

Division of Adult Institutions; (6) L. C. Hense, Chief Deputy Warden; (7) Sexton, Warden; (8) J. Perez, Correctional Counselor; (9) K. Clark, Warden; (10) M. Cota, Correctional Officer; (11) Hicks, Correctional Officer; and (12) Castro, Correctional Officer. Plaintiff alleges as follows:

Attachment A

Claim One

Throughout the period mentioned in the complaint, Plaintiff was/is a participant in CDCR's Mental Health Services Delivery System (MHSDS) at the Correctional Clinical Case Management Services (CCCMS) and/or Enhanced Outpatient (EOP) level of care. CCCMS is for prisoners who are mentally stable, able to function in the prison general population (GP), while EOP is a special program for prisoners who are gravely mentally disabled and unable to care for themselves in GP.

In addition to GP, CCCMS, and EOP, there is also a Sensitive Needs Yard (SNY) comprised of prisoners separated from GP due to protective custody issues such as sex offense, prison/street gang drop out, informant, etc. Throughout [*4] the history of CDCR recognizing the need to separate GP and SNY prisoners, the two have been infamous for rivalry, attack of each other by stabbings, beatings, and killings.

About November 30, 2017, Defendants Allison, Tebrock, Lorey, Pulley, and Alfaro generated two memoranda from CDCR Headquarters entitled: (1) "The Indecent Exposure Pilot Program (IEX Program) at CSPC" which orders that prisoners accused with indecent exposure (IEX) or two sexually disorderly conduct offenses in a 12-month period be forced into the CSPC IEX program within ten days of being charged or accused, for 90 days, and (2) "Statewide Non-Designated EOP and Inpatient Initiative" which orders that GP SNY status no longer be recognized, as non-designated mandate that GP and SNY merge and prisoners who refuse or resist are threatened and subjected to vast CDCR disciplinary sanctions. Both memoranda are part of CDCR and Defendants Allison, Tebrock, Lorey, Pulley, and Alfaro's mission to convert all 33 CDCR institutions to non-designated prisons, at all or any cost.

Between November to December 2017, while Plaintiff was CCCMS on CSPC 3C GP Facility, Plaintiff witnessed excessive force imposed on a prisoner by a C/O [*5] (correctional officer) who is a personal friend to Defendant Cota, and cooperated with CSPC investigating officials by providing a declaration against

involved C/O's and forwarding copies to Defendants Allison and Alfaro by mail around December 31, 2017.

On January 14, 2018, Defendant Cota confronted Plaintiff in an effort to sway and compel Plaintiff to recant the account of events described in the declaration, and when Plaintiff refused, Defendant Cota advertised Plaintiff to the GP housing unit as a sex offender, including accusing Plaintiff of exposing his erect penis, then allowed GP prisoners riled up by the advertisement to take Plaintiff's personal property while being processed to segregation. GP prisoners yelled calling Plaintiff "pervert" and made a vow to stab and kill Plaintiff because of Defendant Cota's described conduct.

As a direct result of the above, and subsequently, Plaintiff was admitted into a mental health crisis bed (MHCB) for suicide prevention resulting in EOP level of care upgrade, however, on about January 20, 2018, Defendant Sexton held a committee to endorse Plaintiff to IEX Program, and when Plaintiff advised Defendant Sexton of the facts above, and that [*6] Plaintiff wanted to file a grievance to challenge endorsement into the IEX program before a hearing to determine guilt or innocence Defendant Sexton said Defendants Allison and Alfaro gave him authority to deny due process, then turned to two subordinate C/O's and said "You have full authority from me to use what force you have to get Williams to the IEX Program."

Intimidated, Plaintiff went on escort to the IEX Program and was housed in CSPC 4CB4R-49 which imposed atypical and significant hardship in relation to the ordinary incidents of prison life because the roof of Plaintiff's cell quarters, and nearly every cell in the IEX unit leaked, causing mass water floods whenever it rained at least 6-12 times every 7-10 days, and while prisoners are said to be clustered inside the IEX unit to prevent indecent exposure crimes against female officials and deter said behaviors by having no or limited female workers assigned to the IEX unit, many prisoners succumb, and are allowed to expose themselves to male staff, cellmates, and each other, including Plaintiff, without being charged, reported, or even disciplined. This is daily, but in GP or even any non-IEX unit at CSPC there are no massive [*7] leaking roofs or open acts of IEX towards Plaintiff by other prisoners.

On about February 16, 2018, Plaintiff was found "not guilty" at a prison disciplinary hearing of the IEX charge made by Defendant Cota, then rehoused to CSPC 3B

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EOP non-designated facility on about February 23, 2018, which is on SNY, and because Plaintiff came from, and was still recognized by case factors as GP (EOP GP), Defendant Castro alerted SNY prisoners to Plaintiff's GP status then placed a "green light" on Plaintiff. A "green light" signify to SNY, EOP SNY, and SNY Security Threat Group (STG) prisoners that Plaintiff is approved for attack whenever Defendant Castro is on duty, and twice in February 2018, while Defendant was on duty two different prisoners randomly punched Plaintiff's head and face with closed fists while yelling "Fuck GP's" as Defendant Castro looked on without aid or intervention. Then, a few days thereafter Defendant Castro housed an EOP SNY prisoner with Plaintiff in 3B01-142 for 10-20 minutes to brawl while Defendant stood and watched, and once tired from fighting Defendant Castro rehoused the EOP SNY prisoner, then told Plaintiff "You know how to handle yourself, just don't be a snitch [*8] or you'll have to fight me, and you will loose."

SNY STG members known as the IR (Independent Riders) would then leave a written message warning that Plaintiff would have to pay a regular percentage of commissary to the gang to safely house on the SNY facility, however, on about March 6, 2018, Plaintiff was transferred to Richard J. Donovan Correctional Facility (RJDCF) EOP in San Diego, California, where the EOP is on SNY and operates the same as described herein at CSPC, as the GP SNY violence is statewide on "all" level 4 and many level 3 facilities that are, and have been, categorized as non-designated by Defendants Allison, Tebrock, Lorey, Pulley, and Alfaro.

To ensure a continuous and growing IEX and SNY population, Defendants Allison, Tebrock, Lorey, Pulley, and Alfaro authorize, promote and ratify Defendants Hense, Sexton, Cota, and Castro's described conduct, even authorizing and allowing the harm and violence outlined herein to be omitted from 602 appeal response(s) despite disclosure by Plaintiff, as so Defendants, and each of them, may falsely profess that the non-designated mission is some success, and despite Plaintiff being eligible for transfer to a lower security level [*9] facility due to disciplinary free for over five years, where the GP SNY war is non-existent, Defendants Allison, Alfaro, Hense, and Sexton deny Plaintiff the benefit of safe housing solely because of protected conduct activities which include the free exercise of the right to read and write.

Claim Two

Around July 2018, Plaintiff was transported from RJDCF back to CSPC for a court appearance, housed back in 3B EOP pending completion and return to RJDCF. On about July 19, 2018, Defendant Hicks took notice of Plaintiff and asked if Plaintiff was GP and in response to Plaintiff's concur, Defendant Hicks made reference to a "green light" on Plaintiff, then ordered Plaintiff relinquish personal travel bag which contained CPAP machine and hygiene items. Defendant Hicks then took the hygiene without cause, and when Plaintiff told Hicks of the intent to file a 602 appeal Defendant Hicks pointed to a group of SNY STG prisoners posted nearby and said "Your GP so I can have anyone of these guys touch you," Defendant then gave the items he took from Plaintiff to one of the SNY STG prisoners and challenged Plaintiff to fight the prisoner to retrieve. However, Plaintiff refused, then when Plaintiff [*10] did file a 602 appeal Defendants Hense and Sexton arranged for and allowed the same SNY STG prisoners Defendant Hicks called and relied on during the initial incident on 7-19-18, to serve as witness against Plaintiff so that Defendant Hicks (and other C/O's) may go on using Defendants Allison, Tebrock, Lorey, Pulley, and Alfaro's non-designated mission to impose sadistic punishments and invidious discriminations towards Plaintiff, and other EOP GP, and GP, non-designated participants.

Plaintiff was subsequently returned to RJDCF, however, between July 2018 and January 2019, Plaintiff was transported from RJDCF to CSPC 6-7 different times for court hearings which often required 6-9 hour bus rides with GP prisoners who openly resist the non-designated mission by threatening Plaintiff with "Since you with that non-designated shit you better not come back to no GP yard because your gonna get stabbed," or "We know who you are, since you program with SNY you may as well be one because we are gonna catch you and beat your ass," and "We remember you from 3C at Corcoran, we going to kill you when we catch you."

When transported to and from RJDCF to CSPC, CSPC to RJDCF, Plaintiff is often required [*11] to sleep in layover at one or two different prisons, North Kern State Prison (NKSP), Kern Valley State Prison (KVSP), Wasco State Prison (WSP), and/or California Institution for Men (CIM), for not only do Defendants Allison, Tebrock, Lorey, Pulley, and Alfaro authorize and permit such method of transportation but Defendants also authorize and permit Plaintiff's bus transport to be with EOP SNY, SNY prisoners but housing in layover with EOP GP and GP prisoners.

In November—December 2018, while in layover at

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