

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

Marianne Matherly  
Clerk of Court

Office of the Clerk  
501 "I" Street  
Sacramento, CA 95814

Divisional Office  
2500 Tulare Street  
Fresno, CA 93721

August 21, 2018

Case Number: 2:18-CV-02262-EFB  
2:18-CV-02262-mce-EFB

Case Title: ROBERT A GIBBS, vs. COUNTY OF SHASTA, ET AL.

Dear Litigant,

You are hereby notified that the above case number has been assigned to your action. You are to include the complete case number on all documents sent to the court for filing in this case. Failure to do so results in delayed processing of your documents.

All matters in this action shall be sent to the following address until further notice:

Office of the Clerk  
United States District Court  
Eastern District of California  
501 "I" Street, Suite 4-200  
Sacramento, CA 95814

For timely processing of your pleadings or correspondence, please comply with our Local Rules of Court, in particular:

**Local Rule 133** The court requires an original plus one copy of each document sent for filing. If you desire to receive a conformed copy for your records, you must send an original and two copies of your document and a pre-addressed postage-paid envelope for us to return your copy to you.

**Local Rule 135** Once the defendant(s) have served a responsive pleading, you are under an ongoing duty to serve them with copies of all documents you submit to the court. A proof of service shall be attached to the original of any document lodged or filed with the court, showing the date, manner and place of service. A sample proof of service is attached.

**Local Rule 130** Documents submitted to the court must be legible, on 8-1/2 " x 11" paper, with writing on one (1) side of the page only. Each separate document must be stapled at the top left corner and pre-punched with two (2) holes centered 2-3/4" apart, 1/2" from the top edge of the page. Each page should be numbered consecutively at the bottom.

**Local Rule 132** Every document submitted to the court must include your name, address and prisoner identification number in the upper left hand corner of the first page. The caption on the first page must include the title of this court, the title of the action, the case number assigned to this action (including all initials and letters that follow the number), and the title of your document. If you are pursuing more than one action in this court, you must submit a separate original document and the appropriate number of copies for each action in which you want the document filed.

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

Robert A. Gibbs

(b) County of Residence of First Listed Plaintiff

Shasta

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

In pro per

## DEFENDANTS

County of Shasta, CA.  
A municipal entity,  
Stephanie A. Bridgitt, District Attorney  
per Cody Jones, Deputy D.A.  
Shasta

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only).

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

14th, 6th, 4th Amend. to U.S. Const.

Brief description of cause:

Systematic deprivation of Constitutional rights Intentional Emotional Injury et al.

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

1,500,000<sup>00</sup> U.S.D.

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

## FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Robert A. Gibbs #510503  
Name and Prisoner/Booking Number  
Shasta County Jail  
Place of Confinement  
1655 West St.  
Mailing Address  
Redding, CA. 96001  
City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

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

Robert A. Gibbs  
(Full Name of Plaintiff) Plaintiff,  
  
v.  
(1) County of Shasta, CA. A municipal entity -  
(Full Name of Defendant)  
(2) Stephanie Anne Bridgett District Atty of Shasta Co. -  
(3) Cody Jones Deputy District Attorney of Shasta Co. -  
(4) \_\_\_\_\_  
Defendant(s).  
☐ Check if there are additional Defendants and attach page 1-A listing them.

CASE NO. 2:18-cv-02262-mce-efb  
(To be supplied by the Clerk)

CIVIL RIGHTS COMPLAINT  
BY A PRISONER

☒ Original Complaint  
☐ First Amended Complaint  
☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

- ☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983  
☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).  
☐ Other: \_\_\_\_\_

2. Institution/city where violation occurred: Redding CA. (Shasta County)

## B. DEFENDANTS

1. Name of first Defendant: Shasta County, CA-. The first Defendant is employed as:  
a municipal entity at \_\_\_\_\_  
(Position and Title) (Institution)
2. Name of second Defendant: Stephanie A. Bridgitt. The second Defendant is employed as:  
District Attorney of Shasta County at Shasta Co. District Attorneys office  
(Position and Title) (Institution)
3. Name of third Defendant: Cody Jones. The third Defendant is employed as:  
Deputy District Attorney at Shasta Co. District Attorneys office  
(Position and Title) (Institution)
4. Name of fourth Defendant: \_\_\_\_\_. The fourth Defendant is employed as:  
\_\_\_\_\_ at \_\_\_\_\_  
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

## C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
2. If yes, how many lawsuits have you filed? \_\_\_\_\_. Describe the previous lawsuits:
  - a. First prior lawsuit:
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
  - b. Second prior lawsuit:
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
  - c. Third prior lawsuit:
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.



## D. CAUSE OF ACTION

### CLAIM I

1. State the constitutional or other federal civil right that was violated: Right to Due process, Right to effective assistance of Counsel, malicious prosecution, prosecutorial misconduct.

2. **Claim I.** Identify the issue involved. Check **only one**. State additional issues in separate claims.

- |  |   |   |                                       |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court                            | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion                           | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input checked="" type="checkbox"/> Other: <u>deprivation of Rights</u> |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim I. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments. I am a criminal defendant in Shasta County, CA.

The Shasta County District attorneys office has as its regular, settled, custom, policy and practice the unlawful and unconstitutional weaponization of its charging procedures to create and build-in tactical advantage in criminal cases before the Superior Court, a practice which erodes, dilutes and nullifies an accused persons basic civil rights, creates undue harm to defendants and leads to false convictions. In my cases, currently before the Shasta Superior Court, the District Attorney has deliberately, recklessly and maliciously pursued (for over three years) numerous cases she knows are constructed almost entirely of the barest circumstantial evidence, are severely overcharged, are based on civil disputes and are not based on good faith. The motivation for these actions (which amount to an abrogation of the District Attorneys ethical responsibilities to maintain fair and neutral prosecutions) is based on an intentional and deliberate county policy to unfairly maximise its plea-bargaining position in order to better coerce defendants into unfair plea bargains, thereby saving the county money on trials. This policy, in my case, has created undue and extreme hardship for myself and my attorneys, has made my cases so difficult to adjudicate that I am in emotional and psychological duress, has completely diluted my attorneys ability to defend me or to negotiate...

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

The District Attorneys actions have systematically deprived me of my due process rights, my right to effective assistance of Counsel, have led to unlawful and excessive incarceration, undue criminalization and are intentional infliction of Emotional Distress. (Continued)

5. **Administrative Remedies:**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☒ No
- b. Did you submit a request for administrative relief on Claim I? ☐ Yes ☒ No
- c. Did you appeal your request for relief on Claim I to the highest level? ☐ Yes ☒ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. no administrative remedies



(2)

In and For the United States District Court of California, Eastern Dist.

(Cont.)

... a fair plea-agreement, has led to prolonged and excessive incarceration and is a direct affront to my due process rights. Additionally, the District attorneys actions are placing this defendant at grave risk for false conviction. The overall effect of this policy is to make the Criminal process in Shasta County patently unfair, incredibly Combative and Contentious, extremely One-Sided and Civilly and psychologically damaging. The shasta District attorneys office is as much persecuting defendants as prosecuting them. Defensive Counsels are being so over-powered, From the very beginning of Criminal actions, as to imbalance them to the point of ineffectiveness. Prosecutors have been so emboldened by this long-standing policy that they no longer even bother to negotiate Settlements in good faith, they are now simply dictating terms that, as often as not, are ridiculously unfair. This policy has much more widely impacting implications than to pleas or defenses. Because the District attorneys well-known policy is to rarely, if ever, ~~vett~~ their own charges for lack of evidence or over-charge, the local police are becoming increasingly emboldened to deliberately and often maliciously overcharge detainees, an easily demonstrable practice which further exacerbates the problem. In shasta County, traffic infractions are being often exaggerated into misdemeanors, misdemeanors are being unlawfully inflated into felonies and felonies into multiple felonies. In my case, I have three criminal threats charges that are demonstrably false (as well as three attendant "out on bail" enhancements) that have been proven to the D.A. to be false and which add approximately 6 years of exposure to State prison, that the D.A. still refuses to withdraw because

(Continued)



In and For the United States District Court of California, Eastern Dist.

(Cont.)

... to withdraw these charges will erode her unfair advantage. I also have a case where I admittedly committed traffic infractions, but because I would not admit this to the investigating officer, he deliberately over-charged me with felony child-endanger. In another case, I was attacked by my girlfriend and in defending myself caused her very minor injuries but because she called police and mis-represented the incident, I was the only one arrested and charged with felony Domestic. After three years incarcerated in the Shasta Jail (for a total, with good-time credits of a six year sentence served) the District attorney has not withdrawn a single charge or ever offered any reasonable resolution. At one point, I was offered a 5-year/no strike plea offer, but when I accepted it was then withdrawn without reason by the D.A. I was then offered a five year, four months/one strike offer and I was prepared to accept that offer as well, but when we got to Settlement Conference the D.A. once again tried to change the agreement by adding a strike. Obviously, the unceasing, acerbic, contentiousness as well as my prolonged detention (in solitary confinement), the extreme handicap upon my attorneys ability to fairly represent me and the ridiculously perpetual deadlock of my cases is causing me unbelievable stress, emotional disturbance and psychological distress. Obviously, it is very difficult to defend against phantom charges. Obviously, I am concerned, despite my innocence, to go to trial against so many false charges as I am afraid it will distract and confuse a Jury. My attorneys have found it nearly impossible to prepare any meaningful defense because all my charges are simply my word against someone else's.

(Continued)



In and for the United States District Court of California, Eastern Dist.

(Cont.)

To be abundantly Clear; my cases will never and can never be truly and fairly adjudicated by anyone. They are entirely Circumstantial accusations. A fair Jury (which I estimate to be roughly 6 out of 10 Juries) would acquit on most or all charges for an abundance of reasonable doubt. Unfortunately, this leaves the other 4 out of 10 Juries who might convict because (in my opinion) they are too easily influenced by appearances, opinions or biased argument. Some Jurors (despite what they might say in voir dire) are simply too easily convinced by argument presented by authority (like arresting officers or District Attorneys). Despite what anyone may say, I do not believe that the average person really understands the law nearly as much as we may give them credit for. A very good example of this was recently exhibited in the sexual assault trial of Bill Cosby. In that trial, Jurors made a request to the judge for a definition of the word Consent. If 12 Jurors cannot define Consent without help, imagine how little a Jury might understand concepts such as intent, mistake of fact, equitable defense, evidence as consistent with innocence as with guilt, moral turpitude, gravity of purpose, inherently prejudicial or beyond a reasonable doubt. And this is why what the Shasta County District attorney does on a daily basis, under color of law and purported legitimacy is so incredibly reckless and injurious to Criminal defendants. It is not the mandate of District Attorneys to win at any cost, to use any and every underhanded tactic to skew outcomes in their favor, to overcharge defendants so egregiously from the very beginning as to completely overwhelm their ability to defend themselves. Surely, this makes the D.A.'s Job easier and will cause many a plea to be unfairly Coerced, but it does not comport either with Due process..

(Continued)



⑤

In and for the United States District Court of California, Eastern Dist.

(Cont.)

.. or with our societies ideals of Justice and fairness. The fair-minded citizens of California expect our District Attorneys to be the very example of ethics and equitable application of our laws. If our District attorneys cannot be trusted to scrutinize their own use of power, the police surely will not, the nefarious segments of our populations will surely exploit this condition and the Courts, overall, will be unable to compensate for it. As has been oft Quoted: Rough Justice promotes Injustice. Shasta County must be reminded of this universal truth-

Sincerely,  
Robert Gibbs

### E. REQUEST FOR RELIEF

State the relief you are seeking:

I am seeking any relief (including injunctory/mandamus) that the Court will prescribe in order to encourage the Shasta County District Attorney to discharge her duties in my case in a manner that comports with basic decency and Due Process. I am also seeking, a Jury trial to determine the legality, propriety and legitimacy of the tactics employed regularly in Shasta County. I am seeking also punitive and actual damages of one million Five hundred thousand Dollars because I believe that any less amount will prove insufficient to compel Shasta County to Cease and desist from this deplorable practice.

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

Executed on

July 22<sup>nd</sup>, 2018  
DATE

Robert A. Gibbs

SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

### ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.