EXHIBIT 8

FW: Inmates at ESP address the Board of Prison Commissioners hearing on 4-14-09

SOS Customer Service

Sent: Monday, April 13, 2009 8:15 AM

To: SOS Exec

Attachments: Inmates_of_Ely_State_Priso~1.doc (114 KB) ; Inmates_of_Ely_State_Priso~2.doc (124 KB) ; Inmates_of_Ely_State_Priso~3.doc (131 KB) ; Inmates_of_Ely_State_Priso~4.doc (133 KB) ; Inmates_of_Ely_State_Priso~5.doc (123 KB) ; Inmates_of_Ely_State_Priso~6.doc (115 KB)

From: tonjamasrod40@aol.com [tonjamasrod40@aol.com]
Sent: Friday, April 10, 2009 8:07 PM
To: nevadaappeal@sbcglobal.net; briley@ap.org; terwer42@yahoo.com; bossnevada@mail.com; fsmith@kanokla.net; aseparker@gmail.com; chuck@chuckmuth.com; chatbratstar@aol.com; simmonsayanna@yahoo.com; MichelleRavell@cox.net; MichelleRavell@cox.net; lryrdr@gmail.com; ckosuda@yahoo.com; jim.fannin@mail.citcomm.com; murphynv@yahoo.com; nsmithparra@hotmail.com; kfrosdick@krnv.com; JPHINES854@aol.com; spartacusproject@yahoo.com; adamon@rgj.com; MICKI2@aol.com; jforakerthompson@clearwire.net; WMARKCLARKE@aol.com; rowland@aclunv.org; flojones39@yahoo.com; ffipffip1@cox.net; jwoodhouse@sen.state.nv.us; vwiener@sen.state.nv.us; rtownsend@sen.state.nv.us; mwashington@sen.state.nv.us; mschneider@sen.state.nv.us; drhoads@sen.state.nv.us; wraggio@sen.state.nv.us; dparks@sen.state.nv.us; dnolan@sen.state.nv.us; mmcginness@sen.state.nv.us; bmathews@sen.state.nv.us; jlee@sen.state.nv.us; shorsford@sen.state.nv.us; whardy@sen.state.nv.us; acopening@sen.state.nv.us; bcoffin@sen.state.nv.us; bcegavske@sen.state.nv.us; mcarlton@sen.state.nv.us; tcare@sen.state.nv.us; sbreeden@sen.state.nv.us; mamodei@sen.state.nv.us; mwoodbury@asm.state.nv.us; lynnstewart@cox.net; espiegel@asm.state.nv.us; dsmith@asm.state.nv.us; jsettelmeyer@asm.state.nv.us; rsegerblom@lvcoxmail.com; ppierce@asm.state.nv.us; bparnell@asm.state.nv.us; johrenschall@asm.state.nv.us; joceguera@asm.state.nv.us; hmunford@asm.state.nv.us; hmortenson@asm.state.nv.us; kmcclain@asm.state.nv.us; rmcarthur@asm.state.nv.us; amastroluca@asm.state.nv.us; mmanendo@asm.state.nv.us; sleslie@asm.state.nv.us; ekoivisto@asm.state.nv.us; mkirkpatrick@asm.state.nv.us; rkihuen@asm.state.nv.us; whorne@asm.state.nv.us; sanjoe@embarqmail.com; jhardy@asm.state.nv.us; jhambrick@asm.state.nv.us; dgustavson@asm.state.nv.us; tgrady@asm.state.nv.us; pgoicoechea@asm.state.nv.us; goedhart4assembly@hotmail.com; hgansert@asm.state.nv.us; mdonderoloop@asm.state.nv.us; mdenis@asm.state.nv.us; mconklin@asm.state.nv.us; tcobb@asm.state.nv.us; jclaborn@asm.state.nv.us; cchristensen@asm.state.nv.us; jcarpenter@asm.state.nv.us; bbuckley@asm.state.nv.us; dbobzien@asm.state.nv.us; katkinson@asm.state.nv.us; marberry@asm.state.nv.us; banderson@asm.state.nv.us; paizley@asm.state.nv.us; SOS Customer Service
Subject: Inmates at ESP address the Board of Prison Commissioners hearing on 4-14-09

This information provided is a continuation of ongoing problems within our Prison system. Ely State Prison Inmates are making it known of the ongoing abuse that is being perpatrated against them by Ely State Prison Officials. I have spoken with many inmates who are no longer in ESP who have witnesses this kind of abuse.

NDOC is opening up the door to more civil actions against the state.

Tonja Brown

The Average US Credit Score is 692. See Yours in Just 2 Easy Steps!

Inmates of the State Prison address
The Nevada Board of State Prison Commissioners

Esteemed board Members, Mrs. Masto, Mr Gibbons, Mr Miller.
My Name is Marrate Finches. I Make This Statement to you in Severe pain, and possibly from my own death bed. After years of Suffering Needlessly, from Kidney and prostate problems. All the while enduring a long list of harassments. Four all I've experienced and observed over the past 19 years here, compel me to Speak on behalf of everyone. Immediately upon his arrival E.K. McDaniel began implementing his lockdown/Supermax ideology. Closing the School building, Shutting down the gym, locking down all but one of the general population units, and cutting most every positive program we had. The few remaining Nothing More than a Single workbook. which only call for you to answer a few questions alone in your cell to complete and receive a certificate. ESP was Not constructed To be a Supermax prison, or even a lockdown prison. In order To implement this ideology warden McDaniel has had To Manipulate conflicts and create policies which violate our human/civil rights on a daily basis. Because it is impossible under these lockdown conditions. for us all To receive the federally Mandated (5) hours of fresh air and Sunshine per week. Warden McDaniel has instituted an entire System of humiliations and punishments. which Serve no other purpose than To dehumanize and discourage us from going outside. To which going outside, fresh air, Sunshine, and exercise. Has been recognized by every Court in the land. To be Vitally important, To the good Mental and

physical health of a person. Tho' we go outside alone with no other inmates, and the enclosure is searched between each exercise period. We're forced to endure the humiliation of no less than (3) Naked Strip Searches, two of which include anal Cavity checks. In the cold weather months when temperatures reach below freezing, we're not allowed to wear gloves or any other extra clothing. And there's no inside area for us to exercise. We're often forced to chose between going outside late at night, 1 or 2 a.m., or Not at all. And while outside our cells are subject to be trashed for no reason. We're only allowed (2) showers per week two weeks a month, and (3) per week the other two. Then just going to the shower is made to be as humiliating as possible. Forced to get down on our knees, and to crawl backwards out the door while handcuffed. where leg irons are then applied. Once in the tiny shower stall, we're forced to get down on our knees again. This time in whatever puddles of filth left from all the men who showered before you that day. Some of them mentally ill, or vendictive. So they have no restraint, or they intentionally urinate etc. for who ever after them to kneel in. Some of these men have HIV/AIDS. Turburculosis, Hepititus, and Staff infections are common. Suffice it to say, Many of us refuse this humiliation, and simply do not shower. But then were not allowed to RECEIVE soap in our cell, Soap is only given during showers, at which time we're allowed to bring a single small piece of soap (1½ x 1 inch) back to our cell. enough to wash your hands once or twice. This is all again intentionally designed to keep us from wanting our

(5) hours of fresh air and Sunshine each week. Early on in The McDaniel regime, in order to justify locking down the prison. He created hostile environments intentionally to cause violent conflicts. Removing the convicts he knew could keep the peace. And then mixing various gang members, known informants, pedophiles, Mentally ill inmates etc. A sure recipe for conflict than any person with common Sense could See. It's common Now to See known enemies being forced to live in the Same Cell together. When cellmates can't get along, requests for a cell change are often denied. Men who should not be living in a cell with anyone, are threatened with harsh punishments if they don't. Warden McDaniel has instituted a policy among the inmates that punishes Thoughts who refuse to inform on eachother, or to participate in their own humiliation. And rewards So called Snitching. which is really just a tactic used by less Scrupulous inmates To Manipulate the System. fabricating lies etc. To avoid punishment for their own infractions, obtain extra privil-eges, and to remove other inmates they don't like. As Men are regularly removed from the general population, and found guilty of write ups based Solely on the word of an unknown informant. Leading to many of these men doing More time in prison, due to loss of good time credits, loss of jobs, and parole denials. And as can be expected it creates a lot of conflicts, including assaults, rapes, and even murder. Warden McDaniel knows this, yet allows it to continue. The horrors revealed in the declarations of State employees Barbara Walker and Lorraine Memory

regarding the interferance of warden McDaniel, in the medical care of ESP inmates, is especially telling. warden McDaniel has likewise encouraged a policy that rewards depravity and prejudice among his staff. As corrections officers are allowed to harass and even brutalize us with impunity. our complaints regularly dismissed or denied outright. The few policies in place to protect what rights we do have ignored. I myself have suffered many attacks, both physical and psychological, to this day. for Speaking out on behalf of our rights, and seeking to expose the cruelties ive witnessed. The murder of a Mentally ill man in 1999, known only as Edmonds. At the hands of both corrections officers and Medical Staff. A young man in 2006 crying out for help as he revealed thoughts of suicide. Only to be taunted by corrections officers as he was moved to the [redacted] infirmary, and somehow ended up dead the next day while on suicide watch. Even our efforts to educate and keep ourselves sane under these conditions are criminalized. Simply sharing a book or a bowel of soup is illegal here. In fact any C/O with racist views or religious prejudice. can take what ever books or literature they want from us. under the guise of gang activities. Just recently Literature on the Civil rights Movement, barack obama, and pro people politics. Authors such as Alex Haley and Howard ZINN. were held up by warden McDaniel himself as gang materials, and disposed of. Esteemed board Members. We realize there is an underbelly to this business. And that an appreciation among some, for warden McDaniels willingness to Sacrifice our civil rights, and even our lives, to cut costs.

But we wonder at what cost. Has the board calculated the numerous monies it has, and will continue to cost, the state in legal fees, settlements, damages etc. the cost to "your" moral authority and standing in the community. As families are destroyed with the loss of loved ones. Who have died needlessly due to lack of access to proper medical care. Due to mental illness and suicides that could've been prevented. Men who took their own lives rather than endure these conditions. The cost of young men dehumanized and humiliated to the point there is only hate and frustration in their hearts. then expected to re-enter society well adjusted and able to function as productive citizens. I submitt to this board that many of us here want to change our lives. But will never be allowed to under the wardship of E.K. McDaniel. Ely State Prison needs a new administration. One that will respect our rights as human beings, and citizens of this country. Rather than treat us as enemy combatants, criminalizing even our efforts to educate and improve ourselves as men.

In closing, i'd like the board to imagine for a moment, there is a great ship on the Pacific. The name of this ship is the Promise and Hope of America. A great ship indeed. But every so often during troubled waters, people fall from the ship and are swept out to sea. Now you have a chance to throw these people a life jacket. Or you can stand there apathetic and do nothing.. The fact is ESP is not a supermax prison. The majority of inmates here [redacted] do not fall to the standard that calls for them to be locked down this way [redacted] indefinitely. And as

The Majority of these men will return to Society. It is our assertion here that to allow business to continue as usual, would be a great disservice to the public interest.

We ask ESP be run as it was build to be run. An open yard with regular access to the gym, School building, chapel, and law library. for all general population inmates. with inmates in the Segregation units receiving 3-12 [redacted] MAN yard. So everyone can get the necessary fresh air, Sunshine, and exercise. To promote good Mental and physical health.

We ask that Mentally ill and protective custody inmates be sent to a facility better equiped to deal with their special needs. Or in the least they be housed in a separate unit to keep the peace and order within the prison.

We ask that two full [redacted] time Medical doctors be employed to ensure all 1200 plus inmates here will have access to competent, quality, and professional Medical care.

We ask that corrections officers undergo better training. That includes a communications course and encourages humane and respectful treatment of the convicts.

And we ask that all rules, policies etc. already in place. To ensure the fair and professional treatment of convicts be strictly enforced. Including the discipline of Staff Misconduct, abuse of authority etc.

Marcitte Furiches
#37050
P.O. Box 1989
Ely, NV. 89301

BOARD OF PRISON COMMISSIONERS

Additional information for the record from TONJA BROWN to be submitted to the Board of Prison Commissioners hearing held on April 14, 2009.

Tonja Brown
2907 Lukens Lane
Carson City, NV 89706

To: Distribution List

From: John Kiley M.D.

Date: 5/15/06

Subject: Hostile Environment in the HDSP Infirmary and its relationship to MHU transfers

1. For psychiatric patients:
   Psychiatric patients are kept in single cells. They are allowed out of cell time for only one hour a day, one at a time. When the infirmary is crowded they may not get out at all. Patients on Mental Health Seclusion have much less freedom. There is no psychotherapy, group therapy or milieu therapy. They are evaluated five times a week on AM rounds, either by a psychiatrist or psychologist, and seen by the psychiatric nurse as needed. The average time from writing the order to transfer to the MHU is one month and may be as long as 2months. Please note that many patients consider this psychiatric hole time, and after a few weeks are willing to say anything to get out of the infirmary.

2. For medical patients:
   The medical patients are often subject to the noise and disruptive behavior of agitated psychiatric patients. Their treatment is often delayed by a shortage of infirmary beds.

3. For the psychiatric nursing staff:
   When no psychiatrist is available and there is a bed crunch psychiatric nurses are asked to choose which psychiatric patient to send to the ECU and advise the on call infirmary physician. As there is inadequate supervision in the ECU for suicide risk patients and no night ECU nursing staff this is risky business and probably well beyond the scope of their licensure.

4. For the medical nursing staff:
   All of number 3 applies with the added disadvantage that they do not know the psychiatric patients well and often have minimal psychiatric experience or training.

5. For the Infirmary physicians:
   The infirmary physicians do not like sharing the infirmary beds with psychiatric patients for obvious reasons. In a bed crunch they rely on nursing staff regarding which psychiatric patient is safe to move to the ECU, an uncomfortable and risky situation for them.

6. For the psychiatrist:
   It is very difficult to evaluate patients under these conditions. The mental health staff has tried unsuccessfully to get conditions changed in the infirmary for

psychiatric patents for the past 4 years without success. We have not been able to make a medical infirmary into a mini MHU. It also appears that we are in violation of AR 61.301 regarding Inmate Accessability to Health Care. Please see paragraph 1.1.2. Any reviewing agency seeing the type of care given the acutely mentally ill would likely shut us down. The Federal Court would probably reinstate the monitorship of Taylor vs Wolff that the DOC experienced in the last decade and the ACLU and the press would have a field day.

7. For Offender Management.
   Offender Managements budget was adversely affected by the closing of the MHU in the south in 2002. With the growing inmate population and with the bulk of the new psychiatric patients originating in the south this has been an increasing burden on their budget and human resources. They are also probably very upset when we write in "Requires MHU". The reason for transport is always obvious to those medical personnel who have access to the chart, however confidentiality limits what psychiatric and / or CD information can be shared with others. This is an increasing problem with the new Federal Regulations concerning confidentiality and in fact when we request old records from outside agencies we are getting refusals on the basis that our forms are not in compliance with the law. Another frustration for Offender Management occurs when patients change. I recall one memo that expressed unhappiness with me when a depressed patient improved and then got worse. In that situation I had requested MHU, rescinded MHU and then re-instated the request for MHU.

8. For the staff at the MHU:
   It must be frustrating to have an increasing number of patients arrive from the south. Many of these patients arrive with the excitement and relief of escaping the "psychiatric hole", and consequently appear in unusually good spirits. The MHU staff however have the distinct advantage of seeing these patients in a therapeutic environment where they are much more easily evaluated. I appreciate their work in this task.

In summary we have a system problem.

Recommendations:

A short-term solution would be to transport patients to the MHU on a weekly basis where they can be observed in an appropriate setting and receive stabilizing care.

The real solution is to establish a MHU in the south as quickly as possible. This would give us an environment with appropriate care where patients could be evaluated in a setting where they interact with others and are much more likely to give staff valid information instead of telling staff anything to get out of the infirmary.

I look foreword to discussing reasons for transfers both to and from the MHU with the staff at the MHU.

Sincerely.

John L. Kiley

John L Kiley M.D.
Board Certified Psychiatrist

Distribution List

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Greg Tarasoff M.D.

Cc: Glen Whorton, Greg Cox, Greg Smith, file.

AR 507 (

From:
To: Dorothy Nash Holmes
Date: 11/17/2006 2:00 PM
Subject: AR 507 (Confidential)

I am concerned that inmates in 3D (Ad Seg Walk-Alike) are not receiving access to the programs mentioned in AR507.04, section 1.1. I am particularly concerned because some short-term inmates may not be able to program before they are paroled or released. The unit is supposed to be for temporary placement pending transfer. However, the usual wait for a transfer to LCC is 4-6 months, for SDCC it is often 2-3 months.

I have been able to send some inmates to Oasis/Wings, however other inmates need anger management and sex offender programming. It appears we may be going backward rather than forward in providing privileges for these inmates. I have been advised we are looking at taking blues away in 3D to streamline the unit.

I have previously advised [illegible] about the lack of effective programs in this unit and at HDSP, and I believe he has forwarded them to you. I would prefer to work where effective programs are possible.

****Please do not forward this to anyone at HDSP.****

Thank you.

[illegible]
[illegible]
[illegible]
[illegible]
Fax: 70[illegible]-8[illegible]-6672

(No due process)

From:
To:
Subject: (No due process)

No due process. **We have a pattern of inmates locked up without due process paperwork.** I am noting these deficiencies in chronos.

From:
To:
Date:
Subject: ECU Situation

Here's the information on 3C (the ECU) you requested. The situation has been worse. In the past, we have inmates who had absolutely no reason to be in this unit except for a lack of beds elsewhere. [illegible] it by having a few seg beds, **ONLY FOR ECU INMATES**, that we could improve the system.

According to Hendrickson, there are no seg beds; we were just considering some solutions to improve the the ECU and HDSP.

I apologize for any conflict I may have created.

The following inmates are not allowed with others:

(1) [illegible], appr for ECU by medical, but awaiting intake completion. Problem appears to have been with dental. Triggs was working on it on a daily basis.

(2) Easley [illegible]39, DC'd from ECU. Has DS time for TCC escape.

(3) Jenckes, was never admitted to the ECU. Squatter waiting to go to NSP. Tried to kill himself after he was forced to leave the ECU.

We also have an ECU inmate, [illegible] #79471, who has not been able to go to lockup due to a lack of bedspace. 1-28-06 MJ20. MH will DC him from the ECU if we can get him to

[illegible] Re: [illegible], DON[illegible] [illegible] (After Action Review: House [illegible]/Drug Violations)

From: [illegible]
To: [illegible]
Date: [illegible]
Subject: Re. [illegible] 377 (After Action [illegible] House A[illegible]/Drug Vio[illegible]s)
CC: [illegible] Baca

Thanks. Actually, right now, I'm submitting training material to Carson City, so that I may ONCE AGAIN train Lts, Sgts, & SC/Os on how to conduct the discpl process. A/AWO Patterson gave me the approval for such. Again, thanks for your concern!

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

>>: [illegible]
I am forwarding thi[illegible] to AWO Baca to see if this can be corrected in the future with the LTs. Note that [illegible] didn't reach us until 6-14-06, and was in the 317 program. Classification dropped the ball too, when we didn't recognize this error.

[illegible]

>>: [illegible]
I'm not sure what the problem is. **What I do see is that whoever did the Discpl Hearing should have followed AR 707 and sanctioned subj with A/H, not DS; and, HDSP should have ensured that the Hearing was conducted in a timely manner.** For example, the discpl was to be served in May, but was served in July. Even so, there still would not have been time for this inmate to complete the 12 month program. Thanks.

[illegible]

>>> [illegible] >>>
I submitted inmate T[illegible] for Oasis on 10-4-06, 2 days after he reached my unit. I read your chrono, and wonder if there is any way this problem could be corrected in the future. I also noticed JFs recommendation (7-5-06 chrono) for contacting OASIS for preapproval.

How often does this type of problem happen? I know we are overburdened at HDSP; I have had as many as

From:
To:
Date:
Subject: [redacted]

Thank you This is just what I needed
These are primary issues being addressed by Programs Director Dorothy Nash Holmes I will be meeting with her as these are issues of serious concern She is aware of most of these items, but may need adequate reporting.

>>> .
In today's caseworker meeting, you stated that the Director was interested in making sure HDSP inmates received adequate programming. You also told me that you would forward any feedback to the appropriate administrators. Here's my feedback:

Programming in the 3/4 Quad has been almost nonexistent. In lockup, inmates are frequently asleep when I tour the unit Inmates call it "dead time." There are inmates who are at HDSP for several months, even years, without programming

(1) There appear to be few if any educational opportunities for inmates Even at ESP, inmates could take classes using workbooks or close-circuit tv

(2) Anger management classes have been extremely limited Again, even at ESP, this was available through "Cage Your Rage."

(3) No drug programming except in YOP

(4) Limited MH classes fro the ECU (due to staff shortages, and perhaps limited resources)

In 3D there is no sex offender programming (e.g. STOP, or at least the Relapse Prevention Program) yet many inmates are sex offenders Inmates in 3D wait, on average, 2-6 months for transfer Some inmates never transfer because of detainers, for example

Inmates frequently go to the Board with no programming.

One disgusted mental health professional in Unit 4 (who has subsequently resigned) told me that there were few programs, and that the available programs for her did not work for the popu'ation we have

Thank you for your time Please let me know what develops

[redacted]
Fax 70[redacted]

CC: Dorothy Nash Holmes

JACKIE CRAWFORD
DIRECTOR
JAMES G. COX
DEPUTY DIRECTOR

ISIDRO BACA
ASSOCIATE WARDEN OF
OPERATIONS
DENNIS WALLACE
ASSOCIATE WARDEN OF
PROGRAMS (acting)

From the office of
D.W. Neven, Warden
Nevada Dept. of Corrections
High Desert State Prison

MEMORANDUM

To: All Concerned Staff

From: D.W. Neven

Subject: Double Celling of Inmates in Administrative Segregation

Date: September 9, 2005

Effective immediately and in effect until incorporated into Institutional Procedures the following process will be utilized when considering and approving inmates to be housed in double cells in Administrative Segregation status.

1) Both inmates being considered will be seen by a full classification committee separately.
2) Both inmates will be required to provide a written statement indicating that they agree to be housed together and without duress.
3) The written statement will include the names and back numbers of both involved inmates, and be signed by the author. This written statement will be witnessed by two staff.
4) The full classification committee will consider the compatibility of the placement, i.e. Similar sentence structure, STG affiliation, age, smoker, non-smoker, etc.
5) Prior to the placement of the inmates in the cell together, the Associate Warden of Operations and the Associate Warden of Programs must review and both must agree to the placement and sign the movement sheet.
6) The Unit caseworker will insure that a chrono entry is made at the time of the classification hearing and that the written statements are placed in the inmate's I-File.
7) Upon approval of the AWO and the AWP another chrono will be entered into the NCIS indicating the approval and then the movement can be completed.

Compliance with this memorandum is mandatory. Be guided accordingly.

CC: Associate Warden of Operations
Associate Warden of Programs
CCSIII Dennis Wallace
CCSIII Les Herndon
All Caseworkers
All lieutenants
All sergeants
Unit Staff
File

*This was not happening

Re: AR 521 and CLS-AS

From:
To:
Date:
Subject: Re: AR 521 and CLS-AS
CC:

You are not interpreting the AR incorrectly. However, we need to keep tabs on what we are doing in this regard. Documentation of actions relative to the rule needs to be accurate and timely. Classification entries and Unit Segregation logs can then be reviewed.

>>>
AR 521.02 clearly states that CLS-AS inmates are to be assigned in single cells. As you are well aware of, we house many CLS-AS inmates together.

Are we violating the AR, or am I interpreting the AR incorrectly?

Please advise.

521.02 CLOSE CUSTODY

1. Close custody is a restrictive level of supervision for inmates whose offense or institutional conduct indicates that they represent a potential for violence, escape, or disruption of institutional operations without the controls inherent in close custody.

2. Close custody characteristics include:

- Assignment to institutions with fenced perimeters and gun towers.
- Assignment to double or single cells in protective segregation.
- **Assignment to single cells for administrative or disciplinary segregation.**

Theodore J. Thompson
Name

P.O. Box 650 - H.O.S.P.

Indian Springs, Nevada
Address 89070

#1021536
Prison Number

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Theodore J. Thompson, And Class members Plaintiff,

vs.

Governor James Gibbons, Director Howard Skolnik, Warden D.W. Nevens, Warden Anthony Scilia, DR. R. Bannister, Medical Director Does 1-20, Defendant(s).

2:09-cv-00583-PMP-LRL

(To be supplied by the Clerk)

"CLASS ACTION"

CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983

Demand For Injunctive Relief
Demand For Trial By Jury

A. JURISDICTION

1) This complaint alleges that the civil rights of Plaintiff, Theodore J. Thompson, (print Plaintiff's name) who presently resides at P.O. Box 650, Indian Springs, NV 89070, (mailing address or place of confinement) were violated by the actions of the below named individuals which were directed against Plaintiff at N.D.O.C. and High Desert State Prison (institution/city where violation occurred) on the following dates

July 7, 2008-03-09 (Count I) July 7, 2008-03-09 (Count II) and July 7, 2008-03-09 (Count III)

Make a copy of this page to provide the below information if you are naming more that five (5) defendants

2) Defendant Governor James Gibbons (full name of first defendant) resides at State of Nevada (address of first defendant),

and is employed as Governor of Nevada (defendant's position and title, if any). This defendant is sued in his/her ✓ individual ✓ official capacity. (Check one or both). Explain how this defendant was acting under color of law: As Governor, he has a policy, practice, and custom of allowing Director Skolnick and N.D.O.C. staff to violate the Plaintiff Class' Rights under the 8th, 14th Amendment Rights, and Nevada Laws.

3) Defendant Director Howard Skolnik (full name of first defendant) resides at Carson City Nevada (address of first defendant),

and is employed as Director of Corrections (defendant's position and title, if any). This defendant is sued in his/her ✓ individual ✓ official capacity. (Check one or both). Explain how this defendant was acting under color of law: As director, he has an unwritten policy, practice, and custom of allowing Nevada Prison Wardens and their staff to violate the Plaintiff Class' rights under the 8th, 14th Amendment, and Nevada Law.

4) Defendant Warden D. W. Neven (full name of first defendant) resides at P.O Box 650, Indian Springs. (address of first defendant),

and is employed as Warden, H.D.S.P.-Max (defendant's position and title, if any). This defendant is sued in his/her ✓ individual ✓ official capacity. (Check one or both). Explain how this defendant was acting under color of law: As Warden, he has Continued to violate the Class of Plaintiff's Civil Rights, and holds a policy and practice of allowing his prison staff to violate plaintiff's 8th, 14th Amendment rights, and Nevada Law.

5) Defendant Warden Anthony Scillia (full name of first defendant) resides at P.O. Box 650, Indian Springs. (address of first defendant),

and is employed as Warden, H.D.S.P.- Med- (defendant's position and title, if any). This defendant is sued in his/her ✓ individual ✓ official capacity. (Check one or both). Explain how this defendant was acting under color of law: As Warden, he has Continued to violate the Class of Plaintiff's Civil Rights, and holds a policy and practice of allowing his prison staff to violate plaintiff's 8th, 14th Amendment rights, and the Nevada State Laws.

6) Defendant Dr. R. Bannister resides at Carson City Nevada,
(full name of first defendant) (address if first defendant)
and is employed as Chief Medical Director, N.D.O.C. This defendant is sued in his/her
(defendant's position and title, if any)
✓ individual ✓ official capacity. (Check one or both). Explain how this defendant was acting
under color of law: As Medical Director of N.D.O.C., he has held a policy practice and custom of denying plaintiff Adequate medical Care and allowing medical staff under his supervision to deny plaintiff's rights to Adequate Medical Care.

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

Nevada State Torts – Pendent State Claims.

B. NATURE OF THE CASE

1) Briefly state the background of your case.

Since arriving in the Nevada department of Correction at High desert state Prison, this plaintiff has Experienced Conditions of Confinement far below Constitutional Standards. Plaintiff's has Experienced and Suffered a denial of Adequate medical, Dental, and mental health Care, a known problem throughout the entire N.D.O.C. Further, Plaintiff has been denied Access to the Courts; Denied due Process to Custody Status and placement; Denied Proper Grievance Procedures; Denied Free Speech; Unsanitary Living Conditions; Unsanitary Eating facilities; Inadequate food Preparations; Improper use and withholding of Personal funds; Denied Adequate access to Religious Programs; Inadequate Rehabilitation Programs; Violations of American with disability Act; failure to Train and Supervise medical, Custody, and Civilian Staff. (See Exhibit-A)

C. CAUSE OF ACTION

COUNT I

The following civil rights has been violated: Eighth Amendment to the United States Constitution against Cruel and Unusual Punishment;

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Governor James Gibbons, Director Howard Skolnik, Warden D.W. Neven, Warden Anthony Scilla, and Dr. L. Bannister, has all Continuely failed to provide Adequate Medical, Dental, and Mental Health Care for this plaintiff and the plaintiff Class, by having and holding an unwritten policy, practice, and Custom of allowing their Medical, Dental, and Mental health Staff to deny adequate treatment, deny and delay treatment once prescribed, and interfere with treatment once prescribed. This plaintiff has Suffered Severe pain and Suffering on many occassions, Especially when, during a four month Period from July 2005 through november 2005, this plaintiff was left to Suffer a wanton infliction of pain and Suffering from a Serious hernia, while being told that treatment was not in the N.D.O.C. budget, and the illness was not Life-threatening. The N.D.O.C. has an inhumane Sick Call re-Spouse, and Governor Gibbons, Director Skolnik has Completely failed to train and Supervise the Wardens and Staff Members at the high Desert State Prison and the N.D.O.C. as a whole. Without an injunction by the Court, this plaintiff and his plaintiff Class will continue to Suffer Cruel and unusual punishment in violation of the Eight Amendment. (See Exhibit - A)

COUNT II

The following civil rights has been violated: Fourteen th Amendment to the procedural and Substantive Due Process; Due Process of Law!

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Governor James Gibbons, Director Skolnik, Warden Nevens, and Warden Anthony Schilling has all Continued to deny Plaintiff and the plaintiff Class the procedural and Substantive Due Process of Law. These defendants has Each denied Plaintiff access to the Courts by having a policy, practice, and usage of allowing only approx. two (2) hours access to the Law Library Per a week at High Desert State Prison. The defendants has further denied Adequate Grievance Procedure by their failure to respond to plaintiffs Grievance's, and their practice of destroying Grievances without Reply. Defendants has held a practice and Custom of denying plaintiff Adequate Cleaning Supplies, Adequate Health Care products, ie. Soap, tooth paste, tissue paper. The Class of defendants has held a policy that allows their Custody, medical, and Civilian Staff to deny due process to Proper Custody placement, adequate Religous Programs, Adequate outdoor and Exercise periods; denial of Americans with disability Act; unsanitary Eating facilities, denied Adequate food Preparation; Improper use and withholding of Personal items; The H.D.S.P. and the N.S.P.O.C. has forty inadequate Rehabilitation Programs; The Governor, The Director of Corrections and all of their wardens and associates, has all failed to Adequate train and Supervise N.D.O.C. Staff to act and treat prisoners fair. (SEE Exhibit-A)

COUNT II

The following civil rights has been violated: First Amendment Right to Freedom of Speech and Religion, Pendent State Law Claim of "Infliction of Emotional distress" and Negligent Infliction of Emotional distress!

Supporting Facts: [Include all fact you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

The Class of defendants Each holds a Custom and practice of Retaliating against plaintiffs for filing Grievances and Complaints, by purposely denying plaintiff's Rights to Access to the Courts, to procedural due process to Adequate Medical, dental, and mental Health Care; The defendants has and began a policy of Confiscation plaintiff's Religous Crosses, when its apparent the Crosses pose no threat or danger. Defendants has Retaliated against this plaintiff many times for his Speaking up about the inadequate Medical, Dental and mental Health Care, and the many violations of the Substantive and procedural due Process. This plaintiff and the Class of plaintiff's has been violated with an Infliction of Emotional distress and a Negligent Infliction of Emotional distress by the Class of defendants arbitrary acts and omissions that continue to cause suffering upon the plaintiff's. These defendants Knew or should have Known in their official Capacities that the plaintiff's suffers severe harm due to their acts and omissions. (See Exhibit-A)

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action? ___ Yes ✓ No. If your answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below outline).

a) Defendants: N/A

b) Name of court and docket number: N/A

c) Disposition (for example, was the case dismissed , appealed or is it still pending?): N/A

d) Issues raised: N/A

e) Approximate date it was filed: N/A

f) Approximate date of disposition: N/A

2) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?

___ Yes ✓ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: N/A.

b) Name of court and case number: N/A.

c) The case was dismissed because it was found to be (check one): _____ frivolous ___ malicious or ___ failed to state a claim upon which relief could be granted.

d) Issues raised: N/A

e) Approximate date it was filed: N/A

f) Approximate date of disposition: N/A

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: N/A.

b) Name of court and case number: N/A.

c) The case was dismissed because it was found to be (check one): _____ frivolous

____ malicious or ____ failed to state a claim upon which relief could be granted.

d) Issues raised: N/A

e) Approximate date it was filed: N/A

f) Approximate date of disposition: N/A

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: N/A.

b) Name of court and case number: N/A.

c) The case was dismissed because it was found to be (check one): ____ frivolous ____ malicious or ____ failed to state a claim upon which relief could be granted.

d) Issues raised: N/A

e) Approximate date it was filed: N/A

f) Approximate date of disposition: N/A

3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? ✓ Yes ___ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) ___ disciplinary hearing; (2) ___ state or federal court decision; (3) ___ state or federal law or regulation; (4) ___ parole board decision; or (5) ___ other _____.

If your answer is "Yes", provide the following information. Grievance Number 2006286808.

Date and institution where grievance was filed March 3, 2009 - H.D.S.P. High Desert State Prison.

Response to grievance: Improper Grievance - The Grievance Contains More than one incident, issue, etc.

E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

That a Preliminary And Permanent Injunction be Issued by this Court ORDERING the Governor and the Director of Corrections to Cease the Inadequate Treatment and Inadequate Living Conditions and their infliction of Pain and Suffering upon Plaintiffs, and to immediately Correct Each issue the Court find Cognizable; Certify this a "Class Action", appoint a Master, and order a deadline to Correct, Order Defendants to Pay Plaintiffs Attorney Fees. I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

N/A
(Name of Person who prepared or helped prepare this complaint if not Plaintiff)

(Signature of Plaintiff)

03-27-09
(Date)

E. REQUEST FOR RELIEF

(Additional space if needed; identify what is being continued)

Appoint An Attorney In accordance with the Fed. Rules of Civ. Proc.

Exhibit

NEVADA DEPARTMENT OF CORRECTIONS
MEMORANDUM

TO: Thompson, Theodore 1021536

FROM: CCS Carrillo

DATE: March 9, 2009

SUBJECT: Improper Grievance

The attached grievance is being returned to you for the following reason(s):

☐ Non-Grievable issue.

- ☐ State and federal court decision.
- ☐ State, federal and local laws and regulations.
- ☐ Parole Board decision.
- ☐ Lacks standing.

☐ Untimely submission

☐ No remedy noted.

☐ Abuse of Inmate Grievance Procedure

- ☐ Any language, writing or illustration deemed to be obscene, profane or derogatory.
- ☐ A threat of serious bodily injury to a specific individual.
- ☐ Specific claims or incidents previously filed by the same inmate
- ☐ More than four (4) unfounded, frivolous or vexatious grievances per month.
- ☐ Allegations proven to be false

☒ The grievance contains more than one incident, issue, etc.

☐ Other; specify:

Log Number 2006286808

NEVADA DEPARTMENT OF CORRECTIONS
INFORMAL GRIEVANCE

NAME: Theodore J. Thompson I.D. NUMBER: 1021536

INSTITUTION: High Desert S.P. UNIT: ~~5-C-25-B~~ 7C 14

GRIEVANT'S STATEMENT: In accordance with my Constitutional Rights under the 14th Amendment to Procedural and Substantive due process, and the First Amendment to free Speech, and the 8th Amendment against Cruel and Unusual Punishment, I hereby Grieve the Following against the High Desert State Prison and the

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Theodore J. Thompson DATE: 03-02-09 TIME: 11:30 am

GRIEVANCE COORDINATOR SIGNATURE: C Myles DATE: 3-5-09 TIME: 3:00p

---

GRIEVANCE RESPONSE: _____

_____

_____

_____

_____

CASEWORKER SIGNATURE: _____ DATE: _____

___GRIEVANCE UPHELD ____ GRIEVANCE DENIED ____ ISSUE NOT GRIEVABLE PER AR 740

GRIEVANCE COORDINATOR APPROVAL: _____ DATE: _____

_____ INMATE AGREES _____ INMATE DISAGREES

INMATE SIGNATURE: _____ DATE: _____

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original:	To inmate when complete, or attached to formal grievance
Canary:	To Grievance Coordinator
Pink:	Inmate's receipt when formal grievance filed
Gold:	Inmate's initial receipt

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Theodore J. Thompson I.D. NUMBER: 1021536

INSTITUTION: High Desert S.P. UNIT #: ~~5-C-25-L~~ 1C 1A

GRIEVANCE #: _____ GRIEVANCE LEVEL: Informal

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 11

Nevada Department of Corrections; Since Arriving at the Nevada Dept. of Corrections and High DESERT State Prison on July 7 2008, I have been (1) Denied Adequate Medical Care; (2) Denied Adequate Mental health Care; (3) Denied Adequate dental health Care; (4) Denied Access to the Courts; (5) Denied due process to Custody Status and placement (6) Denied Proper Grievance procedures; (7) Treated Cruel and Inhumane (8) Retaliated against; (9) Subjected to unsanitary living Conditions; (10) Violated as an American with Disability; (11) violated with the improper use and withholdings of my Personal Funds; (12) Violated by the health and Safety Code; (13) Denied Adequate Rehabilitation Programs; (14) Denied Adequate Religous Programs (15) Denied Adequate out-door and Exercise; (16) Denied Adequate Sanitary Eating facilities; (17) Denied Adequate Food preparation;

Original: Attached to Grievance
Pink: Inmate's Copy

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Theodore J. Thompson I.D. NUMBER: 1021536

INSTITUTION: High Desert S. P. UNIT #: 5-C-25-B

GRIEVANCE #: _____ GRIEVANCE LEVEL: Informal

GRIEVANT'S STATEMENT CONTINUATION: PG. 3 OF 11

(18) Denied a fundamental fairness from the Government; (19) The Nevada department of Corrections has failed to Adequately Train Medical, Custody, and Civilian Staff; (20) The Nevada department of Corrections have failed to Adequately Supervise Medical, Custody, and Civilian Staff; Governor James Gibbons, Director Howard Skolnik, The Nevada department of Corrections, and warden D.W. Neven; has held and adopted an unconstitutional policy, Practice, Custom, and usage of knowing and allowing their Medical, Custody, and Civilian Staff to purposely and deliberately Violate my rights with their acts and Omissions within Claims 1 through 20: To with (i); Sick Call Request go unanswered for unlawful periods of time. Medical Response is well below Constitutional Standards as it took over (4) four months for Medical Staff to Respond to a serious and

Original: Attached to Grievance
Pink: Inmate's Copy

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Theodore J. Thompson I.D. NUMBER: 1021536

INSTITUTION: High Desert S.P. UNIT #: 7-C-1-A

GRIEVANCE #: _____ GRIEVANCE LEVEL: Informal

GRIEVANT'S STATEMENT CONTINUATION: PG. 4 OF 11

Painful Hernia prior to allowing me a Surgery at NNCC. on November 5, 2008. The Sick Call System at H.D.S.P. is far below Adequate, (2), The Mental health department at H.D.S.P. is so understaffed and inadequate that it Completely ignores the dire process, and the denial and delay Cause mental Pain and Suffering. (3), The dental health Care Seems non-existance due to the Poor response. I Requested dental health Care at NNCC on 12-23-08. I Received my medical Kite on Febuary 22, 2009 after returning to H.D.S.P. The Kite Stated I would, or I have been placed on the Priority Care dental list, Signed and dated 1-22-09. (4), I am a Pro Per officer of the Following Courts and Case numbers, (A) Thompson Vs. Dawson - Post Conviction Writ Habeas Corpus - Eighth Judicial Court NO. C-203463, (B) Thompson Vs. Wells Fargo Inc, et al, U.S.D.C. District

Original: Attached to Grievance
Pink: Inmate's Copy

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Theodore J. Thompson I.D. NUMBER: 1021536

INSTITUTION: High Desert S.P. UNIT #: 7-C-1-A

GRIEVANCE #: _____ GRIEVANCE LEVEL: Informal

GRIEVANT'S STATEMENT CONTINUATION: PG. 5 OF 11

OF Nevada NO. 2:08-CV-01227-RCJ-GWF; (C) Thompson VS. The City of Dallas, et al, U.S.D.C. Dallas Division NO. 3:05-CV-1980-O; (D) Thompson VS. Lied Animal Shelter, et al, U.S.D.C. District of Nevada NO. 2:08-CV-00513-RCJ-PAL; (E) Thompson VS. Nevada Dept. Public Safety Division of Parole and Probation, et al, U.S.D.C. District of Nevada NO. 2:08-CV-01229-PMP-GWF; (F) Thompson VS. Howard Skolnik, et al, U.S.D.C. District of Nevada NO. 2:08-CV-1190 RCJ-GWF; (G) Thompson VS. University Medical Center, et al, U.S.D.C. District of Nevada NO. 2:07-CV-01378-RLH-PAL; While at N.W.C.C., I did have somewhat adequate access to the law library and legal supplies, despite the couple of minor disciplinaries, I worked hard to maintain a status that would allow me access to visit a law library to be able to Adequately litigate my Cases. This department-

Original: Attached to Grievance
Pink: Inmate's Copy

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Theodore J. Thompson I.D. NUMBER: 1021536

INSTITUTION: High Desert S.P. UNIT #: J-C-1-A

GRIEVANCE #: _____ GRIEVANCE LEVEL: Informal

GRIEVANT'S STATEMENT CONTINUATION: PG. 6 OF 11

knows I have these, this kind of case load, and knows I need 100% access to a Law ~~Lib~~ Library to Adequately meet the orders and deadlines by the Courts. However, by Erroneously returning me to H.D.S.P. when it was evident I meet the Criteria to remain at N.N.C.C., I will have no Chance at Succeeding to Adequately Litigate. At H.D.S.P., You only have "(5) Law Clerks" to deliver materials to the entire institution, from January 26, 2009 until February 26, 2009 while in 5-C-25-B, A Law Clerk Stops in once, and all he was doing was Complaining that the Case worker and Library Staff Continues to refuse to hire enough Law Clerks. I Request my monthly Supplies, as I am very Indigent, and only Received "(5) Five envelopes" and "(20) Twenty Sheets of paper" The Law Clerk Stated that this was all we were being allowed at H.D.S.P. due to a Shortage of Supplies.

Original: Attached to Grievance
Pink: Inmate's Copy

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Theodore J. Thompson I.D. NUMBER: 1021

INSTITUTION: High Desert S.P. UNIT #: 7-C-1-A

GRIEVANCE #: _____ GRIEVANCE LEVEL: Informal

GRIEVANT'S STATEMENT CONTINUATION: PG. 7 OF 11

Now that I have been moved to unit 7-C, I will only be allowed to access the Law Library for 1½ hours on Monday and Thursday mornings. However, this access is often cancelled. Due to my case load of active Civil actions in the Courts, I must be able to access the Law Library 5 days a week, and at least 4 to 6 hours a day if not 6 to 8 hours." So says the Federal Courts." (5)' I have a right to due process of procedural Step-Down Classification Review, and a right to be placed in an institution that my criteria entails. I was properly placed at N.N.C.C., and should never have been returned to H.D.S.P., and its apparent that it was only to harass and retaliate due to my previous Complaints. (6)' I have, like many others, Submitted Grievances that have been either disregarded or Completely ignored. (7)' It is beyond Cruel the way some of the Medical, Custody, and

Original: Attached to Grievance
Pink: Inmate's Copy

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Theodore J. Thompson I.D. NUMBER: 1021536

INSTITUTION: High Desert S.P. UNIT #: 7-C-1-A

GRIEVANCE #: _____ GRIEVANCE LEVEL: Informal

GRIEVANT'S STATEMENT CONTINUATION: PG. 8 OF 11

Civilian Staff talks to inmates at H.D.S.P. They use very unnecessary foul and Abusive Language, and threaten-eds retaliation if we resort to Complain. (8), I have personally Experienced retaliation by Staff for my Exercising my Rights to redress grievance, Such as denied Custody Status, denied Scheduled Classifications, denied adequate access to the Courts, and totally denied Adequate Legal Supplies. (9), It is highly unsanitary for you to have a twenty (20) month" timer on the toilet with Two people in a Cell, and the toilet Cannot be flushed but once Every 20 minuts, Leaves us with human waste in the toilet For periods of time. This is not a Constitutional practice or Standard. Its a down right filthy policy which demands Correction. (10), Although in remission, I am, and have been Classified as disabled for the Purpose of the ADA. (11), It

Original: Attached to Grievance
Pink: Inmate's Copy

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Theodore J. Thompson I.D. NUMBER: 1021536

INSTITUTION: High Desert S.P. UNIT #: 7-C-1-A

GRIEVANCE #: _____ GRIEVANCE LEVEL: Informal

GRIEVANT'S STATEMENT CONTINUATION: PG. 9 OF 11

is not Constitutional for money to be held in the so-called Savings account against the wishes of an inmate. This inadequate and illegal policy has prevented me from allowing funds to be sent to me. This policy is apparently for the sole benifit of the N.D.O.C., as it is only designed to eliminate your financial obligations upon release of inmates. (12); The toilet timer, the denial of Adequate Soap, tooth paste, tissue paper, and Cleaning Supplies. (13); "I've spent Exactly (4) four months total" at H.D.S.P. in an Concentration Camp Like-invioronment. There's inadequate programs to benifit an inmate to prepare to return to society. You make's no Real Effort to Create enough Jobs and training programs and/or rehabilitation programs. (14); There's an inadequate Religious opportunity for this entire institution. There are too many restrictions and not enough access.

Original: Attached to Grievance
Pink: Inmate's Copy

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Theodore J. Thompson I.D. NUMBER: 1021536

INSTITUTION: High Desert S.P. UNIT #: 7-C-1-A

GRIEVANCE #: _____ GRIEVANCE LEVEL: Informal

GRIEVANT'S STATEMENT CONTINUATION: PG. 10 OF 11

(15), We simply dont get Adequate outdoor and Exercise Time. In Level three its pathetic. In Level Two its not much better. (16), The floors and tables in the dining room are Constantly Filthy. They dont wash the tables with hot water and Soap, or disinfectant. They only use water thats almost always dirty. After each meal those tables should be properly Cleaned before the next group. (17), The food is prepared and Served Like it needs to Animals. The Food Supervisor "does not" Adequately Supervise the inmate workers. Thus, the Food handling and preparation is far below the Standards of decency. (18), The Living Conditions at High Desert State prison falls way below the Standards of decency. (19), The mail and Telephone procedures are inadequate. Mail is being held for weeks after being received at H.O.S.P. It is Evident that a lot of the Staff at H.O.S.P. are

Original: Attached to Grievance
Pink: Inmate's Copy

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Theodore J. Thompson I.D. NUMBER: 1021536

INSTITUTION: High Desert S.P. UNIT #: 7-C-1-A

GRIEVANCE #: _____ GRIEVANCE LEVEL: Informal

GRIEVANT'S STATEMENT CONTINUATION: PG. 11 OF 11

N.D.O.C. is inadequately trained for their Job assignments.(20); Due to the aforementioned conditions in this Complaint, it is no doubt that the Supervisory Staff within this department has continuously failed to Adequately Supervise their Medical, Custody and Civilian Staff to a point that prisoner's Civil Rights are Constantly Violated. Governor James Gibbons, Director Howard Skolnik, Warden D.W. Neven, and all Wardens within this system, Knows, or Should have Known in their official Capacities that the Civil Rights of this Claimant, and the Entire "Class" of prisoners within the N.D.O.C, have, and are being violated, and they have done nothing to be Consistent with the Laws. Therefore, I, Theodore J. Thompson do so hereby request that I am transferred away from H.D.S.P. to an appropriate institution to better afford my Rights.

Original: Attached to Grievance
Pink: Inmate's Copy

CC: Copies have been distributed for appropriate notice of this action, I expect a professional response with no Retaliations!

Theodore Thompson #1021536

DOC – 3097 (01/02)

ORIGINAL

COPY

FILED RECEIVED
ENTERED SERVED ON
COUNSEL/PARTIES OF RECORD

2008 SEP -9 P 1:20

CLERK US DISTRICT COURT
DISTRICT OF NEVADA

BY _____ DEPUTY

THEODORE J. THOMPSON
#1021536
P.O. Box 650
High Desert State Prison
Indian Springs, NV. 89070
PLAINTIFF IN PROSE:

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

THEODORE J. THOMPSON,
PLAINTIFF,

VS.

HOWARD SKOLNIK, AS THE DIRECTOR OF THE NEVADA DEPARTMENT OF CORRECTIONS, IN HIS OFFICIAL CAPACITY; DR. R. BANNISTER, MEDICAL DIRECTOR OF NEVADA DEPARTMENT OF CORRECTIONS; OFFICIALLY; O. MUMFORD, CHIEF MEDICAL OFFICER, OFFICIALLY; DR. GREGORY MARTIN, MEDICAL OFFICER, HIGH DESERT STATE PRISON, OFFICIALLY; DR. GARY GRAHAM, MEDICAL OFFICER, HIGH DESERT STATE PRISON, OFFICIALLY; D.W. NEVEN, ~~WARDEN~~ NEVADA DEPARTMENT OF CORRECTIONS HIGH DESERT STATE PRISON) OFFICIALLY; NURSE M.P. ORDEN; DEFENDANTS' (1)

2:08-CV-1190 RCJ-GWF

42 U.S.C. 1983
CIVIL RIGHTS;

8TH AMENDMENT;
14TH AMENDMENT;
5TH AMENDMENT;

PENDENT STATE CLAIMS;

DEMAND FOR TRIAL BY JURY;

Statement OF The case

1. ON July 7, 2008, Plaintiff was transfered from the Clark County detention center to the High desert State prison for a probation violation. upon arrival at High desert state prison, hereinafter H.O.S.P., Plaintiff was Examined by an Intake nurse. When asked about his medical Condition, Plaintiff raised his shirt and showed the nurse his stomach which revealed a huge "hernia" Sitting in the middle of Plaintiff's stomach. At this time plaintiff Explained that the hernia was about 20 years old, and on a scale of 1 through 10, the pain Level was consistant with number #10.

2. Plaintiff Explained to the Intake nurse that doctors had told him many times that when the hernia became in the present State, it would then be classified an Emergency and demand immediate surgery. The Intake nurse stated to the Plaintiff that She would put a "notice" in the file for the attending Physicians. Later on the Evening of 7-7-08, Plaintiff was placed in the Intake unit, hereinafter "Fish-tank", in cell 1-8-04.

3. ON or about July 10, 2008, Plaintiff was seen by a medical doctor believed to be named DR. Gregory Martin.

After an Examination of plaintiff's vital signs, throat, Ear, and Lungs, doctor Martin Examined plaintiff's hernia. Plaintiff revealed that he was Living in un-bearable pain and suffering, and desparately needed the hernia removed by surgery. DR. martin agreed and adursed Plaintiff that he would have to refer the plaintiff to the Medical director, DR. Bannister, who plaintiff now believes is also the Chief Medical Officer of A.D.S.R., and DR. Bannister would have to approve and Schedule any surgery to be performed. I asked dr. martin to ask dr. Bannister to Please hurry because the pain was effecting my eating. DR. martin stated it should'nt be long before I was seen.

4. ON 7-22-08, Plaintiff had heard nothing from DR. Bannister or no other Doctor. The pain was then so severe that plaintiff spent hours curled up in a Fetis position on his bed most nights. ON the evening of July 22, 2008, Plaintiff wrote out and submitted his first Informal Grievance form. ON July 23, 2008, Plaintiff wrote out and submitted a Sick-call Request. ON July 24, 2008, Plaintiff wrote out and submitted a second Informal Grievance.

5. ON July 25, 2008, without hearing anything from DR. Bannister or any-one Concerning my Request or Grievances, Plaintiff was moved to a Level three yard and placed in Cell 4-B-32, and forced to use An upper bunk dispite his physical handicap and pain. ON the 17th of July, DR. Gregory martin Sent plaintiff Some "Carry on Person" or "Keep on Person" medication for the Heart burn associated with the hernia, and a mild so-called Pain Pill for the Lower back Pain. This pain PiLL for plaintiff's Lower back was ON for a peroird of about 14 days, and did expire ON or about July 29th 2008. Plaintiff also received some creams for his feet and a rash.

6. Plaintiff suffered in waiting for treatment for the highly painful hernia until August 7, 2008, and then Plaintiff Put in another medical kite "Request" in which plaintiff noticed to the medical director that he would soon be seeking Legal action. ON 8-8-08, A Nurse M.P. order sent me a reply to my kite and I received the Copy on 8-12-08. IN her response nurse order stated That I would be scheduled for the next available appointment which was on Wednesday. At that time it was a Tuesday Evening.

7. On Wednesday August 13, 2008, Plaintiff was not called for an appointment, nor did he hear anything from any medical staff Concerning his serious medical needs. Plaintiff had also asked Nurse Noreen Benckwin about the delay and denial of the needed treatment on 8-11-08. Nurse Noreen stated to plaintiff, "Man Everybody Knows all about you. And as Long as you Keep being a nussance and writing kites every day, it will be that much Longer before anybody pay any attention.

8. On August 12, 2008, Plaintiff wrote out and submitted another Informal Grievance, in which Plaintiff Kept the Inmate's Initial Receipt Color Copy. when Nurse Noreen Came to plaintiff's Cell on 8-12-08, She did not have Plaintiff Seroquil pills prescribed by the psychiatrist. At that time Plaintiff began to Complain to Nurse Noreen and demanded she return with his psych medications. Nurse Noreen stated to Plaintiff, "If you say one more word Thompson, Im not bringing nothing back, I'll say you refused", Plaintiff then stated to Nurse Noreen, "you wont get away with it." Nurse Noreen then stepped, "that's it buster, fuck this shit. I'm through with your fucking ass." Nurse Noreen did not return

with Plaintiff's Medications on 8-12-08. Also on 8-13-08, Nurse Noreen did not bring Plaintiff any psych Med at all that morning.

9. On August 13, 2008, Plaintiff wrote out and submitted another Informal Grievance form. On Sunday August 17, 2008, Plaintiff had still not received any reply, or medical treatment for the hernia in his body, Nurse Noreen denied Plaintiff his Seroquil on August 11th, 12th, and 13th.

10. As of August 18, 2008, and Continuing, Plaintiff has not been Contacted or treated by any physician for the hernia in his Stomach. This Plaintiff Continues to Live in Constant Pain.

The infliction of such unnecessary Suffering is inConsistent with Contemporary Standards of decency as manifested in modern legislation Codifying the Common-law view that "it is but just that the Public be required to Care for the Prisoner, who Cannot by reason of the deprivation of his Liberty care for himself. It is therefore Concluded that deliberate indifference to Serious medical needs of prisoners Constitutes the "unnecessary and wanton infliction of Pain, proscribed by the Eighth Amendment, and made applicable to the States by the fourteenth Amendment. This is true

Whether the indifference is manifested by Prison doctors in their response to the prisoner's needs or by prison Guards in intentionally denying or delaying access to medical or intentionally interfering with the treatment once prescribed.

Grounds for Relief

11. The State of Nevada and defendant Howard Skolnik has held a Common practice and unwritten policy to allow DR Bannister, D.W. Neven, DR. Gregory Martin, nurse Noreen Bencknin, nurse M.P. Orden, and Does 1 through 10, and each of them to deny, and deliberately delay the medical treatment of prisoners at High Desert State Prison. The State of Nevada and Howard Skolnik did, while acting under the Color of State Law, show a deliberate indifference to this Plaintiff's Medical (Serious Medical) Needs by denying treatment of such, which has Constantly left this plaintiff in unbearable physical and mental pain sufficiently harmful to show a deliberate indifference. The State of Nevada and Howard Skolnik knew, or should have know in its official Capacity as Director of the Nevada Department of Corrections that plaintiff was being (T.T.C.) [redacted] wrongfully, denied serious medical treatment guaranteed by the United States Constitution. 5th-8th-14th Amend.

12. DR. Bannister, Chief Medical Director and

medical officer for the Nevada department of Corrections and High Desert State Prison, did, while acting under the Color of State Law, show a deliberate indifference to Plaintiff's Serious Medical needs by purposely denying plaintiff treatment for the Painful hernia inside his body. DR. Bannister knew or should have known in his official capacity as Chief medical officer for high desert State Prison, and Medical director of the Nevada department of Corrections that his acts and omissions were sufficiently harmful to be a deliberate indifference to plaintiff's Serious medical needs, and he has done nothing to be Consistant with the Law. Due to DR Bannister's failures to treat plaintiff, Plaintiff Continues to Suffer Great Physical and mental Pain. DR. Bannister's acts and omissions are all in Violation of Plaintiffs 5th, 8th, and 14th Amendment Rights to the United States Constitution, and the Laws of the State of Nevada.

13. D.W. Neven, the director of the Nevada department of Corrections, did, while acting under the Color of State Law, show a deliberate indifference to plaintiff's Serious medical needs by adopting to a Custom, practice, and unwritten policy of allowing DR. Bannister, his Chief medical officer,

DR. Gregory Martin, his medical officer, Nurse Noreen Berckin, his medical nurse, Nurse M.L. Orden, his medical nurse, and Doe I through 10 to purposely deny, delay, and refuse plaintiff's serious medical needs guaranteed by the United States Constitution. D.W. Neven knew, or should have known in his official capacity as Warden of the High desert State prison that his acts and omissions were sufficiently harmful to be a deliberate indifference to plaintiff's serious Medical needs, and he done nothing to be consistant with the Law. Due to Warden Neven's failures to treat plaintiff, Plaintiff continues to suffer Great Physical and mental Pain. D.W. Neven's acts and omissions are all in Violation of Plaintiff's 5th, 8th, and 14th Amendment Rights to the United States Constitution, and the Laws of the State of Nevada.

14. DR. Gregory Martin, a medical officer at high desert State Prison, did, while acting under the Color of State Law, Violate plaintiff's Rights under the 5th, 8th, and 14th Amendment to the United States Constitution, by wrongfully denying plaintiff treatment for his serious Medical needs. DR. martin knew, or should have known

in his official capacity as medical officer at High desert State Prison that his acts and omissions would cause harm sufficient to be a deliberate indifference to plaintiff's needs, and he done nothing to be consistent with the law. due to Dr. martin's failures to treat plaintiff, plaintiff suffered and continues to suffer great physical and mental pain. As of the date of this draft, Dr. martin continues to violate plaintiff's 5th, 8th, and 14th Amendment Rights to the united States Constitution, and the Laws of the State of Nevada.

15. Nurse's Noreen Benckein and nurse N.P. Orden, did, while acting under color of state law cause plaintiff sufferent harm with physical and mental pain by deliberately denying and delaying Plaintiff's mental and medical needs once prescribed by a doctor. Both nurse's knew that their acts and omissions was harmful and done nothing to be consistent with the Law. The defendent nurses acts did violate plaintiff's Rights under the 5th, 8th, and 14th Amendment to the U.S. Constitution, and the Laws of the State of Nevada.

16. Each and every defendant in this (C.J.D.) [redacted] cause of action did, willfully, unlawfully, and sometimes

maliciously use their Badge of Authority to purposely Cause Great physical and mental harm upon this plaintiff, in which none of their acts or omissions Served No penological purpose, and while acting under color of State Law and the Laws Governing the United States of America, Caused a wanton infliction of Pain and unnecessary Suffering on this Plaintiff by their failure to treat his Serious Medical needs, and it is inconsistent with Contemporary Standards of decency and violates the 8th and 14th Amendments And Further, violates Plaintiff's Fifth (5th) Amendment substantive due Process.

(17). Nurse Noreen Benckmin, did, wilfully and wrongfully violate Plaintiff's Rights to Free Speech and Freedom from Retaliation gauranteed by the 1st Amendment to the United States Constitution.

(18) Once a District Court accepts a Constitutional Claim, it has Jurisdiction to adapt to the resolution of any Pendent State Claims.

(19) Defendants Howard Skolnik, Dr. Bannister, D.W. Neven, Dr. Gregory Martin, (J.J.J.) Dr. D. Mumford, [redacted], (J.J.J.) Dr. Gary Graham, [redacted], Each did and wilfully Commit A negligent Infliction of Emotional distress, and a professional Negligence in Violation of Nevada State Law.

(20) ON 08-20-08, Plaintiff was visited by a psychologist. Again Plaintiff showed the hernia to the psychologist and Complained of the severe pain and suffering, and the complete negigence and denial of treatment. The unknown named psychologist told Plaintiff that he would Check the Medical Record and see what was happening with Plaintiff's Case. However, Plaintiff never heard anything back from the psychologist.

(21) ON 08-23-08 Plaintiff wrote out and submitted another Medical request kite. ON 08-25-08, Plaintiff wrote out and submitted his (5th) fifth Grievance Concerning his Medical Condition. As of 08-26-08, Exactly (50) fifty day since Plaintiff has been at High Desert State Prison, Plaintiff has not recieved any medical treatment or deadline for any treatment what-so-ever. Plaintiff is not only being denied, but ignored. ON August 26, 2008, This Plaintiff swore out this Complaint.

Declaration

I, Theodore J. Thompson, do so declare; I am the Plaintiff In the Above entitled Cause of action, appearing In Pro SE. I have Prepared, Read, and Signed the Above Civil Rights Complaint, and personally acknowledges that it is True and Correct in its entirety, Except as to statements that may be based on information and belief, and to those this I do so believe to be true. This declaration being so stated by myself and sworn under the Penalty of Perjury under the Laws of the United States and the State of Nevada.

Dated:

(11-A) Theodore J. Thompson
Declarant

"Amendment to the Complaint"

(22) ON 08-27-08, Plaintiff was called in to see DR. Gary Graham, a medical officer for the High desert State Prison. DR. Graham proceeding to examine plaintiff's hernia for (15) fifteen minutes. At the conclusion of the examination, DR. Graham stated to Plaintiff, "unfortunately Mr. Thompson, they must do an operation (surgery) on a hernia. I dont know what to do for you". At that time DR. Graham left the Exam Room for several minutes, when DR. Graham returned he had an industrial back support in his hand. DR. Graham issued the back support to plaintiff and said, "This is all I can do for you. The confused Plaintiff then asked DR. Graham why he was not going to receive the surgery. DR. Graham stated that, The Medical Director, DR. R. Bannister and the chief medical officer, DR. O. Mumford would not approve a surgery that was not life-threatening.

(23) DR. O. Mumford and DR. Gary Graham, did, while acting under the color of state law, show a deliberate indifference to plaintiff's serious medical needs by purposely denying Plaintiff adequate medical treatment. Both DR. O. Mumford and DR. Gary Graham knew or should have known in their official capacity that their acts and omissions was sufficiently harmful to Plaintiff, and add unnecessary pain and suffering, all in violation of Plaintiff's Constitutional Rights and Laws of Nevada.

DEMAND FOR RELIEF

Therefore, Plaintiff Theodore J. Thompson, hereby DEMANDS Relief as follows;

(1) That Howard SKOLNIK Pay to this Plaintiff for General damages the sum of $500,000,00 And for Special and Punitive damages the sum of $500,000.00 (A total of $1,000,000,000)

(2) That DR. BANNISTER Pay to this Plaintiff for General damages the sum of $1,000,000,000 And for Special and Punitive damages the sum of $1,000,000,000 (A total of $2,000,000,000)

(3) That D.W. NEVEN Pay to this Plaintiff for General damages the sum of $1,000,000,000 And for Special and Punitive damages the sum of $1,000,000,000 (A total of $2,000,000,000)

(4) That DR. Gregory Martin Pay to this Plaintiff for General damages the sum of $500,000.00 And for Special and Punitive damages the sum of $500,000,00 (A total of $1,000,000,000)

(5) That (DR.) Dr. Gary Graham [redacted] Pay to this Plaintiff for General damages the sum of $1,000,000,000, And for Special and Punitive

the sum of $1,000,000,000 (A total of $2,000,000,000)

(6) That (A.J.J.) DR. D. MUMFORD [redacted] [redacted] Pay to the Plaintiff the sum of $1,000,000,000 [redacted] for General damages And the sum of $1,000,000,000 for Special and Punitive damages (A total of $2,000,000,000)

(7) That Defendants Share Equally in the Payment of Plaintiff's Attorney fee, Court Cost, and all Cost of this Litigation; And Any and all Further deemed Just and Proper by this Court.

(Corrections made by Plaintiff's initials (A.J.J.)

DATED:

Theodore J. Thompson
Plaintiff IN PRO SE

DEMAND FOR TRIAL BY JURY

Plaintiff Theodore J. Thompson Hereby DEMANDS A TRIAL BY JURY IN this action.

DATED:

Theodore J. Thompson
Plaintiff IN PROSE

(13)

the sum of $1,000,000,000 (A total of $2,000,000,000)

1,000,000

(6) That (J.J.J.) DR. D. MUMFORD [redacted] Pay to the Plaintiff the sum of $1,000,000,000 (J.J.J.) [redacted] for General damages And the sum of $1,000,000,000 for Special and Punitive damages (A total of $2,000,000,000)

(7) That Defendants Share Equally in the Payment of Plaintiff's Attorney fee, Court Cost, and all Cost of this Litigation; And Any and all Further deemed Just and Proper by this Court.

(Corrections made by Plaintiff's initials (J.J.J.)

DAted: ~~Septe~~ August 27, 2008

Theodore J. Thompson
Plaintiff IN PRO SE

DEMAND FOR TRIAL BY JURY

Plaintiff Theodore J. Thompson Hereby DEMANDS A TRIAL BY JURY IN this action.

DAted: August 27, 2008

Theodore J. Thompson
Plaintiff IN PRO SE