

FILED

SEP 26 2008

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

ORIGINAL

GERALD LEE MILLER JR  
KERN VALLEY STATE PRISON  
PRISONER I.D. C.D.C C-92075  
P.O. BOX 5104 D-1-123  
DELANO CA. 93216

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

GERALD LEE MILLER JR  
PLAINTIFF  
VS.  
(L.V.N) O. RUFION  
(R.N) MOONGA  
DEFENDANTS

1:08  
CV-1233-OWW-SMS-P.C.  
CASE, NO CV-01233-SMS(PC)

FIRST AMENDED COMPLAINT FOR CIVIL  
RIGHTS VIOLATION UNDER THE COLOR OF  
STATE LAW 42 U.S.C, 1983 STATE PENDENT  
CLAIM, DELIBERATE INDIFFERENCE TO HIS  
SERIOUS MEDICAL NEEDS. (INJUNCTIVE RELIEF)  
DEMAND FOR JURY TRIAL

To: US Magistrate Judge

Sandra M. Snyder

(PC) Miller v. Rufion, et al. THIS IS A CIVIL RIGHTS ACTION FOR COMPENSATORY AND PUNITIVE DAMAGES BROUGHT AGAINST MULTIPLE NURSE AND THE CALIFORNIA DEPARTMENT OF CORRECTION FOR A STATE ACTION. Doc. 15 Att. 1

2.) JURISDICTION IS CONFERRED ON THIS COURT UNDER 28 U.S.C. 1331 (FEDERAL QUESTION) AND 28 U.S.C. 1343(3) CIVIL RIGHTS, VENUES LIES IN THE EASTERN DISTRICT OF CALIFORNIA. THE JUDICIAL DISTRICT IN WHICH THE CLAIMS A ROSE PURSUANT TO 28 U.S.C. 1391 (B) THIS COURT HAS PENTENT JURISDICTION TO ADJUDICATE CLAIMS UNDER CALIFORNIA LAW.

3.) PLAINTIFF GERALD LEE MILLER JR, IS A CITIZEN OF THE UNITED STATES AND HE IS A RESIDENT OF LOS ANGELES COUNTY, PLAINTIFF WAS INCARCERATED AT KERN VALLEY STATE PRISON DELANO CALIFORNIA DURING THE TIME OF THIS INCIDENT.

4) DEFENDANTS AND ARE EMPLOYEES OF THE CALIFORNIA DEPARTMENT OF CORRECTION

5.) ALL THE FOREGOING INDIVIDUALS ARE RESIDENTS OF THE JUDICIAL DISTRICT. ACTED UNDER COLOR OF AUTHORITY IN THIS STATE ACTION AND WERE INVOLVED IN ONE CAPACITY OR A NOTHER IN THE DEPRIVATION OF PLAINTIFF EIGHTH AND FOURTEENTH AMENDMENT RIGHTS

6.) DEFENDANTS ARE SUED IN THEIR OFFICIAL AND INDIVIDUAL CAPACITIES

SEP 26 2008

ERK, U. S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY [Signature]

1 (7)ON OCTOBER16,2007.IN KERN VALLEY STATE PRISON.DELANO.CALIFORNIA.DEFENDANT  
(L.V.N.)O.RUFION.DEFENDANT(R.N.)MOONGA,WILLFULLY,INTENTIONALLY,DISREGARD,  
2 KNOWINGLY CAUSE INJURY TO THE PLAINTIFF

3 (8)AS A RESULT PLAINTIFF SUFFER DISFIGUREMENT TO HIS BROKEN THUMB AND LOST  
OF MOVEMENT TO HIS THUMB,AND NOW HAS A LIMITED USAGE,PLAINTIFF ALSO SUFFER  
4 GREAT PAIN OF BODY AND MIND

5 **COMPLETE DENIAL OF MEDICAL TREATMENT**

6 (9)ON OCTOBER16.2007.PLAINTIFF WAS INVOLVED IN A MUTUAL COMBAT WHICH HE  
RECEIVED A BROKE THUMB AND LACERATION TO HIS LEGS AND KNEES AND WAS INITIALLY  
7 EXAMINE BY DEFENDANT(L.V.N.)O.RUFINO WHO REFUSE TO SEND THE PLAINTIFF TO  
BE X RAYED OR GIVE THE PLAINTIFF ANY PAIN MEDICATION AND DISPLAYED A  
8 A DISPOSITION OF(DELIBERATE INDIFFERENCE)to PLAINTIFF MEDICAL NEEDS,WHEN  
IT WAS OBVIOUS THE WAS STILL IN NEED OF MEDICAL TREATMENT OR DISPLAYED A  
9 KNOWING DISREGARD FOR EXCESSIVE RISK TO MY HEALTH OR WELLBEING AND HIS  
MEDICAL FINDING,WHICH ARE CONTRADICTED BY REPORT ON 10-22-07 AND 3-26-08  
10 SUBTANTIATES HE COMMITTED MEDICAL MALPRACTICE,(SEE EXHIBIT A) INCIDENT REPORT.

11 (10)ON OCTOBER 22.2007.PLAINTIFF WAS SEEN BY DEFENDANT(R.N.)MOONGA AND WAS  
X RAYED AND GIVEN A SPLINT AND WAS TOLD THAT HE WOULD BE SEEING A DOCTOR  
12 IN A FEW DAYS AND HIS THUMB WOULD BE SET OR PLACE IN A CAST,DEFENDANT(R.N.)  
MOONGA DISPLAYED A DISPOSITION OF (DELIBERATE INDIFFERENCE)TO PLAINTIFF  
13 MEDICAL NEEDS IN A 180.DAYS DELAY IN MEDICAL TREATMENT LEAVING THE PLAINTIFF  
THUMB DISFIGURE AND SHOW A CLEARLY KNOWINGLY DISREGARDS OF EXCESSIVE RISK  
14 TO HIS HEALTH OR WELLBEING (SEE EXHIBITS B)MEDICAL REPORT BY COLONIA MEDICAL  
GROUP

15 (11)PLAINTIFF HAS DEMONSTRATED THAT HE WAS DEPRIVED HIS EIGHTH(8th)  
AMENDMENT RIGHTS,ie,DELIBERATE INDIFFERENCE TO HIS MEDICAL NEEDS,  
16 IN CONTRAVENTION TO EIGHT(8th)AMENDMENT AND DEFENDANT(S)ACTED UNDER  
COLOR OF STATE LAW

17 (12) 42.U.S.C.SECTION.1983.DEFENDANTS ACTING UNDER COLOR OF STATE  
LAW.WILLFULLY,INTENTIONALLY,KNOWINGLY,AND CONNECTEDLY DEPRIVED  
18 PLAINTIFF OF RIGHTS AND PRIVIEGES AND IMMUNITIES SECURED BY THE  
CONSTITUTION AND LAWS OF THE UNITED STATED,INCLUDING THE EIGHTH(8th)  
19 AMENDMENT BY.INTER ALIA,(A)DELIBERATE INDIFFERENCE TO MEDICAL NEEDS)

20 (13)INTENTIONAL INFLECTION OF EMOTIONAL DISTRESS,DEFENDANTS CONDUCT  
WAS OUTRAGEOUS AND UNPRIVILEGED,AND WAS DONE WITH-OUT CONSENT.  
21 FURTHERMORE,PLAINTIFF SUFFERED PSYCHOLOGICAL TRAUMA FROM INJURIES  
THAT WERE SUSTAINED ie,LEG INJURIES,BRUIISING AND SWELLING,DISFIGUE-  
22 -MENT TO HIS THUMB AND LOST OF MOVEMENT AND LIMITED USAGE,DEFEDANTS  
WERE THE ACTUAL AND PROXIMATE CAUSE OF INJURIES SUSTAINED BY PLAINT  
23 -IFF.

24 **INJUNCTION RELIEF**

(14)DEFENDANT'S HAS SPENT THOUSANDS UP ON THOUSANDS OF DOLLAR IN  
25 FAKE INVESTIGATION IN TO THE PLAINTIFF'S FAMILY MEMBER AND FRIEND'S  
IN RETALIATION TO THE PLAINTIFF'S PARTICIPATION IN PROGRAMS,SUCH  
26 AS THE PRISON HEALTH CARE RECEIVERSHIP,BY SECRETLY CONTACTING THEM  
AND INTIMIDATING THEM INTO NOT VISITING AND WRITING FOR YEAR'S AT  
27 A TIME,AND HAVE WITH-HELD HIS MAIL FOR MONTH'S AT A TIME AND/OR NOT  
GIVEN IT TO HIM AT ALL.DEFENDANT'S HAS WITH-HELD HIS LEGAL MAIL AND  
NEVER GAVE IT TO HIM.IN HOPE THAT HIS CASES WOULD BE DISMISS ON

DEFAULT BASES

1 PLAINTIFF IS BEING DENIED PRIVILEGES THAT OTHER PRISONER ARE  
2 BEING ENTITLED TO SUCH AS LETTER FROM FRIEND'S AND FAMILY.  
3 THE PLAINTIFF IS ONLY BEING ALLOW 4 LETTER EVERY FEW MONTHS  
WHICH ALL THESE LETTER ARE COMING AT THE SAME TIME. BUT WITH  
DIFFERENT MAIL DATES

4 **RETALIATION**  
5 **AND DENIAL OF PRISON GRIEVANCE PROCESS**

6 (15) THE PLAINTIFF IS BEING DENIED HIS FIRST AND FOURTEENTH  
7 AMENDMENT RIGHTS, THE RIGHTS TO THE PRISON GRIEVANCE PROCESS  
8 AND THE RIGHT OF FREEDOM OF SPEECH HERE AT KERN VALLEY STATE  
9 PRISON BY PRISON STAFF AND APPEALS COORDINATOR T. BILLING  
10 PLAINTIFFS OUT-GOING MAIL IS BEING DESTROYED BY THE MAIL PROCESSOR  
11 IN THE BUILDING THAT WHICH THE PLAINTIFF LIVES IN. PLAINTIFF FILE  
12 A NUMBER OF REQUESTS ASKING THIS OFFICER IF HE OR SHE HAD TO  
13 PLACE THESE INK OR KERN VALLEY STAMPS ON HIS OUT GOING MAIL.  
COULD THEY PLEASE, PLACE THESE INK STAMPS SOMEWHERE OTHER THAN  
ON THE CONTENTS OF MY LETTERS. PLAINTIFF NEVER RECEIVED ANY  
KIND OF RESPONSE FROM THESE REQUESTS. PLAINTIFF THEN FILED A NUMBER  
OF ADMINISTRATIVE APPEALS POINTING THESE FACTS OUT. WHICH WAS ALL  
SCREENED OUT FOR REASON THAT DID NOT APPLY TO THE PLAINTIFF ADMINISTRATIVE  
APPEAL. AND BECAUSE OF THIS THE PLAINTIFF IS BEING DENIED  
THE RIGHT OF FREEDOM OF SPEECH AND TO PETITION THE GOVERNMENT FOR  
A REDRESS OF GRIEVANCES. FIRST AND FOURTEENTH AMENDMENT. (see exhibit c)

14 (16) DEFENDANT'S HAS PLACED FRAUDULENT INFORMATION OR UNFOUNDED  
15 INFORMATION IN THE PLAINTIFF CENTRAL FILES WHICH HAVE LEAD TO  
16 THE PLAINTIFF BEING INVOLVED IN A NUMBER OF FIGHTS, SUCH INFORMATION  
17 AS TO THE PLAINTIFF ACTING CRAZY BY LEAVING FECES ALL OVER  
HIS CELL AND BODY OR THAT THE PLAINTIFF LEAVE FECES IN HIS TOILET,  
THE PLAINTIFF HAVE BEEN LABELED A CHILD MOLESTER AND HOMOSEXUAL  
BY DEFENDANT'S AND THEIR ADMINISTRATION.

18 (17) PLAINTIFF ALLEGES THAT THIS IS A PRACTICE AND A CUSTOM BY  
19 THE DEPARTMENT OF CORRECTION STATE WIDE TO DENY HIM MEDICAL  
TREATMENT AND TO WITH-HOLD HIS MAIL.

20 (18) PLAINTIFF IS ENTITLED TO INJUNCTIVE RELIEF, INCLUDING, BUT  
21 NOT LIMITED TO, AN ORDER REQUIRING DEFENDANT'S AND KERN VALLEY  
22 STATE PRISON TO STOP DESTROY PLAINTIFF LETTER WITH INK STAMPS  
23 AND TO REMOVE ALL UNFOUNDED INFORMATION FROM THE PLAINTIFF  
CENTRAL FILES. AND FROM INTERFERE WITH PLAINTIFF LEGAL MAIL OR  
REGULAR MAIL. THERE IS NO ADEQUATE REMEDY AT LAW TO PROTECT  
24 PLAINTIFF FROM SAID RETALIATION AND WITHOUT THE EQUITABLE RELIEF  
25 SOUGHT HE IS SUSCEPTIBLE TO GREAT AND IRREPARABLE INJURY BY  
THE UNFOUNDED, INFORMATION IN THE PLAINTIFF CENTRAL-FILES AND  
26 BY THE DENIAL OF LEGAL AND REGULAR MAIL. THE BALANCE OF HARDSHIP  
TIPS MARKEDLY TOWARD PLAINTIFF IN THAT THERE WOULD BE LITTLE  
OR NO PREJUDICE OR HARM TO THE DEFENDANTS SHOULD BE ORDER TO  
MOVE SUCH INFORMATION FROM HIS CENTRAL FILE AND NOT TO INTERFERE  
WITH THE PLAINTIFF MAIL.

1                                   **PRAYER FOR RELIEF**

2       WHEREFORE, PLAINTIFF GERALD LEE MILLER JR. PRAYS FOR THE FOLLOWING  
3       RELIEF AND/OR SEEKS JUDGMENT AS FOLLOW.

4       (1) INJUNCTIVE RELIEF

5       (2) COMPENSATORY, GENERAL DAMAGES, AND SPECIAL DAMAGES IN AN AMOUNT  
6       IN ACCORDANCE TO PROOF.

7       (3) EXEMPLARY DAMAGES (A MOUNT AGAINST EACH OF THE DEFENDANT'S  
8       AND TO DETER THEM ALL OTHER WHO WOULD BEHAVE AS HAVE DEFENDANTS  
9       HEREIN.

10      (4) COST OF SUIT NECESSARILY INCURRED .AND

11      (5) SUCH FURTHER RELIEF AS THE COURT DEEMS JUST AND PROPER.

12  
13  
14  
15  
16  
17  
18      DATE 9-14-08

19  
20                                   GERALD L. MILLER  
21                                   RESPECTFULLY SUBMITTED  
22  
23  
24  
25  
26  
27  
28

EXHIBIT "A"

**CRIME / INCIDENT REPORT****PART A1 - SUPPLEMENT**

CDCR 837-A1 (REV. 10/06)

Page 3 of 8

INCIDENT LOG NUMBER

KVSP-FAY-07-10-0508

|                     |                              |                             |                        |
|---------------------|------------------------------|-----------------------------|------------------------|
| INSTITUTION<br>KVSP | FACILITY<br>FAY - A FACILITY | INCIDENT DATE<br>10/16/2007 | INCIDENT TIME<br>10:09 |
|---------------------|------------------------------|-----------------------------|------------------------|

## TYPE OF INFORMATION:

☒ SYNOPSIS/SUMMARY OF INCIDENT ☐ SUPPLEMENTAL INFORMATION ☐ AMENDED INFORMATION ☐ CLOSURE REPORT

Officer S. Herrera escorted Inmate Harris (V-84424, FAB5-105L) to A Facility Program Office and placed him in Holding Cell #1.

## Holding Cell(s):

Inmate Miller (C-92075) was placed into the medical holding cell located in Facility A Medical Clinic. Officer Brown performed an unclothed body search and a search of the holding cell, both with negative results.

Inmate Inmate Harris (V-84424) was placed into holding cell #1, located in Facility A Program Office. Officer S. Herrera performed an unclothed body search and discovered an inmate manufactured weapon. Officer Herrera also searched the holding cell with negative results.

## Decontamination:

Both inmates were escorted to Facility A Patio where they were both decontaminated. Officer Herrera decontaminated Inmate Harris with fresh air and copious amounts of fresh water until he verbally stated he had enough. Officer J. Brown decontaminated Miller with copious amounts of fresh running water and fresh air. Both inmates were evaluated by medical staff every 15 minutes for a total of 45 minutes.

## Medical:

A CDC 7219 Medical Report of Injury was completed on Inmate Harris (V84424) by LVN O. Rufino documenting Scratch/Abrasions on the left hand and a bloody nose.

A CDC 7219 Medical Report of Injury was completed on Inmate Miller (C-92075) by LVN O. Rufino documenting a scratch on the left knee and a dislocated right thumb.

## Video Interview:

N/A

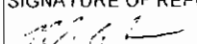
## Notification:

Facility A Captain Tyson and all appropriate staff were notified of this incident. As any additional information develops you will be notified via supplemental reports.

## Conclusion:

This was an isolated incident. There were no staff injuries as a result of this incident. Inmate Harris and Inmate Miller are deemed the suspects and will be receiving a California Department of Corrections and Rehabilitation Rules Violation Report (CDCR 115) specifically for "Mutual Combat". This will not be referred to the Kern County District Attorney's Office. Inmate Harris will also be receiving a California Department of Corrections and Rehabilitation Rules Violation Report (CDCR 115) specifically for "Possession of an Inmate Manufactured Weapon." This will be referred to the Kern County District Attorney's Office. Both Inmates were rehoused in Administrative Segregation.

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL A1

|                                                                                                                    |                                  |                                  |                    |
|--------------------------------------------------------------------------------------------------------------------|----------------------------------|----------------------------------|--------------------|
| NAME OF REPORTING STAFF (PRINT/TYPE)<br>MARTIN CABRERA                                                             | TITLE<br>CORRECTIONAL LIEUTENANT | ID#<br>246786                    | BADGE #<br>46211   |
| SIGNATURE OF REPORTING STAFF<br> |                                  | PHONE EXT. INCIDENT SITE<br>6104 | DATE<br>10/16/2007 |

## CRIME / INCIDENT REPORT

## PART B2 - STAFF

CDCR 837-B2 (REV. 10/06)

Page 8 of 8

|                     |                              |                                            |
|---------------------|------------------------------|--------------------------------------------|
| INSTITUTION<br>KVSP | FACILITY<br>FAY - A FACILITY | INCIDENT LOG NUMBER<br>KVSP-FAY-07-10-0508 |
|---------------------|------------------------------|--------------------------------------------|

## STAFF (ENTIRE SHEET)

|                                                                                           |                                         |      |                                                                                                                                       |                                                                                                     |                  |              |
|-------------------------------------------------------------------------------------------|-----------------------------------------|------|---------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|------------------|--------------|
| NAME: LAST<br>RUFINO                                                                      | FIRST<br>OF                             | MI   | TITLE<br>LICENSED VOCATIONAL NUR                                                                                                      | SEX<br>M                                                                                            | ETHNICITY<br>FIL | RDO'S<br>S/M |
| PARTICIPANT<br>OBSERVER, MED                                                              | BADGE #<br>N/A                          | ID # | POST ASSIGN #<br>N/A                                                                                                                  | POSITION<br>FACILITY MEDICAL                                                                        |                  |              |
| <input checked="" type="checkbox"/> N/A DESCRIPTION OF INJURIES, LOCATION AND CAUSE:      |                                         |      |                                                                                                                                       |                                                                                                     |                  |              |
| <input checked="" type="checkbox"/> N/A NAME/ LOCATION OF HOSP/ FACILITY                  | <input checked="" type="checkbox"/> N/A |      | <input type="checkbox"/> TREATED AND RELEASED<br><input type="checkbox"/> REFUSED TREATMENT<br><input type="checkbox"/> DECEASED DATE | USED FORCE<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No<br>TYPE OF FORCE: |                  |              |
| Reason For Death                                                                          | Is There ASCA Serious Injury            |      | <input checked="" type="radio"/> No <input type="radio"/> Yes                                                                         |                                                                                                     |                  |              |
| PROCESSED EVIDENCE<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |                                         |      |                                                                                                                                       |                                                                                                     |                  |              |

EXHIBIT "B"

**MARSHALL S. LEWIS, M.D.**

**TEHACHAPI CLINIC**

March 26, 2008

Colonial Medical Group  
1801 16<sup>th</sup> Street, Suite B  
Bakersfield, California 93301

RE: MILLER, GERALD  
DOB: 1/10/62  
CHART#: IMC0955  
CDC#: C92075/Kern Valley State Prison

**INITIAL COMPREHENSIVE ORTHOPEDIC CONSULTATION**

This is a 46-year-old black male who comes in today for orthopedic evaluation of his right first metacarpal.

The patient sustained injury when he struck someone in October 2007. He sustained a fracture and was cased for several weeks in the facility. The patient continues to have pain and stiffness in the right thumb and increased difficulty with usage.

**PAST MEDICAL HISTORY:**

|                      |                                                                                             |
|----------------------|---------------------------------------------------------------------------------------------|
| Allergies:           | None.                                                                                       |
| Current Medications: | Lisinopril and Lipitor.                                                                     |
| Illnesses:           | The patient has a history of hypertension. He also had a gunshot wound to the back in 1993. |
| Fractures:           | Fractured jaw and fractures of the hands/fingers, which occurred in 1997 and 2000.          |

RE: MILLER, GERALD  
Page 2  
March 26, 2008

**FAMILY HISTORY:**

There is a history kidney disease on the father's side.

**PHYSICAL EXAMINATION:**

Examination of the right thumb reveals decreased range of motion. There is marked pain over the carpometacarpal joint of the right thumb. Some deformity is noted. The patient has difficulty bringing the thumb past the fourth digit of the left hand. He lacks full extension of the right thumb. The patient has a positive grind test of the carpometacarpal joint of the right thumb. This is the patient's dominant extremity.

**RADIOGRAPHIC DATA:**

Review of the x-rays reveals a fracture at the base of the first metacarpal of the right hand. There appears to be spurring in the carpometacarpal joint. Joint space narrowing is noted. There is about 30 degrees angulation of the first metacarpal. The fracture has healed with malunion.

**IMPRESSION:**

1. Intra-articular fracture at the base of the first metacarpal of the right hand (dominant).
2. Carpometacarpal arthritis, right thumb, secondary to trauma.
3. Malunion at the base of the first metacarpal of the right thumb.

**TREATMENT PLAN:**

At this time, it is felt the patient should be placed in a right thumbkeeper brace. He will be begun on anti-inflammatory medication in the form of Naprosyn and will be given Prilosec to protect the gastric mucosa. Appropriate blood work will be performed today to make sure it is safe for the patient to be on medication. The patient will return for evaluation in one month. Blood work will be reviewed at that time and we will see if the thumbkeeper brace is helping.

Marshall S. Lewis, M.D.  
/sl  
4/7/08

EXHIBIT "C"

RE: Screening at the FIRST Level

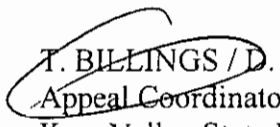
July 30, 2008

**MILLER, C92075**  
FDB100000000123L

Log Number: KVSP-O-  
(Note: Log numbers are not assigned to screen out appeals, or informal level appeals)

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

*You have not included evidence of an attempt to resolve the problem at the Informal Level. The Informal Level of Review is waived for appeals of classification actions; serious disciplinaries; CSR actions; departmental regulations, policies or operational procedures; staff complaints; and exceptional circumstances as defined in CCR 3084.7. Obtain an informal response.*

 T. BILLINGS / D. TARNOFF  
Appeal Coordinator  
Kern Valley State Prison

**NOTE:** Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

|                                                    |
|----------------------------------------------------|
| <b>PERMANENT APPEAL ATTACHMENT – DO NOT REMOVE</b> |
|----------------------------------------------------|

# INMATE/PAROLEE APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. \_\_\_\_\_

1. \_\_\_\_\_

3

2. \_\_\_\_\_

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 |
| GERALD LEE MILLER | C-92075 |            | A-1-123          |

A. Describe Problem: TO: A-1 FIRST WATCH MAIL PROCESSOR, THIS IS A CITIZEN COMPLAINT, PER, PENAL CODE 832.5(A) DOMESTIC VIOLENCE, DOM 33916' 15 CCR 30845' A'30' IN VIOLATION OF 15 CCR 3133, AND 15 CCR 3193 b DAMAGED OF PERSONAL PROPERTY AND IF THIS IS A UNDERGROUND RULE IT VIOLATES 15 CCR 3375.2(b)'25' "COMMON SENSE" OVERTON-V-BADZETTA (2003) 539 US 126, TURNER V-SAFLEY (1987) 482 US 688, ON-6-24-08 I MAILED A LETTER TO ONE LAQUITA GOODACRE, WHICH WAS A "RETURN TO SENDER" AFTER I RECEIVED THIS LETTER BACK I NOTICE THAT IT HAD BEEN STAMPED WITH KERN VALLEY STATE PRISON ACROSS THE WRITTEN PART

If you need more space, attach one additional sheet.

"ONE ADDITIONAL SHEET"

B. Action Requested: THAT MY LETTER ONLY BE POSTED ON THE OUTSIDE OF THE ENVELOPE

Inmate/Parolee Signature: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

7-15-08

C. INFORMAL LEVEL (Date Received: \_\_\_\_\_)

Staff Response: \_\_\_\_\_

Kern Valley State Prison  
Facility D, Building 1

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.

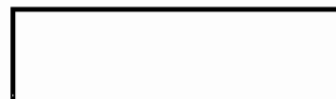
Signature: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

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

RECEIVED JUL 22 2008

CDC Appeal Number: \_\_\_\_\_



"ONE ADDITIONAL SHEET"

OF THE LETTER ON BOTH PAGES DESTROYING THE CONTENT OF THE LETTER, THIS WAS DELIBERATELY DONE TO DISCOURAGE THE PERSON THAT I WAS WRITING, NOT TO WRITE BACK OR JUST TO DESTROY THE LETTER, THIS DOES NOT SHOW THAT THIS OFFICER IS DOING HIS JOB BY STAMPING "KERN VALLEY" ACROSS THE WRITTEN PART OF THE LETTER BUT IT DOES SHOW THAT HE OR SHE IS TRYING TO DESTROY THE CONTENT OF THE LETTER, "WHEN IT IS OTHER OPENING ON THE LETTER, "OTHER THAN WHERE THESE STAMP WERE PUT," LIKE THE UPPER RIGHT HAND CORNER, AND ON THE NEXT PAGE THE FULL BOTTOM WAS OPEN, WHICH THESE STAMPS COULD HAVE BEEN PLACED IF NEEDED, BESIDE THE STAMP ON THE FRONT OF THE ENVELOPE SHOULD HAVE BEEN SUFFICIENT BECAUSE THE CONTENT OF THE LETTER WILL NOT CHANGE ONCE ITS SEALED.

Kern Valley State Prison  
Facility D, Building 1

To: LAQUITA GOODACRE

DATE 6-24-08

FR: GERALD L Miller JR # C-92075

KERN VALLEY STATE PRISON

P.O. BOX 5101 - D-1-123

DELANO CA 93216.

Dear Laquita

By the time this letter reaches your lovely fingers, I hope that it finds you in the best of health and in good spirits.

I ran across your ad in Love Connection and was wondering if you would be interested in writing and forming some kind of friendship. I am down in California doing a little time on some bank charges and when I ran across your ad I couldn't help but write it and ask could you please be my friend if HA, HA how good you look, it's hard for me to imagine that some-one with your look and quality would ever have a problem finding Mr Right if (wow) you must be looking for a movie star if are something because where I come from you would have been account for. I am not a movie star but I can be a real good friend some-one that you can't count on, if given the chance, I wouldn't want to tell you down being in the position that I am in right now, you deserve better

than that, but i would like to give you that love  
and understanding, that only a man can give a woman  
at less intill you found me right if and we can still be  
best friends after that. but as a black man i want you  
to know that its still some good guys that will give  
a woman that Love and support, that she needs even  
if its from a long distance if do you ever think that  
you would come to California? some times its just about  
being in the right place at the right time, to follow  
your dream and some times you can find your dream in  
place that you wouldn't believe would be very grateful  
if you would respond back to this letter even if  
its to say thanks but thanks if that way you  
keep your Ad going - and i keep hope a live if HA.  
HA, im believing that one day i may find some-one  
like you if intill then take care

Sincerely  
Gerald L. Miller

Kern Valley State Prison  
Facility D, Building 1

To: MS SHERI COPELAND

FR: GERALD LEE MILLER # C-92075

KERN VALLEY STATE PRISON

P.O. Box 5101 - D-1-123

DELANO CA 93216

Dear Sheri

By the time this letter reaches your lovely finger  
tips I hope that it finds you in the best of health  
and in good spirits.

I ran across your name in the love connection and  
was wondering if you would be interested in corresponding  
with me with no strings attached. Let me just say I fell  
in love with your name and just had to write you, if  
I understand that you may be looking for something more,  
and that why I am only offering friendship to some one  
special like your self. I don't understand how some one  
as beautiful as you could ever be with out a good  
man, but I am willing to be that special some-one  
for you and give you that love and understanding  
that you may need and be looking for, there is still  
some good man in this world that will give a good  
woman love and support, even tho some may be  
incarcerated and by the way I am down in California  
doing a little time on some bank charges and looking

1 for some-one to correspond with and may-be fall in  
2 love with, and share my heart and my love and under-  
3 standing and companionship with that special some-one  
4 that, what we all need, I'm not asking for nothing  
5 but friendship and to be that special some-one that  
6 you may need in your life at this time, I'm only  
7 offering friendship because I feel you deserve more  
8 than I can give right now, but if you are looking  
9 for some-one to love you unconditionally, I may be  
10 that some-one and I would like to get to know you  
11 if you are willing to take a chance on this friendship  
12 and I GUARANTEE you won't regret it. I also would  
13 be very grateful if you would return a response to  
14 this letter from your Ad. I'll keep your Ad going  
15 with good response, also I'll take care and write back  
16 soon and if you don't want any correspondence I will  
17 respect your wish, but would like for you to  
18 write and say so, thank you and god bless

20 sincerely

22 Gerald L Miller