

GUILLERMO TRUJILLO CRUZ (AA 2974)

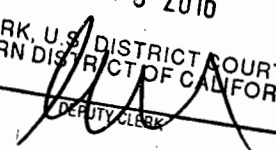
1 KERN VALLEY STATE PRISON

2 P.O. BOX 5102

3 DELANO, CAL 93216

FILED

FEB 16 2016

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

4
5 UNITED STATES DISTRICT COURT
6 FOR THE EASTERN DISTRICT OF CALIFORNIA.

7
8 GUILLERMO TRUJILLO CRUZ;

9 PLAINTIFF;

10 VS.

11 M. BITER (WARDEN) ET. AL;

12 DEFENDANT;

CASE NO. 1:14-CV-01370-

DLB-DC. LEAVED TO

AMEND TO STATE A

CLAIM UNDER SECTION

1983.

13
14 INTRODUCTION OF THE CLAIM:

15
16 PLAINTIFF, GUILLERMO TRUJILLO CRUZ, (PLAINTIFF)
17 FILING THE INSTANT ACTION IN PROSE WITHIN THE
18 MEANING OF 42 U.S.C. 1983 TO REDRESS DEFENDANT, BITER;
19 ACTIONS UNDER COLOR OF LAW IN VIOLATION OF FIRST, FOURTH,
20 EIGHT, AND FOURTEENTH AMENDMENT OF THE UNITED STATES
21 CONSTITUTION.

22
23 DEFENDANT, BITER; IS INVOLVED IN THE INSTANT ACTION
24 DUE TO HIS DELIBERATE INDIFFERENCE FAILURE TO PROTECT
25 FROM HARM OF PRISON OFFICIALS.

26
27
28 DEFENDANT, BITER; IS INVOLVED IN THIS ACTION AND SUED

1 UNDER HIS FICTITIOUS NAME AND IN HIS INDIVIDUAL AND
2 OFFICIAL CAPACITY; BECAUSE HE HAS FAILED OR REFUSE TO
3 CORRECT OR REMAND HIS COWORKERS UNLAWFUL ACTIONS
4 DESCRIBED HERE IN THIS COMPLAINT.

5
6 JURISDICTION AND VENUE:

7
8 PLAINTIFF, TRUJELLO, BRINGS THIS ACTION PURSUANT
9 TO 42 U.S.C SECTION 1983 TO REDRESS THE DEPRIVATION
10 UNDER COLOR OF STATE LAW OF RIGHTS SECURED BY THE
11 EIGHT AMENDMENT CLAIM FOR FAILURE TO PROTECT AND
12 TAKE REASONABLE MEASURES.

13
14 THIS COURT HAS THE PROPER JURISDICTION FOR CLAIM
15 SEEKING DECLARATORY AND INJUNCTIVE RELIEF PURSUANT
16 TO 28 U.S.C SECTION 1331, 1343, AND 1367. THE SUBSTANTIAL
17 UNLAWFUL ACTS OF THE EVENTS OR OMISSIONS GIVEN RISE
18 TO THE CLAIM DEFENDANT, BETER, RESIDES WITHIN THIS
19 DISTRICT PURSUANT TO 28 U.S.C SECTION 1391(b).

20 PLAINTIFF, TRUJELLO, REQUEST AND DEMANDS A JURY
21 TRIAL ON THESE ALLEGATIONS.
22

23
24 PARTIES:

25
26 PLAINTIFF, TRUJELLO, IS A STATE PRISONER CURRENTLY
27 CONFINED AT (K.V.S.P) SERVING A 16 YEARS SENTENCE.

28
DEFENDANT, BETER, IS THE WARDEN AT (K.V.S.P). HE IS
LEGALLY RESPONSIBLE FOR THE OPERATION (K.V.S.P) AND

1 AND FOR THE WELFARE OF ALL INMATES OF THAT PRISON.

2
3 DURING THE PERIOD OF TIME RELEVANT TO THIS ACTION
4 AND THE EVENTS HERE STATED DEFENDANT, BETER, HAS
5 KNOWINGLY, ACQUIESCED IN THE CONSPIRACY, ILLEGAL,
6 UNLAWFUL, UNCONSTITUTIONAL ACTION INVOLVED IN
7 THIS COMPLAINT. HE HAS FAILED TO PROTECT PLAINTIFF,
8 OF SUBSTANTIAL RISK OF HARM, FROM PRISON OFFICIALS
9 AND CONTINUES TO FAILS TO RESPOND REASONABLY. HE IS
10 SUED IN HIS INDIVIDUAL AND OFFICIAL CAPACITY.

11
12 FACTUAL ALLEGATION:

13
14 FACTS PERTAINING PLAINTIFF, TRUJILLO, RETALIATION.

15
16 ON DEC-23-2013, PLAINTIFF, TRUJILLO, WAS CONFINED
17 AT (K.V.S.P) AT DELANO, CAL WHEN PRISON OFFICIALS
18 STARTED HARASSING AND ~~THE~~ FOMENTING RUMORS OF
19 GETTING PLAINTIFF, TRUJILLO, TARGETED IN
20 RETALIATION BECAUSE PLAINTIFF, HAD FILED 602
21 GRIEVANCES. ~~THE~~ THAT WERE NEVER LOG, NOR
22 RETURN BACK TO PLAINTIFF, VIOLATING HIS FIRST
23 AMENDMENT RIGHT OF THE U.S. CONSTITUTION.

24
25
26 ON JAN-01-2014, WHILE HOUSED AT FACILITY A
27 YARD, BUILDING ONE. I SPECIFICALLY AND PERSONALLY
28 CONTACTED DEFENDANT, BETER, THRU C.O.C.R 22 INMATE
REQUEST AND CLEARLY EXPLAINED TO HIM TO PLEASE
HAVE HIS COWORKERS CEASE THE PRACTICE OF CONSTANTLY

1 VERBALLY HARASSING PLAINTIFF, TRUJILLO, AND
2 FOMENTING RUMORS OF VIOLENCE AGAINST PLAINTIFF,
3 BEING TARGETED OF ASSAULT. THEREFORE DEFENDANT,
4 BITER, WAS AWARE ABOUT THE SERIOUS CONSEQUENCES
5 PLAINTIFF, TRUJILLO, WAS FACING AND TAKING
6 PLAINTIFFS, NOTICE FOR GRANTED.
7

8 FACTS PERTAINING TO PLAINTIFF, TRUJILLO, INCIDENT.
9

10 ON OCT-22-2014, WHELED HOUSED AT FACILITY A;
11 BUILDING SEVEN, CELL # 208, THAT MORNING, I WENT
12 TO SCHOOL AND INFORMED OFFICER GOMEZ THAT I WAS A
13 PLU AND NEEDED TO GET MY LEGAL COPIES OF MY MOTION
14 TO FILE WITH THE COURTS, AND REPORT TO CLASS A.B.E
15 CLASS ONE, SO I WOULDN'T BE WRITTEN UP A C.O.C.R
16 115 BEHAVIOR REPORT FOR REFUSING TO REPORT TO
17 SCHOOL. ON MY WAY BACK TO BUILDING FROM CLASS AND
18 REPORTING TO TEACHER HERNANDEZ THAT I WAS
19 RETURNING BACK TO BUILDING BECAUSE I WASN'T
20 FEELING GOOD THAT MORNING. PLAINTIFF, TRUJILLO,
21 STOP AT THE LAW LIBRARY, FOR LEGAL COPIES.
22

23
24 ONCE PLAINTIFF, TRUJILLO, WAS DONE AT THE LAW
25 LIBRARY AND GETTING READY TO RETURN BACK TO HIS
26 BUILDING. DEFENDANT, GOMEZ, APPROACHED ME FROM
27 BEHIND AND ASKED IF I WAS GOING TO SCHOOL. WHEN
28 PLAINTIFF, TRUJILLO, RESPONDED WITH NO. DEFENDANT,
1

1 GOMEZ BECAME VERY UPSET; AND SLAMMED ME AGAINST
2 THE CONCRETE WALL NEXT TO THE LIBRARY OUTSIDE
3 WINDOW FACE-FIRST AND TWISTED ARMS TO PLACE
4 THEM IN RESTRAINTS LEAVING PLAINTIFF, WITH
5 PAIN TO THE LEFT SIDE OF HIS FACE AND PAIN TO
6 THE SHOULDERS.

7
8 DEFENDANT, GOMEZ; THEN TOLD ME THAT HE WANTED ME
9 TO GO TO THE FACILITY PROGRAM HOLDING CELL AREA
10 FOR A STRIP SEARCH AND I COMPLIED. AFTER THE
11 SEARCH AND STILL NAKED INSIDE THE HOLDING CAGE
12 OFFICER SGT. JUAREZ AND FERNANDEZ TOOK OUT THEIR
13 WEAPON MK-9 O/C PEPPER SPRAY AND STARTED SPRAYING
14 ME FOR 4 TO 5 SECONDS, WHEN PLAINTIFF, NEVER JUSTIFIED
15 THE USE OF FORCE AT ANY POINT AND TIME. BASED ON
16 ON THIS ALLEGATION PLAINTIFF, BELIEVES OFFICERS
17 IMPLIED THE USE OF EXCESSIVE FORCE OUT OF RETALIATION
18 AND HARASSMENT.

19
20
21 CAUSES OF ACTION FOR RELIEF:

22
23 PLAINTIFF, TRUJILLO; WAS UNLAWFULLY ASSAULT BY
24 CORRECTIONAL OFFICERS. THE USE OF EXCESSIVE FORCE
25 WAS APPLIED IN BAD FAITH AND ACTED MALICIOUSLY AND
26 SADISTICALLY BECAUSE PLAINTIFF, FILED 602 GRIEVANCES
27 THAT WERE NOT RESPONDE AT ANY LEVEL OF REVIEW
28 IN VIOLATION OF HIS FIRST, EIGHT, AND FOURTEENTH
AMENDMENT OF U.S. CONSTITUTION

1 PLAINTIFF; TRUJILLO REALLEGES AND INCORPORATES
2 BY REFERENCE EACH PARAGRAPH AS ~~THE~~ ^{IF} ~~THOUGH~~ ^{IF} THEY
3 WERE STATED FULL HEREIN.

4
5 DEFENDANT; BETER; HAS FAILED AND REFUSE TO CORRECT
6 OR REMAND HIS COWORKERS UNLAWFUL ACTION AND
7 THEIR PRACTICE OF EXCESSIVE FORCE WHEN OFFICIALS
8 HAVE INTENTIONALLY VIOLATED PLAINTIFF, FIRST,
9 EIGHT, FOURTEENTH AMENDMENT RIGHTS OF THE U.S.
10 CONSTITUTION AS FALLOW:

11
12
13 BY DEFENDANT; BETER; REFUSING ^{TO} REPRIMAND OFFICIALS
14 ACTION'S DURING THE TIME WHEN PLAINTIFF, TRUJILLO
15 FILED HIS C.O.C.R 22 INMATE/PAROLEE REQUEST FORM
16 AND 602 COMPLAINTS.

17
18 BY DEFENDANT; BETER; NOT CORRECTING HIS OWN
19 COWORKERS UNLAWFUL THREATS AND ACTIONS AT THE
20 TIME PLAINTIFF, CLEARLY EXPLAINED TO HIM THEIR
21 UNLAWFUL ACTIONS.

22
23 BY USING THE POWER OF THE STATE LAW BY STATING
24 THAT WHEN OFFICIALS APPLIED THE EXCESSIVE FORCE
25 WAS IN GOOD FAITH EFFORT TO MAINTAIN DISCIPLINE
26 WHEN IT WAS DONE WITH EVIL INTENTIONS AND
27 WANTING TO HARM PLAINTIFF, OUT OF RETALIATION,
28 AND HARASSMENT.

1
2 CAUSATIONS:

3 AS DIRECTED AND PROXIMATELY OF THE AFFORMENTIONED
4 ACTS AND OMISSIONS ON THE PART OF DEFENDANT, BETER,
5 PLAINTIFF, HAS SUFFERED PAIN, AND EMOTIONAL
6 DISTRESS AND GENERAL DAMAGES IN AMOUNT TO BE
7 PROVEN AT JURY TRIAL.

8
9
10 PLAINTIFF, TRUJILLO, HAS NO PLAIN ADEQUATE OR
11 COMPLETE REMEDY AT LAW TO REDRESS THE WRONGS
12 DESCRIBED HEREIN. PLAINTIFF, HAS BEEN AND WILL
13 CONTINUE TO BE IRREPARABLY INJURED BY THE
14 DELIBERATE INDIFFERENCE BY THE CONDUCT OF DEFENDANT,
15 BETER, UNLESS THE COURT GRANTS THE DECLARATORY
16 AND INJUNCTIVE RELIEF WHICH PLAINTIFF, SEEKS.

17
18 PRAYER FOR RELIEF:

19
20 WHEREFORE, PLAINTIFF, TRUJILLO, RESPECTFULLY PRAYS
21 FOR THE FOLLOWING RELIEF:

22
23 A DECLARATORY JUDGMENT THAT THE DEFENDANT
24 DELIBERATE INDIFFERENCE FAILURE TO PROTECT FROM
25 HARM OF PRISON OFFICIALS HEREIN VIOLATED PLAINTIFF,
26 RIGHTS AS HEREIN STATED.

27
28 A PRELIMINARY AND PERMANENT INJUNCTION WHICH
PROHIBITS AND REQUIRES THAT DEFENDANT, BETER,

1 EXPUNGE FROM DEFENDANT; RECORDS THE ALLEGED LETTERS,
2 C.O.C.R 22 FORMS; AND 602 GRIEVANCES EXPLAINING TO
3 DEFENDANT; BETER; HIS COWORKERS UNLAWFULL ACTIONS;
4
5
6 CEASE HIS COWORKERS PRACTICE OF USE OF EXCESSIVE
7 FORCE; THREATS; SEXUAL HARASSMENT; AND FALSE
8 ALLEGATIONS WRITTEN ON C.O.C.R. 115 RULE VIOLATION
9 REPORTS.

10
11 COMPENSATORY DAMAGES ACCORDING TO PROOF FROM
12 DEFENDANT, BETER; THAT HAVE MALICIOUSLY VIOLATED
13 PLAINTIFF, CONSTITUTIONAL RIGHTS;

14
15 COMPENSATORY DAMAGE TO COVER PLAINTIFF, MENTAL
16 ANGUISH AND SEVERE STRESS;

17
18 PUNITIVE DAMAGES OF \$60,000 FROM DEFENDANT;
19 FOUND TO HAVE INTENTIONALLY DENIED PLAINTIFF,
20 RIGHTS;

21
22 PLAINTIFF; COST OF THIS SUIT.

23
24 FOR COST AND REASONABLE ATTORNEYS FEES PURSUANT
25 TO 42 U.S.C. 1988; AND AS THIS COURT DEEMS PROPER
26 AND JUST

27
28 PURSUANT TO 28 U.S.C. 1746, I DECLARE AND VERIFY UNDER
PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED
STATES THAT THE FOREGOING IS TRUE AND CORRECT.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXECUTED ON FEB-08-2016

*RESPECTFULLY SUBMITTED;
GUILLERMO TRUJILLO CRUZ
K.V.S.P. (FA-A4-132)
P.O. Box. 5102
DELANO, CAL 93216*