

Plaintiff's Name Durrell A. Puckett
Inmate No. G-05549
Address P.O. Box 290066
Represq, Ca 95671

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

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

Durrell A. Puckett
(Name of Plaintiff)

1:13-cv-00840-BAM (PC)
(Case Number)

vs.

R. Young, et al,

AMENDED CIVIL RIGHTS COMPLAINT UNDER:

- 42 U.S.C. 1983 (State Prisoner)
- Bivens Action [403 U.S. 388 (1971)] (Federal Prisoner)

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

(Names of all Defendants)

I. Previous Lawsuits (list all other previous or pending lawsuits on additional page):

- A. Have you brought any other lawsuits while a prisoner? Yes No
- B. If your answer to A is yes, how many? 9 or 10

Describe previous or pending lawsuits in the space below. (If more than one, attach additional page to continue outlining all lawsuits in same format.)

1. Parties to this previous lawsuit:

Plaintiff Puckett
Defendants Dep. Jaquez et al,

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

Central
3. Docket Number don't recall 4. Assigned Judge Marc L. Goldman

5. Disposition (Was the case dismissed? Appealed? Is it still pending?)

Trial

6. Filing Date (approx.) 2007

7. Disposition Date (approx.) 2011

II. Exhaustion of Administrative Remedies

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). Prior to filing suit, inmates are required to exhaust the available administrative remedy process, *Jones v. Bock*, 549 U.S. 199, 211, 127 S.Ct. 910, 918-19 (2007); *McKinney v. Carey*, 311 F.3d 1198, 1999 (9th Cir. 2002), and neither futility nor the unavailability of money damages will excuse the failure to exhaust; *Porter v. Nussle*, 534 U.S. 516, 524, 122 S.Ct. 983, 988 (2002). If the court determines that an inmate failed to exhaust prior to filing suit, the unexhausted claims will be dismissed, without prejudice. *Jones*, 549 U.S. at 223-24, 127 S.Ct. at 925-26.

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

C. Is the process completed?

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

INTERVIEWS - AND INTERNAL AFFAIRS INVESTIGATION WITH
INSPECTOR GENERAL INVESTIGATION

No If your answer is no, explain why not.

III. Defendants

List each defendant's full name, official position, and place of employment and address in the spaces below. If you need additional space please provide the same information for any additional defendants on separate sheet of paper.

A. Name R. Young is employed as Corr. Officer

Current Address/Place of Employment CCI-Tehachapi - 24900 Highway 202
Tehachapi, Ca 93551

B. 1 Defendant Robin Williams is employed as Corr.
2 officer at CCI-Tehachapi, 24900 HIGHWAY 202
3 Tehachapi, Ca 93551

C. 4 Defendant D. Jobb is employed as Corr. Officer
5 at CCI-Tehachapi, 24900 HIGHWAY 202, Tehachapi, Ca 93551
6

D. 7 Defendant C. Martinez is employed as Corr. SGT.
8 At CCI-Tehachapi, 24900 HIGHWAY 202, Tehachapi, Ca 93551
9

E. 10 Defendant Rodriguez is employed as Corr. Office At
11 CCI-Tehachapi - 24900 HIGHWAY 202, Tehachapi, Ca 93551
12

F. 13 Defendant T. Peterson is employed as Corr. Officer
14 at CCI Tehachapi, 24900 Highway 202, Tehachapi, Ca 93551
15

G. 16 Defendant D. STEERS Corr. Officer AT CCI-
17 Tehachapi, 24900 HIGHWAY 202, Tehachapi, Ca 93551
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-F-

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H. Name Jimmy E. Munoz is employed as Corr. Officer

Current Address/Place of Employment 24900 HIGHWAY 202
Tehachapi, Ca 93551

I. Name P. Grant is employed as Corr. Officer

Current Address/Place of Employment 24900 HIGHWAY 202
Tehachapi, Ca 93551

J. Name J. Meyers is employed as Corr. Officer

Current Address/Place of Employment 24900 HIGHWAY 202
Tehachapi, Ca 93551

K. Name ~~M. Slankard~~ M. SLANKARD is employed as Corr. SGT. ~~M. Slankard~~

Current Address/Place of Employment 24900 HIGHWAY 202
Tehachapi, CA 93551

~~FOR OTHER INCIDENTS ON ATTACHED PAGES~~

IV. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary. Must be in same format outlined below.)

Claim 1: The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

EXCESSIVE FORCE

Supporting Facts (Include all facts you consider important to Claim 1: State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Claim 1.):

ON 6-12-2009, P. GRANT AND J. MEYERS AGGRESSIVELY SLAMMED ME
INTO THE WALL. R. YOUNG THAN AT THIS POINT ^{AS} I WAS BEING TAKEN
DOWN TO THE GROUND BY D. JOBB, J. MEYERS AND P. GRANT. R. YOUNG
PUNCHED ME MULTIPLE TIMES. NOW P. GRANT AND J. MEYERS HITS
ME TOO WITH THEIR HANDS THAN BATON AND BOOTS. RODRIGUEZ NOW
HITS MY ELBOW WITH HIS BATON MANY TIMES. AT THIS POINT YOUNG
KICKS ME IN MY FACE 3-5 TIMES CAUSING PAIN/SWELLING.

AND D. JOBB CONTINUED TO HOLD ME DOWN AND PREVENTING ME FROM ESCAPING YOUNG KICKS SINCE I WAS CUFF THE WHOLE TIME. TEN TO FIFTEEN MINUTES LATER SGT. M. SLANKARD AND SGT. C. MARTINEZ TOOK ME OUT OF A HOLDING CELL AND IMMEDIATELY RAMMED ME HEAD FIRST INTO CAGE DOOR IN MAKING ME FLY OFF MY FEET. I WAS STILL CUFFED SO I CRUMBLLED TO THE FLOOR AND MARTINEZ AND SLANKARD HITTING ME AS D. JOBB CAME CAME TO ASSIST BY COVERING MY MOUTH.

Claim 2: The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

FAILURE TO PROTECT/INTERVENE

Supporting Facts (Include all facts you consider important to Claim 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Claim 2.):

ON 6.12.2009 R. WILLIAMS AND J. MUNOZ WATCHED THE INCIDENT AS I WAS BEING VICTIMIZED. LATER AFTER THE FIRST ATTACK T. PETERSON AND P. GRANT WAS STILL MAD AT ME AND TOLD SLANKARD TO GET ME AT WHICH POINT D. STEERS TOLD MARTINEZ IT'S CLEAR OUTSIDE TO GO AHEAD AND ATTACK ME. PETERSON AND P. GRANT PLUS STEERS WATCHED AND EGGED THEM ON UNTIL SOMEONE WAS COMING SO THEY TOLD THEM TO STOP.

1 Retaliation on 6.12.2009

2 T. Peterson wrote a False Disciplinary report
3 lying to cover up the assault by slankard and ~~the~~
4 Martinez but the report got dismissed/overturned.
5 T. Peterson told me she's did so due to I am
6 a crybaby wanting a Camera Interview and due to
7 I am going to file a grievance/6032 complaint,
8 R. Young, slankard, Martinez, in others told me so too they will if

9 Deliberate Indifference on 6.12.2009

10 SGT. SLANKARD TO UNIT STAFF AFTER MY MANAGE-
11 MENT STATUS IS UP TO KEEP ME ON ANOTHER 10 DAYS
12 WITH NO SHOWERS OR CLOTHES EXCEPT TO GET CLOTHES
13 TO SEE LT.E. NOYCE BUT AFTERWARDS CUT OFF MY ~~SLANKARD~~
14 CLOTHES. SLANKARD TOLD STAFF TO DELIBERATELY THROW
15 MY FOOD ON THE FLOOR. FOR 48 DAYS I WAS DENIED
16 DISINFECTED/CLEANING SUPPLIES AND HAD TO ~~SLEEP~~
17 SLEEP ON THE FLOOR WITH~~OUT~~ OUT A BED DUE TO
18 SLANKARD ORDERED IT.

21 -6-

22 ~~XXXXXXXXXX~~

IF I DO SO
IF I DON'T

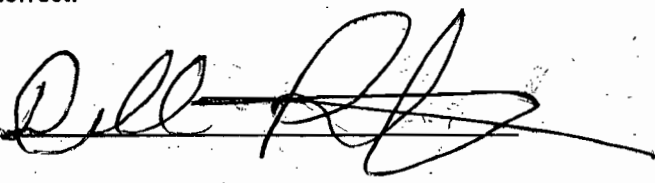
V. Relief

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

20,000.00 PUNITIVE DAMAGES AGAINST R. YOUNG. 300.00 EACH FOR FAILURE TO INTERVIEW. D. STEGAS, T. PETERSON, P. GRANT, R. WILLIAMS, J.E. MUNOZ. 1,000.00 PUNITIVE DAMAGES FOR EXCESSIVE FORCE TO M. SLANKARD, C. MARTINEZ, D. JOBB, G. RODRIGUEZ. 2,500.00 PUNITIVE DAMAGES FOR EXCESSIVE FORCE ON J. MEYERS, P. GRANT, J. MUNOZ. 3,000.00 PUNITIVE DAMAGES FOR SLANKARD Deliberate Indifference. TOTAL 37,000.00 MONEY DAMAGES. INJUNCTIVE Relief - NO MORE MANAGEMENT CELLS WITHOUT BUNKS AND CAMERAS.

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

Date: 7.6.14 ~~6/22/14~~

Signature of Plaintiff: 

~~7~~ 7

