

*Original*

Ronald Everett B-09275  
Name and Prisoner/Booking Number

CSP- San Quentin  
Place of Confinement

2C-32  
Mailing Address

San Quentin, Ca. 94974  
City, State, Zip Code

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

**FILED**  
AUG 30 2016  
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**

Ronald Everett  
(Full Name of Plaintiff) Plaintiff,

v.

(1) M. BLACK ISU, OFFICER  
(Full Name of Defendant)

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

Defendant(s).

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

CASE NO. 1:16 CV 01285 DLB PC  
(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT  
BY A PRISONER  
& JURY TRIAL DEMANDED !!**  
 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: Pleasant Valley State Prison

**RECEIVED**  
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**B. DEFENDANTS**

1. Name of first Defendant: \_\_\_\_\_ . The first Defendant is employed as:  
 \_\_\_\_\_ at \_\_\_\_\_  
 (Position and Title) (Institution)
2. Name of second Defendant: \_\_\_\_\_ . The second Defendant is employed as:  
 \_\_\_\_\_ at \_\_\_\_\_  
 (Position and Title) (Institution)
3. Name of third Defendant: \_\_\_\_\_ . The third Defendant is employed as:  
 \_\_\_\_\_ at \_\_\_\_\_  
 (Position and Title) (Institution)
4. Name of fourth Defendant: \_\_\_\_\_ . The fourth Defendant is employed as:  
 \_\_\_\_\_ at \_\_\_\_\_  
 (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? 2. Describe the previous lawsuits:

a. First prior lawsuit:

1. Parties: Ronald Everett v. M.K. Witcher, John/Jane
2. Court and case number: Central District of California - Western Division
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) NO  
CASE# CV-98-8492 LGB (AN)

b. Second prior lawsuit:

1. Parties: Ronald Everett v. P. Brazelton, et al,
2. Court and case number: Eastern District of California (Hesno) 1:12-CV-00680-BAM
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) DISMISSING ACTION  
without prejudice for failure to state a claim

c. Third prior lawsuit:

1. Parties: \_\_\_\_\_ 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

CLAIM I

1. State the constitutional or other federal civil right that was violated: illegal detention and confinement and false imprisonment in violation of the eighth amend.

2. Claim I. Identify the issue involved. Check only one. State additional issues in separate claims.

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

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim 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

Defendant M. Black acted under the color of State law and of all times mention was an employee under ota. filing a peace officers false report, officer acted with malice intent to cause prisoner harm.

Any decision by the civil court in the Plaintiff favor would not imply the validity of his guilty finding and loss of his good-time credits nor necessarily affect his release date. If the Plaintiff successfully challenges the illegal detention and confinement and false imprisonment in ad-seg for (9) nine months, this will not necessarily shorten the Plaintiff sentence, but if compensate the plaintiff for the days and months of illegally detained and false imprisonment in administrative segregation <ad-seg> habeas corpus jurisdiction is absent and a U.S.C. 1983 action is proper where a successful challenge to a prison condition will not necessarily shorten the prisoner sentence. cont. next page.

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

Plaintiff suffered and will continue to suffer injuries in the form of pain and suffering, shame, humiliation, degradation, emotional distress, embarrassment, mental distress, and other injuries.

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 Claim I?  Yes  No
- c. Did you appeal your request for relief on Claim 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. \_\_\_\_\_

1/ on April 10, 2008 (ISU) officer A. Vila came to Plaintiff assigned cell with an 114-D administrative Segregation Unit Placement notice, alleging that Plaintiff was an immediate threat.

NOTE: AT ALL TIMES MENTION Plaintiff was on total lockdown status from December 24, 2007, until date of Lock-up order.

2/ Defendant alleged that she had a search warrant on April 8, 2008. and did retrieve 26.4 grams of Heroin, then officer M. Black drove a state vehicle some 350 miles from Elk Grove, Calif back to Pleasant Valley State Prison (P.V.S.P.)

3/ Defendant brought on the Prison grounds the 24.6 grams and not visitor to falsely accuse Plaintiff.

4/ Defendant allege that she place the 24.6 grams in evidence locker #2.

5/ Then Defendant M. Black wrote a CDC-128B Chorno stating not to release Plaintiff based on the alleged recovery of 24.6 grams.

6/ Defendant used a Procedure/Policy to retain Plaintiff illegally in ad-seg, test results from the department of Justice was not irrelevant to a crime of "CONSPIRACY"

7/ AS nowhere is it stated that Plaintiff was under the influence of a controlled substance, nor is Plaintiff charged with possession. This alleged evidence was used to remove Plaintiff from his limited liberties in accordance with normally of Prison

1 Life.

2 8/ ON October 16, 2008. Plaintiff Filed a 602 on cett  
3 K. Marshall, asking him to explain how a prisoner  
4 can receive a 12 month (aggravated) shu-term  
5 without being found guilty of a charge, he never  
6 answer that question. However continued to state  
7 that the on-going criminal

8 9/ Plaintiff was found guilty on March 10, 2009. some  
9 11 months Later they had to find Plaintiff Guilty  
10 to justify the illegal shu-term.

11 "

12 10. It is entirely possible that the Prison disciplinary  
13 " violation will not factor in at all to the Parole de-  
14 " termination or to the release of the Plaintiff. thus,  
15 " the Plaintiff is not challenging the duration of his  
16 " confinement, but in fact challenging / stating a claim  
17 " of illegal detention and confinement and false  
18 " imprisonment for 9 months unnecessary in vio-  
19 " lation of the first and eighth amendment to the  
20 " U.S. Constitution pursuant to U.S.C. 42, 1983.

21 "

22 "

23 "

24 "

25 "

26 "

27 "

28 "

CLAIM II

1. State the constitutional or other federal civil right that was violated: Due-Process Under the Fourteenth amendment of the United States constitution.

2. Claim II. Identify the issue involved. Check only one. State additional issues in separate claims.

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

3. Supporting Facts. State as briefly as possible the FACTS supporting Claim 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.

Defendant M. Black at all times acted under the color of state law, with intent and malice to cause Prisoner harm, on or about April 8, 2008. Defendant use a fake investigation to later file a false (RVR) Rules Violation Report in direct violation of Penal code 118.1 (space officer false report)

Defendant M. Black Violated (CCR title 15) California Code of Regulation and Penal Code, so there would no way possible for Plaintiff statutory and constitutional rights under the state and federal constitution not be violated due Process afforded him. and defendant action does state a claim.

Penal Code 2932(c)(1)(a) In pertinent Part: the department of corrections shall using reasonable diligence to investigate Provide written notice to the Prisoner. the written notice shall be given within 15 days after the discovery of the information leading to charges that may result in a possible denial of credit. the written notice shall - is mandatory language - include the specific charge the date, the time, the place, that the alleged misbehavior took place. Defendant M. Black failed to provide date, time & place because it never happen.

next. Page,

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).  
Plaintiff suffered and will continue to suffer injuries in the form of pain and suffering, shame, humiliation, degradation, emotional distress, embarrassment, mental distress and other injuries.

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 Claim II?  Yes  No
- c. Did you appeal your request for relief on Claim 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. \_\_\_\_\_

1 Defendant M. Black stated on (RVR) Rules Violation  
2 report that investigation concluded on May 23, 2008.  
3 therefore Plaintiff should have received notice by June  
4 8, 2008. ALSO NOTICE OF UNUSUAL OCCURRENCE sign  
5 by defendant supervisor lieutenant J.C. Smith  
6 shows the date of May 23, 2008. concluded.

7 2/ This is the date that triggers the administrative  
8 and Penal statute of limitations. the time limits for  
9 C.C.R. 3320. of title 15, Code of regulations are un-  
10 ambiguous; yet C.D.C.R. simply ignored them in  
11 this matter. Just as a state prisoner must be  
12 held to stringent dead lines when filing a pet-  
13 ition (see e.g. U.S.C. 2244; the AEDPA's one-year  
14 statute of state prisoners) in the federal courts  
15 state prison employees must comply with the state  
16 Penal code deadlines.

17 3/ Defendant failed to provide Plaintiff with date,  
18 time, and place, on the (RVR), Plaintiff ask the  
19 question can you supply the (SHO) Senior Hearing  
20 officer with the date the accused was going to  
21 introduce the (drugs) controlled substance into  
22 the institution? answer: NO! Why, because defend-  
23 ant introduce the (drugs) into the institution.

24 4/ Defendant further violated Plaintiff due process  
25 Pursuant to title 15, sec, 3321. CONFIDENTIAL INFORM-  
26 ATION, defendant made an false statement alleg-  
27 ing it was another confidential source that indepe-  
28 ndently provided the same information, however failed

1 to provide Plaintiff with disclosure form 1030.

2 5/ In fact there is no confidential source because  
3 the C.D.C. 1030 used on approved Visitor Carol Savant  
4 is a citizen and has no idea what a prisoner do-  
5 ing in prison living on the out-side. 1030 Form  
6 used for inmates providing information so it was  
7 another serious violation using it period.

8 6/ Defendant M. Black served Plaintiff a CDC-115  
9 Rules Violation report that she reviewed and process  
10 for conspiracy to distribute a controlled substance

11 7/ A criminal conspiracy requires two or more people  
12 agreeing to commit a crime done with the commiss-  
13 ion of an overt act by at lease one of the parties

14 8/ The 115 nor any of the CDC-1030 states how I  
15 conspired to have narcotics introduced into P.V.S.P.  
16 there is "no information or evidence that describe  
17 what Plaintiff part of the conspiracy was, what he  
18 Plaintiff agreed to do and to whom he made the ag-  
19 reement with or what his Plaintiff role was in the plan-  
20 ning and carrying out the introduction of the con-  
21 fidential source (cs)

22 9/ there is insufficient evidence to find that Plain-  
23 tiff conspired to distribute a controlled substance.

24 10. Plaintiff never introduced any controlled substance  
25 into any institution for the purpose of sales or dis-  
26 tribution, nor for use and therefore the Plaintiff  
27 did not violate the California code of regulation  
28 (CCR) title 15, sec. 3016, (drug Pass.)



E. REQUEST FOR RELIEF

State the relief you are seeking:

1. Plaintiff respectfully Prays for relief as follows!
2. Issue a declaratory judgment that defendant actions complained of herein violate Plaintiff's rights under the U.S. constitution and as otherwise alleged herein.
3. Award Plaintiff monetary damages, compensatory, and Punitive, in the amount of an hundred dollars per day for illegal confinement in detention and the rest be determined at trial.

Next Page

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

Executed on August 29, 2016  
DATE

  
SIGNATURE OF PLAINTIFF

\_\_\_\_\_  
(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)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.

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4. Award Plaintiff the costs of suit and reasonable attorney's fees

5. Grant Plaintiff such other and further relief as the court deems just and proper.

DECLARATION OF SERVICE BY MAIL  
BY PERSON IN STATE CUSTODY  
(C.C.P. §§ 1013(A), 2015.5)

I, Ronald Everett, the undersigned, declare:

I am over the age of 18 years, and 15 a party to this matter. I am a resident of SAN QUENTIN STATE PRISON, in the County of Marin, State of California. My Prison address is:

Ronald Everett  
CDCR#: B 89275, CELL#: 2C-32  
SAN QUENTIN STATE PRISON  
SAN QUENTIN, CA 94974

On, August, I served the attached:

A 1983 complaint

on the parties, at the addresses listed below, by placing true and correct copies thereof, enclosed in a sealed envelope (verified by prison staff) with postage fully prepaid, in a deposit box provided by San Quentin State Prison, for mailing in the United States Mail as per the regulations governing out-going Legal Mail.

Clerk of the U.S. District Court  
for the Eastern District of California  
2500 Tulare Street  
Fresno, Calif 93721

I declare under the penalty of perjury, under the laws of the State of California, that all the foregoing is true and correct.

Executed on August, at San Quentin, State California.

  
\_\_\_\_\_  
Declarant