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RE: CIVIL SUIT: POST:

I HAD BEEN WAITING TO GET A RESPONSE FROM A PRISON GUARD AND THE DEFENDANT IN MY CIVIL RIGHTS COMPLAINT THAT VIOLATED MY CIVIL RIGHTS PURSUANT 42 U.S.C. § 1983.

THIS GUARD E. BONITI WAS ASSIGNED TO THE CONTROL BOOTH IN THE UNIT I WAS IN ON 2/28/2010.

HE WAS NOT A REGULAR IN THIS UNIT, AND I HAVE NEVER SEEN HIM BEFORE THAT MORNING.

BUT HE IS A PRISON GUARD AND IS SUPPOSED TO BE TRAINED BEFORE HE WORKS IN THE PRISON, THEY'RE TRAINED IN SOME ACADEMY, THEN WHEN THEY ARRIVE AT THE PRISON THEY ARE INDIVIDUALLY TRAINED BY EXPERIENCED GUARDS, SORT OF HANDS ON TRAINING.

SO THERE IS NO REASON why ~~HE DID WHAT~~ ^{E. CAN} HE did on the morning of FEBRUARY 28, 2010.

THE GUARD WAS RUNNING THE YARD PROGRAM ^{SECURITY HOUSING UNIT} HE STARTED ON THE BOTTOM TIER AND FROM THE BACK TO THE FRONT,

EACH CELL IS ALLOWED ONE HOUR AND A HALF OUT ON THE YARD UNLESS HE WANTS TO COME EARLIER.

WHEN IT WAS MY TURN TO GO OUT, I REFUSED, TELLING THE GUARD THAT I PASS. THE CONTROL BOOTH OFFICER ASKED ME AGAIN IF I WANTED YARD AND I SAID NO, IT'S HIS RESPONSIBILITY TO KNOW WHO IS GOING TO THE YARD AND WHO IS NOT, AND IS SUPPOSED TO MAKE A YARD LIST, TO KEEP TRACK.

BECAUSE I REFUSED YARD, HE THEN LET THE NEXT CELL OUT TO THE YARD.

WHEN THAT PRISONER CAME IN FROM THE YARD INSTEAD OF OPENING HIS CELL DOOR, THE GUARD OPENED MY DOOR.

THE INMATE CAME TOWARDS ME AND TRIED TO STRIKE ME, AND I PUNCHED HIM OUT REAL QUICK.

IV.

THE INMATE KEPT TRYING TO STRIKE ME AND I CONTINUED TO SICK HIM UP.

THE CONTROL BOOTH OFFICER WAS AT THE BOOTH WINDOW WATCHING ALL OF THIS. HE KNOWS THAT INMATES ARE NOT SUPPOSED TO BE FIGHTING, HE ALSO KNOWS THAT TWO INMATES ARE NOT SUPPOSE TO BE OUT ON THE TIER AT THE SAME TIME.

EVER SINCE THIS PRISON OPENED GUARDS WOULD OPEN TWO CELL DOORS SO INMATES CONSIDERED RIVAL GANG MEMBERS COULD FIGHT AND THEY WOULD WATCH. THIS HAPPENED REGULARLY HERE IN PELICAN BAY SITE.

AFTER THE FIGHT WAS OVER, THE OTHER INMATE TIRED OUT AND COULDN'T DO MUCH ANYWAY, FINALLY GAVE UP AND WENT AND STOOD BY THE SITOWER, AND I STOOD IN THE MIDDLE OF THE TIER.

THEN ALL OF A SUDDEN THE GUARD SHOT ME, THE DAMN FIGHT WAS OVER AND THIS IDIOT SHOT ME ANYWAY, AND THEN PUSHED THE ALARM.

THE GUARD KNEW HE WAS WRONG, HE HAD NO RIGHT TO SHOOT ME BECAUSE THE FIGHT WAS OVER.

SO WHEN HE WROTE HIS REPORT ~~PELICAN BAY SECURITY STATE HOUSING PRISON~~ MAKE IT SEEM AS IF I HAD SQUEEZED OUT OF MY CELL DOOR THAT HE OPENED ~~JAIL~~ STATE, AND SO I RAN OVER TO THE OTHER INMATE AND ASSAULTED HIM, ~~UNIT D-2~~ AND SHOT HIM. SO HE SHOT ME. BY DOING THIS HE COVERED HIS ASS, AND OF COURSE ALL ~~THE~~ PRISON OFFICIALS BELIEVED HIM. SO I WAS FOUND GUILTY AT THE DISCIPLINARY HEARING.

I HAD ASKED FOR INMATE WITNESSES TO BE CALLED TO TESTIFY IN MY BEHALF BUT IT WAS DENIED, THE OTHER INMATE I FOUGHT WITH HAD ADMITTED HE WAS THE ONE WHO STARTED THE FIGHT, YET THE HEARING OFFICER WOULD NOT LET HIM COME TO THE HEARING.

I ASKED FOR A LIEUTENANT TO BE CALLED TO THE HEARING BECAUSE HE SPOKE WITH THE OTHER INMATE AND WROTE A CHRONO SAYING THAT INMATE TOLD HIM THAT IT WAS HE WHO WAS THE AGGRESSOR NOT ME.

BUT THE HEARING OFFICER REFUSED TO CALL HIM TO THE HEARING, AND REFUSED TO GIVE ME A COPY OF THAT CHRONO SO I COULD USE IT AS EVIDENCE IN MY HEARING.

IT IS QUITE OBVIOUS THAT THE HEARING OFFICER WANTED TO MAKE SURE THAT I WAS FOUND GUILTY.

III.

THEY HAD TO FIND ME GUILTY BECAUSE IF I PROVED THE CONTROL BOOTH GUARD LIED, THEY WOULD HAVE TO ADMIT HE VIOLATED MY RIGHT TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT.

PRISON OFFICIALS ARE LIKE ANY ONE ELSE, THEY LIE AND CHEAT, JUST LIKE THE POLICE AND ANY ONE IN ANY GOVERNMENT POSITION, IT'S SEEN DAILY IN THE NEWS.

EVEN SOME GUARDS HAVE BEEN IN SITUATIONS WHERE OTHER GUARDS HAVE LIED AND ACCUSED THEM OF MISCONDUCT OR ACTIVITY. I KNOW THIS FOR A FACT BECAUSE I WAS INVOLVED IN ONE OF THOSE SITUATIONS, WHERE SOME GUARDS WERE TRYING TO GET ANOTHER ONE FIRED, AND MADE UP LIES TO GET IT DONE.

SINCE 2010, MY LEGAL MAIL HAS BEEN TAMPERED WITH CAUSING DELAYS AND EVEN SEVERAL DISMISSELS, CAUSING ME MANY HEADACHES AND MANY SET BACKS.

I BELIEVE PRISON OFFICIALS WERE SABOTAGING MY COURT ACTION, HOPING THE COURT WOULD THROW IT OUT. THERE IS NO WAY MY LEGAL DOCUMENTS COULD BE LOST OVER AND OVER. THE COURT WAS SENDING ME COURT ORDERS AND THEY NEVER REACHED ME.

FINALLY THE DISTRICT COURT IN SAN JUAN ORDERED THE DEFENDANT BONITA SERVED WITH THE SUMMONS AND COMPLAINT ON MAY 13, 2013.

THE DEFENDANT HAD THIRTY DAYS TO ANSWER, AND DIDN'T, IN AUGUST I FILED A MOTION IN DISTRICT COURT ASKING THE COURT TO GRANT MY MOTION FOR DEFAULT. I DID THIS KNOWING THE COURT WILL NOT GRANT A MOTION OF DEFAULT FOR PRISONERS, THAT IS ONLY DONE FOR FREE PEOPLE. I DON'T KNOW WHY, THE LAW SHOULD APPLY TO ALL U.S. CITIZENS AND NOT HAVE A DOUBLE STANDARD.

WHILE I WAS WAITING FOR THE COURT TO RULE ON THE MOTION, I WROTE A REQUEST TO THE PRISON LITIGATION OFFICE ASKING IF THEY WOULD FORWARD DOCUMENTS TO THE GUARD DEFENDANT, THEY GOT BACK TO ME AND SAID THE GUARD IS DECEASED ON SEPT. FIRST. THEY ALSO SAID THEY NOTIFIED THE COURT IN JUNE 3, 2013 THAT BONITA WAS DECEASED.

I WAS NEVER NOTIFIED OF THIS, YOU'D THINK IF I'M THE ONE BRINGING THE SUIT, I SHOULD OF BEEN TOLD SOMETHING. THESE FOLKS OBVIOUSLY KNEW THE GUARD WAS DECEASED WAY BACK IN JUNE, 2013, AND DIDN'T SAY ANYTHING. IF THEY TOLD THE COURT CLERK, I STILL WASN'T INFORMED.

BUT HERE'S THE CATCH, I WAS TALKING TO ANOTHER INMATE WHO SAID HE WAS SUEING A GUARD THAT HAD RETIRED, THEN HE WAS TOLD THE GUY WAS DECEASED. I THOUGHT ABOUT THAT, AND IT SEEMS GUARDS WHO ARE SUED ARE DYING A LITTLE TOO OFTEN. AND NOW I'M BEGINNING TO WONDER IF THIS GUY IS INFAT DEAD, OR ARE THEY JUST TRYING TO DISCOURAGE ME FROM PURSUING THE LEGAL ACTION.

I SAW THAT GUARD AT MY HEARING WHEN HE LIED ABOUT ME ASSAULTING THE OTHER INMATE, AND REFUSING TO STOP ASSAULTING HIM, SO HE HAD TO SHOOT ME. HE LOOKED IN GOOD CONDITION AS HE LIED. HE WASN'T AS OLD AS I AM, SO HE DIDN'T DIE OF OLD AGE.

IT'S POSSIBLE HE WAS IN AN ACCIDENT I GUESS, IT POSSIBLE HE CAUGHT SOME DEADLY DISEASE I GUESS, HE WAS FAT SO HE COULD OF DIED OF HIGH BLOOD PRESSURE OR A RELATED DISEASE.

BUT I DON'T BUY NONE OF IT, I NEED TO SEE ~~HE WAS POKED~~ IN THE COFFIN, OR AT THE LEAST A DEATH CERTIFICATE.

YOU'D THINK THAT I'D BE HAPPY THAT HE'S DECEASED AFTER ALL HE SHOT ME FOR NO DAMN REASON.

BUT I'M NOT, BECAUSE I WANTED MY DAY IN COURT, AND I'D FEEL CHEATED IF HE IS IN FACT DEAD.

THE FIRST THING I THOUGHT WHEN I HEARD HE'S DECEASED IS THAT IT OCCURRED RIGHT AFTER THE COURT ORDERED HIM SERVED ON OR ABOUT MAY 17, OR 18, 2013. AND THEN THE LITIGATION OFFICE SAID THEY INFORMED THE COURT ON JUNE 3, 2013 THAT HE WAS DECEASED. SO WITHIN TWO WEEKS OF THAT ORDER HE WAS DECEASED. I DON'T KNOW WHAT TO BELIEVE AT THIS POINT, BUT PRISON OFFICIALS LIE ABOUT ANY DAMNTHING AS LONG AS IT BENEFITS THEM, SO AM I WRONG TO BE SUSPICIOUS.

ANYWAYS I FILED AN AMENDED COMPLAINT, AND NAMED HIS ESTATE IN THE CIVIL SUIT, AND HIM AS WELL INCASE HE'S HIDING ON A BOAT IN CRESLENT CITY HARBOR.