

AUG 06 2008

MD

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

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

LARRY DONNELL BOGARD,)
Plaintiff,)
V.)
MR. JESSIE BERNAL,)
Defendant.)

COMPLAINT

CIVIL ACTION NO.

1:08 CV 01157 SMS PC

ACTION UNDER AUTHORITY OF 42 U.S.C. § 1983,
FOR THE VIOLATION OF THE PLAINTIFF'S CIVIL
RIGHTS BY THE DEFENDANT, MR. JESSIE BERNAL
AND THE COURT HAS JURISDICTION UNDER 28 U.S.C.
SECTION 1331 AND 1343(a)(3).

The Plaintiff, Larry Donnell Bogard, brings this action under authority of 42 U.S.C. § 1983, seeking payment of monetary damages as punishment for the defendant Mr. Jessie Bernal's violation of the civil rights of the plaintiff, Larry Bogard. The plaintiff, Larry Bogard, also seeks this court grant the plaintiff an injunction, enjoining Mr. Jessie Bernal from coming into contact with the plaintiff, Mr. Bogard.

(PC) Bogard v. Bernal On February 13, 2008, plaintiff Larry Bogard, a federal prisoner Doc. 12 Att. 1 serving a federal sentence of imprisonment, went to the Unit Manager of his Housing Unit to ask the Unit Manager if he, the plaintiff, could be employed as an orderly in his Housing Unit. The Unit Manager, Mr. J. Bernal, exercised impermissible racial prejudice against the plaintiff. One purpose of this action is to enjoin Mr. J. Bernal from ever again coming into contact with the plaintiff, in order to avoid repetition of the constitutional violation, and in order to protect the physical safety of the plaintiff, which is endangered by the plaintiff coming into contact with Mr. J. Bernal.

On February 13, 2008, the plaintiff, Larry Bogard, asked Mr. J. Bernal to employ the plaintiff in the job of Housing Unit

orderly. Mr. J. Bernal, the Unit Manager, responded to the plaintiff's reasonable request by screaming and yelling at the plaintiff.

Mr. J. Bernal screamed at the plaintiff that he, Mr. Bernal, would be glad when all the U.S. citizens were removed from the prison at MTC Taft. The plaintiff was among a group of United States citizens who were placed in the prison at Taft, California, was operated by the Management & Training Corporation, privately run prison by the BOP. The BOP was then in the process of beginning to remove all U.S. citizens who are federal prisoners from MTC Taft Low.

The plaintiff then asked Mr. Bernal why he would not be given a job as an orderly. Mr. Bernal then told the plaintiff: "Niggers can't speak Spanish. I'll never give a nigger a job in this Unit as long as I'm in charge." The African-American plaintiff then immediately left the presence of Mr. J. Bernal, fearing Mr. J. Bernal was trying to initiate a physical altercation. Just as the plaintiff was leaving Mr. Bernal's office, Mr. Bernal said: "Watch for your name in Food Service." As the plaintiff, Larry Bogard, was walking out of Mr. Bernal's office, the plaintiff noticed a prisoner waiting in the hallway outside of Mr. Bernal's office; this prisoner, Kevin Pawlik, later that day visited the plaintiff in the plaintiff's housing cubicle and told the plaintiff that he had witnessed Mr. Bernal use the word "nigger" in his conversation with the plaintiff. (See Exhibit Attached)

At the time of the incident the plaintiff was employed in the Chapel at the prison. It is common that staff members who seek to retaliate against a prisoner attempt to place the prisoner in work in the Food Service department--this is a punishment assignment; prisoners in federal and federal-style institutions are given this work assignment often as punishment; when prisoners receive a disciplinary infraction, known in the federal prison system as a "shot," they often lose their

jobs as punishment and then are placed to work in the Food Service department, where they are forced to work at often dangerous jobs that imperil their safety, and where physical injury is common; even disabled prisoners are often placed in the Food Service department as retaliation when they incur the wrath of prison officials in the federal prison system, of which MTC Taft was a part, at the time of the incident. Thus the plaintiff in this action states he has been the victim of unconstitutional retaliation by Mr. Bernal, who has retaliated against the plaintiff because Mr. Bernal's outrage that the plaintiff, an African-American, exercised his First Amendment right to communicate with Mr. Bernal. The retaliation by Mr. Bernal was obviously motivated by Mr. Bernal's racial discrimination against the plaintiff, who Mr. Bernal viewed as having the effrontery, as an African-American, to ask Mr. Bernal for a job.

Mr. Bernal violated my civil rights; Title III of the Civil Rights Act of 1964 prohibits racial discrimination in public facilities.

On February 27, 2008, I was ordered to go to the medical department of MTC Taft to have a medical examination so I could be immediately placed to work in the Food Service Department. I asked the medical staff why I was being examined for placement in the Food Service department, and the medical staff told me my Unit Team, of whom the Unit Manager, Mr. Bernal, is the director, had ordered that I receive a medical exam so that I could be immediately placed to work in the Food Service department. On February 29, 2008, I was ordered to have a blood test, so that I could be cleared to work in the Food Service department. When the Chaplain, my employer, discovered that Mr. Bernal, my Unit Manager, was attempting to have me fired from the Chapel and transferred to work in the Food Service department, he arranged for me to be transferred to a job working as a weekend compound AM worker.

(See Exhibit Attached)

It is clear the plaintiff in this case suffered intentional and purposeful racial discrimination at the hands of the Unit Manager, Mr. Bernal. The plaintiff's race was used as the criterion for Mr. Bernal to deny the plaintiff consideration for the job of orderly; the plaintiff's race was used as the criterion for Mr. Bernal to hurl incendiary racially derogatory epithets at the plaintiff, epithets intended to promote a physical altercation which would then have led to the plaintiff being brutally physically beaten by Mr. Bernal. No BOP policy or MTC policy authorized Mr. Bernal to use racially derogatory epithets or to employ race as a criterion in job selection. The discriminatory intent was solely that of Mr. Bernal's.

The Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States proclaims: "No state shall . . . deny to any person within its jurisdiction the equal protection of the laws." The central purpose of this clause is to prevent the states from purposefully discriminating between individuals on the basis of race. Washington v Davis, 426 U.S. 229, 239, 96 S.Ct. 2040, 2047, 48 L.Ed.2d 597 (1976). Classifications of citizens solely on the basis of race "are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality." Hirabayashi v United States, 320 U.S. 81, 100, 63 S.Ct. 1375, 87 L.Ed 1774 (1943). Accord Loving v Virginia, 388 U.S. 1, 11, 87 S.Ct. 1817, 1823, 18 L.Ed.2d 1010 (1967). Such classifications threaten to stigmatize individuals by reason of their membership in a racial group and to incite racial hostility. City of Richard v Croson, 488 U.S. 469 at 493, 109 S.ct. 706 at 721, 102 L.Ed.2d 854 (1989).

It is well established that a state may not constitutionally require segregation of public facilities, Johnson v Virginia, 373 U.S. 61, 83 S.Ct. 1053, 10 L.Ed.2d 195 (1963), and the principle is as applicable to prisons as to other public facilities. Cruz v Beto, 405 U.S. 319, 321, 92 S.Ct. 1079, 1081, 31 L.Ed.2d 263 (1972).

The plaintiff suffered humiliation, emotional distress and mental anguish when the plaintiff thus seeks compensatory and punitive damages for this injury and violation. The defendant violated his equal protection rights. The plaintiff seeks injunctive relief, in the form of an order barring Mr. Bernal from ever again coming into contact with the plaintiff, if the plaintiff is housed in a prison where Mr. Bernal has access to the plaintiff, because of the probability that Mr. Bernal will seek to foment a physical altercation that will lead to harm befalling the plaintiff.

The plaintiff alleges that Mr. Bernal acted in violation of the plaintiff's First Amendment rights, in that Mr. Bernal unfairly retaliated against the plaintiff because the plaintiff exercised his First Amendment right of freedom of speech, the plaintiff was punished by retaliation from Mr. Bernal, and by the violation of his right under the Fourteenth Amendment to the equal protection of the laws.

In Canell v Lightner, 143 F.3d 1210, 1213 (9th Cir. 1998), the Court of ruled: "The deprivation of First Amendment rights entitles a plaintiff to judicial relief wholly aside from any physical injury he can show, or any mental or emotional injury he may have incurred."

See also Mason v Schriro, 45 F.Supp.2d 709 (W.D.Mo. 1999).

The plaintiff was subjected to an invidious classification which obviously did not serve a compelling governmental interest, and thus the plaintiff is deserving of receiving compensatory and punitive damages.

The plaintiff also seeks at least nominal damages for the violation of his constitutionally protected rights. The plaintiff seeks vindication for the violation of his constitutionally protected rights to freedom of speech, to be free from retaliation for exercising his First Amendment rights, and to the equal protection of the laws.

The plaintiff was treated differently from other similarly-situated individuals based on an invidious classification that does not serve a compelling governmental interest. The plaintiff's constitutional right to equal protection was violated by Mr. Bernal, who hurled racially derogatory epithets against the plaintiff, denied the plaintiff consideration for a prison job solely on the basis of the plaintiff's race, and then sought to retaliate against the plaintiff simply because the plaintiff had the audacity to request a job from Mr. Bernal whom he did not know was a racist. Mr. Bernal also sought to promote a physical altercation; repeatedly calling an African-American prisoner a "nigger" is a proven way to start a fight in a prison; every prison guard and staff member knows this. Justice Oliver Wendell Holmes, Jr.'s observation about yelling "Fire!" in a crowded theater is apropos here. It is obvious Mr. Bernal employed what the Supreme Court has termed "fighting words," and such speech, from a governmental actor, is designed in the prison setting to incite a physical fight, a fight the prisoner can only lose. Thus the plaintiff was placed by Mr. Bernal in the position of immediately receiving physical punishment as the probable consequence of Mr. Bernal's use of the odious racially discriminatory epithets. It is to Mr. Bogard's credit that he followed the maxim; "discretion is the better part of valor," and thus he quickly exited from the arena designed for his sacrifice by Mr. Bernal.

Mason v Schriro, 45 F.Supp.2d 709 at 721 (W.D.Mo. 1999) teaches us

To establish a prima facie violation of the Equal Protection Clause, plaintiff must show that he is a member of a class who is situated to members of another class and was treated differently from members of the other class. See e.g., Inmate of the Nebraska Penal & Corr. Complex v Greenholtz, 567 F.2d 1368, 1374 (8th Cir. 1997), cert. denied, 439 U.S. 841, 99 S.Ct. 132, 58 L.Ed.2d 140 (1978). Plaintiff must also show unlawful purposeful discrimination. Batra v Board of Regents of University of Nebraska, 79 F.3d 717, 722 (8th Cir. 1996). Where government treats similarly situated people differently based on suspect classifications such as race, nationality, or alienage, such action is subjected to strict scrutiny and will be sustained only if it is suitably tailored to serve a compelling state interest. McLaughlin v Florida, 379 U.S. 184, 192, 85 S.Ct. 283, 288, 13 L.Ed.2d 222 (1964); Graham v Richardson, 403 U.S. 365, 91 S.Ct. 1848, 29 L.Ed.2d 534 (1971).

The plaintiff is African-American. The plaintiff was discriminated against, because of his race, by Mr. Bernal. The discrimination was unlawful and purposeful. Thus the plaintiff brings this action under 42 U.S.C. § 1983, against Mr. Bernal, for the violations of the plaintiff's constitutionally protected civil rights. The plaintiff sues Mr. Bernal for violation of the plaintiff's constitutional rights, committed by Mr. Bernal in his individual capacity. The plaintiff sues Mr. Bernal in his individual capacity.

"Prisoners are protected under the Equal Protection Clause of the Amendment from invidious discrimination based on race."
Wolff v McDonnell, 418 U.S. 539, 556, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974) (citing Lee v Washington, 390 U.S. 333, 88 S.Ct. 994, 19 L.Ed.2d 1212 (1968)).

The plaintiff in this case alleges that he has been discriminated against because of his race, and has suffered retaliation motivated by racial discrimination because he exercised his right under the First Amendment to freedom of speech, which apparently caused Mr. Bernal to retaliate against the plaintiff because of the plaintiff's race.

CONCLUSION

The plaintiff alleges that he has suffered unfair retaliation, in violation of his First Amendment right to freedom of speech. The plaintiff simply asked the Unit Manager for a job; in retaliation for this exercise of First Amendment-protected speech, the Unit Manager then engaged in a campaign to have the plaintiff fired from his job in the Chapel in retaliation for his having exercised his First Amendment right to freedom of speech. Moreover, the plaintiff alleges that this unfair retaliation was caused by the Unit Manager exercising a pattern of racial discrimination against African-Americans solely because of their race; this pattern of racial discrimination is exhibited by the Unit Manager's statement to the plaintiff that he will not allow any African-Americans to work for him in the job of orderly, which is a position filled by many prisoners in a housing unit in a prison. See Lee v Washington, 390 U.S. 333, 19 L.Ed.2d 1212, 88 S.Ct. 994 (1968) (per curiam), holds that racial discrimination in the prison environment by prison authorities and prison guards violates the Fourteenth Amendment's prohibition of denial of the equal protection of the laws.

Dated: July 31, 2008

Respectfully submitted,



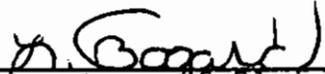
Signature of Plaintiff
Larry Donnell Bogard

PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully prays that this court enter judgment granting plaintiff: A preliminary and permanent injunction ordering defendant Mr. Jessie Bernal to not come in contact with the plaintiff, Larry Bogard, compensatory and punitive damages and any additional relief this court deems just, proper, and equitable.

Dated: July 31, 2008

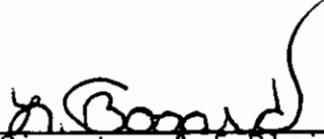
Respectfully submitted,



Signature of Plaintiff
Larry Bogard.#80859-011
FCI Big Spring
1900 Simler Ave
Big Spring, Texas
79720-7789

VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.



Signature of Plaintiff
Larry Donnell Bogard

DECLARATION OF KEVIN PAWLIK

1. I, Kevin Pawlik, declare as follows:

2. On or about February 13, 2008, I was waiting to speak with the Unit Manager ("Mr. J. Bernal"). While I was waiting inmate Bogard.#80859-011 and the Unit Manager was talking about a job change which at that time the door was open. Inmate Bogard was requesting a job to be an unit orderly.

3. The Unit Manager told inmate Bogard that he did not care if inmate Bogard was leaving and he will be glad well when all the U.S. citizens get the hell out of Taft.

4. Inmate Bogard told the Unit Manager that all he wanted was job in the unit until he leave the Unit Manager started screaming at inmate Bogard and call inmate Bogard a NIGGER and stated he would never give a NIGGER a job in his unit as long as he was in charge.

I declare under the penalty of perjury (Title 28 U.S.C. § 1746), that the foregoing is true and correct.

Executed this 14th day of February 2008.



Kevin Pawlik
#10028-023



TCI INMATE REQUEST TO STAFF

NAME: Larry Bogard REG # 80859-011 DATE: 2/26/08

Work Assignment: Compound A M-F Unit: A1A
Bed: 9 Lower

NOTE: If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently. You will be interviewed, if necessary, in order to satisfactorily handle your request. Your failure to specifically state your problem may result in no action being taken.

TO: Medical Record Clerk
(Name and Title of Officer)

SUBJECT: State completely but briefly the problem on which you desire assistance and what you think should be done. (Give details)

I would like to know the person or persons who requested for me to get food service medical clear. I would also like to know does every inmate on this compound also get medical food service check up once a year. Thank you very much.

DISPOSITION: (Do not write in this space) DATE: _____

I spoke to Jessi Bernal on 2-26-07. He is the that requested a food service clearance for you.

Your next question needs to be directed to Mr. Bernal

Officer: _____

[Signature]
Taft Correctional Institution

TAFAZ
PAGE 002

TAFI CI

02-26-2008
14:31:23

REG NO	NAME	FROM	TO	TIME	CATEGORY (2)	CATEGORY (3)
CALLOUTS FOR 02-27-2008					WRK ASGN	QTR ASGN
93172-198	AYON-MEZA		CCC A1C	1500	A1B ORD. 1	A06-523L
14771-097	BALENTINE		C VISIT	0930	PEND REL	D02-022L
02577-298	BALTAZAR		MED/CC1	0800	A1B ORD. 1	A07-050U
16830-045	BAMBOUYANI		C PSYCH	1400	C FS A W/T	D03-041L
29185-112	BANVILLE		C VISIT	0930	C A4A ORD1	D02-016L
86691-022	BARAJAS		QUILTING	1300	A2A ORD. 1	B04-054L
01005-298	BARAJAS-JA		CHAPLAIN	0730	CHAP A S/S	B11-038L
80932-180	BARNES		ED/RMCC413	0750	C AD P S/S	D02-030L
21830-112	BARRAGAN		C VISIT	0930	C A4D ORD2	D16-052U
48940-019	BARRAGAN-C		C VISIT	0930	C A4D ORD1	D15-050L
16185-112	BARRON		C VISIT	0930	C A4B ORD2	D05-014U
86959-022	BARUT		C VISIT	0815	C AD P S/S	D04-051U
10738-081	BEAVER		C VISIT	0930	C A4C ORD2	D09-006L
20706-198	BELTRAN-GA		MED/CC1	1200	A1B ORD. 1	A07-534L
38532-359	BELTRAN-LO		CCC A1C	1500	FS DR VARY	A14-030L
09138-033	BELTRAN-SO		ANX/RM 107	0800	A1C ORD. 1	A10-022L
20043-112	BENITEZ-NA		MAIN CHAPL	1200	SAFETY S/S	B01-012U
85755-198	BENTACUO-D		MED/L	0600	CMP 2A S/S	B15-037L
28048-112	BERARDI		C VISIT	0930	C A4D ORD1	D13-012U
44527-112	BERMAN		C VISIT	0930	C A4A ORD2	D02-528L
55969-097	BETANCOURT		MED/DOC 1	0900	REC. A S/S	B01-004L
08258-112	BOBADILLA		ED/RMCC413	0750	C RC A S/S	D16-054L
17249-097	BOBADILLA-		MED/L	0700	CMPD A M-F	B15-535L
80859-011	BOGARDJ		CHAPLAIN	0730	CMPD A M-F	A01-009L
			MED/REC	0830	CMPD A M-F	A01-009L
			MED/E	0950	CMPD A M-F	A01-009L
30160-112	BONNINGTON		C VISIT	0930	C A4C ORD1	D10-523L
07489-112	BOUSSART		C VISIT	0930	C A4A ORD1	D03-536L
90206-022	BRIGGS		C SUBABUSE	0750	C AD A S/S	D14-021U
08591-064	BROWN		C DENTAL	1300	C FS A M/T	D15-034U
27998-112	BUCK		C VISIT	0930	C A4C ORD1	D09-001L
38375-048	BURKE		ANX/RM 107	0730	SUPPLY S/S	B16-056L
			MED/TRMNT	2000	SUPPLY S/S	B16-056L
10643-111	CABRERA		MED/DOC 2	1300	CMP 1A S/S	A15-048U
93666-198	CACHO		ED/TAFTCOL	0730	EDSGDAPS/S	B16-054L
40569-048	CALDERON-M		C VISIT	0930	C A4A ORD1	D01-004L
33011-112	CALVIN		C VISIT	0930	C A4A ORD1	D02-027L
16457-208	CALZADILLA		MED/TRMNT	0530	A1B ORD. 1	A07-041U
32394-112	CAMPBELL		C VISIT	0930	C A4A ORD1	D02-030U
			C VISIT	1300	C A4A ORD1	D02-030U
38414-048	CANIZALES		CHAPLAIN	0730	CHAP A S/S	A06-029L
91036-012	CANNON		C VISIT	0930	C A4B ORD2	D07-037L
02623-093	CANOVAS		C VISIT	0930	C A4 CDSO	D15-046U
			C VISIT	1300	C A4 CDSO	D15-046U
04745-298	CANTU-FLOR		MED/E	1250	FS DR VARY	A06-032U
16863-045	CARDILE		C DENTAL	0730	C A4C ORD1	D09-014L

G0002 MORE PAGES TO FOLLOW . . .

TAFAZ
PAGE 002

TAFT CI

02-28-2008
14:31:26

REG NO	NAME	FROM	TIME	CATEGORY (2)	CATEGORY (3)
CALLOUTS FOR 02-29-2008					
80932-180	BARNES		ED/RMCC415 0845	C AD P S/S	D02-030L
			ED/RMCC415 1230	C AD P S/S	D02-030L
67776-198	BARRON		C RM/1125 0750	C ED A S/S	D06-022L
20706-198	BELTRAN-GA		MED/E 0900	A1B ORD. 1	A07-534L
44527-112	BERMAN		ED/RMCC415 0730	C A4A ORD2	D02-528L
			CAMP CHAPL 0910	C A4A ORD2	D02-528L
34319-048	BERTOLO		MAIN CHAPL 0755	A3C ORD. 2	C12-055L
85558-022	BLAZE		C RM/1125 0750	C ED A S/S	D01-009L
80859-011	BOGARD		MED/L 0600	CMPD A M-F	A01-009L
			MAIN CHAPL 0755	CMPD A M-F	A01-009L
32895-112	BONDOC		ED/RMCC415 0845	C HT A S/S	D02-026L
			ED/RMCC415 1230	C HT A S/S	D02-026L
44392-112	BONILLA		A&O/CHAPEL 0730	A&O PEND.	B07-036U
90206-022	BRIGGS		C SUBABUSE 0750	C AD A S/S	D14-021U
34388-177	BUENO		ED/RMCC415 0730	C HT A S/S	D05-004U
38375-048	BURKE		MED/TRMNT 2000	SUPPLY S/S	B16-056L
15180-208	BURROLA-MU		ANX/P109 1300	A1D ORD. 1	A14-015U
39157-048	BURTON		C DENTAL 1300	C ED A S/S	D01-009U
27629-112	BUSHELMAN		ED/RMCC415 0845	C RC P S/S	D14-029L
			ED/RMCC415 1230	C RC P S/S	D14-029L
53446-054	BUSKILA		MAIN CHAPL 0755	A3A ORD WK	C03-540L
10643-111	CABRERA		MED/L 0600	CMP 1A S/S	A15-048U
16457-208	CALZADILLA		MED/TRMNT 0530	A1B ORD. 1	A07-041U
84219-008	CAMACHO		MED/E 0900	A3C ORD. 1	C11-049U
38414-048	CANIZALES		MAIN CHAPL 1200	CHAP A S/S	A06-029L
20486-074	CARLOS		ANX/P109 1250	ULND A S/S	A07-049L
14007-081	CARLOS-DE		ANX/P109 1300	ADM. 2 S/S	B01-014U
24356-001	CASTANEDA		ANX/P109 1250	ADM. 1 S/S	C16-057L
13671-359	CASTRO-GAR		ANX/RM 103 0750	WHEELS S/S	C05-003U
01199-298	CASTRO-HER		ANX/RM 103 0750	FS. A M/T	C15-044U
55945-065	CAZAREZ-PA		MED/L 0600	REC. A S/S	C04-059L
70366-065	CERVANTES-		A&O/CHAPEL 0730	A&O PEND.	C10-028U
91803-011	CERVANTES-		MED/L 0900	A&O COMPLT	A06-527L
55057-198	CHAVEZ		ANX/P109 1240	A1D ORD. 1	A16-052L
12634-023	CHAVEZ-CRU		ANX/RM 103 1250	A3A ORD. 1	C02-031U
43741-112	COLIN		ANX/RM 103 0750	SAFETY S/S	B09-006U
04960-298	CONCEPCION		MED/DENTAL 0730	UNASSIGNED	A02-026U
31739-112	CONTRERAS-		ED/ANNEX 0900	FS. S S/S	A15-043L
			ANX/RM 103 1250	FS. S S/S	A15-043L
99393-008	CORDOVA-FE		MED/L 0800	A3A ORD. 2	C03-034U
02706-298	CORONA-VIL		ANX/RM 103 1250	A3B ORD. 1	C07-045U
03610-298	CORRALES-A		MED/E 0900	A1B ORD. 1	A06-027U
32383-039	CRISTINI		CNURSE CC 0900	C RC P S/S	D07-047L
06192-112	CUEVAS		ED/RMCC415 0845	C A4A ORD2	D02-021L
			C DENTAL 1130	C A4A ORD2	D02-021L
			ED/RMCC415 1230	C A4A ORD2	D02-021L

G0002

MORE PAGES TO FOLLOW



TCI INMATE REQUEST TO STAFF

NAME: Larry Bogard REG # 80859-011 DATE: 2/29/08

Work Assignment: Compound A M-F Unit: AlA
Bed: 9 Lower

NOTE: If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently. You will be interviewed, if necessary, in order to satisfactorily handle your request. Your failure to specifically state your problem may result in no action being taken.

TO: Chaplain
(Name and Title of Officer)

SUBJECT: State completely but briefly the problem on which you desire assistance and what you think should be done. (Give details)

I spoke with you last week and you told me that instead of firing me you would just transfer me from Chapel A M-F to Compound A M-F which you stated would be quicker. Thank you.

Also you already know that my Unit Manager ("Mr. Bernal AlA") was trying to get me fired from the Chapel and have me placed in Food Service that why I need something in writing from you stating I was transferred from Chapel to Compound. Again thank you for your time and help.

DISPOSITION: (Do not write in this space) DATE: 3/2/2008

He was transferred from Chapel to Compound.

Officer: *B. Bernal*

C E R T I F I C A T E O F S E R V I C E

I, Larry Donnell Bogard, hereby certify that I have served a true and correct copy of the following:

ACTION UNDER AUTHORITY OF 42 U.S.C. § 1983,
FOR THE VIOLATION OF THE PLAINTIFF'S CIVIL
RIGHTS BY THE DEFENDANT, MR. JESSIE BERNAL
AND THE COURT HAS JURISDICTION UNDER 28 U.S.C.
SECTION 1331 AND 1343(a)(3).

which is deemed filed at the time it was delivered to prison authorities for forwarding, *Houston v. Lack, 487 U.S. 266 (1988), upon the (plaintiff/defendant) (petitioner/respondent) (appellant/appellee) and/or its attorney(s) of record by placing same in a sealed first-class postage prepaid envelope addressed to:

Clerk of the Court
United States District Court
Eastern District of California
2500 Tulare Street, Suite 1501
Fresno, California
93721-2201

and deposited into this institution internal mail system located at FCI BIG SPRING, 1900 Simler Avenue, Big Spring, Texas 79720, on this 31 th day of July, 2008



Larry Donnell Bogard
In Pro se
Signature of Plaintiff

*Pursuant to Fed.R.App.P25(a)(2)(c), "A paper filed by an inmate confined in an institution is timely filed if deposited in the institution's internal mail system on or before the last day for filing."