

Page 1 of 2 RECEIVED

AUG 24 2017

1 Mr. Michael FRIES./K-15230.
2 Kern Valley State Prison, P.O.B.
3 5103; Delano, Calif., 93216.
4 Petitioner/Plaintiff, In Pro Se:

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

7 In The United States District Court
8 For The Eastern District of California

10 Mr. Michael Fries,
11 Plaintiff,
12 vs.
13 CDCR Dir, Kernan,
14 Warden, Pfeiffer, et al.
15 Defendants).

Motion For Relief
From E-Filing
Procedures.

Case No.

1:17-mc-0064-SAB

18 This Motion, is addressed to the Honorable
19 Justice, and to whom I gratefully attempt
20 to file this Civil Rights Complaint, and Motion,
21 under the 1st, 5th, 8th, and 14th Amendments
22 to the United States Constitution. Due to:
23 any meaningful or adequate access to
24 the law library; see below, "Complaint" re
25 pp's, 5, and 8, ln's, 11-23; ~~above~~ Moreover, there is
26 an absence of available state corrective process
27 and circumstances exist rendering such process
28 ineffective; See, Title 15, (CCR) Sec. 3123(b); 3160(a).
Date: Aug. 17, 2017. Signatures: Michael Fries.

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

I, Michael FRIES,, declare:

I am over 18 years of age and a party to this action. I am a resident of Kern Valley State Prison,

in the county of Kern, in the

State of California. My prison address is: PO Box 5103, Delano,
California, 93216.

On August 17, 2017,
(DATE)

I served the attached: Motion For Relief From E-Filing Procedures;
And, Civil Rights Complaint, under 42 USC § 1983.
(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

Attn: Clerk of the U.S. District Court For The Eastern District of California; 2500 Tulare Street, Rm. 1501, Fresno, Calif., 93721. Regal Mail.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on Aug. 17, 2017
(DATE)

Michael Fries
(DECLARANT'S SIGNATURE)

Thursday, 17 August, 2017

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SEP 26 2017

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

Dear Clerk of the Court,

This correspondence will find you well to sure. Please find enclosed my Civil Rights Complaint, under 42 USC Sections 1983, et al. Too, a Motion seeks Relief from e-Filing procedures. I have also sent you a Petition to Proceed In Forma Pauperis, on this day separately, per the institution's regulations. In addition, I seek a copy of my Complaint, and Motion, as well as your confirmation in receiving. I am unable to staple or make copies due to the below, and have done my best in securing the enclosed with rubberbands. Please send my local Rules of Court and/or FRCP.

I further ask this Court for an Order that a wheelchair be provided; as the Walker recently given is efficient, yet not sufficient to keep the Plaintiff from falling and cracking his head, thus adding to the concussive effects experienced, and experiencing, as in the cases cited below; please see, page 16, lines 20-23; pg. 18, lns. 19-23; pg. 20, lns. 20-22; pg. 22, lns. 1-5. Thanks you for your time and no doubt hardwork.

Sincerely, Michael J. Fay

Page 1 of 2.

Wednesday, 20 September, 2017

Dear Clerk of the US Dist. Court
of the Eastern Dist. (Sacramento Div.);
Good day to you. It is my privilege as
a citizen of the United States to present
this Civil Complaint (25 Pages), under 42
USC. Sec. 1983, et al; Motion For Relief
From E-Filing Procedures (2 pages), under
the Constitutional Amendments (USCA) 1, 5, 8,
and 14, as well as under the US District
Court's (Eastern Dist.) "Instructions for
E-Filing Program," page 2, (or relief thereof);
And, Motion/Application to Proceed In Forma
Pauperis (7 pages), under the same. In
that even if I were not a US citizen,
I would have the right to file a Section
1983 action under, *Martinez v. City of
Los Angeles*, 141 F.3d 1373 (9th Cir. 1998).

For all that, I have sent the enclosed
Petition(s) to the USDC Clerk of the East-
ern Division (Fresno Div.) in accordance
with the court's own guidelines - twice; i.e.,
Civil Complaint - 25 pages; Motion For Relief From
E-Filing Procedures - In Forma Pauperis - 15 pages
(Per "instructions"). See my enclosed "additional
letter" of 09/07/17; And, Clerk's Notices) x 3;
And so, again attempt to file the hereta, herem.
[Thank you] - *Mitchell F. Felt* -

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

I, Mr. Michael FRIES, declare:

I am over 18 years of age and a party to this action. I am a resident of Kern Valley
State Prison,

in the county of Kern, in the

State of California. My prison address is: P.O. Box 5103, Delano,
California, 93216.

On September 20, 2017,
(DATE)

I served the attached: letter, et al. to the US Dist. Court Clerk, i.e.,
Civil Complaint; In Forma Pauperes; Motion For Relief, et al.
(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

Att: Clerk, of the US District Court, For the Eastern
Dist. of California; 501 "I" Street, Suite 4200,
Sacramento, Calif., 95814. legal Mail.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 09/20/17
(DATE)

Michael Fries
(DECLARANT'S SIGNATURE)

RECEIVED

Thursday, 7 September, 2017

SEP 11 2017

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

Dear Clerk, of the Court
Ms. Marianne Matherly,

I have no access to the law library or said E-Filing Procedure, despite asking for access at least once a week. My last access to the Law Library was May 25, 2017, for thirty-four minutes. I have exhausted my "remedies."

On Aug. 20, 2017: I sent a Civil Rights Complaint; A Motion for Relief From E-Filing Procedure; And, Petition to Proceed In Forma Pauperis, to this Court.

On Aug. 31, 2017: The I.F.P. sent to the Court (see above) is returned with a statement by the Clerk "... case number could not be identified for the attached filing..." Even though it states on page one of the I.F.P. that said Complaint and Motion(s), were sent the same day.

On Sept. 5, 2017: The above/below Motion For Relief From E-Filing, and Complaint were returned to me; See enclosed, "Clerk's Notice(s)" ->

Page 3.

signed the herein under the penalty of perjury, and in that my statements are to be taken as true, according to your "instructions." Further, said Constitutional Rights supersede Chief Judge Morrison C. England, Jr.'s Standing Order dated Sept. 24, 2014, for E-Filing Procedures, respectively. (See, Clerk's Notice). And in conjunction with the court's instructions I have properly submitted to this Court a Complaint, and said Motions to be ruled on by the District Court Judge; See, USCA. 1, 5, 14.

Sincerely,

Michael Fries*

* Mr. Michael Fries. /K-15230.
Kern Valley State Prison, P.O. Box
5103, Delano, Calif., 93216.

Plaintiff's Name Mr. Michael FRIES.
CDCR No. K-15230.
Address Kern Valley State Prison
P.O. Box 5103, Delano, Calif.
93216. Plaintiff In Pro Se.

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

(Name of Plaintiff)

(Case Number)

Mr. Michael Fries;
CDCR. Director, Kernan;
KVSP. Warden, Praiffer;
CO, J. Mc. Alister;
CO, D. Sellers;
Ms. R. Timoley;
Capt. Faulkner;
Appeals Coordinator, C. Gonzalez;
Appeals Coordinator, A. Lucas;
Doctor, Ch. Chen;
Nurse Practitioner, R. Lozovoy;
Doctor, Saw;
Chief Medical Officer, Speith.

CIVIL RIGHTS COMPLAINT UNDER:

42 U.S.C. 1983 (State Prisoner); 42 USC Sections, 12102-12121, et seq.; and, 504 of the Rehabilitation Act, 29 USC, Sec. 794; i.e., the 1st, 5th, 8th, and 14th, Amendments to the US Constitution.

(Names of all Defendants)

I. Previous Lawsuits (list all other previous or pending lawsuits on additional page):

- A. Have you brought any other lawsuits while a prisoner? Yes No
- B. If your answer to A is yes, how many? Several

Describe previous or pending lawsuits in the space below. (If more than one, attach additional page to continue outlining all lawsuits in same format.)

See, page 67, of Federal Habeas (USDC) Case No. 8:16-cv-01687-R-DFM. (Central).

1. Parties to this previous lawsuit:

Plaintiff Michael Fries.

Defendants Kamala Harris, et al.

2. Court (if Federal Court, give name of District; if State Court, give name of County)

US District Court (Central), Los Angeles/Santa Ana.

3. Docket Number See above.

4. Assigned Judge Real/McCormick.

5. Disposition (Was the case dismissed? Appealed? Is it still pending?)

Habeas, denied. Appeal pending; Nussle Cr. 17-55585.

6. Filing Date (approx.) Sept. 12, 2016

7. Disposition Date (approx.) Mar. 22, 2017.

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 No ; inadequate and subject to machinations.

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

Yes No See above and below.

C. Is the process completed?

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

Plaintiff took each available appeal to the extent allowed. In that the PLRA contains its own, textual exception, specifically, the "exhaustion requirement hinges on the 'availability' of administrative remedies. See, Booth v. Churner, 532 US 73 (2001). See also, Ross v. Blake, Case No. 15-329; See below...

No If your answer is no, explain why not.

The Supreme Court described three circumstances: 1). "officers unable or consistently unwilling to provide any relief to aggrieved inmates"; when remedies are: 2). "so opaque" or confusing... "practically speaking, incapable of use"; 3). When officials "stuart" the "process through machinations, misrepresentation or intimidation." See below.

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. See above.

A. Name _____ is employed as _____

Current Address/Place of Employment Kern Valley State Prison.

B. Name _____ is employed as _____

Current Address/Place of Employment " "

C. Name _____ is employed as _____

Current Address/Place of Employment " "

D. Name _____ is employed as _____

Current Address/Place of Employment " "

E. Name _____ is employed as _____

Current Address/Place of Employment " " , et seq.

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 from cruel and unusual punishment, etc.):

Stopping of/and Receiving of Mail/Legal Mail, in violation of the 1st, 5th, 8th, and 14th Amendments to the United States Constitution (USCA).

* 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.):

1). The manipulation of legal Mail, i.e., Habeas Corpus sent (re copy received April 6, 2016, and again, June 10, 2016), to the Superior Court of Kern County, Case No. HC015040A, Filed, February 26, 2016, and; wherein "of limited Duty" within the 02/25/14 Health Care Appeal (Appx "D") therein, is crossed with blackmarker, and later, no longer crossed out in copies from said →

See below additional pages;

* **Claim 2:** 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.):

Denial of any meaningful access to the law library by Ms. B. Tinsley, and the institution, in violation of the 1st, 5th, 8th, and 14th USCA.

* **Supporting Facts** (Include all facts you consider important to Claim 2. 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 2.):

Plaintiff was/is denied access to the law library by the institution/librarian Ms. Tinsley, but for half a dozen times, since 03/17/14, to the current date; despite my requests each and every week; in that Plaintiff has supplied affirmative documents to the courts, and is unable to do so here because of the above. Please see, Superior Court of Kern County, Habeas^{#1} (conditions of confinement) Case No. H014090; →

See below additional pages;

* V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Plaintiff seeks declaratory and injunctive relief; *
compensatory and punitive damages for 10 Million dollars,
for mental, emotional, and physical injuries. Trial by
jury. All outgoing and incoming mail be delivered promptly.
Recognition of ADA status; Wheelchair, MBT, neurological
work up (see also page 24); Pain management and therapy. And
meaningful, adequate access to the law library. Thank you.

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

Date: Aug. 17, 2017 Signature of Plaintiff: Michael J. Fry

(Revised 4/4/14)

* And was these individuals in their individual
and official capacities acting under color of law.

Claim 1.): (cont.); *

1 Court, showing verifiable proof of (Legal Mail) being
2 opened by the prison (KVSP) and manipulated
3 before I receive it from the court; And in which
4 I then sent a letter and copy of 02/25/14 (HCA)
5 received April 6, 2016, from said court to "Court
6 Executive Officer, Terry McNally and for Judge
7 Katz, thereof.

8
9 2). The stopping of outgoing and/or incoming
10 of Legal Mail to:

11 Attorney, Ms. Janice Bellucci, sent, 02/05/15;
12 Attorney, Lance Weber, sent, 02/08/15;
13 Attorney, Chris Calabrese (ALW) sent 02/16/15;
14 Senator, Feinstein, on/sent, 03/08/15;
15 Representative, Weber, sent, 08/09/15, and 09/12/15;
16 Post Conviction Assistance Center, sent, 09/07/15.
17
18

19 3). The stopping of outgoing and incoming
20 mail, (letters, subscriptions, donations) to "Mother
21 Jones Magazine" since approximately 06/15/14,
22 to the present date.
23

24 4). The stopping of outgoing and incoming
25 mail to and from: "Friends Committee On
26 Legislation Of California," i.e., Newsletter,
27 donations, letters, from approx. 01/01/15,
28 to the present date.

1 5). Stopping of and refusal to deliver a
2 most favored book, ordered on 04/21/16; and
3 again on 08/07/16; i.e., "The Mainstream of
4 Civilization, Since 1500 - Chapters 16-34,"
5 (Paperback).

6
7 6). Stopping of and refusal to deliver a
8 "Georgetown Law Journal", ordered on
9 10/24/16; and again on 02/8/17, (Paperback).
10

11 * Claim 2.): Supporting Facts (continued); and
12 Superior Court of Kern County, Habeas #2,
13 again, (conditions of confinement) Case No.
14 HCO15040A; Respectively Filed, 06/23/14,
15 and, 02/26/16. See also, Federal Habeas
16 Corpus USDC (Central), Case No. 8:16-cv-01687-
17 R-DFM, as filed Sept. 12, 2016, i.e., Appx. "K";
18 And, Response To Order To Show Cause, thereof,
19 Appx. "B", as filed, Oct. 24, 2016, as a
20 [continuing] denial of said access to the
21 present day.
22
23

24 * Claim 3: Assault and Battery, instigated
25 by individuals of the institution, in deliberate
26 indifference of infliction of pain maliciously
27 and sadistically in violation of the 1st, 5th,
28 8th, and 14th U.S.C.A. (cont.) →

1 Additionally was/is, deliberate indifference
2 of known medical needs in the Plaintiff
3 being denied surgery/and rehabilitation,
4 for virtually a year for a fractured floor
5 eye socket, etc. (See below, Claim 4.), and
6 resulting in excessive scarring of the
7 optical nerves (double vision, etc.); and
8 further, in lieu of providing no medical
9 records (Claim 4.) to the hospital/Doctor(s)
10 on the day of surgery, i.e., 06/05/17.
11
12

13 Moreover, denying the Plaintiff's right
14 to Appeal/Petition in R.V.S.P.; denying me
15 "Medical Reports, Recommendations, and
16 Procedures done," on discharge from the
17 hospital; i.e., on 06/09/17.
18

19 * Claim 3; Supporting Facts: On Aug. 31, 2016,
20 while walking out to receive evening meds
21 at 8PM, in a new process of distribution
22 (and intentional to the assault) that would
23 occur, i.e. via c/o, Sellers, inter alia.), I
24 am approached from behind and suckerpunch-
25 ed on the right side of my face, in
26 which I am temporarily knocked uncon-
27 scious. Despite right side of face being
28

1 black and blue, and very swollen over the
2 next two weeks, et al., no Incident Report
3 or Medical is provided, i.e., physician.
4

5 On Sept. 20, 2016: Returning from law
6 library with copies slung over my shoulder
7 of a Civil Complaint against K.V.S.P., (left at
8 the law library on 9/13/16, i.e., three weeks),
9 an inmate runs up from behind me and
10 punches me in the right eye. I throw
11 one punch to back, him off, and then
12 drop to ground to defend myself with
13 leg due to severity of damage to eye
14 (i.e. concussion(s), etc.) until guards
15 walk over, after alarm.
16
17

18 On Sept. 20, 2016: I sent a CDCR Form
19 22, to Building Staff, explaining assault(s),
20 threats, etc., and requesting move, i.e., in
21 allowing me to pack up my own property.
22

23 On Sept. 25, 2016, I sent a CDCR Form
24 22, to Facility Captain re above, and
25 being cut off from law library, Medical,
26 Church, Phone, Shower, Food, etc., as
27 inmates re attack(s) also serve food,
28 i.e., they(are) the building Porters. I

1 believe the Captain to be the same in an
 2 unlawful rollup to Administrative (Ad seq.)
 3 Segregation Feb. 24, 2014; And, oversaw
 4 unlawful assault and battery of Plaintiff
 5 by C/O, McAlister, on June 9, 2010, along
 6 with another guard (in Ad seq. for refos-
 7 ing cellmates), and in which a guard
 8 in the tower stopped them at guardpost,
 9 telling them to: "Stop it now!" (x 3), and
 10 of which I never threw a blow or in
 11 any way instigated. Please see, Federal
 12 Habeas Corpus (Appx. "J"), as Filed, Sept. 12,
 13 2016, (see above), Case No. 8:16-CV-01687-R-
 14 DFM. See also, "Response To Order To Show
 15 Cause," thereof, (Appx. "A."); Filed, 10/24/16.

18 On Oct. 2, 2016, I am called to the
 19 Program Office (on yard) re Rules Violation
 20 Report (for fighting) re attack of 09/20/16.
 21 Inmate of 09/20/16 attack, is also called
 22 out (at same time). While standing in line
 23 before Program Office, said inmate begins
 24 telling others of my conviction. One inmate
 25 makes a start for me but backs off. I
 26 enter (unlocked) Program Office a few
 27 minutes later and inform a group of guards
 28 of my predicament, due to the continued

1 threats. After informing them (approx. 12),
2 they [yell] at me in unison: "Get out!"
3 over and over. Back in line, the inmate
4 attacks me, wherein the alarm goes
5 off soon after the C/O's exit the Program
6 Office, pepperspraying me in the eyes;
7 A grenade is thrown at my head and
8 goes off in my eyes three feet away,
9 while I'm laying down. No punch is thrown
10 by me, but only blocks. Thirty minutes
11 later, still unable to see, I am brought
12 before the lieutenant and found guilty
13 of "Mutal Combat" re 09/20/16. I'm sent
14 to Ad. Sec. immediately, while other
15 inmates are returned to housing units.
16
17

18 On June 5, 2017, I was transported
19 to San Joaquin Community Hospital,
20 Bakersfield, where I watch an P.N.
21 exclaim, "There's no medical records here
22 from the prison?" Dr. Freeman, said
23 "that's okay; we'll proceed." Surgery was
24 performed that day to the best of the
25 doctor's ability. All doctors seen previously,
26 i.e., Dr. Twansley (specialist); Dr. Freeman
27 (plastic surgeon); Dr. Garret (anesthesiologist);
28 and Dr. Howard (physician assistant); all

1 said at different times and locations, i.e.,
 2 (separately) that the eye should have
 3 been fixed long ago and that scarring
 4 no doubt has occurred. Dr. Freeman, the
 5 surgeon was adamant. That is "within
 6 two weeks of injury."
 7
 8

9 On the early morning of June 9, 2017, I
 10 was asked to sign "Discharge papers" of
 11 which listed "Medical Reports, Recommen-
 12 dations, and Procedures done, etc. I
 13 asked the nurse if I could have them.
 14 He stated he would give them to the
 15 C/O's (standing there). I explained,
 16 that the C/O's would not give them to
 17 me, but to the prison; also explaining
 18 of the laborious process "Olsen Review"[†]
 19 of attempting to obtain those records,
 20 if ever; One must also obtain this ^{††}
 21 form from the law library. Set office
 22 to say, I did not sign.
 23
 24
 25
 26

27 * Claim 4: The institutions (KUSP) denial
 28 of Americans with Disability Act Status,
 i.e., A.D.A. Status, in deliberate indifference

†. Plaintiff is also on heat meds, i.e., temperatures are triple digit.
 ††. No yard for people on heat meds; etc., etc.

1 of known medical needs and infliction of
2 pain maliciously and sadistically in the
3 violation of the 1st, 5th, 8th, and 14th USCA.
4

5 * Claim 4; Supporting Facts; Plaintiff
6 was cracked his head open several times
7 in life; The first, being in Bogota, Columbia,
8 falling backward off a high-diving board,
9 wherein, I spent a month in the hospital
10 there in recovering from a coma, and
11 reconstruction of the back, of my skull,
12 etc. And the last, being hit by a truck
13 as a pedestrian in Corte Madera, in
14 Marin County, California; wherein I
15 spent the same (approx.) in Marin Gen-
16 eral Hospital, with dislocations of legs,
17 torn ligaments, fractured spine (x2),
18 cracked head (front and back), etc.
19
20
21

22 In that these documents were provided
23 to Calif. Dept. of Corrections and Rehabilita-
24 tion (C.D.C.R.), upon my imprisonment
25 by my family as was [incumbent] to
26 do so; For C.D.C./C.D.C.R. would not pro-
27 vide the Plaintiff with lower tier/bunk,
28 etc., for 20 years, due to kindness, to

1 be sure. Moreover, I have no faith in
2 CDCR's documentation, or its medi-
3 cal records, at all; As evidenced in
4 my filing Habeas Corpus in the Superior
5 Court of Kern County, Case No. HCO14090,
6 filed, 06/23/14; Case No. HCO15040A, filed,
7 02/26/16; inter alia. Amongst many cell mates.
8
9

10 On Feb. 24, 2014, after a confrontation
11 with guards (C/O's) regarding whether I
12 was to be cuffed in front or back, Dr.
13 C.R. Chan, found it in his perview to
14 send me a one page copy of a (new)
15 Medical Classification Chrono (Chrono's
16 are allegedly to be shown to C/O's on
17 demand), on Feb. 25, 2014, backdated
18 to Feb. 14th, and upgrading me to
19 "Full Functional Capacity," (despite not
20 having seen said doctor for months),
21 from "Limited Functioning Capacity." In
22 that, to this day, this is reflected
23 in all CDCR generated paperwork;
24 See, Kern Habeas (Appx. "D"), as filed, 02/23/16.
25
26
27
28

1 On April 20, 2015, I'm seen by a Nurse
2 Practitioner (NP), Dr. Hozovoy, R. (posing
3 as a doctor) who becomes upset and
4 yells at me when I can't put my
5 arm back far enough for his liking
6 (re left shoulder), and then states:
7 "I don't know?" He then tells me to
8 leave; "Get out!"

11 On April 24, 2015, I received a copy
12 of a (new) Medical Classification Chrono-
13 CDCR-123-C3, i.e. 1 page of 2 (disavowing
14 my renewal for a new COT Chrono, as
15 we are told this must be done yearly),
16 in indicating my "level of care" is "OP,"
17 and "Functional Capacity" is "Full Duty." The
18 new Chrono is dated, April 20, 2015; At
19 the bottom of the Chrono is a paragraph
20 blacked out by black marker, under "Medi-
21 cally confidential," of which states
22 in raised letters, "Inmate with history
23 Chronic Knee pain, Chronic lower back
24 pain and left shoulder pain with his-
25 tory of traumatic injury..." etc. See,
26 Heru Superior Court (Appx. E.), the same.
27
28

See also, Chronos for reading glasses, 06/02/17; and Sunglasses, 08/09/17, i.e., reflecting "Full Duty," etc., "temporary" issue. In that, Plaintiff's disabilities are neither temporary or slight. In disabled; not an invalid.

Further, has been a refusal to take X-rays on 05/05/14, 05/24/14, 04/20/15, and 07/05/15, etc., of my (entire) spine in order to evaluate, in conjunction with the entirety of all injuries, past and present.

Concurrently, (understanding Plaintiff's rights have been violated faster than can be appealed, in light of Appeals Coordinators, C. Gonzalez, and A. Lucas, et. al., etc., etc., omissions and obfuscations) Plaintiff provides the following enumeration of events under Chief Medical Officer/Executive, Dr. Speith, here at Kern Valley State Prison, after the before said attacks on Aug. 31, Sept. 20, and Oct 2, 2016:

That is to say partial enumeration;

- On 10/03/16: Plaintiff puts in a Medical Request, i.e., C.D.C. Form 7362, Seeking physician re eye(s), and concussion(s); Also, sending letter to U.S. Dist. Court, (Same) re Habeas Corpus; and again, 10/05/16.
- On 10/10/16: Medical Request, hereafter, (7362), sent re Optometrist/Ophthalmologist.
- On 10/19/16: I'm seen by Dr. Ulit, who recommends Ophthalmologist, re blackouts/vertigo.
- On 11/02/16: Saw Ophthalmologist, Dr. Berard, who orders/submits before Dr. Speith a request for C.T. Scan, Neurological workup.
- On 11/30/16: I see Dr. Berard (Optu.) again, who orders, C.T. Scan, MRI, Neurological workup, re blackouts, vertigo, etc.
- On 12/01/16: Plaintiff has blackout in dayroom on way to shower; No alarm as I recover myself after a few minutes, as witnessed by C/O, Ms. Castillo, in the Tower. She asks, "Are you okay? Should I hit the alarm?" "No," I state. I send 7362's to Physician, and Psychiatrist, after I request a 7362 from LVN, who says she will drop one off later. She doesn't.

- 1 • On 12/14/16: I saw Dr. Ulit, and tried
2 to offer him my one page documentation
3 of ails, events, and medical needs; i.e.,
4 "Can you copy it and put it in my file?"
5 He briefly looks at it and says, "No." But
6 ordered CT Scan, and Walker. Asked about
7 MRI and Neuro work up; He says, That's up
8 to Dr. Speith. Request Wheelchair; "No."
9
10 • On 12/15/16: Sent 7362, seeking x-ray of
11 left shoulder, entire spine, and left knee;
12 Also, MRI and Neurological work up.
13
14 • On 12/16/16: Saw Dr. Ulit, who states: "Dr.
15 Speith, has denied your request for MRI."
16
17 • On 12/17/16: I'm called to Medical and
18 given a Walker; Expires, 1/15/17.
19
20 • On 12/29/16: I'm taken to Crisis Treat-
21 ment Center (C.T.C.) for CT. Scan.
22
23 • On 12/30/16: I saw Dr. Ulit, who states,
24 "Chief Physician Dr. Speith has denied
25 your request for a neurological work up;
26 That I should document with building
27 nurse blackouts/vertigo." Upon my re-
28 turn to building I inform Nurse Mathew,
who states: "We need the doctor's order
for that." I begin own Blackout/Vertigo log.

- 1 • On 12/14/16: I saw Dr. Ulit, and tried
2 to offer him my one page documentation
3 of ails, events, and medical needs; i.e.,
4 "Can you copy it and put it in my file?"
5 He briefly looks at it and says, "No." But
6 ordered CT Scan, and Walker. Asked about
7 MRI and Neuro work up; he says, That's up
8 to Dr. Speith. Request Wheelchair; "No."
- 9 • On 12/15/16: Sent 7362, seeking x-ray of
10 left shoulder, entire spine, and left knee;
11 Also, MRI and Neurological work up.
- 12 • On 12/16/16: Saw Dr. Ulit, who states: "Dr.
13 Speith, has denied your request for MRI."
- 14 • On 12/17/16: I'm called to Medical and
15 given a Walker; Expires, 1/15/17.
- 16 • On 12/29/16: I'm taken to Crisis Treat-
17 ment Center (C.T.C.) for C.T. Scan.
- 18 • On 12/30/16: I saw Dr. Ulit, who states,
19 "Chief Physician Dr. Speith has denied
20 your request for a neurological work up;
21 That I should document with building
22 nurse blackouts/vertigo." Upon my re-
23 turn to building I inform Nurse, Matheot,
24 who states: "We need the doctor's order
25 for that." I require own Blackout/Vertigo log.

- 1 • On 01/06/17: Sgt. Cruz, calls me to Kitchen
2 and hands me a Mobility Impairment Vest.
3 He also puts in a 7362 for me directing
4 Medical to update my status as "records
5 do not show any of my disabilities"; "It's
6 a new state," as I look on in wonder.
7 I inform him of my Petition in the Calif.
8 Supreme Court re this issue. He states,
9 "I didn't know that."
10
- 11 • On 01/06/17: I inform c/o's of a blackout,
12 and send 7362 to Dr. Ulit, re nurses
13 Mallroot (12/30/16) and Corwin (01/06/17) not
14 having "Orders" to document per Dr.'s instruction.
15
- 16 • On 01/09/17: I'm called to Medical where
17 Nurse Gorman states: "The nurses will
18 document them." I say, "But they're not."
19
- 20 • On 01/10/17: I have blackout while hav-
21 ing day room, witnessed by c/o Mr. Hernandez,
22 etc. c/o, Frudel also present.
- 23 • On 01/11/17: I saw Dr. Ulit, who says
24 my "orbital floor is broken", and is send-
25 ing back to Dr. Bernard. I ask if he
26 can put my self documentation of Dec 14;
27 and "Blackout and Vertigo log of 12/31/16 to
28 Jan. 10, 2017, into Medical File? He says,

1 "I don't know where to put it?" I try
2 again; "I don't know what to do with it?"
3 States again, "I'll make an order for the
4 nurses to document," etc. Upon returning
5 to the building I speak with nurses and
6 C/O Hernandez, about witnessing blackout;
7 He says, "I'll write something up." I give
8 up on logging blackouts/vertigo.

9
10
11 • On 04/18/17: I inform nurses of blackout;
12 Again, "No Order From Dr. Ulot, to document."
13 I put in 7362, to that effect.

14 • On 04/20/17: I'm brought to C.T.C. and
15 see Dr. Berard, again, who says he will
16 send me to an outside specialist and reco-
17 mmend an MRI and Neurological, again.

18 • On 04/26/17: I'm transported to outside
19 specialist, Dr. Twansly, who schedules me
20 for eye surgery, i.e., "You should have had
21 this fixed within two weeks."
22

23 • On 05/10/17: I'm transported to San Joaquin
24 Community Hospital and saw a Dr. Freeman,
25 who states the same, and that he will
26 recommend surgery to KVSP, i.e., Dr. Speth.

27 • On 05/24/17: I saw Dr. Ulot, who says he
28 "will submit Dr. Freeman's report to C.M.E, hopez."

- 1 • On 05/26/17: I have a blackout in AM
2 dayroom in front of C/O, Tindel, Sgt. Neibert,
3 Psych. Tech. Ms. Che, and C/O, Sanchez, in
4 the Tower. Told to sit on bench and am
5 returned to cell.
6
- 7 • On 06/05/17: Transported to San Joaquin
8 Hospital for surgery, where Dr. Freeman, states,
9 "I had to scrape a lot of scab of the nerves."
10 He asks me to stay a couple of more days
11 after 06/08/17, of which I refuse. Dr.
12 Garret, also makes statement of, "Too much
13 time gone by." Dr. Howard (P.A) states, "nerve
14 may have been cut and numbness on right
15 cheek may never subside, re 06/08/17, visit.
16 Upon discharge, I refuse to sign papers re
17 not receiving my Medical Reports, recommen-
18 endations, Procedures done, etc. See pp. 19,
19 above. Returned to KVSP, 06/09/17.
20
- 21 • On 07/26/17: I'm Transported to San Joaquin
22 Hospital to meet with Dr. Freeman, who says
23 he will recommend that I see Ophthalmologist
24 Dr. Twansky, re continued crossing of eyes,
25 pain, etc., and "will follow up."
26
- 27 • On 07/31/17: I send letter to Doctors & Staff,
28 at San Joaquin Community Hospital, i.e., Thank you.
- On 08/09/17: I see Dr. Ralvante, who rec-
ommends follow up with Dr. Twansky, inter alia.

1 Plaintiff suffers from Traumatic Brain Injury
2 (TBI); i.e., ringing in the brain, etc.; is part-
3 ially deaf in left ear; has vertigo (often,
4 i.e., daily); Brief blackouts (approx. three times
5 a week, now); Post Traumatic Stress Disorder
6 (PTSD), i.e., noise, lights, space, nightmares;
7 Moreover, I lack communicating life skills
8 (often; though much better than the past),
9 and social graces in speech, learning and
10 reading, due to concentration/retention
11 disabilities (though I am prolific in writ-
12 ing, I believe - given time. I currently
13 have obtained (see above) visual impairments
14 in the form of blurred, and double vision,
15 especially looking above the horizon of
16 the horizon. The pupils are of different
17 sizes too, now (still); and suffer from
18 severe headaches (daily); Pain in left
19 shoulder (daily); and often severe pain in
20 spine and legs due to various trauma. I
21 am often subject to "Rubber leg", in which
22 the left leg goes completely numb and
23 turns rubbery from the knee down for
24 short periods of time (two to three times,
25 or more, a week). Further, I have diffi-
26 culty in walking, standing too long, lifting,
27
28

1 bending; and find that if I do not do
 2 exertions at least three days a week,
 3 I atrophy quite quickly. This happens
 4 often, as I do not exercise often.
 5 I try and have a high tolerance for pain,
 6 as you can see; and if I have to do so,
 7 can move "quickly", briefly. So, there you
 8 have it; most of it anyway. In that,
 9 1). I have serious medical need, i.e.,
 10 multiple; 2). Prison officials have shown
 11 deliberate indifference to these serious
 12 medical needs; ongoing; And yet for
 13 my exertions in the courts; And,
 14 3). This deliberate indifference has
 15 caused injury and pain; is, causing
 16 injury and pain, and will progressively
 17 cause injury and pain.
 18
 19
 20
 21

22 Conclusion: In light of the herein,
 23 Plaintiff seeks a no transfer/move Order
 24 from this Court; For the subterfuge is
 25 institutional wide; i.e., See, "Stanford
 26 Prison Experiment", by Dr. Zimbardo. As
 27 well as an Order, for my access to the
 28 law library, legal books, materials, etc.
 See also, C.R. Title 15, re no reprisals/USCA
 Date: Aug. 17, 2017. Signature: *Walter J. King*

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

I, Michael FRIES, declare:

I am over 18 years of age and a party to this action. I am a resident of Kern Valley State Prison,

in the county of Kern, in the

State of California. My prison address is: P.O. Box 5103, Delano,
California, 93216.

On August 17, 2017,
(DATE)

I served the attached: Civil Rights Complaint under 42 USC § 1983;
Motion For Relief From E-Filing Procedures.
(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

Addn: Clerk of the US District Court For The Eastern
District of California; 2500 Tulare St., Rm. 1501,
Fresno, Calif., 93721. Legal Mail.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on Aug. 17, 2017
(DATE)

Michael Fries
(DECLARANT'S SIGNATURE)

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

I, Michael FRIES, declare:

I am over 18 years of age and a party to this action. I am a resident of Kern Valley State Prison,

in the county of Kern, in the,

State of California. My prison address is: P.O. Box 5103, Delano, California, 93216.

On August 17, 2017,
(DATE)

I served the attached: Application/Petition To Proceed In Forma Pauperis By A Prisoner. Legal Mail.
(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

Attn: Clerk of the U.S. District Court For The Eastern District of California, 2500 Tulare St., Rm. 1501, Fresno, Calif., 93721.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on Aug. 17, 2017.
(DATE)

Michael Fries
(DECLARANT'S SIGNATURE)

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

I, Michael FRIES, declare:

I am over 18 years of age and a party to this action. I am a resident of Kern Valley
State Prison,

in the county of Kern, in the...

State of California. My prison address is: P.O. Box 5103, Delano,
California, 93216.

On September 7, 2017,
(DATE)

I served the attached: Additional letter to the Clerk; Civil Rights
Complaint; In Forma Pauperis; And Motion For Relief, etz.
(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

Attn: Clerk of the US District Court, For the Eastern
District of California, 2500 Tulare St., Rm. 1501,
Fresno, Calif., 93721. Legal Mail.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on Sept. 7, 2017
(DATE)

Michael Fries
(DECLARANT'S SIGNATURE)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
Marianne Matherly, Clerk

REPLY TO:
Office of the Clerk
501 I Street #4-200
Sacramento, CA 95814

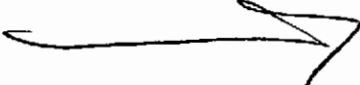
CLERK'S NOTICE

To: *Michael Fries # K-15230*
Kern Valley State Prison
P.O. Box 5003
Delano CA 93216

REPLY TO:
Office of the Clerk
2500 Tulare St. #1-500
Fresno, CA 93721

RE: Pleadings and/or Correspondence received on:

9/13/17

- [] **CASE NUMBER:** The Eastern District case number could not be identified for the attached filing. You must write your case number on all documents submitted to the Court.
- [] **FILING FEE:** The Filing fee of \$400.00 was not received (\$5.00 for Habeas petitions), nor was an Application to Proceed in Forma Pauperis. Enclosed is an Application to Proceed In Forma Pauperis along with your original documents. Please resubmit your documents with the completed application or filing fee.
- [] **COPY WORK:** The Clerk's Office will provide copies of documents (in cases 2005- present) and of the docket sheet at \$0.50 per page. Checks in the exact amount are payable to "Clerk, USDC." Please Note: In Forma Pauperis status does not include the cost of copies.
- [] **NAME SEARCHES:** The Office of the Clerk requires a \$30.00 charge, per name, to perform a records/name search. This fee must be paid in advance by check or money order to "Clerk, USDC." The search covers 1976 to present and includes civil, criminal, miscellaneous, and magistrate judge cases.
- [] **CONFORMED COPIES:** The Court requires the original plus one copy of most pleadings. See Local Rule 133 (d) (2). If you wish to have conformed copy returned to you, you must file an original plus two copies and provide the Court with a self-addressed stamped envelope with the correct postage.
- [] **INCORRECT VENUE:**
 *over*
 - [] Your case is assigned/transferred to the Fresno Division of the Court (see above address). You must file your documents directly with the Fresno Division Office pursuant to L.R. 133 (d) (1).
 - [] Your case is assigned/transferred to the Sacramento Division of the Court (see above address). You must file your documents directly with the Sacramento Division Office pursuant to L.R. 133 (d) (1).
- [] **CENTRAL VIOLATIONS BUREAU:** Please be advised that the Court does not accept checks for fine payments that are processed by the Central Violations Bureau (C.V.B.). Please forward your fine payments, including the violation number to:

Central Violations Bureau
P.O. Box 71363
Philadelphia, PA 19176-1363
- [] **CASE STATUS INQUIRIES:** The Court will notify you as soon as any action is taken in your case. Due to the large number of civil actions pending before the Court, THE CLERK IS UNABLE TO RESPOND IN WRITING TO INDIVIDUAL INQUIRIES REGARDING THE STATUS OF YOUR CASE. As long as you keep the Court apprised of your current address, you will receive all Court decisions which might affect the status of your case. If you have not submitted a document required in your case, the Court will notify you.

DISCOVERY DOCUMENTS: Pursuant to Local Rule 250.2 (c), Interrogatories, Responses and Proofs of Service shall not be filed with the Clerk of Court until there is a proceeding in which the Interrogatories, Responses, or Proofs of Service are AT ISSUE.

LOCAL RULES: The Eastern District of California Local Rules are available on the Court website at www.caed.uscourts.gov.

LEGAL ADVICE: The Court cannot give legal advice.

EVIDENCE SUBMITTED: The Court cannot serve as a storage for the parties' evidence. The parties may not file evidence with the Court until the course of litigation brings the evidence into question.

CHECKS SUBMITTED TO THE COURT: We are returning your check or money order for the following reason:

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The Clerk's Office is not able to accept post-dated or altered checks. Please return payment made with appropriately dated and/or unaltered check or money order.

REQUESTED FORMS: Your requested forms are enclosed.

DOCUMENTS NOT SUBMITTED IN ENGLISH: All documents submitted must be written in English. Documents submitted in a language other than English cannot be translated.

MOTIONS: A document requesting a court order must be styled as a Motion, not a letter (see F.R.C.P 7). Letters to the judge will be disregarded.

E-SERVICE: Pursuant to Standing Order dated September 24, 2014 signed by Chief Judge Morrison C. England, Jr., the document(s) cannot be filed because your institution participates in the e-service filing program with the Court. Per the Standing Order, the document(s) is(are) returned unfiled and must be filed under E-Service procedures. When filing document under E-Service procedures, please include this document ("Clerk's Notice") with the e-filing documents.

SERVICE: The Court will notify you when it is time for service in your case.

OTHER:

Documents must conform to 25 page limit total. Submit to Prisoner for E-Filing.

Thank you for your future attention to this matter.

SME
Deputy Clerk,

9/13/17
Date

Rec'd
Sept. 19, 2017

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
Marianne Matherly, Clerk

REPLY TO:
Office of the Clerk
501 I Street #4-200
Sacramento, CA 95814

CLERK'S NOTICE

To:

Michael Fries K-15230
Kern Valley State Prison
P.O. Box 5103
Delano, CA 93216

REPLY TO:
Office of the Clerk
2500 Tulare St. #1-500
Fresno, CA 93721

RE: Pleadings and/or Correspondence received on:

8/24/17

- [] **CASE NUMBER:** The Eastern District case number could not be identified for the attached filing. You must write your case number on all documents submitted to the Court.
- [] **FILING FEE:** The Filing fee of \$400.00 was not received (\$5.00 for Habeas petitions), nor was an Application to Proceed in Forma Pauperis. Enclosed is an Application to Proceed In Forma Pauperis along with your original documents. Please resubmit your documents with the completed application or filing fee.
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- [] **NAME SEARCHES:** The Office of the Clerk requires a \$30.00 charge, per name, to perform a records/name search. This fee must be paid in advance by check or money order to "Clerk, USDC." The search covers 1976 to present and includes civil, criminal, miscellaneous, and magistrate judge cases.
- [] **CONFORMED COPIES:** The Court requires the original plus one copy of most pleadings. See Local Rule 133 (d) (2). If you wish to have conformed copy returned to you, you must file an original plus two copies and provide the Court with a self-addressed stamped envelope with the correct postage.
- [] **INCORRECT VENUE:**
 - [] Your case is assigned/transferred to the Fresno Division of the Court (see above address). You must file your documents directly with the Fresno Division Office pursuant to L.R. 133 (d) (1).
 - [] Your case is assigned/transferred to the Sacramento Division of the Court (see above address). You must file your documents directly with the Sacramento Division Office pursuant to L.R. 133 (d) (1).
- [] **CENTRAL VIOLATIONS BUREAU:** Please be advised that the Court does not accept checks for fine payments that are processed by the Central Violations Bureau (C.V.B.). Please forward your fine payments, including the violation number to:

Central Violations Bureau
P.O. Box 71363
Philadelphia, PA 19176-1363
- [] **CASE STATUS INQUIRIES:** The Court will notify you as soon as any action is taken in your case. Due to the large number of civil actions pending before the Court, THE CLERK IS UNABLE TO RESPOND IN WRITING TO INDIVIDUAL INQUIRIES REGARDING THE STATUS OF YOUR CASE. As long as you keep the Court apprised of your current address, you will receive all Court decisions which might affect the status of your case. If you have not submitted a document required in your case, the Court will notify you.

Nur →

- [] **DISCOVERY DOCUMENTS:** Pursuant to Local Rule 250.2 (c), Interrogatories, Responses and Proofs of Service shall not be filed with the Clerk of Court until there is a proceeding in which the Interrogatories, Responses, or Proofs of Service are AT ISSUE.

- [] **LOCAL RULES:** The Eastern District of California Local Rules are available on the Court website at www.caed.uscourts.gov.

- [] **LEGAL ADVICE:** The Court cannot give legal advice.

- [] **EVIDENCE SUBMITTED:** The Court cannot serve as a storage for the parties' evidence. The parties may not file evidence with the Court until the course of litigation brings the evidence into question.

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 - [] The Clerk's Office is not able to accept post-dated or altered checks. Please return payment made with appropriately dated and/or unaltered check or money order.

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- [] **SERVICE:** The Court will notify you when it is time for service in your case.

- [] **OTHER:**

Thank you for your future attention to this matter.



 Deputy Clerk,

8/29/17

 Date

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
Marianne Matherly, Clerk

REPLY TO:
Office of the Clerk
501 I Street #4-200
Sacramento, CA 95814

CLERK'S NOTICE

To: *Michael Frics*
K-15230
PO Box 5103
Delano CA 93214

REPLY TO:
Office of the Clerk
2500 Tulare St. #1-500
Fresno, CA 93721

RE: Pleadings and/or Correspondence received on:

8-28-17

- CASE NUMBER:** The Eastern District case number could not be identified for the attached filing. You must write your case number on all documents submitted to the Court.
- FILING FEE:** The Filing fee of \$400.00 was not received (\$5.00 for Habeas petitions), nor was an Application to Proceed in Forma Pauperis. Enclosed is an Application to Proceed In Forma Pauperis along with your original documents. Please resubmit your documents with the completed application or filing fee.
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- Central Violations Bureau
P.O. Box 71363
Philadelphia, PA 19176-1363
- CASE STATUS INQUIRIES:** The Court will notify you as soon as any action is taken in your case. Due to the large number of civil actions pending before the Court, THE CLERK IS UNABLE TO RESPOND IN WRITING TO INDIVIDUAL INQUIRIES REGARDING THE STATUS OF YOUR CASE. As long as you keep the Court apprised of your current address, you will receive all Court decisions which might affect the status of your case. If you have not submitted a document required in your case, the Court will notify you.

- [] **DISCOVERY DOCUMENTS:** Pursuant to Local Rule 250.2 (c), Interrogatories, Responses and Proofs of Service shall not be filed with the Clerk of Court until there is a proceeding in which the Interrogatories, Responses, or Proofs of Service are AT ISSUE.
- [] **LOCAL RULES:** The Eastern District of California Local Rules are available on the Court website at www.caed.uscourts.gov.
- [] **LEGAL ADVICE:** The Court cannot give legal advice.
- [] **EVIDENCE SUBMITTED:** The Court cannot serve as a storage for the parties' evidence. The parties may not file evidence with the Court until the course of litigation brings the evidence into question.
- [] **CHECKS SUBMITTED TO THE COURT:** We are returning your check or money order for the following reason:
 - [] We have no record of your case. Please return the funds with the appropriate case number, new complaint or petition.
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- [] **SERVICE:** The Court will notify you when it is time for service in your case.
- [] **OTHER:**

Thank you for your future attention to this matter.



Deputy Clerk,

8-28-17
Date

Name: Mr. Michael FRIES.

CDC No: K-15230.

Address: Kern Valley State Prison
P.O. Box 5103, Delano, Ca, 93216.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

Mr. Michael Fries,

CASE NUMBER:

Plaintiff/Petitioner,

vs.

C.D.R. Dir, Kernan,
Warden, Pfeiffer; et al

Defendants/Respondent.

RECEIVED
APPLICATION TO PROCEED
IN FORMA PAUPERIS
BY A PRISONER
AUG 28 2017

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

I, Michael Fries, declare that I am the plaintiff in the above-entitled proceeding; that, in support of my request to proceed without prepayment of fees under 28 U.S.C. section 1915, I declare that I am unable to pay the fees for these proceedings or give security therefor and that I am entitled to the relief sought in the complaint. Card Rejects Complaint; Motion For Release From E-Filed Procedures; And letter to clerk of the Court, sent today.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? Yes No (If "no" DO NOT USE THIS FORM)

State the place of your incarceration. Kern Valley State Prison

2. Are you currently employed (includes prison employment)? Yes No

a. If the answer is "yes" state the amount of your pay. N/A

b. If the answer is "no" state the date of your last employment, the amount of your take-home salary or wages and pay period, and the name and address of your last employer.

I have almost always been self-employed, in honest work;
And was last employed April 1995; Gross; Approx \$1200.00 per month.

3. Have you received any money from the following sources over the last twelve months?

a. Business, profession, or other self-employment: Yes No

b. Rent payments, interest or dividends: Yes No

- c. Pensions, annuities or life insurance payments: Yes No
- d. Disability or workers compensation payments: Yes No
- e. Gifts or inheritances: Yes No
- f. Any other sources: Yes No

If the answer to any of the above is "yes," describe by that item each source of money. Also state the amount received and what you expect you will continue to receive (attach an additional sheet if necessary). Applicant receives charity from family - \$100 a month; Also, I received \$1,097.64 from death on family - all but \$97.64 was sent to family on 07/25/16.

4. Do you have cash (includes balance of checking or savings accounts)? Yes No
 If "yes" state the total amount: Approx. \$50.00 in Prison Account as of 08/17/17.

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or other valuable property? Yes No

If "yes" describe the property and state its value: N/A.

6. Do you have any other assets? Yes No

If "yes," list the asset(s) and state the value of each asset listed: N/A.

7. List all persons dependent on you for support, stating your relationship to each person listed and how much you contribute to their support. N/A.

IMPORTANT: This form must be dated and signed below in order for the court to consider your application.

I hereby authorize the agency having custody of me to collect from my trust account and forward to the Clerk of the United States District Court payments in accordance with 28 U.S.C. section 1915(b)(2).

Aug. 17, 2017
DATE

Michael Furry
SIGNATURE OF APPLICANT

NOTE: Within sixty days from the date of this application you must forward to the court a certified copy of your prison trust account statement showing transactions for the past six months.

Institution: KVSP

Inmate Statement Report

CDCR#	Inmate/Group Name	Institution	Unit	Cell/Bed
K15230	FRIES, MICHAEL	KVSP	C 008 1	111001

Current Available Balance: \$95.17

Transaction List

Transaction Date	Institution	Transaction Type	Source Doc#	Receipt#/Check#	Amount	Account Balance
02/22/2017	KVSP	BEGINNING BALANCE				\$154.21
02/24/2017	KVSP	INMATE VOLUNTARY WITHDRAWAL	FEE/US DIST-CENTRAL	735343	(\$16.00)	\$138.21
03/05/2017	KVSP	JPAY	000000069620562		\$125.00 ✓	\$264.21
03/08/2017	KVSP	GROUP TRANSFER OUT	P PIZZA C7		(\$74.80)	\$189.41
03/10/2017	KVSP	SALES	7		(\$48.65)	\$140.76
03/17/2017	KVSP	JPAY	000000070067346		\$125.00 ✓	\$265.76 ✓
03/17/2017	KVSP	LEGAL MAIL	LMAIL /12/17E3/17/17		(\$9.90)	\$255.86
03/21/2017	KVSP	FILING FEE	COURT FEE		(\$5.00)	\$250.86
03/21/2017	KVSP	FILING FEE	COURT FEE		\$5.00	\$255.86 ✓
03/21/2017	KVSP	INMATE VOLUNTARY WITHDRAWAL	COURT FEE	735529	(\$5.00)	\$250.86 ✓
04/05/2017	KVSP	SALES	36		(\$118.40)	\$132.46
04/06/2017	KVSP	LEGAL MAIL	LMAIL 3/28/17E4/6/17		(\$7.60)	\$124.86
04/25/2017	KVSP	JPAY	000000071449587		\$100.00 —	\$224.86
05/02/2017	KVSP	SALES	42		(\$97.85)	\$127.01
05/10/2017	KVSP	LEGAL MAIL	SUPPLS/5/17E5/10 /17		(\$0.30)	\$126.71
05/11/2017	KVSP	INMATE VOLUNTARY WITHDRAWAL	BILLS/S.HARTLEY	735910	(\$20.00)	\$106.71
05/18/2017	KVSP	JPAY	000000072292655		\$120.00 —	\$226.71
06/03/2017	KVSP	JPAY	000000072832773		\$125.00 —	\$351.71 —
06/06/2017	KVSP	SALES	10		(\$95.30)	\$256.41
06/07/2017	KVSP	WUNK TRANSFER OUT			(\$256.41)	\$0.00
06/08/2017	IHQ0	WUNK TRANSFER IN			\$256.41	\$256.41
06/10/2017	KVSP	TRACS TRANSFER IN	TX06102017		\$256.41	\$256.41
06/10/2017	IHQ0	TRACS TRANSFER OUT	TX06102017		(\$256.41)	\$0.00
06/13/2017	KVSP	INMATE VOLUNTARY WITHDRAWAL	TWO5/22/16 RESOURCE	TRUST OFFICE	\$5.00	\$261.41
06/14/2017	KVSP	GROUP TRANSFER OUT	SOPIZZA C8		(\$144.10)	\$117.31
07/01/2017	KVSP	JPAY	000000073795643		\$100.00 —	\$217.31
07/11/2017	KVSP	SALES	31		(\$78.75)	\$138.56
07/28/2017	KVSP	JPAY	000000074715206		\$120.00 —	\$258.56 ✓
08/02/2017	KVSP	JPAY	000000074867840		\$100.00 —	\$358.56 ✓
08/08/2017	KVSP	SPO WITHDRAWAL	EPS/SPO		(\$60.00)	\$298.56
08/09/2017	KVSP	SPO WITHDRAWAL	EPS/SPO		\$60.00	\$358.56



THE WITHIN INSTRUMENT IS A
CORRECT COPY OF THE TRUST
ACCOUNT MAINTAINED BY THIS OFFICE.
ATTEST: 8-22-17
Mike Francisco
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION
BY *Mike Francisco*

Inmate Statement Report

Transaction Date	Institution	Transaction Type	Source Doc#	Receipt#/Check#	Amount	Account Balance
08/09/2017	KVSP	SPO WITHDRAWAL	EPS/SPO	736628	(\$60.00)	\$298.56
08/10/2017	KVSP	SALES	63		(\$169.10)	\$129.46
08/11/2017	KVSP	SPO WITHDRAWAL	MW/SPO	736661	(\$12.99)	\$116.47
08/11/2017	KVSP	IWF FEE	MW/SPO		(\$1.30)	\$115.17
08/14/2017	KVSP	INMATE VOLUNTARY WITHDRAWAL	GIFT/S.HARTLEY	736678	(\$20.00)	\$95.17

Encumbrance List

Encumbrance Type	Transaction Date	Amount
No information was found for the given criteria.		

Obligation List

Obligation Type	Court Case#	Original Owed Balance	Sum of Tx for Date Range for Oblg	Current Balance
No information was found for the given criteria.				

Restitution List

Restitution	Court Case#	Status	Original Owed Balance	Interest Accrued	Sum of Tx for Date Range for Oblg	Current Balance
RESTITUTION FINE	95HF0333	Fulfilled	\$1,000.00	\$0.00	\$0.00	\$0.00



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 ATTEST: 8-22-17
 M. McFranevich
 CALIFORNIA DEPARTMENT OF
 CORRECTIONS AND REHABILITATION
 BY Mike Franevich
 TRUST OFFICE

**CERTIFICATE OF FUNDS
IN
PRISONER'S ACCOUNT**

I certify that attached hereto is a true and correct copy the prisoner's trust account statement showing transactions of:

Fries K15230 for the last six months at

KERN VALLEY STATE PRISON where he is confined.

Bal: 95.17

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 152.50 and the average balance in the prisoner's account each for the most recent 6-month period was \$ 290.22.

8-22-17

Date

Mike Frantz

Authorized Officer of the Institution



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ACCOUNT MAINTAINED BY THIS OFFICE.
ATTEST 8-22-17
mikefranzteulich
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION

BY Mike Frantz
TRUST OFFICE

Mr. Michael FRIES, /K-15230. C8. 111..L.
Kern Valley State Prison, P.O. Box 5103,
Delano, California, 93216.

Kern Valley State Prison
Facility C, Building 8

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ACCOUNT MAINTAINED BY THE DEPT
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TO THE TRUSTEE AMOUNTS
GOVERNMENT OF CALIFORNIA



TRUST OFFICE