

"ORIGINAL PAGES # 1-9"..

"AMENDED # 2"..

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

JIMMIE STEPHEN C56483  
(Name of Plaintiff)  
P.O. BOX 4000-22-H3-L  
(Address of Plaintiff)  
VACAVILLE CALIFORNIA..95696

CV-10-01678-KJN-PC..  
(Case Number)

vs.

COMPLAINT

"J.C. KELSO"

ET AL DEFENDANTS

(Names of Defendants)

I. Previous Lawsuits:

A. Have you brought any other lawsuits while a prisoner:

☒ Yes ☐ No

B. If your answer to A is yes, how many?: "3-STRIKE" Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.)

28 USC 1915-G APPLICABLE..

1. Parties to this previous lawsuit:

Plaintiff JIMMIE STEPHEN C56483

Defendants "DR ZHANG"

ET AL DEFENDANTS..

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

Rev'd 5/99

UNITED STATES DISTRICT EASTERN  
STATE OF CALIFORNIA..

CV-10-01678-KJN-PC

JIMMIE STEPHEN  
PLAINTIFF

"2ND AMENDED COMPLAINT"  
"FRCP 15"..

J.C . " KELSO"  
ET AL DEFENDANTS

"JURISDICTION""VENUE"

1.. THIS IS A "CIVIL COMPLAINT" AUTHORIZED BY "42 USC 1983" TO "REDRESS"  
THE DEPRIVATION UNDER "COLOR OF STATE LAWS" OF RIGHTS SECURED BY THE  
"UNITED STATES CONSTITUTION" THE COURT HAS "JURISDICTION" UNDER "28 USC  
1331""1343"-A-3" PLAINTIFF SEEKS "DECLARATORY""RELIEF" AS "AUTHORIZED" BY  
"28 USC 2283""2284" AND "RULE 65" OF "FRCP"..

2.. THE "UNITED STATES DISTRICT COURT" "EASTERN" IS AN "APPROPIATE" "VEN-  
UE" UNDER "28 USC 1391-B-2" BECAUSE IT IS WHERE THE EVENTS GIVING RISE TO  
THIS "CLAIM OCCURED"..

3.. PLAINTIFF JIMMIE STEPHEN IS AND WAS AT ALL TIMES MENTIONED HEREIN A PRISONER OF THE STATE OF CALIFORNIA IN THE CUSTODY OF "CDCR" AS HE IS CURRENTLY STATIONED, CONFINED AT "SOLANO STATE PRISON IN THE CITY OF VACAVILLE CALIFORNIA..

"DEFENDANTS"

4.. "DEFENDANT SWARTHOUT" IS THE "WARDEN OF SOLANO PRISON" AS HE IS "LEGALLY RESPONSIBLE" FOR THE OVERALL OPERATION OF THE "OVERCROWDED" PRISON OF "SOLANO" AND FOR THE "HEALTH""SAFETY""WELFARE" OF PLAINTIFF, PRISONERS OF THIS PRISON AS WELL AS FOR THE "TRANSPORTATION FOR" MEDICAL TO "MAIN PRISON" OF ABOUT 1,000 FEET ON 12-1-09, 2-5-10, 3-5-10, 3-8-10 AND 6-7-10 AS "DENIED""DELAYED"..WHEN "MEDICAL SERIOUS" ON PLAINTIFF..

5.. "DEFENDANT J.C. KELSO" IS THE "FEDERAL RECEIVER" UNDER "COURT ORDER" TO "PREVENT DEATHS" BY "ADEQUATE MEDICAL" AT "SOLANO" AND OTHER PRISONS UNDER "CDCR" AS "DENIED""DELAYED" TO PLAINTIFF ON ABOVE ~~AFORER~~MENTIONED DATES UNDER ITS "JURISDICTION"WHEN "WILLFULLY OVERCROWDED"..

6.. "DEFENDANT TRAQUINA" IS THE "CHIEF MEDICAL OFFICER" AT "SOLANO" AND IS "LEGALLY RESPONSIBLE" FOR THE OVERALL "MEDICAL" CARE TO PLAINTIFF ON STATE "AFOREMENTIONED DATES SINCE ARRIVAL OF 11-14-08 IN THIS "OVERCROWDED PRISON"..AS "TIMELY MEDICAL "DENIED" "DELAYED"..

7.. "DEFENDANT HSIEH" IS A "MEDICAL DOCTOR" AT "SOLANO" AND IS, WAS "ASSIGNED" TO PLAINTIFF "SERIOUS MEDICAL" SINCE 11-14-08 AND IS "LEGALLY" RESPONSIBLE FOR PLAINTIFF "DELAYED SURGERY" FOR "SERIOUS""PRE-CANCEROUS" "DIAGNOSIS" OF 6-7-10 WHICH WAS "DIAGNOSED AS "URGENT" AND "EMERGENCY" AS "DELAYED""DENIED" FOR "45 DAYS" WITH "RISK OF FUTURE" "HARM""INJURY" WHEN ON 10-12-10 "FUTURE SURGERY" "COMPLICATIONS" ARE PLANNED AS "HSIEH" HAS RESPONSIBILITY TO AFFORD PLAINTIFF "TIMELY ACCESS" TO "OUTSIDE HOSPITAL" AS "MUST OK" THE "MEDICAL NEEDS" "PRIOR TO "ACCEPTANCE" AT "ANGEL MERCY HOSPITAL"..AS "PATTERN OF DENIAL"..

8.. "DEFENDANT JOHN OR JANE DOE # 1" UNDER "TRAQUINA""MEDICAL DEPT". OF "CDCR" WAS AND IS "LEGALLY RESPONSIBLE" FOR THE OVERALL "HEALTH" AND "SAFETY" AND "TIMELY""PREPARATIONS" ON STATED DATES 12-1-09, 2-5-10, 3-



5-10,3-8-10, AND 6-7-10 AS "WILLFULLY DENIED" BASED ON "OVERCROWDING"..  
AS A "PATTERN""CUSTOM""PRACTICE" THAT IS "UNECESSARY"..

9.. "DEFENDANT JOHN OR JANE DOE # 2" UNDER "CDCR" IS "LEGALLY "RESP-  
ONSIBLE" FOR THE "TRANSPORTATION" OF ABOUT 1,000 FEET ON 12-1-09,2-5-  
10,3-5-10,3-8-10 AND 6-7-10..FOR "SERIOUS MEDICAL EXAMINATION"..UNDER  
"SWARTHOUT" OF "SOLANO PRISON"..AS "DENIED"DELAYED" BASED ON "OVER-  
CROWDING"..AFTER DIAGNOSE" OF 6-7-10 "SURGERY" SET FOR 6-14-10"DENIED"..

"FACTS"

10.. FROM DATE OF ARRIVAL AT "SOLANO" OF 11-14-08 PLAINTIFF DID RE-  
QUEST "RIGHT TO PARTICIPATE" IN "COLONOSOPY" TO "DR HSIEH" BASED ON  
"STOMACH PAINS" ECT AND "MANDATED" TO PLAINTIFF BEING "57" YEARS OF  
AGE AS "COLONOSOPY DENIED DELAYED" AS PLAINTIFF HAD TO "FILE GRIEV-  
ANCE" THAT WAS "RECEIVED ON 6-7-10..

AS "COLONOSOPY" "DENIED" ON 12-1-09,2-5-10,3-5-10 AND 3-8-10,  
BASED ON "OVERCROWDING" AND "MONIES" OR "BUDGETARY"..UNDER "POLICY"  
"CUSTOM""PRACTICE" OF "KELSO" AND "TRAQUINA".."SURGERY""DENIED"6-14-10..

11.. PLAINTIFF WAS ALLOWED THE "COLONOSOPY" AS "DENIED""DELAYED"  
SINCE 11-18-08 ON 6-7-10 AS "DR SOGGE" AND TEAM PERFORMED THE "EXAM-  
INATION" AND "DISCOVERED""3 POLIX" AS "2" "EXTRACTED" AND THE "3RD"  
"PRE CANCEROUS POLIX" WAS "SO LARGE" AS TO "REQUIRE""URGENT""EMERG-  
ENCY" AS WELL "RISKS OF HARM""INJURY" WHEN "PRE CANCEROUS" AS IT  
TOOK "HSIEH" "45" DAYS FOR THE "URGENT""EMERGENCY""SURGERY""DIAGNOSE  
BY "SOGGE" OF 6-7-10 AS "SURGERY PERFORMED" ON 7-21-10 WITH "FURTHER  
SURGERY" PLANNED FOR "90 DAYS FROM 10-12-10..BY "DR WENNEKER" OF "AN-  
GEL MERCY HOSPITAL".."DR HSIEH" IS "RESPONSIBLE" FOR "TIMELY SURGERY"  
OF 6-7-10 "DIAGNOSIS" WHOM "THROUGH VENDOR""CONTRACTS""ANGEL MERCY"  
AND OTHER HOSPITALS"..PLAINTIFF HAD TO "FILE GRIEVANCE" "ONLY TO BE  
TOLD BY "APPEALS LADY" THAT IT TOOK "8 MONTHS" FOR HER "HUSBAND""COL-  
ONOSOPY" AND "THEY PAID FOR IT""MEANING" PLAINTIFF WAS "LESS HUMAN"..  
ECT..UNDER POLICY PRACTICE "KELSO""TRAQUINA""SWARTHOUT"..

12.. "JOHN AND JANE DOE # 1 AND #2" "WILLFULLY""DELAYED""DENIED" PL-  
AINTIFF "RIGHT TO "TIMELY""COLONOSOPY EXAMINATION" SINCE 11-14-08

AND 12-1-09 WHEN "JOHN OR JANE DOE # 1 "FAILED""REFUSED""TIMELY"  
"SERIOUS MEDICAL ACCESS" WHEN "PRESCRIBED BY HSIEH" ON 12-1-09,  
2-5-10, 3-5-10, AND 3-8-10..AND "RIGHT TO TIMELY PREPARATION"..

AS "JOHN OR JANE DOE # 2""REFUSED""FAILED" TO "TRANSPORT"  
PLAINTIFF "1,000 FEET" TO "MAIN VACAVILLE" SHOWS "DELIBERATE" AND  
"RECKLESS DISREGARD" FOR PLAINTIFF "BASIC HUMAN NEEDS" WHEN "FAIL-  
URE" TO "DIAGNOSE""TREAT" WOULD RESULT IN "SIGNIFICANT INJURY"  
AND "UNESSESSARY WANTON INFLECTION OF PAIN" AS WELL AS "MENTAL AND  
EMOTIONAL DAMAGE" FOR "FAILING TO TIMELY TRANSPORT"..UNDER POLICY  
OF "SWARTHOUT""TRAQUINA" AND "KELSO" BASED ON "WILLFUL OVERCROWDING"..

13.. THE "DELIBERATE INDIFFERENCE""RECKLESS DISREGARD" BY "HSIEH"  
"JOHN OR JANE DOE # 1 AND #2 "DENIAL OF MEDICAL" SINCE 11-14-08 AS  
"FAILURE TO TREAT" WHEN "URGENT""EMERGENCY SURGERY" OF 6-7-10 "DIA-  
NOSIS" "DELAYED SERIOUS SURGERY" WHEN "PRE CANCEROUS" "CAUSED THE #3"  
"POLIX" TO "GROW TO 40 CM" THEREBY "MANDATING "URGENT""EMERGENCY"  
WHEN "2 ND""DELAYS OF 12-1-09, 2-5-10, 3-5-10 AND 3-8-10..CONSTITUTED  
"FURTHER RISKS OF HARM""INJURY"..UNDER "KELSO""TRAQUINA""SWARTHOUT"..  
BASED ON "WILLFUL OVERCROWDING"..

14.."WARDEN SWARTHOUT" "DELIBERATE""RECKLESS" BASED ON "OVERCROWDING"  
HAS "LIMITED PHYSICAL ACTIVITIES" WHICH "LOWERS RISK FACTORS" FOR THE  
"COUNTERING CANCER CAUSING""BIOLOGICAL FACTORS" INCLUDING "CANCER""FU-  
ELING MOLECULES" CALLED "GROWTH FACTORS""OXIDE STRESS" A "WEAKENED"  
"IMMUNE SYSTEM" AND "POOR RESPONSE TO INFLAMMATION"..

AS "FOODS SERVED" BY "SWARTHOUT" BASED ON "OVERCROWDING" CONTAIN  
"CANCER CAUSING ADDITIVES" TO "STRETCH FOOD"..AS "POWER""FOODS" ARE  
"DENIED"..AS WELL AS "FAULTY VENTILLATION SYSTEM" AS WELL AS "DORMS"  
THAT "INCREASE DISEASES" AND PLACED IN "DORMS" WITH "MANY PRISONERS"  
WITH "CONTAGIOUS DISEASES".. "FURTHER RISK OF SERIOUS HARM""INJURY"..

15.. UNDER "KELSO" "SUPERVISED BY "TRAQUINA" AND "DENIAL OF MEDICINES"  
BY "HSIEH" BASED ON "PURCHASING FROM CANTEEN""WHEN INDIGENT" AS IN PL-  
AINTIFF CASE DATED 8-13-10 "3RD LEVEL APPEAL" SUCH AS "SINUS MEDICATI-  
ONS""INDIGESTION" ECT WHEN PLAINTIFF HAD "6 INCHES OF INTESTINES REM-  
OVED" OF 7-21-10..BASED ON "WILLFUL OVERCROWDING""BUDGET PROBLEMS" ECT..



16.. THE "DENIED""DELAYED""SERIOUS MEDICAL BASED ON "OVERCROWDING" CONSTITUTE" DELIBERATE INDIFFERENCE""RECKLESS DISREGARD" WHEN "INTENTIONAL" WHEN "DUE PROCESS" AND "CRUEL AND UNUSUAL PUNISHMENT" ARE VIOLATED FOR "SERIOUS MEDICAL" NEEDS WHEN "FAILURE TO TREAT" WHEN "URGENT""EMERGENCY" "DIAGNOSED" WHEN "PAIN""MENTAL" AND "EMOTIONAL" "INJURIES" EXIST AMOUNTS TO "UNECESSARY AND WANTON INFLICTION OF PAIN" UNDER 5TH 8TH AND 14TH OF US CONSTITUTION..

"EXHAUSTION"

17.. PLAINTIFF SENT THE COURT COPY OR ORIGINAL "EXHAUSTION OF REMEDY" UNDER "42 USC 1997-A-E"...

18.. PLAINTIFF REALLEDGE AND INCORPORATE BY REFERENCE "PARAGRAPH # 1-17..

19.. "PLAINTIFF HAS NO PLAIN AND ADEQUATE OR COMPLETE REMEDY AT LAW TO REDRESS THE WRONGS DESCRIBED HEREIN PLAINTIFF HAS BEEN AND WILL CONTINUE TO BE "IRREPARABLY HARMED" BY THE CONDUCT OF THE NAMED DEFENDANTS AND "EMPLOYEES OF CDCR" UNLESS THIS COURT "GRANTS" THE "DECLARATORY" AND "INJUNCTIVE RELIEF" PLAINTIFF SEEKS WITH "RISK OF FUTURE" "HARM""INJURY"ECT..

PLAINTIFF BY "3RD LEVEL" APPEAL DATED 8-13-10 GAVE "NOTICE" TO DEFENDANTS OF "INDIGENCY" AND FOR "ONE DOCTOR" TO BE "ASSIGNED" TO EACH "PATIENT" NOT ROTATING DOCTORS" TO "THWARF RESPONSIBILITY" AS DATED 8-19-10 "3RD LEVEL APPEAL"..

20.. "EACH DEFENDANT" IS "SUED" IN "INDIVIDUAL" AND IN HIS HER "OFFICIAL CAPACITY"..AT ALL TIMES MENTIONED IN THIS COMPLAINT EACH DEFENDANT ACTED "UNDER COLOR OF STATE LAW"..

TRUE AGAINST FRAUD OR PERJURY

DATE 12-2-10

SIGNATURE

