

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: ^{JAM} 2:18-CV-02261-AC

Case Title: ROBERT A GIBBS, vs. SHASTA COUNTY, 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 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, CA.
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
In pro per

DEFENDANTS Shasta County, CA. - a municipality
Tom Bosenko - Sheriff of Shasta Co.
Capt. Dave Kent - Jail Supervisor et. al.

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.

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)

<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	PERSONAL INJURY <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	PERSONAL INJURY <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 PERSONAL PROPERTY <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 <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	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <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)) <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"/> 500 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
<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	CIVIL RIGHTS <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	HABEAS CORPUS <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 <input type="checkbox"/> Other: <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	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

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):
1st Amendment to United States Constitution. (right to redress of grievance)

Brief description of cause:
Deliberate indifference to Constitutional right

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 1,800,000 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.

CASE NO. 2:18-cv-02261-JAM-AC
(To be supplied by the Clerk)

(1) Shasta County - a municipality
(Full Name of Defendant)

(2) Tom Bosenko, as an individual and in his official capacity as the Sheriff of Shasta County.

(3) Capt. David Kent, as an individual and in his official capacity as the facility manager of Shasta Jail.

(4) Lt. D. Marlar, as an individual and in his official capacity as the facility manager of Shasta Jail.

Defendant(s).

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

- Original Complaint
- First Amended Complaint
- Second Amended Complaint

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

See next page for additional Defendants

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
1655 West St.
Redding, CA. 96001

B. DEFENDANTS

- 1. Name of first Defendant: Shasta County, CA. The first Defendant is employed as:
- a municipality at Redding, CA. 96001
(Position and Title) (Institution)
- 2. Name of second Defendant: Tom Bosenko. The second Defendant is employed as:
Sheriff of Shasta County at Redding, CA. 96001
(Position and Title) (Institution)
- 3. Name of third Defendant: Capt. David Kent. The third Defendant is employed as:
Shasta County Sheriffs Deputy at Shasta County Sheriffs dept. Jail
(Position and Title) (Institution)
- 4. Name of fourth Defendant: Lt. D. Marlak. The fourth Defendant is employed as:
Shasta County Sheriffs Deputy at Shasta County Sheriffs Dept. 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.
See next page for additional Defendants

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.

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

Additional Defendants = Gibbs v. Shasta

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

Additional Defendants:

1. Sargeant C. Reed (J0516) - as an individual and in his official Capacity as a Shasta County Sheriffs Correctional Supervisor.
2. Sargeant B. Rodgers (J0531) - as an individual and in his official Capacity as a Shasta County Sheriffs Correctional Supervisor.
3. Sargeant L. Tanner (J0502) - as an individual and in his official Capacity as a Shasta County Sheriffs Correctional Supervisor.
4. Deputy B. Brown (J0605) - as an individual and in his official Capacity as deputy.
5. Deputy B. Storms (J0542) - as an individual and in his official Capacity as deputy.
6. Deputy T. Ridenour (J0604) - as an individual and in his official Capacity as deputy.
7. Deputy M. Espinoza (J0581) - as an individual and in his official Capacity as deputy.
8. Deputy H. Cortez (J0591) - as an individual and in his official Capacity as deputy.
9. Deputy A. Page (J0544) - as an individual and in his official Capacity as deputy.
10. Deputy J. Webb (J0607) - as an individual and in his official Capacity as deputy.
11. Deputy N. Smith (J0649) - as an individual and in his official Capacity as deputy.
12. Deputy M. Alcazar (J0614) - as an individual and in his official Capacity as deputy.
13. Deputy M. Brady (J0628) - as an individual and in his official Capacity as deputy.
14. Deputy A. Young (J0569) - as an individual and in his official Capacity as deputy.
15. Deputy K. Oliver (J0573) - as an individual and in his official Capacity as deputy.

D. CAUSE OF ACTION

CLAIM I

1. State the constitutional or other federal civil right that was violated: Right to grievance under 1st Amendment to the United States Constitution (Authority Cited)

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

- Basic necessities
- Disciplinary proceedings
- Excessive force by an officer
- Mail
- Property
- Threat to safety
- Access to the court
- Exercise of religion
- Other: Grievance right
- Medical care
- Retaliation

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. The Shasta County Jail has as its regular, deliberate and well-settled policy, practice or custom the unconstitutional denial to inmates and pre-trial detainees of the right to a meaningful grievance process. Inmates and detainees who attempt to avail themselves to the grievance process are regularly and consistently subjected to denial of access to grievance forms, being severely limited to insufficient numbers of grievance forms, being unreasonably interrogated and made to "justify" their need for grievance forms, having their grievance issue pre-emptively denied, face ridicule or retaliation for attempting to avail themselves to the grievance process, are told "this is not a grievable issue", are singled-out for "special treatment" for filing grievances, regularly and consistently receive non-answers or answers that amount to a regurgitation of Jail policy in lieu of a specific and meaningful response and/or otherwise deliberately discouraged and effectively denied any meaningful process. In my personal experience, I have been routinely subjected to all of these practices and I have witnessed many instances of other inmates/detainees being subjected to the same practices. I have personally been threatened with having my grievance right denied. (can provide documentary evidence), had my cell searched in an angry, violent manner in retaliation for filing grievance. (can provide documentary evidence), been threatened with violence for filing grievance. (can provide documentary evidence), had property taken and been assaulted for filing grievance (can provide document evidence)

4. Injury. State how you were injured by the actions or inactions of the Defendant(s). I have lived (for three years) in constant fear of retaliation, have been denied (Cont.) basic human rights or even the right to grieve the denial of these rights without fear of further retaliation, have been subject to unchecked and substantial neglect, abuse, violence, aggression, verbal abuse, emotional abuse, sexualised language and slander.

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. _____

*they are not meaningful

Robert A. Gibbs plaintiff
% Shasta Co. Jail #510503
Shasta County Jail
1155 West St.
Redding, CA. 96001

United States District Court of California

(2)

Gibbs vs. Shasta County

Statement of Claim Continued;

and been threatened with Disciplinary action for filing a grievance (can provide documentary evidence). In fact, incidents of interference or denial of my grievance rights have been so numerous I would be hard-pressed to list them all here. Neither have I attempted to document anywhere near every instance of denial. However, for purposes of stating a claim, I will give some examples here of incidents I did document. On October 20th, 2016 I attempted to turn in a properly completed grievance form to Deputy B. Brown (J0605). The grievances come in a triplicate form and the proper procedure is to give the inmate the pink copy as a receipt that the grievance was taken into the custody of the officer. This is to insure that the grievance is turned in by the officer as well as to provide proof to the inmate. The pink copy is supposed to be given to the inmate when it is turned in and is signed for by the officer at the same time. In this instance, Dep. Brown took the grievance but walked away and refused to sign for it or give me my copy. I had already instances where Brown took grievances and did not sign for them and then never turned them in, so I immediately complained to Brown and asked him to give me my signed copy or to return the grievance to me. Instead, Brown kept the grievance, did not turn it in and gave me a disciplinary for demanding he return it. On March 23rd, 2018 after several days of being denied grievance forms by several different officers, I became extremely agitated and caused a minor disturbance in a desperate attempt to force officers to give me a form. On January 9th, 2018, I had to become confrontational with several officers in order to force them to accept a grievance.

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

United States District Court of California

(3)

Gibbs Vs. Shasta County

Claim Continued;

On January 1st 2018 I filed a grievance regarding an incident of retaliation by officers. I directed the grievance to the Sargeant because it was a serious complaint. The grievance was instead answered by a deputy whose "Investigation" of the incident consisted of giving the deputies involved the opportunity to deny having retaliatory motive. Because deputies discarded personal property, I appealed the non-response of the first officer. The second officer referred me to the answer of the first officer with no further investigation.

On January 5th 2016 I grieved officers giving non-answers to grievances, not allowing appeal to higher levels and threatening disciplinary action for filing grievances. Lt. Dave Kents response was to ask me what I was grieving.

On February 28th 2018 I grieved deputies refusing to have paperwork given to the Sheriff's civil unit for service of family court paperwork. Was told it was not "a grievable issue". Neither was my paperwork ever served. (Civil Death)

On February 2nd 2017, I grieved a deputies attempts to provoke me and his threats to retaliate against me by keeping me on perpetual disciplinary sanction. Deputy Reed denied my grievance without investigation and blamed me for the incident.

On May 3rd 2017, I grieved the practice of the Jail regularly placing severely mentally ill inmates in my housing unit where they cause constant disturbance. My housing unit is mostly general population and not a psychiatric or medical unit. Mentally ill inmates throw feces and disturb sleep of entire pod. Deputy Cortez response = this is not a grievable issue. When I appealed this non-response and made it absolutely clear that mentally ill inmates were becoming a severe health hazard (one mentally ill inmate pushed so much urine, feces and toilet water out of his cell that it was raining down on the bottom tier), Deputy Kirby responded that the rules state inmates are to "keep areas sanitary".

Robert A. Gibbs, plaintiff
c/o Shasta Co. Jail # 610503
Shasta County Jail
1655 West St.
Redding, CA. 96001

United States District Court of California

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Gibbs vs. Shasta County

Continued;

On May 26th, 2017 I grieved a disciplinary action and was told it "was not a grievable issue."

On May 29th, 2017 I grieved deputies refusing to make copies of legal paperwork that I needed to file in order to meet an impending deadline in federal court. Response: "Case Closed"

On May 24th, 2017 I grieved being denied photo-copies of legal paperwork I needed to file in federal court. Sgt. B. Rodgers response was that it "was not a grievable issue" and that "only pro-per inmates are allowed photo-copying". Obviously, I am a pro-per litigant if I am filing my own paperwork in court.

On June 28th, 2017, I grieved being denied photo-copies. I gave two separate, active federal court cases in which I am pro-per so deputies could verify my pro-per status. Several deputies and sergeants attempted to check the federal court web-site but due to their ignorance of how the site works, they mis-read entries and responded that my cases were closed. They were not and it took me several more days of arguing with them to prove it.

On July 21st 2016 I grieved deputies refusing to give me grievance forms for days at a time and systematically denying grievances. Response by unidentified deputy: "this is an abuse of the grievance system"

On August 29th, 2017 I grieved deputies failing to take any action against an inmate who had assaulted a severely mentally ill inmate with scalding water and urine. Response: "issue was handled".

On January 17th, 2018 I grieved not being allowed accommodation under the Americans with Disabilities Act for mental health issues. Lt. marlars response: "we are providing mental health treatment"

On September 27th, 2017 I attempted to turn in a grievance form to Deputy J. Webb. Webb refused and said "Grievances are for the shredder"

Robert A. Gibbs, plaintiff
90 Shasta Co. Jail # 510508
Shasta County Jail
1655 West St.
Redding, CA 96001

United States District Court of California

Gibbs vs. Shasta County

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Continued;

On September 28th, 2017 I attempted to turn in a grievance in regards to an assault of my person by a deputy. When I tried to turn the grievance in, Deputy Barnhart said "I ain't taking none of your Fx#King grievances".

On December 4th, 2015 grievance regarding retaliation showed back under my door unanswered.

On November 19th, 2017 I filed a grievance directed to Sheriff Tom Bosenko. In that grievance I complain that Bosenko, Kent and other Supervisors are not Supervising line deputies and it is directly leading to excessive force incidents, retaliation, abuse etc. In his response, Sgt Davis says "Jail administration has addressed your concerns and found no wrong-doing by deputies". No meaningful investigation was conducted and concerns were not "addressed" they were ignored.

On January 23rd, 2016 I grieved being assaulted by a deputy. Because my grievance alleged violence by a deputy, two other deputies refused to accept it. When I was able to get it turned in I was blamed for the incident by the responding officer who conducted no investigation whatsoever.

On April 27th, 2017 I grieved the arbitrary selection of my cell for search, the searching officers generating a generalised disciplinary report punishing me for "Contraband" without specifying what the alleged Contraband was (a due process violation) and the combined language of Shasta County "major rule violation #5" which prohibits "Contraband or other weapons", a rule which unfairly draws no distinction between say, an unauthorised piece of fruit or extra soap or an 8" home-made shank. The response from the jail: "you are subject to search at any time..."

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

United States District Court of California

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Gibbs vs. Shasta County

Continued;

On January 24th, 2018 I was assaulted by a deputy during med rounds. Because I had been requesting mental health intervention for nearly a week and had been ignored. (including written and verbal requests) I stuck my hands out of my food port in my door and began demanding mental health attention. Deputy Clarke extended a collapsible, steel baton and struck me across the arm, coming very close to breaking bone. Even though I was experiencing on-going psychiatric crisis and was receiving no treatment and even though I only held onto the food trap and did not make any aggressive motions and Deputy Clarke was in no danger, when I grieved the incident I was blamed without any investigation by the responding deputy.

Throughout 2017 and 2018 I made many requests in writing and verbally and several grievances to various medical personnel and all levels (including facility manager) for accommodations under the Americans with Disabilities act. Specifically, I requested mental health housing and comprehensive mental health therapy and programming. I am recognized by the federal government as gravely disabled for mental illness (P.T.S.D., Severe depression w/ psychotic feature, Anxiety and agitation). I was told repeatedly that the Jail had no official procedure or forms. I was referred to medical who documented then ignored the request several times. When I grieved the issue I was told I "was receiving appropriate mental health care" "you may submit a sick-call request" etc. No effort was ever made to take my ADA request seriously or even allow me any process to apply.

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

United States District Court of California

Gibbs vs. Shasta County

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Continued;

I have numerous other documented examples of denial of meaningful grievance right, but I would like to now address why I have chosen the specific Jail deputies and Supervisors I have included in this action. To be abundantly clear, I am not suing for individual instances of denial of grievance - they are too numerous and I have documented too few. The most common way that Shasta Jail Deputies deny the grievance right is by consistently, arbitrarily and systematically denying requests or by severely limiting the number of forms provided in the first place.

Defendants #4-15 were chosen specifically because they are the absolute worst offenders among all Jail deputies for denying the grievance right in this manner. Administrative Defendants Bosenko, Kent, Marlar, Reed, Rodgers and Tanner are the persons having final policy, decision-making Authority within the Jail and it is these individuals whose acts or omissions may be fairly said to represent official policy. It is absolutely clear that Defendants #4-15 are following the direct orders of Administrative defendants. However, Defendants #4-15 know or should know that the United States Const. guarantees the grievance rights of citizens and indeed I have repeatedly informed Defendants #4-15 that they are denying a constitutional right and can be held liable. I have gone so far as to tell them that their actions are so egregious, deliberate and persistent that I will be asking the federal Judge to take the extra-ordinary step of holding them accountable not only in their official capacities, but as individual private citizens. Defendants #4-15 laugh, giggle, make derogatory comments and boldly dare me to sue them. Defendants #4-15 actions evince an arrogant disdain for the

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

United States District Court of California

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Continued;

for the constitutional protections of their fellow citizens and are the very definition of deliberate indifference. This practice has its genesis in the equally callous indifference of the administrative defendants and the administrators (of this Jail) who came before. My claim is a pattern and practice claim and between my documents, testimony and witness testimony, I will have no problem whatsoever in proving a well-settled custom of deliberate indifference to the grievance right by all defendants as well as culpable state of mind and a governmental custom of grossly negligent failure to screen, train and supervise deputies to have and demonstrate sufficient respect for constitutional rights. Supervisors regularly exhibit hostile disdain towards grievances as well as those who are even remotely perceived as someone who would avail themselves to the grievance process. Line level deputies inevitably come to enforce this unconstitutional view as set policy and are slowly trained to violate or negligently ignore this right.

It probably does not require articulation before this honorable Court, but, for the record, the Shasta County Jail practices in denying the grievance right is a door-way offense to much greater abuses. The reason why I am asking for very large punitive damages in this case is because the Jail's deliberate indifference to my grievance right has removed the only protection I have as a pre-trial detainee to check even more damaging and criminal behavior by Jail deputies. The very same indifference to my right to grievance has been repeatedly exhibited by administrative defendants in their well-documented "response" to many incidents of assault, threats, abuse and neglect of my person by Jail deputies.

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

United States District Court of California

(9)

Gibbs vs. Shasta County

Continued;

In three years, I have been the victim of unbelievable abuse at the hands of Shasta Deputies. Assaulted, threatened with death and grave injury, subjected to constant retaliation, retaliatory "disciplinary" action, retaliatory cell-search and theft of property, denial of mental health care, programming, exercise, recreation etc. Although I will be filing a separate suit for the abuse I have suffered, I have an abundance of documentary evidence showing a direct causal relationship between the level of sustained abuse and neglect by deputies that can be demonstrably connected to the absence of any meaningful grievance system at the Jail. To be abundantly clear, Administrative defendants easily demonstrated indifference to Jail conditions and the actions of their subordinates has led, in the Shasta Jail, to deputies who know they will not be disciplined, who know supervisors will even cover up for them. There is a very subtle, but very well-developed "code of silence" at the Shasta Jail that extends from line deputies all the way up the chain of command to the Sheriff himself.

Lack of supervision does not even begin to describe the everyday operation of the Jail. There is a discernable effort to create effective "fire-walls of responsibility" between every supervisory level. The Sheriff does as little supervision of the Facility manager as he can, who in turn does little or no supervision of Shift Commanders, who virtually ignore the line deputies. It seems very clear to me that there is a conscious effort by all supervisory levels to allow the line deputies to have free reign to run the Jail in a deliberate effort to insulate themselves from responsibility or liability. To be clear, the Sheriff does come to the Jail on occasion, the Captain has an office in the Jail and does use it on occasion, but the Shift Commanders are seldom, if ever seen in the housing units or higher floors of the Jail.

Robert A. Gibbs, plaintiff
#0 Shasta Co. Jail #515503
Shasta County Jail
1655 West St.
Redding, CA. 96001

United States District Court of California

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Gibbs Vs. Shasta County

Continued;

The policy seems very well to be a "hands-off" policy of turning a blind eye rather than supervising subordinates. I believe I can show a very direct causal effect between this un-written custom and the elevated levels of excessive force, abuse, retaliation and neglect within the Jail. Likewise, I believe a very strong case can be made that the indifference to grievance rights (and complaints, in general) by Supervisors at all levels is having a clearly demonstrable effect of leaving inmates absolutely no recourse to counter abuses (or even document them in many cases) and is even emboldening line deputies to believe that even unconscionable, criminal levels of abuse of inmates is all but officially sanctioned by Administrative defendants. I have routinely heard shift commanders discussing unconscionable abuse of inmates with line deputies as if it were incredibly entertaining to them. "Hey Sarge, Guess what I did to that dirt-bag in the drunk tank?" The very reason I am asking for 1.8 million dollars in compensatory and punitive damages in this case is because this damn Jail is not only unsafe but is so obviously unsafe to inmates that we must live in abject fear. There are clearly no responsible authorities here, only bad-actors at all levels. The very reason I am requesting such an unprecedented amount in damages is because I know that any less injurious award will be usefully insufficient to cause a meaningful change of practices at the Jail. If it does not hurt, and hurt bad, these people will never change.

I realize that some of these defendants may be ultimately dismissed for insufficient evidence. I realize that my case is somewhat circumstantial, is under-documented, somewhat speculative and conclusory. However, I believe strongly that the over-all case of a pattern of abuse, deliberate indifference to grievance right and failure to train, supervise,

Robert A. Gibbs, plaintiff
c/o Shasta Co. Jail # 510503
Shasta County Jail
1155 West St.
Redding, CA. 96001

United States District Court of California

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Gibbs vs. Shasta County

Continued;

and discipline officers by administrative defendants is solid and well borne-out by documentary and other evidence. I realise that the Court may wish to reduce any reward I might receive, but I would implore the Court to recognise that all-but open and supremely arrogant contempt for any part of our noble Constitution is an ugly and despicable thing and men who are specifically tasked to defend it, who instead do so recklessly undermine it, should be made to feel the full force and effect of judicial intervention.

Respectfully Submitted,
Robert A. Gibbs

CLAIM II

1. State the constitutional or other federal civil right that was violated: retaliation for exercising 1st Amendment right to redress of grievance.

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 Claim one, I have faced many instances of retaliation by Jail officials for Complaining or filing grievance.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).
Fear, emotional injury, theft, assault, threats, retaliatory discipline, "search"

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 II? Yes No
- c. Did you appeal your request for relief on Claim II 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. _____

E. REQUEST FOR RELIEF

State the relief you are seeking:

I am seeking any relief the Court may see fit to order (Injunctory/mandamus), a Jury trial to prove factual basis and Compensatory and punitive damages not to exceed one million eight hundred thousand dollars as I believe that any less award will prove insufficient to compel the County and Sheriff of Shasta County to cease and desist this deplorable and unconstitutional practice.

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.