1.) Due Process 14th Amend. Const. Indifferent to Grievance which Imposed Atypical Significant Hardship,  
& Inhumane conditions of Prison Life 2.) Failure to Act, m Supervise and to Train Subordinants

Defendant D. Adams resides in Corcoran, CA.  
(name) (County of residence)  
and is employed as a Warden, at Corcoran Prison This defendant is sued in  
(defendant's position/title (if any))  
his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
and Municipality  
under color of law: Deliberant Indifferent violated Amend. Const.  
1.) Due Process 14 th Amend. Const., Indifferent to Grievance which Imposed Atypical Signivicant Hardship  
2.) Failure to Act, Supervise and to Train Subordinants

Defendant K. Clark resides in Corcoran, CA.  
(name) (County of residence)  
and is employed as a Warden, at SATF This defendant is sued in  
(defendant's position/title (if any))  
his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
and Municipality  
under color of law: , Deliberant & Indifferent violated Amend. Const.  
1.) Due Process 14th Amend. Const., Indifferent to Grievance which Imposed Atypical Significant Hardship

Defendant L. POEK resides in Corcoran, CA  
(name) (County of residence)  
 and is employed as a Warden. This defendant is sued in  
(defendant's position/title (if any))  
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
 under color of law: and Municipality, Deliberant & Indifferent violated Amend. Const

1.) Due Process 14th Amend. Const. Indifferent to Grievance which Imposed Atypical Significant Hardship  
 & Inhumane conditions of Prison Life, Denied the basic necessities, clothing, mattress shoes, Hygiene, soap,  
 toilet paper, for 10 days, Illegal Wrongful Strip Cell, Imposed because of Incident in this claim  
 but no documentation.

Defendant D.A. Cueval resides in Corcoran, CA  
(name) (County of residence)  
 and is employed as a Captin. This defendant is sued in  
(defendant's position/title (if any))  
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
 under color of law: and Municipality Deliberat & Indifferent violated Amend. Const.

1.) Due Process 14th Amend. Const, Indifferent to Grievance which Imposed Atypical Significant Hardship

2.) Failure to Act. Supervise Subordinate Staff or to Train

Defendant Lt. Alva resides in Corcoran, CA  
(name) (County of residence)  
 and is employed as a Lieutenant. This defendant is sued in  
(defendant's position/title (if any))  
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
 under color of law: and Municipality Deliberate & Indifferent violated Amend. Const.

1.) Due Process 14th Amend. Const. Indifferent to Grievance which Imposed Atypical Significant Hardship

2.) Failure to Act, Supervise and to Train Subordinates, Staff.

Defendant Lt. Black resides in Corcoran, CA  
(name) (County of residence)  
 and is employed as a Lieutenant, Correctional Officer. This defendant is sued in  
(defendant's position/title (if any))  
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
 under color of law: and Municipality Deliberant and Indifferent Violated Amend. Const

1.) Due Process 14 th Amend. const., Indifferent to Grievance which Imposed Atypical Significant Hardship

2. Failure to Act, Supervise and to Train Subordinates

Defendant Lt. Cartagina resides in Corcoran, CA.  
(name) (County of residence)  
 and is employed as a Lieutenant, Corrections Officer. This defendant is sued in  
(defendant's position/title (if any))  
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
 and Municipality  
 under color of law: Deliberant & Indifferant Violated Amend. Const.

1.) Failure to Act, Supervise Subordinant Staff or to Train & Participating in Violations of Liberty Interest  
 of the 8th Amend. Const, Inhumation Conditions. 2.) Use of Excessive Force

Defendant Sgt. Munoz resides in Corcoran, CA.  
(name) (County of residence)  
 and is employed as a Sergeant, Corrections Officer. This defendant is sued in  
(defendant's position/title (if any))  
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
 and Municipality  
 under color of law: Deliberant Indifference Violated Amend. Const.

1.) Use of Excessive Force 2.) Failure to Act and or Supervise or Train Subordinant Staff,  
 8th Amend. Const Violation 1st & 14, 42 USC 1985 Inposition of Inhumane conditions ,  
 from Incident that brought this claim and given wrongful strip cell status , denied basic necessities  
 mattress, shows Hygene, toilet paper , clothing , for 10 days

Defendant Sergeant Morales resides in Corcoran, CA.  
(name) (County of residence)  
 and is employed as a Sergeant. This defendant is sued in  
(defendant's position/title (if any))  
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
 and Municipality Serious  
 under color of law: 1. Denied Medical Attention, 8th Amend. Const Violation

Defendant Hillard resides in Corcoran Ca.  
(name) (County of residence)  
 and is employed as a LPT, Pshchic Tech. This defendant is sued in  
(defendant's position/title (if any))  
 his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
 under color of law: Deliberat & Indifferant Violated 1.) 8th Amend. Const. , Denied Serious Medical Attetion

Defendant MIA Gregory resides in Corcoran, CA.

(name)

(County of residence)

and is employed as a Medical Assistant Tech. This defendant is sued in

(defendant's position/title (if any))

his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: Deliberat & Indifferant violated 1.)Denial of Serious Medical Attention

Defendant Phillips resides in Corcoran

(name)

(County of residence)

and is employed as a Correctional Officer This defendant is sued in

(defendant's position/title (if any))

his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: Deliberant & Indifferant Violated Amend.Const.

1.) Use of Excessive Force

Defendant Campos resides in Corcoran, Ca.

(name)

(County of residence)

and is employed as a Correctional This defendant is sued in

(defendant's position/title (if any))

his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: Deliberant & Indifferant Violated Amend.Const.

1.) Use of Excessive Force

Defendant Bardonnex resides in Corcoran, CA.

(name)

(County of residence)

and is employed as a Correctional This defendant is sued in

(defendant's position/title (if any))

his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: Deliberant & Indifferant Violated Amend. Const.

1.) Use of Excessive Force

Defendant Clausing resides in Corcoran, CA.  
(name) (County of residence)  
and is employed as a Correctional Officer. This defendant is sued in  
(defendant's position/title (if any))  
his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
under color of law: Deliberant & Indifferant Violated Amend. Const.

1.) Use of Excessive Force

Defendant Amaro resides in Corcoran, CA.  
(name) (County of residence)  
and is employed as a Correctional Officer. This defendant is sued in  
(defendant's position/title (if any))  
his/her ☒ individual ☒ official capacity. (Check one or both.) Explain how this defendant was acting  
under color of law: Deliberant & Indifferant, Violated Amend. Const.

1.) 14th Amend. Const. Due Process & Atypical Significant Hardship in relation  
to Ordinary conditions of Prison Life Imposed ,Wrongful Shu 18 Months

Defendant \_\_\_\_\_ resides in \_\_\_\_\_  
(name) (County of residence)  
and is employed as a \_\_\_\_\_. This defendant is sued in  
(defendant's position/title (if any))  
his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting  
under color of law: \_\_\_\_\_

Defendant \_\_\_\_\_ resides in \_\_\_\_\_  
(name) (County of residence)  
and is employed as a \_\_\_\_\_. This defendant is sued in  
(defendant's position/title (if any))  
his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting  
under color of law: \_\_\_\_\_



## STATEMENT OF FACTS CONTINUED ISSUE OF 01/25/06

1 On 01/25/06 while in fac E1 adseq on the walk-alone yard in  
2 caged section of the yard, I was asking <sup>c/o</sup> Cornaho for the toe-  
3 nail clippers, when <sup>c/o</sup> Phillips said, You'll get them when the  
4 hair clippers get to you.

5 I told <sup>c/o</sup> Phillips that's not how things been running around here  
6 because everyone does not want the toe nail clippers and it wastes time.  
7 and <sup>c/o</sup> malina is the one who has been on this yard for the past year  
8 not you.

9 <sup>c/o</sup> Phillips then said well that's the way I'm running things now  
10 and now you're not getting no shoes and wait untill we go in I  
11 got something for you.

12 When the yard ran in I was the last person to be taken inside, as  
13 I was in the last cage, no. #10, so <sup>c/o</sup> Phillips and <sup>c/o</sup> Campos came to  
14 my cage and told me to strip-out which is to "strip down for a  
15 clothing and body search" before going inside.

16 After the full body and cavity search I dressed and <sup>c/o</sup> Phillips  
17 put waist chains with cuff's attached on me and double pad locked  
18 the waist chains really tight.

19 The cage door was unlocked and I was being escorted by  
20 <sup>c/o</sup> Phillips and <sup>c/o</sup> Campos as there was no one else on the yard and  
21 <sup>c/o</sup> Cornaho had went in earlier to get the other <sup>c/o</sup> ready for "in line" and  
22 change positions with <sup>c/o</sup>'s in break room area.

23 [I am a mobility impaired inmate and at the time had active sciatic  
24 nerve problems in both legs & glutes and pending surgery in both knees.

25 I've scoliosis, arthritis, had pain in my back & glutes & legs and  
26 was on the Disability placement program pursuant to American disability act  
27 I had herniated disc's also in my back while in use of a walker.]  
28

Previous Lawsuits and Administrative Relief

1. Have You filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case? Yes

If your answer is "Yes", describe each suit in the space below:

(a) Parties to previous lawsuit's as follows:

Edward Demerson v Sherman Block Sheriff et.al.,

92 cv 2999 LGB (W)

2.) Edward Demerson v. A. Andrzejwski 00 cv 2087 (Por)

3. Edward Demerson v Jeanne S. Woodford, Direct of Correct. & Rehab.et.al.,

1:06 cv 00250 LJO YNO SMS

4. Edward Demerson v Jeanne S. Woodford, Direct. of Correct. & Rehab.et.al.,

1:08 cv 00144 SMS

Dates Foregoing Cases Filed as Follows



1 As I entered the retunda or hallway leading from the ad seg  
2 yard into the EI ad seg unit day room, first passing approx 5 milk  
3 crates of shoes to my left sitting end to end.

4 <sup>C/O</sup>Phillips and <sup>C/O</sup>Campos was following directly behind me and upon  
5 getting to the doorway entering the dayroom <sup>C/O</sup>Phillips rammed into  
6 me from behind at my left side.

7 <sup>C/O</sup>Phillips continued raming me into the wall on the right side of  
8 the hallway and repeatedly ramed his forearm into my face and then  
9 said "Yea Motherfucker what was that shit you were talking"!

10 <sup>C/O</sup>Phillips then snatched me off the wall in a twisting manner  
11 like a Judo manuver and he slammed me to the ground then  
12 pounced on top of me with his knees and began slugging me in the  
13 face and neck while <sup>C/O</sup>Campos was stomping and kicking my shins  
14 and knees.

15 <sup>C/O</sup>Phillips raised up off of me just a little and me being close to  
16 entrance door of the day room, I managed to scoot out the door  
17 exit & entrance into day room and began yelling for help as <sup>C/O</sup>Phillips  
18 continued to slug me some more in the face and neck then look up  
19 to see who was looking.

20 When <sup>C/O</sup>Phillips raised up to take notice of who was watching  
21 him and <sup>C/O</sup>Campos assault and beat & stomp me viciously, at that  
22 point <sup>C/O</sup>Campos dragged me by the legs back into the hallway out  
23 of view of anyone in the day room with the exception of one other  
24 staff witness who was not a correctional officer.

25 I then seen several Correctional Officers running toward me being  
26 <sup>C/O</sup>Amoro, Clausing, Bardonnex, Sgt Munoz and Lt. Cartigina.

27 Two of the <sup>C/O</sup>'s were at my upper body and two at my lower  
28 and they were twisting my body in opposit directions.

1 The <sup>CO's</sup> then just hold me while <sup>CO</sup> clausing held his foot over  
 2 my face as if he was going to stomp me in the face if I move and  
 3 the <sup>CO</sup> Amoro went and got some waist chains with attached cuffs  
 4 and it was placed on me and pad locks and the cuffs.

5 I was fitted with a mask over my head for no reason and also  
 6 leg shackles were placed on my legs also as the waist chain there  
 7 were cuffs for my legs which were extremely tight as the hand cuffs

8 Sgt Munoz directed with the affirmation of Lt. Cartagina too  
 9 "Hog Tie" me in chains & cuff & carry me hog tied by the chains &  
 10 <sup>correct</sup> suspended between the <sup>CO's</sup> into the day room to the holding cage  
 11 while knowing there was a substantial risk of harm, suffering and  
 12 pain and disregarded the fact I was mobility impaired with already  
 13 back, neck & leg problems and posed no threat and further denied  
 14 appropriate accommodations as a wheels chair to transport me per ADA.

15 All the foregoing <sup>CO's</sup> were involved in inflicting pain unnecessary &  
 16 was cause of injuries, and proximate cause.

17 I was taken to a holding cage about 3<sup>ft</sup> x 3<sup>ft</sup> & 6<sup>ft</sup> high and locked  
 18 inside in serious pain in my back neck face, wrists & ankles, also  
 19 in pain from my glutes down my legs and could not stand due to the  
 20 active sciatic nerve pain.

21 Sgt Munoz came over and ~~and~~ kick me in the head were my head  
 22 was leaning against the cage which frighten me & caused pain,

23 I was filling chest pains which got worse at that point and  
 24 with <sup>CO</sup> Munoz was a <sup>G. Hillard</sup> ~~PH~~ Psychic Tech. who came to do a 7219 which  
 25 is a medical assessment sheet. to see if I need medical attention

26 I was telling her what was wrong with me but she was deliberate  
 27 and indifference to my medical request to see a Doctor for chest Pains  
 28 for Heart failure and refused to write it on the 7219 medical report,

1 I told Sgt Munoz I was having chest pain and he said "Ain't  
2 nothing wrong with you" he then said he would get a nurse and  
3 later brought a Nurse Gregory whom I told I was having chest  
4 pains.

5 Nurse Gregory told me to stand up in the cage & I told her I could  
6 not stand at that point and was also in serious pain in my glutes and  
7 down both legs and that I've active sciatic nerve pain which  
8 prevented me from standing.

9 Sgt. Munoz then opened the holding cage so she could get to me  
10 in a easy manner, check my pulse & so on a 7219.

11 Nurse Gregory again told me to stand up and I again told her  
12 I could not stand and why, also my chest pain was getting worse.

13 Nurse Gregory then said if you don't stand, ~~and~~ you ain't getting  
14 no medical attention because I ain't bending down there.

15 She then refused to treat me or do a 7219 and thereby denied  
16 me medical attention and because her denial I continued to suffer in pain  
17 and my Heart complications became more intense & painful going into shock.

18 The Nurse departed and I remained in waist & cuff restraints & leg  
19 or ankle shackles then investigation team came and took photos of my  
20 injuries or most of them except those on my wrists and they departed

21 LT. Cartigina had me taken into his office and made a video tape  
22 of my injuries because I was struck in the face and lip busted and  
23 other wounds which were bleeding showing significant force was used  
24 to cause these injuries and there was question why, "when I was already  
25 in restraints and subdued.

26 I was kept in restraints in the cage from 12:00 noon untill 4:30 pm  
27 and I told LT Cartigina I had Chest pains to no avail.  
28



1 Another sargeant came on duty and brought a nurse who took my  
2 vitals after I told her I have chest pains, she noted something was wrong  
3 with my heart beat and then said there is no doctor, "what do you want  
4 me to do.

5 I told the nurse Jane doe and Sgt Morales to contact CTC emergency  
6 for medical attention and then the <sup>90's</sup> Morales 3rd watch Sargeant who I believe  
7 is his name, then said to the nurse you can call or don't call whatever you want.

8 The nurse then departed and never came back along with the sergeant so  
9 I was never treated for the medical emergency and as a result of the numerous  
10 denials of Medical Attention from G. Hillard, Gregory C. Munoz, Cartolina,  
11 MTA Jane Doe and Sgt Morales/Sgt John doe 3rd watch ASE, I continued to  
12 suffer pain's in my chest.

13 Approx. 13 hours of Chest pains from initial request I finally got the  
14 first watch <sup>90's</sup> to contact CTC and have a emergency nurse & ambulance  
15 come to get me.

16 The CTC Nurse gave me vitals then took me to the CTC unit/institution  
17 hospital and hooked me up to a EXG machine for my Heart, then after  
18 a few read out she had me take some nitro pills, one after the other to  
19 come to 3 pills.

20 I was injected with various medications and given a I. V. and also  
21 Vicoden to cover various other pains from injuries caused by the <sup>90's</sup>

22 I was returned after a day because the Doctor was called from the street  
23 along with another Nurse Specialist as I remained over night and part  
24 of the next day.

25 I was sent back to ad seg and given medication and remained on  
26 Strip cell status and denied Due Process, the right to redress grievance appeal  
27  
28

1 LT Black denied witnesses during hearing specifically staff witness at incident  
 2 LT Black denied me a Investigating employee to gather evidence prior to hearing  
 3 LT Black while at hearing, stoped the hearing & with the Complainant  
 4 went and gathered evidence against me conducting private investigation then  
 5 came back and continued hearing contrary to regulations & Due Process  
 6 LT. Black conspired and fabricate, prejudiced evidence against Inmat Demerson  
 7 during Hearing

8 LT. Black found Plaintiff Demerson guilty and denied impartial Hearing and  
 9 wrongfully given punitive segregation shtu term for 18 months,

10 LT Black wrongfully denied due process for Management, Cell status, strip cell  
 11 and shtu term in this incident & claim

12 LT. Black failed to follow established Policy & Procedures and Regulations  
 13 governing the law or to enforce implimented regulations and instid circumvented  
 14 the regulations promuluated threw Director of Corrections

15 When Detention/Plaintiff submitted his 602 inmate appeal to redress onerence  
 16 it was "By Passed" on every level to the second level and none of the  
 17 evidence was considered or much not mentioned. continue to Sec Penner

18 Captain D.A. Cuevas ASE reviewed the RVR 115 of charges against  
 19 me and the results of the hearing along with LT. Cartagena ASE,  
 20 Associate Warden L. Polk and Warden Kent Clark<sup>(AOD)</sup> who also signed off  
 21 on the disposition of the disciplinary hearing. They all knowing my Due Process  
 22 was Violated and having the state delegated authority to grant a  
 23 fair hearing under the circumstances as the Constitution required failed  
 24 to do so. They also circumvented the regulations promulgated threw  
 25 the Director of Corrections and Rehabilitations also by following a Memo  
 26 by Warden Darrell G Adams implimenting a illegal underground custom  
 27 of Strip Cell status without Due Process, or established institutional  
 28 Procedures which reiterate what is already required by the Constitution.

Warden Darrell G. Adams also knowing he had an established duty to train supervise and enforce regulations governing the custody of inmates and to follow promulgated regulations, knew or should have known and was on notice, failing and refusing to do so violated this Petitioner's Constitutional rights Due Process of the 8<sup>th</sup> 14<sup>th</sup> Amend regarding the strip cell policy and memo directing staff to carry out without due process which was also cruel and inhumane conditions of living, No prior disciplinary action

Also Violation of the 1<sup>st</sup> Amend Const. Due Process on Failure to allow Redress of Grievance to the Gov. and 14<sup>th</sup> Amend Const. Failure to allow Redress of Grievance to Appeal Punitive Segregation Due Process.

In the above violations 1<sup>st</sup> & 14<sup>th</sup> Due Process Inmate 602's were taken and trashed many times by staff, some half way processed & refusal to finish processing

N. Grannis Inmate Appeals Coordinator representing the Director with delegated authority of the state refused to process my 602 Inmate Appeal and was the person acting on behalf of the Director of Corrections and Rehabilitations.

N. Grannis Deliberate & Indifferent in Individual & Official capacity while acting under Color of Law Violated my Constitutional rights of the 1<sup>st</sup> & 14<sup>th</sup> Amend to Redress the Gov. and Appeal disciplinary disposition of punitive Segregation in SHU, Management Cell Status and illegal Strip Cell Status

Director of Corrections Jeanne S. Woodford Violated Plaintiffs 1<sup>st</sup> & 14<sup>th</sup> Amend of Const. in Conjunction with N. Grannis as I herein re-allege the foregoing upon Director Woodford delegated with State authority to grant a hearing under the circumstances or exonerate of all charges, return property and Damages; failed established Regulations and to promulgate regulations consistent with due process, failed to train supervise subordinates & enforce Law & Regulations



1 LT Alva denied my Due Process to Redress Grievance  
2 he did the Investigation and questioned me but when  
3 he found out what Staff alleged he said it was impossible  
4 but also refused to process the Citizens Complaint any further  
5 Denied a impartial Hearing, witness evidence, and a  
6 final disposition

7 LT Alva was Deliberate & Indifferent in his individual & Official  
8 Capacity & Municipality while acting under the color of Law

9 ccw specialist

10 E. McCant Affirmed guilty while knowing I was Denied Due Process  
11 thereby denying me due process, impartial Hearing witnesses evidence  
12 and neutral I & not LT Black & Phillips who was Hearing LT & Def: Phillips

13 E McCant was deliberate and indifferent in his individual & Official  
14 Capacity & Municipality while acting under color of law

23 ~~Edward Demersson~~

24 06/21/09

25 EA

23 Edward Demersson  
24 Respectfully Submitted By

1:08 cv 00144 SMS

Plaintiff requests that this Court grant the following relief:

- 1.) Damages in the sum of \$ 75,520.00
- 2.) Punitive Damages in the sum of \$50,000.00-
- 3.) Other Medical Damages 150,000.00-

**Demand for Jury Trial**

Plaintiff demands a trial by      Jury      x      Court

**Consent to Magistrate Judge Jurisdiction**

In order to insure the, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 USC 636(c),1 thus waiving the right to proceed before a district judge. The Parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for cases resolution due to the Judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motion and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and entry of final judgment by indicating your consent below

Choose only one of the following:

Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case: " X "      Date: 06/21/09

*Edward Demerson*

Respectfully Submitted By

# United States District Court

Eastern DISTRICT OF California

Edward Demerson

## SUMMONS IN A CIVIL CASE

V.

CASE NUMBER: 1:08-cv-00144-SMS

Jeanne S. Woodford Direct. of Corrections and Rehab. et. al.,

TO: (Name and address of defendant)

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Edward Demerson, Pro se  
D-82551/C-4-131L  
Salinas Valley State Prison  
P.O. BOX 1050  
Soledad, CA. 93960

an answer to the complaint which is herewith served upon you, within \_\_\_\_\_ days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(BY) DEPUTY CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

Edward Demerson, Pro se

v.

Case Number: 1:08-cv-00144-SMS

Jeanne S. Woodford, Direct. of corrections & Rehab. et. al.,

PROOF OF SERVICE

I hereby certify that on 06/21/09, I served a copy

of the attached Third Amended Claim

by placing a copy in a postage paid envelope addressed to the person(s) hereinafter

listed, by depositing said envelope in the United States Mail at Salinas Valley State Prison  
c-4-131L/ D-82551/ P.O.Box 1050, Soledad, CA. 93960

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

Attn: Clerk of the Court  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
2500 Tulare St. ,#1501  
Fresno, CA. 93721

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

Edward Demerson  
(Signature of Person Completing Service)