

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WISCONSIN

DWAYNE ALMOND, #238839-A

Plaintiff,

v.

CASE NO. 14-CV-05-bbc

WILLIAM POLLARD, DR. PAUL SUMNICH,
ANDY SCHRAUFNIGER, S. JACKSON,
ANGIA KROLL, DAVID BURNETT,
SCOTT HOFTIEZER, JIM GREER,
MARY MUSE, BELIND SCHRUBBE,
and OFFICIAL JONES,

Defendants.

DOC NO
REC'D/FILED
2014 MAY -5 AM 11:03
PETER OPPENEER
CLERK US DIST COURT
WD OF WI

PLAINTIFF'S MOTION TO SHOW CONTINUOUSLY OF
WILLIAM J. POLLARD ("WARDEN"), PERMITTING MISCON-
DUCT OF CERTAIN INTERFERENCE WITH ("LEGAL MAIL"),
ACCESS TO THE COURT, DESPITE RETALIATION,
HARASSMENT, PREJUDICE TO HIS CASE NO. 14-CV-05-BBC.
ALSO ALL THE ABOVE ("MISCONDUCT ACTS ARE
INTENTIONALLY AND CRIMINALLY RECKLESS MANNER")
BECAUSE THESE SAME DEFENDANTS OR OFFICIALS,
HAS PERMITTED THIS ABOVE BEHAVIOR IN PREVIOUS
CASES? OF: CASE NO. 12-CV-259-BBC - ALMOND V. POLLARD,
(W. D. WIS. AUG. 28, 2013).

NOW COMES Plaintiff Dwayne Almond, #238839-A ("HEREAFTER"),
HON. Ms. Barbara B. Crabbs, - OPINION AND ORDER, "ENTERED:
this 14th day of February, 2014". Despite plaintiff has made
his ("Deadline of March 7, 2014 to Submit his AMENDED
COMPLAINT?"), AND SINCE that time of done that -

"CONTINUE WITH PLAINTIFF'S MOTION TO SHOW CONTINUOUSLY MISCONDUCT?"

he also submitted many more important serious motions, and an ("NEW COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983, of: IN IMMINENT DANGER OF SERIOUS PHYSICAL - MENTAL - ILLIS / AND SEEKING EMERGENCY PRELIMINARY INJUNCTION RELIEF? (DATED: MARCH 2, 2014, - TO: Hon. Mrs. BARBARA B. CRABB?). I still has not RECEIVED ANY-SCREENING OF PLAINTIFF'S NEW-COMPLAINT? OR - HIS: "AMENDED COMPLAINT?" ("UNDISPUTED"), ("UNDER 28 U.S.C. § 1746.")

OVERWHELMING ALLEGATIONS OF FACT?

1. Facts is "Plaintiff Dwayne Almond # 238839-1, had contacted ("Warden, William J. Pollard"), regarding his misconduct of permitting or allowing his-unhired-staff-member's...; To: "RETALIATION, HARASSMENT, PREJUDICE, WITH CERTAIN INTERFERENCE... of: Case No. 14-CV-05-the?; Also his - ACCESS TO THE COURT, and his - ("LEGAL MAIL?") ON FEBRUARY 26, 2014, plaintiff's legal loan was "SUSPENDED FOR 30 days due to the - IMPROPER USE OF LEGAL SUPPLIES. ("C/R # 2468890, - WHEN Sgt. PRICE of the-NWCH, - WENTED IN INMATE ALMOND'S - CELL - # J-12, and REMOVED a # 174 - legal - documentations / COURT - SUBMISSIONS, - INCLUDED; Hon. Mrs. BARBARA B. CRABB'S, - OPINION AND ORDER ("ENTERED: - THIS 14th day of FEBRUARY, 2014?"; DESPITE is WITHOUT a ("FAIRNESS - DUE PROCESS - HEARING: FOR: C/R # 2468890?") UNTIL this VERY PRESENTED date of April 9, 2014, - Violations of my: 14th. Amendment - Constitutional Right?"

2. ON FEBRUARY 27, 2014, Ms. CARLA HARTMAN ("Business office / Financial"), WROTE ("C/R # 2468398"), which had a Disciplinary Hearing on 3/17/2014, - before: CAPT. O'DONOVAN, and Ms. CARLA HARTMAN, was called by: Plaintiff DWAYNE ALMOND # 238839-1, To: give - her - testimony - 2. IN the matter above, -

"CONTINUE WITH PLAINTIFF'S MOTION TO SHOW CONTINUOUSLY MISCONDUCT?"

2. "Ms. CARLA HARTMAN, - SUMMARY OF HER-TESTIMONY:
This PERSON WAS PRESENT FOR THE READING OF THE REPORT.
THE INMATE WAS ALLOWED TO ASK QUESTIONS OF THE WITNESSES.
Q - Did you RECEIVE this MATERIAL ON 2-26?
A - YES.
Q - Did you get it FROM him?
A - NO. (TESTIMONY IS CONSISTENT WITH THE REPORT.)"

3. "ON March 17, 2014, - SGT. PRICE, - SUMMARY OF HIS-TESTIMONY: This PERSON WAS PRESENT FOR THE READING OF THE REPORT. THE INMATE WAS ALLOWED TO ASK QUESTIONS OF THE WITNESSES.
Q - Did you SEND what you FOUND to the "BUSINESS OFFICE"?
A - Not that I RECALL.
Q - Why WASN'T this as EVIDENCE in the CONDUCT REPORT you WROTE?
A - I don't KNOW. I CAN'T ANSWER that.
Q - HAVE you SEEN him "ENTERPRISE" in the NWC H?
A - Not to my KNOWLEDGE. ("TESTIMONY IS NOT RELEVANT. IT APPEARS TO BE A DIFFERENT CONDUCT REPORT THAN THE ONE BEING HEARD?"), ("C/R #2468890?")
(SEE, - EXHIBIT # A of: "DISCIPLINARY HEARING: 3/17/14")

4. Fact's of: "OVERWHELMING PROOF EVIDENCE MISCONDUCT OF CERTAIN INTERFERENCE WITH PLAINTIFF'S LEGAL MAIL AND ACCESS TO THE COURT?"; "NOW ON April 8, 2014, PLAINTIFF DWAYNE ALMOND #238832A did RECEIVED a ("MEMORANDUM"), FROM "N. KAMPHUIS" - (BUSINESS OFFICE FINANCIAL PROGRAM SUPERVISOR); SUBJECT: LEGAL LOAN / ACCESS TO LEGAL MATERIALS. I am RESPONDING to your "CORRESPONDENCE dated April 1, 2014 ON BEHALF OF THE ("WARDEN") REGARDING your COMPLAINT OF RESTRICTED ACCESS TO THE COURTS."

ON FEBRUARY 26, 2014 YOUR LEGAL LOAN WAS SUSPENDED FOR 30 DAYS DUE TO THE IMPROPER USE OF LEGAL -
- 3. -

- Supplies. You are now accusing Mrs. Hartman of opening a piece of your outgoing legal mail. This accusation is not substantiated. Access to the court is only being restricted because of your own actions. If you follow the "legal loan policy" your loan would not have been suspended. Now because you again used your "legal supplies" improperly ["sic"], ("THE CORRESPONDENCE TO THE WARDEN DATED APRIL 1, 2014?") you "legal loan" will be suspended for 60 more days starting today, April 8, 2014? ("SEE ALSO, Exhibit # B, of MEMORANDUM... Date: - April 8, 2014, - From: N. Kamphuis - Financial Program - SUPERVISOR? IS attached with in-supported." ("UNDISPUTED"); ("UNDER 28 U.S.C. § 1746").

5. "Mr. Tony Meli" ("SECURITY DIRECTOR"); of ("WCI") Forwarded "MEMORANDUM", - To: "Plaintiff Dwayne Almond # 238839-A"; - SUBJECT: CORRESPONDENCE 03/23/2014. I have received and reviewed your correspondence regarding your recent conduct report hearing and mail. You have the opportunity to appeal the decision to the ["sic"], "WARDEN". It would not be appropriate for "me" to comment until your "DUE PROCESS PAPERWORK IS COMPLETED". This was above ("MEMORANDUM"); of: Dated, - March 24, 2014, - From: Mr. Tony Meli ("SECURITY DIRECTOR"). ("SEE ALSO, - Exhibit # 2, of: Above MEMORANDUM, is attached with in-supported." ("UNDISPUTED"); ("UNDER 28 U.S.C. 1746").

6. "Ms. A. Miller, ("ADVOCATE FOR: C/R # - 2468398"), - Summary of HER - TESTIMONY: "303.32 is redundant of 303.41. He asked me to check his account and he has not received any money. The advocate also supplies the hearing officer with a ("MEMO") which is attached to the report. ("SEE - Exhibit # 3, of: Above of: RE: C/R # 2468398; (2) - Dated: - "03/04/2014."/

"CONTINUE WITH PLAINTIFF'S MOTION TO SHOW CONTINUOUSLY MISCONDUCT?"

is attached with this Motion, is-supported. ("UNDISPUTED")
("UNDER 28 U.S.C. § 1746").

7. "Despite of these defendants' -OR- Wisconsin -
State - EMPLOYEE'S - of - their ("DOC. / official's - Capacity")
IS CONTINUOUSLY USING MISCONDUCT RETALIATION,
EXCESSIVE, HARASSMENT, PREJUDICED, - his / CASE# [REDACTED]
14-CV-05-16 - BECAUSE THEIR PERMITTING CERTAIN /
INTERFERENCE - With - plaintiff Dwayne Almond's #238839A
("LEGAL MAIL") ACCESS TO THE COURT, IN
THE ABOVE CASE? SEE, Exhibit # B, - MEMORANDUM
FROM: "N. KAMPHUIS - FINANCIAL PROGRAM SUPERVISOR
OF BUSINESS/OFFICE ("WCI"), - DATED: April 8, 2014"
is attached with in-supported. ("UNDISPUTED")
("UNDER 28 U.S.C. § 1746").

8. "Fact's is, [T]he mere denial of ACCESS
to... Legal Materials is not itself a
violation of a PRISONER'S RIGHTS; His Right is
to ("ACCESS THE COURTS"), and only if the "
defendants' CONDUCT PREJUDICES a POTENTIALLY
MERITORIOUS CHALLENGE to the PRISONER'S CON-
VICTION, SENTENCE, OR CONDITIONS OF CONFINEMENT
has this Right BEEN INFRINGED. :

9. "PRISONERS", have a First Amendment Right
to be "FREE FROM CERTAIN INTERFERENCE WITH
their LEGAL MAIL". WOLFF V. MC DONNELL, 418
U.S. 539, 577 (1974); SEE ALSO: TURNER V.
Safely, 482 U.S. 78, 84 (1987); Kaufman V.
McCaughy, 419 F.3d 678, 685-86 (7th Cir. 2005).
THEREFORE prison officials may only inspect, not
read certain types of "LEGAL MAIL" in the
PRESENCE of the inmate. WOLFF, 418 U.S. at 577;
Bach V. PEOPLE of State of Ill, 504 F.2d 1100,
1102 (7th Cir. 1974). FOR EXAMPLE, CORRESPONDENCE
BETWEEN an inmate and an attorney is DEEMED
CONFIDENTIAL and therefore, must BE OPENED

"Continue with Plaintiff's Motion to Show Continuously Misconduct?"

in the "PRESENCE of the inmate". WOLFF 418 U.S. at 577. REPEATED - ~~██████~~ - INSTANCES of a PRISONERS "LEGAL MAIL", BEING OPENED by PRISON official, OUTSIDE of his PRESENCE are actionable. SEE, ANTONELLI v. Sheehan, 81 F.3d 1422, 1431-32 (7th Cir. 1996); (Allegations the "Legal Mail" - ~~██████~~ - was REPEATEDLY opened and sometime "STOLEN" First Amendment Claim) Castillo v. Cook County Room DEPT, 990 F.2d 304, 307 (7th Cir. 1993); (Allegation that two LETTER to the plaintiff from the United States District Court and ONE from the Department of Justice, which was addressed to the plaintiff marked "LEGAL MAIL" OPEN IN PRESENCE OF INMATE. WERE OPENED OUTSIDE of the PRESENCE of the plaintiff, WERE NEITHER LEGALLY NOR factually FRIVOLOUS." (ALSO SEE) Again Exhibit # B - MEMORANDUM; - From: "N. KAMPFIS - Financial Program Supervisor" dated - April 8, 2014? - Attached with in-supported. ("UNDER 28 U.S.C. § 1746").

10. Facts undisputed, is; AN INTERVENING CHANGE in Controlling Law. The availability of NEW EVIDENCE or law Expanded factual RECORD; AND the NEED to CORRECT a CLEAR "SIC" - "ERROR OR PREVENT MANIFEST INJUSTICE?" Id. (quoting KERN-TULORE Water Dist. v. City of BAKERSFIELD, 634 F. Supp. 656 665 (E.D. Cal. 1986)).

11. "DEFENDANT WARDEN William POLLARD is VERY AWARENESS... of his PERMITTING MISCONDUCT of RETALIATION, HARASSMENT, PREJUDICE, - against CASE NO. 14-CV-05-bbc; DESPITE his CONDITIONS of: DIAGNOSED HEMORRHOID BY: "DR. Paul Sumnicht, ON FEBRUARY 7, 2012, THAT has BEEN (DEPRIVED) AND LEFT - UNTREATED - 6. ON-going... also -

"Continue with Plaintiff's MOTION To Show Continuously Misconduct?"

("LIFE THREATENING HARDSHIP"), do to the "defendants", EXCESSIVE FORCE OF ABUSE, TORTURED, WORSE, his - ALREADY SERIOUSLY INJURIES / CONDITION... of Suffering from CHRONIC DISTRESSFUL PAINS, NUMBNESS / BURNING and SWELLING - UP? BECAUSE OF THE DEFENDANTS, CONTINUOUSLY - "INTENTIONALLY", PERMITTING ACTS OF EXCESSIVE FORCE OF TORTURE, ABUSING - - - PLAINTIFF DWAYNE ALMOND # 238839-A, WITH "SIC", "UNNECESSARY INFLECTIONS OF CHRONIC PAIN". SEE REED V. MCBRIDE, 178 F.3d 849, 852-53 (7th Cir. 1999); GUTIERREZ, 111 F.3d at 1371.

12. "Despite SINCE THE VERY FIRST TIME OF PLAINTIFF DWAYNE ALMOND'S # 238839-A, "CHALLENGING" - WARDEN POLLARD'S - CAPACITY AS ("WARDEN"), EMPLOYED ("WMI") AND ("GBCI"), - OF CONDITIONS OF CONFINEMENT... IN CASE NO. 09-CV-335-bbc, WARDEN, WILLIAM J. POLLARD, STATED: "INMATE DWAYNE ALMOND # 238839-A, IF I KEEPS "CHALLENGING" PRISON STAFF, POLLARD ("WARDEN") DOESN'T CARE WHAT HAPPENS TO PLAINTIFF ALMOND? THESE ABOVE "SIC", "THREATS. WARDEN WILLIAM POLLARD, MADE. AND CONTINUOUSLY LIVED UP TO HIS THREATS AGAINST INMATE DWAYNE ALMOND # 238839-A?" "UNTIL THIS VERY PRESENTED CASE NO. 14-CV-05-bbc, ?" ("UNDISPUTED"), ("UNDER 28 U.S.C. § 1746").

13. Facts UNDISPUTED, OVERWHELMING, EVIDENCE OF NOTICES OF LETTERS, INTERVIEW REQUESTS, AND MANY OF MEMORANDUMS, THAT PROVES ("WARDEN, - WILLIAM J. POLLARD'S"; FULL KNOWLEDGE has "INTENTIONALLY" INTERVENED IN PLAINTIFF DWAYNE ALMOND'S # 238839-A, - SERIOUS SUFFERING FROM CHRONIC DISTRESSFUL PAINFULLY / CONDITIONS / INJURIES? BECAUSE PERMITTED HIS - PERSONAL ACTS OF "DELIBERATE INDIFFERENCE, IN A CRIMINALLY RECKLESS MANNER. TESCH V. COUNTY OF GREEN LAKE, 157 F.3d 465, 474 (7th Cir. 1998). - . -

"CONTINUE WITH PLAINTIFF'S MOTION TO SHOW CONTINUOUSLY MISCONDUCT?"

14. William J. Pollard, ("WARDEN"), PERSONAL ANIMOSITY, THREATS, ABUSE, TAUNTING... INTIMATE DWAYNE ALMOND # 238839-1; has stopped him from ("PROTECTING INMATE ALMOND # 238839-1") OR RATHER than a desire to DELEGATE these tasks to his - untrained staff - MEMBERS? "Despite the facts of: WARDEN POLLARD'S DUTIES AND RESPONSIBILITIES AS GENERALLY DEFINED BY Wis. Stat. § 302.04 and as OTHERWISE SPECIFICALLY SET FORTH in the Wisconsin Statutes, and Wisconsin Administrative Code. HE ("WARDEN") William Pollard... has the RESPONSIBILITY FOR THE OVERALL ADMINISTRATION AND OPERATION OF ("WCI"). HE ALSO HAVE THE RESPONSIBILITY AT THE INSTITUTION LEVEL FOR IMPLEMENTING ALL ("DOC. POLICIES AND DIRECTIVES, AND LEGISLATIVE AND JUDICIAL MANDATES") ("UNDISPUTED").

15. "Facts UNDISPUTED, is A PRISON official acts with DELIBERATE INDIFFERENCE WHEN "THE OFFICIAL KNOWS OF AND DISREGARDS AN EXCESSIVE RISK TO INMATE "HEALTH OR SAFETY." FARMER, 511 U.S. at 837. PRISON OFFICIALS ACT WITH DELIBERATE INDIFFERENCE WHEN THEY ACT "INTENTIONALLY OR IN A CRIMINALLY RECKLESS MANNER".

16. "I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING ARE TRUE AND CORRECT. UNDER 28 U.S.C. § 1746 TO THE BEST OF MY KNOWLEDGE. THIS 10th DAY OF April, 2014."

17. WHEREFORE PLAINTIFF DWAYNE ALMOND # 238839-1, RESPECTFULLY ASKING AND "PRAY" THAT THIS "Hon. Ms. Barbara B. CRABB, WILL ("GRANTED") A - EMERGENCY PRELIMINARY INJUNCTION RELIEF HEARING? THAT'S VERY NECESSARY. IN CASE NO. 14-CV-05-bbe? REGARDING THE "DEFENDANT'S CONTINUOUSLY MISCONDUCT OF RETALIATION, HARASSMENT, EXCESSIVE FORCE OF ABUSE, & TAUNTING, PLAINTIFF

"CONTINUE WITH PLAINTIFF'S MOTION TO SHOW CONTINUOUSLY MISCONDUCT?"

DWAYNE Almond's, #238839-A, already: SERIOUSLY Suffering.
HEMORRHOID. DIAGNOSED: CHRONIC. DISTRESSFUL. PAIRS. OF.
CONDITIONS / INJURIES; THATS "SIC!"; LEFTED. UNTREATED.
- AND - ON-GOING...; SINCE FEBRUARY 7, 2012, UNTIL THIS
PRESENTED date of - April 10, 2014?; "DESPITE, IS IN -
IMMINENT DANGER OF SERIOUS; PHYSICAL INJURY, -
UNDER 28 U.S.C. § 1746 (9), - ("LIFE THREATENING HARMS")
("UNDISPUTED").

CERTIFICATION OF SERVICE,

18. I hereby certify that on April 10, 2014, plaintiff
DWAYNE Almond, #238839-A, has SERVED these named
MOTION and Exhibit's of documents; TO ("DOJ")
ATTORNEY GENERAL, MR. J. B. VAN HOLLEN, - at: 17. W.
MAIN STREET, / P.O. Box 7857, / Madison, WI
53707-7857. BY: U.S. postal SERVICE mail. This ~~10th~~
DAY OF April, 2014. ("UNDER 28 U.S.C. § 1746").

" PLEASE find ENCLOSED:
EVIDENCE - OF - Exhibits, #A,
Exh. # B, / - Exh. # 2, and -
Also - Exh. # 3; - all is -
attached with in-supported? "
- UNDER 28 U.S.C. § 1746":

CC:

RESPECTFULLY Submitted:
by Mr. Dwayne Almond #238839-A
MR. DWAYNE Almond / PRO SE.
WAUPUN, CORRECTIONAL, INST.
P. O. Box 8351.
WAUPUN, WI 53963-351.

("Hon. Ms. Barbara B. Crabb")
("J. B. VAN HOLLEN, ("DOJ"))
("UNDER 28 U.S.C. § 1746")