

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

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DEPUTY CLERK

United States District Court
Eastern District of California

RECEIVED

JUN 24 2009

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY

DEPUTY CLERK

Edward Demerson

(Enter full name of plaintiff in this action.)

Plaintiff,

Civil Case No. 1:08-cv-00144-
SMS

(To be supplied by Court Clerk)

v.

Complaint Under the

Doc. 66 Att. 1

Civil Rights Act

42 U.S.C. § 1983

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

THIRD AMENDED COMPLAINT

Defendant(s).

A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1333(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
under color of law: and municipality ; 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
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 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
under color of law: and Municipality Deliberant 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 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
under color of law: and Municipality , Deliberant & Indifferand violated Amend. Const.

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

Defendant L. POLK 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, Hygenen, 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 Subordinants, Staff.

Defendant Lt. Black resides in Corcoran, CA
(name) (County of residence)
and is employed as a Lieutant, 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 Subordinants

Defendant Lt. Cartagena resides in Corcoran, CA.
(name) (County of residence)
and is employed as a Lieutenant, Corrections Officer. This defendant is sued in
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.) Failure to Act, Supervise Subordinant Staff or to Train & Participating in Violations of Liberty Interest
of the 8th Amend. Const, Inhuman 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
his/her individual official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: and Municipality, 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 Inhumaine conditions,
from Incident that brought this claim and given wrongfull strip cell status, denied basic necessiities
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
his/her individual official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: and Municipality, Serious, 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
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 (name) resides in Corcoran, CA. (County of residence)
and is employed as a Correctional Officer (defendant's position/title (if any)). This defendant is sued in
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 (name) resides in Corcoran, CA. (County of residence)
and is employed as a Correctional Officer (defendant's position/title (if any)). This defendant is sued in
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 _____ (County of residence)
and is employed as a _____ (defendant's position/title (if any)). This defendant is sued in
his/her individual official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: _____

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

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

5 I told ^{c/o} 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 ^{c/o} malina is the one who has been on this yard for the past year
8 not you.

9 ^{c/o} 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 ^{c/o} Phillips and ^{c/o} Campas 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 ^{c/o} Phillips
17 put waist chains with cuff's attached on me and double pad locked
18 the waist chams really tight.

19 The cage door was unlocked and I was being escorted by
20 ^{c/o} Phillips and ^{c/o} Campas as there was no one else on the yard and
21 ^{c/o} Cornacho had went in earlier to get the other ^{c/o} ready for "in line" and
22 change positions with ^{c/o}'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.]

1 Previous Lawsuits and Administrative Relief
2 1. Have You filed other lawsuits in state or federal courts dealing with
3 the same or similar facts involved in this case? Yes

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

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

6 Edward Demerson v Sherman Block Sheriff et.al.,

7 92 cv 2999 LGB (W)

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

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

10 1:06 cv 00250 LJO YNO SMS

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

12 1:08 cv 00144 SMS

13 Dates Foregoing Cases Filed as Follows

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1 As I entered the retunda or hallway leading from the ad seg
2 yard into the E1 ad seg unit day room, first passing approx 5 milk
3 crates of shoes to my left sitting end to end.

4 ^{c/o}Phillips and ^{c/o} Campos was following directly behind me and upon
5 getting to the doorway entering the dayroom ^{c/o} Phillips rammed into
6 me from behind at my left side.

7 ^{c/o} Phillips continued ramming me into the wall on the right side of
8 the hallway and repeatedly rammed his forearm into my face and then
9 said "Yea Motherfucker what was that shit you were talking!"

10 ^{c/o} 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 ^{c/o} Campos was stomping and kicking my shins
14 and Knees.

15 ^{c/o} 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 ^{c/o} Phillips
18 continued to slug me some more in the face and neck then look up
19 to see who was looking.

20 When ^{c/o} Phillips raised up to take notice of who was watching
21 him and ^{c/o} Campos assault and beat & stamp me viciously, at that
22 point ^{c/o} 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 ^{c/o} Amaro, Clauzing, Bardonnex, Sgt Munoz and Lt. Cartigina.

27 Two of the ^{c/o}'s were at my upper body and two at my lower
28 and they were twisting my body in opposit directions.

1 The ^{c/o}'s then just hold me while ^{c/o} 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 ^{c/o} Amors 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. Cartigna too
9 "Hog Tie" me ~~in~~ in chains & cuff & carry me hog tied by the chains &
10 suspended between the ^{c/o}'s 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 ^{c/o}'s were involved in inflicting pain unnecessary &
16 was cause of injuries, and proximate cause.

17 I was taken to a holding cage about 3^{ft} x 3^{ft} & 6^{1/2} ft 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 ~~then~~ 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 ^{G. Hillard} ^{c/o} Munoz was a ~~PA~~ Psych Tech. ^{PA} who came to do a 7219 which
25 is a medical assisment 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, ~~then~~ 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 until 4:30 pm
27 and I told LT Cartigina I had chest pains to no avail.

28

1 Another sergeant 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 ^{90's} Morales 3rd watch Sergeant 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, Cartauna,
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 ^{90's} to contact CTC and have an 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 EKG 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 Vicodan to cover various other pains from injuries caused by the ^{90's}

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

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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 hearings
3 LT Black while at hearing, stopped 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 SHU term for 18 months ,

10 LT Black wrongfully denied due process for Management, Cell Status, strip cell
11 and SHU term in this incident or claim

12 LT. Black failed to follow established Policy & Procedures and Regulations
13 governing the law or to enforce implemented regulations and instead circumvented
14 the regulations promulgated thru Director of Corrections

15 When Detainee/Plaintiff submitted his 602 inmate appeal to redress anerence
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 see Person"

18 Captain D A. Cuevas ASE reviewed the AVR 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^(AOD) 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 thru
25 the Director of Corrections and Rehabilitation also by following a Memo
26 by Warden Darrell G Adams implementing 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.

1 Warden Darrell G. Adams also knowing he had an established duty to
2 train supervise and enforce regulations governing the custody of Inmates
3 and to follow promulgated regulations, Knew or should have known and was
4 on notice, failing and refusing to do so violated this Petitioners Constitutional
5 rights Due Process of the 8TH 14TH Amend regarding the strip cell policy
6 and memo directing staff to carry out without due process which was
7 also cruel and inhumane conditions of living, No prior disciplinary action

8 Also Violation of the 1ST Amend Const. Due Process on failure to
9 allow Redress of Grievence to the Gov. and 14TH Amend Const, failure to
10 allow Redress of Grievence to Appeal Punitive Segregation Due Process.

11 in the above violations 1ST & 14TH Due Process Inmate 602's were taken
12 and trashed many time by staff, some half way processed & refusal
13 to finish processing

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

18 N. Grannis Deliberate & Indifferent in Individual & Official capacity while
19 acting under Color of Law Violated my Constitutional rights of the ~~8TH~~ &
20 14TH Amend to Redress the Gov. and Appeal disciplinary disposition of
21 punitive Segregation in SHU, Management Call Starters and illegal Strip Cell
22 Starters

23 Director of Corrections Jeanne S. Woodford Violated Plaintiffs 1ST & 14TH
24 Amend of Const. in Conjunction with N. Grannis as I herein re-allege the
25 foregoing upon Director Woodford delegated with State authority to grant
26 a hearing under the circumstances or exonerate of all charges, return property
27 and Damages, failed established Regulations and to promulgate regulations
28 consistent with due process, failed to train supervise subordinates & enforce laws & 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 cc# Specialist

10 E. McCant Affirmed guilty while knowing I was Denied Due Process
11 thereby denying me due process, impartial Hearing witness evidence
12 and neutral IE 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

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~~06/21/09~~
06/21/09

EN

Edward Demerson
Respectfully Submitted By

1:08 cv 00144 SMS

3 Plaintiff requests that this Court grant the following relief:

4 1.) None

5 1.) Damages in the sum of \$ 75,520.00

6 \$50,000.00-

2.) Punitive Damages in the sum of

7 3.) Other Medical Damages 150,000.00-

8 None

9 Demand for Jury Trial

10 Plaintiff demands a trial by Jury x Court

11 Consent to Magistrate Judge Jurisdiction

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

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

25 You can consent to have a magistrate judge conduct any and all further proceedings in this case,
26 including trial,1 and entry of final judgment by indicating your consent below

27 Choose only one of the following:

28 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)