

Leonard Ransom Jr. (D-13202)

Name and Prisoner/Booking Number

RECEIVED

California Correctional Institution

Place of Confinement

OCT 13 2011

FILED

4A-6A-203L, P.O. Box 1402

Mailing Address

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

OCT 13 2011

Tehachapi, California 93581

City, State, Zip Code

BY [Signature]
DEPUTY CLERK

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

BY [Signature]
DEPUTY CLERK

(Failure to notify the Court of your change of address may result in dismissal of this action.)

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

Leonard Ransom Jr.

(Full Name of Plaintiff)

Plaintiff,

vs.

CASE NO. _____

1:11 CV 01709 GSA HC

(To be supplied by the Clerk)

(1) Danny Herrera, individually, jointly and severally

(Full Name of Defendant)

(2) Ricky Brannum, individually, jointly and severally

(3) L. Castro, individually, jointly and severally

(PC) Ransom v. Herrera et al

(4) ALAN DAVIS, individually

Defendant(s).

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

Verified

CIVIL RIGHTS COMPLAINT

BY A PRISONER

FOR DAMAGES AND JURY TRIAL ROSA 6 Att. 4

Original Complaint

First Amended Complaint

Second Amended Complaint

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: Kern Valley State Prison

B. DEFENDANTS

1. Name of first Defendant: Danny Herrera The first Defendant is employed as:
Correctional Officer, Transportation at Kern Valley State Prison
(Position and Title) (Institution)
2. Name of second Defendant: Ricky Brannum The second Defendant is employed as:
Correctional Officer, Transportation Sergeant at Kern Valley State Prison
(Position and Title) (Institution)
3. Name of third Defendant: L. Castro The third Defendant is employed as:
Correctional Officer, Lieutenant at Kern Valley State Prison
(Position and Title) (Institution)
4. Name of fourth Defendant: Alan Davis The fourth Defendant is employed as:
TTA RA Registered Nurse at Kern Valley State Prison
(Position and Title) (Institution)

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? 3+* Describe the previous lawsuits:

a. First prior lawsuit:

1. Parties: Leonard Ransom Jr. v. State of California et al
2. Court and case number: U.S. Dist. Court, Eastern Dist Case No. 1:09-cv-01688 AVE-DLB
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) Plaintiff voluntarily dismissed complaint. Court granted dismissal w/out prejudice.

b. Second prior lawsuit:

1. Parties: Leonard Ransom Jr. v. Daniel Gonzalez, et al
2. Court and case number: U.S. Dist Court, E. Dist. Case No. 1:10-cv-00397-GSA (RC)
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) Still pending since 3/10/10, and no service ordered to date.

c. Third prior lawsuit:

1. Parties: Leonard Ransom Jr. v. County of Santa Clara, et al
2. Court and case number: U.S. Dist Court, No. Dist, Case No. C-10-0075 RS (PR)
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) Still pending. At summary judgment, and cross-summary judgment decision now.

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

* Fu 1: Plaintiff has been in prison almost 20 years, so yes, I have filed other lawsuits, but none were dismissed as frivolous, malicious, or (3) that failed to state a claim. Plaintiff can't recall case numbers to any more civil actions.

D. CAUSE OF ACTION

COUNT I

(Sixth)

1. State the constitutional or other federal civil right that was violated: First, Fifth, and Fourteenth Amendments to the United States Constitution, (Equal Protection Clause etc.) Due Process

2. Count I. 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 checked="" type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> 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.

1.) On 3/4/09, while incarcerated in Kern Valley State Prison, housed in B1 Administrative Segregation, in cell 131, at approximately 0930-1000 hours, Correctional Officer ("C.O.") Herrera and Ricky Brannum Sergeant ("Sgt") approached my cell to transport me to an outside (outside the institution) medical appointment. Upon their approach I heard C.O. Danny Herrera ("C.O. Herrera") say to Sgt. Brannum, "This is the one with the staff assault." C.O. Herrera is Hispanic; Sgt. Brannum is white; I am Black.

2.) C.O. Herrera knew the above as he found an officer Brown had transported me to a court proceeding on Feb. 10 - Feb. 24 of 2009, at which time C.O. Herrera continued to ask me about the case (although he knew because I was accused of assaulting his friend Saul P. Ochoa). C.O. Debois is Hispanic; C.O. Marquez is white, married to a Hispanic.

3.) I told C.O. Herrera not to be asking me about my case, and if he wanted to know, ask the attorney representing me as I do not talk about my case to police, and that he knows anyway, cause it's on the paperwork. I told the attorney of this in a letter, as well.

4.) Herrera became very hostile, and on the drive back to the prison, he cranked the back speakers up, full bore and continued to periodically, give me an angry stare.

5.) C.O. Herrera's anger appeared to originate as a result of me exercising my (Please see p.3(a) for continuance)

4. Injury. State how you were injured by the actions or inactions of the Defendant(s). Plaintiff was subjected to very serious disciplinary and criminal charges, as a direct result of retaliation because plaintiff exercised his statutory rights through exercise of his First Amendment rights to free speech, and government redress, in addition to

Continued at p. 3(j)

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 I? Yes No
 - Did you appeal your request for relief on Count I 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. _____

1 right to remain silent and/or allow him to elicit an incriminating statement regard-
2 in my criminal action, which was pending.

3 6.) On the specific date at issue (3/4/09), once C.O. Herrera, and Sgt. Brannum
4 arrived at my door (of cell B1-1314), I turned my light on, while C.O. Herrera opened
5 the tray slot, and began to place my socks, shoes, and boxers in C.O. Herrera's
6 possession, and placed my T-Shirt to the right, on the tray slot, and began to
7 perform the exact (same) unclothed body maneuvers I had performed over
8 the last two years (with no problems), and ironically, approx. 10 days earlier for C.O.
9 Herrera himself when he and C.O. Brown took me to court. (See para. 2 and 3)

10 7.) I did what I was supposed to do, and had done many times before,
11 including bending and squatting as far down as I could go, and spreading my but-
12 tucks cheeks for visual search, as is required, at which time C.O. Herrera stated:
13 "all the way down."

14 8.) I told them (and C.O. Herrera was previously notified of this, by me, on 2-24-09)
15 that "I have a bad disk (in my lower back) and could not go all the way down," at
16 which time C.O. Herrera and Sgt. Brannum became verbally abusive, wherein I
17 took my T-Shirt off the tray slot, and told them to "get away from my door, I'm not
18 going" (which I had a right to do, per CCR § 3351.(a)).

19 9.) Sgt. Brannum then stated "I'll say you assaulted my officer," at which
20 time I told him to get his Nazi ass away from my door, and take Herrera's
21 greasy ass with him. " :)

22 10.) C.O. Herrera, then, put my shoes, socks, and boxers in the cell, through
23 the tray slot and closed the slot. They walked away laughing.

FN 1: It should be noted that plaintiff was not issued a Rule Violation Report
for Disrespect to Staff, by these correctional staff for the statements.

#3) Supporting facts:

11.) Approx. 10-15 minutes later, I was standing at the toilet, relieving myself (dressed in my boxers, T-shirt, socks and shoes), when Building 1, ASU Sgt. A. Day approached the cell, accompanied by C.O. McAllister, who carried a set of waist restraints.

12.) Sgt. Day told me he needed me to come out and let the nurse do a "7219" ²¹ on me, at which time I asked him "why?" He stated that "Herrera and Brannum said you [E] grabbed Herrera through the tray slot, at which time I said "Are you serious?," and "I never touched that idiot."

13.) I came out, and was placed in a holding cage, and was, subsequently, examined by Registered Nurse C. Mena, at which time I stated: "No comment, I have done nothing," which was documented on a "7219" form.

14.) After the examination, while waiting to be escorted back to cell B1-131, Sgt. Brannum, Lt. Wilson, and Herrera walked passed me to the unit rear exit door. Approx. 2 minutes later, Sgt. Brannum came back in and went to the officer's 'lounge' in A-section, and upon return to exit, walked passed me, taunting me, saying "Yeah, make sure you spell my name right on your little papers." He exited the building, and I was, subsequently, escorted back to cell B1-131.

15.) Upon my return to B1-131, my neighbors (Inmates) Andre Johnson (E-71184) B1-130, and George Reed III (H-85916) B1-132) asked me how come the Sgt. needed to do a "7219" on me? at which time I told them that the "C.O. and Sgt. from transportation" said I grabbed the C.O. through the tray slot, at which time both inmates told me what they observed and heard, and would be witnesses that I had done nothing. Both inmates provided decla-

FN2: A "7219" is a Medical Report of Injury or Unusual Occurrence.

1 rations under penalty of perjury, (and were not provided copies thereof), which
2 were dated 3/4/09. Inmate Johnson was moved to C-Yard that night.

3 16.) On 3/4/09, I began preparing a staff complaint and inmate appeal
4 on the violation of my constitutional rights, given the events outlined in para-
5 graphs 1 through 15 (incorporated by reference herein), and completed the
6 Staff Complaint and Inmate Appeal, which included a copy of my medical
7 report showing I have a degenerative disc in my lower back.

8 17.) On 3/5/09, I obtained copies of the Staff Complaint and Inmate
9 Appeal, declarations, and medical report, along with a letter I wrote to my
10 attorney of record informing him of what happened, and I forwarded the
11 Staff Complaint and Inmate Appeal to the KUSP Appeals Coordinator, who did
12 process the document, and logged as appeal Log No. 09-00501, Category 7, on
13 3/10/09, at 9:44 a.m.

14 18.) On 3/17/09, C.D. J.P. Smith served me with a copy of a CDC Rules
15 Violation Report (RVR), documented on a form CDC 115, Log Number FB-09-05-003,
16 which alleged that I had committed the specific act of Battery on a Peace Officer, in
17 violation of CER § 3005(d)(1), which was classified as a B-1 offense.

18 19.) The underlying conduct alleged, by C.D. Herrera, was, in relevant part,
19 that I "reached ^(his) my right arm through the cell door food port and grabbed ^(my) his
20 right wrist and forearm in the attempt to gain control of his clothing I was
21 holding. I pulled my arm from Inmate Ransom's hold and immediately closed
22 the food port. Inmate Ransom yelled, "Fuck you, I'm not going, I refuse." Sgt.
23 Brannum took me to CTC TTA and had a 7219 Medical Evaluation conducted.
24 The report was dated 3/10/09.

25 20.) Documents that accompanied (which contained numerous contra-
26 dictory statements) the RVR were: a CDC-115-A, which informed me that

1 the alleged RVR (and reports) were going to be referred to the Kern County District
2 Attorney's Office for possible prosecution, which I requested postponement of my
3 hearing pending outcome of the referral for prosecution; ²⁾ Crime/Incident Reports
4 in Incident Log Number KUSA-FBI-04-03-0106, dated 3/5/09.

5 21.) In Sgt. Brannum's and C.O. Herrera's Crime/Incident Reports, Part C,
6 Staff Report (CDLR 837-C) to the above Incident, alleged, predominantly the
7 same allegation in the RVR.

8 22.) In C.O. Herrera's "7214" (in the statement section), C.O. Herrera stated.
9 "I'm attempt to pull arm through (tray) port," and an R/V Alan Davis allegedly saw
10 an "area of 'red', and there was a 'tender' spot above the elbow," which was docu-
11 mented on the "7214" as well. ³⁾

12 23.) On 3/30/09, the incident packet (which included all documents mentioned
13 in paragraphs 18 through 22) was submitted to the Kern County District Attorney's
14 Office, with a Declaration of Probable Cause, based on the official documents (and
15 statements of C.O. Herrera and Sgt. Brannum therein), and a Formal Request
16 for approx (8) different criminal charges, (5 of them felonies), based on the
17 reports and statements therein. The packet was submitted by Lizbeth Garcia.

18 24.) On or about 4/6/09, a Lieutenant (Lt.) L. Castro came to interview
19 me regarding the Staff Complaint ⁴⁾ and Inmate Appeal I had filed on 3/5/09
20 regarding the constitutional violations of C.O. Herrera and Sgt. Brannum,
21 at which time I informed Lt. L. Castro that I had declarations from two
22 witnesses, at which she asked me to provide a copy of both, which I gave her
23 (or M. Chavez) the originals, and they were copied and provided to her. She left.

24 25.) About a week later, C.O. J. P. Smith came to my cell to serve me

25 FN 4: Refer to paragraph(s) 16 and 17, including as if fully set forth
26 herein

#3) Supporting facts:

1 with a copy of an RVR, authored by Lt. L. Castro, alleging that I had submitted
2 a false declaration, which was entitled Falsification of Records or Documents,
3 in violation of CCR § 3021.

4 26.) The above outlined RVR was, allegedly, based on the declaration that
5 Inmate Johnson having submitted regarding the false charges levelled against
6 me on 3/4/09, as when Lt. L. Castro went to interview him regarding the
7 issue, she asked him, "What knowledge do you have of Ransom?" which he
8 replied that "he didn't know a Ransom," and he didn't, because he was only
9 housed in B1-1304 for two days, and knew me by "J.R. from H.P. in San Fran-
10 cisco," so when she asked did he author a declaration for Ransom, he said
11 "No," as he had no idea who the Lt. was referring to.

12 27.) Apparently, Lt. Castro did not interview Inmate Reed, nor did she
13 check my medical records, or talk to Sgt. Day, and promptly denied the Staff
14 Complaint, and stated the officer and Sgt. did nothing wrong.

15 28.) When I received the response from the Lt., I, immediately, sent
16 it for Director's Level Review, which I subsequently exhausted my remedies.

17 29.) While all the above was happening, my correctional counselor, Mr.
18 Acevedo, prepared my Board of Parole Hearing's Report, which I was due
19 to appear before, on 6/9/09, which I had to prepare for.

20 30.) The charges alleged on 3/4/09,⁵⁾ and the Falsification of Records or
21 Documents were listed in the report, as evidence of unsuitability for parole.

22 31.) On or about 5/15/09, C.O. M. Chavez was assigned as investigative
23 employee for the RVR authored by Lt. L. Castro, alleging Falsification of
24 Records or Documents, which C.O. M. Chavez interviewed me, at which time

25 Footnote: Please refer to paragraphs 1 through 22, incorporated by
26 reference as if fully set forth.

1 I informed C.O. Chavez that Inmate Johnson didn't know me by the name 'Ransom'
2 and that he met me, through the vent, and knew me as "J.R. from H.P. in Frisco," and
3 that he had, in fact, authored the declaration regarding what he heard and saw on
4 3/4/09.

5 32.) C.O. Chavez, subsequently, interviewed Inmate Johnson, who, (after
6 being told that Ransom was J.R. from Frisco) admitted that he had, in fact,
7 authored the declaration, and at the time he was interviewed by Lt. Castro,
8 he didn't recognize the name 'Ransom'. I was provided with a copy of the
9 I.E. Report (Investigating Employee's Report).

10 33.) On 6/9/09, my Board of Parole hearing was held, wherein both
11 RUIZ's of 3/4/09 and Falsification of Records or Documents were in the
12 report before the Board, and relied on (in large part) to justify an unsuit-
13 ability finding, which prompted the Board to push back my next Board
14 hearing to 6/9/19, based, in large part, on the RUIZ's, which were false.

15 34.) About a month later, I was exonerated on the Falsification of
16 Records or Documents allegation, by Lt. Wilson, and, subsequently, sent
17 numerous Inmate Requests for Interviews to Lt. L. Castro, to correct
18 her error, and re-examine the Staff Complaint, but she never responded
19 to the requests.

20 35.) On 8/14/09, the Kern County District Attorney's Office accepted
21 the allegation's of 3/4/09, for prosecution, and on or about 8/21/09, I was
22 arraigned, via video, at the prison, on the specific charges of Battery on a
23 non-inmate, in violation of P.C. § 4501.5, a Felony; and Delaying an executive
24 officer in the performance of their duty, in violation of P.C. § 69, a felony; in

25 Footnote: Reference to "P.C." is speaking of the California Penal Code

1 which the complaint was assigned Case No. DF009479 A, and I entered a plea of
2 not Guilty.

3 36.) When I received the hard copy of the complaint, three (3) P.C. § 667
4 (E) "Three Strikes" allegations were alleged with each substantive charge (with
5 their intended "25 years to Life" consequences, with a total potential exposure
6 of 50 years to Life, if convicted of the alleged charges set upon me by C.O.
7 Herrera and Sgt. Brannum, on 3/4/09.

8 37.) On 6/10/10, I was transferred to California Correctional Institution (at
9 Tehachapi, Ca) via North Kern ~~County~~ State Prison, where the staff at Kern Valley
10 State Prison were still responsible for my transportation to court for Case
11 No. DF009479 A, and the initial case, Case No. DF 8802 A.

12 38.) In the latter part of July, or early August (if memory serves me
13 correctly), I was scheduled for a court appearance in Case No. DF009479 A,
14 (the case in which I was defending against the allegations made by C.O.
15 Herrera and Sgt. Brannum), when I get to the prison's Receiving and Re-
16 lease (R&R), Sgt. Brannum is there, as transportation Sgt, and began
17 to covertly taunt me, at which time I became upset and got into a
18 heated exchange with Sgt. Brannum.

19 39.) I was transported in a van, and Sgt. Brannum rode in a car
20 with another officer.

21 40.) When we got to Bakersfield courthouse, Sgt. Sherrelle was there
22 and asked me why I was so upset, and I told him. He stated that Sgt.
23 Brannum would not be supervising a transport of me anymore, and he
24 never did, after that.

25 41.) On numerous occasions, Sgt. Brannum, and C.O. Herrera, came
26 to court to testify in a preliminary hearing, in Case No. DF009479A, only

1 to be told that the preliminary hearing had been put off.

2 42.) On September 10, 2010, the court dismissed Case No. DF009474 A
3 in the interest of justice.

4 43.) On 5/10/11, Investigative Employee D. Chambers, interviewed
5 C.O. Herrera regarding his recollection of the events of 3/4/09, at which time
6 C.O. Herrera parroted the statements made in his reports.

7 44.) "I. E." D. Chambers, also, asked C.O. Herrera a series of
8 questions I had prepared, which C.O. Herrera answered.

9 45.) "I.E." D. Chambers, also, interviewed Sgt. A. Day; Officer M.
10 Chavez; Inmate Andre Johnson; and, Inmate George Reed; all of whom
11 I had prepared questions for, which all of the witnesses answered
12 the questions, as best they could. Sgt. Brannum was never interviewed.

13 46.) On 7/22/11, a disciplinary hearing was conducted by the Senior
14 Hearing Officer (SHO), Correctional Lieutenant D. Randall, for the purposes
15 of adjudicating RVR, Log No. FB-09-03-003, (the charges of Battery on a
16 Peace Officer, that were initiated by C.O. Herrera, and Sgt. Brannum, on
17 3/4/09), which I plead NOT GUILTY, and reiterated that I never touched
18 the officer, and the charges were completely FALSE.

19 47.) After SHO Lt. D. Randall reviewed the pertinent evidence, Lt.
20 Randall exonerated me with a NOT GUILTY finding, and, also, made
21 the following factual findings, in relevant part: 1) Officer Herrera did
22 violate CC283031(d), or lied; 2) Failure of the I.E. to interview Sgt.
23 Brannum is a due process violation; 3) The declarations provided a
24 legitimate defense, and were reiterated in the I.E. Report; 4) The photo-
25 copy of the cell configuration suggests Inmates Reed and Johnson had
26 the opportunity to view the search as declared; and 5) The alleged injury

1 documented on the "7214" was not consistent with incidents of the nature
2 of the conduct alleged.

3 48.) The SHD also noted "numerous discrepancies have been identified
4 within the documents provided for this RVR, to include due process violations
5 that cannot be corrected at this institution. Therefore this RVR is being dis-
6 missed in the interest of justice."

7
8 Verification

9
10 I have read the foregoing statement of facts and hereby
11 verify that the matters stated therein are true, except as to matters
12 stated on information and belief, and as to those matters, I believe
13 them to be true. I declare under penalty of perjury that the foregoing
14 is true and correct. Executed this 8th day of October, 2011, at
15 Tehachapi, California

16 Leonard Ransom Jr.
17 Leonard Ransom Jr.
18 Plaintiff

1 exercise of plaintiff's Fifth Amendment right to remain silent, as well as
2 the Sixth Amendment's right not to incriminate oneself, etc. C.O. Herrera
3 and Sgt. Brannum filed the false charges, which filing struck at the heart
4 of plaintiff's exercise of those rights, thus the violation alone is injury.

5 The false charges were used to adversely affect my parole suitability,
6 thus infringing on my liberty, in violation of the Fourteenth Amendment
7 to the U.S. Constitution.

8 The motivation for the false charges were coupled with the retali-
9 ation for exercising my constitutional and statutory rights, racial based
10 as the racial animus in filing the false charges are custom and practice
11 at Kern Valley State Prison, with white and Hispanic officers.

12 The false charges have been used against me, from the Board
13 of Parole Hearings' denial of my parole for 10 years, to my retention
14 in Administrative Segregation, and losing both parents during the
15 adverse consequences of those false charges.

16 The false charges are still located in my Central File (C-File), in
17 various chronos, Ad/seg documents, parole board file and/or documents,
18 and being used, currently, to retain me in Ad/seg at C.L.I.

19 The mental, emotional, and psychological damage of the court
20 process when falsely accused by peace officers, cannot be overstated,
21 as I am under a doctor's care, at this time.

22 All above stated injuries are compensable, and cognizable
23 under a retaliation claim.

24 The false charges were used as a adverse bargaining chip, in another
25 criminal action, and as supporting documents and exhibits to motions
26 in the criminal proceedings in the other criminal actions.

COUNT II

1. State the constitutional or other federal civil right that was violated: Conspiracy to violated the First and Fourteenth Amendments to the U.S. Constitution (Equal Protection; Government Redress)

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

- Basic necessities
- Disciplinary proceedings
- Excessive force by an officer
- Mail
- Property
- Threat to safety
- Access to the court
- Exercise of religion
- Other: Denial of Equal Protection etc. in concert (conspiracy)
- Medical care
- Retaliation

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.

Please see statement of facts outlined in Supporting facts at p. 3 paragraphs 1 through 48, inclusive, as it fully set forth herein

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

Please see 'Injury' section 4, at p. 3 and 3(j) which Plaintiff has listed the injuries sustained as a direct result of the above stated violations

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.

COUNT III

1. State the constitutional or other federal civil right that was violated: Denial of Equal Protection of Law in violation of the 14th Amendment right of the United States Constitution

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: Denial of Equal Protection

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.

Please see statement of facts outlined in Supporting facts at p.3 paragraph(s) 1 through 48, inclusive, as it fully set forth herein.

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

Please see Injury section 4, at p-3 and 3(d), which Plaintiff has listed the injuries sustained as a direct result of the above stated violations

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. _____

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:

Plaintiff seeks relief in the form of: #1 \$50,000.00 each from Defendant's Danny Herrera and Ricky Brannan, in their individual capacities; compensatory damages; #2 Punitive damages to be determined by a jury commensurate with malice, deceit, etc. found at trial; #3 Nominal damages from Defendant(s) L. Castro and Alan Davis; #4 a court declaration that my constitutional rights are being violated as long as the false charges are listed on any document in my Central File; #5 an injunction ordering CDCR to remove all documents listing the false charges from my file; #6 a jury trial on all triable issues. * All defendant's culpability is jointly and severally, in all stated violations.

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

Executed on October 8, 2011
DATE

Leonard Ransom Jr.
SIGNATURE OF PLAINTIFF

N/A
(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

* Verification *
I have read the foregoing complaint and hereby verify that matters alleged therein are true, except as to matters alleged on information and belief, and as to those matters, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct. Executed this 8th day of October, 2011, at Tetzahapi, Ca.

Leonard Ransom Jr.
Leonard Ransom Jr.
Plaintiff

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.