

HON LAU V-15557  
Name and Prisoner/Booking Number

CA. COR. INST. CCI  
Place of Confinement

24900 HWY 202  
Mailing Address

TEHACHAPI CA 93581  
City, State, Zip Code

661-822-4402  
(Failure to notify the Court of your change of address may result in dismissal of this action)

**FILED**

OCT 1 2012

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

**RECEIVED**

OCT 01 2012

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

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

BY HON LAU DEPUTY CLERK  
(Full Name of Plaintiff)

Plaintiff,

vs.

CASE NO. 1:10-cv-1779 MJS (pc)  
(To be supplied by the Clerk)

(1) K. HARRINGTON WARDEN  
(Full Name of Defendant)

(2) R & R DEPT. STAFF

(3) C. CHEN M.D DOCTOR

(4) MAIL ROOM STAFF  
Defendant(s).

Check if there are additional Defendants and attach page 1-A listing them.

(5) TRUST OFFICE STAFF

(6) CRAMER CCI

(7) SELLER C.O.

(8) ET AL

CIVIL RIGHTS COMPLAINT  
BY A PRISONER

- Original Complaint
- First Amended Complaint
- Second Amended Complaint

LATE FILING  
BY LATE MAIL  
TO LAW.

U O SC

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

- 28 U.S.C. § 1343(a); 42 U.S.C. § 1983
- 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).
- Other: \_\_\_\_\_

2. Institution/city where violation occurred: KVSP 3000 W. CECIL AVE  
P.O.B. 5104 DELANO CA 93216

B. DEFENDANTS

1. Name of first Defendant: K. HARRINGTON. The first Defendant is employed as:  
WARDEN at KVSP  
(Position and Title) (Institution)
2. Name of second Defendant: STAFF. The second Defendant is employed as:  
R & R DEPT at KVSP  
(Position and Title) (Institution)
3. Name of third Defendant: C. CHEN. The third Defendant is employed as:  
MD DOCTOR at KVSP  
(Position and Title) (Institution)
4. Name of fourth Defendant: STAFF. The fourth Defendant is employed as:  
MAIL ROOM at KVSP  
(Position and Title) (Institution)

(5) TRUST OFFICE STAFF (6) CRAMER CCI (7) SELLER CO. (8) ETHA  
 If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner?  Yes  No
2. If yes, how many lawsuits have you filed? \_\_\_\_\_. Describe the previous lawsuits:
  - a. First prior lawsuit: N/A
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
  - b. Second prior lawsuit:
    1. Parties: N/A \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
  - c. Third prior lawsuit:
    1. Parties: N/A \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION

COUNT I

1. State the constitutional or other federal civil right that was violated: U.S. CONST. AMEN. VII

2. Count I. Identify the issue involved. Check only one. State additional issues in separate counts.

- Basic necessities       Mail       Access to the court       Medical care
- Disciplinary proceedings       Property       Exercise of religion       Retaliation
- Excessive force by an officer       Threat to safety       Other: \_\_\_\_\_

3. Supporting Facts. State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

ON AUG 25, 2010 MD PR. C. CHEN REFUSED LAU REISSUE HIS  
MEDICAL CHRONO, ON MEDICAL DAILY SHOWER, MEDICAL MATRESSES,  
MEDICAL KNEE BRACES, MEDICAL SHOES, PRESCRIPTION RX EYEGLASSES  
AND HIS MEDICATIONS NONE TO LAU,  
CCR TITLE 15 §§ 3350 (a)(b)1, 3358 (a)(b)(c)  
ESTELLE V GAMBLE (1976) 429 US 97  
GOVT CODE §§ 844.6(a), 845.6  
HOPE V PELZER 536 US 730 (2002)  
HALIETT V MORGAN 296 F3d 732, 744 (9TH CIR 2002)  
COLEMAN V RAHITA 114 F3d 778, 784 (8TH CIR 1997)  
CLEMENT V GOMEZ 298 F3d 898, 904 (9TH CIR 2002)  
GREENO V DALEY 414 F3d 645, 653 (7TH CIR 2005)  
HOPTELWIT V RAY 682 F2d 1237, 1252-53 (9TH CIR) (1982)  
HUNT V UPHOFF 199 F3d 1220, 1223-24 (10TH CIR) (1999)  
TOUSSAINT V MCCARTHY 801 F2d 1080, 1112 (9TH CIR) (1986)  
MILTNER V BEARN 896 F2d 848, 853 (4TH CIR 1990)

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

ALL NECESSARY COST LAU OF \$500.00 IF PRISON GUARDS  
CONFISCATE IT, WITHOUT ISSUING CHRONO.

5. Administrative Remedies:

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution?       Yes       No
- b. Did you submit a request for administrative relief on Count I?       Yes       No
- c. Did you appeal your request for relief on Count I to the highest level?       Yes       No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. THE 602 NEVER COME BACK TO LAU.

COUNT II

1. State the constitutional or other federal civil right that was violated: U.S. CONST. AMEND VII

2. Count II. Identify the issue involved. Check only one. State additional issues in separate counts.

Basic necessities       Mail       Access to the court       Medical care  
 Disciplinary proceedings       Property       Exercise of religion       Retaliation  
 Excessive force by an officer       Threat to safety       Other: \_\_\_\_\_

3. Supporting Facts. State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

LAU HAD BEEN 24 HRS LOCKED IN INSIDE A ISOLATED CELL WITH A BROKEN LIGHT, AND WITH FUNNY SQUEAK NOISE CAME FROM INSIDE, AND WITHOUT SHOWER FOR OVER 7 DAYS. THE C.O. SELLER REFUSED MY REQUEST TO FIX.

HUSSON V McMILLAN (1992) 503 US 1  
RHODES V CHAPMAN (1981) 462 US 337, 347  
WILSON V SELTER (1991) 501 US 294, 302  
HELLING V MCKINNEY 509 US 25 31-32 (1993)  
HEARNES V TERHUNE 413 F 3d 1036, 1042 (9TH CIR 2005)  
RICHARDSON V RYNNELS, 594 F. 3d 666, 672 (9TH CIR 2010)  
KEEMAN V HALL 83 F 3d 1083, 1090 (9TH CIR 1996)  
GATES V COOK 376 F 3d 323, 341-42 (5TH CIR 2004)  
GILLIS V LITSCHER 468 F 3d 488, 493 (7TH CIR 2006)  
BENJAMIN V FRASER 343 F. 3d 35, 50, 51. (2d CIR 2003)  
29 USC § 794(a) § 504 RA  
42 USC § 12131 ADA  
ONISHEA V HOJPER 171 F 3d 1289 (11TH CIR 1999)  
BUNNER V LEWIS 857 F 2d 559 (9TH CIR 1988)

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

PHYSICAL AND MENTAL SUFFERED WITH MEDICAL NEEDED TO SKIN DECAY.

5. Administrative Remedies.

a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution?  Yes  No

b. Did you submit a request for administrative relief on Count II?  Yes  No

c. Did you appeal your request for relief on Count II to the highest level?  Yes  No

d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. THE GOZ NEVER COME BACK TO LAU.

COUNT III

1. State the constitutional or other federal civil right that was violated: US CONST. AMTN. I

2. Count III. Identify the issue involved. Check only one. State additional issues in separate counts.

- Basic necessities
- Mail
- Access to the court
- Medical care
- Disciplinary proceedings
- Property
- Exercise of religion
- Retaliation
- Excessive force by an officer
- Threat to safety
- Other: \_\_\_\_\_

3. Supporting Facts. State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

MAIL ROOM STAFF AND CO. SELLER DID NOT PICK UP LAU'S MAIL DAILY, EVEN LEGAL MAIL NOT PICKED UP FROM LAU.  
HUDSON V McMILLAN (1992) 501 US 294  
WHITLEY V ALBERS (1986) 475 US 312  
HUDSON V McMILLAN 503 US 1 6-7 (1992)  
MADRID V Gomez 889 F Supp 1146 1248-50 (ND CAL 1995)  
BUCKNER V Hollins 983 F.2d 119 (8TH CIR (1993)  
CCR TITLE 15 §§ 3130, 3131, 3133 (c), 3134 (c), 3138(a), (c), (g)  
CCR TITLE 15 §§ 3141, 3142, 3143, 3144, 3146,  
CCR TITLE 15 §§ 3160, 3165 (a) (b)

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

LAU UNABLE TO CORRESPONDING TO HIS FAMILY AND TO THE CASE PENDING IN COURT.

5. Administrative Remedies.

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution?  Yes  No
- b. Did you submit a request for administrative relief on Count III?  Yes  No
- c. Did you appeal your request for relief on Count III to the highest level?  Yes  No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. THE BOZ NEVER COME BACK TO LAU

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.

D. CAUSE OF ACTION

COUNT IV

1. State the constitutional or other federal civil right that was violated: US Amend V

2. Count I. Identify the issue involved. Check only one. State additional issues in separate counts.

- Basic necessities
- Mail
- Access to the court
- Medical care
- Disciplinary proceedings
- Property
- Exercise of religion
- Retaliation
- Excessive force by an officer
- Threat to safety
- Other: \_\_\_\_\_

3. Supporting Facts. State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

ON AUG 30, 2010 WHEN LAW PICK UP HIS PERSONAL PROPERTIES FROM P & R DEPT. THE TV SET WAS NOT WORKING, THE STAFF REFUSED TO PAY FOR IT.

- PARRATT V TAYLOR (1981) 451 US 527
- HUDSON V PALMER (1984) 468 US 517
- DAVIELS V WILLIAMS (1986) 474 US 327
- DAVIDSON V CANON (1986) 474 US 344
- CCR TITLE 15 §§ 3190(a), 3193 (a)(b)(c)

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

LOST PERSONAL PROPERTY AND USE NO TV IN THE ISOLATING CELL.

5. Administrative Remedies:

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution?  Yes  No
- b. Did you submit a request for administrative relief on Count I?  Yes  No
- c. Did you appeal your request for relief on Count I to the highest level?  Yes  No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. THE GOZ NEVER COME BACK TO LAW.

COUNT ~~II~~ V

1. State the constitutional or other federal civil right that was violated: US CONST AMEND VI

2. Count II. Identify the issue involved. Check **only one**. State additional issues in separate counts.

Basic necessities       Mail       Access to the court       Medical care  
 Disciplinary proceedings       Property       Exercise of religion       Retaliation  
 Excessive force by an officer       Threat to safety       Other: \_\_\_\_\_

3. Supporting Facts. State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THE TRUST OFFICE REFUSED TO ISSUE ANY INDIGENT ENVELOPES AND THE CO SELLER REFUSED TO PICK UP LAU'S OUTGOING PENDING MAIL WHICH WAS LAU'S PENDING CASE IN COURT AND CO SELLER REFUSE TO GIVE LAU ANY BLANK TRUST WITHDRAW FORMS FOR MAILING PURPOSE.

- TURNER V SUTLEY 482 US 78, 89 (1987)
- US V DI FRANCESCO 449 US 117, 129 (1980)
- BOUNDS V SMITH 430 US 817, 824, 828 (1977)
- JOHNSON V AVERY 393 US 483, 485 (1969)
- BENJAMIN V FRASER 264 F 3d 175, 184 (2d CIR 2001)
- ALLAN V SEIVERLING 229 F 3d 220, 225 (3d CIR 2000)
- US V CLASSIC 313 US 299, 326 (1941)
- PARRATT V TAYLOR 451 US 527, 535 (1981)
- MONTGOMERY V PINCHAK 294 F 3d 492, 501 (3d CIR 2002)

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

LAU LOST ALL HIS PENDING COURT CASES IN COURT, BECAUSE THEIR INTENTIONAL VINDICTIVE ACTIONS AGAINST LAU.

5. Administrative Remedies.

a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution?  Yes  No

b. Did you submit a request for administrative relief on Count II?  Yes  No

c. Did you appeal your request for relief on Count II to the highest level?  Yes  No

d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. THE GOZ NEVER COME BACK TO LAU

COUNT III VI

1. State the constitutional or other federal civil right that was violated: U.S. CONST. AMEND I

2. Count III. Identify the issue involved. Check only one. State additional issues in separate counts.
- |  |   |   |                                       |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court                            | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion                           | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>RACIAL DISCRIMINATION</u> |                                       |

3. Supporting Facts. State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

THE K. HARRINGTON, WARDEN PLKS UNKNOWN PRISON GUARDS WERE RACIAL DISCRIMINATED LAU, BECAUSE HIS CHINESE ORIGIN. THEY REFUSED TRANSFER LAU TO LOWER CUSTODY. LTV ADA'S RIGHTS.  
42 USC § 1983  
GOV'T CODE § 844.6(A), 845.4  
JOHNSON V CALIF. (2005) 543 US 499.  
42 USC § 12131 ADA  
29 USC § 794  
PENN DEPT OF COR V YESKEY (1998) 524 US 206  
WOLFF V MCDONNELL (1974) 418 US 539  
SUPERINTENDENT V HILL (1985) 472 US 445  
ZIMMERLGEV KEENEY (9TH CIR 1987) 831 F 2d 183  
WILSON V SEITER 501 US 294, 304-05 (1991)  
FARMER V BRENNAN 511 US 825, 837 (1994)  
TURNER V SAFFLEY 482 US 78, 89 (1987)  
PERKINS V KANSAS DEPT OF COR 165 F 3d 803 (10TH CIR 1999)

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).  
PHYSICAL AND MENTAL SUFFERING AND DAMAGE TO LAU.

5. Administrative Remedies.
- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution?  Yes  No
  - Did you submit a request for administrative relief on Count III?  Yes  No
  - Did you appeal your request for relief on Count III to the highest level?  Yes  No
  - If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. THE GOV NEVER COME BACK TO LAU.

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.



E. REQUEST FOR RELIEF

State the relief you are seeking:


THE CO. S' OF KUSP-SHOULD STOP ALL THEIR HARRASMENT TO LAM  
AND PAY THE DAMAGES OF \$ 2,500,000 - OR ACCORDING TO  
COURT FINAL JUDGEMENT.  
QUEAN V JORDAN (1979) 440 US 332  
EDELMAN V JORDAN (1974) 415 US 651  
JORDAN V GARDNER 986 F.2d 7521, 1528 (9TH CIR 1993)  
HARPER V SHOWERS 174 F.3d 716 (5TH CIR 1999)

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

Executed on SEPT 28 2012  
DATE

  
SIGNATURE OF PLAINTIFF  
HOW LAM V-15557

in pro per  
(Name and title of paralegal, legal assistant, or  
other person who helped prepare this complaint).

  
(Signature of attorney, if any) HOW LAM V-15557  
CCI  
24900 HWY 202  
TEHACHAPI CA 93581  
661-822-4402  
(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.