

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 X No _____

B. Have you filed an appeal or grievance concerning ALL of the facts contained in this complaint?

Yes X No _____

C. Is the process completed?

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

Administrative appeal was by passed at First Level;

Administrative appeal was Denied at Second Level;

Administrative appeal was Denied at Third Level.

(see Exhibit B)

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 EDMUND G. BROWN Jr. is employed as Governor of the State of California
Current Address/Place of Employment Sacramento California

B. Name TIMOTHY M. LOCKWOOD is employed as Chief Regulation & Policy Manager (C.D.C.R.)

Current Address/Place of Employment Regulation and Policy Management Branch, P.O. Box 942883
Sacramento, CA. 94283-0001

C. Name JEFFREY BEARD is employed as Secretary of the C.D.C.R.

Current Address/Place of Employment 1515 'S' Street, P.O. Box 942883, Sacramento CA. 94283-0001

D. Name MATTHEW CATE is employed as FORMER Secretary of the C.D.C.R.

Current Address/Place of Employment Not known

E. Name DOE's 1-10 is employed as HEALTH PROFESSIONALS FOR THE C.D.C.R.

Current Address/Place of Employment _____

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.):

Freedom from Cruel and Unusual Punishment, Reckless Endangerment.

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.):

Cause of action arises under 42 U.S.C. 1983 wherein Plaintiff seeks to redress a deprivation under color of law of a right, privilege, or immunity secured by the Eighth and Fourteenth Amendments of the United States Constitution. Additionally, by reason of all the foregoing and following allegations, Plaintiff was required to retain counsel to institute and prosecute this action and to render legal assistance and advice that he may properly vindicate the loss and impairment of his rights and the rights of.

Defendants acted under color of State law in that Defendants are State Employees, operate the

1 the State prisons, and carry out the policies and practices described
2 herein under the authority of California Statute, Regulation, and Policy,
3 to control Plaintiff's life, prison housing location and prison housing
4 conditions.

5 Eighth Amendment prohibits inhumane methods of punishment and inhumane
6 conditions of confinement.

7 When the State takes a person into its custody and holds him against
8 his will, the Constitution imposes upon it a corresponding duty to
9 assume a responsibility for his safety and general well-being. When the
10 State fails to provide for the needs of a confined individual, including
11 appropriate medical attention and reasonable safety, it transgresses the
12 substantive limits on State action set by the Eighth Amendment.

13 An Eighth Amendment violation is stated when officials can be shown to have
14 known of and disregarded a substantial risk of serious harm to prisoners.
15 Each Defendant knew that Plaintiff was housed at a hyper-endemic prison
16 by the Coccidoides Spore known to be present at elevated levels.

17 Defendants have engaged in a pattern and practice which they knew
18 would place and keep California Prison inmates, including Plaintiff,
19 incarcerated at locations of unreasonable risk of personal injury.
20 Each Defendant has failed to implement protective remedial measures
21 throughout their tenure allowed the dangerous conditions at the prison to
22 continue unabated and proximately and substantially caused Plaintiff
23 to be exposed to a significantly greater risk of exposure at all times
24 subsequent.

25 Despite numerous, repeated and explicit warnings about the serious
26 danger of Valley Fever to inmates at the Hyper-Endemic prisons, Defendants
27 failed to take the reasonable, obvious steps needed to protect those
28 involuntarily in their charge.

1 Defendants knowingly and recklessly promulgated or continued a practice
2 and policy of failing to employ mitigation measures at P.V.S.P., such
3 as paving, landscaping, or planting grass to minimize the spread of the
4 spores, or implementing appropriate measures with respect to ventilation
5 systems to prevent spores from entering the interior of the Facility.
6 Defendants knowingly and recklessly promulgated or continued the practice
7 and policy of failing to warn inmates about the dangers of prisons to
8 which they were involuntarily and forcibly transferred.
9 Had each Defendant implemented protective remedial measures, then
10 Plaintiff's risk of contracting Valley Fever would have been
11 significantly reduced.
12 The Defendant's deliberate indifference to those risks and failure to
13 take action to prevent or reduce the risk caused Plaintiff's Constitutional
14 injuries.
15 Because Defendants, and each of them, failed to implement any reasonable
16 preventive measures, the incarceration of Plaintiff was the equivalent
17 of conducting a human medical experiment without Plaintiff's consent.
18 While a percentage of inmates might be expected to survive the disease,
19 each of the Defendants knew that, for an unacceptable percentage of
20 inmates, including Plaintiff, assignment to any of the San Joaquin
21 Valley Facilities was a potential death sentence.
22 Despite having knowledge about preventive measures, Defendants never
23 implemented these preventive measures at P.V.S.P. and instead have
24 engaged in a pattern and practice that have placed and kept Plaintiff
25 in situations of unreasonable risks of substantial personal harm.
26 At all times relevant, each of the Defendants knowingly and unreasonably
27 disregarded the objectively intolerable risk of harm to Plaintiff by
28 failing to take reasonable and recommended measures to abate the risk

1 of contracting Valley Fever. Defendants, and each of them, have shown
2 deliberate and willfull indifference to the risk imposed upon Plaintiff, all in
3 violation of his Eighth Amendment rights.

4 As direct, proximate and foreseeable result of the conduct of Defendants and
5 each of them, Plaintiff has been damaged in the amount noted in prayer for
6 relief.

7 As a further, direct and proximate result of the conduct of Defendants, and each
8 of them, Plaintiff requires ongoing medical treatment upon release from custody.

9 As such, a comprehensive, Court-Supervised medical monitoring and treatment
10 should be implemented for Plaintiff's benefit.

11 For the reasons stated herein, Plaintiff is entitled to punitive and/or
12 exemplary damages in an amount sufficient to punish Defendant's.

13 IV. CAUSE OF ACTION Claim 1: Supporting facts Page 4.

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

FACTUAL ALLEGATIONS

BACKGROUND OF COCCIDIOIDOMYCOSIS INFECTION

Coccidioidomycosis, commonly known as "Valley Fever" or "San Joaquin Valley Fever" or simply "Cocci", has long been known as a serious infectious disease, which is contracted by inhalation of an airborne fungus, *Coccidioides Immitis*, Once inhaled and lodged in various locations in the respiratory system, the spores grow and transform into large tissue-invasive parasitic spherules.

These spherules then divide, enlarge and rupture, thus releasing many thousands of new "endospores" that can invade surrounding tissue or migrate through the blood to other tissues and organs, where they can repeat the process and continue to invade other locations in the body.

Cocci is endemic in the soil of various areas of the Southwest, Nowhere is it more prevalent, however, than in the San Joaquin Valley of California.

The majority of those infected by the *Coccidioides Immitis* fungus will have minor symptoms that resolve themselves within weeks.

Approximately 1% to 5% of those infected, however, will develop

"Disseminated Coccidioidomycosis", also known as "Disseminated Cocci" and "Disseminated Valley Fever", Disseminated Cocci is a serious infection indicated by a "titer score" of 1:16 or greater and the "titer score" is the most common measurement of the degree of a Cocci infection.

It is well known that disseminated Coccidioidomycosis is progressive, Painful, and Debilitating, and that, if left untreated, it is uniformly fatal once it progresses to meningitis.

Once contracted, there is no iatrogenic cure for the disease, Surgical

1 STATE OFFICIALS, INCLUDING DEFENDANTS, HAVE BEEN

2 AWARE OF THE INCREASED RISK OF VALLEY FEVER AT

3 PLEASANT VALLEY STATE PRISON

4 California health officials have known about the prevalence of the
5 Coccidiomy Cossis, hereto Valley Fever, in the San Joaquin Valley
6 and the disease's acute risks to inmates health for over Fifty Years,
7 (50 years).

8 See SMITH, C.E.: THE EPIDEMIOLOGY OF ACUTE COCCIDIOIDOMY COSIS WITH
9 ERYTHEMA MODOSUM, ("San Joaquin" or "Valley Fever"), American Journal
10 of Public Health 30, at Page 600.

11 In June of 1994, the United States Center for Disease Control and
12 Prevention, hereon the C.D.C, in its publication called "MORBIDITY AND
13 MORTALITY WEEKLY REPORT", (MMWR), issued an article prepared by a group
14 of Physicians and Scientists preeminent in the field of Infectious
15 Diseases, entitled "COCCIDIOIDOMY COSIS-CALIFORNIA 1991-1993"
16 reported on the devastating impact of Valley Fever in Californi, as
17 well as the fact that in the years of 1991 through 1993, 70% of the
18 reported cases of Valley Fever in California arose in the San Joaquin
19 Valley, See <http://www.cdc.gov/mnwr/preview/mmwrhtml/00031453.htm>.

20 Two years later, in 1996, the National Foundation for Infectious
21 Disease held the fifth international conference on Coccidioidomy Cossis,
22 and published a summary of the articles discussed at that conference.

23 Included was the "CALIFORNIA HEALTH SERVICES POLICY STATEMENT ON
24 COCCIDIOIDOMY COSIS", which stated that from 1991 to 1993, California
25 was spending \$60 million dollars on health care costs from

26 Coccidioidomy Cosis infections. It is noted and recognized that
27 individuals, such as the Plaintiff, were at a higher risk for acquiring
28 Disseminated Coccidioidomy Cossis. The report identified the area that

1 houses P.V.S.P. as the most endemic for the Cocci spores and the most
2 likely place to generate Cocci infections. It identified, as
3 preventative measures, the use of spherulin skin tests to identify
4 those not vulnerable to Disseminated Cocci, the use of dust control
5 measures, masks, and the wetting of the soil.

6 In September of 1996, Doctors THEA N. KIRKLAND and JOSHUA FIERER, both
7 of the University of California San Diego's School of Medicine,
8 published an article in Emerging Infectious Disease, a publication of
9 the C.D.C., entitled "COCCIDIOIDOMY COSIS: A REEMERGING INFECTIOUS
10 DISEASE." In this article KIRKLAND and FIERER comment on the Valley
11 Fever epidemic of 1991-1993 reported above, and state: "..the San
12 Joaquin Valley, California, is one of the most highly Coccidioidomy
13 Cosis-endemic regions." See [http://www.cdc.gov/ncidod/ed/vol2no3/
14 kirkland.htm](http://www.cdc.gov/ncidod/ed/vol2no3/kirkland.htm).

15 Dispite this information, the C.D.C.R. built eight,(8), prisons within
16 the hyperendemic regions of San Joaquin Valley: AVENAL STATE PRISON;
17 CORCORAN; WASCO STATE PRISON; NORTH KERN STATE PRISON; PLEASANT VALLEY
18 STATE PRISON; CALIFORNIA SUBSTANCE ABUSE TREATMENT FACILITY AND STATE
19 PRISON, both at Corcoran; and Kern Valley State Prison.

20 For more than twenty years, the health and welfare of California's
21 inmate population has been drastically impacted by C.D.C.R.'s
22 deliberate decisions of locating these prisons in the hyper-endemic
23 region of the Central Valley, significatly overcrowding them, housing
24 inmates at risk or at increased risk from Valley Fever, and failing
25 to implement any of the remedial measures recommended to reduce
26 inmate exposure to Cocci.

27 In November of 2004, RENEE KANAN, M.D., Deputy Director of Health
28 Care Services at C.D.C.R. wrote a memorandum to all Health Care

1 managers, staff members, and other officials within C.D.C.R. regarding
2 Valley Fever and its origin in soil fungus. See KANAN, RENEE, M.D.,
3 "VALLEY FEVER," Department of Corrections Memorandum to Health Care
4 Managers, dated November 05, 2004, (herein after "KANAN" or "KANAN
5 MEMO").
6 The Memorandum included a three-page overview of Valley Fever, its
7 cause, diagnosis, symptoms, and treatment. The memorandum expressly
8 admitted that : (a) prisons in Kern,Kings, and San Luis Obispo counties,
9 which includes AVENAL STATE PRISON, CALIFORNIA STATE PRISON-CORCORAN,
10 KERN VALLEY STATE PRISON, WASCO STATE PRISON, and PLEASANT VALLEY
11 STATE PRISON, are located within areas which host the dangerous Cocci
12 Fungus in the soil; (b) Valley Fever has a "Potentially lethality" for
13 people exposed to theFungus, making it necessary for clinical staff
14 at all C.D.C.R. institutions to maintain a high level of suspicion for
15 the disease; (c) "winds and construction activity may cause the organism
16 to be blown int the air where it can be inhaled, and pneumonia can
17 occure," ;(d) [a] percentage of individuals exposed to Coccidioides
18 lmmittis...will progress to...pneumonia, (the incubation period is up
19 to Four (4) weeks), or to disseminated disease; (e) "if dissemination
20 occures, it usually does so within the First six months following
21 Pneumonia",; (f) "[t]he risk and incidence of disseminated disease
22 are highest in American Indians, Asians, Blacks, and immuno-compromised
23 individuals"; (g)"[d]issemination usually occurs to the skin, bones and
24 meninges, although any part of the body can be involved";
25 (h) "dissemination occurs in 1 out of every 300 patents with pneumonia"
26 but [i]n Hispanics and Blacks, it is 1 in 40"; (i) "a bone scan should
27 be obtained on all patients with known or suspected disseminated disease";
28 (j) bone lesions, back pain and paraplegia may result from Valley Fever,

1 and are often asymptomatic; (k) "[a]symptomatic bone lesions can often
 2 be treated with observation; however, the spine is a particularly
 3 common site of involvement and is often accompanied by the gradual
 4 onset of back pain"; (l) "if spinal bone pain or abnormal x-rays are
 5 ignored, collapse of the spine with trauma to the cord and paraplegia
 6 may result"; (m) "[w]ith spine lesions, surgery is usually required
 7 to drain abscesses and stabilize the spine"; and (n) skin lesions
 8 "imply a poor prognosis and often herald widespread dissemination." id.
 9 The KANAN memo was and continues to be widely available to state
 10 Officials, including the Defendant's after it was initially distributed
 11 to C.D.C.R. officials.
 12 An August 03, 2006 internal memorandum from the director of Adult
 13 Institutions at C.D.C.R. further confirmed that C.D.C.R. officials
 14 knew that they were exposing inmates to an elevated risk of Valley
 15 Fever. See DOVEY AND FARBERSZEKRENYI, Inmate patients at high risk of
 16 Valley Fever Excluded from Specific Central Valley Institutions",
 17 C.D.C.R. Memorandum, dated August 03, 2006.
 18 An internal C.D.C.R. memorandum, dated October 27, 2006, to all
 19 administrative personnel, ostensibly generated at the request of
 20 Sacramento government officials, described the epidemic infection
 21 rates:
 22 2001-42 inmates
 23 2002-38 inmates
 24 2003-80 inmates
 25 2004-66 inmates, 1 death
 26 2005-187 inmates, 5 deaths
 27 2006-1145 inmates, 8 deaths
 28 The Cocci information set forth above "an approximate of the number

1 of inmates with positive Cocci lab results." See DURST, KAREN,
2 "Coccidioidomy Cocci, (cocci) report; "C.D.C.R. Memorandum, dated
3 October 27, 2006.
4 Defendants, and each of them, were also apprised of the ongoing
5 Valley Fever epidemic through a November 20, 2007, C.D.C.R. Memorandum
6 to institutions staff, including wardens of eight prisons located in
7 the hyperendemic area, including all of the aforementioned prisons,
8 identifying a significant increase in the number of Valley Fever Cases,
9 "with deaths attributed to this disease," among inmates in the San
10 Joaquin Valley in "Calendar year 2005".
11 In April of 2012, the California Correctional Health Care Services,
12 (hereafter C.C.H.C.S.) released a report titled, "COCCIDIOIDOMY COSIS
13 IN CALIFORNIA'S ADULT PRISONS, 2006-2010"; which concluded that
14 incidence of Coccidioidomy Cosis has been increasing in some prisons,
15 with rates as high as 7% during 2006-2010. See Coccidioidomy Cosis in
16 California's Adult Prisons 2006-2010. California Correctional Health
17 Care Services Public Health Unit and Quality Management; 2012.
18 As a result, teh annual cost of Coccidioidomy Cosis care and treatment
19 in California Prisons was estimated to exceed \$23 million. id.
20 The report noted that "the incarceration of individuals...in prisons
21 within the endemic areas will continue to provide a stream of
22 challenging and costly cases of coccicioidomy cosis." id.
23 Though all of the prisons in the endemic areas presented a potentially
24 elevated risk of exposing inmates to Valley Fever, there are two (2),
25 AVNAL STATE PRISON and PLEASANT VALLEY STATE PRISON at which these
26 risks are acutely amplified.
27 During 2006-2010, the rate at Avenal State Prison was significantly
28 higher that rates in the County in which it is located. In comparison

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

with the rate in California(7/100,000), the rate at Pleasant Valley State Prison was 1001 times higher (701/100,000). Between 2006 and 2012, approximately 1,800 inmates became infected with Valley Fever at Pleasant Valley State Prison. (hereon P.V.S.P.). The rate at P.V.S.P. was also much higher than the rate in Kern County, the County with the highest rate of Cocci in California, (135/100,000). An April 2012 retrospective study found that the infection rate at P.V.S.P. was approximately 7,011 cases for every 100,000 people. The C.C.H.C.S. Report found that C.D.C.R. had done nothing between 2006 and 2010 that had any effect on Cocci incidence rates at prison institutions in the San Joaquin Valley. This faliture to act continued for years and exhibits deleberate indifference by State Officials. This report received general circulation among C.D.C.R. staff, including wardens, unit managers and executives. Approximatly 36 inmates detained at prison within San Joaquin Valley have died between 2006 and 2011 as a result of exposure to Cocci.

AWARE OF RISK Page 5

//
//
//
//
//
//
//
//
//
//
//

DEFENDANTS KNEW OF THE RISK TO PLAINTIFF

AND FAILED TO TAKE ANY MEASURES TO PROTECT PLAINTIFF

Epidemiological studies have established that, for unknown reasons, Coccidioidomy Cosis in members of certain ethnic and racial groups, including Asians, Hispanics, African-Americans, Filipinos and American-Indians, as well as individuals who have been immune-compromised or immune-suppressed, are more likely to aggressively develop into the disseminated form of Valley Fever. See SMITH, PAPPAGIANIS, et al., Human Coccidioidomy Cosis, Bacteriology Reviews (September, 1961), 25(3), pp. 314, 318, fns. 5, 27 (recognizing more than eight years ago the exceptional susceptibility of African-Americans and Filipinos to Valley Fever).

Preventative measures that can effectively combat the spread of Cocci have been documented in medical literature since the 1940's. See, e.g. SMITH, C.E.:The Epidemiology of Acute Coccidioidomy Cosis with Erythema Nodum ("see Joaquin" or "Valley Fever"), American Journal of Public Health 30 at 600 (June 1940).

Beginning in 2006, numerous experts from various organizations including the C.D.C.R. itself recommended, in addition to screening out at-risk inmates and transferring them away, designing and implementing simple, specific remedial measures at the hyper-endemic prisons in order to reduce inmates exposure to the cocci-containing soil there. Besides the C.D.C.R. experts, the C.C.H.C.S., the California Department of Public Health (C.D.P.H.) and independent public health experts all recommended simple, specific remedial measures. These included landscaping, paving, soil stabilization, limiting and strictly controlling excavation and soil-disturbing activities at the Prisons, limiting inmate exposure outdoors during windy conditions, and providing

1 respiratory protection for inmates who worked outdoors or went outdoors
2 under adverse conditions.

3 In the November 20, 2007 Memo, the C.D.C.R. recognized a mitigation
4 approach that would transfer out of facilities like P.V.S.P., inmates
5 who meet the "Cocci susceptibility exclusion criteria".

6 As described in the memorandum, officials were urged to "[c]onsider
7 planting ground cover or grass on open direct areas within prison
8 grounds" and "[w]hen digging, use protective masks and wet the ground
9 prior to digging".

10 In 2008, Executive order 5-06-08 was issued by then Governor Arnold
11 Schwarzenegger, which declared a state wide drought and "strongly
12 encouraged" local water agencies and districts to take aggressive,
13 immediate action to reduce water consumption. The C.D.C.R. agents and
14 representatives interpreted Executive order 5-06-08 as a directive to
15 stop maintaining such grass cover, thereby substantially increasing
16 the risk that inmates at P.V.S.P. would contract Valley Fever. Upon
17 taking office, Governor Brown, despite explicit knowledge that grass
18 cover is a mitigation technique that minimizes the spread of spores,
19 took no action to mandate that C.D.C.R. stop relying on this Order as
20 a justification for ceasing the only remedial measure in place to
21 reduce Cocci infections at P.V.S.P.

22 Each Defendant was aware that housing inmates at the hyper-endemic
23 prisons posed a greatly elevated risk to those inmates of contracting
24 Valley Fever and that failure to control exposure to the Cocci-
25 containing soil at those locations, (such as construction activity),
26 increased that risk significantly.

27 Defendants were aware that individuals of Hispanic decent, including
28 Plaintiff, are at higher risk for developing the disseminated form of

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

Cocci. This increased risk may be the result of the absence of "Host-Immunity" an immunity against Dissemination that apparently can result from early exposure, (a host immunity is rarely present in individuals who have not previously been exposed to the geographic areas where Cocci is endemic in the soil). Test to determine the presence of this "Host-Immunity" have been available for some time.

At all times relevant, Defendants, and each of them, have been aware of the benefits of this "Host-Immunity" testing process, but at no time have any of Defendants implemented such testing for the purpose of determining who can more safely reside at prison within the San Joaquin Valley.

Defendants response to this disease has been totally inept and in clear violation of Plaintiff's Constitutional rights. Not only did Defendants place Plaintiff in harm's way, they then failed to implement even rudimentary measures recommended by the correctional authority's own Medical experts to protect inmates, such as Plaintiff, from this horrific disease.

FAILED TO TAKE MEASURES Page 3

//
//
//
//
//
//
//
//
//
//

DEFENDANTS FAILED TO DISCLOSE TO

PLAINTIFF THE KNOWN RISKS

Each Defendant responsible for C.D.C.R.-wide or Facility-level inmate operations had the ability to disclose to Plaintiff essential facts regarding the risks from Valley Fever, the increased risk that Plaintiff faced, and the fact that those increased risks, and Plaintiff's resulting injuries, were caused by Defendant's actions, but instead purposely failed to disclose those facts.

Defendant's failed to disclose to Plaintiff the risk factors for the disease, the likelihood of exposure, the common symptoms and progress of the disease, the seriousness of the injuries it causes, the dangerous local conditions that increased Plaintiff's likelihood of contracting the disease, and the fact that Defendants themselves were responsible for the increased risk that Plaintiff faced.

Because these Defendants affirmatively failed to disclose these facts that he faced at P.V.S.P., that Plaintiff was particularly susceptible to those risks, or that the Defendant's wrongful conduct has caused him to be exposed to these increased risks.

Plaintiff relied on Defendants to provide such information and to adequately educate Plaintiff about those risks and the nature of Plaintiff's injuries, and Defendants intended that Plaintiff should so rely.

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 prays for judgment as follows:

- (a) Compensatory damages in the amount of \$100,000.00 against all defendants jointly for pain and suffering, and for future risk of Coccidioidomycosis related illness;
- (b) Intereston Compensatory damages;
- (c) Punitive damages in the amount of \$20,000.00 against all defendants jointly for exposing Plaintiff to the Coccidioidomycosis and failure to protect him from the debilitary Coccidioidomycosis diseases;

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

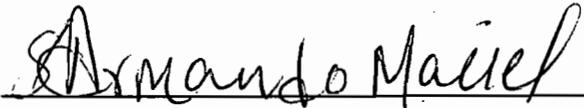
Date: 1-31-2017 Signature of Plaintiff: Armando Maeiel

(Revised 4/4/14)

- (d) Punitive damages in the amount of \$10,000.00 against all defendants jointly and seperately for their intentional deliberate and willful disregard to Plaintiffs exposure to unreasonable harm; pain and suffering, and misery associated with the experience of the disease and its associated management, the loss of health and enjoyment of life attributable to management of a serious disease, depression and demoralization associated with the consequences of living a life-long disease, and the rise, and reality, of its disseminated form resulting in severe health consequences up to and including an early and painful death;
- (e) Interest on Punitive and for exemplary damages;
- (f) Cost of suit, including the expense of experts;
- (g) Sugh other and further relief as this Court may deem just and proper.

DATED: 1-31-2017

RESPECTFULLY SUBMITTED



ARMAND MACIEL, IN PRO PER

V. RELIEF, Page 2

//
//
//
//
//
//
//
//
//
//
//

PROOF OF SERVICE BY FIRST-CLASS MAIL
CCP §§ 1013(a)(3), 2015.5(b)
F.R.Civ.P. Rule 5

I, the undersigned, am a resident of the State of California, U.S.A., Pleasant Valley State Prison, Coalinga, CA. I am over the age of eighteen years and I am a party to this action. My State address is as follows:

ARMANDO MACIEL
J-61440 / AV S.P.
P.O. BOX 8500
COALINGA, CA 93210 JAM.

On the 31st day of ~~JAN~~, 2017 I served the following documents(s) to the party(ies) listed below:

FIRST AMENDE CIVIL RIGHTS COMPLAINT

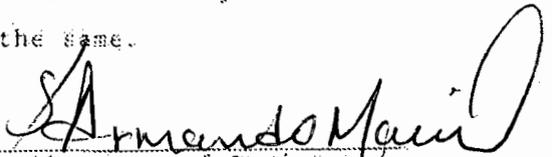
This was done by placing in the hands of a prison guard, true copies, in a sealed envelope, with postage fully paid, to be forwarded via U.S. Mail, and addressed as follows:

CLERK OF THE COURT
EASTERN DIST. CALIF.
2500 TULARE STREET
1501
FRESNO, CA. 93721

OFFICE OF THE ATTORNEY
GENERAL

There is a delivery service by U.S. Mail at the place so addressed for regular communication by/for all the parties involved.

I, the undersigned, assert that the facts contained herein are true, complete, correct, and not meant to be misleading to the best of my firsthand knowledge of the facts and I will freely testify to the same.


Signature of Declarant