

Casson T DeJohnette # BB-5379
Name and Prisoner/Booking Number
 North Kern State Prison (Delano)
Place of Confinement
 P.O. Box 5004
Mailing Address
 Delano, CA, 93216
City, State, Zip Code

FILED
 MAY 19 2017
 CLERK, U.S. DISTRICT COURT
 EASTERN DISTRICT OF CALIFORNIA
 BY _____ DEPUTY CLERK

gme

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

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

Casson T. DeJohnette)
(Full Name of Plaintiff) Plaintiff,)
 v.)
 (1) Sgt. O. Gonzalez)
(Full Name of Defendant))
 (2) Officer PEREZ)
 (3) Warden Kelly Santoro)
 (4))
 Defendant(s).)
 Check if there are additional Defendants and attach page 1-A listing them.

CASE NO. 17-CV-00696 MJS
(To be supplied by the Clerk) (PC)

CIVIL RIGHTS COMPLAINT
BY A PRISONER

Original Complaint
 First Amended Complaint
 Second Amended Complaint

Jury Trial Demanded

A. JURISDICTION

- 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: _____
- Institution/city where violation occurred: North Kern State Prison (Delano)

B. DEFENDANTS

1. Name of first Defendant: Kelly Santoro. The first Defendant is employed as:
Warden at Delano State Prison (NK)
(Position and Title) (Institution)
2. Name of second Defendant: Sgt O. Gonzalez. The second Defendant is employed as:
Sergeant at Delano State Prison (NK)
(Position and Title) (Institution)
3. Name of third Defendant: Officer Perez. The third Defendant is employed as:
CO. ETO Perez at Delano State Prison (NK)
(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? ____ Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - b. Second prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - 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: Excessive force by an officer

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

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

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.

Sergeant O. Gonzalez, he open handed Slapped me and picked me up out of the wheel chair, twisted my elbow and rammed me into the ground.

Officer Perez, assisted with throwing me to the ground and twisting my elbow and hand cutting me behind my back.

Warden Santora denied my -1002's that where put in regarding this incident

I suffer from Congestive Heart Failure, I who ~~was~~ wear a face mask and suffer from COPD

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

My elbow, and I was slammed against my face mask in my chest. I was thrown around in front of witness also

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. _____

E. REQUEST FOR RELIEF

State the relief you are seeking:

I Am seeking a Jury Trial
for prosecution, as well mandatory damages.

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

Executed on 5-7-17
DATE


SIGNATURE OF PLAINTIFF

George Hurzer Clerk
A45411
(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.

Additional Summary of incident:

I was housed in C-west, on 11-21-16. The medical staff came, LVN FARINDE assisted me. I was short of breath could not walk, my chest was hurting me. LVN FARINDE call for a wheel chair so i could be transported to the medical office. When the wheel chair ^{ARRIVED} there was officer perez Sgt O. Gonzales. I was helped by LVN FARINDE in the wheel chair. I was holding some medical papers that i had from the doctor at L.A. County jail. Sgt. O. Gonzales ask what was that i had in my hand, i then said these are for the doctor. Sgt. O. Gonzales said you cannot give them to him. Then we went back and forth about the medical papers. And Then he had a officer, take the papers away from me, so we talking back and forth, then i replied, i was going to give these papers to the doctor. He ask me who in the hell do i think he was, i said an officer, he said at that time you can't talk to me like that. ^{Sgt} O. Gonzales then Slap me with an open hand (right) in my face real real hard, pick me up out of the wheel chair, at that point, he twisted my arm around my back (right) and slam me in to the ground on my left side of my chest where my pace-maker is install, I was hurt real bad and next thing i notice, was Sgt. Gonzales and officer Perez was picking me up.

off the ground and putting me back into the wheel chair. At that time Sgt. O Gonzalez escorted me to the medical office where they tended to my elbow. All this was done on the ~~the~~ A side of C-west about half of all A side witness the assault. I put in all the 602 complaint that the institution require, I wrote the complaint about, or on 11-22-16 and did not hear anything until C.D.C. ~~E- Affairs~~ E-Affairs was notified, which was on

Dec 17th 2016 - at which time i was called into the office by officer Martinez he then took pictures of my elbow and i was sent to medical the next day for X-RAYS of My chest and elbow.

During that period I was interviewed by two different Lt's 1 Sgt. Lopez. At the final level of my complaints It was that they C.D.C. did a investigation and they found or came to a conclusion that the complaints and the assault never happen. Here are some of the other inmates that was in C-west A side that witness it. They investigated B-side and people who were not there. Thank You

[Signature] 5-7-17

- 1 Scott Grimes: c.o.c # BB-3885
- 2 Anthony Lopez # BB-5584
- 3 Francisco Vasquez # BB-2878
- 4 Brandon Bellani # BB-2892
- 5 Sanchez # BB-3178