

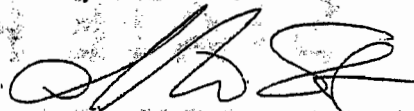
EXHIBIT G

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS  
CDC-128 B (8-87)

**NAME and NUMBER**      HARRISON      H-54077      **CELL:**    D3-122L

On 8/28/2008, this inmate was found guilty of a disciplinary offense (log number D08-08-0005) for DESTRUCTION OF STATE ISSUED PROPERTY LESS THAN \$50.00. Effective the date of this hearing HARRISON will be placed in privilege group C. Per CCR 3044(f)(B), privileges may be restricted for a period of 30 days for any administrative disciplinary offense listed in CCR 3314. These restrictions include, no personal appliances, no family visits, no telephone calls, limited (concrete) yard access, no access to any other recreational or entertainment activities, no accrual of excused time off, no special packages, no special canteen purchases, and one-fourth the maximum monthly canteen draw. Effective the date of this hearing through 9/27/2008 all of these restrictions will remain in place for HARRISON for a total of 30 days.



J. FRISK  
CORRECTIONAL SERGEANT

ORIG : C-File  
cc : Inmate trust office, Canteen, Program Lieutenant, Floor Officer, Control  
Booth Officer, Receiving and Release, Inmate

DATE 8/28/2008

PBSP

GENERAL CHRONO

**RULES VIOLATION REPORT**

CDC NUMBER H-54077	INMATE'S NAME HARRISON	RELEASE/BOARD DATE #	INST. PE/SP	HOUSING NO. D3-122L	LOG NO. 008-08-0005
VIOLATED RULE NO(S) 3011	SPECIFIC ACTS DESTRUCTION OF STATE PROPERTY \$50 OR LESS	LOCATION D3-122	DATE 08-13-08	TIME 0930 HRS	
CIRCUMSTANCES					

On August 13, 2008, at approximately 0930 hours, while assigned as the D3 Floor Officer, I conducted a search of cell D3-122, solely occupied by inmate HARRISON, H-54077. During the search I discovered an inmate manufactured weight bag. The weight bag consisted of a state issued pillow case packed with miscellaneous paperwork. It was approximately (2) two feet tall and weighed approximately 50 plus pounds. The inmate manufactured weight bag was tightly bound with an altered/torn state sheet and t-shirt. The sheet was wrapped several times around all four sides of the weight and knotted in several areas, creating a handle on the top of the weight. Following the search, I attempted to counsel HARRISON to not store property in a manner that makes it difficult to search. HARRISON was not receptive to counseling stating, "You are just playing games. You can wand that." HARRISON was insinuating that I could utilize the hand-held metal detector. He continued stating, "You don't need to take it apart."

CONT ON PART C

REPORTING EMPLOYEE (Typed Name and Signature) E. SMITH, CORRECTIONAL OFFICER <i>E. Smith</i>	DATE 8/20/08	ASSIGNMENT D3 FLOOR	RDO'S 2/W S/M
REVIEWING SUPERVISOR'S SIGNATURE H.C. Strickhouser, Sgt. w. c. strickhouser, sgt	DATE 8-21-08	<input type="checkbox"/> INMATE SEGREGATED PENDING HEARING	
CLASSIFIED <input checked="" type="checkbox"/> ADMINISTRATIVE <input type="checkbox"/> SERIOUS	OFFENSE DIVISION: 8/22/08	CLASSIFIED BY (Typed Name and Signature) SS. O'DELL, CCTA	HEARING REFERRED TO <input type="checkbox"/> HO <input type="checkbox"/> SHO <input type="checkbox"/> SC <input type="checkbox"/> FC

COPIES GIVEN INMATE BEFORE HEARING

<input type="checkbox"/> CDC 115	BY: (STAFF'S SIGNATURE) <i>[Signature]</i>	DATE 8/21/08	TIME 12:15	TITLE OF SUPPLEMENT		
<input type="checkbox"/> INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE)	DATE	TIME	BY: (STAFF'S SIGNATURE)	DATE	TIME

HEARING

The issuing officer used simple English and short sentences to ensure the inmate understood what was issued to him as well as the circumstances of the offense.

*[Signature]*  
SIGNATURE OF ISSUING OFFICER

PELICAN BAY STATE PRISON  
SECURITY HOUSING UNIT  
UNIT D-3

REFERRED TO  CLASSIFICATION  BPT/NAEA

ACTION BY: (TYPED NAME)	SIGNATURE	DATE	TIME
REVIEWED BY: (SIGNATURE)	DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE	DATE
<input type="checkbox"/> COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE)	DATE	TIME

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**RULES VIOLATION REPORT - PART C**

PAGE    OF   

CDC NUMBER <b>E-54077</b>	INMATE'S NAME <b>HARRISON</b>	LOG NUMBER <b>1105-08-0005</b>	INSTITUTION <b>PEOP</b>	TODAY'S DATE <b>06-13-08</b>
<input type="checkbox"/> SUPPLEMENTAL	<input type="checkbox"/> CONTINUATION OF: <input type="checkbox"/> 115 CIRCUMSTANCES <input type="checkbox"/> HEARING <input type="checkbox"/> IE REPORT <input type="checkbox"/> OTHER			

I proceeded to counsel him that in the future the contents of the weight bag could and will be confiscated and disposed of. I also informed him he would be charged for the torn/ripped state issued sheet and t-shirt. HARRISON'S response was, "I don't give a fuck what you do." The cost of the state sheet is \$2.11 (two dollars and eleven cents). The cost of the state t-shirt is \$3.90 (three dollars and ninety cents). The total of the items is \$6.01 (six dollars and one cent.) HARRISON is aware of this report.

This inmate is not EOP or Crisis Bed. Following current guidelines for Mental Health Assessments, the circumstances of this offense have been carefully evaluated. The Reviewing supervisor has concluded that a Mental Health Assessment is not required.

PELICAN BAY S1  
 SECURITY HOUSE  
 UNIT D-3  
 HARRISON  
 UNIT

<input checked="" type="checkbox"/> COPY OF CDC 115-C GIVEN TO INMATE	SIGNATURE OF WRITER <b>E. SMITH, CORRECTIONAL OFFICER</b>		DATE SIGNED <b>8/20/08</b>
	GIVEN BY: (Staff's Signature) <i>[Signature]</i>	DATE SIGNED <b>8/20/08</b>	TIME SIGNED <b>1:00</b>



CDC NUMBER H-54077	INMATE'S NAME HARRISON	LOG NUMBER D08-08-0005	INSTITUTION PBSP	TODAY'S DATE 8/28/08
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SUPPLEMENTAL     CONTINUATION OF:     CDC 115 CIRCUMSTANCES     HEARING     I.E. REPORT     OTHER

**Hearing:** The hearing was convened on 8/28/08, at approximately 0825 hours when I introduced myself to HARRISON as the Hearing Officer for this disciplinary. HARRISON stated he was in good health with normal vision and hearing. HARRISON acknowledged that he received copies of the following document more than 24 hours in advance of the hearing: CDC-115. This report as well as the disciplinary charge of DESTRUCTION OF STATE PROPERTY LESS THAN \$50.00 were reviewed with HARRISON in the hearing. He stated that he understood both and that he was prepared to begin the hearing.

**Due Process:** Per California Code of Regulations, Title 15, Section 3320 (a), the disciplinary must be served on the inmate within 15 days of discovery. Per California Code of Regulations, Title 15, Section 3320 (b), the charges must be heard, with specific exceptions, within 30 days of service on the inmate. Per California Code of Regulations, Title 15, Section 3320 (f), failure to meet these time constraints precludes the hearing from assessing a credit forfeiture. Failure to meet these time constraints does not preclude the hearing officer from assessing any other appropriate penalties. As credit forfeitures are not available to an administrative hearing in any case, these time constraints have no practical relevance for this hearing. As noted, the inmate received a copy of hearing documents more than 24 hours in advance of the hearing. There are no due process issues.

The behavior of this inmate was evaluated at the time that the Reviewing Supervisor reviewed this disciplinary report. The Reviewing Supervisor concluded that a mental health assessment was not required. The hearing officer concurs. There is no compelling need for a mental health assessment based upon the circumstances given in this report.

**Staff Assistant:** A Staff Assistant was not assigned as HARRISON agrees that he speaks English, is literate (that is, reads at 4.0 or above), the issues are not complex and a confidential relationship is not required. HARRISON has a T.A.B.E. score of 9.6

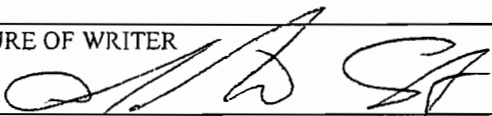
**Investigative Employee/Witnesses:** Per CCR 3314 (c), the inmate does not have the right to assignment of an investigative employee or request witnesses at this hearing. The hearing officer did not request witnesses.

**Plea:** HARRISON entered a plea of GUILTY

HARRISON gave the following testimony as his defense: Officer Smith has searched my cell over a hundred times and this has never been an issue. Yes it was wrong to tear up the sheet and t-shirt. I feel like this is retaliation for a law suit that I filed.

**Finding:** Guilty of the administrative offense (CCR 3314 (a) (3) (A)) DESTRUCTION, MISUSE, ALTERATION, OR DAMAGE TO STATE PROPERTY VALUED AT \$50 OR LESS. As destruction or damage of state property, this offense requires evidence of intentional destruction or damage of state property and the available evidence must show the replacement value of this property does not exceed \$50. Per CCR 3011 (revised), replacement value is calculated as the cost of materials plus labor. Unless reimbursement is assessed, this offense does not require evidence that replacement was necessary. This finding is based upon the following preponderance of evidence:

- A. The testimony of OFFICER E. SMITH in the disciplinary report of 8/13/08 wherein Officer Smith testifies that during a search of cell D3-122, solely occupied by HARRISON, she discovered an inmate manufactured weight bag made from one state issued sheet and one state issued t-shirt. Both the sheet and t-shirt had been torn to make the weight bag
- B. HARRISON plea of GUILTY and statement that he knew it was wrong to tear-up the sheet and t-shirt.

SIGNATURE OF WRITER J. FRISK 		TITLE CORRECTIONAL SERGEANT	DATE NOTICE SIGNED 8/28/08	
-COPY OF CDC-115-C GIVEN TO INMATE		GIVEN BY: (STAFF'S SIGNATURE)	DATE SIGNED:	TIME SIGNED:

CDC NUMBER H-54077	INMATE'S NAME HARRISON	LOG NUMBER D08-08-0005	INSTITUTION PBSP	TODAY'S DATE 8/28/08
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SUPPLEMENTAL   
  CONTINUATION OF:   
  CDC 115 CIRCUMSTANCES   
  HEARING   
  I.E. REPORT   
  OTHER

**Disposition:** HARRISON was counseled that this behavior is not appropriate and given a reprimand. HARRISON was referred to CCR §3084.1 and following for additional information on appeal procedures.

**Additional penalties:** Per California Code of Regulations, Title 15, Section 3011 (a), this offense involved the intentional destruction, damage, alteration or misuse of state property. The inmate may be charged for the cost of repair or replacement of this state property. Based upon the evidence given in the hearing, it is my conclusion that the state has suffered a financial loss in the amount of \$6.01 as a consequence of this offense. The inmate is charged this cost. In the hearing, HARRISON signed a trust withdrawal to pay this cost. Submitting a trust withdrawal with insufficient funds does not discharge this debt. If the inmate has insufficient funds, his trust account will remain frozen until the inmate has sufficient funds and this debt has been discharged.

Per CCR 3090(d), canteen privileges may be restricted for an offense including intentional or negligent misuse, destruction or damage of state property. Restriction of canteen privileges means canteen draw slips will not be accepted during this period of restriction. Any canteen draw slips submitted by this inmate during this period will be returned without action. The inmate will be allowed to keep any canteen received or ordered prior to this restriction. This offense involved the intentional or negligent misuse, damage or destruction of state property as follows: one state sheet and one state t-shirt. Effective the date of this hearing through 9/27/2008, canteen privileges are restricted for HARRISON for a total of 30 days.

Per California Code of Regulations Title 15, 3314 (e) (3) The hearing official may find the inmate guilty and order the placement into privilege group B or C for no more than a 30-day period starting the date the rule violation report was adjudicated. HARRISON will remain in privilege group C for a period of 30 days effective 8/28/2008 and ending with 9/27/2008.

**Copies:** Inmate trust office; Canteen, Program Lieutenant

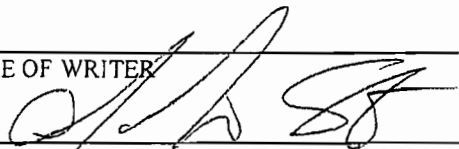
SIGNATURE OF WRITER J. FRISK 		TITLE CORRECTIONAL SERGEANT		DATE NOTICE SIGNED 8/28/08	
COPY OF CDC-115-C GIVEN TO INMATE		GIVEN BY: (STAFF'S SIGNATURE)		DATE SIGNED:	

EXHIBIT H

- 1. MR. RALPH A. TAYLOR D-03780
- 2. P. D. BOX 7500 D-3-102L
- 3. CRESCENT CITY, CA. 95531
- 4.
- 5. PRO SE

6.

7.

8. UNITED STATES DISTRICT COURT

9. NORTHERN DISTRICT OF CALIFORNIA

10.

11.

12.

13. MARCUS L. HARRISON,

14. PLAINTIFF,

15. VS.

16. CORRECTIONAL OFFICER E. SMITH,

17. DEFENDANT.

NO. C-08-4123-S1

AFFADAVIT IN SUPPORT

18.

19.

20. I, RALPH A. TAYLOR, HEREBY DECLARE THAT I AM A PRISONER OF THE

21. STATE OF CALIFORNIA, CURRENTLY INCARCERATED AND CONFINED WITHIN THE

22. SECURITY HOUSING UNIT (SHU) OF PELICAN BAY STATE PRISON (PBSP) IN

23. CRESCENT CITY, CALIFORNIA.

24. ON APPROXIMATELY JANUARY 31, 2006, THE DECLARANT WAS RE-HOUSED

25. WITHIN PBSP SHU, MOVED FROM D-6-109 TO D-3-102.

26. SINCE THE TIME OF THE DECLARANTS MOVE TO D-3-102, THE DECLARANT HAS

27. BEEN SUBJECTED TO AND CONTINUES TO ENDURE RACIAL AND CULTURAL

28.



1. DISCRIMINATION BY PBSP SHU OFFICIAL'S, CONTRARY TO THE PROVISIONS OF THE  
2. FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION AND GOVERNMENT CODE  
3. SECTION 19572 (W), PREDICATED UPON THE MATERIAL FACTS OF THE DECLARANTS  
4. PBSP SHU CONFINEMENT.

5. UPON BEING MOVED TO D-3-102 ON APPROXIMATELY 1/31/06, THE DECLARANT WAS  
6. ISOLATED AS THE ONLY "NEW AFRIKAN" PRISONER HOUSED IN D-3-A-POD, APPROXIMATELY  
7. THE MONTH OF MARCH 2006, NEW AFRIKAN PRISONER L. ALEXANDER B-72288, WAS MOVED  
8. FROM D-3-217 TO D-3-203 INTO A-POD WITH THE DECLARANT, PURSUANT TO THE DECISION  
9. OF CORRECTIONAL CAPTAIN WILLIAMS PRESCRIBING FOR TWO (2) PRISONERS FROM THE SAME  
10. RACIAL/ETHNIC BACKGROUND TO BE HOUSED WITHIN THE SAME PBSP SHU BUILDING/POD  
11. TOGETHER, IN RESPONSE TO A PRISONER 602 APPEAL BROUGHT BY PRISONER L. ALEXANDER,  
12. PREDICATED UPON PRISONER ALEXANDER BEING THE ONLY NEW AFRIKAN PRISONER TOTALLY  
13. ISOLATED AND HOUSED WITHIN D-3-E-POD AT THAT TIME.

14. SUBSEQUENTLY CORRECTIONAL CAPTAIN WILLIAMS HAS BEEN REASSIGNED FROM PBSP D-FAC-  
15. ILITY SHU TO A POSITION UNKNOWN TO THE DECLARANT, AND, ON OCTOBER 5, 2006, DURING THE  
16. COURSE OF DOOR MAINTENANCE CONSTRUCTION BEING CONDUCTED IN D-3-A-POD, PRISONER L.  
17. ALEXANDER B-72288 WAS SURREPTITIOUSLY MOVED FROM D-3-203 TO D-3-118 BY PBSP  
18. SHU INSTITUTIONAL GANG INVESTIGATOR'S (IGI) OFFICIAL'S, IN EXCHANGE FOR A THIRD  
19. WHITE PRISONER IN D-3-A-POD. SINCE THAT TIME THE DECLARANT AND PRISONER  
20. ALEXANDER HAVE BEEN AND REMAIN COMPULSORILY ISOLATED AS THE ONLY NEW AFRIKAN  
21. PRISONERS HOUSED WITHIN THEIR RESPECTIVE PODS IN D-3-SHU.

22. THE DECLARANT HAS FILED PRISONER 602 APPEALS WITH THE APPEALS COORDINATOR  
23. FOR PBSP, TO ADDRESS PRISON OFFICIAL'S ARBITRARY RACIAL DISCRIMINATORY PRACTICES  
24. OF COMPULSORILY ISOLATING THE DECLARANT FROM OTHER NEW AFRIKAN PRISONERS  
25. HOUSED IN PBSP SHU. THE DECLARANTS APPELLATE ENDEAVORS IN THIS REGARD HAVE  
26. BEEN CONSISTENTLY DENIED BY PBSP OFFICIAL'S, PREDICATED UPON PBSP SHU OFFICIAL'S

27.  
28.

1. ABANDONMENT OF THE ABOVE- STATED POLICY ESTABLISHED BY CORRECTIONAL CAPTAIN
2. WILLIAMS SUBSEQUENT TO HIS WORK REASSIGNMENT,
3. ALSO, SINCE BEING HOUSED WITHIN AND ASSIGNED TO D-3-A-POD, THE DECLARANT HAS
4. PERSISTENTLY SOUGHT TO BE VOLUNTARILY DOUBLE CELLED WITH NEW AFRIKAN PRISONER
5. MARCUS HARRISON H-54077, WHO IS ALSO CURRENTLY COMPULSORILY ISOLATED AS THE ONLY
6. NEW AFRIKAN PRISONER HOUSED WITHIN D-3-F-POD (122). ALL OF THE DECLARANTS AND
7. PRISONER HARRISON'S VOLUNTARY DOUBLE CELL REQUESTS HAVE BEEN CONSISTENTLY
8. SUMMARILY DENIED ABSENT DUE PROCESS IN PROCEDURE AT THE PBSP IGI LIEUTENANTS
9. LEVEL FOR UNSPECIFIED REASONING.
10. THE DECLARANT ALSO FILED A PRISONER 602 APPEAL TO ADDRESS PBSP IGI LIEUTENANTS
11. PERSISTENT DENIALS OF HIS VOLUNTARY DOUBLE CELL REQUESTS TO BE DOUBLE CELLED WITH PRISONER
12. HARRISON FOR UNSPECIFIED REASONING, AS THE DENIALS DEPRIVE THE DECLARANT AND PRISONER
13. HARRISON OF BOTH DUE PROCESS AND EQUAL PROTECTION OF LAW, AS IT RELATES TO THE ESTABLISHED
14. PROCESS GOVERNING THE VOLUNTARY DOUBLE CELLING PROCEDURE FOR PBSP SHU PRISONERS NOT
15. BEING ADHERED TO IN THE DECLARANTS CASE; AND, WHERE THE DECLARANT AND PRISONER HARRISON
16. ARE BEING DEPRIVED OF THE EQUAL PROTECTION ACCORDED OTHER PBSP SHU PRISONERS WHO HAVE
17. BEEN ALLOWED TO DOUBLE CELL, THROUGH PERSISTENTLY DEPRIVING THE DECLARANT FROM HAVING
18. HIS DOUBLE CELL REQUESTS UNDERGO THE ESTABLISHED PBSP SHU DOUBLE CELLING PROCESS/
19. PROCEDURE, BY SUMMARILY DENYING SAID DOUBLE CELL REQUESTS PERSISTENTLY AT THE PBSP
20. IGI LIEUTENANTS LEVEL FOR UNSPECIFIED REASONING,
21. THE DECLARANTS PRISONER APPEALS ADDRESSING PBSP OFFICIAL'S PERSISTENT SUMMARY
22. DENIALS OF HIS VOLUNTARY DOUBLE CELL REQUESTS TO BE DOUBLE CELLED WITH PRISONER
23. HARRISON, HAVE BEEN CONSISTENTLY DENIED AT ALL LEVELS OF PBSP/LDC ADMINISTRATIVE
24. APPEALS PROCESS,
25. THE DECLARANT SUBSEQUENTLY FILED A PETITION FOR A WRIT OF HABEAS CORPUS IN
26. THE SUPERIOR COURT OF CALIFORNIA, FOR THE COUNTY OF DEL NORTE No. HCPB08-5077,
- 27.
- 28.

1. SEEKING APPROPRIATE JUDICIAL COURT REVIEW AND RELIEF FOR PBSP OFFICIAL'S DEPRI-  
2. VATION OF THE DECLARANTS ABOVE-DESCRIBED DUE PROCESS PROCEDURAL AND EQUAL PRO-  
3. TECTION RIGHTS RELATIVE TO THE ESTABLISHED PBSP SHU VOLUNTARY DOUBLE CELLING  
4. PROCESS; AND, ON SEPTEMBER 11, 2008, THE DECLARANTS PETITION WAS DENIED BY SAID  
5. COURT PREDICATED UPON THE COURTS DEFERENCE TO THE ASSERTION OF PBSP OFFICIAL'S THAT  
6. THE DECLARANT AND PRISONER HARRISON DO NOT HAVE A U.S. CONSTITUTIONAL RIGHT  
7. TO BE DOUBLE CELLED.

8. PREDICATED UPON THE MATERIAL FACTS AS SET FORTH ABOVE, THE DECLARANT CONTINUES TO BE  
9. RACIALLY AND CULTURALLY DISCRIMINATED UPON BY PBSP OFFICIAL'S, WHO CONTINUE TO SUBJECT  
10. THE DECLARANT TO COMPULSORY ISOLATION OF OTHER "NEW AFRIKAN" PRISONERS HOUSED IN  
11. PBSP SHU.

12. SINCE BEING CONFINED TO D-3-A-POD THE DECLARANT HAS NOT OBSERVED D-3-FLOOR  
13. OFFICER E. SMITH CONDUCT A RULES VIOLATION REPORT UPON ANY PRISONER, WHICH RESULTED  
14. IN A PARTICULAR PRISONER BEING SUBJECTED TO VARIOUS RESTRICTIONS, I.E., 30 DAYS OF  
15. TELEVISION AND CANTEEN RESTRICTIONS, AS IS THE CASE IN THE MATTER OF PRISONER MARCUS  
16. HARRISON, HOWEVER, THE DECLARANT HAS OBSERVED CORRECTIONAL OFFICER E. SMITH  
17. REQUIRE A WHITE PRISONER HOUSED IN D-3-A-POD CELL 203, SIGN AN INMATE TRUST  
18. ACCOUNT WITHDRAWAL FORM IN ORDER TO PAY FOR A TORN AND/OR ALTERED T-SHIRT, WHICH  
19. SAID PRISONER ATTEMPTED TO EXCHANGE DURING ONE FOR ONE LAUNDRY EXCHANGE. HOWEVER,  
20. THE ABOVE-STATED WHITE PRISONER NEITHER RECEIVED A RULES VIOLATION REPORT OR HAD  
21. VARIOUS OTHER RESTRICTIONS IMPOSED UPON HIM.

22.

23. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

24. DATED: 10/5/08

25.

Mr. Ralph A. Taylor

26.

MR. RALPH A. TAYLOR

27.

DECLARANT

28.

PRO SE

MARCUS L. HARRISON

PLAINTIFF

V.

CORRECTIONAL OFFICER (C/O)

E. SMITH

DEFENDANT

AFFIDAVIT / DECLARATION

IN SUPPORT OF

PLAINTIFF'S CLAIMS

CASE No: C-08-4123-SI-(PR)

- 1) I, RANDOLPH R. ZAVALA #P-29708 DECLARE AS FOLLOWS: THAT I, RANDOLPH R. ZAVALA #P29708 HAVE BEEN A PRISONER IN THE CALIFORNIA DEPT. OF CORRECTIONS AND REHABILITATION SINCE FEB, 1999.
- 2) I HAVE BEEN A PRISONER HOUSED WITHIN THE SECURITY HOUSING UNIT AT PELICAN BAY STATE PRISON SINCE OCT, 1999.
- 3) ON MAY 29, 2008 I WAS MOVED BACK TO HOUSING UNIT #3 AND C/O E. SMITH WAS THE UNITS ASSIGNED FLOOR OFFICER.
- 4) SINCE BEING HOUSED IN UNIT #3 I HAVE NOT SEEN OR HEARD OF C/O E. SMITH ISSUING OUT ANY CDC 115'S FOR HAVING TORN OR DAMAGED LAUNDRY IN THEIR CELL; PRISONERS USUALLY RECIEVE A VERBAL WARNING OR A WRITTEN ONE VIA A 120 GENERAL CHRONO BEFORE RECIEVING A 115.

PAGE 1 OF 2 ...

5) SINCE I HAVE BEEN HOUSED AT PELICAN BAY STATE PRISON; ON SEVERAL OCCASIONS CORRECTIONAL OFFICERS HAVE DISCOVERED TORN, DAMAGED, OR ALTERED LAUNDRY IN MY CELL. IN MY EXPERIENCE I WAS ISSUED PROGRESSIVE DISCIPLINARY PUNISHMENT SUCH AS: 1ST OFFENSE: A VERBAL WARNING, 2ND OFFENSE: A WRITTEN WARNING DOCUMENTED ON A 12B CHRONO, 3RD OFFENSE: A ADMINISTRATIVE 115. EVEN AFTER REPEATED OFFENSES I WAS NOT SUBJECT TO ALL OF THE PUNISHMENT THE PLAINTIFF MR. HARRISON RECEIVED.

6) SINCE I HAVE BEEN HOUSED AT PELICAN BAY STATE PRISON, I HAVE NEVER SEEN OR HEARD OF A PRISONER BEING ISSUED THE FOLLOWING PUNISHMENT FOR A ADMINISTRATIVE 115 FOR TORN LAUNDRY: 1) ORDERED TO PAY FOR THE TORN LAUNDRY BY SIGNING A TRUST WITHDRAW; 2) TV UNPLUGGED FOR 30 DAYS; 3) PLACED ON CANTEEN RESTRICTION FOR 30 DAYS AND 4) PLACED IN PRIVILEGE WORK GROUP C AND ITS STATUS RESTRICTIONS.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. I RANDOLPH R. ZAVALA, WAS UNDER NO CONSTRAINT OR UNDUE INFLUENCE, ACCORDING TO MY BEST KNOWLEDGE AND BELIEF, AND TO THOSE MATTERS BASED ON BELIEF THEM TO BE TRUE. EXECUTED ON THE 17 DAY OF NOV. 2008 AT PELICAN BAY STATE PRISON LOCATED IN CRESCENT CITY, CA. COUNTY OF DEL NORTE.

RESPECTFULLY SUBMITTED,



R. ZAVALA DECLARANT



MARCUS L. HARRISON, H54077  
P.O. BOX 7500 D3/122  
CRESCENT CITY, CA. 95532  
PRO. SE.

MARCUS L. HARRISON  
PLAINTIFF

VS.

C/O E. SMITH  
DEFENDANT

CASE NO. C-08-4123-SI (PR)

AFFIDAVIT OF I/M SERGIO ALVAREZ  
IN SUPPORT THEREOF.

I, SERGIO ALVAREZ, KY2605, NOT A PARTY TO THIS MATTER, HEREBY  
DECLARE THE FOLLOWING:

1) I AM CURRENTLY INCARCERATED AT PELICAN BAY STATE PRISON (PBSP), SECURITY  
HOUSING UNIT (SHU) AND HAVE BEEN HOUSED AT SAID FACILITY SINCE APPROXIMATELY  
DECEMBER 1997.

2) ON ABOUT JANUARY 2006 I WAS MOVED INTO D-FACILITY THREE (3) BLOCK  
AND HAVE REMAINED AT SAID UNIT SINCE THEN. MY CURRENT CELL IS D3-215.

3) FROM PERSONAL CONVERSATIONS WITH MR. HARRISON AS WELL WITH OTHER  
INMATES IN MY HOUSING UNIT, I UNDERSTAND HE (HARRISON) HAS HAD DIFFICULTIES  
OBTAINING ADEQUATE MEDICAL ATTENTION WHICH RESULTED IN HIS HAVING TO FILE A  
CIVIL COMPLAINT AGAINST STAFF. FURTHER, THAT HE HAS BEEN RETALIATED AGAINST  
FOR HAVING DONE SO INCLUDING LEGAL DOCUMENTS/DECLARATIONS BEING "LOST" OR  
"UNACCOUNTED FOR" WHEN HE SUBMITS THEM FOR PROCESSING VIA THE PRISON'S  
LAW LIBRARY/MAIL SYSTEM'S.


4) SINCE BEING HOUSED AT D-FAC UNIT-3 I HAVE NOT BEEN WRITTEN UP  
FOR TORN SHEETS/T-SHIRTS. NOR, HAVE I SEEN OR KNOWN ANY INSTANCE IN WHICH  
CORRECTIONAL OFFICER SMITH HAS ISSUED A CDC-115 DISCIPLINARY RPT. FOR TORN  
LAUNDRY.

5) WHILE HOUSED IN D3 UNIT, I HAVE NOT KNOWN OF ANY INMATE BEING  
GIVEN DISCIPLINARY PUNISHMENT OF (1) ORDERED TO PAY FOR TORN LAUNDRY; (2) T.V.  
RESTRICTIONS FOR (30) DAYS; (3) CANTEEN RESTRICTIONS FOR (30) DAYS; AND

(4) PLACED ON "PRIVILEGE GROUP C" FOR A CHARGE OF TORN LAUNDRY. FURTHER, BASED ON BELIEF, I FEEL SUCH AN ADJUDICATION FOR AN ADMINISTRATIVE 115-RYR IS EXCESSIVE PUNISHMENT FOR THIS KIND OF ALLEGED MISCONDUCT. PARTICULARLY THE PRIVILEGE GROUP 'C' PLACEMENT WHICH IS AN "UNUSUAL" PUNISHMENT SINCE MR. HARRISON IS ALREADY SERVING AN "INDETERMINATE" SHU TERM.

6) ON SEVERAL OCCASIONS C/O SMITH HAS TRIED TO TAKE LEGAL MATERIALS FROM ME BY CLAIMING I "HAVE TOO MUCH PAPER WORK".

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. I SERGIO AVAREZ, WAS UNDER NO CONSTRAINT OR UNDUE INFLUENCE, ACCORDING TO MY BEST KNOWLEDGE AND BELIEF, AND TO THOSE MATTERS BASED ON BELIEF THEM TO BE TRUE. EXECUTED ON THIS 17 DAY OF NOV. 2008 AT PELICAN BAY STATE PRISON LOCATED IN CRESCENT CITY CAL. COUNTY OF DEL NORTE.

RESPECTFULLY SUBMITTED,  
S.   
S. AVAREZ - DECLARANT