

FILED

SEP 23 2009

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

BY _____
DEPUTY CLERK

Plaintiff's Name SYLVE CASTLE
Inmate No. C-02190
Address P.O. BOX 5102
DELAZO, CA. 93216

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

SYLVE CASTLE
(Name of Plaintiff)

1:08-CV-1267 JAT
(Case Number)

vs.

M. KNOWLES, WARDEN
A. BENDER, CAPTAIN
PHILIP S. LEUTENANT
SAMUEL STAGGART
STARR, SARGENT
(Names of all Defendants)

AMENDED COMPLAINT
LOGGED

Civil Rights Act, 42 U.S.C. § 1983

SEP 18 2009

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

I. Previous Lawsuits (list all other previous or pending lawsuits on back of this form):

A. Have you brought any other lawsuits while a prisoner? Yes No

RECEIVED

B. If your answer to A is yes, how many? THREE

SEP 18 2009

Doc. 31 Att. 2

Describe previous or pending lawsuits in the space below.
(If more than one, use back of paper to continue outlining all lawsuits.)

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

1. Parties to this previous lawsuit:

Plaintiff SYLVE CASTLE

Defendants GEORGE PARADSON et al.

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

NORTHERN DISTRICT COURT, SAN JOSE DIVISION

3. Docket Number C-01-20187

4. Assigned Judge JAMES WAAG

5. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)

STILL PENDING

6. Filing date (approx.) 3/6/01

7. Disposition date (approx.) 1/18/08

SV LCC CASTLE

PLAINTIFF

✓.

CORRECTIONAL OFFICER, MARCELA ET, ET

DEFENDANTS

NORTHERN DISTRICT COURT

CASE NO. C-03-1926

WHA PA.

DISMISSED ON SUMMARY JUDGMENT

SV LCC CASTLE

PLAINTIFF

✓.

A.K. SCARONEL, WARDEN

DEFENDANT

EASTERN DISTRICT COURT

CASE NO. 1:04-CV-6624

SANDRA M. SNYDER

DISMISSED ON APPEAL

SV LCC CASTLE

PLAINTIFF

✓.

M. AMIAER ET, ET,

DEFENDANTS

SOUTHERN DISTRICT COURT

CASE NO. 08-0347

SANDRA M. SABRAW

STILL PENDING

SV LCC CASTLE

PLAINTIFF

✓.

A. HODGKIN, WARDEN ET, ET

DEFENDANTS

EASTERN DISTRICT COURT

CASE NO. 1:06-CV-01754-WHW-PC

STILL PENDING

II. Exhaustion of Administrative Remedies

A. Is there an inmate appeal or administrative remedy process available at your institution?

Yes No

B. Have you filed an appeal or grievance concerning ALL of the facts contained in this complaint?

Yes No

If your answer is no, explain why not _____

C. Is the process completed?

Yes If your answer is yes, briefly explain what happened at each level.

No If your answer is no, explain why not.

NOTICE: Pursuant to the Prison Litigation Reform Act of 1995, "[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." 42 U.S.C. § 1997e(a). If there is an inmate appeal or administrative remedy process available at your institution, you may not file an action under Section 1983, or any other federal law, until you have first completed (exhausted) the process available at your institution. You are required to complete (exhaust) the inmate appeal or administrative remedy process before filing suit, regardless of the relief offered by the process. Booth v. Churner, 532 U.S. 731, 741 (2001); McKinney v. Carey, 311 F.3d 1198, 1999 (9th Cir. 2002). Even if you are seeking only money damages and the inmate appeal or administrative remedy process does not provide money, you must exhaust the process before filing suit. Booth, 532 U.S. at 734.

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item B for the names, positions and places of employment of any additional defendants.)

- A. Defendant M. KNOWLES is employed as WARDEN
at HEAVY VALLEY STATE PRISON P.O. BOX 5104 DELANO, CA. 92316
- B. Additional defendants R. FISHER, CAPTAIN, PHILLIPS, LIEUTENANT, SATICA, SERGEANT, STARR,
SERGEANT, ALL DEFENDANTS ARE BEING SUED IN THEIR OFFICIAL CAPACITIES

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

- ① ON OR ABOUT JUNE OR JULY 2005 HEAVY VALLEY STATE PRISON (HVSP) WAS OPEN FOR BUSINESS TO HOUSE PRISONERS
- ② HVSP IS DESIGNATED AS A DISABILITY PLACEMENT PROGRAM (DPP) FOR DISABLED INMATES.
- ③ PLAINTIFF IS A VERIFIED PERMANENTLY MOBILITY IMPAIRED (LOWLY EXHAUSTIVES) INMATE WITH A 1945 DISABILITY PLACEMENT PROGRAM VERIFICATION.
- ④ ON OR ABOUT DECEMBER 2005 OR JANUARY 2006 B-FACILITY ADMINISTRATION HAD INSTALLED ON THE RECREATIONAL YARD DIP BARS AND PULL UP BARS FOR NON-DISABLED INMATES
- ⑤ ON OCTOBER 3, 2006 PLAINTIFF HAD SENT DEFENDANT KNOWLES, WARDEN, R. FISHER, CAPTAIN, PHILLIPS, LIEUTENANT AN INMATE REQUEST FOR INTERVIEW G-22, STATING SINCE I AM A DISABLED INMATE PERMANENTLY MOBILITY IMPAIRED (LOWLY EXHAUSTIVES), I AM REQUESTING TO KNOW WHY YOU AND THE ADMINISTRATION HAS CONTINUED TO REFUSE TO ACCOMMODATE DISABLED INMATES ON B-FACILITY AND/OR REFUSING TO PUT TABLES, BENCHES, WHEELCHAIR

V. Relief.

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

- 1. M. KNOWLES COMPENSATORY DAMAGES IN THE SUM OF \$100,000⁰⁰, PUNITIVE DAMAGES IN THE SUM OF \$200,000⁰⁰
- 2. R. FISHER COMPENSATORY DAMAGES IN THE SUM OF \$100,000⁰⁰, PUNITIVE DAMAGES IN THE SUM OF \$200,000⁰⁰
- 3. PHILLIPS COMPENSATORY DAMAGES IN THE SUM OF \$100,000⁰⁰, PUNITIVE DAMAGES IN THE SUM OF \$200,000⁰⁰
- 4. SATICA COMPENSATORY DAMAGES IN THE SUM OF \$100,000⁰⁰, PUNITIVE DAMAGES IN THE SUM OF \$200,000⁰⁰
- 5. STARR COMPENSATORY DAMAGES IN THE SUM OF \$100,000⁰⁰, PUNITIVE DAMAGES IN THE SUM OF \$200,000⁰⁰

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

Date SEPTEMBER 2009

Signature of Plaintiff [Handwritten Signature]

1 ACCESSIBLE DIP BARS AND PULL UP BARS ON THE YARD FOR DISABLE INMATES,
2 ⑥ ON OCTOBER 10, 2006 PLAINTIFF HAD SENT DEFENDANT SATHER, SERGEANT AND STARR, SERGEANT
3 AN INMATE REQUEST FOR INTERVIEW GA-22 STATING, SIX/HAN AM A DISABLE INMATE
4 PERMANENTLY MOBILITY IMPAIRED (LOWER EXTREMITIES). AM REQUESTING TO KNOW WHY YOU AND THE
5 ADMINISTRATION HAS CONTINUED TO REFUSE TO ACCOMMODATE DISABLE INMATES ON B-FACILITY BY
6 FAILING AND/OR REFUSING TO PUT TABLES, BENCHES, WHEELCHAIR ACCESSIBLE DIP BARS AND PULL
7 UP BARS ON THE YARD FOR DISABLE INMATES.

8 ⑦ ON OCTOBER 12, 2006 DEFENDANT SATHER HAD RESPONDED TO PLAINTIFF INMATE REQUEST FOR
9 INTERVIEW GA-22 STATING, AS DISCUSSED. PLEASE USE A BOX FROM CURRENT TABLES
10 ARE ON ORDER FOR THE YARDS. DEFENDANT SATHER FAILED TO DISCUSSED WHEN THE WHEELCHAIR
11 ACCESSIBLE DIP AND PULL UP BARS WILL BE INSTALLED ON THE YARD.

12 ⑧ ON OCTOBER 15, 2006 PLAINTIFF HAD FILED A REASONABLE MODIFICATION OR ACCOMMODATION
13 REQUEST/GRIEVANCE COMPLAINT STATING, KJSP IS DESIGNATED AS A JPP THAT HOUSES DISABLE
14 INMATES. ON OCTOBER 5, 2006 PLAINTIFF SENT THE FOLLOWING CUSTODY STAFFS MICHAEL KNOWLES,
15 WARDEN, J. WELLS, CHIEF DEPUTY WARDEN, A. FISHER, CAPTAIN, A. HIPPER, CAPTAIN AN INMATE
16 REQUEST FOR INTERVIEW. ON OCTOBER 5, 2006 PLAINTIFF SENT THE FOLLOWING CUSTODY STAFFS

17 PHILLIPS AN INMATE REQUEST FOR INTERVIEW. ON OCTOBER 10, 2006 PLAINTIFF SENT THE FOLLOWING
18 CUSTODY STAFFS AN INMATE REQUEST FOR INTERVIEW GA-22 SATHER, SERGEANT, STARR, SERGEANT,
19 STARR STATING (QUOTE) AM A DISABLE INMATE PERMANENTLY MOBILITY IMPAIRED (LOWER EXTREMITIES).
20 AM REQUESTING TO KNOW WHY THE ADMINISTRATION HAS CONTINUED TO REFUSE TO ACCOMMODATE
21 DISABLE INMATES ON B-FACILITY BY FAILING AND/OR REFUSING TO PUT TABLES, BENCHES,
22 WHEELCHAIR ACCESSIBLE DIP BARS AND PULL UP BARS ON THE YARD FOR DISABLE INMATES.

23 ⑨ ALL OF THE ABOVE STAFFS ARE VERY AWARE THAT KJSP IS A JPP THAT HOUSES
24 PERMANENTLY MOBILITY IMPAIRED INMATES AND DISABLE INMATES IN GENERAL. ALL OF THE
25 ABOVE STAFFS HAS CONTINUE TO IGNORE PLAINTIFF INMATE REQUEST FOR INTERVIEW TO
26 ACCOMMODATE DISABLE INMATES WITH TABLES, BENCHES, WHEELCHAIR ACCESSIBLE DIP BARS AND
27 PULL UP BARS ON THE YARD FOR DISABLE INMATES.

28 ⑩ PLAINTIFF AND OTHER DISABLE INMATES ARE FORCED TO STRIP DOWN TO THEIR UNDERWEARS

1 AND SOCKS IN FRONT OF 5, 6, 7 AND 8 BUILDING ON B-FACILITY BEFORE GOING TO THE YARD.
 2 PLAINTIFF HAD ASKED NUMEROUS OF CORRECTIONAL OFFICERS TO ACCOMMODATE HIM BY REQUESTING
 3 TO STAIR DOWN INSIDE OF THE BUILDING DAYROOM WHICH THERE IS TABLES AND BENCHES TO
 4 TO GET DOWN ON. THIS REQUEST HAS BEEN DENIED REPEATEDLY. BY PLAINTIFF BEING
 5 PERMANENTLY MOBILITY IMPAIRED (LOWER EXTREMITIES) HAS HAD TO GET DOWN ON THE
 6 GROUND AND STAIR DOWN TO HIS UNDERWEARS AND SOCKS CAUSING PLAINTIFF A
 7 SIGNIFICANT HARDSHIP WHICH HIS DISABILITIES HAS INCREASED SUCH AS CHRONIC
 8 LOWER BACK PAIN, MUSCLE SPASMS, PARALYSIS, LOSS OF MOTOR COORDINATION AND IRREGULAR
 9 BOWEL MOVEMENTS. THEN WHEN PLAINTIFF AMBULATES AND BECOME TIRED FROM AMBULATING
 10 PLAINTIFF HAS TO SIT DOWN ON THE GROUND AND IT BECOMES VERY PAINFUL AND DIFFICULT
 11 FOR PLAINTIFF TO GET BACK UP OFF OF THE GROUND AND HAD TO BE HELD UP BY OTHER INMATES.
 12 (17) ON OCTOBER 30, 2006 PLAINTIFF RECEIVED A RESPONSE FROM DEFENDANT KNOWLES, WAIVER
 13 IN REGARDS OF PLAINTIFF INMATE REQUEST FOR INTERVIEW GA-22 HE SENT TO DEFENDANT
 14 KNOWLES ON OCTOBER 5, 2006 STATING, KVSF IS AGGRESSIVELY WORKING TOWARD INSTALLING
 15 THE SPECIALIZED EQUIPMENT YOU HAVE MENTIONED. THE TABLES HAVE ALREADY BEEN
 16 ORDERED AND WE ARE EXPECTING DELIVERY APPROXIMATELY NOVEMBER 1, 2006.
 17 (18) IN REGARDS TO THE DIP BARS AND PULL UP BARS, WE ARE PRESENTLY WAITING FOR A
 18 DETERMINATION BY THE COURT COMPLIANCE COORDINATOR AS TO THE ACCEPTABLE HEIGHT
 19 FOR THIS EQUIPMENT. CURRENTLY, FOR EQUIPMENT OF THIS TYPE THERE IS NO STANDARDIZED
 20 HEIGHT ESTABLISHED BY ACCESSIBILITY REGULATORY CODES. PLANT OPERATIONS HAS
 21 MATERIALS ON HAND TO CONSTRUCT THE BARS ONCE WE HAVE THE NECESSARY DIMENSIONS.
 22 (19) ON NOVEMBER 28, 2006 PLAINTIFF RECEIVED A FIRST LEVEL OF RESPONSE TO APPEAL 106 NO.
 23 O-06-02983 STATING, YOU WERE INFORMED THE TABLES FOR B-YARD WILL BE INSTALLED
 24 WITHIN A WEEK AND THE EXERCISE EQUIPMENT WOULD BE INSTALLED WITHIN A MONTH.
 25 (20) ON DECEMBER 4, 2006 PLAINTIFF SUBMITTED HIS APPEAL FOR A SECOND LEVEL OF REVIEW
 26 STATING, DISSATISFIED: APPROXIMATELY 7 OR 8 MONTHS AGO PLANT OF OPERATION INSTALLED
 27 DIP AND PULL UP BARS ON B-FACILITY YARD FOR NON-DISABLE INMATES. THE ADMINISTRATION
 28 KNOWS THAT KVSF IS DESIGNATED AS A (OPP) THAT HOUSE DISABLED INMATES, THERE ARE



1 WHEELCHAIR ACCESSIBLE CELLS, WHEELCHAIR ACCESSIBLE TABLES IN THE DAYROOM,
2 WHEELCHAIR ACCESSIBLE SHOWERS, WHEELCHAIR TABLES IN THE DINING HALL, THERE IS NO
3 PHYSIOLOGICAL REASON FOR INMATES DESIGNATED AS A (OPP) NOT TO HAVE AT LEAST ONE TABLE ON
4 B-FACILITY RECREATIONAL YARD FOR DISABLED INMATES TO GET DOWN ON AND THERE IS NO
5 PHYSIOLOGICAL REASON FOR THE PRISON ADMINISTRATION NOT TO HAVE WHEELCHAIR ACCESSIBLE
6 DIP AND PULL UP BARS FOR DISABLED INMATES LIKE THEY HAVE DIP AND PULL UP BARS ON B-
7 FACILITY YARD FOR NON-DISABLED INMATES.

8 (3) ON FEBRUARY 21, 2007 PLAINTIFF RECEIVED A SECOND LEVEL OF RESPONSE TO APPEAL LOG NO.
9 0-06-02983 STATING, C. P. OFFICER CONTACTED FACILITY & CAPTAIN FISHER ON
10 FEBRUARY 13, 2007 TO DETERMINE IF THE TABLES AND EQUIPMENT HAD BEEN INSTALLED. AS OF
11 THIS DATE, THE TABLES WERE INSTALLED; HOWEVER NO EXERCISE EQUIPMENT HAD BEEN
12 INSTALLED ON THE FACILITY YARDS. BASED ON THE ABOVE INFORMATION THE APPEAL IS
13 GRANTED.

14 (6) ON MARCH 1, 2007 PLAINTIFF SUBMITTED HIS APPEAL FOR A DIRECTOR LEVEL OF REVIEW
15 STATING DISSATISFIED: EVEN THOUGH THE DISABLED DIP AND PULL UP BARS ARE ON THE YARD,
16 THEY ARE NOT WHEELCHAIR ACCESSIBLE, THE DIP AND PULL UP BARS WAS BUILT IN AN AREA
17 WHERE THERE IS DIRT AND NO WHEELCHAIR RAMP OR LEVEL TERRAIN TO SUPPORT THE INMATES
18 WHEELCHAIRS. IN THIS AREA THE DIP AND PULL UP BARS WERE BUILT, THERE ARE BIG ROCKS
19 AND POT HOLES ABOUT ONE OR TWO FEET DEEP, AND THIS AREA IS NOT ONLY A HAZARD FOR
20 DISABLED INMATES, ITS A HAZARD FOR ALL INMATES, AND THERE IS NO WAY DISABLED
21 INMATES IN WHEELCHAIRS CAN WHEELCHAIR THEMSELVES TO ACCESS THESE DIP AND PULL
22 UP BARS WITHOUT INJURING THEMSELVES.

23 (7) ON APRIL 11, 2007 PLAINTIFF RECEIVED A DIRECTOR'S LEVEL RESPONSE TO APPEAL LOG
24 NO. 0-06-02983 STATING, NO CHANGES OR MODIFICATION ARE REQUIRED BY THE
25 INSTITUTION. THIS EXHAUST ADMINISTRATIVE REMEDY.

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FIRST CAUSE OF ACTION

PLAINTIFF CONSTITUTIONAL RIGHTS UNDER (ADA) GUIDELINES WERE VIOLATED BY DEFENDANTS AND THEIR AGENCY (KVSF) A PUBLIC ENTITY, WHICH TO PLAINTIFF QUALIFIED TO RECEIVE ACCESS TO ADA EXERCISE YARD EQUIPMENT AND WAS SOLELY DISCRIMINATED AGAINST BASED ON DISABILITY AND RACE, RESULTING INTO SEVERAL INJURIES TO HEALTH.

17 PLAINTIFF HEREBY RECALLED AND INCORPORATE ALL PROCEEDING PARAGRAPHS AS FULLY SET FORTH HEREIN 1 THROUGH 17.

18 PLAINTIFF IS A VERIFIED PERMANENTLY MOBILITY IMPAIRED INMATE (COWA CYATHITIC)

19 PLAINTIFF ALLEGED KVSF WAS OPEN FOR INTAKE ON OR ABOUT JUNE OR JULY 2005 TO HOUSE INMATES.

20 KVSF IS DESIGNATED AS A (OPF) FOR DISABLED INMATES, PLAINTIFF ALLEGES ON OR ABOUT DECEMBER 2005 OR JANUARY 2006 B-FACILITY ADMINISTRATION INSTALLED ON THE RECREATIONAL YARD DIP BARS AND PULL UP BARS FOR NON-DISABLED INMATES.

21 WHEN THE ADMINISTRATION/DEFENDANTS INSTALLED DIP BARS AND PULL UP BARS ON THE YARD FOR NON-DISABLED INMATES THE DEFENDANTS FAILED TO INSTALL WHILLOCHMATS ACCESSIBLE DIP BARS AND PULL UP BARS FOR DISABLED INMATES.

22 ON OCTOBER 20, 2006 DEFENDANT KNOWLES, WARDEN RESPONDED TO PLAINTIFF INMATE REQUEST FOR INTERVIEW 6A-22 DATED OCTOBER 5, 2006 STATED, KVSF IS AGGRESSIVELY WORKING TOWARD INSTALLING THE SPECIALIZED EQUIPMENT YOU MENTIONED, THE TABLES HAVE ALREADY BEEN ORDERED AND WE ARE EXPECTING DELIVERY APPROXIMATELY NOVEMBER 1, 2006 IN ADDITION TO THE DIP BARS AND PULL UP BARS, WE ARE PRESENTLY WAITING FOR A DETERMINATION BY THE COURT COMPLIANCE COORDINATOR AS TO THE ACCEPTABLE HEIGHT FOR THIS EQUIPMENT. CURRENTLY, FOR EQUIPMENT OF THIS TYPE IS NO STANDARDIZED HEIGHT ESTABLISHED BY ACCEPTABILITY REGULATORY CODES.

1 (14) PLAINTIFF WAS HOUSED AT SERRANOS VALLEY STATE PRISON RECREATION AREA (SVSP) B-
 2 FACILITY FROM APRIL 2000 TO APRIL 21, 2005 AND (SVSP) IS DESIGNATED AS A
 3 OPP THAT HOUSES DISABLED INMATES AND (SVSP) HAVE WHEELCHAIR ACCESSIBLE
 4 DIP BARS AND PULL UP BARS FOR DISABLED INMATES (SVSP) WAS OPENED FOR INTAKE
 5 TO HOUSES INMATES ON OR ABOUT JUNE OR JULY 2005. THEREAFTER THE CALIFORNIA
 6 DEPARTMENT OF CORRECTIONS AND REHABILITATION HAVE A STANDARD HEIGHT
 7 ESTABLISHED TO ACCOMMODATE WHEELCHAIR ACCESSIBILITY DIP BARS AND PULL UP
 8 BARS FOR DISABLED INMATES YEARS BEFORE (SVSP) OPEN FOR INTAKE TO HOUSE INMATES.

9 (15) AROUND WITH THE KNOWLEDGE AND AWARENESS DEFENDANTS DENIED AND/OR
 10 FAILED TO INSTALL WHEELCHAIR ACCESSIBLE DIP BARS AND PULL UP BARS, TABLES
 11 AND BENCHES ON THE RECREATIONAL YARD AND FAILED TO TIME COMPLY WITH
 12 CDC-1824 FORM TO ACCOMMODATE (ADA) TABLES, BENCHES WHEELCHAIRS DIP BARS
 13 AND PULL UP BARS PLAINTIFF SUFFERED SEVERAL, SEVERAL INJURIES INCREASED
 14 CHRONIC LOWER BACK PAIN, MUSCLE SPASMS, PARALYSIS, LOSS OF MOTOR
 15 COORDINATION AND INACCUARATE BOWEL MOVEMENTS BASED ON DEFENDANTS FAILURE
 16 TO TIMELY PROVIDE (ADA) ACCOMMODATION.

17 (16) PLAINTIFF IS A DISABLED INMATE UNDER (ADA), THAT HE QUALIFIES TO
 18 BENEFIT FROM A PUBLIC ENTITY (SVSP), AND THAT HE WAS DISCRIMINATED AGAINST
 19 BY DEFENDANTS AND INTENTIONALLY DENIED ACCESS TO PRISON (ADA) EXERCISE
 20 YARD EQUIPMENT RESULTING INTO SEVERAL INJURIES, PLAINTIFF WAS SOLELY
 21 DISCRIMINATE AGAINST BASED ON DISABILITY AND RACE.

22 (17) THE DEFENDANTS AND EACH ONE OF THEM FAILED TO TAKE THE CORRECTIVE
 23 ACTIONS TO SAFEGUARD PLAINTIFF (ADA) RIGHTS TO TIMELY INSTALLED (ADA)
 24 EXERCISE YARD EQUIPMENT THAT WOULD HAVE PREVENTED PLAINTIFF FROM
 25 FURTHER INJURIES.

26 (18) THE DEFENDANTS AND EACH ONE OF THEM IS BEING SUED IN THEIR OFFICIAL
 27 CAPACITY AT ALL TIMES MENTIONED HEREIN THE DEFENDANTS ACTED WITHIN THE
 28 COURSE AND SCOPE OF THEIR EMPLOYMENT AND UNDER COLOR OF LAW.

1 (9) DISTRICT DEFENDANTS CONDUCT, AND EACH OF THEM, PLAINTIFF WAS DEPRIVED
2 OF RIGHTS, PRIVILEGES AND IMMUNITIES SECURED TO HIM BY THE AMERICANS WITH
3 DISABILITY ACT AND THE LAWS ENACTED THEREUNDER

4 (10) AS A DIRECT AND APPROXIMATE RESULT THE ACTS OF THE DEFENDANTS, PLAINTIFF
5 HAS BECOME MENTALLY UPSET, DISTRESSED AND AGGRAVATED, BY REASON OF THE
6 AFORE DESCRIBED ACTS AND OMISSIONS OF DEFENDANTS; AND EACH OF THEM, PLAINTIFF
7 HAS SUFFERED DISCRIMINATION, INCLUDING GREAT MENTAL ANGUISH PAIN AND SUFFERING, BUT
8 NOT LIMITED TO HUMILIATION, INDIGNITIES WHICH AFFECTS HIS DAILY ACTIVITIES.
9 PLAINTIFF CLAIMS DAMAGES FOR SUCH MENTAL ANGUISH.

10 (11) THE AFORE MENTIONED ACTS OF THE DEFENDANTS WERE WILLFUL, WANTON,
11 MALICIOUS, OPPRESSIVE, VEXATIOUS, DELIBERATE AND DONE WITH RECKLESS
12 INDIFFERENCE TO AND/OR CALLOUS DISREGARD FOR PLAINTIFFS (ADA) RIGHTS AND
13 Warrant an award of COMPENSATORY AND PUNITIVE DAMAGES.

14 (12) IN COMMITTING THE ACTS SET FORTH HEARIN ABOVE EACH OF THE DEFENDANTS
15 VIOLATED PLAINTIFF FEDERAL PROTECTED RIGHTS UNDER (ADA).

16 (13) PLAINTIFF HAS SUFFERED DISCRIMINATION THAT VIOLATED HIS (ADA) RIGHTS AND
17 THIS IS TRACEABLE TO THE ACTIONS OF THE DEFENDANTS AND THE ACTIONS IS A
18 CASE OVER WHICH THIS COURT HAS JURISDICTION BASED UPON 28 U.S.C. SECTION
19 1331 AND 1343.

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WYLLIE CASTLE

PLAINTIFF

v.

Case Number: CV-1-08-01267 OAT

M. KNOWLES et. al.

PROOF OF SERVICE

DEFENDANTS

I hereby certify that on SEPTEMBER 12, 2009, I served a copy

of the attached PLAINTIFF NOTICE AND MOTION REQUESTING COURT ORDER TO FILE FIRST AMENDED COMPLAINT

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

ADSP P.O. BOX 5104 DELANO, CA. 92416

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

OFFICE OF THE CLERK
2500 SULLAC STREET, RM. 1-303
U.S. COURTHOUSE BUILDING
FRESNO, CA. 93721-2201

CONSTANCE C. PICCIANO
ATTORNEY GENERAL
1300 I STREET, SUITE 120
SACRAMENTO, CA.
94244-2350

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

Wyllie Castle

(Signature of Person Completing Service)