

Marcus Ruben Ellington  
CDCR #E-44837/D3-140  
CSP-LAC., POB 4670  
Lancaster, Ca. 93536

January 26, 2014

I.

DECLARATION

I, Marcus Ruben Ellington, does hereby declare and, verify pursuant to 28 U.S.C. § 1746. That, the following is true and correct:

1. I am the Declarant, Marcus R. Ellington, and at all times mentioned herein was housed within the CSP-LAC., (A5) Administrative Segregation Unit (ASU) on the following date(s): September 04, 2013 through December 08, 2013. Without relent/relief;

2. On: September 24, 2013. Doctor - Fitter claimed that, "during the week of (09/24/2013) he and custodial personnel observed this writer/declarant on the (B) facilities yard performing dips and walking with his walker as if he did not need it. for prolonged (unspecified and unmeasured) periods;

3. based on this claim by the Dr. Fitter, Fitter ordered the declarants walker removed without any form of physical examination. Over the declarants objection and attestation to the fact that, He was not assigned not housed nor, on the (B) Facility/yard the week of (09/24/2013) prison records so reflect;

4. Declarant brought the matter to the Dr. fitters' superiors Chief Dr. Morris and Chief Medical officer-Finnander who did nothing except seek to insulate their co-worker fitter from his wrong doing, and, essentially ignored the fact that, Fitter was less than honest. and, unethical;

5. Fitter order the declarant have a cane (quad cane). However, the declarant was on: (12/09/2013) issued a single point cane by Dr. Marcello. While physically taking My walker with a host of custodial personnel standing by (more than normal);

6. Both, Fitter and Marcello, failed to engage the declarant in the "interactive process" required by state and federal law. See, West. Ann. Cal. Gov't C § 12926.1(e). Before taking the walker. To determine which assistive device would best suit the declarant in the absence of the walker;

7. Declarant has a right shoulder (A/C - Separation). and, Degenerative Disk Disease (D.D.D.) in his Lumbar spine at, L4-L5; L5-S1. with disk bulges seen by MRI to contact his nerv-root's, However slightly. Causing right leg and foot pain. and shooting pain whenever the declarant placing weight upon his right leg and foot. Now, with a cane, in right hand with right shoulder (A/C - Separation) walking is extremely painful. The cane is exacerbating My Right shoulder (A/C - Separation) causing pain, grinding, and it feels like it is coming a loose with every step.

8. Since the taking of My walker based on a lie. and the issuance of a single point cane. I have on more than one occasion fallen and further injured Myself. all ignored by both, custodial and medical personnel (intentionally). See, (01/26/2014) Declaration of inmates filed with attorney - L. H. Parker., Long Beach, Ca.

9. Because of the pain caused by the cane, declarant is unable on most occasions to arrive at the clinic for his anti-depressant medication(s). and, heart medication. official appointments within the prison, meals, shower's, dayroom, yard both, exercise and recreational, visit's, telephones and, all other services, programs and activities of the prison. In direct violation of: 42 U.S.C. § 12131 of the Americans with Disabilities Act (ADA).

10. The declaant has writen to the PRISON LAW OFFICE the advocate for prisoners rights. But, they are too busy advocating for My rights to advocate for My right's. The state and federal courts surrounding the prison seem to be just another leg of the prison appellate process. and do very little to nothing to cause the prison to abide by the law. I believe that, California courts are holding that, prison's do not have to abode by the law's unless it is aired on T.V. or, the pirson law-office is bringing claims against the prison. But, In the Delcarants case, The courts




hold that, CDC doctors may lie and remove the declarants assistive device based on a lie. and that, the declarant has such treatment coming because he is in prison for rape. In such a case, it doesn't matter what the prison official's do against you. They may murder you. and the courts will find a way to absolve them of it. and justify the unconstitutional use of force. That is, in declarants case;

11. Declarants speaking against these people may place the declarants life in danger. Judges may grant the prison officials leave to murder the declarant. Because he has told the truth. Something that, is frowned on today;

12. Declarant is being sorely mistreated though he is innocent of the offense's he has been confined. and the courts will not permit him a merit determination of his current claims because they will establish that, the man has been railroaded. and, illegally maintained in prison for approximately (25) year's.

13. Declarant cannot arrive at destination with cane. and is thrust into pain by its use. and has notified the authorities of this pain. without relief to date. The authorities were notified of this pain as early as, 12/09/2013. Yet, nothing has been done to remedy this painful condition. His falling and further injuring himself neither has provoked any relief from the deliberately indifferent staff. Further, I say not.

2.

  
Marcus Ryben Ellington  
Declarant

Dated: January 26, 2014