

Andrew L. Meeks, II
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANDREW L. MEEKS, II,)
 Plaintiff,)
 vs.)
E. PETERMAN,)
NANCY FLORES,)
JAMES BACCA,)
BILL DONAT,)
LOR BAGWELL,)
 Defendant(s).

CASE NO. 3:10-CV-00474
 (To be set)
**CIVIL RIGHTS COMPLAINT
 PURSUANT TO
 42 U.S.C. § 1983**

A. JURISDICTION

1) This complaint alleges that the civil rights of Plaintiff, ANDREW L. MEEKS, II,
 (print Plaintiff's name)
 who presently resides at ELY STATE PRISON, ELY NEVADA, were
 (mailing address or place of confinement)
 violated by the actions of the below named individuals which were directed against
 Plaintiff at NEVADA STATE PRISON, CARSON CITY, NEVADA on the following dates
 (institution/city where violation occurred)
October 6, 2008, October 6, 2008, and November 12, 2008.
 (Count I) (Count II) (Count III)
December 9, 2008, and March 4, 2009.

Make a copy of this page to provide the below information if you are naming more than five (5) defendants

2) Defendant E. PETERMAN resides at _____,
(full name of first defendant) (address of first defendant)
and is employed as SR. Correctional Officer, N.S.P. This defendant is sued in his/her
(defendant's position and title, if any)
 individual ___ official capacity. (Check one or both). Explain how this defendant was
acting under color of law: Defendant was designated Property Officer
at Nevada State Prison (hereinafter N.S.P.)

3) Defendant NANCY FLORES resides at _____,
(full name of first defendant) (address of first defendant)
and is employed as Unit Caseworker, N.S.P. This defendant is sued in his/her
(defendant's position and title, if any)
 individual ___ official capacity. (Check one or both). Explain how this defendant was
acting under color of law: Defendant responds to informal grievances
in her unit at N.S.P.

4) Defendant JAMES BACCA resides at _____,
(full name of first defendant) (address of first defendant)
and is employed as Associate Warden, N.S.P. This defendant is sued in his/her
(defendant's position and title, if any)
 individual ___ official capacity. (Check one or both). Explain how this defendant was
acting under color of law: Defendant coordinates all grievances
in N.S.P.

5) Defendant BILL DONAT resides at _____,
(full name of first defendant) (address of first defendant)
and is employed as Warden, E.S.P. This defendant is sued in his/her
(defendant's position and title, if any)
 individual ___ official capacity. (Check one or both). Explain how this defendant was
acting under color of law: Defendant responds to all formal grievances
at N.S.P.

6) Defendant LORI BAGWELL resides at _____
(full name of first defendant) (address of first defendant)
and is employed as Deputy Director, N.D.O.C. This defendant is sued in his/her
(defendant's position and title, if any)

___ individual ___ official capacity. (Check one or both). Explain how this defendant was acting under color of law: The defendant was a grievance respondent for the Nevada Department of Corrections (hereinafter the NDOC.)

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

B. NATURE OF THE CASE

1) Briefly state the background of your case.

Comes Now this civil rights action for this Honorable court who has original jurisdiction pursuant to the above Related statutes, dates, and location and hereby manifests claim: that State (Nevada) Prison staff are liable for the deprivation of the inmate plaintiff's right to petition the government for the redress of grievance where they lost, destroyed, or defrauded him of opportunities to have replaced, a copy of his personal legal work/case file. Plaintiff seeks money damages for injuries resulting from said deprivation.

C. CAUSE OF ACTION

COUNT I

The following civil right has been violated: The Right to Petition the Government for the redress of grievance. (First Amendment . U. S. Constitution .)

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

The Defendant E. PETERMAN acted with deliberate indifference to the rights of Plaintiff ANDREW L. MEEKS, II, by: disregarding N.D.O.C. Directives (A.R.711) and thus causing the destruction/loss of Andrew's personal legal/case file which was detrimental for Andrew to exercise his right to have access to the courts.

Specifically, PETERMAN refused or failed to follow the Rules of A.R.711 by: not controlling/securing and inventorying all of Andrew's personal property, when transferring it from a cell/unit that was previously assigned to Andrew. PETERMAN destroyed/lost Andrew's legal/case file during the transfer. PETERMAN knew or should have known that: the destruction/loss of Andrew's file would be detrimental to Andrew's right to have access to the courts. And because of PETERMAN's actions, Andrew was "hindered in filing 3 non-frivolous claims:

1) A Petition for a rehearing in US Court of Appeals (9th Cir) in case No. 08-15447 ;

2) A Petition for a Writ of Certiorari in the U. S. Supreme Court for a review of an adverse decision.

In an appeal (U.S. Court of Appeals, case No. 08-15447); and,

3) A Petition in State/Federal District Court to show Actual Innocence".

The actual injury caused by E. PETERMAN'S actions is that Andrew may never again have an opportunity to regain his freedom and to clear his name from what he believes to be a wrongful conviction for which he is serving multiple life sentences.

Accordingly the Plaintiff ANDREW L. MEEKS, II, seeks \$400,000 in compensatory damages from the Defendant for the Defendants actions related herein Count I.

COUNT II

The following civil right has been violated: The Right to Petition the Government for the Redress of grievance (First Amendment, U. S. Constitution).

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

The Defendant E. PETERMAN acted with the evil intent to oppress ANDREW L. MEEK'S, II, by: purposely destroying/losing Andrew's personal legal case file as a means of retaliation against Andrew for various pejoratives that Andrew had previously exchanged with PETERMAN, which was detrimental for Andrew to exercise his right to have access to the courts.

Specifically, after an exchange of insult had taken place between PETERMAN and Andrew, PETERMAN escorted Andrew to "a segregation unit" (the hole). On the way there, Andrew remarked that he "liked to live in the hole". And afterwards, PETERMAN took it upon himself to be the sole individual to control Andrew's personal property. PETERMAN then purposely destroyed/lost Andrew's personal legal/case file since taking Andrew to "the hole" was not punishment to Andrew for insulting PETERMAN, who wanted revenge and retaliation. PETERMAN knew or should have known that: the destruction/loss of Andrew's file would be detrimental to Andrew's right to have access to the courts. And because of PETERMAN'S retaliation Andrew was hindered

in filing 3 non-frivolous claims:

1) A Petition for a Rehearing in U.S. Court of Appeals (9th Cir) in Case No. 08-15447;

2) A Petition for a writ of Certiorari in the U.S. Supreme Court for a review of an adverse decision in an appeal (U.S. Court of Appeal case No. 08-15447); and,

3) A Petition in State/Federal District Court to show "Actual Innocence".

The actual injury caused by E. PETERMAN'S retaliation is that Andrew may never again have an opportunity to regain his freedom and to clear his name from what he believes to be a wrongful conviction for which he is serving multiple life sentences.

Accordingly, the Plaintiff ANDREW L. MEEKS, II, seeks \$400,000 in compensatory damages from the Defendant E. PETERMAN; and an additional \$200,000 in punitive damages for the Defendants evil intent when committing said acts related herein Count II.

COUNT III

The following civil right has been violated: The Right to Petition the Government for the redress of grievance (First Amendment, U.S. Constitution)

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

The Defendants NANCY FLORES, JAMES BACCA, and BILL DONAT, (one and all) acted with the evil intent to oppress Plaintiff ANDREW L. MEEKS, II, by: Abusing their power with the purpose defrauding him out of his Rightful opportunity to have the N.D.O.C. "Return", "Replace", or "compensate him for" their staff's distroying or losing hrs personal legal/case file, which the Defendants one and all knew or should have known would be detrimental to Andrew's ability to exercise hrs Right to have access to the courts.

Specificly, when the defendants one and all responded to and/or answered Andrew's grievances concerning their subordinates distroying/losing hrs file, they purposfully ignored omitted and mis-represented documentary and direct evidence which showed that Andrew had continued possession of such a file prior to their subordinat's unjust actions, and thusly they wrongfully concluded that Andrew did not have such file in his cell when he claimed that N.D.O.C. staff had distoryed/lost said file. The defendants, one and all, knew that by ignoring, omitting, and misrepresenting

evidence that was favorable to Andrew they would doom his chances to recover his file (or be duly compensated for the unjust destruction/loss of it.) And because of the defendants one and all oppressing him, Andrew was hindered in filing 3 non-frivolous claims:

1) A petition for a Rehearing in the U.S. Court of Appeals (9th Cir) in Case no. 08-15447 ;

2) A petition for a Writ of Certiorari in the U.S. Supreme Court for a Review of an adverse decision in appeal (U.S. Court of Appeal case no. 08-15447); and,

3) A petition in state/federal District Court to show Actual Innocence.

The actual injury caused by the Defendants NANCY FLORES, JAMES BACCA and BILL DONAT's oppression is that Andrew may never again have an opportunity to regain his freedom and to clear his name from what he believes to be a wrongful conviction for which he is serving multiple life sentences.

Accordingly, the Plaintiff ANDREW L. MEEKS, II, seeks \$ 600,000 jointly in compensatory damages from the defendants, one and all; and an additional \$ 300,000 in punitive damages for the defendant's evil intent when committing said acts related herein Count III.

C. CAUSE OF ACTION

COUNT I

The following civil right has been violated: The Right to Petition the Government for Redress of Grievance (First Amendment, U.S. Constitution).

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

The Defendant LORI BAGWELL acted with the evil intent to oppress Plaintiff ANDREW L. MEEKS, II, by: Abusing her power with the purpose of defrauding him out of his Rightful opportunity to have the N.D.O.C. Return, Replace, OR compensate him for "their staffs' destroying OR losing his personal legal/case file, which she knew OR should have known would be detrimental to Andrew's ability to exercise his Right to have access to the courts.

Specificly, BAGWELL told a bold faced lie when she responded in answer to Andrew's grievance concerning her subordinates destroying/losing his file. BAGWELL "invented the untruth" that Andrew had signed an inventory receipt (the bottom of an [N] D.O.C form 1773) and by that "invented untruth", BAGWELL "wrongfully concluded" that Andrew had waved his Rights to hold the N.D.O.C. responsible for the loss of his legal/case file. BAGWELL knew that by telling such a bold faced lie she would doom Andrew's chances to recover his file (OR be duly compensated for the unjust destruction/loss of it). And.

because of the defendant's oppressing him, Andrew was hindered in filing 3 non-frivolous claims:

1) A petition for a rehearing in the U.S. Court of Appeals (9th CIR.) in case no. 08-15447;

2) A petition for a writ of certiorari in the U.S. Supreme Court for a review of an adverse decision in appeal (U.S. Court of Appeals case no. 08-15447); and,

3) A petition in state/federal District Court to show Actual Innocence.

The actual injury caused by the Defendant LORI BAGWELL's oppression is that Andrew may never again have an opportunity to regain his freedom and to clear his name from what he believes to be a wrongful conviction for which he is serving multiple life sentences.

Accordingly, the Plaintiff ANDREW L. MEEKS, II, seeks \$ 200,000 in compensatory damages from the Defendant LORI BAGWELL; and an additional \$ 100,000 in punitive damages for the defendant's evil intent when committing said acts related herein count IV.

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action? Yes ___ No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below outline).

- a) Defendants: The Nevada Department of Corrections
- b) Name of court and docket number: Justice Court Carson City, NV
- c) Disposition (for example, was the case dismissed, appealed or is it still pending?):
Plaintiff won a Judgement of \$40.
- d) Issues raised: Plaintiff brought small claim to recover for lost copywork which was lost by staff in this same incident
- e) Approximate date it was filed: _____
- f) Approximate date of disposition: December 31, 2009

2) Have you filed an action in federal court that was **dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?** ___ Yes No. If your answer is "Yes", describe each lawsuit. (If you have had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline).

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: N/A
- b) Name of court and case number: N/A
- c) The case was dismissed because it was found to be (check one): ___ frivolous ___ malicious or ___ failed to state a claim upon which relief could be granted.
- d) Issues raised: N/A
- e) Approximate date it was filed: N/A
- f) Approximate date of disposition: N/A

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: N/A

- b) Name of court and case number: N/A
- c) The case was dismissed because it was found to be (check one): ___ frivolous ___ malicious or ___ failed to state a claim upon which relief could be granted.
- d) Issues raised: N/A
- e) Approximate date it was filed: N/A
- f) Approximate date of disposition: N/A

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: N/A
- b) Name of court and case number: N/A
- c) The case was dismissed because it was found to be (check one): ___ frivolous ___ malicious or ___ failed to state a claim upon which relief could be granted.
- d) Issues raised: N/A
- e) Approximate date it was filed: N/A
- f) Approximate date of disposition: N/A

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? Yes ___ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) ___ disciplinary hearing; (2) ___ state or federal court decision; (3) ___ state or federal law or regulation; (4) ___ parole board decision; or (5) ___ other _____

If your answer is "Yes", provide the following information. Grievance Number See below.

Date and institution where grievance was filed 8/23/8 (NSP); 10/21/9 (ESP)

Response to grievance: GRIEVANCE # 2006-28-00671 - denied on all levels; GRIEVANCE # 2006-28-85238 - denied on all levels.

E. REQUEST FOR RELIEF

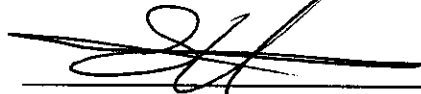
I believe that I am entitled to the following relief:

One Million and six-hundred thousand dollars
(\$ 1,600,000) in compensatory damages for the loss
of my ability and oppertunities to try to gain my freedom
from a sentence of multipul life terms and clear my name
from wrongful convictions ; and an additional four-hundred
thousand dollars (\$ 400,000) in punitive damages for the evil
intent to oppress me that the defendants manifest .

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

N/A

(Name of person who prepared or helped prepare this complaint if not Plaintiff)



(Signature of Plaintiff)

July 26, 2010

(Date)

(Additional space if needed; identify what is being continued)

N/A