

**FILED**

SEP 02 2009  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_  
DEPUTY CLERK

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

JESSE E. BEJARAN JR F81663  
(Name of Plaintiff)  
P.O. BOX 3476 UASL #25  
(Address of Plaintiff)  
CORCORAN, CA 93212

1-09-CV-00478-AWI-SMS-YNP  
(Case Number) (PC)

vs.

AMENDED  
COMPLAINT  
CIVIL ACTION, 42 U.S.C. § 1983

DERRAL ADAMS "WARDEN" ET AL,  
M. JUNIUS "CHIEF DEPUTY WARDEN"  
LT. RODRIGUEZ-IGI, et al.  
(Names of Defendants)

**RECEIVED**

(PC) Bejaran v. Adams et al

Doc. 17 Att. 1

SEP 02 2009

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

"INDIVIDUALLY AND IN THEIR OFFICIAL CAPACITY"

I. Previous Lawsuits:

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

B. If your answer to A is yes, how many?: ONE Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff JESSE E. BEJARAN JR.  
Defendants C.D.C.R. # 02-06-CV-00817 DAE

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

Rev'd 5/99

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

EASTERN DISTRICT COURT - SACRAMENTO / HAWAII

3. Docket Number 02-08-CV-00817 DAE

4. Name of judge to whom case was assigned DAVID A. EZRA - HAWAII

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

6. Approximate date of filing lawsuit FEBRUARY - 1, 2008

7. Approximate date of disposition "STILL PENDING"

II. Exhaustion of Administrative Remedies

A. Is there a grievance procedure available at your institution?  Yes  No

B. Have you filed a grievance concerning the facts relating to this complaint?  
 Yes  No

If your answer is no, explain why not \_\_\_\_\_

C. Is the grievance process completed?  Yes  No

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 DERRAL ADAMS is employed as WARDEN  
at COCKERAN STATE PRISON

B. Additional defendants M. JUNIOUS - CHIEF DEPUTY WARDEN, LT. RODRIGUEZ  
IGI - SGT. SILVA; SGT. GOMEZ, J.C. GARCIA - ALL OF IGI; C.C.I  
BRIGGS, C.C.I. RANQUEL, IGI - BERNA, IGI - ESPINOZA, AND  
ALL OTHERS NAMED AS "DOES" OR UNKNOWN NAMES...

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.)


On July 20, 2007, I arrived to ~~THE~~ DEVEL VOCATIONAL INSTITUTION - TRACY AND IMMEDIATELY INFORMED THE RECEIVING SGT. DURAN THAT I DESIRE TO DISASSOCIATE MYSELF FROM THE "NUESTRA FAMILIA PRISON GANG". SGT. DURAN MADE ME SIGN A 114-D LOCK-UP ORDER STATING "THAT FOR MY SAFETY FROM OTHER INMATES AND FOR THE SAFETY OF THE INSTITUTION AND OTHERS I AM BEING HOUSED IN ADMINISTRATIVE SEGREGATION FOR FURTHER REVIEW". ON 7-25-2007 I ATTENDED AN INSTITUTIONAL CLASSIFICATION COMMITTEE (ICC). IN MY INITIAL "I.C.C." I STATED I HAVE ALREADY PARTICIPATED IN A "DEBRIEFING" IN DECEMBER 2004 AND I DESIRE FOR MY "DEBRIEF REPORT" TO BE (SEE ATTACHMENTS)

V. Relief.

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

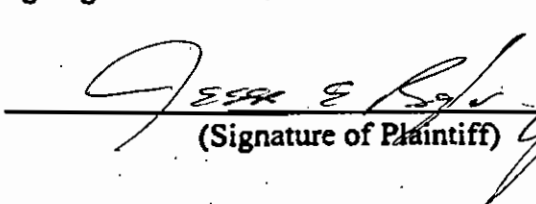
WHEREFORE: PLAINTIFF RESPECTFULLY PRAYS THAT THIS COURT ENTER JUDGEMENT GRANTING PLAINTIFFS: DECLARATIONS THAT THE ACTS AND OMISSIONS DESCRIBED ABERIN VIOLATED PLAINTIFFS RIGHTS UNDER THE CONSTITUTION AND LAWS OF THE UNITED STATES... A PRELIMINARY AND PERMINATE INJUNCTION ORDERING THE DEFENDANTS: DERRAL ADAM ET AL, THEIR SUCCESSORS, AGENTS, EMPLOYEES AND ALL PERSONS ACTING ~~CONCERNANT~~ INCONCERT WITH THEM TO PREVENT PLAINTIFF FROM FURTHER VIOLATION OF HIS RIGHTS, THAT WHICH PERTAIN TO THE DEBRIEFING PROCESS OF PHASE ONE AND PHASE TWO... HONOR AND (SEE ATTACHMENT)

Signed this 24<sup>th</sup> day of August, 2009

 # F816003  
(Signature of Plaintiff)

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

8/24/2009  
(Date)

 # F816003  
(Signature of Plaintiff)

1 ACKNOWLEDGED AND HONORED. ALL THOSE PRESENT IN MY  
 2 INITIAL "I.C.C.". M. McHATTON CHIEF DEPUTY WARDEN (A),  
 3 WOOD-CAPT., PHILLIPS-CCI, CERDA-IGI, Nowling-CCII - ...  
 4 ALL STATED THEY (NAMED ABOVE) HAVE THOROUGHLY READ MY  
 5 "DEBRIEF REPORT" FROM DECEMBER 2004 AND HAVE NO  
 6 PROBLEMS ACKNOWLEDGING SUCH REPORT. HOWEVER TO ASSURE  
 7 I AM SINCERE, HENCEFORTH, I WOULD NEED TO SUBMIT  
 8 A "AUTOBIOGRAPHY", AND I WILL BE PLACED ON WALK-ALONE  
 9 YARD UNTIL RECEIPT OF THE AUTOBIOGRAPHY. AS REQUESTED  
 10 I COMPLETED THE "AUTOBIOGRAPHY" AND TURNED IT INTO  
 11 "DANIELS-I.G.I.". A MONTH LATER "DANIELS-IGI" INTERVIEWED  
 12 ME AND STATED "I HAVE READ YOUR DEBRIEF REPORT AND  
 13 YOUR AUTOBIOGRAPHY AND I WILL CLEAR YOU FOR THE  
 14 "INTEGRATED NON-AFFILIATED YARD" WITH INMATE WHO ALSO  
 15 HAVE GONE THROUGH THE DEBRIEFING PROCESS." - THEN  
 16 ASKED "DANIELS-IGI" IF MY "DEBRIEFING REPORT & AUTOBIOGRAPHY"  
 17 IS IN MY CENTRAL FILE (C-FILE), SO ONCE I TRANSFER  
 18 TO CORCORAN OR PELICAN BAY I CAN CONTINUE IN THE  
 19 "I.Y.P"-INTEGRATED YARD PROGRAM (WHICH IS PHASE TWO  
 20 OF THE DEBRIEFING PROGRAM). DANIELS-IGI SAID, DO NOT  
 21 WORRY I PERSONALLY PLACED IT IN YOUR "C-FILE"! -  
 22 ON ~~10-19~~ 10-19-2007. DANIELS I.G.I REQUESTED ME  
 23 TO AN OFFICE IN THE "CLASS GRILL AREA" TO PROVIDE ME WITH  
 24 (4) FOUR CONFIDENTIAL INFORMANT FORMS (1030S). AFTER  
 25 GIVING ME THE CONFIDENTIAL INFORMANT FORMS, HE SAID, "I  
 26 NEED TO TAKE YOUR PHOTOS FOR YOUR "DEBRIEF FILE"  
 27 TO BE COMPLETE"! SO HE TOOK MY PHOTOS. - HE ASKED  
 28 IF I'D LIKE TO APPEAL THE "CI" CONFIDENTIAL INFORMANT  
 FORMS"? I SAID, NO, SINCE I'VE ALREADY COMPLETED  
 THE "DEBRIEFING PROCESS", THERE IS NO NEED TO FILE AN  
 APPEAL AGAINST THE "CI" FORMS"! DANIELS-I.G.I. SAID  
 YES YOU HAVE COMPLETED THE "DEBRIEF PROCESS" SO IT

1 WOULD BE A WASTE OF TIME TO FILE AN APPEAL AND IT WILL  
 2 KEEP YOU IN TRACY D.V.I LONGER, PLUS YOU ALREADY  
 3 DEBRIEFED TO AGENT MIKE BRODIE, DETECTIVE DENNIS PERRY,  
 4 AND THE DISTRICT ATTORNEY OF MODESTO NAME "BRENNAN".  
 5 ON 9-6-2007 I APPEARED BEFORE I.C.C FOR  
 6 MY SECOND I.C.C. AND THEY HAD DETERMINED TO  
 7 KEEP ME IN A.D. SEQ, DUE TO ME STILL COMPLETING PHASE TWO  
 8 OF THE "DEBRIEFING PROCESS" FROM BEING A VALIDATED  
 9 MEMBER OF NUESTRA FAMILIA GANG ON MY OLD C.D.C.R  
 10 NUMBER K 25884, AND DUE TO MY "SAFETY CONCERNS"  
 11 RELATIVE TO ME DROPPING OUT OF THE GANGS - TO PLACE  
 12 HIM AROUND ACTIVE GANG MEMBERS WOULD ENDANGER  
 13 HIS LIFE AND HE WOULD BE SUBJECT TO EXCESSIVE RISK  
 14 TO HIS SAFETY AND SUBSTANTIAL RISK OF SERIOUS HARM....

14 ON 9-6-2007, I WAS ISSUED ANOTHER 114-D  
 15 LOCK-UP ORDER; STATING FOR THE SAFETY OF THE INMATE  
 16 AND THE INSTITUTION, INMATE BEJARAN WILL BE RETAINED IN  
 17 A.D. SEQ FOR FURTHER REVIEW OF HIS CASE FACTORS"...

17 I THEN ASKED "I.C.C." DUE TO ME "DEBRIEFING"  
 18 TO THE "PAROLE AGENCY" WHILE ON THE STREETS (OUT OF CUSTODY)  
 19 WILL IT BE HONORED? "I.C.C." SAID, "YES DUE TO IT  
 20 BEING DONE TO AN AGENCY IN BRANCH IN UNION WITH "CDCR"  
 21 IT IS ACKNOWLEDGED, WE ARE SIMPLY WAITING FOR O.C.S.  
 22 TO PROVIDE A CHRONO OF YOUR COMPLETION. ONCE IT  
 23 ARRIVES YOU WILL RECEIVE A COPY" ! ... "SAID I.C.C." ...

24 ON ONE OCCASION I SPOKE WITH LT. CREACH "IGI"  
 25 AND ASKED HOW LONG DO I HAVE TO BE ON THE  
 26 INTIGATED YARD - NON AFFILIATED GROUP 2 YARD, IN ORDER  
 27 TO GET RELEASED TO A SINCITIVE NEEDS YARD "SNY".  
 28 LT. CREACH "IGI" SAID, THE YARD 2 IS ONLY TO

1 EXADICT YOUR PROCESS WHILE IN TRACY. D.V.I. AND  
 2 YOUR TIME ON THE 2-YARD WILL NOT BE HONORED AS  
 3 PHASE TWO!

4 STEVEN APPEARED HIS STATEMENT.

5 ON MY LAST I.C.C. APPEARANCE IN D.V.I. TRACY  
 6 I ASKED, IF AND WHEN I TRANSFER TO CORCORAN OR  
 7 TO PELICAN BAY, WILL THE NEXT INSTITUTION BE AWARE OF  
 8 MY SAFETY CONCERNS AND WHAT TYPE OF DANGER I'D  
 9 BE IN IF HOUSED IN THE SAME BUILDING AS ACTIVE  
 10 GANG MEMBERS? "I.C.C." SAID, YES. ALL YOUR "SAFETY  
 11 CONCERNS" ARE IN YOUR FILE AND THE NEXT INSTITUTION  
 12 WILL BE "FULLY AWARE" OF YOUR "SAFETY CONCERNS"!

13 ON FEBRUARY 27, 2008 I ARRIVED TO CORCORAN STATE  
 14 PRISON "SECURITY HOUSING UNIT" S.H.U.. UPON MY ARRIVAL  
 15 THE "INTAKE SGT" ASKED ME IF I AM AN ACTIVE GANG  
 16 MEMBER? I IMMEDIATELY SAID, NO! I AM A DROP-OUT  
 17 GANG MEMBER AND HAVE ALREADY SUBMITTED AN "AUTO-  
 18 BIOGRAPHY AND DEBRIEFED ALREADY" ALSO I HAVE  
 19 "SAFETY CONCERNS" OF BEING AROUND ACTIVE GANG  
 20 MEMBERS, BECAUSE I AM A "HIGH PRIORITY TARGET"  
 21 AND HAVE A "HIT" ON ME AT ALL EXPENSES!

22 THE "INTAKE SGT" PLACED ME IN A HOLDING CAGE  
 23 TO GO AND VERIFY MY "SAFETY CONCERNS" AND DROP-OUT  
 24 DEBRIEFING/AUTOBIOGRAPHY INFORMATION. HE "THE INTAKE  
 25 SGT" RETURNED AND SAID, YOUR WHOLE "SAFETY CONCERNS  
 26 SECTION OF YOUR FILE IS "GONE", ~~SENT~~ OR "LOST"  
 27 SO, I WILL BE HOUSING YOU ~~IN~~ IN A BUILDING WITH  
 28 ACTIVE INMATES OF GANGS!" I IMMEDIATELY  
 DECLARED I AM A DROP-OUT FROM NUESTCA  
 FAMILIA AND MY LIFE WILL BE IN DANGER IF I

1 AM HOUSED AROUND AND/OR IN A BUILDING WITH ACTIVE  
 2 ~~INMATE GANG MEMBERS~~ | - AFTER DECLARING MY "SAFETY  
 3 CONCERNS" AND "BEING AN EX GANG MEMBER", THE "INTAKE  
 4 SGT" BLANTLY DISREGARDED MY "SAFETY CONCERNS" AND  
 5 WAS FULLY AWARE OF THE SUBSTANTIAL RISK OF HARM  
 6 I'D BE PLACED IN. FOR THE "S.H.U" IS FULL OF  
 7 "DANGEROUS ACTIVE GANG MEMBERS", HENCE WAS BUILT FOR  
 8 THAT SOLE PURPOSE TO HOUSE "DANGEROUS GANG MEMBERS".

9 ON 3.6.2008 I ATTENDED AN "I.C.C.", AS I  
 10 WAS IN "I.C.C.", MEMBERS M. JUNIOUS CHIEF DEPT WARDEN,  
 11 BENO, CCI, M. JENNINGS FC - THEY READ MY FILE WHICH  
 12 STATES "INMATE WAS INITIALLY PLACED IN AD-SEQ- ON  
 13 7.25.2007 DUE TO SAFETY CONCERNS RELATIVE TO BEING  
 14 A NORTHERN DROP-OUT - INMATE IS A VALIDATED  
 15 NUESTRA FAMILIA PRISON GANG MEMBER AND WISHES TO DEBRIEF, ..." (1)

16 I STATED, TO THE I.C.C., I HAVE IMMEDIATE  
 17 SAFETY CONCERNS AND DESIRE TO BE MOVED FROM THE  
 18 CURRENT BUILDING IN IN DUE TO BEING IN IMMEDIATE DANGER  
 19 BECAUSE THE BUILDING IS FULL OF "ACTIVE" GANG MEMBERS, ALSO  
 20 I HAVE ALREADY DEBRIEFED IN DEC. 2004 AND WHILE IN  
 21 TRACY MY DEBRIEF REPORT WAS IN FACT ACCEPTED AND  
 22 ACKNOWLEDGED AS AN "ACCURATE" DEBRIEF REPORT".

23 HOWEVER, THE I.C.C. AFTER REVIEWING MY CASE  
 24 FACTORS AND SAFETY CONCERNS THEY CHOSE TO LEAVE  
 25 ME HOUSED IN A BUILDING WITH ACTIVE GANG MEMBERS WITH  
 26 THE KNOWLEDGE OF MY LIFE AND SAFETY BEING IN DANGER -

27 A COUPLE MONTHS LATER AFTER SEVERAL ATTEMPTS  
 28 TO CAUSE HARM TO ME BY ACTIVE INMATES, I WAS  
 MOVED TO ANOTHER BUILDING FROM 4B2R TO 4B3L TO  
 A BUILDING OF VALIDATED GANG MEMBERS WHICH HOUSED  
 GANG MEMBERS WHO CALL ORDERS "SHOT CALLERS" TO CAUSE

"4"  
 (1) FARMER 511 US. at 837)

1 HARM TO EX-MEMBERS OF THE GANG -- I CONTINUED TO  
 2 PUT IN REQUESTS TO MOVE TO A NON-ACTIVE BUILDING  
 3 WITH NO RESPONSE -- AFTER SEVERAL REQUESTS IGI-  
 4 BERNA ARRIVED AND HE ASKED ME TO SUBMIT AN AUTOBIOGRAPHY  
 5 I DID SO AND SUBMITTED IT A COUPLE DAYS LATER.

6 WEEKS LATER I SEEN SGT GOMEZ, AND ASKED  
 7 IF HE APPROVED MY AUTOBIOGRAPHY AND IF HE FOUND  
 8 MY FILE FROM TRACY WHICH SHOWED I COMPLETED THE  
 9 DEBRIEFING PROCESS, HE SAID, "NO, YOU HAVE TO SUBMIT  
 10 ANOTHER AUTOBIOGRAPHY AND YOUR FILE HAS NOT BEEN  
 11 FOUND." I THEN SUBMITTED ANOTHER "AUTO", WHICH  
 12 AGAIN WAS DENIED, AND AGAIN I SUBMITTED A THIRD  
 13 ONE. ON JULY 23, 2008 IT WAS ACCEPTED -- ONLY  
 14 AFTER MY 3RD AUTOBIOGRAPHY WAS ACCEPTED DID THEY  
 15 MOVE ME TO A NON-ACTIVE BUILDING OF NON-ACTIVE  
 16 GANG MEMBERS, WHO ARE UNDERGOING THE DEBRIEFING PROGRAM.

17 SINCE FEB 27, 2008 TO AUGUST 13, 2008 IT WAS HOUSED  
 18 IN AN ACTIVE BUILDING OF ACTIVE GANG MEMBERS, WHILE  
 19 THERE NUMEROUS ATTEMPTS TO COMMIT HARM TO ME  
 20 BY OTHER ACTIVE GANG MEMBERS WAS ATTEMPTED, THUS CAUSING  
 21 ME TO BE FEARFUL AND IN DANGER. AFTER KNOWINGLY THE  
 22 I.C.C. AND SGT ? (INTAKE SGT) HOUSED ME IN SUCH  
 23 DANGER, WHICH CAUSED DELIBERATE INDIFFERENCE AND  
 24 VIOLATES MY 8TH AMEND. RIGHTS -- THUS DO TO THE  
 25 ATTEMPTS ON MY LIFE CAUSED ANGUISH, EMOTIONAL  
 26 DISTRESS (SEE HORTON V RAY, 682 F 2D 1237, 1250-51 (9TH CIR  
 27 1982))

28 IN AUGUST 2008 AS I ATTENDED I.C.C. IN  
 THE NEW BUILDING AND YARD 4B3L, I DECLARED I  
 HAD COMPLETED MY "DEBRIEFING" AND WHILE A TRACY-  
 D.V.I I WAS PARTICIPATING IN DOING STATE PHASE



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TWO OF THE DEBRIEFING PROCESS — HOWEVER THE "I.C.C." WHICH WAS PRESENT, R. DAVIS, CHIEF DEPUTY WARDEN; SGT WARREN, CCI BRIGGS, IGI SGT GOMEZ, G. RANGEL CCI, — REFUSED TO ACKNOWLEDGE THAT ACCEPTANCE OF MY DEBRIEF REPORT COMPLETED IN DEC. 2004, WHILE ON THE STREETS (NOT IN CUSTODY) — YET WHILE IN TRACY D.V.I IT WAS ACCEPTED AND ACKNOWLEDGED AS AN ACCURATE "DEBRIEF REPORT," THUS "I.C.C." STATED, I WOULD HAVE TO COMPLETE THE WHOLE PROCESS OF THE DEBRIEFING ALL OVER AGAIN DUE TO THE DEBRIEFING WAS NOT COMPLETE IN COCCOAN OR PELICAN BAY. YET THERE ARE CURRENTLY OTHER INMATES IN THE PHASE TWO WHO COMPLETED THE "DEBRIEF REPORT" IN OTHER PRISONS OR WHILE NOT IN CUSTODY."

ON JANUARY 7, 2009, I APPEARED BEFORE I.C.C. AGAIN AND I EXPLAINED TO THE WARDEN THAT IVE ALREADY COMPLETED A DEBRIEF REPORT AND IS IN MY FILE. THE WARDEN DERRAL ADAMS REVIEWED MY "DEBRIEF REPORT" AND HE SAID, DIRECT YOUR QUESTIONS & CONCERNS TO THE IGI. SO I ASKED IGI LT. RODRIGUEZ WHY IS NOT MY REPORT NOT BE ACKNOWLEDGED?

LT RODRIGUEZ SAID, ILL TALK TO YOU AFTER I.C.C., TO AVOID THIS STATEMENT TO BE ON RECORD — LT RODRIGUEZ THEN HAD IGI'S — J.C. GARCIA, ESPINOZA, TO ADDRESS THIS ISSUE. SO I EXPLAINED TO <sup>90</sup> J.C. GARCIA AND ESPINOZA, THAT IN DEC. 2004 I HAD TO AGENT MIKE BRODIE AND TO DETECTIVE PERRY ALREADY DEBRIEFED, THEN SGT SILVA WALKED UP AND SAID, "I KNOW AGENT BRODIE"! SGT SILVA THEN REQUESTED IGI ESPINOZA TO GO GET MY CENTRAL FILE. UPON RETURNING SHE OPENED

1 MY C-FILE AND SAID, " HIS DEBRIEF REPORT IS  
 2 RIGHT HERE"! BOTH SGT SILVA AND J.C. GARCIA SEEN  
 3 MY REPORT AND SAID, " YES YOUR REPORT IS THERE, DUE  
 4 TO ~~IT~~ NOT BEING DONE IN CORCORAN OR PELICAN BAY  
 5 ~~IT~~ WILL NOT BE ACKNOWLEDGED. HOWEVER WE WANT TO  
 6 SEE THE VIDEO OF YOUR DEBRIEFING. I SAID, WHY ALL  
 7 THESE MONTHS IGI SAYS MY REPORT IS NOT IN MY FILE,  
 8 YET THERE IT IS, THERE IS A CONSPIRACY GOING ON AND  
 9 EITHER IGI'S OR O.C.S. CONTINUE TO FAIL TO DO THEIR  
 10 JOB AND ACKNOWLEDGE MY REPORT AS THEY HAVE DONE  
 11 SO BY OTHER INMATES WHO COMPLETED THEIR REPORT IN  
 12 OTHER INSTITUTIONS. BUT IN MY CASE THEY FOR SOME  
 13 REASON KEEP DENYING TO ~~BE~~ ACKNOWLEDGE MY REPORT.  
 14 BY NOT ACKNOWLEDGING MY REPORT VIOLATES MY  
 15 RIGHTS TO DUE PROCESS AND VIOLATES MY RIGHT OF  
 16 THE 14TH AMEND OF THE U.S. CONST. AND THE 8TH AMEND.

17 WHILE IN TRACY D.V.I ICC THERE HAD  
 18 SPECIFICALLY STATED, " I HAD BEEN ENDORSED TO THE  
 19 SECOND PHASE OF THE DEBRIEF PROGRAM". THIS HAD  
 20 GENERATED A 128-B CHRONO OF DEBRIEF ACCEPTANCE  
 21 CHRONO, - HOWEVER UPON MY ARRIVAL TO CORCORAN S.H.U.  
 22 THE "ICC" PROCEEDED TO IGNORE THE FACT THAT I  
 23 HAD PREVIOUSLY COMPLETED PHASE ONE AND HAD STARTED  
 24 PHASE TWO AT TRACY D.V.I. EVEN AFTER I.C.C. SEEN  
 25 THE CHRONOS IN MY C-FILE THEY CONTINUED TO BLANTLY  
 26 IGNORE SUCH FACTS. NONETHELESS, AFTER HAVING KNOWLEDGE  
 27 OF SUCH "FACTS" AND "SAFETY CONCERNS" CORCORAN I.C.C.  
 28 PROCEEDED TO IGNORE MY SAFETY CONCERNS AND HOUSE  
 ME IN A BUILDING KNOWING MY LIFE WILL BE PUT IN

1 SUBSTANTIAL HARM AND RISK... (FARMER 511 U.S. at 837)  
 2 FARMER V. BRENNAN, 511 U.S. 825, 834 (1994) - HOPTOWIT V  
 3 RAY, 682 F.2d. 1237, 1250-51 (9th Cir 1982) -- OF  
 4 SERIOUS HARM EXISTS -- WHICH VIOLATES MY  
 5 8TH AMEND. RIGHT OF THE U.S. CONST. OF CRUEL &  
 6 UNUSUAL PUNISHMENT.

7 AFTER COMPLETING THE "DEBRIEFING REPORT" PHASE  
 8 ONE, PHASE TWO HAS COMENCED, ON APPROX SEPT. 6, 2007.  
 9 TODAY IS AUGUST 24, 2009 TWO YEARS LATER YET  
 10 THE COMPLETION OF PHASE TWO HAS NOT BEEN RECOGNIZED,  
 11 AS IT WAS IN TRACY-D.V.I.. NOTE PHASE TWO IS OF  
 12 THE OBSERVATION PERIOD NOT TO EXCEED 12 MONTHS.. THUS  
 13 I CONTINUE TO BE DEPRIVED MY LIBERTY TO A MAINLINE  
 14 THAT HOUSES ONLY DROP-OUT INMATES CONSIDERED AN  
 15 "S.N.Y" SENSITIVE NEEDS YARD, AND HAVE KEPT ME  
 16 HOUSED IN THE S.H.U SINCE FEBRUARY 27, 2008..  
 17 THUS I.C.C. AND O.C.S. CONTINUE TO DEPRIVE ME  
 18 OF MY LIBERTY CONSTITUTED BY THE 14TH AMEND. OF THE  
 19 U.S. CONST. AND THEIR OWN "RULES AND REGULATIONS  
 20 DESCRIBED IN THE CCR § 15. SEC 3378, AND THE  
 21 OPERATIONAL MANUAL PROCEDURE 257. DEBRIEF PROGRAM".

22 SEE: SANDIN V CONNER, 515 U.S. 472, 484 (1995)

23 FURTHER MORE I CONTINUE TO BE HOUSED IN THE  
 24 S.H.U, DEPRIVED OF LIBERTY TO A MAINLINE, THUS CAUSING  
 25 ANGUISH, EMOTIONAL DISTRESS, PSYCHOLOGICAL DISTRESS,  
 26 AND NOW HAVE BEEN TOLD I NEED TO COMPLETE ANOTHER  
 27 "DEBRIEF PROCESS" THUS CONSTITUTES A VIOLATION OF MY  
 28 DUE PROCESS RIGHTS PROTECTED BY THE 14TH AMEND.

1 THE ADMINISTRATION " DEFENDANTS " CONTINUE TO  
 2 BLANTLY, MALICIOUSLY AND WITH CALLOUS, DISREGARD THEIR  
 3 OWN RULES, REGULATION, PROCEDURES ECT, . A  
 4 PRISONER IS NOT WHOLLY STRIPPED OF CONSTITUTIONAL  
 5 PROTECTION WHEN HE IS IMPRISONED FOR A CRIME. THERE  
 6 IS NO IRON CURTAIN DRAW BETWEEN THE CONSTITUTION  
 7 AND THE PRISONS OF THIS COUNTRY. (WOLFF V McDONNELL,  
 8 (1974) 418 U.S. 539, 555-556, 94 S-CT. 2963, 41 LED 29935)  
 9 ACCORDINGLY PRISON OFFICIALS MUST COMPLY WITH THE  
 10 CONSTITUTION RELEVANT LAWS AND THEIR OWN REGULATIONS.

11 IN MY CASE AS I SAID I HAVE COMPLETED PHASE  
 12 ONE AND PHASE TWO IN DEVEL VOCATIONAL INSTITUTION  
 13 EXERCISE YARD 2. HOWEVER, UPON MY ARRIVAL TO CORCORAN  
 14 THE PLACED ME IN HARMS WAY BY HOUSING ME IN A ACTIVE  
 15 BUILDING WITH GANG MEMBERS WHO ATTEMPTED TO CAUSE  
 16 HARM TO ME WHILE HOUSED THERE. HENCE EVENTHOUGH MY  
 17 DEBRIEF REPORT IS IN MY FILE AND REVIEWED BY THE  
 18 DEFENDANTS IT REMAINS TO BE BLANTLY DISREGARDED  
 19 AND THE DEFENDANTS CONTINUE TO VIOLATE BOTH MY 8TH  
 20 AND 14TH AMENDMENT RIGHTS PROTECTED BY THE U.S.  
 21 CONST. UNDER CRUEL AND UNUSUAL PUNISHMENT AND DUE  
 22 PROCESS CLAUSE. THIS CONSTITUTES COMPENSATORY, STATUTORY  
 23 EXEMPLIATORY, PUNITIVE AND EMOTIONAL DISTRESS DAMAGES  
 24 OF EACH DEFENDANT INDIVIDUALLY & OFFICIALLY CAPACITY.

25 AUGUST 24, 2009

26 FB1663

27 JESSE E. BEJACAN JR  
 28 P.O. BOX 3476 -4A3L#25  
 CORCORAN, CA. 93212

## "PRAYER FOR RELIEF"

1  
2  
3 ACKNOWLEDGE AND RECOGNIZE PLAINTIFFS CURRENT  
4 DEBRIEF REPORT FROM DEC. 2004 AS PHASE ONE AND  
5 PLAINTIFFS TIME ON YARD 2 IN D.V.I AS PHASE TWO.  
6 ~~THIS~~ PROVIDE PLAINTIFF WITH RELEASE TO A  
7 SENSITIVE NEEDS YARD (SNY) NEAR PLAINTIFFS HOME  
8 TOWN, SUCH AS MULE CREEK STATE PRISON . . .

9 2.) COMPENSATORY DAMAGES OF \$100<sup>00</sup> PER DAY FOR  
10 PLAINTIFFS HOUSING IN THE SHU FROM FEB. 27. 2008 TO  
11 PRESENT FROM THE DEFENDANTS JOINTLY AND SEVERALLY,  
12 IN THEIR INDIVIDUAL AND OFFICIAL CAPACITY.

13 3.) COMPENSATORY DAMAGES TO COVER PLAINTIFFS  
14 MENTAL ANXIETY AND STRESS AS A RESULT OF SEGREGATION  
15 FROM EACH DEFENDANT INDIVIDUALLY AND IN THEIR  
16 OFFICIAL CAPACITY . . .

17 4.) PUNITIVE DAMAGES OF \$50,000<sup>00</sup> PER ANY  
18 DEFENDANT FOUND TO HAVE INTENTIONALLY DENIED  
19 PLAINTIFFS HIS RIGHTS, IN THE DEFENDANTS INDIVIDUAL  
20 AND IN THEIR OFFICIAL CAPACITY . . .

21 5.) PLAINTIFFS COST OF THIS SUIT.

22 (a) FOR COST AND REASONABLE ATTORNEY FEE'S  
23 PURSUANT TO 42. U.S.C. § 1983 AND ANY OTHER GROUNDS  
24 AUTHORIZED BY LAW . . .

25 7.) TRIAL BY JURY INCLUDING TO THE EXTENT THAT  
26 LEGITIMATE SECURITY CONCERNS DICTATE IN JUDICIAL PROCEEDINGS  
27 REGARDING SPECIFIC FACTUAL GROUNDS THAT PURPORTEDLY  
28 JUSTIFY PLAINTIFFS INDETERMINATE TERM IN THE SHU.

8.) FOR FURTHER RELIEF THAT THE COURT DEEMS JUST.

8/24/09

RESPECTFULLY SUBMITTED  
JESSE E. BEJARAN JR #21063  
P.O. BOX 3476 443L25  
CORCORAN, CA. 93212

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" VERIFICATION "

I HAVE READ THE FOREGOING COMPLAINT AND  
HEREBY VERIFY THAT THE MATTER ALLEGED  
THEREIN ARE TRUE EXCEPT AS TO THE 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

~~THIS~~ EXECUTED AT CORCORAN, CALIFORNIA, ON  
THE 24<sup>TH</sup> DAY OF AUGUST, FOR THE YEAR OF 2009

8/24/09



JESSE E. BETARAN JR  
P.O. Box 3476 YABL #25  
CORCORAN, CA. 93212

CASE: 1:09:CV-00478-AWI-JMS-YNP-P.C.  
BETARAN V BERRA/ADAMS ET AL.

FOR THE EASTERN DISTRICT OF CALIFORNIA

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JESSE E. BEJARAN JR F81063  
(PLAINTIFF)

v

DARREL ADAM ETAL.

~~(OFFICER OF CORR, REHAB. ET. AL.)~~  
(DEFENDANT)  
INDIVIDUALLY AND IN THEIR OFFICIAL  
CAPACITY

DECLARATION  
JESSE BEJARAN JR. F81063

CIVIL ACTION No \_\_\_\_\_

JESSE E. BEJARAN JR. HEREBY DECLARES: ALL MATTERS IN REGARDS TO THIS CIVIL COMPLAINT ARE TRUE AND CORRECT. THUS I TRULY HAVE DEBRIEFED IN 2004 OF DECEMBER AND CONTINUE TO BE HOUSED IN SECURITY HOUSING UNIT AT CORCORAN STATE PRISON. I HAVE DECLARED TO CORCORAN J.C.C. AND TRACY J.C.C. YET THEY REFUSE TO ACKNOWLEDGE AND ADHERE TO THEIR OWN RULES AND CONTINUE TO HOUSE ME IN THE S.H.U. THEREFORE I HAVE HONESTLY FILED A COMPLAINT WITH GOOD FAITH, TO FIND RELIEF. THUS I HAVE APPERED THE FACT THAT I HAVE TO RE-DO MY DEBRIEFING, TWICE AT TWO SEPERATE TIMES. WITH NOTHING BUT DENIALS. HOWEVER AGAIN ALL ENCLOSED IS TRUE AND CORRECT TO ITS ENTIRETY.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED AT CORCORAN STATE PRISON, CORCORAN, CA. ON FEBRUARY 19, 2009

  
JESSE BEJARAN JR. F81063

FOR THE EASTERN DISTRICT OF CALIFORNIA

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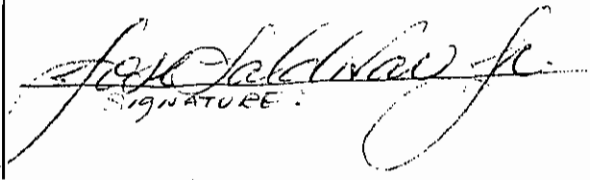
JESSE E. BEJARAN JR. F81663  
(PLAINTIFF)

DARRAL ADAM ET AL. ✓  
~~CALIFORNIA DEPT OF CORRECTIONS, REHAB.~~  
~~CORCORAN STATE PRISON ET AL.~~  
(DEFENDANT)

DECLARATION.  
JOSE B. SALDIVAR JR  
F12126.  
Civil Action No. \_\_\_\_\_

JOSE BENITO SALDIVAR JR. HEREBY DECLARES:  
THAT INMATE JESSE E. BEJARAN JR, IS IN FACT HOUSED  
IN THE SECURITY HOUSING UNIT S.H.U. AND/OR ADMINISTRATIVE  
SEGREGATION "AD-SEG" SINCE HIS ARRIVAL TO CA. DEPT OF  
CORRECTIONS, REHAB. ON JULY 20, 2007. FURTHER MORE ON  
JULY 24, 2007, JESSE BEJARAN JR SPOKE WITH CAPTAIN MAYKEI  
AT TRACY PRISON, PRIOR TO HIS APPEARANCE IN I.C.C. AND HAD  
ASKED IF HIS DEBRIEF REPORT FROM DEC. 2004 IS IN HIS C.F.I.E?  
CPT. MAYKEI STATED, YES, AND HE WOULD HAVE NO PROBLEM AT I.C.C.  
WITH HIS DEBRIEFING. SINCE THEN JESSE BEJARAN JR IS STILL HOUSED  
IN THE S.H.U AT CORCORAN STATE PRISON. AFTER THE FACT THAT HE  
HAD PRIORLY DEBRIEFED, WHICH WAS VERIFIED BY CAPTAIN MAYKEI  
AT TRACY PRISON. SINCE THEN I HAVE BEEN JESSE BEJARANS CELLY  
AND WATCHED HIM APPEAL THIS MATTER TWICE ALREADY. FURTHERMORE  
HEARD %O J.C. GARCIA I.G.I DENY HIS APPEAL Log # CSP05-09-00465  
THIS HAS TAKEN A TOLL ON HIM PHYSICALLY, MENTALLY, AND EMOTIONALLY, BEHIND  
HIS "SEGREGATED HOUSING".

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND  
CORRECT. EXECUTED AT CORCORAN, CA. ON FEB. 19. 2009

  
SIGNATURE:

JOSE B. SALDIVAR JR.  
F12126



FOR THE EASTERN DISTRICT COURT OF CALIFORNIA.

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JESSE E. BEJARAN JR F81663  
(PLAINTIFF)

v.

DECLARATION  
MATTHEW PHILLIPS F86112

DERROL ADAM ET AL.,  
~~CA DEPT OF CORR, REHAB ET AL.,~~  
(DEFENDANT)

Civil Action No \_\_\_\_\_

~~INDIVIDUALLY AND IN THEIR OWN OFFICIAL CAPACITY~~

MATTHEW PHILLIPS HEREBY DECLARES: THAT JESSE BEJARAN JR HAD FILED AN APPEAL IN REGARDS TO HIS DEBRIEFING AND WHY HE WAS STILL HOUSED IN ADMINISTRATIVE SEGREGATION "AD-SEG", SINCE HE HAD DEBRIEFED IN 2004. HE HAD SPOKE TO "COUNSELOR MANABE" AT TRACY PRISON AND "MANABE" SAID HE READ HIS "DEBRIEF REPORT" AND IT SHOULD EXPIDICT HIS PROCESS AT I.C.C. OR CORCORAN. COUNSELOR MANABE CONFIRMED THAT JESSE BEJARAN HAD PREVIOUSLY DEBRIEFED TO AN "AGENT MIKE BRODIE" OF MODESTO PAROLE. WHILE IN MY CELL HE HAS GONE THROUGH NUMEROUS MEDICAL ISSUES, AND MENTAL ISSUES BEHIND HIS "SEGREGATED HOUSING" - THUS HE IS CURRENTLY ON ANTI-DEPRESSANT AND ANTI-PSYCHOTIC AND POST-TRAMATIC STRESS DISORDER, BIPOLAR DISORDER. HE REGULARLY VISITS THE PSYCH-TECH BEHIND HIS "SEGREGATED HOUSING". THIS HAS TAKEN AN ADVERSE AFFECT ON HIS WELL-BEING, BOTH PHYSICALLY, MENTALLY AND EMOTIONALLY.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED AT CORCORAN, CALIFORNIA ON FEBRUARY 19, 2009

Matthew Phillips  
"SIGNATURE"

MATTHEW PHILLIPS F86112

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JESSE E. BEJARAN JR )  
Petitioner, )  
V. )  
DARREL ADAMS, et al. )  
Respondent. )

CASE NO. 1:09-CV-00478-AWI-  
SMB - YNP. PC.

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and a resident in the state of California. I'm currently incarcerated in a California State Prison. I'm over the age of 18 years, and a party to the within action.

I served the following document to each of the persons named below at the address shown. By placing a true copy in a sealed envelope with postage fully prepaid, in the U.S. Mail at the Institutional mailroom.

DOCUMENT: AMENDED COMPLAINTS 1983 U.S.C. 42.  
DECLARATIONS (2)  
VERIFICATION -

PARTIES SERVED:

U.S. DISTRICT COURT EASTERN DISTRICT  
OF CALIFORNIA -  
2500 TULARE STREET ROOM 1-505  
U.S. COURT HOUSE BUILDING  
FRESNO, CA. 93721-2201

I declare under penalty of perjury the above statements are true and correct. This document executed on the 24<sup>TH</sup> Day of AUGUST 2009, in the city of Tracy, <sup>COLCORAN</sup>  
~~San Joaquin~~ County, California. By: JESSE E. BEJARAN JR print your name

SIGNED: 