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MAR 14 2017

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
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MAR 14 2017

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

UNITED STATES DISTRICT COURT

DEPUTY CLERK

EASTERN DISTRICT OF CALIFORNIA

8 DANIEL COHEN,

9 Plaintiff,

10 vs.

11 SANDRA ALFARO; ALDUKWE N. ODELUGA, S.
12 JOSH MANAVI, CHIEF MEDICAL OFFICER DOE 1,
13 NKSP MEDICAL ADMIN DOE 2, NKSP MEDICAL
14 ADMIN DOE 3

15 Defendant's

Case No.:

1:17-CV-00191-MJS-(PC)

FIRST AMENDED CIVIL RIGHTS COMPLAINT
PURSUANT TO
42 U.S.C. § 1983

Demand for Jury Trial

16 1. PLAINTIFF alleges this civil action is authorized by title 42 U.S.C. § 1983 to redress the deprivation under color of
17 state law, of rights secured by the constitution of the United States.

18 I. JURISDICTION & VENUE

19 2. THE EASTERN DISTRICT OF CALIFORNIA is an appropriate venue under 28 U.S.C. § 1391(b)(2) because it is
20 where the events giving rise to this claim occurred. This court has jurisdiction under 28 U.S.C. § 1331 and § 1343
21 (a)(3), Plaintiff seeks declaratory relief pursuant to 28 U.S.C. § 2201 and § 2202. Plaintiff also submits state law claims
22 under 28 U.S.C. § 1367(a) for actions that have arisen for the same circumstances or events as the constitution
23 violations.

24 II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

25 1. Plaintiff is fully exhausted in administrative remedies. While in custody Plaintiff filed multiple Health Care 602
26 appeal forms to the third (highest) administrative level. Plaintiff received a response from the highest level
27 without satisfactory results. Also while in custody Plaintiff has submitted multiple Victim compensation and
28

1 Government Claims Board (VCGCB) Claims regarding the actions and omissions described in this complaint.
2 Plaintiff has not received satisfactory results from the Victim compensation and Government Claims Board
3 (VCGCB) claims process. This complaint is timely as the original complaint was filed on 01/27/17 and section
4 1983 provides a one year limitation from the date of release. Plaintiff was released from state custody on
5 01/29/16.

6 III. PARTIES

- 7
- 8 2. PLAINTIFF, DANIEL COHEN was a prisoner in state custody of California Department of Corrections and
9 Rehabilitation at, North Kern State Prison located in Delano, California, and California Institution for Men
10 located in Chino, California. At all times mentioned in this complaint.
- 11 3. DEFENDANT, WARDEN SANDRA ALFARO was the acting warden of North Kern State Prison during the
12 dates and times described in this complaint and is sued in their individual capacity.
- 13 4. DEFENDANT, CHIEF MEDICAL EXECUTIVE ALDUKWE N. ODELUGA was the acting Chief Medical
14 executive at North Kern State Prison during the dates and times described in this complaint and is sued in their
15 individual capacity.
- 16 5. DEFENDANT CHIEF MEDICAL OFFICER DOE 1 was the acting Chief Medical Officer at North Kern State
17 Prison during the dates and times described in this complaint and is sued in their individual capacity.
- 18 6. DEFENDANT, NKSP MEDICAL ADMIN DOE 2 was an administrator of medical requests and approvals for
19 North Kern State Prison during the dates and times described in this complaint and is sued in their individual
20 capacity.
- 21 7. DEFENDANT NKSP MEDICAL ADMIN DOE 3 was an administrator of medical requests and approvals for
22 North Kern State Prison during the dates and times described in this complaint and is sued in their individual
23 capacity.
- 24 8. DEFENDANT, DOCTOR S. JOSH MANAVI was the assigned physician and care giver at North Kern State
25 Prison during the dates and times described in this complaint and is sued in their individual capacity.
26
27
28

1 9. Plaintiff will amend this complaint at a later time to include the true names and titles, and positions of
2 Defendants Doe 1 through Doe 3.

3 IV. FACTS

4 10. On or about 01/14/14 while in custody at Los Angeles County Jail Plaintiff underwent a facial reconstruction
5 surgical procedure at Los Angeles County Medical Center. On or about 04/15/14 Plaintiff was diagnosed with
6 entropion to his lower left eyelid which is a complication from surgery that causes the eyelid to fold inwards
7 causing eyelashes and the eyelid itself to irritate the eye. Thus, causing ongoing pain, redness, discomfort,
8 irritation, discharge, and tearing of the left eye and pain to the left eye socket and left cranial area. On or about
9 05/08/14 Plaintiff was in custody transferred from Los Angeles County Jail to North Kern State Prison with this
10 medical complication unresolved.

11 11. Plaintiff was placed into the custody of DEFENDANT WARDEN SANDRA ALFARO Therefore, As Warden
12 of North Kern State Prison Plaintiff was under the direct care of DEFENDANT SANDRA ALFARO for all of
13 Plaintiffs personal needs and Plaintiff was subjected to all actions, policies, practices and customs set forth by
14 DEFENDANT SANDRA ALFARO and therefore, directly established a causal relationship or connection with
15 Plaintiff.

16 12. On or about 05/15/14 Plaintiff was medically evaluated by Doctor Le at North Kern State Prison during the
17 normal diagnostic procedure all inmates are subject to.

18 13. During consultation with Doctor Le Plaintiff gave a detailed medical history of past surgeries at LAC+USC
19 medical center and Doctor Le ordered the medical records from LAC+USC.

20 14. Doctor Le also began the process to refer Plaintiff to seek treatment for his entropion.

21 15. On or about 05/22/14 Plaintiff was transported to Triangle eye institute located in Delano, California to consult
22 with Dr.Yaplee.

23 16. On or about 05/29/14 Dr. Yaplee recommended and referred Plaintiff to an ocular surgeon.

24 17. On or about 06/19/14 Plaintiff was evaluated via tele med consult with Dr. Kitt an Ear, Nose, and Throat
25 specialist who recommended and referred that Plaintiff be seen by an ocular plastics surgeon.

26 18. On or about 07/23/14 Plaintiff was transported to San Joaquin Valley Medical center to consult with a plastic
27 surgeon Dr. Michael B. Freeman.
28

1 19. Dr. Michael B. Freeman recommended and referred that Plaintiff return to LAC+USC for correction of the
2 entropion.

3 20. On or about 08/06/14 Plaintiff was called to consult with Dr. S. Josh Manavi Plaintiffs Primary Care Provider
4 (PCP).

5 21. Upon belief and information, DEFENDANTS Chief Medical Executive Aldukwe N. Odeluga and Chief
6 Medical Officer Doe 1, and NKSP Medical Admin Doe 2, and NKSP Medical Admin Doe 3, participated in the
7 decision-making process, evaluated, oversaw, administrated, and denied the medical referral ordered by Dr.
8 Freeman for Plaintiff to receive medically necessary corrective treatment at LAC+USC medical center. As it
9 was the duty and the primary scope of DEFENDANTS Chief Medical Executive Aldukwe N. Odeluga and
10 Chief Medical Officer Doe 1, NKSP Medical Admin Doe 2, and NKSP Medical Admin Doe 3 employment to
11 administrate over the process of approving and denying and facilitating requests for prisoners medical care and
12 therefore, directly established a causal relationship or connection with Plaintiff.

13 22. DEFENDANTS Chief Medical Executive Aldukwe N. Odeluga and Chief Medical Officer Doe 1, NKSP
14 Medical Admin Doe 2, and NKSP Medical Admin Doe 3 all acted with deliberate indifference to Plaintiffs
15 serious medical needs and therefore, directly established a causal relationship or connection with Plaintiff.

16 23. DEFENDANT Dr. S. Josh Manavi told Plaintiff “Your referral to LAC+USC for corrective surgery was
17 denied” “LAC+USC is not a contract hospital with North Kern State Prison” And “You should speak with a
18 lawyer”

19 24. DEFENDANT Dr. S. Josh Manavi could have done more to help Plaintiff, but failed to take any action to
20 advocate for Plaintiff’s medical needs, advocate for Plaintiffs medical urgency, nor did he attempt to find
21 alternate methods of medical treatment.

22 25. On or about 08/08/14 Plaintiff was in custody transferred to California Institution for Men located in Chino,
23 California.

24 26. Upon arrival at California Institution for men Plaintiff was placed under the care of Dr. Bahua Wang and or
25 Muhammad Farooq.

26 27. Plaintiff filed multiple Victim compensation and Government Claims Board (VCGCB) claims

27 28. Plaintiff began to file several CDCR form HC-602 administrative medical appeals to obtain proper pain
28 medication, equipment, and the necessary corrective surgery.

1 29. Plaintiff continued to file appeals and government board claims for the denial of treatment and the referral for
2 corrective treatment to LAC+USC.

3 30. Plaintiff sent correspondence to an organization that advocates for prisoners' rights called the Prison Law
4 Office (PLO) located in San Quinten, California seeking assistance with Plaintiffs medical needs.

5 31. Plaintiff received a response from the PLO stating that the federal receiver was overseeing Plaintiffs case.

6 32. On or about 03/23/15 Plaintiff was transported to Riverside County Medical Center aka RCMC to consult with
7 Ophthalmology.

8 33. RCMC ophthalmologists recommended and referred Plaintiff to an ocular plastics specialist at Loma Linda
9 University Medical Center aka LLUMC for evaluation and treatment for the Entropion.

10 34. On or about 04/25/15 Plaintiff underwent surgery for entropion repair performed under the care of Doctor Issacs
11 at LLUMC.

12 35. Plaintiffs left eyelid was sutured closed for approximately two weeks after the surgery.

13 36. Plaintiffs sutures were removed and a few days later Plaintiffs lower left eyelid reverted back to the entropion.

14 37. On or about 09/21/15 Plaintiff underwent a second entropion repair surgery with Dr. Issacs at LLUMC

15 38. Plaintiffs left eyelid was sutured closed for approximately two weeks after the surgery.

16 39. Plaintiffs sutures were removed and a few days later Plaintiffs lower left eyelid reverted back to the entropion.

17 40. On or about 01/26/16 Plaintiff underwent a third entropion repair surgery with Dr. Issacs at LLUMC

18 41. Plaintiffs left eyelid was sutured closed for approximately two weeks.

19 42. Plaintiff was released from custody on 01/29/16

20 43. Plaintiffs sutures were removed at LLUMC during a follow-up visit and a few days later Plaintiffs lower left
21 eyelid reverted back to the entropion.

22 44. On or about 04/25/16 Plaintiff consulted with Dr. Issacs for a follow-up. When Dr. Issacs recommended another
23 surgery to attempt to repair Plaintiffs lower left eyelid entropion.

24 45. Around this Plaintiff learned that the Prison Healthcare system would not cover the costs of future treatments.

25 46. Plaintiff has been working diligently to try to resolve this issue as best as possible and Plaintiff began the
26 process of obtaining Medi-Cal insurance and obtained a new primary care physician at LAC+USC.

27 47. Beginning on or about 06/01/16 to 01/01/16 Plaintiff has consulted with several doctors and physicians at
28 LAC+USC who have been unsuccessful at providing corrective treatment.

- 1 48. As of 03/08/16 Plaintiff is currently waiting to be evaluated by ophthalmology at LAC+USC
- 2 49. Plaintiff has been suffering moderate to severe acute pain to his left eye and cranial area for approximately
- 3 three years to date, due to this lower left eyelid complication.
- 4 50. Plaintiff has suffered greatly as this issue has remained unresolved and has been extended for such an
- 5 unreasonable amount of time.
- 6 51. Plaintiff experiences daily pain, irritation, redness, tearing and discharge of the left eye.
- 7 52. Plaintiff is at risk of corneal infection and corneal degradation.

8

9 V. LEGAL CLAIMS

10

11 53. FIRST CAUSE OF ACTION FOR DENYING AND DELAYING OF MEDICAL CARE

- 12 54. Plaintiff realleges and incorporates by reference all of the paragraphs above.
- 13 55. On or about 08/06/14 Plaintiff was in custody at North Kern State Prison and had a serious medical need
- 14 because Plaintiff's lower left eyelid had a complication known as entropion. Plaintiff was therefore placed
- 15 among the class of persons to whom Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF
- 16 MEDICAL OFFICER DOE 1, NKSP MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3, S.
- 17 JOSH MANAVI all owed a duty as part of a special relationship.
- 18 56. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1,
- 19 NKSP MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3, S. JOSH MANAVI all took part in
- 20 the decision-making process and held roles of authority and liability over the adequate and proper provision
- 21 of medical care to plaintiff.
- 22 57. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1,
- 23 NKSP MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3, S. JOSH MANAVI failed to
- 24 provide Plaintiff with medically necessary medical care and treatment that was previously ordered by a
- 25 physician, failed to provide Plaintiff with medically necessary treatment and care for Plaintiff's serious
- 26 medical needs. Failed to perform such duties to help Plaintiff's medical needs which fall within the scope
- 27 of their employment. Failed to maintain the standard of care commonly performed by others of the same
- 28 profession. Failed to advocate for plaintiff and Plaintiff's serious medical needs. Failed to insure Plaintiff

1 received adequate and proper medical treatment within a reasonable time. Was a moving force behind the
2 denial and delaying of medical care and treatment previously ordered by a physician.

3
4 58. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
5 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3, S. JOSH MANAVI all acted knowingly and
6 recklessly and acted according to deliberately indifferent policies, procedures, and or customs established,
7 maintained, upheld, supported, sustained and promogulated by SANDRA ALFARO.

8 59. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
9 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3, S. JOSH MANAVI failed to advocate for
10 Plaintiffs serious medical needs and failed to provide Plaintiff with medically necessary medical care and
11 treatment that was previously ordered by a physician.

12 60. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
13 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3, S. JOSH MANAVI took part in and denied
14 plaintiff previously ordered medically necessary corrective treatment for his complication of entropion although
15 Defendants named supra had several options and alternate means of action that could have provided Plaintiff
16 with the corrective treatment required.

17 61. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
18 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3, S. JOSH MANAVI had knowledge of
19 Plaintiffs serious medical needs because Plaintiff was medically examined and the issue was heavily
20 documented along with multiple verbal complaints made by Plaintiff during consultations. Therefore;
21 Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
22 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3, S. JOSH MANAVI acted with deliberate
23 indifference to Plaintiffs serious medical needs.

24 62. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
25 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3, S. JOSH MANAVI actions or omissions
26 violated Plaintiffs right to be free of cruel and unusual punishment guaranteed by the 8th amendment of the
27 constitution.
28

1 63. As a direct result and proximate result of Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA,
2 CHIEF MEDICAL OFFICER DOE 1, NKSP MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3,
3 S. JOSH MANAVI actions or omissions described in this complaint, Plaintiff was denied medically necessary
4 corrective treatment and the medical issues continued for an extended and unnecessary period of time. Plaintiff
5 is and was exposed to substantial risk of serious harm by way of infection. Plaintiff suffered wanton pain and
6 affliction of physical and mental anguish and emotional distress in that plaintiff was forced to endure pain and
7 suffering for an unreasonable period of time with little to none provision of assistance to mitigate the pain and
8 suffering and or physical and mental anguish or emotional distress, due to Defendants SANDRA ALFARO,
9 ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP MEDICAL ADMIN DOE 2, NKSP
10 MEDICAL ADMIN DOE 3, S. JOSH MANAVI inadequate and improper provision of medical care and
11 medical care management.

12 64. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
13 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3, S. JOSH MANAVI acted knowingly,
14 willfully, and maliciously with reckless and callous disregard for Plaintiffs federally protected rights.

15 65. As a result of Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER
16 DOE 1, NKSP MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3, S. JOSH MANAVI actions or
17 omissions Plaintiff has suffered and will continue to suffer extreme hardship and actual and impending
18 irreparable injury, pain, and emotional distress in that Plaintiff has unreasonably and unnecessarily suffered for
19 an extended period of time posing great hardship and undue burden upon plaintiff and making plaintiffs daily
20 life more difficult.

21
22 66. SECOND CAUSE OF ACTION FOR DELIBERATELY INDIFFERENT POLICY, PRACTICE, OR
23 CUSTOM
24

25 67. Plaintiff realleges and incorporates by reference all of the paragraphs above.

26 68. On or about 05/08/14 through 08/08/14 Plaintiff was in custody at North Kern State Prison (NKSP) and was an
27 inmate. Plaintiff was therefore, subjected to the policies, customs, and practices or policy statement, ordinance,
28

1 regulations or decisions officially adopted and promulgated by North Kern State Prison and SANDRA
2 ALFARO.

3 69. Or was subjected to actions which had not received formal approval through the bodies of North Kern State
4 Prisons official decision making channels and actions that were persistent, wide spread or permanent and well
5 settled practices, or edicts and acts of subordinate officials who's conduct could fairly be said to represent
6 official policy, or administrative inaction.

7 70. On or about 05/08/14 through 08/08/14 Plaintiff was subjected to policy or customs or administrative inaction
8 that allowed North Kern State Prison Administrators SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF
9 MEDICAL OFFICER DOE 1, NKSP MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3 to deny
10 Plaintiff previously ordered medically necessary corrective treatment for his complication of entropion although
11 Defendants named supra had several options and alternate means of action that could have provided Plaintiff
12 with the corrective treatment required.

13 71. On or about 05/08/14 through 08/08/14 Plaintiff was subjected to policy or customs or administrative inaction
14 that caused Plaintiff's serious medical needs to be set aside and untreated. Placing Plaintiff into a state of
15 inadequate and improper provision of medical care. Therefore, giving way to a state of deliberate indifference to
16 Plaintiffs serious medical needs and violating Plaintiffs right to be free of cruel and unusual punishment
17 guaranteed by the 8th amendment to the constitution.

18 72. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
19 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3, S. JOSH MANAVI failed to provide Plaintiff
20 with medically necessary medical care and treatment that was previously ordered by a physician, failed to
21 provide Plaintiff with medically necessary treatment and care for Plaintiffs serious medical needs. Failed to
22 perform such duties to help Plaintiff's medical needs which fall within the scope of their employment. Failed to
23 maintain the standard of care commonly performed by others of the same profession. Failed to advocate for
24 plaintiff and Plaintiffs serious medical needs. Failed to insure Plaintiff received adequate and proper medical
25 treatment within a reasonable time. Was a moving force behind the denial and delaying of medical care and
26 treatment previously ordered by a physician.

27 73. As a direct and proximate result of the customs or practices, and policies of SANDRA ALFARO described in
28 this complaint amounted to deliberate indifference, Thus Plaintiffs rights were violated and Plaintiff was denied

1 previously ordered and medically necessary medical treatment which proximately or directly caused Plaintiff to
2 suffer extended and unnecessary wanton pain and suffering, mental anguish and affliction of emotional distress.

3
4 74. THIRD CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE

5 75. Plaintiff realleges and incorporates by reference all of the paragraphs above.

6 76. On or about 08/06/14 Plaintiff was in custody at North Kern State Prison and was an inmate, Plaintiff was
7 therefore, placed among the class of persons to whom Defendants SANDRA ALFARO, ALDUKWE N.
8 ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP MEDICAL ADMIN DOE 2, NKSP MEDICAL
9 ADMIN DOE 3 owed a duty as part of a special relationship.

10 77. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
11 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3 had a duty to use such skill, prudence, and
12 diligence as other members of his or her profession commonly possess and exercise.

13 78. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
14 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3 negligently failed to provide Plaintiff with
15 medically necessary medical care and treatment that was previously ordered by a physician, failed to provide
16 Plaintiff with medically necessary treatment and care for Plaintiffs serious medical needs. Failed to perform
17 such duties to help Plaintiff's medical needs which fall within the scope of their employment. Failed to maintain
18 the standard of care commonly performed by others of the same profession. Failed to advocate for plaintiff and
19 Plaintiffs serious medical needs. Failed to insure Plaintiff received adequate and proper medical treatment
20 within a reasonable time. Was a moving force behind the denial and delaying of medical care and treatment
21 previously ordered by a physician.

22 79. As a direct and proximate result of the negligence of Defendants SANDRA ALFARO, ALDUKWE N.
23 ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP MEDICAL ADMIN DOE 2, NKSP MEDICAL
24 ADMIN DOE 3 actions or omissions described in this complaint, Plaintiff was denied medically necessary
25 corrective treatment and the medical issues continued for an extended and unnecessary period of time. Plaintiff
26 is and was exposed to substantial risk of serious harm by way of infection. Plaintiff suffered wanton pain and
27 affliction of physical and mental anguish and emotional distress in that plaintiff was forced to endure pain and
28 suffering for an unreasonable period of time with little to none provision of assistance to mitigate the pain and

1 suffering and or physical and mental anguish or emotional distress, due to Defendants SANDRA ALFARO,
2 ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP MEDICAL ADMIN DOE 2, NKSP
3 MEDICAL ADMIN DOE 3 negligence.

4 80. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
5 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3 acted knowingly, willfully, and maliciously,
6 and with a reckless and callous disregard for Plaintiffs rights protected by California Laws.

7 81. As a result of Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER
8 DOE 1, NKSP MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3 actions or omissions Plaintiff
9 has suffered and will continue to suffer extreme hardship and actual and impending irreparable injury, pain, and
10 emotional distress in that Plaintiff has unreasonably and unnecessarily suffered for an extended period of time
11 posing great hardship and undue burden upon plaintiff and making plaintiffs daily life more difficult.

12
13 82. FOURTH CAUSE OF ACTION FOR FAILURE TO PROVIDE ADEQUATE AND PROPER MEDICAL
14 CARE

15
16 83. Plaintiff realleges and incorporates by reference all of the paragraphs above.

17 84. On or about 08/06/14 Plaintiff was in custody at North Kern State Prison and had a serious medical need
18 because Plaintiffs lower left eyelid had a complication known as entropion. Plaintiff was therefore placed
19 among the class of persons to whom Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF
20 MEDICAL OFFICER DOE 1, NKSP MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3 all owed
21 a duty as part of a special relationship.

22 85. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
23 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3 all took part in and had roles of authority and
24 liability over the adequate and proper provision of medical care to plaintiff.

25 86. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
26 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3, S. JOSH MANAVI failed to provide Plaintiff
27 with medically necessary medical care and treatment that was previously ordered by a physician, failed to
28 provide Plaintiff with medically necessary treatment and care for Plaintiffs serious medical needs. Failed to

1 perform such duties to help Plaintiff's medical needs which fall within the scope of their employment. Failed to
2 maintain the standard of care commonly performed by others of the same profession. Failed to advocate for
3 plaintiff and Plaintiffs serious medical needs. Failed to insure Plaintiff received adequate and proper medical
4 treatment within a reasonable time. Was a moving force behind the denial and delaying of medical care and
5 treatment previously ordered by a physician.

6 87. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
7 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3 denied plaintiff medically necessary corrective
8 treatment for his complication of entropion although Defendants named supra had several options that could
9 have provided Plaintiff with the corrective treatment required.

10 88. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
11 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3 had knowledge of Plaintiffs serious medical
12 needs because Plaintiff was medically examined and the issue was heavily documented along with multiple
13 verbal complaints made by Plaintiff during consultations. Therefore; Defendants SANDRA ALFARO,
14 ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP MEDICAL ADMIN DOE 2, NKSP
15 MEDICAL ADMIN DOE 3 acted with deliberate indifference to Plaintiffs serious medical needs.

16 89. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
17 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3 actions or omissions violated Plaintiffs right to
18 be free of cruel and unusual punishment guaranteed by the 8th amendment of the constitution.

19 90. As a direct result and proximate result of Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA,
20 CHIEF MEDICAL OFFICER DOE 1, NKSP MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3
21 actions or omissions described in this complaint, Plaintiff was denied medically necessary corrective treatment
22 and the medical issues continued for an extended and unnecessary period of time. Plaintiff is and was exposed
23 to substantial risk of serious harm by way of infection. Plaintiff suffered wanton pain and affliction of physical
24 and mental anguish and emotional distress in that plaintiff was forced to endure pain and suffering for an
25 unreasonable period of time with little to none provision of assistance to mitigate the pain and suffering and or
26 physical and mental anguish or emotional distress, due to Defendants SANDRA ALFARO, ALDUKWE N.
27 ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP MEDICAL ADMIN DOE 2, NKSP MEDICAL
28 ADMIN DOE 3 inadequate and improper provision of medical care and medical care management.

1 91. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
2 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3 acted knowingly, willfully, and maliciously
3 with reckless and callous disregard for Plaintiffs federally protected rights.

4 92. As a result of Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER
5 DOE 1, NKSP MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3 actions or omissions Plaintiff
6 has suffered and will continue to suffer extreme hardship and actual and impending irreparable injury, pain, and
7 emotional distress in that Plaintiff has unreasonably and unnecessarily suffered for an extended period of time
8 posing great hardship and undue burden upon plaintiff and making plaintiffs daily life more difficult.

9
10 FIFTH CAUSE OF ACTION FOR NEGLIGENT OR INTENTIONAL INFLICTION OF EMOTIONAL
11 DISTRESS

12 93. Plaintiff realleges and incorporates by reference all of the paragraphs above.

13 94. On or about 08/06/14 Plaintiff was in custody at North Kern State Prison and was an inmate and under the care
14 of Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
15 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3 owed a duty as part of a special relationship.

16 95. On or about 08/06/14 Plaintiff was informed that his medically necessary treatment was denied by prison
17 officials and prison medical employees.

18 96. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
19 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3 negligently failed to provide Plaintiff with
20 medically necessary medical care and treatment that was previously ordered by a physician, failed to provide
21 Plaintiff with medically necessary treatment and care for Plaintiffs serious medical needs. Failed to perform
22 such duties to help Plaintiff's medical needs which fall within the scope of their employment. Failed to maintain
23 the standard of care commonly performed by others of the same profession. Failed to advocate for plaintiff and
24 Plaintiffs serious medical needs. Failed to insure Plaintiff received adequate and proper medical treatment
25 within a reasonable time. Was a moving force behind the denial and delaying of medical care and treatment
26 previously ordered by a physician.

1 97. Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER DOE 1, NKSP
2 MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3 conduct was intentional and deliberate and
3 done with a wanton and reckless disregard of the consequences to Plaintiff.

4 98. As the proximate result of the actions or omissions alleged above plaintiff suffered fright, worry, grief, shame,
5 humiliation, and embarrassment, mental anguish, and emotional distress and physical distress because Plaintiff
6 was worried plaintiff felt he would not get the treatment he required. Plaintiff felt sudden and extreme terror,
7 and sharp sorrow and annoyance. Plaintiff felt dishonored and disgraced and was disappointed by the actions or
8 omissions of Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL OFFICER
9 DOE I, NKSP MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3. Plaintiff felt a loss of pride,
10 self-respect and dignity. Plaintiff felt burdened with shame and self-conscience and was injured in mind and
11 body.

12 99. The actions or omissions of Defendants SANDRA ALFARO, ALDUKWE N. ODELUGA, CHIEF MEDICAL
13 OFFICER DOE 1, NKSP MEDICAL ADMIN DOE 2, NKSP MEDICAL ADMIN DOE 3 alleged above were
14 willful, wanton, deliberate, reckless, oppressive and improper and justify the awarding of exemplary and
15 punitive damages.

16
17 VI. DAMAGES

18 100. On or about 05/08/14 through 01/29/16 Plaintiff sustained consistent moderate to severe acute pain, redness,
19 irritation, discomfort, and tearing for his left eye.

20 101. On or about 05/08/14 through 01/29/16 Plaintiff sustained consistent moderate to severe acute pain to his left
21 eye socket and front left cranial lobe.

22 102. On or about 05/08/14 through 01/29/16 Plaintiff has suffered great hardship and undue burden placed upon his
23 daily living activities.

24 103. On or about 05/08/14 through 01/29/16 Plaintiff has suffered extended mental anguish and emotional distress.
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VII. PRAYER FOR RELIEF

104. Plaintiff has no plain or adequate or complete remedy at law to redress the wrongs described in this complaint.

105. Plaintiff has been and will continue to be irreparably injured by the conduct of defendants unless this court grants declatory and compensatory relief and other such relief plaintiff seeks.

106. WHEREFORE; Plaintiff respectfully prays that this court enter judgment granting Plaintiff:

107. A declaration that acts and omissions described herein violated plaintiff's rights under the constitution of laws under the united states and the constitution of laws of California.

108. Award plaintiff the following compensatory damages against all defendants jointly and severally as follows;

| | |
|--|-------------|
| As to past and future mind and body injuries | \$2,000,000 |
| As to past and future medical and mental care | \$1,000,000 |
| As to past and future physical, mental, and emotional pain and suffering | \$1,000,000 |
| As to punitive and exemplary damages | \$1,000,000 |
| TOTAL | \$5,000,000 |

109. Plaintiff requests nominal damages in an unknown amount.

110. Plaintiff requests a jury trial for all matters triable by jury.

111. Plaintiff requests his costs and expenses in suit.

112. Plaintiff requests reasonable attorney fees in suit.

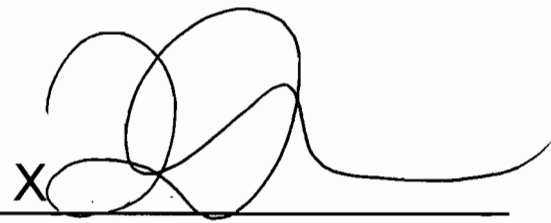
113. Plaintiff requests any additional relief this court deems just, proper, and equitable.

VERIFICATION

I DECLARE UNDER THE PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FORGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. AS TO MATTERS BASED UPON BELIEF AND INFORMATION I BELIEVE THEM TO BE TRUE TO THE BEST OF MY KNOWLEDGE.

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RESPECTFULLY SUBMITTED

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right. The signature is positioned above a horizontal line.

X
DANIEL COHEN
PRO-SE

DATED THIS 7TH DAY OF MARCH 2017