

ORIGINAL**COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983**

1
2 Name Salas Rafael R.S
3 (Last) (First) (Initial)

4 Prisoner Number G-55918

5 Institutional Address 5905 Lake Earl Dr., Crescent City, CA 95521

7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA

9 RAFAEL SALAS

(Enter the full name of plaintiff in this action.)

10 vs.

11 M. GOMEZ; P. HALLS; D. PLUNKET

12 S. REIDEL; S. IRELAND; R. YOUNG;

13 T. COOPER; T. LEMOS; L. SOJKA;

14 R. RIAS; R. LOSACCO; G. D. LEWIS.

(Enter the full name of the defendant(s) in this action)

CV 14 1676

Case No. _____

(To be provided by the Clerk of Court)

COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
Title 42 U.S.C § 1983

JCS

16 [All questions on this complaint form must be answered in order for your action to proceed..]

17 I. Exhaustion of Administrative Remedies.

18 [Note: You must exhaust your administrative remedies before your claim can go
19 forward. The court will dismiss any unexhausted claims.]

20 A. Place of present confinement PELICAN BAY STATE PRISON ("PBSP")

21 B. Is there a grievance procedure in this institution?

22 YES (X) NO ()

23 C. Did you present the facts in your complaint for review through the grievance
24 procedure?

25 YES (X) NO ()

26 D. If your answer is YES, list the appeal number and the date and result of the
27 appeal at each level of review. If you did not pursue a certain level of appeal,
28 explain why.

COMPLAINT

- 1 -

1. Informal appeal There is no longer an "informal level" of review as part of the 602 administrative appeal process.

2. First formal level (contaminated food) Appeal No. PBSP-B-13-00102 GRANTED on February 12, 2013; (Underserved Food Portions) Appeal No. PBSP-B-13-01387 BYPASSED on July 22, 2013; (Religious Rights Violated Request For Transfer) Appeal No. PBSP-B-13-01074, DENIED on May 20, 2013.

3. Second formal level Contaminated Food Appeal No. PBSP-B-13-00102 PARTIALLY GRANTED on July 3, 2013; Underserved Food Portions Appeal No. PBSP-B-13-01387 GRANTED on August 26, 2013; Religious Rights Violation Request For Transfer Appeal No. PBSP-B-13-01074 DENIED on June 17, 2013.

4. Third formal level Contaminated Food Appeal No. TLR 1210844 DENIED on September 3, 2013; Underserved Food Portion Appeal No. TLR 1213464 DENIED on October 18, 2013; Religious Rights Violation Request For Transfer Appeal No. TLR 13001058 DENIED on October 3, 2013

E. Is the last level to which you appealed the highest level of appeal available to you?

YES (X) NO ()

F. If you did not present your claim for review through the grievance procedure, explain why. not applicable

II. Parties.

A. Write your name and your present address. Do the same for additional plaintiffs, if any.

RAFAEL SALAS, 5905 LAKE EARL DR.

CRESCENT CITY, CALIFORNIA 95531-7500

B. Write the full name of each defendant, his or her official position, and his or her place of employment.

1) Michael Gomez, Supervisor Correctional Cook ("SCC"); 2) P. Halls, SCC;

3) D. Plunkett, Kitchen Staff; 4) K. Reidel, Kitchen Staff; 5) S. Ireland, Kitchen Staff; 6) R. Young, Kitchen Staff; 7) T. Cooper, Kitchen Staff; 8) Tim Lemas, Correctional Business Manager; 9) Lucy Soyka, Assistant Correctional Food Manager; 10) Robert Rias, Correctional Food Manager; 11) Robert Losacco, Community Resource Manager; 12) Glen D. Lewis, Warden. Each defendant is employed at PBSP. Official Capacities are presently unknown of Kitchen Staff 3 through 7. [See Attached pg 2-6].

III. Statement of Claim.

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

See Attachment pg 6-13

IV. Relief.

Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

See Attachment pg 31

V. Statement of Claim.

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

See Attachment pg 14 - 21

VI. Relief.

Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

See Attachment pg 31

VII Statement of Claim.

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

See Attachment pg 21-25

VIII Relief.

Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

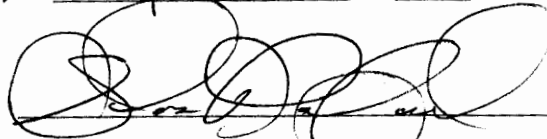
See Attachment pg 31

COMPLAINT

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

Signed this 2nd day of April, 20 14

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, written over a horizontal line.

(Plaintiff's signature)

1 RAFAEL SALAS G-55918
2 PELICAN BAY STATE PRISON
3 POST OFFICE BOX 7500
4 CRESCENT CITY, CALIFORNIA
5 95531-7500
6 PRO-SE

7
8 IN THE UNITED STATES DISTRICT COURT FOR
9 THE NORTHERN DISTRICT OF CALIFORNIA
10

11 RAFAEL SALAS,
12 plaintiff,

Case No. _____

13 V.

14 MICHAEL GOMEZ, SUPERVISOR
15 CORRECTIONAL COOK; P. HALLS,
16 SUPERVISOR CORRECTIONAL COOK;
17 D. PLUNKETT, KITCHEN STAFF;
18 K. REIDEL, KITCHEN STAFF;
19 S. IRELAND, KITCHEN STAFF;
20 R. YOUNG, KITCHEN STAFF;
21 T. COOPER, KITCHEN STAFF;
22 TIM LEMOS, CORRECTIONAL
23 BUSINESS MANAGER I; LUCY
24 SOJKA, ASSISTANT CORRECTIONAL
25 FOOD MANAGER I;
26 ROBERT RIAS, CORRECTIONAL
27 FOOD MANAGER I; ROBERT LOSSACO,
28 COMMUNITY RESOURCE MANAGER;
GLEN D. LEWIS, WARDEN;
Defendants,

CIVIL COMPLAINT
UNDER 42 U.S.C.
SECTION 1983 FOR
DECLARATOR AND
INJUNCTIVE RELIEF,
MONETARY DAMAGES,
DEMAND FOR JURY TRIAL

JURISDICTION

1. This civil rights action under 42 U.S.C. 1983 is to redress the deprivation under color of state law of rights guaranteed by the Eighth Amendment of the United States Constitution.

This court has jurisdiction pursuant to 28 U.S.C. § 1331 and 1343.

2. This court has jurisdiction over Plaintiff's request for declaratory relief pursuant to 28 U.S.C. 2201 and Federal Civil Procedure, Rule 57.

VENUE

3. Venue is appropriate to the Northern District of California under 28 U.S.C. § 1391 (b)(2) for the events giving rise to the claims alleged in this complaint arose in Del Norte County, California at Pelican Bay State Prison.

INTRODUCTION

4. This is a civil complaint for monetary damages and declaratory injunctive relief brought under 42 U.S.C. § 1983 against prison employees for violations of plaintiff's Rafael Salas rights to be free from cruel and unusual punishment as protected by the Eighth Amendment of the United States Constitution. Specifically at issue here are Plaintiff Salas rights to be free from being routinely and knowingly issued contaminated food and underserved food portions rendering Plaintiff's food to be nutritionally inadequate. As a result of this deprivation, Plaintiff has fallen extremely ill on several occasions and has lost a notable amount of weight, precisely 33 pounds. Moreover, Plaintiff rights to be free to exercise his religious beliefs as protected by the First Amendment of the United States Constitution were violated for prison employees provided Plaintiff with an improper Kosher diet that does not satisfy the dietary laws of Jewish law and has failed to provide Plaintiff with Jewish scriptures.

Plaintiff prays for damages and declaratory injunctive relief. He has exhausted the administrative remedies concerning the claims alleged in the complaint.

PARTIES

5. Plaintiff, Rafael Salas is a 29 year old male Mexican-American resident of the State of California, currently incarcerated by the California Department of Corrections and Rehabilitation ("CDCR") at Pelican Bay State Prison ("PBSP") in Crescent City, California. At all times mentioned in this complaint, Salas was a prisoner within the CDCR system.

6. Defendant Michael Gomez was at all times relevant the Supervising Correctional Cook ("SCC") at PBSP. Plaintiff is informed and believes and thereon alleges that Defendant Gomez was responsible: to supervising the maintenance of food services, organizes and assists with the preparation, cooking and serving of food to inmates and employees; supplies and work areas, directs, trains, supervises and evaluates the work of inmates and employees and takes or recommends appropriate action, has responsibilities over the kitchens; maintains order and supervises the conduct of inmates and does other related work.

7. Defendant P. Halls was at all times relevant the Supervising Correctional Cook ("SCC") at PBSP. Plaintiff is informed and believes and thereon alleges that Defendant Halls was responsible; to supervise, organizes and assists with the preparation, cooking and serving of food to inmates and employees; supervises the maintenance of food services equipment, supplies and work areas- directs, trains, supervises and evaluates the work of inmates and employees, and takes or recommends appropriate action; has responsibilities over the kitchens; maintains order and supervises the conduct of inmates and does other related work.

8. Defendant T Cooper was at all times relevant was employed by the CDCr and was a Kitchen Staff employee at PBSP. Defendant Cooper responsibilities were not disclosed upon Plaintiff's request [See CDCR 22 STAFF RESPONSE/SUPERVISORS REVIEW Appended hereto as Exhibit A] but plaintiff is further informed and believes, and thereon alleges, that Cooper is involved in the preparation, cooking and serving of food to inmates, including Plaintiff Salas.

9. Defendants D. Plunkett was at all times relevant was employed by the CDCr and was a Kitchen Staff employee at PBSP. Defendant Plunkett responsibilities were not disclosed upon Plaintiff's request [See Exhibit A], but Plaintiff is further informed and believes and thereon alleges, that Plunkett is involved in the preparation, cooking and serving of food to inmates, including Plaintiff Salas.

10. Defendant K. Reidel was at all times relevant was employed by the CDCr and was a Kitchen Staff employee at PBSP. Defendant Reidel responsibilities were not disclosed upon Plaintiff's request [See Exhibit A], but Plaintiff is further informed and belives and thereon alleges, that Reidel is involved in the preparation, cooking and serving of food to inmates, including Plaintiff Salas.

11. Defendants S, Ireland was at all times relevant was employed by the CDCr and was Kitchen Staff employee at PBSP. Defendant Ireland responsibilities could not be disclosed upon Plaintiff's request [See Exhibit A], but Plaintiff is further informed and believes and thereon alleges that Ireland is involved in the preparation, cooking and serving of food to inmates, including Plaintiff Salas.

12. Defendant R . Young was at all times relevant employed by the CDC and was a Kitchen Staff employee at PBSP. Defendant Young responsibilities could not be disclosed upon Plaintiff's request [See Exhibit A], but Plaintiff is further informed and believes and thereon alleges that Young is involved in the preparation, cooking and serving of food to inmates, including Plaintiff Salas.

13. Defendant Tim lemos was at all times relevant employed by the CDC and was a Correctional Business Manger I at PBSP. Defendant Lemos supervises the budget, canteen, clothing, food services, accounting and trust,,procurement, warehouse and personnel.

14. Defendant Lucy Sojka was at all times relevant employed by the CDC and was an Assistant COrrrectional Food Manger I at PBSP. Defendant Sojka is under the direction of the food Manger, Sojka helps to plan, direct and coordinate food services activities (overall) food production. Defendant Sojka is also responsible for development, training, applying standards and procedures that govern the operation of the Food Services department. Sojka oversees production sheeets, estimate food requirements and order food and supplies and oversees facility inspections. Defendant Sojka helps in selecting staff, evaluating their performance and takes or recommends apppopriate action.

15. Defendant Robert Rias was at all times relevant employed by CDC and was a Correctional Food Manger I at PBSP. As Defendant Sojka supervisor defendant Rios directs Sojka in the planning, direct, coordinatation of food service activities. Plaintiff is further informed and belives and thereon alleges that Rias had actual knowledge of acts complained via 602's and through Sojka but have been unchecked.

16. Defendant Robert Losaco was at all times relevant employed by the CDCR and was a Community Resource Manger at PBSP defendant Losacco is responsible for PBSP's purchasing food products from outside vendors and oversees all Kitchen operations. Plaintiff is further informed and believes and thereon alleges, that Losacco, upon previous Jewish Chaplain resignation in June 2012, that he inherited the responsibilities of the Jewish Chaplain in the reviewing and overseeing of the Jewish Kosher Diet Program ("JKDP")

17. Plaintiff is informed and belives and thereon alleges that all times relevant Defendant Warden Glen D. Lewis was the warden at PBSP and was responsible for the supervision of supervising personnel, as well as for the safety and protection of all inmates at that institution, including SALAS.

18. At all times mentioned in this complaint, each individual defendant was acting under color of state law.

19. At all times mentioned inthis complaint, each indivdual was acting in their , official capacity and in the scope and course of their employment.

20 All of the defendants, and each of them are being sued in their individual capacities and official capacities for the claims alleged in this complaint.

21. Plaintiff is informed and believes and on the basis of such information and beliefs alleges that each kitchen staff employee (i.e.,, T. Cooper, K.Reidel., D. Plunkett, R. Young, , S. Ireland, P. Halls and M. Gomez). including Correctional Business Manger I Tim Lemos; Correctional Food manger I, Robert Rios; Assistant Correctional Food Manger I, Lucy Sojka; Community

Resource Manger, Robert Losacco; and Warden, Glen D. Lewis is responsible in some manner for the injuries alleged in this complaint.

22. The full names and/or capacities of kitchen staff eight(8) through twelve (12) are presently unknown to Plaintiff Salas, therefore sues said kitchen staff by initial of first name and full last name and will seek leave to amend this complaint to add their full name and capacities when the same have been asertained.

STATEMENT OF FIRST CLAIM

23. Plaintiff hereby claims that he suffered an Eighth Amendment Constitutional violation- to be free from cruel and unusual punishment-" due to being routinely and knowingly issued unsanitary contaminated food items (e.g., Kosher Diet) which were in a spoiled/rotten state causing him to fall extremely ill on several occassions.

24. The deprivation of plaintiff's constitutional rights was done in Defendants official capacity ("under color of law") as employees of Pelican Bay State Prison/CDC and with deliberate indifference and total reckless disregard for physical welfare of Plaintiff by Food service staff and superiors issuing what was essentially 'poisonous food' and threat to Plaintiff's health.

FACTS

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25. On september 25,2012, Plaintiff was given authorization by Defendant Lasacco to began receiving a Jewish Kosher Diet.

26. On October 1,2012, PBSP began distributing a generic bradd of Jewish Kosher meal.

27. In early November of 2012, PBSP, plaintiff was issued his daily Kosher breakfast meal (that consisted of dry cereall, milk, apples sause fruit cup) and after consuming the milk- which plaintiff noticed was actualy expired- plaintiff fell extremely ill with stomach pain, vomitting, nausea, and diarrhea.

28. The milk tasted tangy and spoiled and the apple sauce fruit cup tasted fermented and for the next three days plaintiff received his meals in this manner.

29. On the third day after falling sick, plaintiff notified officer Nichols ("floor staff") of the contaminated state of his meals which were routinely being issued to him Nichols advised plaintiff to write an inmate Request ("CDCR 22" form") to kitchen, but plaintiff demanded that Nichols personally call the kitchen so that the matter can be resolved immediateley instead of waiting on the slow process of the CDCR 22 form. Convinced Nichols called the kitchen staff and for several weeks the spoiled rotten items stopped being issued.

30. However, on December 30,2012, while consuming his breakfast (i.e., a large portion of apple sauce), plaintiff again noticed it tasted tangy and fermented.

31. Upon closer inspection of the apple sauce, plaintiff saw there was a "roach" inside it and he immediately notified Officer Cavazos who actually saw the roach inside the sauce. On that same day, plaintiff again fell ill with stomach pain, nausea,

vomitting and diarrhea.

32. Officer Nichols was later notified that there was a roach in his fruit cup. And on December 31, 2012, Nichols took the apple cup in order to show kitchen staff the presence of a roach inside the fruit cup.

33. On January 2, 2013, plaintiff was seen by Registered Nurse (R.N.) Penkian who instructed plaintiff to simply increase fluid intake. R.N. scheduled plaintiff with a follow up appointment in two days and with an appointment with primary care provider (PCP) [The physician's Notes pg 1-2 and worksheet pg 1-2 are appended hereto as Exhibit B].

34. On January 4, 2013, RN conducted a follow up examination. Plaintiff was still with stomach pain, vomiting diarrhea and nausea. RN did not provide medication and plaintiff remained sick for five days.[The physicians Notes and orders pg 1-3 are appended hereto as Exhibit C].

35. On January 13, 2013, plaintiff submitted an administrative appeal ("602") in which he complained of the contaminated food and sought to resolve the problem with Supervisor Correctional Cook. Further, plaintiff requested via 602 that his food be served in a humane manner in the future.

36. On February 4, 2013, Defendant Gomez spoke with plaintiff in regards of the 602. Gomez told plaintiff that he found the allegation of the roach in the fruit cup to be true for he spoke to officer Nichols. Gomez further stated that he grants the 602 based on this finding and that he is here today that plaintiff

may interview Defendant Gomez, but first Gomez asked plaintiff to sign the withdraw section of the 602, and also gave him two "Dole" fruit cups. Plaintiff asked Gomez if the "Dole" fruit cups were going to replace PBSP unsealed pre-package fruit cup... Gomez said, "NO...I don't know" After refusing^[to sign] the withdraw section, Gomez told plaintiff that he was being incosiderate of Gomez kindness and that plaintiff was being unfair. Gomez also said it was in plaintiff's best intrest to sign and added that plaintiff signature is contingent on granting the 602.

37. Plaintiff's refusal infuriated Defendant Gomez. Consequently Gomez refused to be intervied by plaintiff's for he said he was not going to answer any of plaintiff's questions regarding the matter. Therefore Gomez never reached a genuine resolution.

38. On February 12, 2013 Defendant Sojka and Lemos reviewed the 602 for the firsr level review, but the matter went unchecked by the supervising Defendants Sojka and Lemos, for the response provided goes on length to dicuss 'missing food items and does not remotely address the issue at hand: contaminated food.

39. On July 3, 2013, Defendant Lewis reviewed the 602 for second level review. Defendant Lewis refused to fully grant plaintiff's request to have food served in a humane manner. Defendant Lewis contented that PBSP has no control over plaintiff's meal and hence can only 'partially grant' his request to have his food served in a humane manner. Defendant Lewis decision infers he agreed to allow the acts to continue to happen without any accountability or resolution.

40. On July 4, 2013, plaintiff was issued a dinner tray that had the sealed factory covering partially removed (Note: the frozen dinner tray is the only item that comes in its factory sealed container) After consuming a portion of the fish with gravy , plaintiff noticed that the fish was not fully cooked and there was a foul smell and taste to it . Plaintiff cellmate, Cesar Lopez, also tasted the fish to confirm whether or not it was contaminated, which he did.

41. On July 5, 2013, plaintiff and his cellmate Lopez both awoke sick with runny noses, sore throats, coughing, sneezing, headaches and body aches. Medical staff was informed via Health Care Services Request Form.

42. On July 7, 2013, plaintiff notified Supervisor Correctional Cook (i.e., Defendant Gomez and Halls) of him falling ill upon consuming food that had been delivered with the secured seal covering partially opened.

43. However, Supervisor Correctional Cook (i.e. Gomez and Halls) failed to respond to plaintiff's 22 form involving the open foul smelling fish tray. Preplexingly, Defendant Gomez responded to the request three months later stating request is outdated but did not in the least address the issue. (The CDCR 22 form is appended hereto as Exhibit D].

44. On July 8, 2013 RN Penkian examined plaintiff and determined that plaintiff had an impaired breathing pattern as evinced by cold symptoms and prescribed a regimen of medicines (e.g. Chlorpheniromine for congestion, Tylenol for fever control and, pain Cepacol Lozenges for coughing and sore throat) [The RN's worksheet pg 1-2 and CDCR 7362 Form is appended hereto as Exhibit E].

45. On November 5, 2013, plaintiff received a spoiled rotten bologna sandwich in which officer Hamner confirmed. Plaintiff was not given a replacement.

46. On November 7, 2013, again plaintiff received a spoiled rotten bologna sandwich in which officer Nichols confirmed.

47. On November 10, 2013, again plaintiff received a spoiled rotten sandwich in which officer Larson confirmed. Plaintiff was not given a replacement.

48. On November 10, 2013, plaintiff submitted a CDCR 22 form directed to Supervisor Correctional Cook (i.e., Gomez and Halls) in which he notified him that on November 5, 7, and 10 he has received rotten bologna sandwiches which was confirmed by floor staff. And that fruit cup has fermented and cream cheese is spoiled. Plaintiff asked Defendants to stop distributing contaminated foods. [The CDCR 22 form is appended hereto as EXhibit F].

49. On November 11, 2013, Defendant Cooper responded to the Nov. CDCR 22 form and notified plaintiff that the food service had discontinued issuing the contaminated bologna per (Defendant) M. Gomez. [The CDCR 22 form is appended hereto as Exhibit F].

50. Yet on November 11, 2013, again plaintiff was issued rotten spoiled bologna sandwich which was confirmed by officer Burgess, plaintiff was not given a replacement. Further, fruit cup was fermented.

51. On November 11, 2013, plaintiff again sent a CDCR 22 form to Supervisor Correctional Cook (i.e., Defendants Gomez and Halls) in which he alerted Defendants that in a span of six days he has received four rotten-spoiled bologna sandwiches and fermented fruit cups, Plaintiff asked Defendants to throw out the spoiled

rotten food. [The CDCR 22 form is appended hereto as Exhibit G].

52. The Supervisor Correctional Cook (i.e., Gomez and Halls) never responded to the November 11, 2013, "22 Form" was sent back the following day without a response.

53. On November 29, 2013, again Plaintiff received a spoiled rotten bologna sandwich which was confirmed by officer Nichols.

54. On November 30, 2013, again plaintiff received a spoiled rotten sandwich which was confirmed by officer Cena. Plaintiff did not receive a replacement.

55. On December 1 2013, plaintiff sent a 22 form to Supervisor Correctional Cook (i.e., Defendants Gomez and Halls) and asked them to inform superiors that he has notified food service staff multiple of times of receving spoiled rotten food and that he has not received any cooperation, and also asked that Defendants stop serving rotten food, [The CDCR 22 form is appended hereto as Exhibit H].

56. On December 4, 2013, again plaintiff receivedd a rotten spoiled bologna sandwich which was confirmed by officer Carraway.

57. On December 4, 2013, plaintiff notified Defendant Sojka and Lemos on food service staff's failure to stop the issuance of contaminated food but Lemos and Sojka never responded to plaintiff's CDCR 22 form.

58. Instead, on December 15, 2013, Defendant Reidel responded to the 22 form and stated therein: "We have not had any issues with the lunch meat or any other complaints. [and Defendant) P.Halls has personally inspected several cases and has not found any spoiled meat [The CDCR 22 form is appended hereto as Exhibit I]

59. On December 18, 2013, Defendant Ireland sent plaintiff a staff response in regards to Dec, 4, 2013, 22 form [See Exhibit H]. Ireland stated the main kitchen is working to solve the Kosher Lunch meat problem. And that the kitchen staff has always replaced any product that has been bad.

60. Plaintiff remains at PBSP as of the initial filing of this complaint. He has been subjected to conduct which he views as retaliatory in light of the absence of any such incidents before he consumed the unsanitary roach infested food that caused him to suffer illness on December 30, 2012 and complained about the experience. The conduct includes, but is not limited to, meals arriving hours late while every other inmate have consumed their meals, food trays being received open/unsealed which food portions are leaking and scattered through out the brown/plastic bag; receiving non-Kosher items in his box trays, individual wrapped items (e.g., sliced bread, bagels, dessert) smashed on the frozen dinner tray piercing through the sealed wrapping; missing/underserved items not being replaced upon plaintiff's request and officer confirmation, plaintiff's loss of 33 pounds of weight; Defendants failure to stop the continuous serving of contaminated and nutritionally inadequate food which not only constitute as gross negligence but also deliberate indifference as well.

STATEMENT OF SECOND CLAIM

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61. Plaintiff hereby claims he suffered an Eighth Amendment Constitutional violation- to be free from cruel and unusual punishment due to Defendants herein routinely and knowingly issuing him underserved food portions below the nutritional value as required to preserve health. As a result of this deprivation, plaintiff has lost a notable amount of weight, specifically 33 pounds; rendering plaintiff's food servings to be nutritionally inadequate.

62. The deprivation of plaintiff's constitutional rights was done in the defendants official capacity ("under color of law") as employees of PBSP/CDCR and with deliberate indifference as regards to providing plaintiff appropriate portions of food (i.e., a nutritional balanced diet).

63. Plaintiff is a jewish inmate and is required by his jewish tenets to maintain a jewish Kosher Diet.

64. On September 23, 2012, plaintiff began receiving a Jewish Kosher Diet after receiving approval from Defendant Losacco.

65. On October 1, 2012, plaintiff's Kosher meals was replaced by an inexpensive generic brand of Kosher food products.

66. In mid November, plaintiff began receiving the "new" Kosher meals. Plaintiff noticed that his meals have been severely cut (portion servings) to half. For previously while housed in Administrative Segregation Unit ("ASU"). Plaintiff was receiving a set amount of food portions (e.g., four slices of bread, a sealed pack of eight meat slices, two pastries, and a sealed pack of crackers/chips) and now he is receiving two pieces of bread, one slice of meat, a zip lock bag of underserved chips. In like fashion, the breakfast meals were also cut down.

67. Plaintiff notified Defendant Gomez via CDCR 22 form and asked Gomez to provide the nutritional value of the current meals and asked Gomez why wasn't he being provided with two hot meals as previously.

68. On December 2, 2012, Defendant Gomez responded to plaintiff's request in which he provided plaintiff with a nutrient value graph dated August 14, 2012. Thus, the graph displays the nutrient value of the previous Kosher diet, for the "new" Kosher menu was implemented on October 1, 2012. [The CDCR 22 form along with the Nutrient Value graph is appended hereto as Exhibit J].

69. On January 2, 2013, RN Penkian examined plaintiff during a medical visit. Plaintiff was weighed in at 158 pounds. [See Exhibit B].

70. On February 12, 2013, Defendant Lucy Sojka and Tim Lemos established a procedure in the event that plaintiff received a short or missing food item. Defendants prescribed plaintiff to contact the floor officer at that time of receiving the food tray. The officer will either confirm that your food is correct or not. If the officer is unsure or believes you are short or missing food item, he/she will bring the food tray to the kitchen. It will then be inspected by the kitchen staff. If it is short or missing a food item, it will be corrected at that time and returned to plaintiff.

71. On April 14, 2013, plaintiff meal was received disproportionate in serving then first complained in November 2012, for plaintiff received a small bun with one slice of bologna, a zip lock bag of crumbled chips that were below required serving (0.5 oz) and desert that was below the required serving (2.5oz).

72. As prescribed by Defendants Sojka and Lemos, plaintiff followed prescribed procedure and showed officer Ramos who in turn forwarded to kitchen staff upon confirmation. But plaintiff never received a replacement for kitchen staff told Ramos that they were not going to send anything.

73. On May 7, 2013, again plaintiff received an underserved meal. Plaintiff showed officer Nichols in turn it was confirmed to be short and sent to the kitchen, but again kitchen staff failed to provide a replacement.

74. On May 14, 2013, again plaintiff received an underserved meal (lunch box tray). The zip lock bag of chips were below required serving as well as the desert which was confirmed by officer Nichols but again after being forwarded to the kitchen, the kitchen staff failed to provide a replacement.

75. Plaintiff attempted to contact Supervisor Correctional Cook (Defendants Gomez and Halls) via CDCR 22 form but Defendants failed to provide a response.

76. On May 20, 2013, Plaintiff submitted a 602 complaining of deprivation of full portions of food, with regard to CDCR'S regulations governing food service staff and food preparation and servings.

77. On June 15, 2013, Defendants Plunkett provided plaintiff with two (perplexingly) staff responses. In one responses, Plunkett stated the items, were pre-packaged and sealed. And in the second response, Plunkett stated he will supervise the portions and make sure plaintiff is receiving the correct amount.

78. On July 8, 2013, plaintiff was examined by RN Benkian during a medical visit. Plaintiff weighed in at 154 pounds. [See Exhibit E].

79. From July 19, 2013 to August 24, 2013, plaintiff was not receiving milk and fruit in his meals. Officer Nichols was initially notified but said it was the kitchen staff's responsibility to include all items in meals.

80. On August 1, 2013, plaintiff notified food service staff via 22 form, but staff did not respond till August 24, 2013. On staff response, Defendant Ireland stated that since plaintiff can't seem to get fruit or milk from block (inmate) porter serving your breakfast. That food service staff will put them with breakfast and lunch trays. [The CDCR 22 form is appended hereto as Exhibit K; See Also Declarations from Block Porter Leon Davis; See Exhibit T.

81. On August 3, 2013, plaintiff received a sealed box tray that contained state-issued items marked "PIA" (PRISON INDUSTRY AUTHORITY), specifically PIA branded bread slice bread and two pack meat slices. Which was confirmed by officer Kleiser. Now this factor is relevant for defendants contend that box trays meals come sealed and packaged by outside vendor in order to evade and allude responsibility for the underserved and contaminated meals.

82. On August 3, 2013, plaintiff submitted a CDCR 22 form to defendant Sojka and notified her that her previous excuse on the 602 that PBSP has no control over Kosher meals preparations and that PBSP has nothing to do with how meals are made has been discredited for plaintiff received a box tray with PIA items. Defendant Sojka never responded to plaintiff's 22 form.

83. Instead, Defendant Young sent plaintiff a staff response on August 9, 2013, but did not address the issue at hand of finding PIA items . Rather, Young stated PBSP policy and procedure only rectifies matters involving missing or short iteams in which inmate must notify floor staff immediately in order to receive prompt cooperation. And said this was the only resolve for inmates. [The CDCR 22 form is appended hereto as Exhibit L].

84. On August 10,2013, again plaintiff received "PIA" marked food items in a sealed box tray which was confirmed by officer Kleiser.

85. On August 11, 2013, plaintiff sent a CDCR 22 form for Supervisor Review to Defendant Sojka in which he notified her that he again received "PIA" items inside the sealed box tray and reminded her that this was the second time. And that these finding contradict her previous claim that meals were prepared by an outside vendor.

86. Again, Defendant Sojka failed to provide a response to plaintiff CDCR 22 form [See Exhibit L].

87. On December 4, 2013, plaintiff was seen by RN Penkian during a medical visit. Plaintiff was weighed in at 132 pounds. [The physician's progress notes pg 1-2 are appended hereto as Exhibit M].

88. And as a matter of relevancy, during the the times plaintiff was receiving, contaminated food (e.i., fruit cups, bologna, milk and or cream cheese) and open scattered food trays, food service staff failed to replace iteams/meals. The only time when contaminated item was replaced was on the 7 and 29 of November and December 4,2013.

89. On January 10, 2014, plaintiff was seen by RN Penkian during a medical visit. Plaintiff was weighed in at 126 pounds. [The physician's progress notes pg 1-2 is appended hereto as Exhibit N].

90. The relevancy of plaintiff weight of 126 in comparison to December 4 weight of 132, to July 8 weight in at 154 and in January 2 weight in at 158 demonstrates the plaintiff is being deprived of a balanced nutritionally adequate diet which has caused him to lose a notable amount of weight.

91. Moreover, since November of 2013, plaintiff's frozen dinner trays were being continuously served in a compromised state for factory secured seal was peeled off and contents were tampered with for they were underserved.

92. To hide the breach, kitchen staff (Defendants) re-sealed the dinner tray with after market plastic plastic wrapping. The use of after market wrapping was previously only used on breakfast and lunch items, but now the entire Kosher diet is re-wrapped in after market wrapping.

93. On February 5, 2014, plaintiff submitted a CDCR 22 form to Supervisor Correctional Cook (Defendants Gomez and Halls) and notified them that the re-packaged dinner trays and other Kosher items; does not rectify the meal/items exposure to present contaminants nor did it constitute as a fully served nutritional meal when contents has spilled out during breakage of its factory seal. Therefore, plaintiff asked Defendants to serve factory sealed meals/items. [The CDCR 22 form is appended hereto as Exhibit O].

94. On February 10, 2014, defendant Gomez sent plaintiff a staff response in which he addmittingly stated the seal comes off and that is why the meal/item is re-packaged.[See Exhibit o].

95. On February 10, 2014, plaintiff sent a request for Supervisor Review to defendants, notifying them he had received a response from defendant Gomez which was without recourse in regards to the re-packaging of meals/iteams. Plaintiff asked that defendants throw out compromised iteams/meals and to serve only factor sealed items /meals hence preventing the continuous serving of underserved portions and minimizing the risk of contamination. Plaintiff never received a response from defendants.

96. During the 602 process, defendant Losacco found sufficient justification to grant plaintiff's 602 specifically that meals be properly served and served in it's original container/packaging. As mentioned above this order has not been honored.

97. Defendant Lasacco granting of the plaintiff's 602 was only done in face but has not been enforced to cure plaintiff's grievance.

98. Further, plaintiff has been informed by Chaplain Larry Mitchell that defendant Losacco inherited the responsibilities of the Jewish Chaplain upon his resignation to oversee and review the JKdp and to provide results to the Correctional Food Manger, defendant Rios.

99. Moreover, defendant Losacco is in charge in the purchasing of Kosher food products which has proven to be defective in quantity and quality, as well as packaging.

tiff's 602, (food manager) defendant Rias is very aware of the needs of Jewish inmates. And that a standarized Menu Review Team meet on a regular basis and is made up of Food Manager (i.e., defendant) who relay the concerns of inmates and provide input regarding portion size and nutritional balance of inmate meals.

STATEMENT OF THIRD CLAIM

101. Plaintiff hereby claims that he suffered a First Amendment violation-" to be free to exercise his religious practices"- (e.i., that is to maintain a proper Jewish Kosher diet that satisfies the dietary laws and sufficient to sustain good health and study Jewish Scripture), a right which is further protected under the Religious Land Use and Institutionalized Persons Act ("RLUIPA"). Specifically, Plaintiff Kosher needs have been unmet for the Kosher meals are unsanitary and poorly prepared which renders meals to be unclean and no longer considered to be Kosher. Moreover, Defendants have failed to provide Plaintiff with Jewish Scriptures (e.g., Torah, Talmuds, Tonakh.)

102. The deprivation of Plaintiff's religious rights was done in defendants official capacity as employyes of PBSP/CDC and with deliberate indifference of his religious beliefs.

103. In 2010, Plaintiff began studying and practicing Judaism as his personal religious belief.

104. On May 30, 2012, Under the teachings and presence of Rabbi Joseph Hample, a Bar Mitzvah ceremony was conducted for Plaintiff Salas.[The Bar Mitzvah documentation is appended hereto as Exhibit P].

105. On June 5, 2012, Rabbi Hample resigned as PBSP's Jewish Chaplain and Defendant Losacco inherited the Rabbi's

106. Further, based on Rabbi Hample's recommendation Plaintiff Salas was made inmate Jewish minister of the Jewish community in PBSP B yard facility per Title 15 §3211(a). [The Rabbi's recommendation is appended hereto as Exhibit Q]. Thus, Plaintiff is sincere in his Jewish beliefs.

- KOSHER NEEDS

107. As previously alleged in Claim 1, Plaintiff realleges and incorporates each of the general allegations of paragraph 1 through 60 and paragraphs 61 through 100 inclusive as if alleged herein.

108. Jews are required to maintain a Kosher Diet, according to the laws of Kashruth. Jews following Kashruth may only eat animals with split hooves and that chew their cud and certain fowl and fish with scales and fins. Dairy products and meat are not allowed to be consumed in the same meal. It is customary to wait atleast six hours after consuming meat to eat dairy and atleast one hour after drinking milk to eat meat. Fruit vegetables and some cereal qualify as Kosher. Kosher food must remain physically seperate from non-Kosher, as must utensils and plate.

109. And according to the Shemin; "All things that swarm upon the earth (e.g., bugs, vermin, parasites, bacteria) are an abomination; they shall not be eaten. Anything that crawls on its belly or anything that walks on four or anything that has many legs; shall not be eaten." Subsequently, if Kosher food comes in contact with bugs, vermin, parasites and or bacteria the meal is no longer deemed Kosher. In the present case at hand Plaintiff has received contaminated Kosher food that is deemed to be unclean by contact of contamination. As well, Plaintiff has

received non-Kosher food items along with Kosher food which ultimately renders Kosher food to be non-Kosher by contact.

110. Take for instance on August 3, 2013, Plaintiff received "PIA" food items in his Kosher "sealed" box tray which was confirmed by Officer Kleiser [See Exhibit L]. The PIA food items are only distributed to inmates who receive regular meals.

111. And on August 10, 2013, Plaintiff received PIA food items (i.e., sliced bread and an opened bologna pack) which was confirmed by Officer Kleiser.

112. And from November 16 until November 21, 2013, Plaintiff received non-Kosher Cheese crackers with his Kosher meals that consisted of meat. This is deemed to be in violation of Jewish Kashruth laws, for (1) dairy products and meat are not allowed to be consumed in the same meal and (2) Kosher food must remain physically separate from non-Kosher food.

113. Defendant Gomez was informed via CDCR 22, and responded to Plaintiff request, stating he will make the changes for Plaintiff is right.

114. But for two consecutive days after, Plaintiff was again served in the same manner. And again this was brought to Defendant Gomez's attention which he again assured Plaintiff the serving of non-Kosher items will come to a stop, [The CDCR 22 Form is appended hereto as Exhibit R].

-JEWISH SCRIPTURE NEED

115. As inmate Jewish minister, Plaintiff has been adamant in having Defendant Losacco provide Jewish scriptures. But defendant Losacco has failed to meet Plaintiff's request.

116. Not to mention, Plaintiff has had the entire Jewish community in B yard to submit their own request for Jewish

scripture but yet again Defendant Losacco failed to address the matter.

117. Seeing no cooperation in sight, Plaintiff had requested Unit Classification Committee ("UCC") for a hardship transfer based on PBSP (e.i., defendant Losacco) failure to provide Jewish scriptures and for not receiving a proper Kosher diet and for not having a Jewish Rabbi overseeing the Jewish program. [The 128-G is appended hereto as Exhibit S].

118. During the 602 process in which Plaintiff appealed UCC's denial of his hardship transfer, Defendant Lewis stated Plaintiff was appropriately housed in PBSP and overlooked the facts that PBSP has not been able to accomadate the Plaintiff with Jewish scriptures and other related Jewish religious accomadations.

119. Defendant Losacco and Defendant Lewis displayed deliberate indifference to Plaintiff's religious needs in being able to practice his Jewish faith.

120. It is one of Plaintiff's central tenets to study Jewish scripture. Since the destruction of the Holy Temple, Jews have been required to study scripture as an alternative to Temple practices and ceremonies.

121. Furthermore, the Talmud Shabbat 127 a sates that "the study of Torah [Jewish scripture] is equivalent to all other commandments." And without the Torah abd other Jewish scripture, Plaintiff is unable to practice this Jewish tenet which is the very outset in practicing other Jewish tenets.

122. Therefore, Defendants have placed a substantial

burden on Plaintiff in order that he may practice his Jewish tenets and are violating Plaintiff's constitutional rights in being unable to practice his religion accordingly.

FIRST CLAIM FOR RELIEF

Violation of Prisoner's Eighth Amendment Right to be Free From Being Issued Contaminated Food.

123. Plaintiff realleges and incorporates by reference each allegation of paragraph 1 through 60, inclusive as if alleged herein.

124. Defendant Gomez, Halls, Plunkett, Reidel, Ireland, Young, Cooper, Lemos, Sojka, Rios, Losacco, and Lewis violated Salas's Eighth Amendment right to be free from cruel and unusual punishment in the form of being issued unsanitary contaminated food, thus denying a basic human need guaranteed to prisoners by the United States Constitution.

125. In doing as alleged herein above, defendants acted with deliberate indifference to Salas personal health and subjected him to unnecessary and wanton infliction of pain, including physical injury and psychological and emotional distress in violation of his rights under the Eighth Amendment. Specifically, defendants were deliberate indifferent to Salas right to have (Jewish Kosher) food prepared and served under conditions which do not present an immediate danger to the health and well being of the plaintiff

who consumes it. By virtue of the defendants reckless neglect of plaintiff who continual complaints, Salas fell extremely ill on numerous occasions (e.g., diarrhea, stomach pain, nausea, vomiting, colds et.al.) and is thus made vulnerable for further health problems.

126. Plaintiff is informed and believes and thereon alleges that supervisory officials defendants Gomez, Halls, Lewis, Losacco, Rias, Sojka, and Lemos had knowledge of the acts complained of and agreed to them or allowed them to happen.

127. Plaintiff is informed and believes and thereon alleges that supervisory officials defendants Gomez, Halls, Lewis, Losacco, Rias, Sojka, and Lemos had actual knowledge for the acts complained of have been brought to their attention by prison officials/plaintiff but have been unchecked by the responsible supervisor defendants.

128. All of the defendants acted despicably, knowingly willfully and maliciously or with reckless or callous disregard for Salas Federally protected rights.

129. As a direct and proximate result of all of the defendants actions herein alleged, plaintiff Salas suffered and continues to suffer physical injury. Salas is entitled to an amount award of compensatory and punitive damages for injuries suffered.

130. As a further direct and proximate result of all of the defendants action herein alleged, Salas suffered and continues to suffer, emotional and psychological distress, Salas is entitled to an award of compensatory and punitive damages for the injuries suffered.

131. Salas is entitled to injunctive relief including but not limited to an order requiring his transfer away from PBSP where he will be subjected to retaliation instigated and/or ratified by any of the defendants. There is no adequate remedy at law to protect Salas from said retaliation and without the equitable relief sought he is susceptible to great and irreparable injury. The balance of hardship tips markedly toward Salas in that there would be little or no prejudice or harm to the defendants should Salas be transferred away from PBSP.

SECOND CLAIM FOR RELIEF

VIOLATION of Prisoner's Eighth Amendment Right to Have a Nutritional Adequate Diet

132. Plaintiff realleges and incorporates by reference each of the general allegations of paragraphs 1 through 60, inclusive and paragraphs 61 through 100, inclusive, of the first claim, as if alleged herein.

133. Defendants have denied Salas his Eighth Amendment right to be free from cruel and unusual punishment in the form of deprivation of a nutritional adequate diet, thus denying a basic human need guaranteed to prisoners by the United States Constitution.

134. As a direct result of being deprived of a nutritional adequate diet, plaintiff was subjected to abnormal "weight loss" and hunger pangs.

135. In doing as alleged herein above, defendants acted with deliberate indifference to Salas personal health and subjected him to unnecessary and wanton infliction of pain including physical injury and psychological and emotional distress in violation of his rights under the Eighth Amendment.

136. Under the doctrine of supervisory liability defendants GOMEZ, Halls, Lewis, Losacco, Rias, Sojka and Lemos are liable for Salas injuries for they had actual knowledge of the acts complained of have been brought to the attention of prison officials but have been unchecked by the responsible supervisor and allowed the acts to happen and or agreed to them.

137. Defendants acted despicably, knowingly, willfully and maliciously, or with reckless or callous disregard for Salas federally protected rights.

138. As a direct and proximate result of all of the defendants actions herein alleged, Salas suffered and continues to suffer, physical injury. Salas is entitled to an award of compensatory and punitive damages for injuries suffered.

139. As a further direct and proximate result of all of the defendants action herein alleged, Salas suffered and continues to suffer, severe emotional and psychological distress. Salas is entitled to an award of compensatory and punitive damages for injuries suffered.

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140. Salas is entitled to injunctive relief including but not limited to an order requiring his transfer away from PBSP where he will be subjected to retaliation instigated and/or ratified by any of the defendants. There is no remedy at law to protect Salas from said retaliation and without the equitable relief sought he is susceptible to great and irreparable injury. The balance of hardships tips remarkably toward Salas in that there would be little or no prejudice or harm to the defendants should he be transferred away from PBSP.

THIRD CLAIM FOR RELIEF

Violation of Prisoner's First Amendment Right To Exercise His Religious Beliefs.

141. Plaintiff realleges and incorporates by reference each of the general allegations of paragraph 1 through 60 inclusive and paragraphs 61 through 100 and paragraphs 101 through 122 as if alleged herein.

142. Defendants have denied Salas his First Amendment Right to be free to exercise his Jewish practices in the form of depriving a proper Kosher diet as well as Jewish religious scriptures (e.g. Torah, Talmuds, Tanakh) Hence, denying a basic right guaranteed to prisoners by the United States Constitution and further protected under the RLUIPA Act.

143. As a direct result of being deprived of his religious rights, Plaintiff was subjected to consuming a contaminated insalubrious improper Kosher meal resulting in Plaintiff falling ill on numerous occasions including but not limited to extreme weight loss, stomach pain, nausea, vomiting, body aches, colds, and diarrhea.

144. Further, the deprivation of Jewish scripture has subjected the Plaintiff to live in an inconsistent manner in light of his central tenet, for he is unable to properly study and unable to conduct a proper Jewish service as an "Inmate Jewish Minister".

145. Defendants imposed a substantial burden on Plaintiff religious exercise rights because Plaintiff is dependent on Defendants for his Jewish Kosher food and religious scriptures.

146. Defendants acted with deliberate indifference to Salas religious beliefs and subjected him to sustain an improper Kosher diet that does not satisfy the dietary laws of the Jewish faith.

147. In doing as alleged herein above, defendants have deliberately placed Plaintiff Salas personal health at risk and subjected him to unnecessary and wanton infliction of pain , physical injury and psychological and emotional distress.

148. Under the doctrine of supervisor liability, defendants Gomez, Halls, Lewis, Losacco, Rias, Sojka, and Lemos are liable for Salas rights being violated, for they had actual knowledge of the acts complained of but have went unchecked by the responsible supervisor and allowed the deprivation to continue and or agreed to them to continue.

149. Defendants acted despicably, knowingly, wilfully and maliciously or with reckless or callous disregard for Plaintiff Salas federally protected rights.

150. As a direct and proximate result of all of the defendants mention herein alleged, Salas suffered and continues to suffer, severe emotional and psychological distress. Salas is entitled to an award of compensatory and punitive damage for injuries suffered.

151. As a further direct and proximate result of all of the defendants action herein alleged, plaintiff Salas suffered and continues to suffer, severe emotional and psychological distress. Salas is entitled to an award of compensatory and punitive damages for injuries suffered.

152. Salas is entitled to injunctive relief but not limited to an order requiring his transfer away from PBSP to another institution where his religious needs could be met. The balance of hardship tips remarkably toward Salas in that there would be little or no prejudice or harm to the defendants should he be transferred away from PBSP.

PRAYER FOR RELIEF

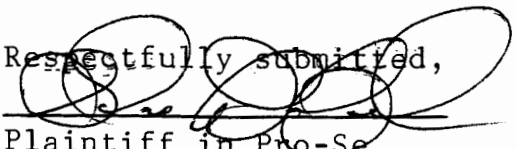
WHEREFORE, Plaintiff, Rafael Salas prays for the following relief

1. Declarator relief;
2. Injunctive relief;
3. Compensatory damages according to proof;
4. Punitive damages according to proof;
5. Appoint Counsel and award reasonable attorney fees;
6. Cost of suit; and
7. Such further relief as the court deems proper.

DEMAND FOR JURY TRIAL

Plaintiff, Rafael Salas hereby demands a trial by jury.

Dated: April 2, 2014

Respectfully submitted,
BY: 
Plaintiff in Pro-Se

PROOF OF SERVICE BY MAIL

(C.C.P. Sec. 1012 #2015-5, U.S.C. Sec. 1740)

I, Rafael Salas, am a resident of Pelican Bay State Prison, in the County of Del Norte, State of California. I am over the age of eighteen (18) years and am a party to this action.

My State Prison address is: Pelican Bay State Prison, P.O. Box 7500, Housing Unit B6 Cell

Number 103, Crescent City, CA 95532-7500

On the 3rd day of April, I served the following (set forth the exact title of document(s) served):

CIVIL RIGHTS COMPLAINT AND EXHIBITS IN SUPPORT OF THEREOF;
APPLICATION TO PROCEED IN FORMA PAUPERIS

On the party(s) herein by placing a true copy(s) thereof, enclosed in a sealed envelope(s), with postage thereon fully paid, in the United States mail, in a receptacle as provided at Pelican Bay State

Prison, Crescent City, CA 95532, and addressed as follows:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

450 Golden Gate Ave.

San Francisco, CA

94102-3483

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

Inmate Signature

April 3, 2014
Date

1 RAFAEL SALAS G-55918
2 PELICAN BAY STATE PRISON
3 POST OFFICE BOX 7500
4 CRESCENT CITY, CALIFORNIA
5 95531-7500
6 PRO-SE

ORIGINAL

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

RAFAEL SALAS,
Plaintiff,

V.

MICHAEL GOMEZ et al
Defendants,

Case No. _____

EXHIBITS IN SUPPORT
OF CIVIL RIGHTS
COMPLAINT U.S.C. § 1983


EXHIBIT A

STATE OF CALIFORNIA
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

FACILITY B
GB UNIT B7

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SECTION A: INMATE/PAROLEE REQUEST


NAME (Print): (LAST NAME) Salas	(FIRST NAME) Rafael	CDC NUMBER: G-55918	APPROPRIATE: 
HOUSING/BED NUMBER: B7 # 103	ASSIGNMENT: na	HOURS FROM _____ TO _____	TORIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): JOB TITLE, DUTIES AND RESPONSIBILITIES INQUIRY

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:


To D. Plunkett: I am inquiring into your job title, job duties and responsibilities. Can you elaborate? It is necessary I receive a response to determine if you should be held liable for my unsanitary underserved Kosher Meals. And please provide a timely response pursuant to CCR Title 15 guidelines section 3086 (f) (4). Keep in mind this is my second inquirment

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED**

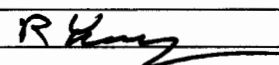
☐ SENT THROUGH MAIL: ADDRESSED TO: **D. Plunkett** DATE MAILED: **7/25/13**
☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME: H. Brown	DATE: 7/25/13	SIGNATURE: 	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:		DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME: R. Young	DATE: 8-9-13	SIGNATURE: 	DATE RETURNED: 8-9-13
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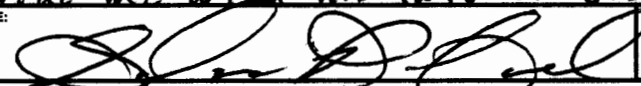
P.B.S.P. policy and procedure for inmates if they feel they are short or missing items is to immediately ~~notify~~ notify floor staff. They will rectify if indeed anything is missing or short. This is the only resolve for inmates.



SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

To D. Plunkett: I have been provided with an irrelevant response. As stated at the very top I only seek to inquire as to your job title, job duties and responsibilities. And if possible since R. Young has provided repeated responses, I ask if you can also provide me with his info on job title, job duties and responsibilities.

SIGNATURE: 	DATE SUBMITTED: August 10, 2013
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SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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You do not have right to have info on job title on any staff.

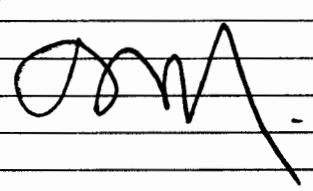
 **FORM 2SC e**
8/19/2013

EXHIBIT B

Visit Start Dt/Tm: 01-02-2013 1211 Encounter Type: SICK CALL

Visit Reason: 7362 PCP EVALUATION

Subjective

Entry Dt/Tm: 01-02-2013 1212 Entered By: MPIMSSER, RISENHOOVER, FNP

Updated Dt/Tm: 01-02-2013 1227 Updated By: MPIMSSER, RISENHOOVER, FNP

no im encounter per RN Penkian re:7362 dated 12/31/12 # 199190

pt telling RN "had a cockroach in his applesauce kept the bug & the applesauce for the CO to see on 12/30/12 pt.telling RN did not eat the bug."

RN phone call today 1/2/13 spoke with CO Nichlos floor CO telling RN saw a very sm.brwn bug but could not I.D. the type of bug but did not look like a cockroach.

Today,Per CO telling RN pt. went to law library before being seen by RN Penkian.

Pt telling RN after this bug incident now c/o Left upper abd pulsating pain & when eats 8-9 out of 10 feels like a bruise.Diarrhea not solid light brwn to yellow bm x 2 today vomited x 1 07:00am today clear no food x 1 only today.

Yesterday bm 3-4 time, vomited x 2 clear no food & sl nausea.

agree with RN assessment v/s b/p 110/80 p.76 r 18 T 98.1 02sat 99% abd soft normal bwl sds nontender no guarding/ rebound, v/s stable,moist mucus membranes.

Per RN exam wnl,observation,encourage fluids, rn f/u 2 days & reveiw w/pcp.

No medication rx today.

E:TABE 12.9 no DPP,NCF,GP rx glasses

FACILITY B
GB UNIT B7**Objective****PHYSICIAN'S PROGRESS NOTES**

CDC 7230

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

CDC #: G55918

Name(L,F,M,S): SALAS, RAFAEL

COPY

Assessment

Medical Diagnosis

Code: 9991 Description: EARS, NOSE, & THROAT DISEASE
 Axis: GAF: Status: CURRENT Provider: ADAM, MD, NANCY
 Diagnosis Dt/Tm: 12-16-2009 1057 Resolve Dt/Tm: 00-00-0000 0000 Priority:
 Notes: allergic rhinitis

Code: 530.81 Description: GERD
 Axis: GAF: Status: CURRENT Provider: ADAM, MD, NANCY
 Diagnosis Dt/Tm: 12-16-2009 1057 Resolve Dt/Tm: 00-00-0000 0000 Priority:
 Notes:

Code: 9992 Description: NURSING DIAGNOSIS
 Axis: GAF: Status: COMPLETE Provider: ZZ-CAYA, RN, DANIELLE
 Diagnosis Dt/Tm: 10-14-2009 0959 Resolve Dt/Tm: 02-14-2012 1047 Priority:
 Notes:

Order

PHYSICIAN'S PROGRESS NOTES

CDC 7230

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

CDC #: G55918

Name(L,F,M,S): SALAS, RAFAEL

COPY

CONFIDENTIAL

California Department of Corrections and Rehabilitation

Pelican Bay State Prison

Worksheet: Constipation / Diarrhea - Chapter 12A Attachment

Inmate/patient Name: Salas, R CDC# 655918 DOB 4/07/84 Date/Time 1/02/13 1100

Fill in the blanks and check all that apply

SUBJECTIVE:

Chief Complaint: stomach pain and diarrheaDate and time of onset: 12/30/12Pain: Location: left upper stomachWhat makes the pain better: noneOn scale of 0-10 (0 = no pain 10 = worst pain) 7/10☒ Sharp ☐ Dull ☐ Radiating: (describe) _____"pulsating"☐ Cramping ☒ N/V ☐ BurningLast BM: Date: 1/02/13 ☐ Normal☒ Diarrhea ☐ Constipation ☒ Yellow light brown☐ Green ☐ Black ☐ Tarry ☐ Bloody stool☐ Clay coloredNormal / change in bowel habits: "No"Recent food: breakfast 01/02/13Urination: ☒ Normal ☐ Dysuria ☐ Hematuria☐ Recent abdominal trauma deniesChronic diseases: ☐ Hepatitis (type) denies☐ Thyroid Disease ☐ Irritable bowel syndrome☐ Gastritis, Peptic ulcer, chronic heartburn, GERDOther: denies☐ Hx of black, tarry stools (explain) deniesAbdominal surgery: deniesAllergies: NKOACurrent medications: NO current meds

OBJECTIVE:

☒ Awake, alert, oriented to person, place, timeVital signs: Temp 98.1 R: 16 Wt: 158Ht. 5'6" O2SAT 99% BMI 25Pulse(sitting) 76 Pulse (standing) 8BP (sitting) 110/80 BP (standing) 8Skin: ☒ Pink ☐ Pale ☐ Grey ☐ CyanoticBowel Sounds: ☒ Normal ☐ Hyperactive☐ Hypoactive ☐ AbsentAbdomen: ☒ Soft ☐ Guarded ☐ Rigid☐ Distended ☐ Mass ☐ ReboundTenderness: ☐ On palpation tenderness not noted on palpation☐ Mild ☐ Moderate ☐ SevereLocation of findings: ☐ Epigastric ☐ Periumbilical☐ LUQ ☐ LLQ ☐ RUQ ☐ RLQFOBT results: ☐ positive ☐ negative

ASSESSMENT:

☐ Constipation as evidenced by/related to: NA☒ Diarrhea as evidenced by: 40 waterystoolstoolstoolstoolstoolstoolstoolstoolstoolPCP referral completed: (circle) NO / YES If yes:☐ STAT (Fever > 101.5F; moderate or severe abdominal pain; hypotension; pain on rebound or with palpation; black, tarry or bloody stool; vomiting)☐ Urgent ☒ Routine☐ Orders received by phone from POC.PCP called (name / time) Rimbover TNP at 1224PCP responded (time) 1224 (PCP in clinic)

CONSTIPATION

☐ Milk of Magnesia 30 cc with 8-12 ounces of water PO TID PRN NTE 24 hours, if no vomiting. NTE 3 doses. If ineffective give:☐ Magnesium Citrate 1 bottle x 1. If ineffective give:☐ Fleets enema PRN x 1.

DIARRHEA

Do not treat until persists for > 24 hours.

☐ Loperamide HCL 2 mg: 2 caplets PO after 1st watery stool; then 1 caplet after each watery stool while symptoms persist; not to exceed 4 caplets in 24 hrs. NTE 2 days.☒ Inmate/patient instructed to follow up in clinic in if symptoms persist.

EDUCATION:

☒ Reviewed DECS & TABE/Learning Disability list.TABE score: 12.9, NCF, GP, Rx glasses

DECS accommodation status

NO DPP codeNO accommodation☒ Reads and comprehends without assistance.☐ Accommodations given: 0

Inmate/patient instructed in:

☒ Use of medication☒ Fluids, diet and exercise☒ Gujac cards instructed.☒ Monitor/record characteristics/frequency of stool☒ Resubmit Health Services Request Form(PBSP 7362) if: symptoms persist, deteriorate; fever and abdominal pain with constipation; increased pain; bright red blood appears in the stool; vomiting; or after worse☐ Inmate/patient Health Care Education Forms given to Inmate/patient: (specify) 0☒ Inmate/patient reiterated in own words what was explained☐ Inmate/patient asked appropriate questions regarding

PLAN:

This worksheet is to be scanned into the EHR.

July 2010

05-12A-1

Printed 2013.01.18 12:25:41 -08'00'

CONFIDENTIAL

California Department of Corrections and Rehabilitation

Pelican Bay State Prison

Worksheet: Constipation / Diarrhea - Chapter 12A Attachment

Inmate/patient Name: Salas, R CDC# 655918 DOB 4/07/84 Date/Time 11/02/13 1100
 Fill in the blanks and check all that apply

information given.

- ☐ Inmate/patient did not appear to understand communication, even though primary method of communication used.

DISPOSITION

Time released: 1115 Condition on release: ambulatory, stable

- ☒ Returned to housing unit
☐ Housing reassignment to: N/A
☒ Referred for follow-up
☐ PCP clinic ☒ RN clinic 2 days
☐ Referred to higher level of care: (specify) _____

Person/time contacted: _____
 Time/Mode of transfer: _____
 ERV contacted (time) _____
 ERV arrived (time) _____

List name(s) of RN Protocols used:

Chapter 12 A for Constipation/
Diarrhea.

I/P was wearing pt gloves when seen
in clinic.

Additional charting:

I/P stated "I was eating applesauce
on 12/30/12 and it did not taste good.
When I looked at it, there was a
small dead cockroach on the applesauce.
So, I showed it to the CO and he saw
it. I had BM 2X today at 7 AM and
1015 AM, both were not solid; light
brown and yellow in color. I threw up
once at 7 AM before the food arrived.
Yesterday and last Monday, I had
BM 3-4X they were not solid and
threw-up once/twice!" "I feel a little

Superman RN

Signature / Title

Addendum:

bit nauseous!" "I drink
4 of 12 oz water / day."
Tenderness or facial
grimacing not noted when
abdomen was palpated
today. Rebound or
guarding not noted.
I/P speaks in full
sentences, no signs of
acute distress noted.
Mucous membrane pink
and moist. Skin turgor-
good. I/P denies bladder
problem. Spoke to CO
Nichols of B7 at approx
1120; per CO he saw a
"small brown bug" on
the applesauce but did
not look like a cockroach
No of dizzying at this
time. — Superman RN

EXHIBIT C

Subjective

Entry Dt/Tm: 01-07-2013 0726 Entered By: MPIMSSVP, PENKIAN, RN

Updated Dt/Tm: 01-07-2013 0727 Updated By: MPIMSSVP, PENKIAN, RN

Late entry for 1/04/13: Assessment/follow-up discussed with Risenhoover FNP at 1410, no new orders received.

I/P will be referred to PCP line for evaluation.

Entry Dt/Tm: 01-04-2013 1323 Entered By: MPIMSSVP, PENKIAN, RN

Updated Dt/Tm: 01-04-2013 1345 Updated By: MPIMSSVP, PENKIAN, RN

Seen in B-clinic 1115-1123 for RN F/U per PCP- F/U to abd pain, diarrhea and nausea/vomiting from 1/2/13. Review with PCP.

28 year old Mexican male with no CC. No current medication per MAR. NKDA. TABE 12.9, NCF, GP, Rx glasses, No DPP code/no accommodation.

S- "I still have problem with my stomach. I had BM 2x today at 6AM and 7AM, both were not solid. They were light brown and yellow in color, first it was soft then became watery. I haven't threw-up today. I still feel nauseous. I ate cornflakes this morning with 1/2 carton of milk and 1/2 carton of water. I've been eating 3x a day, I drink 12 ounces of water each meal. I threw-up yesterday 2x around 7:15AM and after dinner, both were consists of food. I had BM 4x yesterday, they were the same not solid. I don't exercise but I go to the law library everyday. My stomach still hurts (pointing to left upper quadrant), feels like a bruise when I exercise or when I touch it. It also hurts when I'm not touching it."

O- Alert oriented x 4. Respiration even and unlabored, NAD. Ambulatory with steady gait. No facial grimacing, no guarding noted/not holding his stomach. Speech clear and concise. Skin warm, dry and intact; color-WNL. Mucous membrane pink and moist. Turgor-good. Good eye contact. HR-RRR. Lungs clear to auscultate bilaterally. BS normoactive x 4 quadrants. Tenderness not noted when abdomen was palpated at this time. No discoloration, no obvious swelling noted. I/P denies bladder problem. No edema noted. No c/o dizziness. Gets on and off exam table easily.

A Risk for fluid volume deficient related to c/o watery stool and nausea/vomiting.

Pain related to c/o pain on RUQ per I/P.

P- I/P instructed to increase water intake. Told to avoid eating fatty and spicy foods foods. Notify medical if symptoms get worse. RN will discuss this follow-up with PCP. I/P was not wearing Rx glasses when seen today in clinic. Effective communication was achieved by I/P participated in discussion by answering questions in his own words and repeated plan back in his own words. I/P left B-clinic ambulatory, no signs of acute distress noted.

COPY

PHYSICIAN'S PROGRESS NOTES

CDC 7230

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

CDC #: G55918

Name(L,F,M,S): SALAS, RAFAEL

Objective

Vitals

Vitals Dt/Tm: 01-04-2013 1115 Temp (°F): 97.1 Pulse: 80 Respiration: 18

Blood Pressure: 120/80 Wgt: 159 Hgt: 5'6 " Provider: PENKIAN, RN , STELLA

Notes: c/o pain left upper quadrant, pain scale 7/10

COPY

PHYSICIAN'S PROGRESS NOTES

CDC 7230

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

CDC #: G55918

Name(L,F,M,S): SALAS, RAFAEL

Assessment

Medical Diagnosis

Code: 9991 Description: EARS, NOSE, & THROAT DISEASE
 Axis: GAF: Status: COMPLETE Provider: ADAM, MD, NANCY
 Diagnosis Dt/Tm: 12-16-2009 1057 Resolve Dt/Tm: 01-08-2013 1019 Priority:
 Notes: allergic rhinitis

Code: 530.81 Description: GERD
 Axis: GAF: Status: CURRENT Provider: ADAM, MD, NANCY
 Diagnosis Dt/Tm: 12-16-2009 1057 Resolve Dt/Tm: 00-00-0000 0000 Priority:
 Notes:

Code: 9992 Description: NURSING DIAGNOSIS
 Axis: GAF: Status: COMPLETE Provider: ZZ-CAYA, RN, DANIELLE
 Diagnosis Dt/Tm: 10-14-2009 0959 Resolve Dt/Tm: 02-14-2012 1047 Priority:
 Notes:

Code: 733.90 Description: ORTHOPEDIC DISORDER
 Axis: GAF: Status: CURRENT Provider: RISENHOOVER, FNP, SUE
 Diagnosis Dt/Tm: 01-08-2013 1019 Resolve Dt/Tm: 00-00-0000 0000 Priority:
 Notes: L costochondritis

Order

COPY

PHYSICIAN'S PROGRESS NOTES

CDC 7230

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

CDC #: G55918

Name(L,F,M,S): SALAS, RAFAEL


EXHIBIT D

STATE OF CALIFORNIA
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

FACILITY B
G3 UNIT B7

SECTION A: INMATE/PAROLEE REQUEST

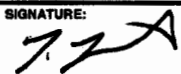
NAME (Print): (LAST NAME) Salas	(FIRST NAME) Rafael	CDC NUMBER: G-55918	SIGNATURE: 
HOUSING/BED NUMBER: B7 #106	ASSIGNMENT: n/a	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): Contaminated Food

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

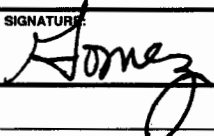
On July 4th 2013, I received fish with gravy and a side order of mixed vegetables and mashed potatoes. When I received the Dinner tray the sealed film was half-ways peeled off. I took a spoonful of the fish and consumed it. The fish was undercooked and had a foul smell. After consuming only a portion of the fish I decided only to eat my vegetables and potatoes but could not help but notice the side portions of the fish. The following day I made up sick with a cold/fever.

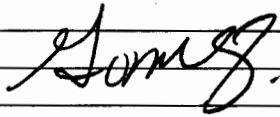
METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

- ☐ SENT THROUGH MAIL: ADDRESSED TO: Supervisor Cook DATE MAILED: 7/7/13
☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME: Turnquist	DATE: 7-7-13	SIGNATURE: 	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES <input checked="" type="radio"/> NO <input type="radio"/>
IF FORWARDED - TO WHOM:		DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON <input type="radio"/> BY US MAIL <input type="radio"/>

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME: Oct 25, 2013 Gomez	DATE: Oct 25, 2013	SIGNATURE: 	DATE RETURNED: Oct 26, 2013
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Can you please send an new request because this is out date.


SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:
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SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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EXHIBIT E

173616

HEALTH CARE SERVICES REQUEST FORM (PBSP 7362)

PART I: TO BE COMPLETED BY THE PATIENT

If you believe this to be an urgent/emergent health care need, contact the correctional officer on duty

REQUEST FOR: MEDICAL ☐ PSYCHIATRY ☐ MENTAL HEALTH ☐ DENTAL ☐ PHARMACY ☐

NAME: SALAS CDC #: G-55918 HOUSING: B7*106

PHARMACY REFILL #

Pharmacy, place labels on back of form

THE REASON YOU WANT HEALTH CARE. (DESCRIBE YOUR HEALTH PROBLEM AND HOW LONG YOU HAVE HAD THE PROBLEM)

I have been sick since July 5th. I have a runny nose, soar throat, headache, stuffy nose, body aches and possibly a fever.

PATIENT'S SIGNATURE:

DATE: July 7, 2013

PART II: TO BE COMPLETED BY THE TRIAGE RN/RDA/MTA

Date & Time Received: 7/8/13 0745

Received by:

Reviewed by RN/RDA, Date: 7/8/13

Time: 0750

Signature: [Signature]

Triage Designation: (12)

S:

O: 98% T: 97.4 P: 93 R: 16 BP: 118/80 WEIGHT: 154 5'6"

7/8/13 rec LHR

A:

P:

Signature/Date/Time: [Signature] 7/8/13 1000-1011

APPOINTMENT

EMERGENCY ☐URGENT ☐ROUTINE ☒

SCHEDULED AS:

(immediately)

(within 24 hours)

(within 14 calendar days)

REFERRED TO PCP:

DATE OF APPOINTMENT:

Print/Stamp Name

Signature/Title

Date & Time Completed

COPAYMENT INFORMATION - TO BE FILLED OUT BY DEPARTMENTAL STAFF

1. ☐ Visit was for an emergency
2. ☐ Visit was for diagnosis or treatment of a communicable disease condition (See Title 17, Chapter 4, Subchapter 1, Section 2500 CCR)
3. ☐ Visit was for mental health services
4. ☐ Visit was a follow-up requested by the clinician.
5. ☐ Visit was for State mandated evaluation or treatment (e.g., Annual TB tests)
6. ☐ Visit was for reception screening and evaluation only
7. ☒ Visit is NOT exempt from co-payment. Send PINK copy to Inmate Trust Office.

DISTRIBUTION:

ORIGINAL-Unit Health Record
PBSP 7362 (Rev. 7/03)

YELLOW - Pharmacy

PINK - Inmate Trust

GOLDENROD - Inmate/Patient

Name:

CDC#:

Housing:

Institution:

CONFIDENTIAL

California Department of Corrections and Rehabilitation

Pelican Bay State Prison

Worksheet: URI / Rhinitis / Pharyngitis - Chapter 10B Attachment

Inmate/patient Name: SalasCDC# G55918 DOB 4/7/84Date/Time 7/8/13 1000

Fill in the blanks and check all that apply

SUBJECTIVE:

Chief Complaint: "cold"
 Date and time of onset: "4 days"
 Pain: Scale of 0-10 (0=no pain 10=worst pain): "7/10"
 Area of pain: "throat, head"
 Quality of pain: "hard to talk"
 What makes it better? "sleep"
 History of prior pain /duration: "No"

- ☒ Cough Sputum (circle) (YES) NO If yes check below:
☒ Clear ☐ Yellow ☐ Green ☐ Blood-tinged
☐ Other: _____
☒ Sneezing/nasal congestion ☒ Seasonal allergy
☒ Itchy palate/throat ☐ Stiff neck ☒ Muscular aches
☐ Tender maxillary/frontal sinus ☐ Deviated uvula
☐ Fever/chills ☐ Chest congestion ☒ Headache
☐ Shortness of breath ☐ Loss of taste / smell
☒ Watery eyes ☐ Earache ☒ Sore/swollen throat
☐ Exposed to others with similar symptoms
☒ Nasal discharge: ☒ Clear ☐ Purulent
 History of: ☐ TB Disease ☐ Recent TB exposure
☐ Asthma ☐ COPD
☐ Bronchitis ☐ Smoker
☐ Diabetes ☐ HIV infection

Allergies: NKDACurrent medications: No current medsAmount of fluids taken in per day: "7-10 cups/day"**OBJECTIVE:**

☒ Awake, alert, oriented to person, place, time
 VS: Temp 97.4 Pulse 93 Resp 16 BP 110/80
 Peak Flow 570 O2 Sat 98%
 Eyes: ☒ Clear ☐ Watery ☐ Red
 Tympanic membrane: ☒ Normal ☐ Red
☐ Bulging ☐ Retracted ☐ Drainage
 (describe right vs. left) _____

Nose: ☐ Clear ☒ Congested
 Drainage: ☒ Clear ☐ Purulent
 Throat: ☐ Red ☐ Enlarged tonsils ☐ Exudate
☒ No abnormalities
 Neck: ☐ Stiff ☐ Adenopathy ☐ Enlarged lymph nodes
☒ No abnormalities
 Lungs Fields: ☒ Clear ☐ Crackles ☐ Wheezes
☐ Diminished breath sounds Describe right vs left-
 location).

ASSESSMENT:

- ☒ Ineffective breathing pattern as evidenced by/related to: Cold symptoms
☐ Risk for infection as evidenced by/related to:

PLAN:PCP referral completed: (circle) YES / (NO) If yes:☐ STAT ☐ Urgent ☐ Routine

Refer to PCP STAT for severe sore throat, difficulty breathing, drooling, fever > 101.5 F., stiff neck, severe headache, or confusion, purulent nasal discharge.

Place in respiratory isolation and notify PCP stat for night sweats, blood-tinged sputum, and fever.

☐ Orders received by phone from POC.PCP notified (name / time) N/APCP Responded (time) N/A**ALLERGIC RHINITIS**

- ☒ Chlorpheniramine 4mg (1 tab) PO Q4-6 hrs PRN congestion while symptoms persist; not to exceed 24 mg (6 doses) in 24 hrs, NTE 3 days.

VIRAL RHINITIS

- ☒ Minor Pain: Tylenol (Acetaminophen) 650mg (325mg 2 tablets) P.O. every 4 hours as needed for pain or fever control. Do not exceed 4 Gm's in a 24-hour period. NTE 3 days

- ☒ Cepacol Lozenges: PRN cough/sore throat while symptoms persist, NTE 6 lozenges per day, NTE 3 days.

- ☒ Warm water gargles PRN.

EDUCATION:

- ☐ Reviewed DECS & TABE/Learning Disability list.

TABE score: 12.9, NCF, Rx glasses

DECS accommodation status

No DPP codeNo accommodation

- ☒ Reads and comprehends without assistance.

- ☐ Accommodations given: 0

Inmate/patient instructions:

- ☒ Use of medications
☒ Drink plenty of fluids
☒ Return to clinic in 3 days if no improvement
☐ Inmate/patient Health Care Education Forms given to Inmate/patient: (specify) 0
☒ Resubmit a Health Care Service Request Form (PBSP 7362) if symptoms persist, condition deteriorates, purulent drainage; fever; sinus pain; difficulty breathing;

COPY

05-10B-1

CONFIDENTIAL

California Department of Corrections and Rehabilitation

Pelican Bay State Prison

Worksheet: URI / Rhinitis / Pharyngitis - Chapter 10B Attachment

Inmate/patient Name: Salar CDC# 655912 DOB 4/7/84 Date/Time 7/8/13 1000

Fill in the blanks and check all that apply

- ☒ Inmate/patient reiterated in own words what was explained.
- ☒ Inmate/patient asked appropriate questions regarding information given.
- ☐ Inmate/patient did not appear to understand communication, even though primary method of communication used.

DISPOSITION:

Time released 1011

- ☒ Condition on release: ambulatory, stable
- ☒ Returned to housing unit
- ☐ Housing reassignment to: N/A
- ☐ Referred for follow-up 3 PRN
- ☐ PCP clinic ☐ RN clinic
- ☐ Referred to higher level of care: (specify)

N/APerson/time contacted: /Time/Mode of transfer: /ERV contacted (time) N/AERV arrived at UTA /addendum: Wear Rx glasses.

List name(s) of RN protocols used: Chapter 10B -
URI / Rhinitis / Pharyngitis

Supervision RN

Signature/Title

COPY

05-10B-2

EXHIBIT F

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)KITCHEN (SCC) HAS SHOWN A DELIBERATE INDIFFERENCE
FOR IT CONTINUES TO SERVE CONTAMINATED FOOD, A
SECTION A: INMATE/PAROLEE REQUEST VIOLATION OF THE 8TH AMENDMENT

NAME (Print): (LAST NAME) Salas	(FIRST NAME) Rafael	CDC NUMBER: G-55918	SIGNATURE:
HOUSING/BED NUMBER: B7 103	ASSIGNMENT: Comp. Lit. (OSRT)	HOURS FROM 8:00 TO 10:30	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): SPOILED ROTTEN FOOD "CONTAMINATED"

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

Now it is with great urgency, I submit this request, for the distribution of contaminated food has been consistent. On 11-5-13, 11-7-13 and 11-10-13 I have received rotten moldy bologna sandwich, and it's been verified by S/O Hamner on the 5th, by S/O Nichols on the 7th, and by S/O Larson on the 10th. Further, the apple sauce fruit cup has been coming out fermented for it clearly smells and taste like alcohol. And the Hook Cream Cheese has spoiled for the cream smells bad and has tasted tangy. I ask you stop the distribution of contaminated food for I have gotten sick on numerous occasion because I have consumed your food.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED**
☐ SENT THROUGH MAIL: ADDRESSED TO: Supervisor Correctional Cook (SCC) DATE MAILED: 11/10/13
☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME: M. Burgess	DATE: 11-10-13	SIGNATURE: 	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM: Kitchen staff	DATE DELIVERED/MAILED: 11-10-13	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL	

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME: T. Cooper	DATE: 11-11-13	SIGNATURE: T. Cooper	DATE RETURNED: 11-11-13
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We recommend that you see a doctor when you become sick because of bad food. We have discontinued the bologna sandwiches the further inspection. And we will check out the other item you mentioned. Please Mr. Gomez.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:
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SECTION D: SUPERVISOR'S REVIEW


RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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EXHIBIT G

STATE OF CALIFORNIA
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SECTION A: INMATE/PAROLEE REQUEST

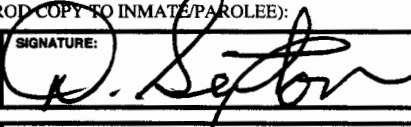
NAME (Print): (LAST NAME) <u>Galas</u> (FIRST NAME) <u>Rafael</u>		CDC NUMBER: <u>G-55918</u>	SIGNATURE: 
HOUSING/BED NUMBER: <u>B7 103</u>	ASSIGNMENT: <u>Comp. Lit (OSRT)</u>	HOURS FROM <u>8</u> TO <u>10:30</u>	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): <u>CONTAMINATED Food</u>

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

This is a consistent problem, need I remind you on 11-5-13 11-7-13 and 11-10-13 you gave rotten moldy bologna sandwich and on 11-11-13 you gave it back to % Larson and at dinner you provided me with **FACILITY B** **GB UNIT B** which again was also rotten bologna and verified by % Burgess which he returned to you. ~~And please throw out the apple sauce fruit cups for the fruit has fermented, its no good no more!!!~~

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED**

- ☐ SENT THROUGH MAIL: ADDRESSED TO: Supervisor Correctional Cook (SCC) DATE MAILED: 11/11/13
☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME <u>D. Sexton</u>	DATE: <u>11-11-13</u>	SIGNATURE: 	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:		DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
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SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:
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SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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EXHIBIT H


STATE OF CALIFORNIA

INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

FACILITY B
GB UNIT B7

SECTION A: INMATE/PAROLEE REQUEST

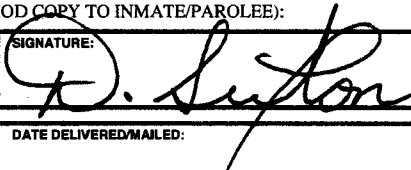
NAME (Print): (LAST NAME) <u>Salas</u> (FIRST NAME) <u>Rafael</u>		CDC NUMBER: <u>G-55918</u>	SIGNATURE: 
HOUSING/BED NUMBER: <u>B7 103</u>	ASSIGNMENT: <u>OSRT</u>	HOURS FROM <u>8^{AM}</u> TO <u>11^{PM}</u>	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): <u>CONTAMINATED FOOD</u>

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

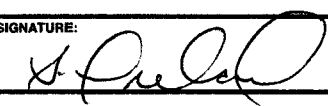
This has been an on-going issue I repeatedly am receiving moldy rotten bologna sandwiches. Again on November 29, 2013 and on November 30, 2013 I received your supposed discontinued bologna. And verification purposes, Officer Nichols verified the rotten bologna on November 29, 2013 and Officer Ceng verified it on November 30, 2013. I have brought this to your attention multiple of times and have yet to receive your cooperation, so please inform your superiors and stop serving me rotten food.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED**

- ☐ SENT THROUGH MAIL: ADDRESSED TO: Supervisor Correctional Cook DATE MAILED: 12/1/13
- ☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME: <u>D. Sexton</u>	DATE: <u>12-2-13</u>	SIGNATURE: 	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL	

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME: <u>S. IRELAND</u>	DATE: <u>12/10/13</u>	SIGNATURE: 	DATE RETURNED: <u>12/18/13</u>
--	-----------------------	--	--------------------------------

MR. SALAS

THE MAIN KITCHEN IS WORKING TO SOLVE THE KOSHER LUNCH MEAT. THE MEALS COME TO US SEALED FROM THE KOSHER MEAT PROVIDER. WE HAVE ALWAYS REPLACED ANY PRODUCT THAT HAS BEEN BAD.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:
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SECTION D: SUPERVISOR'S REVIEW

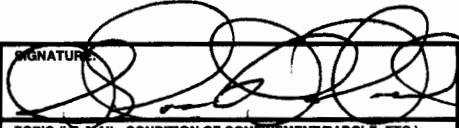
RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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EXHIBIT I

INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE

CDCR 22-(10/09)

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME) Galas	(FIRST NAME) Rafael	CDC NUMBER: G-55918	SIGNATURE: 
HOUSING/BED NUMBER: 87 103	ASSIGNMENT: OSRT	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): CONTAMINATED FOOD


CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

On December 4, 2013, I received a rotten bologna sandwich. This was verified by Officer Caraway. Now I had brought this to your attention before, as well as to your SCC and I still continue to receive this rotten sandwich. You are leaving me no options left to pursue legal action against you and those involved. Therefore, I ask for the names of those employees who are responsible for my meals. Thank you.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX)

NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED

- ☐ SENT THROUGH MAIL: ADDRESSED TO: **Tim Lemos And Lucy Sojka** DATE MAILED: ____/____/____
- ☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME: M. Burgess	DATE: 12-5-13	SIGNATURE: 	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES <input checked="" type="radio"/> NO <input type="radio"/>
IF FORWARDED - TO WHOM:		DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON <input type="radio"/> BY US MAIL <input checked="" type="radio"/>

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME: K. Reedel	DATE: 12-15-13	SIGNATURE: K. Reedel	DATE RETURNED: 12-15-13
--	--------------------------	--------------------------------	-----------------------------------

We have not had any issues with the lunch meat, or any other complaints. The lunch meat is inspected by the CSC's on duty to assure freshness. SCC has personally inspected several cases and have not found any spoiled meat. Thank you for bringing this to our attention. If you have any further problems, feel free to contact us.

Thank you!

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

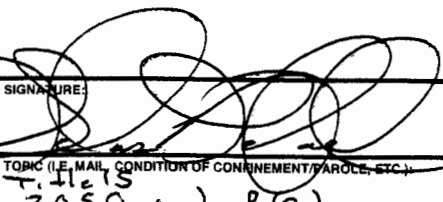
SIGNATURE:	DATE SUBMITTED:
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SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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EXHIBIT J

SECTION A: INMATE/PAROLEE REQUEST

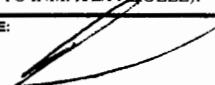
NAME (Print): (LAST NAME) Salas	(FIRST NAME) Rafael	CDC NUMBER: G-55918	SIGNATURE: 
HOUSING/BED NUMBER: B7-106	ASSIGNMENT: n/a	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): T. 1115 3050 (a) 8(2)

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

Good morning, I am writing this request for I need the nutritional facts of the every day meals (Kosher) I have been provided. The reason for this request is due to the cut back on bread, lunch meat, desert and chips. Previously, when I was housed in ASU, the SHU kitchen provided me with 1 slice of bread, sealed pack of lunch meat (8 slices), two Sara Lee Pastries, and sealed chips. And second, according to Title 15 sec 3050 (2) inmates shall be provided three meals each day, two of which shall be served hot. My question is why do I only receive one hot meal? Thank you

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

☐ SENT THROUGH MAIL: ADDRESSED TO: Supervising Correctional Cook M. Gomez DATE MAILED: 11/20/12
☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME: Payne	DATE: 11-20-12	SIGNATURE: 	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
IF FORWARDED - TO WHOM: Supervising Correctional Cook	DATE DELIVERED/MAILED: 11-20-12	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON <input checked="" type="checkbox"/> BY US MAIL <input type="checkbox"/>	


SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME: R. Young	DATE: 11-22-12	SIGNATURE: R Young	DATE RETURNED: 11-22-12
you are being provided with Kosher food from the new Kosher diet menu that started Oct 1, 2012			
B7			
R Young			

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

Now whether you are providing me with the Kosher diet menu, I still would like to see the nutritional facts in order that I may see I am being provided with the balanced diet and if I am getting the 2000 calories. And again why I am not receiving two hot meals per day. I want to see your new regulations, memorandum and any other document which your decision/order relies on.

SIGNATURE: 	DATE SUBMITTED: November 27, 2012
--	---

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME): Dec 2-2012 Tony [unclear]	DATE: 11-20-12	SIGNATURE: M. [unclear]	DATE RETURNED:
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Real Attached

CALIFORNIA DEPARTMENT OF CORRECTIONS
CDCR Wk 1 Kosher New Ave

August 14, 2012

Total Weight: 10353.06 g (365.19 oz-wt.)
 Serving Size: 1479.01 g (52.17 oz-wt.)
 Serves: 7.00
 Cost: 1.5552

% comparison to: US Male (31-50 years)

Bar Graph

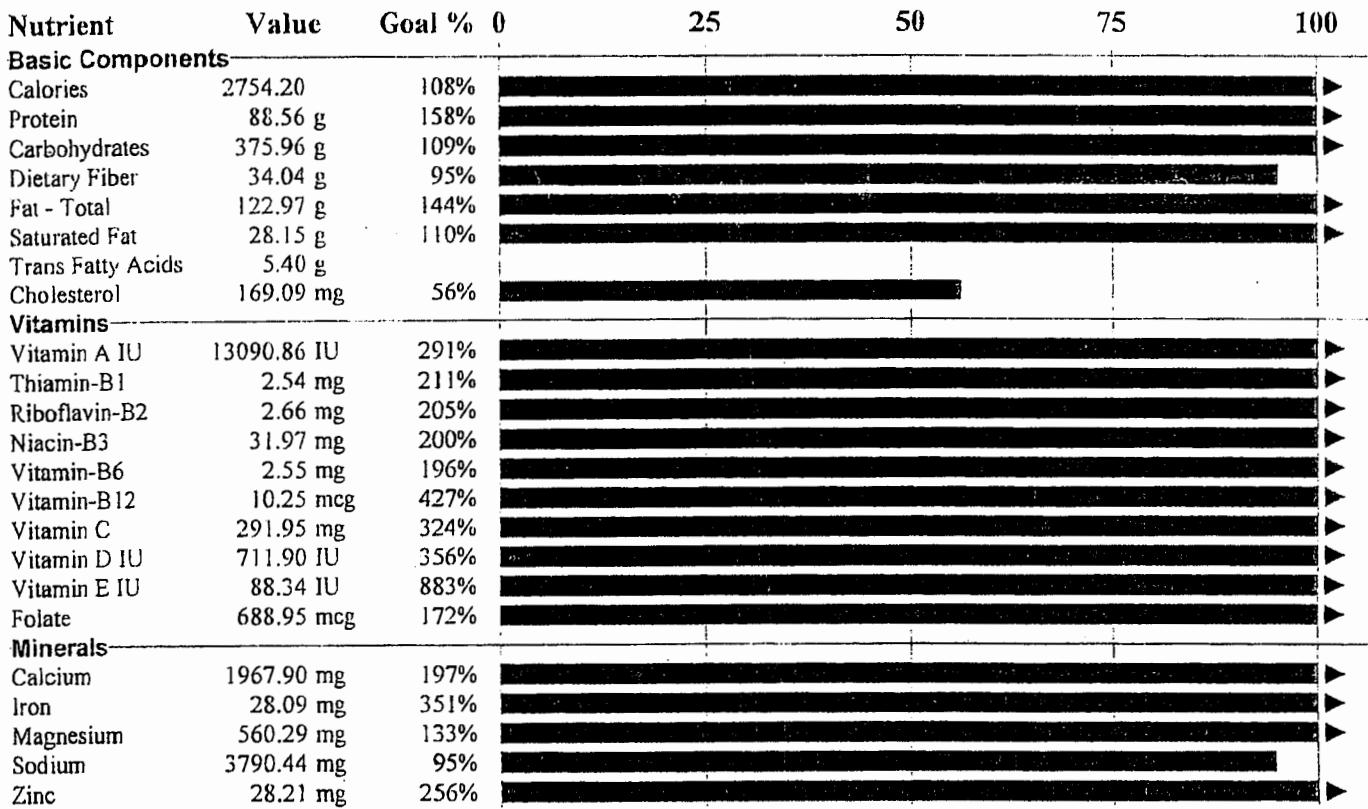
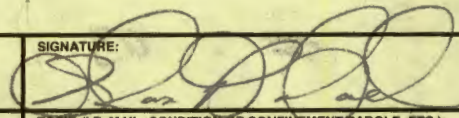


EXHIBIT K

SECTION A: INMATE/PAROLEE REQUEST

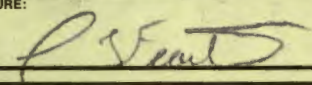
NAME (Print): (LAST NAME) Salas	(FIRST NAME) Rafael	CDC NUMBER: G-55918	SIGNATURE: 
HOUSING/BED NUMBER: B7 103	ASSIGNMENT: n/a	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): Underserved/Incomplete MEAL

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

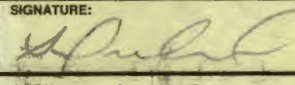
To Kitchen Staff: Since July 19 or 20, my box tray (breakfast and lunch) have been missing milk and fruit. I asked the porter for my milk and fruit but said he was instructed not to hand out fruit and milk for floor staff said all items should be included in box tray. Now this is not the first incident that I receive underserved/incomplete meals, this has been an ongoing issue. You are leaving me no option but to seek legal action, so please have this matter resolved.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

☐ SENT THROUGH MAIL: ADDRESSED TO: **KITCHEN STAFF** DATE MAILED: **8/1/13**
☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME: A.B Featherstone	DATE: 8-1-13	SIGNATURE: 	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES <input type="radio"/> NO <input checked="" type="radio"/>
IF FORWARDED - TO WHOM:		DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON <input type="radio"/> BY US MAIL <input type="radio"/>

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME: S. IRELAND	DATE: 8/24/13	SIGNATURE: 	DATE RETURNED: 8/24/13
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Mr Salas BECAUSE YOU CAN'T SEEM TO GET A FRUIT OR MILK FROM THE BLOCK PORTER SERVING YOUR BREAKFAST WE WILL PUT THEM WITH BREAKFAST & LUNCH TRAY.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:
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SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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EXHIBIT L

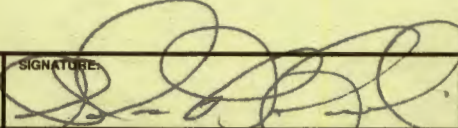
STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE

CDCR 22 (10/09)

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME) <i>Salas</i>	(FIRST NAME) <i>Rafael</i>	CDC NUMBER: <i>G-55918</i>	SIGNATURE: 
HOUSING/BED NUMBER: <i>B7 #103</i>	ASSIGNMENT: <i>n/a</i>	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): <i>Notification That Kosher Meal Is Mishandled</i>

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

On August 3, 2013, I received a box tray (dinner) that contained non kosher items, specifically PIA sliced bread and a two slice pack of bologna. Both these items are only intended for inmates on the regular meal diet. Now I took the liberty of showing floor staff which they have verified personally. With this said, it is clear that your previous contention on Appeal B-13-00102 and B-13-01387 that PDSP has nothing to do with how the meals are made, citing lack of jurisdiction is inexcusable. Based on the foregoing and what I have argued in previous GO2's you are violating my religious rights in practicing my Jewish tenets.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX)

NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED

☐ SENT THROUGH MAIL: ADDRESSED TO:*LUCY SOJKA*DATE MAILED: *8/3/13*☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME: <i>D. Sexton</i>	DATE: <i>8-4-13</i>	SIGNATURE: 	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL	

SECTION B: STAFF RESPONSE

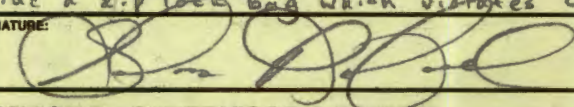
RESPONDING STAFF NAME: <i>R. Young</i>	DATE: <i>8-9-13</i>	SIGNATURE: <i>R Young</i>	DATE RETURNED: <i>8-9-13</i>
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P.B.S.P. policy and procedure for inmates if they feel they are short or missing items is to immediately notify their Floor staff. They will rectify if indeed anything is missing or short. This is the only resolve for inmates.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

Now the response provided above does not in the least rectify the issue at hand. Ms Sojka the issue at hand is that I am receiving PIA Branded items inside the box tray you had previously claimed were prepared by an outside vendor. Furthermore, on August 10, 2013 I once again received PIA marked bread and one slice of bologna inside a zip lock bag which violates CPHCS Vol 4 CH20 (G). Officer Kleiser verified this personally.

SIGNATURE: 	DATE SUBMITTED: <i>August 11, 2013</i>
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SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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EXHIBIT M

Subjective

Entry Dt/Tm: 12-04-2013 1048 Entered By: MPIMSSVP, PENKIAN, RN

Updated Dt/Tm: 12-04-2013 1053 Updated By: MPIMSSVP, PENKIAN, RN

I/P seen in B-clinic 0920-0932 for 7362 "I have allergies; itchy watery eyes, runny stuffy nose, sneezing, synuses and sinus headache. And I messed up my foot and have athletes foot and jock itch."

Worksheets used:

- 1) Chapter 10B for URI/ Rhinitis/ Pharyngitis- Chlorpheniramine 4mg issued.
- 2) Chapter 14A for Musculoskeletal Complaint(Non-Traumatic)- Ibuprofen 400mg issued.
- 3) Chapter 13C for Fungal Infection- SNP medication not issued. No signs of athlete's foot noted at this time.
- 4) Chapter 09D for Eye Injuries- Naphazoline HCL Ophthalmic Solution issued.

See scanned notes.

TABE 12.9, NCF, Rx glasses, No DPP code, No accommodation.

Objective

Vitals

Vitals Dt/Tm: 12-04-2013 0920 Temp (°F): 98.1 Pulse: 75 Respiration: 16

Blood Pressure: 126/84 Wgt: 132 Hgt: 5'6 " Provider: PENKIAN, RN, STELLA

Notes: c/o pain on left foot, pain scale 7/10

PHYSICIAN'S PROGRESS NOTES

CDC 7230

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

CDC #: G55918

Name(L,F,M,S): SALAS, RAFAEL

COPY

Assessment

Medical Diagnosis

Code: 9991 Description: EARS, NOSE, & THROAT DISEASE
 Axis: GAF: Status: CURRENT Provider: ADAM, MD, NANCY
 Diagnosis Dt/Tm: 12-16-2009 1057 Resolve Dt/Tm: 00-00-0000 0000 Priority:
 Notes: allergic rhinitis

Code: 530.81 Description: GERD
 Axis: GAF: Status: COMPLETE Provider: ADAM, MD, NANCY
 Diagnosis Dt/Tm: 12-16-2009 1057 Resolve Dt/Tm: 03-29-2013 1249 Priority:
 Notes:

Code: 9992 Description: NURSING DIAGNOSIS
 Axis: GAF: Status: COMPLETE Provider: ZZ-CAYA, RN, DANIELLE
 Diagnosis Dt/Tm: 10-14-2009 0959 Resolve Dt/Tm: 02-14-2012 1047 Priority:
 Notes:

Code: 733.90 Description: ORTHOPEDIC DISORDER
 Axis: GAF: Status: COMPLETE Provider: RISENHOOVER, FNP, SUE
 Diagnosis Dt/Tm: 01-08-2013 1019 Resolve Dt/Tm: 03-29-2013 1249 Priority:
 Notes: L costochondritis

Order

PHYSICIAN'S PROGRESS NOTES

CDC 7230

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

CDC #: G55918

Name(L,F,M,S): SALAS, RAFAEL

COPY

EXHIBIT N

Subjective

Entry Dt/Tm: 01-10-2014 1233 Entered By: MPIMSSVP, PENKIAN, RN

Updated Dt/Tm: 01-10-2014 1236 Updated By: MPIMSSVP, PENKIAN, RN

Seen in B- clinic 1055-1105 for 7362 "Heartburn, allergies". Not wearing Rx glasses when seen today in clinic.

Worksheets used:

- 1) Chapter 12B for Gastrointestinal/ Abdominal.
- 2) Chapter 10B for URI/ Rhinitis/ Pharyngitis.

SNP medication not issued. I/P states "Alamag does not work". Last seen by RN for c/o allergies 12/04/13. Can't repeat SNP. Schedule for PCP line per Dr. Ikegbu.

See scanned notes.

TABE 12.9, NCF, Rx glasses, No DPP code, No accommodation.

Objective

Vitals

Vitals Dt/Tm: 01-10-2014 1055 Temp (°F): 97.7 Pulse: 77 Respiration: 18

Blood Pressure: 122/80 Wgt: 126 Hgt: 5'6" Provider: PENKIAN, RN, STELLA

Notes: BMI 20-21; denies pain

PHYSICIAN'S PROGRESS NOTES

CDC 7230

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

CDC #: G55918

Name(L,F,M,S): SALAS, RAFAEL

COPY

Assessment**Medical Diagnosis**

Code: 9991 Description: EARS, NOSE, & THROAT DISEASE
 Axis: GAF: Status: CURRENT Provider: ADAM, MD, NANCY
 Diagnosis Dt/Tm: 12-16-2009 1057 Resolve Dt/Tm: 00-00-0000 0000 Priority:
 Notes: allergic rhinitis

Code: 530.81 Description: GERD
 Axis: GAF: Status: COMPLETE Provider: ADAM, MD, NANCY
 Diagnosis Dt/Tm: 12-16-2009 1057 Resolve Dt/Tm: 03-29-2013 1249 Priority:
 Notes:

Code: 9992 Description: NURSING DIAGNOSIS
 Axis: GAF: Status: COMPLETE Provider: ZZ-CAYA, RN, DANIELLE
 Diagnosis Dt/Tm: 10-14-2009 0959 Resolve Dt/Tm: 02-14-2012 1047 Priority:
 Notes:

Code: 733.90 Description: ORTHOPEDIC DISORDER
 Axis: GAF: Status: COMPLETE Provider: RISENHOOVER, FNP, SUE
 Diagnosis Dt/Tm: 01-08-2013 1019 Resolve Dt/Tm: 03-29-2013 1249 Priority:
 Notes: L costochondritis

Order**PHYSICIAN'S PROGRESS NOTES**

CDC #: G55918

Name(L,F,M,S): SALAS, RAFAEL

CDC 7230

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

COPY

EXHIBIT O

STATE OF CALIFORNIA

INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE

CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME) SALAS		(FIRST NAME) RAFAEL	CDC NUMBER: G-55918	SIGNATURE:
HOUSING/BED NUMBER: B7 103	ASSIGNMENT: OSRT		HOURS FROM 8^{am} TO 11^{am}	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): UNDESERVED/CONTAMINATED REPACKAGING OF MEALS/ITEM

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

I have noticed you have been re-packaging our Kosher Meals/Items, such as our dinner trays, oatmeal, desserts and sandwiches. Now the re-packaging of an open meal/item does not rectify the meal/item exposure to present contaminants nor does it constitute as a fully served nutritional meal/item if contents spilled out during the breakage of its factory secured seal. Therefore I ask to stop re-sealing open meal/items and serve only factory sealed meals/item for my meals/items are still being shipped and are in risk of contamination. **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED****

METHOD OF DELIVERY (CHECK APPROPRIATE BOX)

☐ SENT THROUGH MAIL: ADDRESSED TO: Supervisor Correctional CookDATE MAILED: **2/5/14**☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME: M. BURGESS	DATE: 2-5-14	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES <input checked="" type="radio"/> NO <input type="radio"/>
IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON <input type="radio"/> BY US MAIL <input checked="" type="radio"/>	

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME: M.M. Lora	DATE: 2/16/2014	SIGNATURE:	DATE RETURNED: 2/19/2014
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Some time the seal came off it only to whole meal 2 to 3 on Saturday Breakfast. That come with a intent need to be replaced with a new one.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SAC -- Today I received an underserved meal for bread slices and dessert was missing. and lastly, your response to the matter above is without recourse. Therefore I ask you to please throw out meals/items which have been compromised and only serve meal/item that are in a factory sealed container/wrapping. And stop RE-PACKAGING IT!

SIGNATURE:	DATE SUBMITTED: 2-10-14
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SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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EXHIBIT P

CERTIFICATE OF BAR MITZVAH

In the presence of the community

Rafael Salas

on 9 Sivan 5772 (May 30, 2012)
successfully blessed and recited
the Scriptural readings for Shabbat B'chukkotai
in the Level Four Facility at
Pelican Bay State Prison.

"The study of Torah is equivalent to all the other commandments." – Talmud Shabbat 127a

Joseph Hample

Rabbi JOSEPH HAMPLE,
Jewish Chaplain,
Pelican Bay State Prison

EXHIBIT Q

Page 1 of 2

Mitchell, Larry@CDCR

From: Joseph Hample [hamplej@aol.com]
Sent: Monday, April 01, 2013 11:08 AM
To: Mitchell, Larry@CDCR
Subject: Re: Ministry

Dear Chaplain Mitchell,

Nice talking with you today. I think Rafael Salas G55918 is well qualified to lead the Jewish service and assist with Jewish programming in the "B" chapel. I worked with Mr. Salas over a long period of time in different parts of the facility and he continues to write to me. I am satisfied that he has the dedication, knowledge, and intelligence to meet expectations as inmate leader of the Jewish faith community in the "B" yard.

All the best,
Rabbi Joe Hample
304-685-0990

-----Original Message-----

From: Mitchell, Larry@CDCR <Larry.Mitchell@cdcr.ca.gov>
To: Joseph Hample <hamplej@aol.com>
Sent: Wed, Mar 27, 2013 10:45 am

EXHIBIT R

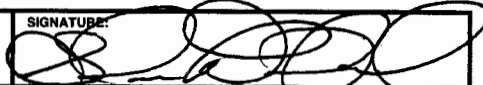
STATE OF CALIFORNIA

INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE

CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SECTION A: INMATE/PAROLEE REQUEST


NAME (Print): (LAST NAME) Salas	(FIRST NAME) Rafael	CDC NUMBER: G-55918	SIGNATURE: 
HOUSING/BED NUMBER: B7 103	ASSIGNMENT: OSRT	HOURS FROM 8^{am} TO 10^{pm}	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): Preparation of Kosher Meal

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

According to the laws of Kashruth, Jews are required to maintain a kosher diet, now Jews following Kashruth (Kosher) are not allowed to consume dairy products specifically "Cheese Crackers" and meat in the same meal. So please stop serving your Cheese Crackers (which is intended for Regular meal lunch snack) to us Jewish inmates. This has gone on for three days in a row. I respectfully ask you to distribute only "Jewish Kosher Deserts" instead of these standard snacks you have us receiving.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED**

- ☐ SENT THROUGH MAIL: ADDRESSED TO: Supervisor Correctional Cook DATE MAILED: 11/17/13
- ☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME: D Sexton	DATE: 11-17-13	SIGNATURE: 	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:		DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL

SECTION B: STAFF RESPONSE


RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED: FACILITY B GB UNIT B7
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I will make a change you are right sorry about that
GOML
11/20/2013

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

Yesterday and today I received the "cheese crackers" in question. That makes it five days in a row. As stated for the reasons above, please stop distributing the cheese crackers. They are not part of the Kosher meal. The item is only intended for Regular meals not Kosher

SIGNATURE: 	DATE SUBMITTED: Nov. 21, 2013
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SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED: FACILITY B GB UNIT B7
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all this have come to a stop no more
cheese pkr

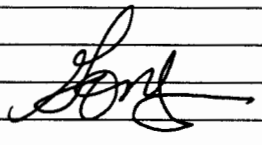
 11/25/2013

EXHIBIT S

NO: G-55918

NAME: SALAS, Rafael

Inmate #: E7-406

Custody: CLO B

CS: 85 IV

A2/B Eff. 09/09/11

Assignment: SS/FS/OSRT WL

RelDate: MEPO 10/27/57

Reclass: 04/14

**FACILITY B
GB UNIT B**Act: CLEAR FAC A/E. D/C CLEAR 180. P/O OSRT
WL. DENY TX REQUEST. CPF.

Inmate Salas appeared before PBSP Facility B UCC on this date for Annual Review. Committee notes CDCR 128C, Mental Health Screening Chrono dated 6/20/12, denoting no level of care. CDCR 128-C3 is in the Central File dated 1/27/11, noting Vigorous Activity and Low Risk. The Disability & Effective Communication System indicates S has a TABE score of 12.9 and a verified HSD. No staff assistant was assigned as S speaks English, can comprehend the issues, and is free of mental health services needs. To ensure effective communication, committee staff read documents to S utilizing simple English spoken slowly and clearly. Staff determined effective communication was achieved as S asked appropriate questions regarding the information provided, provided appropriate, substantive responses to questions asked, and reiterated in his own words what was explained. S is currently has no job assignment and is on the SS/FS waiting lists. CDCR 840, 127, 812, 812C and MCSF have been reviewed and updated. S has an IHC of RO/RR; CDCR 1882 is completed and in the Central File. A completed IHC located in SOMS. During this annual review, S has received one new 115 for Refusal to Obey Orders dated 1/02/13. Placement score is increased by 2 points to a Level IV score of 85 points. DDP Review: 128C-2 is in Central File dated 4/09/09, noting NCF. COMPAS Assessment; S refused to participate at this time. S is eligible to work around computers/computers systems per PC 2702, PC 502, or PC 5071. According to SOMS as of this date, S has no Holds/Warrants/Detainers. During this Annual Review, S received a copy of the CDCR 2260. S meets 180 design housing criteria based on A1: Determinate Security Housing Unit (SHU) term in the last three years for a Division A1, A2 or B disciplinary offense involving assaultive behavior or weapon possession. S requested a hardship transfer. S based his request on the issue of PBSP not having a Jewish Rabi, and S not receiving a proper kosher diet or Jewish religious articles. S says there are no Jewish services available to him, and the Chaplain has asked him to participate as the Jewish Services Leader. Committee explained to S that he was appropriately housed at PBSP due to his RVR for Possession of a deadly weapon. **Committee acts to deny transfer request as S is appropriately housed at PBSP GP. Committee also acts to clear for Facility A or B, continue custody level at CLO B, continue WG/PG A2/B effective 9/09/11, and continue present program at PBSP IV GP. S was reviewed and cleared for double cell noting no history of in-cell violence.** S agrees with his current double cell assignment and states he can live with "Southern Hispanics." S is currently housed with inmate Lopez, AD-2721, and states, "It's good." After review of S's case factors, his current IHC, and considering his stated preferences and concerns, **UCC acts to reaffirm IHC of RP and remove RR.** S participated in Committee, acknowledged understanding and disagreed with Committee action stating, "I don't agree with me not being allowed a hardship transfer. There are no Jewish services available to me here." S was advised of Committee's decision and his right to appeal and that any appeal of this Committee action must be submitted within 30 calendar days of this date, whether he has received the CDCR form 128G, Classification Chrono, or not. PC 290/2933 complied with. Next scheduled Committee will be in 04/14 for Annual Review.

CHAIRPERSON: S. WALCH/FC (A)

L. WEBSTER /CCII (A)

RECORDER: M. MARKEL/CCI

☐ OBIS ☐ CSR ☐ IGI ☐ PSYCH ☐ MED ☐ OTHER

Committee Date: 04/11/13 (MARKEL/mm)

Classification

FAC B UCC

ANNUAL REVIEW

INST: PBSP

EXHIBIT T

DECLARATION OF LEON DAVIS H-49071 IN THE MATTERS OF
IMPENDING CIVIL ACTION WITHIN THE PROVISION OF 42 USC 1982
FILED BY PLAINTIFF SALAS

I, Leon Davis, depose and say:

That I'M a prisoner housed as PBSP and at all times relevant herein has been so housed.

That if called as a witness in this matter, I can and will, freely and competently testify to the following truths:

That, at the relevant times mentioned in the civil complaint, I was one of the so-called "porters" that authorized by work-description to pass out lunches and milks.

That I'm aware that plaintiff Salas is a practicing adherent of judaism and that he (Salas) therefore received a "religious" diet thats diffrent from the standard prison regular diet.

That from the month of early July, 2013, to late August, 2013, Salas was not receiving milks of fruits in his "religious-meals" I know this to be in fact because I'm the "porter" who was instructed by c/o Nicholas to (NOT) place any milks or fruits on Salas's door because they were suppose to be in his "religious-diet"-package."

In truth and in fact, there was no milks of fruits ever in Salas"s "religious-diet" from the times specified herein.

It is my opinion based on observation, that custody staff here at PBSP views Salas religious diet (and others religious diets) as cumbersome.

As a result, custody is very slow-if ever-to respond to any problems associated with such diets.

That, in reaching this observation, and measuring the negative effects against the backdrop of Salas health, I took the liberty to explain directley to one of the food supervisors by the name of Ireland, that "Salas was not receiving milks of fruits in his diet and that i'm prohibited by custody from giving Salas any milks or fruits from the regular distribution'" Further, "that, since no milks or fruits was included in the religious diet package received by Salas, that I was of the opinion that this was an unfair and unnecessary deprivation, especially in light of the very small portions of food being served to Salas.

Food supervisor, Ireland agreed and in turns informed me that 'from now on (which was late Aug.2013 Salas would receive his fruits and milks in his religious-package or that I should give Salas said iteams from the standard distribution.

I declare under penalty of perjury of the laws of the state of California, that all of the foregoing is true and correct except to those matters stated upon observation, belief, and information, and as to those matters I believe them to be true.

Executed this 31st day of March, 2014, at PBSP in Crescent City, CA

A handwritten signature in black ink, appearing to read "Leon Davis", enclosed within a large, loopy oval shape.

Declarant Leon Davis H-49071

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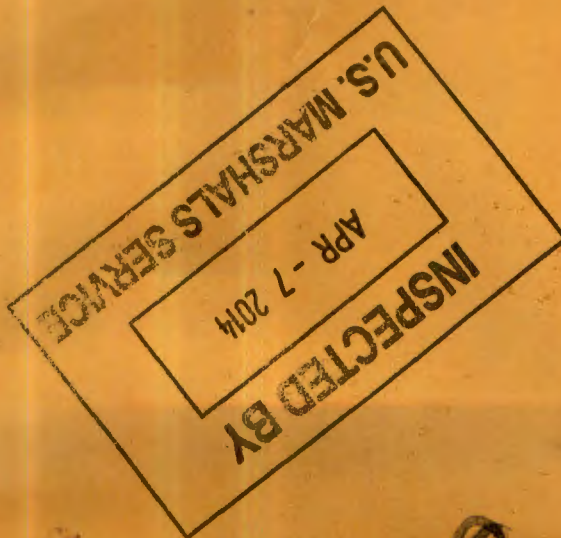
ZIP 95531
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RAFAEL SALAS

AB:

NO: 6-55918 HOUSING: B6103

CAN BAY STATE PRISON
BOX 7500
SCENT CITY, CA 95532



RECEIVED
APR 7 2014

RICHARD W. WILKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
U.S. COURTHOUSE

APR. 13. 2014