

IN THE UNITED STATES JUDICIAL DISTRICT

COURT STATE OF NEVADA AND FOR

THE COUNTY OF WASHINGTON

TODD EVANS
PETITIONER/ PLAINTIFF

EK MCDANIELS

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COUNSEL/PARTIES OF RECORD	
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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
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CASE # 309-CV-00319

DEPT # U.S. District Court

DOCKET # 309 CV 00319 LRH VPC

TEMPORARY RESTRAINING ORDER

COMES NOW, PETITIONER TODD EVANS IN PRO PER AND RESPECTFULLY MOVES THIS HONORABLE COURT, FOR A TEMPORARY RESTRAINING ORDER. THIS HONORABLE COURT, FOR SHOW OF GOOD CAUSE FOR THE RETALIATORY ACTION OF ELY STATE PRISON. UNDER FRCP RULE 65(B)(1) IT CLEARLY APPEARS FROM SPECIFIC FACTS SHOWN BY AFFIDAVIT OR BY THE VERIFIED COMPLAINT THAT IMMEDIATE AND IRREPARABLE INJURY, LOSS OR DAMAGE WILL RESULT TO THE APPLICANT BEFORE THE ADVERSE PARTY OR THAT PARTY'S ATTORNEY CAN BE HEARD IN OPPOSITION.

THIS MOTION COME BEFORE THE COURT IN THE FORM OF INFORMAPAUPERIS STATUS. FRCP 65(C).

THIS PETITIONER HAS BEEN UNDER (24) HOUR SURVEILLANCE FOR OVER (3) YEARS. THE USE OF SLEEP DEPRIVATION AND DENIAL OF ACCESS TO COURTS. THE WARDEN HAS BEEN ACTING UNDER THE COLOR OF LAW AND HIS AUTHORITY AND THIS GIVE RISE TO THIS TEMPORARY RESTRAINING ORDER, THIS WARDEN HAS ADDED IN THE DELIBERATE INDIFFERENCE TOWARDS THE FUTURE HEALTH PROBLEMS OF PETITIONER.

POINTS AND AUTHORITIES

THIS PETITIONER WAS TRANSFERRED TO SECLUSION CELL FOR PURPOSE OF TORTURE AND FOR MEDICATION, THIS TORTURE IS THREW THE USE OF SPEAKERS, LOUD NOISES AND STAFF TELLING YOU TO TAKE THE MEDICATION OR HANG YOURSELF. (24) SLEEP DEPRIVATION ARE ROUTIN SOMETIMES TO (3) DAYS THESE SPEAKERS ARE OPERATED BY UNIT OFFICERS. ACTION WHICH CONSTITUTES CRUEL AND UNUSUAL PUNISHMENT. IN WASHINGTON V. HARPER U.S. WASH 1990 110 SCT 494 U.S. AND VITEK V. JONES 100 SCT 1254 445 U.S. 480 U.S. WEB 1980 AND BROWN V. BARGERLY 207 F3D 863 CA 6 TENN 2000 AND COHEN V. COAHONIA COUNTY MISS. 805 F SUPP 398 400-406 ND MISS 1992. THE USE FILES OF INMATES THAT ARE CLOSE TO THE SAME SPELLING FOR THE PURPOSE OF TORTURE BY WAY OF SPEAKER. TO FORCE MEDICATION ON INMATES. UNDER BELL V. HOOD 327 U.S. 678 66 S.CT 1173 90 LED 939. 1946 UNDER VITEK V. JONES 445 U.S. 480 491 94 100 SCT 1254 1980. WHILE A CONVICTION AND SENTENCE EXTINGUISH AND INDIVIDUAL RIGHT TO FREEDOM FROM CONFINEMENT FOR THE TERM OF HIS SENTENCE. THEY DO NOT AUTHORIZE THE STATE TORTURE INMATES OR CLASSIFY HIM AS MENTALLY ILL, WITH OUT EVALUATION FROM PSYCHOLOGIST OR PSYCHIATRIST. A TWO MINUTE CONVERSATION IS NOT AN EVALUATION

AND SPECIALLY TO CLASSIFY HIM AS MENTALLY ILL. AND SUBJECT HIM TO INVOLUNTARY PSYCHIATRIC TREATMENT WITH AFFORDING HIM ADDITIONAL DUE PROCESS PROTECTION. THE INTEREST OF THE PRISONER IS NOT BEING ARBITRARILY CLASSIFIED AS MENTALLY ILL AND SUBJECT TO UNWELCOME TREATMENT IS ALSO POWERFUL HOWEVER THE DISTRICT COURT FOUND, THE RISK OF ERROR IN MAKING THE DETERMINATION REQUIRED BY 83-180. IS SUBSTANTIAL ENOUGH TO WARRANT APPROPRIATE PROCEDURAL SAFEGUARDS AGAINST ERROR.

RETALIATION FOR USE OF AR 740 AND AR 340 WHICH NRS 209-131 AND NRS 209-246. THE TAKING OF LEGAL DOCUMENTS AND LEGAL RESEARCH COPY WORK OF MANY DIFFERENT OPERATIONAL PROCEDURES 606. GRIEVANCE TAKEN OUT OF CELLS AND PERSONAL PROPERTY TAKEN TO PROPERTY ROOM, SEARCHED AND DOCUMENTS TAKEN. BRIEFS AND TRANSCRIPTS HAVE BEEN LOST AND DESTROYED.

PRISONERS HAVE A FUNDAMENTAL CONSTITUTIONAL RIGHT TO ADEQUATE EFFECTIVE AND MEANINGFUL CONSTRAINTS TO THE COURTS, TO CHALLENGE VIOLATION OF CONSTITUTIONAL RIGHTS. IN BONDS V. SMITH 430 U.S. 817 824 1977 AND JOHNSON V. AVERY 393 U.S. 483 485 1969. PRISONERS RIGHTS AND ACCESS TO THE COURTS. MAY NOT BE DENIED ACCESS TO THE COURT. TAYLOR V. DELATOURE 281 F3d 844 848 9th CIR 2002.

THESE ACTION FALL IRREPARABLE INJURY WHICH VIOLATE PETITIONER CONSTITUTIONAL RIGHTS, DENIAL OF ACCESS TO THE COURTS, FALL UNDER THE FIFTH AMENDMENT AND (24) SURVEILLANCE AND SLEEP DEPRIVATION CONSTITUTES CRUEL AND UNUSUAL PUNISHMENT TO OBEY THE CONSTITUTION AND ELY STATE PRISON HAS TAKING COURT DOCUMENTS AND DENIED THIS PETITIONER OF ACCESS TO THE COURTS.

I CONSTANT LOUD PITCHED NOISES ON THESE SPEAKERS TO AGITATE INMATES IN THERE CELLS TO THE POINT THEY BREAK LIGHTS OUT TO TEAR OUT THE SPEAKERS. THEN FACE DISCIPLINARY WHICH THEY ARE GIVEN NO DUE PROCESS, JUST PAPERS SAYING HERES A NOTHER YEAR IN THE HOLE. SO THE DISCIPLINARY CONTRAINS NO RECORD OTHER THAN FILING GRIEVANCES, WHICH THEY JUST DENIE AND LABEL YOU AS AN MENTAL HEALTH PATIENT. JONES V. SMITH 116 A D 2D 993 498 NYS 2D 713 NY APP DIV (1986) AND WOLFF V. MCDONNELL 418 U.S. AT 564.

TODD EVANS #47605



11-30-09

AFFIDAVIT

STATE OF NEVADA)
COUNTY OF)
WASTE PINE)

I TODD EVANS BEING DULY SWORN DEPOSES SAYS THE FACTS OF THIS AFFIDAVIT, THAT ARE CONTAIN HERE IN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. THE AFFIDAVIT IS TO SHOW GOOD CAUSE FOR A TEMPORARY RESTRAINING ORDER FOR THE CASE # 309-CV-00319. ON 11-26-09 I SENT LEGAL DOCUMENT TO THE FEDERAL COURT HOUSE IN RENO NEVADA. THIS ENVELOPE WAS INSPECTED BY OFFICER LAJDA AND THE BRASS SLIP # 1544961 WAS SIGNED BY SENIOR OFFICER RAMESZ WHICH ARE RESPONSIBLE FOR THE MAIL. UPON DISCOVERY THAT THESE DOCUMENTS NEVER LEFT THE PRISON. I FILED GRIEVANCE # 2006-28-19608 THE GRIEVANCE PROCEDURE AR340 WAS NOT FOLLOWED BY CASEWORKER ROBERT CHAMBLISS NRS 209-246 AND NRS 209-131 GOVERN THESE PROCEDURES, THE GRIEVANCE PROCEDURE AT ELY STATE PRISON HAVE NO RESOLVE. UNDER AR 707-1.4.2.3 ON THE MAIL CENTERSHIP AND DENIAL OF ACCESS TO THE COURT. ON MARCH-3-2009. I SENT A LETTER TO THE DIRECTOR HOWARD SKOLNIC ASKING FOR ADMINISTRATIVE EXHAUSTION ON ALL GRIEVANCE. AND A REQUEST FOR COPY OF GRIEVANCES THAT WERE TAKE OUT OF MY PROPERTY. NO RESPONSE AND A REQUEST FOR ALL DOCUMENTS CONCERNING VIDEO SURVEILLANCE FOR SECLUSION CELLS, AND ALL RECORDS. THIS LETTER AGAIN WAS FORWARD FROM MY CRIMINAL ATTORNEY AND STILL NO RESPONSE FROM THE DIRECTOR. WHEN PRISON OFFICIALS ERRONEOUS REFUSAL TO INVESTIGATE A CLAIM, AND FRUSTRATION OF ADMINISTRATIVE REVIEW OF ERROR CONSTITUTED SPECIAL CIRCUMSTANCES JUSTIFYING NON COMPLIANCE WITH PLRA, THE USE OF CELL SPEAKER AS TORTURE. I HAVE BEEN TORTURED BY PRISON OFFICIALS AND PREVENTED FROM UTILIZING AR340 AND DENIED ACCESS FROM COURTS. AS RETALIATION FOR USING AR 707 AND ASSAULT ON AN OFFICER. INFORMAL LEVEL GRIEVANCE FORM DOC 3091 WAS FILED AND ATTACHED WAS A CONTINUATION FROM DOC 3097 THIS FORM WAS REMOVED AND REPLACED WITH A MEDICAL KIT. GRIEVANCES ARE ROUTINELY DENIED AS MERITLESS. THE USE OF FAULTS PROPER PROVIDER FORMS. TO LOCK INMATES IN SECLUSION CELL TAKING LEGAL WORK AND STEALING ALL DOCUMENTATION. BEING TOLD TO DROP YOUR GRIEVANCE OR HANG YOURSELF ON CELL SPEAKER CONSTITUTE IRREPARABLE INJURY. TRY TO MAKE INMATES TAKE MEDICATION BEHIND THE USE OF THE GRIEVANCE PROGRAM. THEN GIVING MEDICATION TO ME FOR ANOTHER INMATE. JUST BECAUSE AN INMATES NAME IS EVANS. IT IS ON MEDICATION DOES NOT MEAN EVANS TODD HAS TO BE ON HIS MEDICATION. AND BECAUSE I WOULD NOT TAKE THE MEDICATION FOR ANOTHER INMATE I AM TREATED LIKED A MENTAL HEALTH PATIENT. AND (24) HOUR SURVEILLANCE AND SLEEP DEPRIVATION AS PUNISHMENT FOR ASSAULT ON A OFFICER AND USING THE GRIEVANCE PROGRAM. FOR APPROXIMATELY (3) YEARS

I'VE BEEN HARASSED BY STAFF TO THE POINT AN OFFICER SLAMMED MY ARMS IN A FOOD SLOT AND OPEN THE DOOR. RETALIATION ISNT ENOUGH MY FAMILY ADDRESS AND PHONE NUMBER WERE GIVEN TO RIVAL GANGS AND UNIT SENOR OFFICERS THAT ARE NAMED IN MY CIVIL CASE # 303-CV-00319 TORTURE INMATES THREW A NUMBER OF MEANS AND USE OF SLEEP DEPRIVATION AND DENIAL OF FOOD FOR (3) DAYS FOR NOT PUTTING ON A JUMP SUIT IN SOLITARY CONFINEMENT. OVER 17 SEPERATE GRIEVANCE ON DIFFERENT ISSUE. FROM ALLOWING INMATES TO WATCH OTHER INMATES TO GAIN INFORMATION ON LAW SUITS. THE UNIT OFFICES HAVE CONTROL OF THE SPEAKER ACTING UNDER THE COLOR OF THEIR AUTHORITY OF LAW, THEY VIOLATED THE CONSTITUTIONAL RIGHTS OF PETITIONER AND INMATES HERE AT ELY STATE PRISON SHOULD BE FREE FROM CREUL AND UNUSUAL PUNISHMENT. BEING LABELED A MENTAL HEALTH PATIENT BECAUSE PSYCHOLOGY GRABBED THE WRONG FILE WITH THE SAME NAME EVANS. TO BE LOCKED IN A SECLUSION AND HAVE MY PROPERTY TAKEN AND ALL MY TRANSCRIPTS STOLEN, RESEARCH TAKEN CASE LAW AND COPIES OF INSTITUTIONAL POLICES. THE ADMINISTRATION HAS A RESPONSIBILITY OF SIGNIFICANT LIBERTY INTEREST IN RUSSING THE UNWRITED ADMINISTERED ANTI PSYCHOTIC DRUGS UNDER THE DUE PROCESS CLAUSE. THE GRIEVANCE MENTION CONTAIN 17 SEPERATE ISSUES. THE SECOND CIRCUIT WAS ESTABLISHED THAT THE PLAINTIFF BEARS THE BURDED OF SHOWING IRRATIONALITY IN THE JUSTIFICATION PUT FORWARD BY DEFENDANTS FOR DISPARATE TREATMENT. WHEN THIS TYPE RETALIATION IS GOING ON DOCUMENTS PROOF SET IN FACTS ON GRIEVANCE ALONG WITH ATTACHED DOCUMENTS ARE TAKEN IT BECOMES IMPOSSIBLE TO OBTAIN RELIEF. THE EIGHTH AMENDMENT EMBODIES A BROAD AND IDEALISTIC CONCEPT OF DIGNITY CIVILIZED STANDARD "HUMANITY AND DECENCY" AGAINST WHICH CONDICTION OF CONFINEMENT MUST BE JUDGED. THUS THE STATE CANNOT IMPOSE PUNISHMENT THAT VIOLATES, THE EVOLVING STANDARD OF DECENCY THAT MARK THE PROGRESS OF A MATURING SOCIETY. WHEN THE CUMULATIVE IMPACT OF THE CONDICTION OF INCARCERATION THREATENS THE PHYSICAL AND MENTAL AND EMOTIONAL HEALTH AND WELL BEING OF INMATES AND CREATES A PROBABILITY OF RECIDIVISM AND FUTURE INCARCERATION WHICH VIOLATES THE EIGHTH AMENDMENT OF THE CONSTITUTION.

TODD EVANS # 47605

Todd Evans

11-30-09

CERTIFICATE OF SERVICE

I HEREBY CERTIFY PURSUANT TO NRC P 5(B) THAT I AM THE PETITIONER AND THE FOR GOING MOTION FOR A TEMPORARY RESTRAINING ORDER AND THAT ON THIS DATE 30TH OF NOVEMBER 2009. I DID SERVE A TRUE AND CORRECT COPY OF THE ABOVE MENTION DOCUMENT. BY GIVING TO A PRISON OFFICIAL AT THE ELY STATE PRISON TO DOCUMENT, BY GIVING TO A PRISON OFFICIAL AT THE ELY STATE PRISON TO DEPOSIT IN THE MAIL ROOM. SEALED IN A ENVELOPE, POSTAGED PRE PAID AND ADDRESSED AS FOLLOWS.

CLERK OF US DISTRICT COURT
DISTRICT OF NEVADA
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