

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

October 23, 2018

Case Number: 2:18-CV-02817-DB <sup>JAM</sup>

Case Title: ROBERT A. GIBBS, vs. J. WEBB, 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 8-½" 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 2-¾" apart, ½" 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. GibbsDEFENDANTS Deputy J. Webb et. al.(b) County of Residence of First Listed Plaintiff Shasta, CA.  
(EXCEPT IN U.S. PLAINTIFF CASES)County of Residence of First Listed Defendant Shasta, CA.  
(IN U.S. PLAINTIFF CASES ONLY)

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

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

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 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 checked="" 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):

35<sup>th</sup> Amend., 4<sup>th</sup> Amend., 14<sup>th</sup> Amend., to United States Constitution

Brief description of cause:

Assault, denial of rights, due process retaliation, false report...

## VII. REQUESTED IN COMPLAINT:

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

DEMAND \$

1,300,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/10/2018

SIGNATURE OF ATTORNEY OF RECORD

Robert A. Gibbs Pro-per

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.

CASE NO. 2:18-cv-02817-JAM-DB  
(To be supplied by the Clerk)

(1) Deputy J. Webb ~ as an individual  
(Full Name of Defendant) and in his official capacity

(2) Deputy C. Barnhart ~ as an individual  
and in his official capacity

(3) Sgt. C. Reed ~ as an individual  
and in his official capacity

(4) Sgt. B. Rodgers ~ as an individual  
and in his official capacity Defendant(s).

☒ Check if there are additional Defendants and attach page 1-A listing them

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: Shasta County Jail

## B. DEFENDANTS

1. Name of first Defendant: Deputy J. Webb (#J0607). The first Defendant is employed as:  
Correctional Deputy at Shasta County Jail.  
(Position and Title) (Institution)
2. Name of second Defendant: Deputy C. Barnhart. The second Defendant is employed as:  
Correctional Deputy at Shasta County Jail.  
(Position and Title) (Institution)
3. Name of third Defendant: Sgt. C. Reed. The third Defendant is employed as:  
Correctional Sergeant at Shasta County Jail.  
(Position and Title) (Institution)
4. Name of fourth Defendant: Sgt. B. Rodgers. The fourth Defendant is employed as:  
Correctional Sergeant at Shasta County Jail.  
(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? 5. Describe the previous lawsuits:
  - a. First prior lawsuit:
    1. Parties: Robert A. Gibbs v. County of Shasta (District Atty.)
    2. Court and case number: U.S.D.C. (Eastern Dist. of Calif.) #2:18-cv-02262-mce-ef8
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) pending
  - b. Second prior lawsuit:
    1. Parties: Robert A. Gibbs v. Shasta County (Sheriffs Dept.)
    2. Court and case number: U.S.D.C. (Eastern Dist.) #2:18-cv-02261-JAM-AC
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) pending
  - c. Third prior lawsuit:
    1. Parties: Robert A. Gibbs v. Shasta County (Superior Court)
    2. Court and case number: U.S.D.C. (Eastern Dist.) #2:18-cv-02263-mce-AC
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) pending

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



Robert A. Gibbs, plaintiff  
% Shasta Co. Jail #510503  
Shasta County Jail  
1655 West St.  
Redding, CA. 96001

Gibbs v. Webb et.al.

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

Additional Defendants;

1. Shasta County, CA. ~ a municipal entity
2. Shasta County Sheriff Tom Bosenko ~ as an individual and in his official Capacity
3. Captain Dave Kent ~ Shasta County Jail Facility manager, as an individual and in his official Capacity
4. California Forensic Medical Group (C.F.M.G.) ~ a California Corporation

## D. CAUSE OF ACTION

### CLAIM I

1. State the constitutional or other federal civil right that was violated: 1<sup>st</sup> Amend. (Speech) 4<sup>th</sup> Amend. (illegal Seizure ~ Person) 14<sup>th</sup> Amend. (Due process ~ assault, retaliation, false report).

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 checked="" type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |                                       |

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. On September 28<sup>th</sup>, 2017, while incarcerated as a pre-trial detainee at the Shasta County Jail (Housing Unit 3-C), I was viciously assaulted and threatened with death by Correctional Deputy J. Webb. During an on-going dispute over the conditions in the Jail and mis-treatment of prisoners, Deputy Webb became agitated and verbally abusive. At one point, Webb threatened to shoot me, saying "I'll do to you what I've done to every other man I've put in the ground - I'll look you in the eye and pull the trigger." Several other inmates heard Webb's statements. Approximately one and a half hours later, Deputies Webb and Barnhart were picking up breakfast trays. I had continued to complain of treatment of inmates at the Jail. I was demanding a grievance form (which are regularly withheld from inmates at the Jail). Because Webb had threatened me and was refusing to give me a grievance form, I refused to give Webb my tray. Webb called to Deputy Barnhart to come down from the top tier to assist him and both Deputies then entered my cell. Before entering, Webb had ordered me to sit on my bunk, which I immediately did. Webb and I continued to argue as deputies came into the cell. Webb entered first and had pulled out his SAP (a small, heavy, steel bar that deputies use to activate door monitors). Deputy Barnhart had removed his Taser and was concealing it behind his leg. I continued to remain seated on my bunk with.

(Cont.)

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

Both eyes blackened, Broken nose, Large, Swollen Contusion on face, Cuts on wrists, physical pain, loss of a great deal of blood, emotional distress, fear, fear of retaliation, denial of Civil Rights (free speech, redress of grievance, free from unlawful seizure, due process) etc.

5. **Administrative Remedies:**

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

## CLAIM II

1. State the constitutional or other federal civil right that was violated: 14th Amend. (Due process)

2. **Claim II.** 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 checked="" type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |   |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Claim II. 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.

In addition to the acts in Claim one, deputies and corrections Sargeants went on to file a false Criminal Complaint in retaliation, placed me on "chain-all movement" status in retaliation, allowed several other deputies to retaliate with invidious "disciplinary" reports and continued to make threats against me.

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

On-going state of fear, emotional distress, suicide ideation, psychological damage, unlawful physical restraint (for 11 mos.), fear of exercising Const. rights, loss of programming/exercise/visits, humiliation.

5. **Administrative Remedies.**

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



Robert A. Gibbs, plaintiff  
% Shasta Co. Jail #510503  
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Gibbs v. Webb et. al.

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

Statement of Claim, Continued;

my arms in my lap. At no time did I show any aggression, make any threat or move towards or away from Deputies. I did continue to argue with Deputy Webb. As Webb approached the desk area to pick up the Breakfast tray, I was telling him that I was being mistreated in the Jail and that I had a right to a redress of my grievances with the Jail. Webb screamed in my face "you don't have any rights" and "I don't have to give you shit (referring to the grievance form I had been requesting)". I told him "yes I do. I have a right to complain about the way I am being treated in the Jail". Webb screamed "Shut up. Shut the fuck up." He then used both hands around my neck to start choking me (at some point while we were arguing, he had returned his Sap to its holder on his belt). Webb was not choking me very hard (I did not realize until later that Webb's intent was not actually to choke me, but to scare me into hitting him so he would be justified in assaulting me).

As Webb was choking me, I did not move or even try to pull away. I simply looked up at Webb. I was still sitting on my bunk with my hands in my lap. Deputy Barnhart was directly behind Webb and could see what Webb was doing. Barnhart made no move to stop Webb from choking me. After about 10 seconds of choking me, Webb removed his hands from my neck and using a pivot maneuver with his elbow he struck me in the middle of my face. This blow was very hard and fast. It was so fast, I did not actually see him do it (Webb was a marine and



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②

Gibbs v. Webb et.al.

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Cont...

they are trained to punch with their elbows. When Webb struck me my head went back 12-18" and blood flew out of my nose and struck the wall several feet away. Webb then grabbed my shoulder and started rolling me onto my stomach. My nose was bleeding profusely all over the top end of the bunk. I did not resist Webb in any way as he and Barnhart placed me in handcuffs. Barnhart made no move to restrain Webb and only helped Webb to place me in cuffs. Deputies stood me up and were taking me out of the cell before other deputies even got to the cell. As deputies were walking me out of the cell, blood was spraying out of my nose onto the walls and floor and Webb was yelling at me "I told you to shut the fuck up".

Deputies then took me out of the housing unit to medical. I made a complete blood trail out of the unit to the elevator (45-50 Ft.), left a 12" puddle of blood in the elevator, then made an uninterrupted blood trail from the elevator to medical (another 45-50 Ft.). Despite the fact that I was not resisting them in any way, Deputies still forced me very roughly to the floor in medical and several deputies sat on me as I was face down and handcuffed. I ended up with a large facial contusion and cuts on my wrists from the handcuffs. At medical, C.F.M.G nurse Barbara Littleton temporarily stopped the bleeding and I was sent back to my cell where the bleeding returned again for several hours. Barbara Littleton told deputies my nose was not broken (X-Rays taken the next day determined it was). No-one in medical attempted in any way to

Robert A. Gibbs, plaintiff  
% Shasta Co. Jail / #510503  
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③

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Cont...

ascertain the causes of my injury (this is S.O.P. at the Shasta County Jail-- the deputies regularly use excessive force and C.F.M.G. personnel are not properly trained and/or are too intimidated by deputies to report any incidents of assault by deputies). I told Barbara Littleton several times that Webb hit me. She did not report the incident to any authority.

Upon returning to my cell I began telling several officers that I wanted to report an assault. None would take a report. There is a very well defined Code of Silence at the Shasta Jail. Deputies do not ever report wrong-doings by other deputies. I continued to demand to make a report and was only given excuses. One deputy even told me that what Webb did was "only a misdemeanor" (they are in fact federal and state felonies). I demanded to make a report to Redding Police Department. I was told I could not. When I persisted I was given a R.P.D. phone number that does not accept calls from the Jail. When I complained further, I was given an out-dated address and told to write them. I wrote several grievances and spoke to several deputies. None were helpful. Sgts. Reed and Rodgers were asked on my behalf to allow me to make a police report and the request was denied. In their response to my grievances, it was clear that Sargeants and the Jail facilities manager were going to cover for Webb/Barnhart. In my grievances I made it clear there were as many as eight witnesses and gave their names. No effort whatsoever was made to investigate. This is also standard procedure at Shasta Jail.



Robert A. Gibbs, plaintiff  
c/o Shasta Co. Jail #510503  
Shasta County Jail  
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(4)

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Cont...

Webb and Barnhart went on to make two Contradicting reports. Deputies deliberately and maliciously lied about the entire incident, Claiming I was aggressive and threatening toward them. Deputies First claimed that I assaulted Webb's elbow with my face, then said my nose was broken incident to Webb pushing me back on my bunk. It is clear by reading reports Side by Side that they are lying. As many as eight inmates either provided me written statements or spoke to my investigator about the incident. All of them were consistent and stated that I never threatened or resisted deputies and that Webb essentially just entered the Cell and assaulted me.

Sheriff Tom Bosenko is well aware what goes on in the Jail. His department regularly employs Violent, anti-social and unstable people. Complaints of excessive force and abuse are deliberately and routinely buried. I myself have made many complaints/reports, not one single one of which was treated seriously. Sergeants like Reed and Rodgers (but also South, Tanner, Marlar, Kent) do not supervise deputies on all levels of the Jail ever. They also are training deputies to regularly use excessive force and criminally and consciously cover up all questionable incidents. I have written to Tom Bosenko several times and made it clear what was going on in the Jail. All of these letters were ignored. I have been informed that I am being charged with a battery on Deputy Webb. If Webb testifies and sticks to his report, he will be approximately the 10<sup>th</sup> deputy to perjure himself in my cases in Shasta Superior Court.

Signed under penalty of perjury,  
Robert A. Gibbs  
this 6<sup>th</sup> day of October, 2018



### E. REQUEST FOR RELIEF

State the relief you are seeking:

I am seeking any relief (including mandamus/prohibition) the Court will order to prohibit the Shasta County Sheriffs from continuing to hire psychologically unsuitable and violent individuals as sheriffs deputies, a jury trial to determine facts and individual liability and compensatory and punitive damages of \$1,300,000<sup>00</sup> as I do not believe that any less amount will compel the Shasta County Sheriffs Dept. to properly screen, hire, train and supervise deputies within the County.

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

Executed on \_\_\_\_\_  
DATE

\_\_\_\_\_  
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.