

Plaintiff's Name MICHAEL CONTRERAZ
Inmate No. C-45857
Address EX 5242
CORCORAN, CA 93312
IN PRO SE

FILED
DEC 14 2006
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL CONTRERAZ
(Name of Plaintiff)

1: 06 CV 01817 AWI SMS PC
(Case Number)

vs.

COMPLAINT

J. STOCKBRIDGE, L. FRANCO,
F. A. RODRIGUEZ,
DAVIS GREENWOOD,
CARLOS, DOES 1-25.
(Names of all Defendants)

Civil Rights Act, 42 U.S.C. § 1983, 1985, 1986

I. Previous Lawsuits (list all other previous or pending lawsuits on back of this form):

A. Have you brought any other lawsuits while a prisoner? Yes ☒ No ☐

B. If your answer to A is yes, how many? ONE
Describe previous or pending lawsuits in the space below.
(If more than one, use back of paper to continue outlining all lawsuits.)

1. Parties to this previous lawsuit:

Plaintiff CONTRERAZ

Defendants ADAMS, ET. AL.

2. Court (if Federal Court, give name of District; if State Court, give name of County)
EASTERN DIST.

3. Docket Number CIV F4-6039 4. Assigned Judge AWI LJO P

5. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?)
PENDING

6. Filing date (approx.) 2004 7. Disposition date (approx.) PENDING

II. Exhaustion of Administrative Remedies

A. Is there an inmate appeal or administrative remedy process available at your institution?

Yes ☒ No ☐

B. Have you filed an appeal or grievance concerning ALL of the facts contained in this complaint?

Yes ☒ No ☐

If your answer is no, explain why not _____

C. Is the process completed?

Yes ☒

If your answer is yes, briefly explain what happened at each level.

APPEAL WAS REJECTED AND DISCARDED
BY DEFENDANTS, NEVER RETURNED
TO PLAINTIFF, THREE APPEALS FILED AND

No ☐

If your answer is no, explain why not.

NONE RETURNED.
(SEE "FACTS")

NOTICE:

Pursuant to the Prison Litigation Reform Act of 1995, "[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." 42 U.S.C. § 1997e(a). If there is an inmate appeal or administrative remedy process available at your institution, you may not file an action under Section 1983, or any other federal law, until you have first completed (exhausted) the process available at your institution. You are required to complete (exhaust) the inmate appeal or administrative remedy process before filing suit, regardless of the relief offered by the process. Booth v. Churner, 532 U.S. 731, 741 (2001); McKinney v. Carey, 311 F.3d 1198, 1999 (9th Cir. 2002). Even if you are seeking only money damages and the inmate appeal or administrative remedy process does not provide money, you must exhaust the process before filing suit. Booth, 532 U.S. at 734.

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item B for the names, positions and places of employment of any additional defendants.)

- A. Defendants RODRIGUEZ, STOCKBRIDGE, GREENWOOD, FRANCO,
DAVIS AND GRILOS is employed as LIEUTENANT, SGT, AND
CORRECTION OFFICERS at CORCORAN PRISON
- B. Additional defendants _____

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

1. ON 6-27-04 STOCKBRIDGE (FEMALE) VIEWED PLAINTIFF IN HIS CELL AT THE 9:30 PM COUNT. PLAINTIFF HAD JUST BATHED IN THE CELL AND WAS SITTING ON THE BED UNDERESSED WITH THE LOW OR "SOFT" LIGHT ON. DEFENDANT STOCKBRIDGE OBSERVED PLAINTIFF WITH HER FLASHLIGHT AND CONTINUED WITH THE COUNT.

2. ON 6-28-04 AS PLAINTIFF WAS GOING INTO THE DINING HALL TO EAT DINNER, DEFENDANT STOCKBRIDGE STOPPED PLAINTIFF AND STATED "YOU BETTER BE FULLY DRESSED WHEN I COME BY YOUR CELL, MOTHER -"

(CONTINUED)

V. Relief.

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

MONEY DAMAGES FROM EACH DEFENDANT FOR SEXUAL ASSAULT, ASSAULT, UNLAWFUL USE OF FORCE, INTENTIONAL INFLECTION OF MENTAL STRESS TO FORCE ME TO SPEAK AGAINST MY WILL, MAKING ME SPEAK AGAINST MY WILL BY THREAT AND PAIN, AND FOR TORTURE, AND FAILING TO PROTECT ME (SGT. FRANCO IS STOCKBRIDGE SUPERVISOR AND MR. RODRIGUEZ IS FRANCO'S SUPERVISOR), AND DENYING MY RIGHT TO APPEAL BY NOT PROCESSING MY APPEALS, DESTROYING, CLAIMING THEY NEVER GOT THEM, AND DEFENDANTS PAY THE COST OF THIS LAWSUIT.

I declare under penalty of perjury that the foregoing is true and correct.

Date 12/12/06

Signature of Plaintiff [Signature]

(revised 9/17/03)

→ VIOLATIONS ALLEGED:

- FIRST AMENDMENT (COMPELLING SPEECH WITH THREAT + PAIN); (RIGHT TO APPEAL)
- EIGHTH AMENDMENT (CRUEL + UNUSUAL PUNISHMENT)
- FOURTH AMENDMENT (DUE PROCESS, EQUAL

FUCKER!" PLAINTIFF EXPLAINED THAT HE HAD JUST BATHED AND THUS HIS NUDITY. DEFENDANT STOCKBRIDGE STATED, "FUCK THAT SHIT, MOTHERFUCKER! YOU HEARD ME."

3. PLAINTIFF TOLD DEFENDANT STOCKBRIDGE THAT HE MEANT NO OFFENSE, AND STOCKBRIDGE STATED, "I DON'T GIVE A SHIT."

4. PLAINTIFF STATED THAT AS A GUARD FEMALE DEFENDANT STOCKBRIDGE COULD EXPECT TO EXPERIENCE SITUATIONAL NUDITY IN A MALE PRISON, AND THAT IF SHE COULD NOT COPE WITH THIS THAT SHE COULD TAKE THE MATTER UP WITH HER SUPERVISOR.

5. AFTER PLAINTIFF ATE AND CAME OUT OF THE DINING HALL, STOCKBRIDGE TOLD DEFENDANTS JAVIS AND CARLOS TO HAND - CUFF PLAINTIFF, AND EVENTUALLY PLAINTIFF WAS PRESENTED TO DEFENDANTS FRANCO AND RODRIGUEZ IN RODRIGUEZ'S OFFICE.

6. DEFENDANT RODRIGUEZ BEGAN TO ADDRESS PLAINTIFF IN AN ANGRY AND HOSTILE MANNER, CURSING AT ME AND

"CALLING ME NAMES. YOU FUCKEN PUNK ASS MOTHERFUCKER". HE ACCUSED ME OF "FLASHING" STOCKBRIDGE. I SAID I WASN'T FLASHING HER, THAT I JUST TOOK A BIRDBATH AND THATS WHEN SHE CAME BY. STOCKBRIDGE SAID, "I'LL CUT YOUR BALLS OFF, MOTHERFUCKER!" "YOU WANT ME TO BREAK YOUR BALLS?" I SAID NO, AND THAT I WAS NOT TRYING TO DISRESPECT HER IN ANY WAY, THAT I DID NOT EVEN KNOW SHE WAS WORKING IN THE UNIT. RODRIGUEZ AND FRANCO TRIED TO MAKE ME "CONFESS". THEY SAID IF I DID NOT "CONFESS" TO "EXPOSING" MYSELF TO HER, "WHILE STANDING ON YOUR DESK, THAT THEY WOULD PUT ME IN THE ~~THE~~ HOLE (SOLITARY). I SAID I DONT FLASH HER OR STAND ON THE DESK, THEY SAID "I DON'T CARE". "YOU APOLOGISE TO HER NOW!"

7. CARLOS + DAVIS GRABBED ME. I WAS HANDCUFFED. THEY JERKED ME UP TO STAND. CARLOS WAS PRESSING MY ARMS BACK, HURTING ME ON PURPOSE. DAVIS GRABBED MY SHIRT AND TURN ME TO STOCKBRIDGE AND SAID "APOLOGIZE!" I SAID I SAID I DID NOTHING BAD AND HAVE NO REASON TO APOLOGIZE. CARLOS HURT MY ARMS MORE AND DAVIS GRABBED ME TIGHTER AND SAID "APOLOGIZE MOTHERFUCKER OR GO TO THE HOLE." I SAID NO BECAUSE I DID NOTHING WRONG, THAT I JUST TOOK A BATH, THAT A FEMALE GUARD WILL SEE NUDITY SOMETIMES, ITS PART OF HER JOB. MR. RODRIGUEZ BECAME VERY ANGRY AND SCREAMED AT ME, CALLING ME NAMES, "PUNK, MOTHERFUCKER, ASSHOLE, ETC."

HE CALLED THE HOLE AND SAID TO MAKE A CELL FOR ME BECAUSE HE IS GOING TO PUT ME THERE "BECAUSE HE WON'T APOLOGIZE TO STOCKBRIDGE." FRANCO SAID I HAVE ONE MORE CHANCE TO APOLOGIZE BEFORE I GO TO THE HOLE, IF I APOLOGIZE I WON'T GO. HE SAID "DO YOU WANT TO APOLOGIZE?" I SAID "NO." MR. RODRIGUEZ TOLD ME TO FACE STOCKBRIDGE. SHE SAID YOU BETTER APOLOGIZE AND SAY YOUR SORRY OR YOU'RE GOING TO THE HOLE." I SAID I HAVE NOTHING TO BE SORRY FOR. SHE SAID, "DO YOU WANT ME TO HURT YOUR BALLS, MOTHERFUCKER?" SHE LOOKED AT MY CROTCH AND PUT HER HAND ON MY CROTCH SOFTLY AND SAID SHE WILL SQUEEZE MY BALLS IF I DON'T APOLOGIZE. CARLOS HURT MY ARMS MORE.

I MOVED BACK, BUT CARLOS FORCED ME TO STAY CLOSE TO HER SO SHE COULD HOLD MY CROCH. I TOLD THEM "PLEASE, I DID NOTHING WRONG." JAVIS YELLED AT ME, "APOLOGIZE MOTHERFUCKER!" AND GRABBED ME AGAIN. MR. RODRIGUEZ SAID HE WILL PUT ME IN THE WORSE PART OF THE HOLE "TO FUCK UP YOUR HEAD." STOCKBRIDGE STARTED SQUEEZING ME. IT HURT AND I SAID I APOLOGIZE. SHE LET GO. SHE SAID, "IF YOU FUCK UP AGAIN I'LL PUT YOU IN THE HOLE." MR. RODRIGUEZ GOT MY HAT AND CUP AND SPOON AND THREW THEM OUT THE DOOR, ON THE FLOOR IN THE HALL, AND THEY TOOK OFF THE CUFFS AND LET ME GO. CARLOS AND JAVIS LAUGHED AT ME OUTSIDE.

I FILED AN APPEAL. AFTER TWO MONTHS I ASKED THE APPEALS OFFICE ABOUT MY COMPLAINT. THEY SAID THEY NEVER GOT IT, TO FILE IT OVER, I FILED IT OVER. AFTER TWO MONTHS I HEARD NOTHING. THEY SAID FILE IT AGAIN. I FILED IT A THIRD TIME; IN DECEMBER 2004 I SENT IT TO THE APPEALS OFFICE. BY FEB. 2005 I HEARD NOTHING ABOUT IT. THEY SAID THEY DON'T KNOW WHAT HAPPENED, TO FILE IT AGAIN. I WROTE TO THE CHIEF OF APPEALS UNIT HERE TO ASK FOR AN INVESTIGATION ABOUT MY APPEAL, BUT THEY NEVER ANSWERED ME AGAIN. I WROTE TO THE WARDEN AND RECEIVED NO RESPONSE. ON APRIL 2006 I RENEWED MY APPEAL AND

DID NOT HEAR ANYTHING ABOUT
IT BY JULY 2006. I WROTE
TO THE APPEALS OFFICE
AGAIN AND HAVE NOT HEARD
FROM THE COMPLAINT BUT WAS
TOLD AGAIN TO "REFILE YOUR
602."

AFFIDAVIT

I MR. CONTRERAZ Am THE PLAINTIFF, I HAVE READ THE FOREGOING CIVIL RIGHTS COMPLAINT AND THE FACTS STATED THEREIN ARE TRUE TO THE BEST OF MY KNOWLEDGE, AND WHERE STATED UPON INFORMATION AND BELIEF I BELIEVE THEM TO BE TRUE. ~~THIS AFFIDAVIT~~

I DECLARE UNDER PENALTY OF PERJURY THAT THE LAWS OF CALIFORNIA APPLY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS AFFIDAVIT WAS EXECUTED ON THE 12TH DAY OF DECEMBER, 2006, AT CORCORAN, CA, 93212.

Sign: Michael Contreras