

• EXHIBIT • F •

PELICAN BAY STATE PRISON
SECURITY HOUSING UNIT
UNIT D-3

Location: Institution/Parole Region: Log #:
1. PELICAN BAY 1. _____
2. _____ 2. _____

Category: 7/1
E. Smith

You may appeal any policy, action or decision which has a significant adverse affect upon you. This form shall be used when the policy, action or decision being appealed involves health care services (medical, dental, or mental health services). You must first informally seek relief through discussion with the appropriate staff member or by utilizing the health care service processes at you institution. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Health Care Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibility.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
HARRISON	H54077		D3-122

A. Describe Problem:

PLAINTIFF IS CONTINUALLY BEING HARASSED AND THREATENED BY THE D3 ZW. UNIT OFFICER E. SMITH VIA THE USAGE OF MY PRESCRIBED MEDICATION.. EVERY SINGLE MORNING AT BREAKFAST TRAY PICK-UP OFFICER E. SMITH CONTINUES TO HARASS & THREATEN ME ABOUT THE USAGE OF MY ASTHMA INHALER, IN PARTICULAR, BY ASKING ME DO I NEED TO USE MY ASTHMA INHALER, INSPITE OF ME CONTINUALLY ASKING OFFICER E. SMITH TO STOP ASKING ME ABOUT MY ASTHMA INHALER ON ACCOUNT OF
• SEE ATTACHMENT SHEET •

If you need more space, attach one additional sheet.

B. Action Requested:

1) THAT OFFICER E. SMITH BE ORDERED TO STOP ASKING ME & THREATENING ME ABOUT MY MEDICATION AS IT CONSTITUTES HARASSMENT; AND 2) THAT MY ASAM ANEX ASTHMA INHALER BE "D.O.T." FOR ZW. (THE A.M. SHIFT) SO THAT MY MEDICATION USAGE CAN BE ISSUED/OBSERVED BY TRAINED MEDICAL PERSONNEL...

Inmate/Parolee Signature: Harrison

Date Submitted: 9/24/08

C. INFORMAL LEVEL (Date Received _____)

Staff Response:

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Health Care Service Request Form, CDC 7362, Comprehensive Accommodation Chrono, CDC 7410, Trust Account Statement, etc.) and submit for processing to the Health Care Appeals Coordinator at your location within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

CDCR Appeal Number

[Empty box for CDCR Appeal Number]

SEP 25 2008

116

08-198-5
08-198-80
08-198-80

FIRST LEVEL: Granted P. Granted Denied Other _____

E. REVIEWER'S ACTION (Complete with 15 working days): Date assigned: _____ Due Date: _____

Interviewed by: _____

Staff Signature: _____ Title: _____ Date: _____

Division Head Approval:
Staff Signature: _____ Title: _____ Date Returned to Inmate: _____

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit for processing to the Health Care Appeals coordinator at your location within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

SECOND LEVEL: Granted P. Granted Denied Other _____

G. REVIEWER'S ACTION (Complete with 10 working days): Date assigned: _____ Due Date: _____

See Attached Letter

Signature: _____ Date Submitted: _____

Health Care Services
Hiring Authority Signature: _____ Title: _____ Date Returned to Inmate: _____

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

For the Director's Review of Health Care issues, submit all documents to: Office of Third Level Appeals – Health Care
P O Box 4038
Sacramento, CA 95812-4038

DIRECTOR'S ACTION: Granted P. Granted Denied Other _____

See Attached Letter

Date: _____

OFFICER E. SMITH'S UNPROFESSIONAL INTERACTIONS WITH ME SINCE, AND ON JULY 2ND, 2008.. HOWEVER, OFFICER E. SMITH IS CONTINUING IN WITH SUCH ANTICS, TO WHICH CONSTITUTES AS BEING A FORM OF BLATANT HARASSMENT IN VIOLATION OF C.C.R.— TITLE • 15 • SECTION • 3000, IN WHICH HARASSMENT IS CLEARLY DEFINED AS: "HARASSMENT MEANS A WILLFUL COURSE OF CONDUCT DIRECTED AT A SPECIFIC PERSON, GROUP, OR ENTITY WHICH SERIOUSLY ALARMS, ANNOYS, OR TERRORIZES THAT PERSON, GROUP, OR ENTITY AND WHICH SERVES NO LEGITIMATE PURPOSE." OFFICER E. SMITH'S ACTIONS IN ASKING ME ABOUT MY MEDICATION (ASTHMA INHALER) EVERY SINGLE MORNING DO NOT SERVE NO LEGITIMATE PURPOSE FOR SEVERAL REASONS; 1.) I ASKED HER TO STOP ASKING ME; 2.) SHE IS NOT A MEDICAL OFFICER/PERSONNEL THAT IS TRAINED IN THE MEDICAL FIELD TO BE CONCERNED WITH MONITORING MEDICATION USAGE OF PRISONERS; AND 3.) THERE IS NO WRITTEN RULE/POLICY THAT REQUIRES OFFICER E. SMITH TO CONTINUE ASKING ME ABOUT MY MEDICATION (ASTHMA INHALER) EVERY SINGLE MORNING!! I HAVE ALSO BEEN THREATENED BY OFFICER E. SMITH WITH WRITE-UPS FOR NOT ACCEPTING MY MEDICATION FROM HER & HER UNIT.. TO WHICH VIOLATES C.C.R.— TITLE • 15 • SECTION • 3004 •

(a)(b).. IN THAT PRISONERS HAVE A RIGHT TO BE TREATED RESPECTFULLY!!

• EXHIBIT • F •

• FOR ORIGINAL COMPLAINT •

- 1. • SUPPORTING EXHIBITS •
- 2. • EXHIBIT A • FILED LAWSUIT AGAINST OFFICER J.
- 3. SAMPLE...
- 4. • EXHIBIT B • W02 INTERVIEW WITH INSTITUTIONAL
- 5. GANG OF INVESTIGATIONS LT. G.H. WISE ABOUT UNIT
- 6. CELL MOVES....
- 7. • EXHIBIT C • ADMINISTRATIVE W02 APPEALS THAT
- 8. WERE CANCELLED ON AUGUST 8TH; 2008; AUGUST 7TH;
- 9. 2008; AUGUST 14TH; 2008; AND ANOTHER ADMINISTRATIVE
- 10. W02 APPEAL DATED AUGUST 8TH; 2008...
- 11. • EXHIBIT D • ESTABLISHED PROTOCOL FOR PRESCRIBED
- 12. MEDICATION USAGE IN THE SECURITY HOUSING UNIT...

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• FOR ORIGINAL COMPLAINT •

555
FILED
AUG 28 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

Name HARRISON MARCUS
(Last) (First) (Initial)

Prisoner Number H54077

Institutional Address P.O. BOX 7500 / D3-122 / SHU

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SI

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

08

4123

vs.
CORRECTIONAL OFFICER
E. SMITH ...

Case No. 08 4123
(To be provided by the Clerk of Court)

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

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

E-filing

(PR)

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

I. Exhaustion of Administrative Remedies.

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

A. Place of present confinement PELICAN BAY STATE PRISON

B. Is there a grievance procedure in this institution?

YES NO ()

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

YES NO ()

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

WS-4123SI

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

Name HARRISON MARCUS L.

(Last) (First) (Initial)

Prisoner Number H54077

Institutional Address P.O. BOX 7500 / D3-122 / SHU

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MARCUS L. HARRISON

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

vs.

CORRECTIONAL OFFICER
E. SMITH

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

Case No. _____
(To be provided by the Clerk of Court)

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

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

I. Exhaustion of Administrative Remedies.

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

A. Place of present confinement PELICAN BAY STATE PRISON

B. Is there a grievance procedure in this institution?

YES NO ()

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

YES NO ()

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

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1. Informal appeal BYPASSED BY APPEALS
CO-ORDINATOR AS HE PROCESSED MY
ADMINISTRATIVE WOZ APPEAL.. #D-08-01983..

2. First formal level WOZ APPEAL WAS CANCELLED AND
REJECTED BY THE APPEALS CO-ORDINATOR AS I
WAS ACCUSED OF BEING UNCOOPERATIVE.. (EXH. C.)

3. Second formal level SAME AS FIRST FORMAL LEVEL -
SEE EXHIBIT C...

4. Third formal level SAME AS FIRST AND THE SECOND
FORMAL LEVEL - SEE EXHIBIT C...

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

YES () NO (X)

F. If you did not present your claim for review through the grievance procedure, explain why. APPEAL WAS CANCELLED AT FIRST FORMAL LEVEL, NO
OTHER ADMINISTRATIVE REMEDIES TO EXHAUST.. SEE: CRUZ V.
JORDAN 80 F.SUPP. 2D 109 (1999); AND VIET MIKE NGO V.

II. Parties. JEANNE S. WOODFORD - CASE NO: 03-16042..

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

MARCUS L. HARRISON # H54077
P.O. BOX 7500 / D3-122 / D-SHU
CRESCENT CITY - CA. 95531

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

MS. E. SMITH - CORRECTIONAL OFFICER - PELICAN BAY
STATE PRISON ..

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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 PAGES •

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 PAGES •

• STATEMENT OF FACTS •

1. PLAINTIFF IS BEING ARBITRARILY RETALIATED AGAINST
 2. BY THE HOUSING UNIT D3 OFFICER E. SMITH FOR THE SOLE
 3. PURPOSE OF ME EXERCISING MY FIRST AMENDMENT CONSTITUTIONAL
 4. RIGHT TO SEEK LEGAL REDRESS AGAINST THE GOVERNMENT, TO
 5. WHICH I HAVE A PROTECTED RIGHT TO DO.. I.E. "PROTECTED CON
 6. DUCT.." FOR THE RECORD, PLAINTIFF HAS FILED A 1983 CIVIL CL
 7. AIM AGAINST CORRECTIONAL OFFICER J. SAMPLE, TO WHOM IS
 8. A FRIEND & A ASSOCIATE OF OFFICER E. SMITH.. OFFICER
 9. E. SMITH HAS PERSONAL KNOWLEDGE OF THIS 1983 CIVIL
 10. CLAIM THAT I'VE FILED AGAINST CORRECTIONAL OFFICER
 11. J. SAMPLE, AS SHE HAS PERSONALLY TOLD ME THAT SHE WAS
 12. AWARE OF IT..

13. IN NOVEMBER OF 2006, PLAINTIFF FILED A 1983 CIVIL
 14. CLAIM AGAINST CORRECTIONAL OFFICER J. SAMPLE.. (SEE EXI
 15. BIT A.) IN JANUARY OF 2007, IS WHEN THE ISSUES OF HA
 16. RASSMENT, RIDICULE, AND RETALIATION FIRST MANIFESTED
 17. AGAINST ME, IN THE FORMS OF: (A) ROUTINELY BEING ISSUED
 18. MY CANTEEN LAST; (B) HAVING TO REPEATEDLY ASK AND
 19. REQUEST FOR BASIC SUPPLIES (SOAP & TOILET PAPER)
 20. WHEN THIS IS NOT THE CASE, OR ISSUE WHEN OTHER PRISO
 21. ERS ASK FOR & REQUEST BASIC SUPPLIES; (C) ARBITRARILY
 22. LABELED A TROUBLE MAKER IN THE UNIT'S LOG BOOK DURING
 23. THE MONTHS OF JULY AND AUGUST OF 2008, IN PARTICULAR
 24. LABELING ME AS HAVING A NEGATIVE AND A HOSTILE
 25. ATTITUDE; (D) ISSUED DIRTY, MOLDED, AND CRUDED
 26. LAUNDRY ON PURPOSE, IN THAT, OFFICER E. SMITH
 27. ALWAYS CHECKS THE LAUNDRY DURING LAUNDRY
 28. EXCHANGE, ETC. PRIOR TO ISSUING IT BACK TO THE

1. STATEMENT OF FACTS CONTINUED.

2. PRISONER TO WHOM IT BELONGS TO; (E.) REPEATEDLY BEING
3. ASKED BY OFFICER E. SMITH, IF I NEED TO USE MY PRE
4. SCRIBED MEDICATIONS, WHEN I'VE TOLD HER NOT TO ASK
5. ME ANYMORE, DUE TO HER UNPROFESSIONAL INTERACTIONS
6. WITH ME, AS THERE IS NO WRITTEN RULE OR POLICY, THAT
7. SET FORTH A SPECIFIC MANDATE, WHICH REQUIRES OFFICER
8. E. SMITH TO CONTINUE ASKING ME ABOUT MY MEDICATION
9. EVERY SINGLE MORNING; (F.) VERBALLY THREATENING ME;
10. (G.) YELLING AND SCREAMING AT ME IN A DISRESPECTFUL
11. TONE OF VOICE FOR UNJUST AND UNPROVOKED REASONS; (H)
12. AND VERBALLY COMMUNICATING "GOOD MORNING" ONLY TO
13. NON-BLACK PRISONERS EVERY MORNING, WHICH ALSO
14. SPEAKS TO THE PERPETUAL PERPETRATION OF INSTITUTIONAL
15. IZED RACISM THAT I'M BEING SUBJECTED TO, ALONG WITH
16. THE REST OF THE CLASS OF BLACK PRISONERS THAT IS CUR
17. RENTLY BEING HOUSED IN SECURITY HOUSING UNIT-D3.
18. IN PARTICULAR, BY BEING HOUSED & ISOLATED FROM ONE
19. ANOTHER, TO WHICH OFFICER E. SMITH IS DIRECTLY RESP
20. NSIBLE FOR.. (SEE EXHIBIT-B.)

21. SINCE JANUARY OF 2007, I HAVE BEEN ROUTIN
22. LY ISSUED MY CANTEEN LAST, EVERY SINGLE MONTH, IN
23. PARTICULAR, WHEN OFFICER E. SMITH IS DIRECTLY I
24. VOLVED IN THE DISTRIBUTION OF THE UNIT'S CANTEEN..

25. ON JUNE 26TH, 2008, I WAS ISSUED DIRTY, MOK
26. ED, AND CRUDED LAUNDRY BY OFFICER E. SMITH WHEN
27. MY LAUNDRY BAG & STATE CLOTHING CAME UP MISSING
28. DURING THE UNIT'S WEEKLY LAUNDRY WASH.. I PERSON

1. STATEMENT OF FACTS CONTINUED

2. ALLY KNOW THAT OFFICER E. SMITH GAVE ME THIS DIRTY
3. MOLDED, AND CRUDED LAUNDRY ON PURPOSE, AS I HAVE PER
4. SONALLY OBSERVED OFFICER E. SMITH ON AND DURING SEVE
5. RA! PREVIOUS OCCASIONS, GO THROUGH EVERY SINGLE LAUN
6. BU BAG, TO MAKE SURE THAT THE LAUNDRY CLOTHING WAS
7. IN SUITABLE CONDITION, PRIOR TO ISSUING IT BACK TO THE
8. PRISONERS OF WHOM IT BELONG TO..

9. ON JULY 1ST, 2008 I WAS REPEATEDLY DENIED STATE
10. SOAP BY OFFICER E. SMITH.. DURING THE MORNING OF
11. JULY 1ST, 2008 AT BREAKFAST TRAY PICK UP, I INFORMED
12. OFFICER E. SMITH THAT I NEEDED SOME STATE SOAP.. OF
13. FICER E. SMITH WALKED INTO D3 • F. Pod (2) • TWO MOR
14. TIMES, ON THIS SAME DAY, WITHOUT ISSUING ME THE
15. REQUESTED SOAP.. ON OFFICER E. SMITH'S LAST TRIP
16. INTO D3 • F. Pod, I AGAIN REMINDED HER OF MY NEED
17. FOR SOME STATE SOAP, AGAIN, NO SOAP WAS ISSUED TO
18. ME.. (5) • FIVE MINUTES LATER, I THEN CALLED OUT TO
19. OFFICER E. SMITH ABOUT MY SOAP, AND SHE PROCLAIMED
20. TO HAVE FORGOTTEN ABOUT IT.. HOWEVER, IT MUST BE
21. NOTED THAT I WAS EVENTUALLY GIVEN SOME SOAP, ONCE
22. THE SHIFT CHANGE OCCURRED, AND A NEW SET OF CORI
23. ECTIONAL OFFICER'S CAME ON TO WORK.. THIS TYPE OF
24. HARASSMENT, RIDICULE, AND RETALIATION HAS BEEN C
25. NSISTENTLY TAKING PLACE TOWARDS ME SINCE JANUARY
26. OF 2007, IN WHICH I AM HAVING TO REPEATEDLY ASK
27. FOR SOAP FROM OFFICER E. SMITH OVER & OVER AGAIN
28. THROUGHOUT THE SAME DAY.. BUT DURING THIS SAME

1. • STATEMENT OF FACTS CONTINUED •

2. NOTED PERIOD OF TIME; OFFICER E. SMITH HAS NOT ACT
3. ED LIKE THIS TOWARDS THE OTHER PRISONERS IN MY POD
4. & SECTION.. IN FACT, AS SOON AS THE OTHER PRISONERS
5. IN MY POD & SECTION ASK OFFICER E. SMITH FOR ANY
6. THING, SHE IMMEDIATELY TAKES CARE OF IT FOR THEM..
7. (SEE EXHIBIT C.)

8. ON JULY 2ND, 2008, I CALLED OFFICER E. SMITH
9. OVER TO MY CELL FRONT, IN AN EFFORT TO RESOLVE THE
10. STANDING ISSUES THAT I BELIEVED TO BE A FORM OF
11. RIDICULE, HARASSMENT, AND RETALIATION AGAINST ME..
12. AS SOON AS OFFICER E. SMITH GOT IN FRONT OF MY CELL
13. SHE BEGAN "YELLING" AND "SCREAMING" IN A UNPROVOKED
14. AND DISRESPECTFUL TONE OF VOICE TO ME.. DURING
15. OFFICER E. SMITH'S EPISODE OF "YELLING" AND "SCREAMING"
16. AT ME, SHE MENTIONED THE WORD "MEDICAL
17. EMERGENCY" TO ME.. I FOUND THIS TO BE QUITE IRONIC
18. AS THE STANDING ISSUES BETWEEN MYSELF, AND OFFICER
19. E. SMITH HAD NOTHING TO DO WITH A "MEDICAL EMERGENCY";
20. HOWEVER, MY 1983 CIVIL CLAIM AGAINST OFFICER
21. E. SMITH'S FELLOW CORRECTIONAL OFFICER J. SAMPLE,
22. DOES DEAL WITH THE ISSUE OF A "MEDICAL EMERGENCY"..
23. (SEE EXHIBIT A.) THERE HAS BEEN SEVERAL OCCASIONS,
24. WHEN OFFICER E. SMITH HAS SEARCHED MY CELL, AND TOLD
25. ME THAT I HAD TOO MUCH PERSONAL PROPERTY IN MY CELL,
26. TO WHICH I THEN INFORMED OFFICER E. SMITH; "THAT THE
27. MAJORITY OF MY PERSONAL PROPERTY THAT SHE IS CONCERNED
28. WITH IS A

1. STATEMENT OF FACTS CONTINUED.

2. LAWSUIT THAT I AM CURRENTLY LITIGATING IN THE COURTS

3. OFFICER E. SMITH HAS ALWAYS REPLIED TO ME AFTER EACH

4. SEARCH OF MY CELL; "THAT SHE IS WELL AWARE OF THE

5. LAWSUIT THAT I HAVE PENDING IN THE COURTS." ON MAY

6. 24TH, 2008 I WAS INFORMED BY OFFICER E. SMITH; THAT

7. I WOULD BE ABLE TO BUY A NEW T.V. IN A COUPLE OF

8. MONTHS, IN REFERENCE TO MY LAWSUIT AGAINST OFFICER

9. J. SAMPLE.. OFFICER E. SMITH MADE THIS STATEMENT

10. TO ME, AS I WAS TELLING HER OF THE PROBLEMS THAT I WAS

11. HAVING WITH MY CURRENT T.V... THIS SPEAKING TO THE

12. MATERIAL CONNECTION OF THE RETALIATION CAMPAIGN

13. THAT OFFICER E. SMITH HAS BEEN ENGAGING IN AGAINST

14. ME, FOR FILING A 1983 CIVIL CLAIM AGAINST HER FELLOW

15. OFFICER J. SAMPLE.. OFFICER E. SMITH ACTIONS IS CAUSING

16. ME A GREAT DEAL OF EMOTIONAL & MENTAL DURESS, IN

17. THAT, I HAVE NOT DONE ANYTHING WRONG, EXCEPT FOR,

18. ATTEMPT TO EXERCISE MY 1ST. AMENDMENT CONSTITUTIONAL

19. FREEDOMS OF SPEECH AND EXPRESSION.. TO WHICH

20. I HAVE A PROTECTED RIGHT TO SEEK LEGAL REDRESS

21. AGAINST GOVERNMENT OFFICIALS WITHOUT BEING RETALIATED

22. AGAINST.. SEE: RIECHERT V. DRAUD • 511 •

23. F. SUPP. 679 (1981); BART V. TEIFORD • 677 • F.2d.

24. 622 (7TH. CIR. 1982); RAYMON V. ALDORD — INDEP

25. SCHOOL DIST. 639 • F.2d. 257 (5TH. CIR. 1981); AND

26. WALSH V. LOUISIANA HIGH SCHOOL ATHLETIC ASS'N —

27. 616 • F.2d. 152, 158 (5TH. CIR. 1980)..

1. STATEMENT OF FACTS CONTINUED.

2. SINCE JULY 3RD, 2008, OFFICER E. SMITH HAS

3. COME TO WORK AND INFORMED EVERY SINGLE OFFICER

4. THAT WAS WORKING WITH HER, TO TAKE PRECAUTION

5. WITH INMATE HARRISON IN CELL D3-122, AS HE HAS

6. BEEN HAVING A NEGATIVE AND A HOSTILE ATTITUDE.. OF

7. FICER E. SMITH HAS ALSO NOTED THESE FACTS IN THE

8. UNIT'S LOG BOOK DURING THE MONTHS OF JULY AND

9. AUGUST 2008.. THESE FALSE ALLEGATIONS OF ME HAVING

10. A NEGATIVE & A HOSTILE ATTITUDE, SPEAKS TO THE PER

11. PETUAL PERPETRATION OF OFFICER E. SMITH'S RETALIATION

12. CAMPAIGN AGAINST ME, IN THAT, I HAVE NOT DONE AN

13. THING WRONG, EXCEPT FOR EXCERCISE MY 1ST. AMENDM.

14. ENT CONSTITUTIONAL RIGHT, BY FILING A 1983 CIVIL

15. CLAIM AGAINST HER FELLOW OFFICER, CORRECTIONAL OF

16. ICER J. SAMPLE.. (SEE EXHIBIT:A.)

17. ON JULY 3RD, 2008, I PERSONALLY INFORMED OFFICER

18. ER E. SMITH THAT THERE WAS NO NEED FOR HER TO

19. CONTINUE ASKING ME, IF I NEEDED TO USE MY PRESCRI

20. ED MEDICATION EVERY MORNING, DUE TO HER UNPROFESSI

21. ONAL INTERACTIONS WITH ME, AND THAT I WILL LET CU

22. TODY STAFF KNOW WHEN I NEEDED TO USE MY PRESCRI

23. ED MEDICATION.. HOWEVER, OFFICER E. SMITH CONTIN

24. UES TO ASK ME, IF I NEED TO USE MY PRESCRIBED

25. MEDICATION EVERY SINGLE MORNING.. OFFICER E.

26. SMITH'S ACTIONS IS VIEWED AS A MEANS OF HARA

27. SSMENT, RIDICULE, AND RETALIATION, IN THAT,

28. THERE IS NO WRITTEN RULE OR POLICY THAT MANDATES

1. STATEMENT OF FACTS CONTINUED.
2. CORRECTIONAL OFFICERS, TO ASK YOU; "IF A PRISONER
3. NEEDS TO USE HIS PRESCRIBED MEDICATION EVERY SINGLE
4. MORNING.." BUT INSPITE OF THIS TRUTH, I HAVE BEEN
5. INFORMED BY REGISTERED NURSE J. FLOWERS; "THAT PER
6. A SHU SGT., THE ONLY REQUIREMENT OR PROTOCOL THAT I
7. IN PLACE FOR A PRISONER TO USE HIS PRESCRIBED MEDIC
8. TION, IS TO JUST ASK FOR IT.. AND THAT, ALL CUSTODY
9. STAFF AND CORRECTIONAL OFFICERS IS AWARE OF THIS PR
10. TCOL.." (SEE EXHIBIT D.) BUT NONETHELESS, OFFIC
11. E. SMITH CONTINUES TO CARRY ON WITH HER ANTICS OF
12. HARASSMENT & RETALIATION AGAINST ME..

13. FURTHER EVIDENCE OF OFFICER E. SMITH'S RETALIA
14. TION CAMPAIGN AGAINST THE PLAINTIFF WAS MADE EVI
15. DENT ON THE MORNING OF AUGUST 14TH, 2008, TO WHICH
16. I WAS VERBALLY THREATENED BY OFFICER E. SMITH..
17. OFFICER E. SMITH THREATENED TO WRITE ME UP IF I DI
18. NOT START ACCEPTING MY PRESCRIBED MEDICATION FROM
19. HER.. AGAIN, THERE IS NO WRITTEN RULE OR POLICY, THAT
20. MANDATES THAT I MUST ONLY ACCEPT MY PRESCRIBED
21. MEDICATION FROM A FLOOR OFFICER, OR IN THIS CASE,
22. FROM OFFICER E. SMITH ONLY.. (SEE EXHIBIT D.)
23. THIS SPEAKING TO OFFICER E. SMITH'S RETALIATION
24. CAMPAIGN AGAINST ME..

25. SINCE ON OR ABOUT JANUARY OF 2007, I HAVE
26. PERSONALLY OBSERVED & HEARD OFFICER E. SMITH VERB
27. LLY COMMUNICATE "GOOD MORNING" TO NON-BLACK PRIS
28. ONERS ONLY, WITHIN MY POD/SECTION.. FURTHERMORE,

1. STATEMENT OF FACTS - CONTINUED.

2. WE BLACK PRISONERS IN HOUSING UNIT D3 HAVE BEEN HO
3. USED IN TOTAL ISOLATION FROM ONE ANOTHER, WHILE THE
4. OTHER RACIAL NATIONALITIES THAT ARE HOUSED IN HOUSING
5. UNIT D3, HAVE BEEN ABLE TO HAVE ATLEAST 1 OR 2
6. PERSONS OF THEIR RACIAL NATIONALITY HOUSED IN THE SAN
7. SECTION /POD WITH THEM.. OFFICER E. SMITH IS DIRECTLY
8. RESPONSIBLE FOR THIS TYPE OF HOUSING ARRANGEMENT, AS
9. I WAS TOLD THIS FACT, BY THE INSTITUTIONAL GANG OF
10. INVESTIGATIONS - LT. G.H. WISE DURING A 602 INTER
11. VIEW.. (SEE EXHIBIT B.)

12. OFFICER E. SMITH'S ACTIONS IN ONLY VERBALLY COMM
13. UNICATING "GOOD MORNING" TO NON-BLACK PRISONERS
14. EVERY MORNING, AND KEEPING BLACK PRISONERS HOUSED
15. IN PODS /SECTIONS IN TOTAL ISOLATION FROM ONE ANOT
16. ER, IS A CLEAR PRACTICE OF RACIAL DISCRIMINATION..
17. IN THAT, THERE IS NOT A JUSTIFIABLE OR A NEUTRAL
18. EXPLANATION FOR OFFICER E. SMITH TO ONLY VERBALLY
19. COMMUNICATE "GOOD MORNING" TO NON-BLACK PRISON
20. ERS, OTHER THAN THE FACT, THAT WE ARE ALL BLACK PRIS
21. ONERS OF AFRIKAN NATIONALITY.. THE SAME IS TRUE,
22. AS TO WHY WE BLACK PRISONERS IS BEING HOUSED
23. IN PODS /SECTIONS WITHOUT ANY OTHER BLACK PRISONER
24. OF OUR AFRIKAN NATIONALITY, WHILE OTHER RACIAL NATIO
25. ALITIES ISN'T HOUSED OR TREATED IN THIS MANNER..
26. THE COURTS HAVE MADE IT UNMISTAKABLY CLEAR; "THAT
27. RACIAL DISCRIMINATION BY GOVERNMENTAL AUTHORITIES
28. IN THE USE OF PUBLIC FACILITIES CANNOT BE

• STATEMENT OF FACTS CONTINUED •

2. TOLERATED, AS IT IS CLEARLY UNCONSTITUTIONAL.. SEE:
3. SOCKWELL V. PHELPS • 20 • F.3d. 187 (1994); WASHI
4. NGTON V. LEE • 263 • F.SUPP. 327 (1966); LEE V.
5. WASHINGTON • 390 • U.S. 333 (1968); AND BROWN V.
6. BOARD OF EDUCATION • 347 • U.S. 483 (1954)..

7. BUT FURTHERMORE, THESE PRACTICES OF RACIAL DISC
8. RIMINATION, IS ALSO A PART OF OFFICER E. SMITH'S RETA
9. IATION CAMPAIGN AGAINST THE PLAINTIFF, FOR EXCEERCIS-
10. ING MY 1ST. AMENDMENT CONSTITUTIONAL FREEDOMS OF
11. SPEECH AND EXPRESSION, FOR FILING A 1983 • CIVIL CLAIM
12. AGAINST HER FELLOW CORRECTIONAL OFFICER J. SAMPLE
13. SEE: BART V. TEIFORD • 677 • F. 2d. 622 (7TH. CIR.
14. 1982); RIECHERT V. DRAUD • 511 • F. SUPP. 679 (1981)
15. RAYMON V. ALVORD — INDEP. SCHOOL DIST. • 639 • F. 2d
16. 257 (5TH. CIR. 1981); AND WALSH V. LOUISIANA
17. HIGH SCHOOL ATHLETIC ASS'N • 616 • F. 2d. 152, 158
18. (5TH. CIR. 1980)

19. THE ACCUMULATIVE EFFECT OF OFFICER E. SMITH
20. RETALIATION CAMPAIGN AGAINST THE PLAINTIFF FOR E
21. XERCISING MY 1ST. AMENDMENT CONSTITUTIONAL FREEC
22. OMS OF SPEECH & EXPRESSION, BY FILING A 1983 • CI
23. I CLAIM AGAINST HER FELLOW CORRECTIONAL OFFICER
24. J. SAMPLE HAS CAUSED THE PLAINTIFF ON • GOING EMC
25. TIONAL & MENTAL DURESS, BASED ON IT'S EVIL & MALI
26. CIOUS INTENT, IN THAT, THERE IS NOT A SINGLE OR A
27. NEUTRAL REASON FOR HER COLLECTIVE RETALIATORY
28. ACTIONS AGAINST THE PLAINTIFF.. PLAINTIFF HAS

1. • STATEMENT OF FACTS CONTINUED •

2. ATTEMPTED TO SEEK TREATMENT FOR THIS EMOTIONAL &
3. MENTAL DURESS THAT OFFICER E. SMITH'S RETALIATION
4. CAMPAIGN IS HAVING UPON ME VIA THE SUBMISSION OF
5. SEVERAL ADMINISTRATIVE W02 APPEALS, HOWEVER, ALL
6. PLAINTIFF'S ADMINISTRATIVE W02 APPEALS WERE SUMM
7. ARILY CANCELLED & REJECTED.. (SEE EXHIBIT C.)
8. THUS DENYING THE PLAINTIFF TREATMENT FOR THE EMOTI
9. ONAL & MENTAL DURESS THAT I AM SUFFERING ON ACCOU
10. NT OF OFFICER E. SMITH'S RETALIATION CAMPAIGN AGAINST
11. ME..

12. HENCEFORTH, PLAINTIFF NOW MOVES TO SUE OFFICER
13. E. SMITH IN HER INDIVIDUAL CAPACITY, IN THE AMOUNT
14. OF \$ 100,000 — ONE HUNDRED THOUSAND DOLLARS IN
15. PUNITIVE DAMAGES FOR THE EMOTIONAL & MENTAL DURE
16. SS THAT HER RETALIATION CAMPAIGN AGAINST ME, HAS
17. CAUSED ME ON THE ACCOUNT OF PLAINTIFF EXERCISING
18. MY 1ST. AMENDMENT CONSTITUTIONAL FREEDOMS OF SPEECH
19. AND EXPRESSION BY FILING A 1983 CIVIL CLAIM AGAINST
20. HER FELLOW OFFICER J. SAMPLE.. (SEE EXHIBIT A.)

21. INDEED IN THE CONTEXT OF FIRST AMENDMENT
22. CLAIMS, THE COURTS HAVE HELD EXPLICITLY THAT PRISONER
23. NEED NOT ALLEGE A PHYSICAL INJURY TO RECOVER DAMAGES
24. BECAUSE THE DEPRIVATION OF THE CONSTITUTIONAL
25. RIGHT IS ITSELF A COGNIZABLE INJURY, REGARDLESS OF
26. ANY RESULTING MENTAL OR EMOTIONAL INJURY.. SEE:
27. ROWE V. SHAKE • 190 • F.3D. 778, 781 (7TH. CIR. 1999
28. & SEARLES V. VAN BERRER • 251 • F.2D 219 (INTH. CIR.

1. • STATEMENT OF FACTS CONTINUED.
2. 2001); ALIAH V. AL-HAFEEZ • 226 • F.3d. 247 (3rd.
3. CIR. 2000); CANELL V. LIGHTNER • 143 • F.3d. 1210, 1213
4. (9th CIR. 1998) — "ANY FORM OF RELIEF IS AVAILABLE
5. FOR FIRST AMENDMENT VIOLATIONS.."
6. JUST AS A "DEPRIVATION OF FIRST AMENDMENT RIGHTS
7. STANDING ALONE IS A COGNIZABLE INJURY," — ROWE • 196 •
8. F.3d. AT 781, SO TOO IS THE VIOLATION OF A PERSON'S
9. RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT.
10. SEE: HARPER V. SHOWERS • 174 • F.3d. 716, 719 (5th CIR.
11. 1999) — "CLAIM OF EIGHTH AMENDMENT VIOLATION" IS
12. DISTINCT FROM "ANY CLAIM TO ENTITLEMENT FOR COMPENSA
13. TION FOR RESULTING MENTAL OR EMOTIONAL DAMAGES.."
14. ALTHOUGH § 1997 e (e.) WOULD BAR RECOVERY OF COMPEN
15. SATORY FOR MENTAL AND EMOTIONAL INJURIES SUFFERED
16. THE STATUTE IS INAPPLICABLE TO AWARDS OF NOMINAL
17. OR PUNITIVE DAMAGES FOR THE EIGHTH AMENDMENT VIOLAT
18. ION ITSELF..
19. NOTHING PREVENTS AN AWARD OF PUNITIVE DAMAGES
20. FOR CONSTITUTIONAL VIOLATIONS WHEN COMPENSATORY DAM
21. AGES ARE NOT AVAILABLE.. SEE: ERWIN V. MANITOWOC
22. COUNTY • 872 • F.2d. 1292, 1299 (7th CIR. 1989).. BECA
23. USE PUNITIVE DAMAGES ARE DESIGNED TO PUNISH AND
24. DETER WRONG DOERS FOR DEPRIVATIONS OF CONSTITUTIONAL
25. RIGHTS, THEY ARE NOT COMPENSATION FOR EMOTIONAL AND
26. MENTAL INJURY.. SEE: STACHURA • 477 • U.S. AT 306.
27. ALSO SEE: CAYHOUN V. DeTella • 319 • F.3d. 936 (7th.
28. CIR. 2003) PLAINTIFF'S CLAIM OF RETALIATION IS

1. STATEMENT OF FACTS CONTINUED.

2. PRACTICALLY THE SAME AS CALHOUN'S, IN THAT, PLAINTIFF
 3. IS CONTINUALLY BEING HARASSED, RIDICULED, AND RETALIAT
 4. ED AGAINST FOR NON-PENOLOGICAL OR NEUTRALLY JUSTIFIED
 5. REASONS, IN WHICH THE INTENT OF OFFICER E. SMITH'S
 6. ACTIONS IS DELIBERATE, MALICIOUS, AND EVILLY INSPIRED..

7. (SEE EXHIBIT C.)

8. PHYSICAL INJURY NEED NOT RESULT FROM THE PUNISHM
 9. ENT IN QUESTION FOR A PRISONER'S CIVIL COMPLAINT TO
 10. STATE A CAUSE OF ACTION AGAINST A GOVERNMENTAL ENT.
 11. ITY, FOR THE WANTON INFLECTION OF PSYCHOLOGICAL PAIN IS
 12. ALSO PROHIBITED. — 28 U.S.C.A. § 1915 A.

13. THE STATUTE BARRING FEDERAL CIVIL ACTIONS BY PRIS
 14. ONERS FOR MENTAL OR EMOTIONAL INJURIES ABSENT A SHOW
 15. ING OF PHYSICAL INJURY DOES NOT REQUIRE A SHOWING OF
 16. PHYSICAL INJURY IN ALL PRISONER CIVIL RIGHTS SUITS..
 17. CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT § 7
 18. (e) — 42 U.S.C.A. § 1997 e. (e)..

19. THE STATUTE BARRING FEDERAL CIVIL ACTIONS BY PRIS
 20. ONERS FOR MENTAL OR EMOTIONAL INJURIES ABSENT A SHOW
 21. ING OF PHYSICAL INJURY DOES NOT FORECLOSE AN ACTION
 22. FOR NOMINAL OR PUNITIVE DAMAGES FOR AN EIGHTH AMEND.
 23. MENT VIOLATION INVOLVING NO PHYSICAL INJURY. —
 24. U.S.C.A. — CONST. AMEND. 8; CIVIL RIGHTS OF INS
 25. TITUTIONALIZED PERSONS ACT § 7 (e) — 42 U.S.C.A.
 26. § 1997 e (e)..

27. IT WAS ARGUED BY THE ATTORNEY GENERAL IN
 28. CALHOUN V. DeTella THAT A PLAIN READING OF

1. STATEMENT OF FACTS CONTINUED

2. § 1997 e (e.) BARS CAIHOUN'S SUIT ENTIRELY, REASONING

3. THAT THE STATUTE MAKES A SHOWING OF PHYSICAL INJURY

4. A FILING PREREQUISITE FOR EVERY CIVIL RIGHTS LAWSUIT

5. INVOLVING MENTAL OR EMOTIONAL INJURY.. WE CANNOT

6. AGREE.. THIS CONTENTION IF TAKEN TO ITS LOGICAL EXTREM

7. WOULD GIVE PRISON OFFICIALS FREE REIGN TO MALICIOUSLY

8. AND SADISTICALLY INFLICT PSYCHOLOGICAL TORTURE ON PRISON

9. ERS, SO LONG AS THEY TAKE CARE NOT TO INFLICT ANY PHY

10. SICAL INJURY IN THE PROCESS.. CLEARLY THIS ARGUMENT

11. SWEEPS TOO BROADLY, AND THERE IS NO LONGER ROOM FOR

12. THE POSITION THE ATTORNEY GENERAL ESPOUSES.. SEE:

13. CAIHOUN V. DeTella • 319 • F. 3d. 936 (7TH. CIR. 2003)

14. IN BART V. TELFORD, THE COURTS CONCLUDED;

15. "HARASSMENT FOR EXERCISING THE RIGHT OF FREE SPEEC

16. IS ALWAYS ACTIONABLE NO MATTER HOW UNLIKELY TO DETER

17. A PERSON OF ORDINARY FIRMNESS FROM THAT EXERCISE.

18. AND THAT, HARASSMENT AND RIDICULE THROUGH THE SELEC

19. TIVE ENFORCEMENT OF WORK RULES MAY BE SMALL, BUT

20. SINCE THERE IS NO JUSTIFICATION FOR HARASSING PEOPLE

21. FOR EXERCISING THEIR CONSTITUTIONAL RIGHTS, IT NEED

22. NOT BE GREAT IN ORDER TO BE ACTIONABLE." — U.S.C.A

23. — CONST. AMEND. 1; 42 • U.S.C.A. § 1983.. AND SEE:

24. BART V. TELFORD • 677 • F. 2d. 622 (7TH. CIR. 1982);

25. AND Riechert V. DRAUD • 511 • F. SUPP. 679 (1981)..

26. PLAINTIFF'S CLAIMS OF RETALIATION IS QUITE

27. SIMILAR TO THE BART V. TELFORD CASE, IN THAT, THE

28. BASIS OF OFFICER E. SMITH'S RETALIATION CAMPAIGN

- 1. STATEMENT OF FACTS CONTINUED.
- 2. AGAINST THE PLAINTIFF, IS CLEARLY MOTIVATED BY EVIL
- 3. & MALICIOUS INTENT, THAT IS ALSO DELIBERATELY DESIGNED
- 4. TO CAUSE THE PLAINTIFF PSYCHOLOGICAL, EMOTIONAL, AND
- 5. MENTAL HARM FOR EXERCISING MY FIRST AMENDMENT
- 6. CONSTITUTIONAL RIGHT BY FILING A 1983 CIVIL CLAIM
- 7. AGAINST HER FELLOW CORRECTIONAL OFFICER J. SAMPLE..
- 8. (SEE EXHIBITS A & C) ALSO SEE: BART V. TEIFORD.
- 9. 677 F.2d 622 (7th Cir. 1982)
- 10. HENCEFORTH, PLAINTIFF IS WITHOUT NO OTHER AITE
- 11. RNATIVE REMEDY OF SEEKING LEGAL REDRESS FOR THE
- 12. NOTED ISSUES AT HAND, EXCEPT BY WAY OF SUING OFFICE
- 13. E. SMITH IN HER INDIVIDUAL CAPACITY FOR PUNITIVE DAN
- 14. AGES IN THE AMOUNT OF \$100,000 — ONE HUNDRED THO
- 15. USAND DOLLARS..

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1. • VERIFICATION •

2. I, THE PLAINTIFF MARCUS L. HARRISON STATE:

3. I AM THE PLAINTIFF IN THIS ACTION. I HAVE READ

4. THE FOREGOING 1983 CIVIL CLAIM, AND THE FACTS STATED

5. THEREIN ARE TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO

6. MATTERS THAT ARE THEREIN STATED ON MY OWN INFORMATION

7. AND BELIEF, AND AS TO THOSE MATTERS I BELIEVE THEM

8. TO BE TRUE..

9. I DECLARE UNDER THE PENALTY OF PERJURY THAT

10. THE FOREGOING IS TRUE AND CORRECT AND IS BASED ON MY

11. OWN PERSONAL KNOWLEDGE AS IS EXECUTED ON THE 17TH.

12. OF AUGUST, 2008..

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14. DATED:

15. AUGUST 17TH, 2008

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RESPECTFULLY SUBMITTED,
MARCUS L. HARRISON
Marcus L. Harrison

1. • PRAYER FOR RELIEF •
2. PLAINTIFF HEREBY MOVES BEFORE THIS HONORABLE
3. COURT TO REQUEST RELIEF AS FOLLOWS:
4. • APPOINT COUNSEL
5. • AWARD PLAINTIFF \$100,000 - ONE HUNDRED THOUSAND
6. DOLLARS IN PUNITIVE DAMAGES FOR THE EMOTIONAL & MENTAL
7. INJURIES THAT PLAINTIFF HAS SUFFERED IN LIGHT OF OFFICER'S
8. E. SMITH RETALIATION CAMPAIGN AGAINST ME;
9. • ISSUE DECLARATORY AND INJUNCTIVE RELIEF IN ORDER
10. TO ADDRESS THE ISSUE OF RACIAL DISCRIMINATION THAT THE
11. CLASS OF BLACK PRISONERS IS BEING SUBJECTED TO IN SECURITY
12. HOUSING UNIT - D3, IN PARTICULAR, BY ALLOWING US
13. BLACK PRISONERS TO BE HOUSED IN THE SAME SECTION WITH
14. ONE ANOTHER, AS IS THE MEXICAN, AND THE WHITE PRISONER
15. IS ALLOWED TO BE HOUSED, WITH ATLEAST (2) • TWO TO (3)
16. THREE PRISONERS / PEOPLE OF THEIR OWN RACIAL NATIONALITY;
17. ITY;
18. • THAT A PRELIMINARY INJUNCTION / TEMPORARY RESTRAINING
19. ORDER BE ISSUED AGAINST OFFICER E. SMITH IN ORDER TO PREVENT &
20. PROTECT PLAINTIFF FROM ANY FURTHER IMMEDIATE RETALIATORY
21. ACTIONS FOR FILING THIS CIVIL ACTION;
22. ACTION;
23. • THAT A JURY TRIAL BE HELD ON THE ISSUES RAISED!
24. • GRANT ANY OTHER RELIEF THAT THIS COURT DEEMS TO BE JUST &
25. APPROPRIATE..
26. PLAINTIFF PRAYS THAT THIS COURT WILL GRANT THE RELIEF THAT THE
27. PLAINTIFF SEEKS IN THIS 1983 CIVIL CLAIM.. THANK YOU..
- 28.

SUPPORTING LEGAL AUTHORITIES

1. • RIECHEAT V. DRAUD • 511 • F. SUPP. 679 (1981)
2. • BART V. TEIFORD • 677 • F. 2d. 622 (7TH. CIR. 1982)
3. • RAYMON V. AIVORD — INDEP. SCHOOL DIST. • 639 • F. 2d.
4. 257 (5TH. CIR. 1981)
5. • WALSH V. LOUISIANA HIGH SCHOOL ATHLETIC ASS'N •
6. 616 • F. 2d. 152, 158 (5TH. CIR. 1980)
7. • SOCKWELL V. PHELPS • 20 • F. 3d. 187 (1994)
8. • WASHINGTON V. LEE • 263 • F. SUPP. 327 (1966)
9. • LEE V. WASHINGTON • 390 • U.S. 333 (1968)
10. • BROWN V. BOARD OF EDUCATION • 347 • U.S. 483 (1954)
11. • ROWE V. SHAKE • 196 • F. 3d. 778, 781 (7TH. CIR. 1999)
12. • SEARIES V. VAN BEBBER • 251 • F. 3d. (10TH. CIR. 2001)
13. • AILAH V. AL-HAFEEZ • 226 • F. 3d. 247 (3RD. CIR. 2000)
14. • CANELL V. LIGHTNER • 143 • F. 3d. 1210, 1213 (9TH. CIR. 1998)
15. • HARPER V. SHOWERS • 174 • F. 3d. 716, 719 (5TH. CIR. 1999)
16. • ERWIN V. MANITOWOC COUNTY • 872 • F. 2d. 1292, 1294
17. (7TH. CIR. 1989)
18. • CALHOUN V. DeTella • 319 • F. 3d. 936 (7TH. CIR. 2003)
19. — 28 • U.S.C.A. § 1915 • A.
20. — CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.
21. § 7 (e) • 42 • U.S.C.A. § 1997 e. (e)
22. — U.S.C.A. — CONST. AMEND. 8
23. — U.S.C.A. — CONST. AMEND. 1
- 24.
- 25.
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SUPPORTING EXHIBITS

- 2. EXHIBIT A FILED LAWSUIT AGAINST OFFICER J.
- 3. SAMPLE...
- 4. EXHIBIT B W02 INTERVIEW WITH INSTITUTIONAL
- 5. GANG OF INVESTIGATIONS LT. G.H. WISE ABOUT UNIT
- 6. CELL MOVES....
- 7. EXHIBIT C ADMINISTRATIVE W02 APPEALS THAT
- 8. WERE CANCELLED ON AUGUST 8TH; 2008; AUGUST 7TH;
- 9. 2008; AUGUST 14TH; 2008; AND ANOTHER ADMINISTRATIVE
- 10. W02 APPEAL DATED AUGUST 8TH; 2008...
- 11. EXHIBIT D ESTABLISHED PROTOCOL FOR PRESCRIBED
- 12. MEDICATION USAGE IN THE SECURITY HOUSING UNIT...
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• SEE ATTACHMENT PAGES •

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

Signed this 17TH day of AUGUST, 2008

Marcus L. Harrison

(Plaintiff's signature)

EXHIBIT A

FILED

MAY 14 2007

RICHARD W. WILKINSON
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARCUS L. HARRISON,

No. C 07-959 SI (pr)

Plaintiff,

ORDER UPON INITIAL REVIEW

Officer J. SAMPLE; et al.,

Defendants.

INTRODUCTION

Marcus L. Harrison, currently incarcerated at Pelican Bay State Prison, filed this action in state court, alleging that defendant's refusal to provide him with a medication inhaler when he requested it for an asthma attack violated his constitutional rights. Defendant, a correctional officer at Pelican Bay, removed this action to federal court based on federal question jurisdiction. See 28 U.S.C. § 1331, 1441(b). The complaint is now before the court for review pursuant to 28 U.S.C. § 1915A. The court also considers defendants' "Motion That The Court Screen Plaintiff's Complaint Under 28 U.S.C. § 1915A."

DISCUSSION

A federal court must engage in a preliminary screening of any case in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). In its review the court must identify any cognizable claims, and dismiss any claims which are frivolous, malicious, fail to state a claim upon which relief may be granted,

United States District Court
For the Northern District of California

1 or seek monetary relief from a defendant who is immune from such relief. See id. at
2 1915A(b)(1),(2). Pro se pleadings must be liberally construed. See Balistreri v. Pacifica Police
3 Dept., 901 F.2d 696, 699 (9th Cir. 1990).

4 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two elements: (1) that a
5 right secured by the Constitution or laws of the United States was violated and (2) that the
6 violation was committed by a person acting under the color of state law. See West v. Atkins,
7 487 U.S. 42, 48 (1988).

8 Harrison's asthma inhaler was kept in the control booth of his housing unit, apparently
9 to be made available to him on an as needed basis. Harrison alleges that on June 16, 2005, he
10 was experiencing breathing difficulties and asked defendant, correctional officer Sample, for
11 access to his asthma inhaler because of his breathing difficulties. Sample refused, and told
12 Harrison to wait until the 9:00 p.m. inmate count, which apparently was more than two hours
13 later, when the unit staff could bring the inhaler to Harrison. About 15 minutes later, Harrison
14 asked again for the inhaler and Sample again refused. Harrison then had an asthma attack,
15 blacked out and lost consciousness. He fell to the floor of his cell. He indicates that he was there
16 for a couple of hours, unattended. Harrison alleges that Sample violated his constitutional rights.
17 Liberally construed, the allegations of the complaint state cognizable claims for relief under 42
18 U.S.C. § 1983 for an Eighth Amendment violation based on Sample's alleged deliberate
19 indifference to Harrison's medical needs. See Estelle v. Gamble, 429 U.S. 97, 104 (1976).

20 CONCLUSION

21 For the foregoing reasons,

22 1. Plaintiff's complaint states a claim for relief under 42 U.S.C. § 1983 against
23 defendant for an Eighth Amendment violation. Only one defendant was named in the complaint
24 and he has been served with process. There is no need for a further service of process order.

25 2. In order to expedite the resolution of this case, the following briefing schedule for
26 dispositive motions is set:
27
28

1 a. Defendant must file and serve a motion for summary judgment no later than
2 **July 13, 2007**. If defendant is of the opinion that this case cannot be resolved by summary
3 judgment, he must so inform the court prior to the date the motion is due.

4 b. Plaintiff's opposition to the summary judgment motion must be filed with
5 the court and served upon defendant's counsel no later than **August 17, 2007**. Plaintiff must bear
6 in mind the following notice and warning regarding summary judgment as he prepares his
7 opposition to any summary judgment motion:

8 The defendants may make a motion for summary judgment by which they
9 seek to have your case dismissed. A motion for summary judgment under Rule
10 56 of the Federal Rules of Civil Procedure will, if granted, end your case.

11 Rule 56 tells you what you must do in order to oppose a motion for
12 summary judgment. Generally, summary judgment must be granted when there
13 is no genuine issue of material fact -- that is, if there is no real dispute about any
14 fact that would affect the result of your case, the party who asked for summary
15 judgment is entitled to judgment as a matter of law, which will end your case.
16 When a party you are suing makes a motion for summary judgment that is
17 properly supported by declarations (or other sworn testimony), you cannot simply
18 rely on what your complaint says. Instead, you must set out specific facts in
19 declarations, depositions, answers to interrogatories, or authenticated documents,
20 as provided in Rule 56(e), that contradict the facts shown in the defendants'
21 declarations and documents and show that there is a genuine issue of material fact
22 for trial. If you do not submit your own evidence in opposition, summary
23 judgment, if appropriate, may be entered against you. If summary judgment is
24 granted, your case will be dismissed and there will be no trial. (See Rand v.
25 Rowland, 154 F.3d 952, 962-63 (9th Cir. 1998).
26

27 c. Defendant must file and serve his reply brief, if any, no later than **August**
28 **31, 2007**.

3. All communications by plaintiff with the court must be served on a defendant's
counsel by mailing a true copy of the document to defendant's counsel. The court may disregard
any document which a party files but fails to send a copy of to his opponent

4. Discovery may be taken in accordance with the Federal Rules of Civil Procedure.
No further court order under Federal Rule of Civil Procedure 30(a)(2) or Local Rule 16 is
required before the parties may conduct discovery.

5. Plaintiff is responsible for prosecuting this case. Plaintiff must promptly keep the
court informed of any change of address and must comply with the court's orders in a timely

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1 fashion. Failure to do so may result in the dismissal of this action for failure to prosecute
2 pursuant to Federal Rule of Civil Procedure 41(b). Plaintiff must file a notice of change of
3 address in every pending case every time he is moved to a new facility.

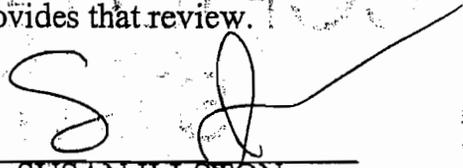
4 6. Plaintiff is cautioned that he must include the case name and case number for this
5 action on any document he submits to the court for consideration in this case.

6 7. Both parties must write the case number to include the pro se prisoner case
7 designation of "(pr)". That is, the case number is to be written as C 07-959 SI (pr) on all filings
8 in this action.

9 8. Defendants' motion for the court to review the complaint pursuant to 28 U.S.C. §
10 1915A is GRANTED. (Docket # 2.) This order provides that review.

11 IT IS SO ORDERED.

12 Dated: May 4, 2007



SUSAN ILLSTON
United States District Judge

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MARCUS L HARRISON,
Plaintiff,

Case Number: CV07-00959 SI
CERTIFICATE OF SERVICE

v.

JEFFREY SAMPLE et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 7, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Marcus L. Harrison H-54077 D3 124
PBSP-II
Pelican Bay State Prison
P O Box 7500
Crescent City, CA 95531

Scott John Feudale
California Attorney General's Office
Correctional Law Section
455 Golden Gate Ave.
Suite 11000
San Francisco, CA 94102

Dated: May 7, 2007

Richard W. Wieking, Clerk
By: Tracy Sutton, Deputy Clerk



ATTORNEY GENERAL--OFFICE COPY

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 2 DAVID S. CHANEY
 Chief Assistant Attorney General
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ORIGINAL FILED

FEB 15 2007

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

9 Attorneys for Defendant J. Sample

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

SI

IC 07 - 0959

14 **MARCUS L. HARRISON,**
 Plaintiff,
 15
 16 v.
 17 **OFFICER J. SAMPLE,**
 Defendant.

Case No. _____
(Del Norte County Superior Court, Case No. CV 06-1443)

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441(b) (FEDERAL QUESTION)

21 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO PLAINTIFF:
 22 PLEASE TAKE NOTICE that Defendant Sample removes to this Court the state-court
 23 action described below:

24 1. On November 1, 2006, Plaintiff Marcus Harrison (Plaintiff) commenced a civil suit in
 25 the Superior Court of the State of California, Del Norte County, entitled *Marcus L. Harrison v.*
 26 *Correctional Officer J. Sample*, Case No. CV 06-1443. In Plaintiff's Complaint, he alleges that
 27 on or around June 16, 2005, while he was incarcerated in the Security Housing Unit (SHU) at
 28 Pelican Bay State Prison (PBSP), he requested that Defendant provide him with his asthma

1 inhaler. (Attach. to Pl.'s Compl. 1.) Plaintiff alleges that Defendant responded to Plaintiff's
2 request by informing him that he would have to wait until the 9:00 p.m. count and at that time the
3 unit staff would provide Plaintiff with his inhaler. (*Id.*) Plaintiff further alleges that about ten to
4 fifteen minutes later, he again called out to Defendant requesting access to his inhaler and
5 informing Defendant that he was having difficulty breathing. (*Id.* at 1-2.) Plaintiff alleges that
6 Defendant again refused reiterating to Plaintiff that he would have to wait until 9:00 p.m. count
7 to receive his inhaler. (*Id.* at 2.)

8 Plaintiff further alleges that within seconds of the second exchange with Defendant,
9 Plaintiff suffered an asthma attack. (*Id.*) Plaintiff alleges that Defendant caused him injury by
10 "deliberately denying [him] usage of [his] asthma inhaler . . . in violation of his constitutional
11 right to unobstructed access to [his] prescribed medication." (*Id.* at 3.) In addition, Plaintiff
12 alleges that Defendant violated his rights under the Eighth Amendment to the United States
13 Constitution by showing deliberate indifference to his medical needs. (*Id.* at 4-6.)

14 2. Defendant was served via the Litigation Coordinator at PBSP by the Del Norte County
15 Sheriff's Office with a copy of the Summons, Application for Waiver of Fees, Civil Case Cover
16 Sheet, and Complaint, on January 16, 2007.

17 3. Under 28 U.S.C. § 1331, this civil action is within the original jurisdiction of this
18 Court. Defendant may remove this case to this Court under 28 U.S.C. § 1441(b) because the
19 matter contains a claim which arises under the Eighth Amendment to the United States
20 Constitution.

21 4. All served Defendants join in this Notice of Removal.

22 5. Under 28 U.S.C. § 1446(a), attached is the state-court file in this case, as served on
23 Defendant:

- 24 a. Exhibit A: Summons, filed November 1, 2006.
25 b. Exhibit B: Application for Waiver of Court Fees and Costs, filed November 1,
26 2006.
27 c. Exhibit C: Civil Case Cover Sheet, filed November 1, 2006.

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d. Exhibit D: Complaint, filed November 1, 2006.

Dated: February 15, 2007

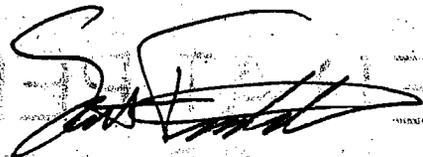
Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of the State of California

DAVID S. CHANEY
Chief Assistant Attorney General

FRANCES T. GRUNDER
Senior Assistant Attorney General

JONATHAN L. WOLFF
Supervising Deputy Attorney General



SCOTT J. FEUDALE
Deputy Attorney General
Attorneys for Defendant J. Sample

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SF2007200072

EXHIBIT B

124

PELICAN BAY STATE PRISON SECOND-LEVEL-REVIEW

DATE: MAR 05 2008

Inmate HARRISON, H-54077
 Pelican Bay State Prison
 Facility D, Security Housing Unit
 Unit 3, Cell 124

RE: WARDEN'S LEVEL DECISION
 APPEAL LOG NO. PBSP-D-08-00109

APPEAL: PARTIALLY GRANTED
 ISSUE: LIVING CONDITIONS

This matter was reviewed by ROBERT A. HOREL, Warden, at Pelican Bay State Prison (PBSP). Correctional Lieutenant G. Wise interviewed the inmate on March 3, 2008, at the Second Level of Appeal Review.

ISSUES

Inmate Harrison requests to seal up a crack in the wall that has been leaking and getting his property wet.

FINDINGS

I

At the First Level of Appeal Review, the crack was sealed on the inside and outside of the cell. The leaking area was painted.

II

The California Code of Regulations (CCR), Title 15, Section 3270, requires security take precedence over all other considerations in the operation of programs and activities within the institution.

III

On March 3, 2008, Lieutenant Wise interviewed the inmate concerning the contents of this appeal. During the course of this interview, the inmate related essentially the same information that he provided in his written appeal. Lieutenant Wise informed the inmate that the cell walls had been sealed and painted by a Plant Operation crew on January 30, 2008. The inmate had no other relevant information to provide during this interview. The inmate disagreed with this reviewer's explanation and stated the cell wall still leaks. The inmate requested to continue with the appeal process.

Supplement Page 2
HARRISON, H54077
Appeal # PBSP-D-08-00109

DETERMINATION OF ISSUE

During the First Level of Appeal Review, the Plant Operations Department was contacted. Mr. B. McKinney, Supervisor of Building Trades, had a crew seal and paint the cracks and leaking areas of the cell wall in cell D3-124, the inmate's cell. By the inmate's own written admission in this appeal, the repairs were completed on January 30, 2008. Therefore, this appeal is PARTIALLY GRANTED. The inmate contends that the wall is still leaking and will continue to leak until the roof is sealed. The inmate has provided no overwhelming evidence which would support this claim that the cell continues to leak after repairs.

In addition, Plant Operations has a planned project starting, as weather permits, which will seal and paint the outside walls. This will help with any possible leaking of cell D3-124 due to the proximity to the concrete yard. There is a hierarchy of demands to be met by the painters and their work is prioritized. Cosmetic work is the lowest priority. The cracks were sealed; therefore, the appeal is PARTIALLY GRANTED. The inmate's request for a move to cell D3-217 because of a water leakage is denied. Cell move requests are more appropriately handled through the unit staff.

MODIFICATION ORDER

No modification of this action or decision is required.


ROBERT A. HOREL
Warden

GW 03.04.08 #1

EXHIBIT C

RE: Screening at the FIRST Level

August 8, 2008

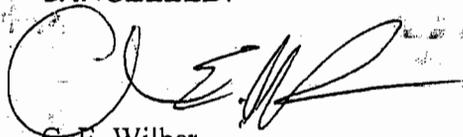
HARRISON, H54077
DF03L 000000122L

Log Number: PBSP-D-08-01983
(Note: Log numbers are not assigned to screen out appeals or informal level appeals.)

The enclosed documents are being returned to you for the following reasons:

This appeal constitutes an abuse of the appeal process pursuant to CCR 3084.4. Refusal to interview or cooperate with reviewer shall result in cancellation of the appeal per CCR 3084.4(d).

BASED ON YOUR DOCUMENTED LACK OF COOPERATION IN RESOLVING YOUR APPEAL ISSUE AT THE LOWEST LEVEL, YOUR APPEAL HAS BEEN CANCELLED.



C. E. Wilber
Appeals Coordinator
Pelican Bay State Prison

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

PERMANENT APPEAL ATTACHMENT - DO NOT REMOVE

AUG 08 2008

STAFF COMPLAINT
SUPPLY ISSUE
7/15
per
CD

**INMATE/PAROLEE
APPEAL FORM**
CDC 002 (12/87)

Location: Institution **PBSP**
1. **PENITENTIARY**
2. _____

Log No. **DOB 0183**
1. _____
2. _____

Category **7/15**

You may appeal any policy, action or decision which has a significant adverse effect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME **HARRISON M.** NUMBER **H54077** ASSIGNMENT _____ UNIT/ROOM NUMBER **D3-122**

A. Describe Problem: **PLAINTIFF IS BEING ARBITRARILY RETALIATED AGAINST BY THE D3 FLOOR OFFICER C/O E. SMITH FOR PURPOSES OF ME EXERCISING MY CONSTITUTIONAL RIGHT TO SEEK LEGAL REDRESS AGAINST THE GOVERNMENT, IN WHICH I HAVE A PROTECTED RIGHT TO DO I.E. "PROTECTED CONDUCT." FOR THE RECORD, PLAINTIFF HAS FILED A 1983 CIVIL LAWSUIT AGAINST C/O J. SAMPLE, TO WHOM IS A FRIEND & A ASSOCIATE OF C/O E. SMITH, AS HE OFTEN COMES OVER TO D3 TO SOCIALIZE WITH HER. I AM PERSONALLY AWARE THAT C/O E. SMITH HAS KNOWLEDGE OF MY 1983 CIVIL LAWSUIT, AS SHE**

If you need more space, attach one additional sheet. **SEE ATTACHMENT SHEET.**

B. Action Requested: **1) THAT I BE AWARDED \$100,000 (ONE HUNDRED THOUSAND DOLLARS) IN POSITIVE DAMAGES FOR EMOTIONAL DURESS CAUSED BY C/O E. SMITH'S ACTIONS TOWARDS ME; 2) THAT THE ISSUE OF RETALIATION AND INSTITUTIONAL RACISM BE ADDRESSED & THOROUGHLY INVEST.**

Inmate/Parolee Signature: **[Signature]** Date Submitted: **7/3/08**

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

BYPASS

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

BYPASS

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed

CDC Appeal Number:

Board of Control form BC-1E, Inmate Claim
JUL 08 2008 JUL 18 2008
TO CDW 15 AW-SHY



C3...

Date: _____

Other Denied Granted P. Granted

DIRECTOR'S ACTION: Granted P. Granted Denied Other

Sec. Attorney

CDG 802 (12/87)

For the Director's Review, submit all documents to: Director of Corrections
 P.O. Box 942883
 Sacramento, CA 94283-0001
 Attn: Chief Inmate Appeals

Signature: _____

Date Submitted: _____

H. If dissatisfied, explain reasons for requesting Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Warden/Supervisor Signature: _____

Date Returned to Inmate: _____

Signature: _____

Date Completed: _____

See Attached Letter

G. REVIEWER'S ACTION (complete within 10 working days) Date assigned: _____

Due Date: _____

Second Level: Granted P. Granted Denied Other

Signature: _____

Date Submitted: _____

F. If dissatisfied, explain reasons for requesting a Second Level Review, and submit to institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

Signature: _____

Division Head/Approved: _____

Date Completed: _____

Date Returned: _____

Date to Inmate: _____

That Harrison's appeal is CANCELLED.

Harrison's lack of cooperation has made it impossible to investigate this appeal. To address the issues, and answer any questions about the supplies, a supply issue. Harrison Refuses to acknowledge the rejection, stating that it was refusing that the staff complaint was rejected, and that the only part of the appeal to be addressed is Harrison's lack of cooperation. Harrison's appeal is CANCELLED.

First Level: Granted P. Granted Denied Other

REVIEWER'S ACTION (complete within 10 working days) Date assigned: 7-18-08

Due Date: 8-19-08

CANCELLED

IAS PERSONALLY TOLD ME THAT SHE IS AWARE OF IT.. THE BASIS OF RETALIATION, HAS MANIFESTED OVER THE PAST (6) SIX MONTHS, IN WHICH I HAVE ASKED %O. E. SMITH FOR BASIC PERSONAL HYGIENE ITEMS (SOAP - TOILET PAPER) IN WHICH I AM ENTITLED TO, AND SHE HAS REPEATEDLY PROCLAIMED TO HAVE FORGOTTEN, AS I HAVE HAD TO REMIND HER ABOUT MY SOAP SEVERAL TIMES THROUGHOUT THE SAME DAY I ASKED HER.. THE MOST RECENT OCCURRENCE OF RETALIATION TOOK PLACE ON JUNE 26TH, 2008, WHEN %O. E. SMITH HANDED ME SOME DIRTY, MOLDED, & CRUDED LAUNDRY ON ACCOUNT OF MY LAUNDRY BAG COMING UP MISSING.. AT BREAKFAST TRAY PICK UP ON JULY 1ST, 2008, I INFORMED %O. E. SMITH THAT I NEEDED SOME SOAP, AS I HAD TO WASH THE LAUNDRY SHE JUST GAVE ME.. %O. E. SMITH WALKED INTO D3.F.POD (2) TWO MORE TIMES WITHOUT ISSUING ME SOME SOAP.. ON HER LAST TRIP INTO D3.F.POD, I REMINDED HER ABOUT THE SOAP, AGAIN NO SOAP!! 5 MINUTES LATER, I THEN CALLED OUT TO %O. E. SMITH ABOUT THE SOAP, & SHE ACTED LIKE SHE DIDN'T KNOW WHAT I WAS TALKING ABOUT?! SO I INFORMED THE 3W. CONTROL BOOTH OFFICER THAT JUST CAME ON, OF MY PREVIOUS REQUEST FOR SOAP, AND I WAS THEN LET OUT OF MY CELL AND GIVEN SOME SOAP, IN WHICH I ALSO INFORMED %O. E. SMITH; "THAT HER ACTIONS WERE UN-NECESSARY!!" ON JULY 2ND, 2008 I ATTEMPTED TO RESOLVE THIS ISSUE WITH %O. E. SMITH, AS I COULDN'T SEE WHY SHE WAS ACTING LIKE THIS TOWARDS ME, AS I HAVE ALWAYS BE RESPECTFUL TO HER, AND IN PARTICULAR, WHEN SHE DOESN'T ACT LIKE THIS TOWARDS THE OTHER PRISONERS IN MY POD.. %O. E. SMITH BEGAN YELLING/SCREAMING AT ME IN A INCOHERENT & DISRESPECTFUL TONE OF VOICE, AND MUMBLING THE WORDS "MEDICAL EMERAG.

ING TO DO WITH A "MEDICAL EMERGENCY", HOWEVER, MY 1983 CIVIL SUIT AGAINST C/O J. SAMPLE DOES.. THUS SPEAKING TO THE PRACTICES OF C/O E. SMITH RETALIATING AGAINST ME, TO WHICH IS CAUSING ME A GREAT DEAL OF EMOTIONAL DURESS, AS I AM ATTEMPTING TO EXERCISE MY "PROTECTED CONDUCT" IN SEEKING LEGAL REDRESS, TO WHICH I'M BEING ADVERSELY AFFECTED.. C/O E. SMITH HAS ALSO BEEN ENGAGING IN THE PRACTICES OF INSTITUTIONAL RACISM.. EVERY MORNING WHEN SHE COMES INTO D3 F. POD, SHE VERBALLY COMMUNICATES "GOOD MORNING" TO EVERY PRISONER, EXCEPT FOR THE BLACK PRISONERS.. AND FURTHERMORE, WHENEVER A BLACK PRISONER IS MOVED OUT OF D3, A BLACK PRISONER IS NOT PLACED IN THAT CELL, BUT WHEN A WHITE/MEXICAN IS MOVED OUT OF D3, A WHITE PRISONER IS PLACED IN THE WHITE PRISONER'S OLD CELL, AND THE SAME WITH THE MEXICAN PRISONERS.. C/O E. SMITH'S ACTIONS IS IN VIOLATION OF C.C.R. — TITLE 15 SEC. 3004 (a) (b) & (c); 3391; BAAT V. TELFORD 677 F.2d 622 (7th Cir. 1982); SOCKWELL V. PHELPS 20 F.3d 187 (5th Cir. 1994); WASHINGTON V. GEE 263 F.SUPP. 327 (M.D. Ala. 1966); AND THE EQUAL PROTECTION CLAUSE OF THE 14TH AMENDMENT..

ACTION REQUESTED - CONT. B.):

1) REQUESTED, IN PARTICULAR, AS TO HOW BLACK PRISONERS IS HOUSED IN D3 AND TREATED IN D3.. AND THAT C/O E. SMITH BE REMOVED TO A DIFFERENT JOB POST IN ORDER TO PREVENT FUTURE ACTIONS OF RETALIATION BEING TAKEN AGAINST ME; AND 3.) THAT I BE TREATED FOR EMOTIONAL DURESS IN LIGHT OF SAID RETALIATION

• SEE ATTATCH CDC 1858 FORM!!

- 66 ...

PBSP APPEAL LOG # _____

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RIGHTS AND RESPONSIBILITY STATEMENT / INFORMATION ADVISORY
STAFF COMPLAINT / -PEACE OFFICER

Please read, sign and submit the following statement.

Pursuant to Penal Code 148.6, anyone wishing to file an allegation of misconduct by a departmental Peace Officer must read, sign, and submit the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST AN PEACE OFFICER FOR ANY IMPROPER CONDUCT. CALIFORNIA LAW REQUIRES AND THIS AGENCY HAS A PROCEDURE TO INVESTIGATE CITIZENS' [or inmate's] COMPLAINTS. YOU HAVE THE RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE A COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN PEACE OFFICER BEHAVED IMPROPERLY. CITIZEN [or inmate's] COMPLAINT'S AND ANY REPORT OF FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST 5 YEARS.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST A PEACE OFFICER, KNOWING THAT IT IS FALSE, OR THE INFORMATION IN THE COMPLAINT IS FOUND TO CONTAIN FALSE STATEMENTS, DISRESPECTFUL OR INSULTING COMMENTS, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU [CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 15, SECTION 3004 RIGHTS/RESPECT OF OTHERS, A DIVISION F OFFENSE, AND/OR CCR 3021 FALSIFICATION OF RECORDS OR DOCUMENTS, A DIVISION E OFFENSE]. YOU CAN ALSO BE PROSECUTED ON A MISDEMEANOR CHARGE.

INMATE / PAROLEE PRINTED NAME	INMATE / PAROLEE'S SIGNATURE	CDC NUMBER	DATE SIGNED
MARCUS HARRISON	Marcus Harrison	H54077	7/3/08
RECEIVING STAFF'S PRINTED NAME	RECEIVING STAFF'S SIGNATURE	DATE SIGNED	

Attach this CDC Form 1858, Rights and Responsibility Statement, this Information Advisory Form to the CDC Form 602

PERMANENT ATTACHMENT TO CDC FORM 602 / DO NOT REMOVE

You may appeal any policy, action or decision which has a significant adverse effect upon you. With the exception of Serious CDC 1-155, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
HARRISON M.	H54077		D3-122

A. Describe Problem: PLAINTIFF IS BEING ARBITRARILY RETALIATED AGAINST BY THE D3 FLOOR OFFICER E. SMITH FOR PURPOSES OF ME EXERCISING MY CONSTITUTIONAL RIGHT TO SEEK LEGAL REDRESS AGAINST THE GOVERNMENT, IN WHICH I HAVE A PROTECTED RIGHT TO DO - I.E. "PROTECTED CONDUCT". FOR THE RECORD, PLAINTIFF HAS FILED A 1983 CIVIL LAWSUIT AGAINST C/O J. SAMPLE TO WHOM IS A FRIEND & A ASSOCIATE OF C/O E. SMITH AS HE OFTEN COMES OVER TO D3 TO SOCIALIZE WITH HER.. I AM PERSONALLY AWARE THAT C/O E. SMITH HAS KNOWLEDGE OF MY 1983 CIVIL LAWSUIT AS SHE HAS PERSONALLY TOLD ME THAT SHE IS AWARE OF IT. SEE ATTACHMENT SHEET.

B. Action Requested: 1) THAT I BE COMPENSATED \$100,000 (ONE HUNDRED THOUSAND) DOLLARS IN PUNITIVE DAMAGES FOR THE EMOTIONAL DURESS C/O E. SMITH HAS CAUSED. 2) THAT THE ISSUE OF RETALIATION & RACISM BE INVESTIGATED, IN PARTICULAR, AS TO HOW BLACK PRISONERS IN D3 IS BEING TREATED. SEE ATTACHMENT. → 7/17/08

C. INFORMAL LEVEL (Date Received: 8-7-08) (# P85P-D-08-01983)
 Staff Response: THIS IS A DUPLICATE APPEAL OF A PREVIOUS APPEAL YOU FILED, IN WHICH THE CHIEF DEPUTY WARDEN REJECTED YOUR APPEAL ON ALL ISSUES EXCEPT SUPPLIES(SOAP). WHEN SET MOORE ATTEMPTED TO INTERVIEW YOU ON YOUR PREVIOUS APPEAL, YOU WERE UNCOOPERATIVE, THEREFORE YOUR APPEAL WAS CANCELED. BECAUSE THIS IS A DUPLICATE, ~~YOUR APPEAL WAS CANCELED~~ THAT YOU REFUSED TO COOPERATE WITH IT. AS WELL AS WELL
 Staff Signature: [Signature] FAC. ID Date Returned to Inmate: 8/7/08

D. FORMAL LEVEL
 If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____
 Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim
 CDC Appeal Number: _____

C8...

Date: _____

Granted Denied Other

Director's ACTION: Granted Denied Other

Section: _____

For the Director's Review, submit all documents to: Director of Corrections
 P.O. Box 942883
 Sacramento, CA 94283-0001
 Attn: Chief, Inmate Appeals

Signature: _____

Date Submitted: _____

He is/has been granted a Director's Level Review, and submit/mail to the third level within 5 days of receipt of response.

Signature: _____

Date Returned Inmate: _____

G. REVIEWER'S ACTION (complete within 5 working days): Date assigned: _____

See Assignment Granted Denied Other

Second Level: Granted Denied Other

Signature: _____

Date Submitted: _____

F. REVIEWER'S ACTION (complete within 5 working days): Date assigned: _____

See Assignment Granted Denied Other

First Level: Granted Denied Other

Signature: _____

Date Submitted: _____

E. REVIEWER'S ACTION (complete within 5 working days): Date assigned: _____

See Assignment Granted Denied Other

Interview/Review: _____

Signature: _____

Date Submitted: _____

D. REVIEWER'S ACTION (complete within 5 working days): Date assigned: _____

See Assignment Granted Denied Other

Interview/Review: _____

Signature: _____

Date Submitted: _____

C. REVIEWER'S ACTION (complete within 5 working days): Date assigned: _____

See Assignment Granted Denied Other

Interview/Review: _____

Signature: _____

Date Submitted: _____

B. REVIEWER'S ACTION (complete within 5 working days): Date assigned: _____

See Assignment Granted Denied Other

Interview/Review: _____

Signature: _____

Date Submitted: _____

A. REVIEWER'S ACTION (complete within 5 working days): Date assigned: _____

See Assignment Granted Denied Other

Interview/Review: _____

Signature: _____

Date Submitted: _____

DESCRIBE PROBLEM CONT. A.):

— C9...

F IT.. THE BASIS OF RETALIATION, HAS MANIFESTED OVER THE PAST (6).
 SIX MONTHS OR MORE, IN WHICH I HAVE ASKED C/O. E. SMITH FOR BASIC
 PERSONAL HYGIENE ITEMS (SOAP — TOILET PAPER) IN WHICH I AM ENT
 ITED TO, AND SHE HAS REPEATEDLY PROCLAIMED TO HAVE FORGOTTEN, AS I
 HAVE HAD TO REMIND HER ABOUT MY SOAP, ETC. SEVERAL TIMES THROUGH
 OUT THE SAME DAY.. THE MOST RECENT OCCURRENCE OF RETALIATION, BE
 UN & TOOK PLACE ON JUNE 26TH, 2008, WHEN C/O. E. SMITH HANDED ME
 SOME DIRTY, MOLDED, & CRADED LAUNDRY ON ACCOUNT OF MY LAUNDRY BE
 COMING UP MISSING.. AT BREAKFAST TRAY PICK UP ON JULY 1ST, 2008, I
 INFORMED C/O. E. SMITH THAT I NEEDED SOME SOAP AS I HAD TO WASH
 THE LAUNDRY SHE GAVE ME.. ^{REPUBLICAN FAX} ~~SMITH~~ ^{WHILE} ~~ON~~ ^{THE} ~~POD~~ ^{POD} D3. F. Pod (2).
 TWO MORE TIMES WITHOUT ISSUING ME ^{SECURITY HOUSING} ~~SOME SOAP~~! ON HER LAST TRIP
 INTO THE POD, I REMINDED HER ABOUT THE SOAP, AGAIN NO SOAP!! 5. MI
 NUTES LATER, I THEN CALLED OUT TO C/O. E. SMITH ABOUT THE SOAP & SHE
 ACTED LIKE SHE DIDN'T KNOW WHAT I WAS TALKING ABOUT?! SO I INF
 ORMED THE 3W. CONTROL BOOTH OFFICER THAT JUST CAME ON, OF MY PRE
 VIOUS REQUEST FOR SOAP, AND I WAS THEN LET OUT OF MY CELL AND GIVE
 SOME SOAP, IN WHICH I ALSO INFORMED C/O. E. SMITH; "THAT HER AC
 TIONS WERE UN-NECESSARY!!" ON JULY 2ND, 2008, I ATTEMPTED TO A
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 CTFUL TO HER SINCE I'VE KNOWN HER, AND IN PARTICULAR, WHEN SH
 DOESN'T ACT LIKE THIS TOWARDS THE OTHER PRISONERS IN MY POD.. C/
 O. SMITH BEGAN YELLING / SCREAMING AT ME RIGHT IN FRONT OF MY
 CELL IN A INCOHERENT & DISRESPECTFUL TONE OF VOICE, AND MUMBLING
 THE WORDS "MEDICAL EMERGENCY".. I FOUND THIS TO BE QUITE
 IRONIC, AS OUR ISSUE HAD NOTHING TO DO WITH A "MEDICAL EMERAC
 ENCY", HOWEVER, MY 1983. CIVIL LAWSUIT AGAINST C/O. J. SAMPL

—C10...

DOES.. THUS SPEAKING TO THE PRACTICES OF, C/O. E. SMITH RETALIATING AGAINST ME, TO WHICH IS CAUSING ME A GREAT DEAL OF EMOTIONAL DURESS/STRESS, AS I AM ATTEMPTING TO EXERCISE MY PROTECTED CONSTITUTIONAL RIGHT, IN SEEKING LEGAL REDRESS TO WHICH I'M BEING ADVERSELY AFFECTED.. C/O. E. SMITH HAS ALSO BEEN ENGAGING IN THE PRACTICES OF INSTITUTIONAL RACISM.. EVERY MORNING WHEN SHE COMES INTO THE POD, SHE VERBALLY COMMUNICATES "GOOD MORNING" TO EVERY PRISONER, EXCEPT FOR THE BLACK PRISONERS.. AND FURTHERMORE, WHENEVER A BLACK PRISONER IS MOVED OUT OF D3, A BLACK PRISONER IS NOT PLACED IN THAT CELL, BUT WHEN A WHITE OR A MEXICAN IS MOVED OUT OF D3, A WHITE IS PLACED IN THE WHITE'S OLD CELL, AND THE SAME WITH THE MEXICANS.. THUS SPEAKING TO HOW BLACK PRISONERS IS DISPROPORTIONATELY HOUSED & TREATED IN D3, IN THAT, BLACK PRISONERS IS BEING SINGLED OUT & ISOLATED WITHIN THE PODS OF D3.. C/O. E. SMITH'S ACTIONS IS IN VIOLATION OF C.C.R. — TITLE. 15. SECTION. 3004 (a)(b) & (c); 3391; BART V. REIFORD. 677. F.2d. 622 (7TH. CIR. 1982); SOCKWELL V. PHEIPS. 20. F.3d. 187 (5TH. CIR. 1994); AND THE EQUAL PROTECTION CLAUSE OF THE 14TH. AMENDMENT..

• ACTION REQUESTED CONT. B.):

HOUSED & TREATED.. AND THAT C/O. E. SMITH BE REMOVED FROM HER JOB POST SO THAT THE ISSUE OF RETALIATION CAN BE NEGATED & NEUTRALIZED; AND 3) THAT I BE TREATED FOR THE EMOTIONAL & MENTAL DURESS THAT OFFICER 'E. SMITH'S ACTIONS OF RETALIATION IS HAVING UPON ME..

PELICAN BAY STATE PRISON
SECURITY HOUSING UNIT

- C11...

UNPBP-3 APPEAL LOG # _____

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RIGHTS AND RESPONSIBILITY STATEMENT / INFORMATION ADVISORY
STAFF COMPLAINT / -PEACE OFFICER

Please read, sign and submit the following statement.

Pursuant to Penal Code 148.6, anyone wishing to file an allegation of misconduct by a departmental Peace Officer must read, sign, and submit the following statement:

YOU HAVE THE RIGHT TO MAKE A COMPLAINT AGAINST AN PEACE OFFICER FOR ANY IMPROPER CONDUCT. CALIFORNIA LAW REQUIRES AND THIS AGENCY HAS A PROCEDURE TO INVESTIGATE CITIZENS' [or inmate's] COMPLAINTS. YOU HAVE THE RIGHT TO A WRITTEN DESCRIPTION OF THIS PROCEDURE. THIS AGENCY MAY FIND AFTER INVESTIGATION THAT THERE IS NOT ENOUGH EVIDENCE TO WARRANT ACTION ON YOUR COMPLAINT; EVEN IF THAT IS THE CASE, YOU HAVE THE RIGHT TO MAKE A COMPLAINT AND HAVE IT INVESTIGATED IF YOU BELIEVE AN PEACE OFFICER BEHAVED IMPROPERLY. CITIZEN [or inmate's] COMPLAINT'S AND ANY REPORT OF FINDINGS RELATING TO COMPLAINTS MUST BE RETAINED BY THIS AGENCY FOR AT LEAST 5 YEARS.

IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST A PEACE OFFICER, KNOWING THAT IT IS FALSE, OR THE INFORMATION IN THE COMPLAINT IS FOUND TO CONTAIN FALSE STATEMENTS, DISRESPECTFUL OR INSULTING COMMENTS, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU [CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 15, SECTION 3004 RIGHTS/RESPECT OF OTHERS, A DIVISION F OFFENSE, AND/OR CCR 3021 FALSIFICATION OF RECORDS OR DOCUMENTS, A DIVISION E OFFENSE]. YOU CAN ALSO BE PROSECUTED ON A MISDEMEANOR CHARGE.

INMATE / PAROLEE PRINTED NAME HARRISON [REDACTED]	INMATE / PAROLEE'S SIGNATURE <i>Harrison</i> [REDACTED]	CDC NUMBER H54077	DATE SIGNED 7/17/08
RECEIVING STAFF'S PRINTED NAME	RECEIVING STAFF'S SIGNATURE	DATE SIGNED	

Attach this CDC Form 1858, Rights and Responsibility Statement, this Information Advisory Form to the CDC Form 602

PERMANENT ATTACHMENT TO CDC FORM 602 / DO NOT REMOVE

- C12...

AUGUST 5TH, 2008

PELICAN BAY STATE PRISON
SECURITY TRAINING UNIT
SGT. D.W. BRADBURY...

ASSOCIATE WARDEN - S.H.U.;

ON AUGUST 5TH, 2008 PER A WOZ INTERVIEW WITH SGT MOORE, I WAS INFORMED; THAT HE WAS NOT GOING TO ADDRESS ALL OF THE ISSUES RAISED IN MY STAFF COMPLAINT AGAINST OFFICER E. SMITH, ON ACCOUNT OF, MY STAFF COMPLAINT BEING REGULATED TO THE STATUS OF A REGULAR WOZ.. SGT. MOORE STATES THAT MY STAFF COMPLAINT WAS REJECTED.. I FIRMLY DISAGREE WITH THIS, BECAUSE IF MY STAFF COMPLAINT/ WOZ WAS REJECTED, THEN WHY HAVEN'T I RECEIVED A REJECTION NOTICE, AS IS REQUIRED PER. C.C.R. TITLE 15 SECTION 3084.3.8(d)?? SGT MOORE INSTEAD CHOSE TO FOCUS ON, ONLY ONE OF THE ISSUES THAT WAS RAISED IN MY STAFF COMPLAINT/ WOZ IN WHICH I RAISED AGAINST OFFICER E. SMITH..

NOWHERE WITHIN THE TITLE 15 DOES IT STATE, THE WHEN A STAFF COMPLAINT IS REDUCED TO A REGULAR WOZ, THAT ALL OF THE ISSUES WITHIN THE WOZ BECOME MOOT!! BUT THIS IS THE POSITION THAT SGT. MOORE HAS TAKEN.. AND FURTHERMORE, IF THIS WAS SO, WHY DID SGT. MOORE CHOOSE TO ADDRESS ONLY ONE OF THE ISSUES IN MY STAFF COMPLAINT THAT WAS AGAINST OFFICER E. SMITH?? BECAUSE BY SGT. MOORE REFUSING TO ADDRESS AND/OR INVESTIGATE THE ISSUES THAT I RAISED WITHIN MY STAFF COMPLAINT AGAINST

OFFICER SMITH, THAT IT IS O.K. FOR HER TO CONTINUE WITH SAID RACIAL DISCRIMINATORY PRACTICES AGAINST BLACK PRISONERS IN D3, AND THAT IT IS O.K. FOR HER TO CONTINUE RETALIATING AGAINST ME!! THERE IS NO OTHER VIABLE REASON OR EXPLANATION FOR SGT. MOORE'S POSITION???

STATE PRISON HOUSING UNIT
SECURITY UNIT
HE IS SAYING

- C13...

I AM ENCLOSING A TRUE COPY OF SAID W02, PLEASE REVIEW IT AND IF NECESSARY, PUT FORTH THE APPROPRIATE OBJECTIVES AS TO HOW THIS W02 MUST BE ADDRESSED, IN PARTICULAR, BY CONDUCTING AN INVESTIGATION INTO SAID ISSUES, AND BY REINSTATING W02 AS A STAFF COMPLAINT SO THAT ALL OF THE ISSUES CAN BE THOROUGHLY AND PROPERLY INVESTIGATED AND RESOLVED.. THANK YOU..

RESPECTFULLY,
I/M. HARRISON
H54077
D3-122

• SEE ATTATCH W02,
AND BE SURE THAT YOU
GET BACK TO ME ON THIS!!
APPEAL LOG # 08-01983..

* PLEASE EXPLAIN TO ME, HOW DOES MY STAFF COMPLAINT BEING CHANGED TO A REGULAR W02 DISQUALIFY THE ISSUES OF "RETALIATION" AND "RACIAL DISCRIMINATION" WITHOUT THE ENTIRE STAFF COMPLAINT/W02 BEING DISQUALIFIED?? MAKES NO SENSE??

State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

— C14...

RE: Screening at the FIRST Level

August 14, 2008.

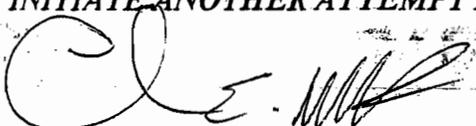
HARRISON, H54077
DF03L 000000122L

Log Number: PBSP-D-
(Note: Log numbers are not assigned to screen out appeals or informal level appeals.)

The enclosed documents are being returned to you for the following reasons:

You have submitted an appeal that duplicates a previous appeal upon which a decision has been rendered or is pending (CCR 3084.3(c)(2)).

THIS ENTIRE ISSUE WAS ALREADY ROUTED VIA THE CDW'S OFFICE AND ASSIGNED APPEAL LOG# 08-01983 AS A REGULAR APPEAL ISSUE IN WHICH YOU FAILED TO COOPERATE WITH. THIS OFFICE SHALL NOT ALLOW YOU TO INITIATE ANOTHER ATTEMPT AT THIS.



C. E. Wilber
Appeals Coordinator
Pelican Bay State Prison

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

PERMANENT APPEAL ATTACHMENT – DO NOT REMOVE

AUG 14 2008

PELICAN BAY STATE PRISON
SECURITY HOUSING UNIT

STATE OF CALIFORNIA

INMATE/PAROLEE UNIT D-3 Location: Institution/Parole Region Log No. Category

1. PELICAN BAY 1. _____ 9/5

2. _____ 2. _____

You may appeal any policy, action or decision which has a significant adverse effect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME <u>HARRISON</u>	NUMBER <u>H54077</u>	ASSIGNMENT	UNIT/ROOM NUMBER <u>D3-122</u>
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A. Describe Problem: ON 8/11/08, I WAS ESCORTED DOWN TO THE D-FACILITY PROGRAM OFFICE FOR AN INTERVIEW WITH SGT. R. MOORE AND CAPTAIN R.L. JOHNSON. THE PURPOSE FOR THE INTERVIEW WAS TO ADDRESS THE NATURE OF (2) TWO STAFF COMPLAINTS THAT I FILED AGAINST D3 OFFICER. DURING THE COURSE OF THE INTERVIEW, I WAS INFORMED THAT: "THE REASON WHY MY STAFF COMPLAINTS WERE CANCELLED/REJECTED, WAS BECAUSE THEY SHOULD HAVE BEEN FILED AS REGULAR 1002 APPEALS". I WAS THEN INSTRUCTED BY SGT. R. MOORE AS A REMEDY

If you need more space, attach one additional sheet. SEE ATTACHMENT SHEET.

B. Action Requested: 1) THAT THESE ISSUES BE THOROUGHLY INVESTIGATED FOR PURPOSE OF OBTAINING A RESOLUTION TO SAID ISSUES; 2) THAT OFFICER E. SMITH BE REMOVED FROM HER JOB POST IN ORDER TO PREVENT FURTHER VIOLATIONS OF C.C.R. - TITLE 15 SECTION 3004 (a) (b) (c); 3160 (a); AND 3391; AN

Inmate/Parolee Signature: SEE ATTACHMENT / [Signature] Date Submitted: 8/11/08

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E; Inmate Claim

CDC Appeal Number: _____

AUG 14 2008
16

-C15...

08-01987

C16...

CDC 602 (12/87)

See Attached Letter

Granted

P. Granted

Denied

Other

Date: _____

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

Signature: _____

Date Submitted: _____

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Warden/Superintendent Signature: _____

Date Returned to Inmate: _____

Signature: _____

Date Completed: _____

See Attached Letter

G. REVIEWER'S ACTION (complete within 10 working days): Date assigned: _____

Due Date: _____

Second Level

Granted

P. Granted

Denied

Other

Signature: _____

Date Submitted: _____

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

Signature: _____

Date to Inmate: _____

Division Head Approved: _____

Date Completed: _____

Staff Signature: _____

Title: _____

Returned

Interviewed by: _____

E. REVIEWER'S ACTION (complete within 15 working days): Date assigned: _____

Due Date: _____

First Level

Granted

P. Granted

Denied

Other

TO SOLVE THE CANCELLATION OF MY STAFF COMPLAINTS, TO FILE THE STAFF COMPLAINT AS A REGULAR W02 APPEAL.. SO I WILL NOW ATTEMPT TO DO SO ONCE AGAIN.. SINCE JANUARY OF 2007, I HAVE BEEN ROUTINELY HARASSED, RIDICULED, AND RETALIATED AGAINST BY OFFICER E. SMITH.. SUCH RETALIATION & HARASSMENT HAS MANIFESTED IN THE FOLLOWING FORMS: ROUTINELY ISSUED MY CANTEEN LAs, HAVING TO REPEATEDLY REQUEST FOR BASIC SUPPLIES (SOAP & TOILET PAPER) WHEN THIS IS NOT THE ISSUE WHEN OTHER PRISONERS ASK FOR & REQUEST BASIC SUPPLIES; ARBITRARILY LABELED A TROUBLE MAKER IN THE UNIT LOG BOOK BECAUSE I DENIED HER P-3 IN PARTICULAR, LABELING MESSAGES HAVING A NEGATIVE & HOSTILE ATTITUDE; ISSUED MOLDED, DIRTY, & CRUDED LAUNDRY ON PURPOSE, IN THAT, OFFICER E. SMITH ALWAYS CHECKS THE LAUNDRY PRIOR TO ISSUING IT TO PRISONERS; REPEATEDLY BEING ASKED BY OFFICER E. SMITH IF I NEEDED TO USE MY MEDICATIONS, WHEN I TOLD HER NOT TO ASK ME ANYMORE DUE TO HER UNPROFESSIONAL INTERACTIONS WITH ME, AS THERE IS NO WRITTEN RULE / POLICY FOR, OR THAT REQUIRES OFFICER E. SMITH TO CONTINUE ASKING ME ABOUT MY MEDICATIONS EVERY MORNING; AND VERBALLY COMMUNICATING "GOOD MORNING" TO NON-BLACK PRISONERS EVERY MORNING.. ON 6/26/08, I WAS ISSUED MOLDED, DIRTY, & CRUDED LAUNDRY BY OFFICER E. SMITH; ON 7/1/08 I WAS REPEATEDLY DENIED STATE SOAP BY OFFICER E. SMITH; ON 7/2/08 OFFICER E. SMITH YELLED AND SCREAMED AT ME IN A VERY DISRESPECTFUL TONE OF VOICE FOR UNJUST REASONS; SINCE 7/3/08 OFFICER E. SMITH HAS VERBALLY INFORMED HER FELLOW OFFICERS OF ME HAVING A HOSTILE & A NEGATIVE ATTITUDE, TO WHICH SHE ALSO NOTED IN THE UNIT LOG BOOK THROUGHOUT THE [REDACTED] MONTHS OF JULY / AUGUST; SINCE

CIB...

JANUARY OF 2007 OFFICER E. SMITH HAS ONLY VERBALLY COMMUNICATED "GOOD MORNING" TO NON-BLACK PRISONERS, ALSO BLACK PRISONERS CONTINUE TO BE HOUSED IN SECTIONS/PODS BY THEMSELVES WHICH OFFICER E. SMITH IS RESPONSIBLE FOR, AS I.G.I. LT. WISE HAS INFORMED ME; "THAT ALL IN-HOUSE - UNIT CELL MOVES IS DONE BY UNIT STAFF (PER. A 602 INTERVIEW)"; AND OFFICER E. SMITH CONTINUES TO ASK ME ABOUT MY MEDICATIONS WHEN I ASKED HER NOT TO, BASED ON HER CONTINUED UNPROFESSIONAL INTERACTIONS WITH ME.. OFFICER E. SMITH'S ACTIONS IS IN VIOLATION OF THE FOLLOWING ADMINISTRATIVE PROVISIONS - I.E. "C.C.R. - TITLE 15 - SECTIONS 3004 (a)(b)(c); 3160 (a); AND 3391..

• ACTION REQUESTED CON'T. B.):

3.) THAT I BE AWARDED \$100,000 (ONE HUNDRED THOUSAND DOLLARS) IN PUNITIVE DAMAGES..

C19...

State of California
CDC FORM 695
Screening For:
CDC 602 Inmate/Parolee Appeals
CDC 1824 Reasonable Modification or Accommodation Request

RE: Screening at the FIRST Level

August 8, 2008

HARRISON, H54077
DF03L 000000122L

Log Number: PBSP-D-
(Note: Log numbers are not assigned to screen out appeals or informal level appeals.)

The enclosed documents are being returned to you for the following reasons:

This appeal constitutes an abuse of the appeal process pursuant to CCR 3084.4. Refusal to interview or cooperate with reviewer shall result in cancellation of the appeal per CCR 3084.4(d).

SCREENOUT DECISIONS ARE SUBJECT TO REVIEW, BUT NOT APPEAL. THIS OFFICE HAS REVIEWED THE SCREEN-OUT DECISION IN QUESTION. YOUR DOCUMENTED LACK OF COOPERATION ON RESOLVING YOUR SUPPLY ISSUE WARRANTS CANCELLATION OF YOUR APPEAL MAKING THE GRIEVANCE SYSTEM AVAILABLE TO INMATES WITH A SINCERE DESIRE TO HAVE THEIR ISSUES ADDRESSED.



C. E. Wilber
Appeals Coordinator
Pelican Bay State Prison

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

PERMANENT APPEAL ATTACHMENT – DO NOT REMOVE

DIPT
Screening
Decision
194
10/12

STATE OF CALIFORNIA

UNIT D-3

DEPARTMENT OF CORRECTIONS

INMATE/PAROLEE
APPEAL FORM
CDC 802 (11/2/87)

Location: Institution / Parole Region Log No.

PBSP
PELICAN BAY

Category 10/12

You may appeal any policy, action or decision which has a significant adverse effect upon you. With the exception of Serious CDC-115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
HARRISON, MA.	H54077		D3-122

A. Describe Problem: ON 8/7/08, I WAS INFORMED BY LT. R. GRAVES THAT MY W02-LOG # D-08-01983 HAD BEEN CANCELLED ON ACCOUNT OF SGT. MOORE INFORMING HIM THAT I WAS UNCOOPERATIVE DURING A W02 INTERVIEW WITH SGT. MOORE ON 8/5/08. (SEE ATTACH W02 RESPONSE) THIS IS SIMPLY NOT TRUE!! DURING THE W02 INTERVIEW WITH SGT. MOORE I SIMPLY INFORMED HIM THAT I HAD NOTHING ELSE TO ADD. NOW HOW IS THIS BEING UNCOOPERATIVE?? SGT. MOORE IS DEPRIVING ME PROCEDURAL DUE PROCESS, BY ARBITRARILY CANCELLING MY W02 APPEAL

If you need more space, attach one additional sheet.

B. Action Requested: THAT MY W02 APPEAL LOG # D-08-01983 BE REINSTATED SO THAT I MAY EXHAUST ALL OF MY ADMINISTRATIVE REMEDIES. AND THAT IT BE CLARIFIED AS TO HOW EXACTLY WAS I BEING UNCOOPERATIVE IN SAID W02 INTERVIEW.

Inmate/Parolee Signature: HARRISON, MA. Date Submitted: 8/7/08

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number: _____

AUG 08 2008

-C20...

021...

Date:

Granted Denied Other

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942888
Sacramento, CA 94283-0001
Attn: Chief Inmate Appeals

Date Submitted:

Signature:

H. If dissatisfied with the decision of the Director's Level Review, and submit by mail to the Chief Inmate Appeals Coordinator within 15 days of receipt of response.

Date Completed:

Signature:

G. REVIEWER'S ACTION (COMPLAINT WITHIN WORKING DAYS) Date assigned: See Attached Letter

Second Level: Granted Denied Other

Date Submitted:

Signature:

F. If dissatisfied with the decision of the Parole Region Appeals Coordinator within 15 days of receipt of response.

Date Completed:

Signature:

E. REVIEWER'S ACTION (COMPLAINT WITHIN 15 WORKING DAYS) Date assigned: Granted Denied Other

First Level: Granted Denied Other

STAFF COMPLAINT
ASKED FROM
THE ROUTINE OF
DEPARTMENT OF CORRECTIONS
HE NEEDS MED
Category
9/17
196.

STATE OF CALIFORNIA

**INMATE/PAROLEE
APPEAL FORM**
CDC 602 (12/87)

Location: Institution/Parole Region Log No.

1. PEPPER BAY

2. _____

You may appeal any policy, action or decision which has a significant adverse effect upon you. With the exception of Serious-GDC-115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
HARRISON M.	H54077		D3-122

A. Describe Problem: OFFICER E. SMITH, THE 2ND FLOOR OFFICER OF HOUSING UNIT D3, CONTINUES TO SUBJECT PLAINTIFF TO AN ARBITRARY MEANS OF RETALIATION, THROUGH HER PERSISTENT & ON-GOING ANTICS OF HARASSMENT & RIDICULE, WHICH IS PRIMARILY PREDICATED UPON PLAINTIFF EXERCISING HIS 1ST AMENDMENT CONSTITUTIONAL RIGHT BY THE FILING A 1983 CIVIL CLAIM AGAINST HER CO-WORKER AND FRIEND C/O J. SAMPLE. C/O E. SMITH HAS INDICATED TO ME THAT SHE HAS PERSONAL KNOWLEDGE OF MY 1983 CIVIL CLAIM AGAINST C/O J. SAMPLE. ON JULY 2ND, 2004

If you need more space, attach one additional sheet. • SEE ATTACHMENT SHEET.

B. Action Requested: 1) THAT C/O E. SMITH BE REMOVED FROM HER JOB POST IN ORDER TO NEGATE HER ON-GOING PRACTICES OF RETALIATION AGAINST ME FOR FILING A 1983 CIVIL CLAIM; AND 2) THAT I BE SEEN/TREATED FOR THE EMOTIONAL/PSYCHOLOGICAL STRESS THAT C/O E. SMITH'S ACTIONS IS HAVING ON ME

Inmate/Parolee Signature: [Signature] Date Submitted: 8/2/08

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL
If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E; Inmate Claim

CDC Appeal Number:

AUG 14 2008
25

C22...

—C24...

DESCRIBE PROBLEM • CONT. A):

I PERSONALLY INFORMED C/O. E. SMITH; "THAT THERE WAS NO NEED FOR HER TO CONTINUE ASKING ME, IF I NEEDED TO USE MY PRESCRIBED MEDICATION EVERY MORNING AT BREAKFAST TRAY PICK-UP, AND THAT I WOULD INFORM HER WHEN I NEEDED TO USE MY ASTHMA INHALER (PRESCRIBED MEDICATION)." HOWEVER, AS OF THIS WRITING, C/O. E. SMITH HAS PERSISTED ON WITH ANTAGONIZING ME, AND HARASSING ME, WITH/BY CONTINUING TO ASK ME EVERY SINGLE MORNING THE SAME RIDICULOUS QUESTION; "DO I NEED TO USE MY PRESCRIBED MEDICATION?" THERE IS NOT A SINGLE JUSTIFIABLE, OR A NEUTRAL REASON FOR C/O. E. SMITH CONTINUING TO ASK ME THIS QUESTION, AFTER I TOLD HER NOT TO, OTHER THAN TO "HARASS, RIDICULE, & RETALIATE" AGAINST ME FOR FILING A 1983 CIVIL COMPLAINT AGAINST HER CO-WORKER C/O. J. SAMPLE.. BECAUSE THERE IS NO WRITTEN RULE, OR POLICY THAT MANDATES A PROTOCOL FOR HER TO CONTINUE ASKING ME EVERY MORNING, IF I NEED MY PRESCRIBED MEDICATION. THE LANGUAGE ON MY PRESCRIBED MEDICATION, CLEARLY INSTRUCTS ME TO USE AS OR WHEN NEEDED.. BUT FOR THE SAKE OF CLARIFICATION, THERE IS AN ESTABLISHED PROTOCOL FOR PRESCRIBED MEDICATION USAGE.. I HAVE BEEN INFORMED BY R/N. J. FLOWERS, THRU PER. A S.H.U. SGT., THAT "ALL OR THE ONLY THING THAT IS REQUIRED TO USE ONE'S PRESCRIBED MEDICATION, IS TO ASK FOR IT" C/O. E. SMITH'S CONTINUED RETALIATORY ACTIONS AGAINST ME IS CONTINUING TO CAUSE ME UNNECESSARY EMOTIONAL, MENTAL, & PSYCHOLOGICAL STRESS!! C/O. E. SMITH HAS ALSO INFORMED HER CO-WORKERS & HAS WRITTEN IN THE UNIT LOG BOOK THAT I HAVE A NEGATIVE ATTITUDE, AND FOR THEM TO TAKE PRECAUTION

—C25...

WHEN DEALING WITH ME.. THIS IS NOT TRUE AT ALL AS I AM SIMPLY FED UP, AND IS EMOTIONALLY AND PSYCHOLOGICALLY STRESSED FROM CONSTANTLY BEING SUBJECTE TO %O. E. SMITH'S RETALIATORY ANTICS AGAINST ME.. IN PARTICULAR WHEN I AM ONLY GUILTY OF EXCERCISING MY PROTECTED CONSTITUTIONAL RIGHT BY FILING A 1983-CIVIL CLAIM AGAINST HER CO-WORKER J. SAMPI.. %O. E. SMITH'S ALLEGATIONS OF ME HAVING A NEGATIVE ATTITUDE AGAINST ANYBODY, IS FURTHER EVIDENCE OF HER RETALIATORY POSITION AGAINST ME, AS SHE IS THE ONLY OFFICER IN D3 THAT IS MAKING SUCH UNSUBSTANTIATED CLAIMS!! ON AUGUST 14TH, AND 16TH, OF 2008, I WAS VERBALLY THREATENED BY OFFICER E. SMITH TO WHICH SHE VERBALLY THREATENED ME BY STATING; "THAT SHE WAS GOING TO START WRITING ME UP IF I DIDN'T START ACCEPTING MY PRESCRIBED MEDICATION FROM HER AT BREAKFAST TRAY PICK UP!!"