

EXHIBIT

B

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME) RUSSELL	(FIRST NAME) Ronald	CDC NUMBER: AT 3116	SIGNATURE: Ronald Russell
HOUSING/BED NUMBER: BYTHE 123	ASSIGNMENT: A1A	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): HEAT PLAN BUILDING PROTOCOL

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:
 Friday 6-19 I asked our Bldg. C/O if he would either open the cell tray slots or crack the doors to reduce the heat in the cells. He informed me some one had crapped in the shower & until they came forward & admitted it the C/O wasn't going to crack the cell doors or open tray slots etc. I fail to see a nexus between the issues & suspect the family of the inmate who dies in his cell of heat related causes won't see the nexus either. I am certain the smell & inconvenience of feces in the shower trifles the smell & inconvenience of a dead body in a hot cell for hours. Also, the fan intended to push air down the tier has been positioned to blow into the bubble. No cold water or ice has been distributed when the temp. reached 95°. My question is Don't the heat protocols established last summer apply to this year?

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED**
 SENT THROUGH MAIL: ADDRESSED TO: **Facility C. Captain** DATE MAILED: **6/19/2**

DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
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IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MA
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SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
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**PRESENTED TO SECOND WATCH C/O's
who READ AND REFUSED TO SIGN.**

**I THEN SENT TO CAPTAIN WITH OUT
SIGNATURE**

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:
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SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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STATE OF CALIFORNIA
INMATE/PAROLEE REQUEST FOR INTERVIEW, ITEM OR SERVICE
CDCR 22 (10/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME) RUSSELL	(FIRST NAME) RONALD	CDC NUMBER: AT 3116	SIGNATURE: Ronald Russell
HOUSING/BED NUMBER: BUTTE 123	ASSIGNMENT: A1A	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): HEAT PLAN BUILDING PROTOCOLS

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

Friday 6-19 I asked our Bdg. C/O if he would either open the cell tray slots or crack the doors to reduce the heat in the cells. He informed me some one had crapped in the shower & until they came forward & admitted it the C/O wasn't going to crack the cell doors or open tray slots etc. I fail to see a nexus between the issues & suspect the family of the inmate who dies in his cell of heat related causes won't see the nexus either. I am certain the smell & inconvenience of feces in the shower trifles the smell & inconvenience of a dead body in a hot cell for hours. Also, the fan intended to push air down the tier has been positioned to blow into the bubble. No cold water or ice has been distributed when the temp. reached 95°. My question is Don't the heat protocols established last summer apply to this year?

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED**

- SENT THROUGH MAIL: ADDRESSED TO: **Facility C. Captain** DATE MAILED: **6/19/2017**
- DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
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IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL
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SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
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*PRESENTED TO SECOND WATCH AT
10:30 AM 6-19-2017, WHO READ AND
REFUSED TO SIGN, RUSSELL*

*I THEN SENT TO CAPTAIN WITHOUT
SIGNATURE, RUSSELL*

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:
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SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME): R. MATUTE. SGT.	DATE: 6-22-17	SIGNATURE: 	DATE RETURNED: 6-22-17
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THERE IS NO CDCR POLICY THAT MANDATES THE OPENING OF CELL DOORS OR FOOD PORTS DUE TO TEMPERATURE. CELL WINDOWS CAN BE OPENED FOR VENTILATION.

EXHIBIT

C

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL FORM ATTACHMENT
CDCR 602-A (08/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 1

IAB USE ONLY	Institution/Parole Region: Log #:	Category:
	<u>CIM-C-16-01021</u>	11
FOR STAFF USE ONLY		

Attach this form to the CDCR 602, only if more space is needed. Only one CDCR 602-A may be used.

Appeal is subject to rejection if one row of text per line is exceeded.

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First): Russell, Ronald	CDC Number: AT3116	Unit/Cell Number: Butte 120	Assignment: Education
<p>A. Continuation of CDCR 602, Section A only (Explain your issue): staff complaint. We've observed the past 6 months JOHNSON goes out of her way to needlessly harass & frustrate "US/" & her actions on the above dates are representative of her past behavior. On 4-19-16 she decided to assign table washing duties in the south dining room to the assigned ADA inmate assistant because he continued to assist "US/" contrary to her past instructions (See Lopez staff complaint). After one of "US/" with a cane went through the line & had no choice but to pick up his tray, find a place to sit, return to get a beverage (delaying the line twice) & return to his seat Johnson continued to rant & raved "See, he can get his own tray! They're all just a bunch of fakers who think they're special." Later she harassed another who had done the same because he had not carried the items to the other chow hall where the next group of inmates were seated. "When I say the other chowhall it applies to you. I don't give a damn about your ADA. You're all a bunch of fakers" she said. On 4-26-16 she stood over one of "US/" insisting he eat faster & get out. The IM placed his remaining food in his state cup and left. She met him at the exit, made him empty the food & followed him to the yard in a tirade "You all think you are special. You're just a f---g inmate. I wear green & I'm in charge here." JOHNSON was reminded several of "US/" skip Tuesday evening meals to avoid dealing with her. Her response 'Do you think I give a shit? You all should skip chow.' On 5-3-16 she repeated the 4-26-16 episode with a "new victim" who had gotten his tray & beverage routine & just sat down to eat. She ordered him</p>			
Inmate/Parolee Signature: _____		Date Submitted: _____	

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<p>B. Continuation of CDCR 602, Section B only (Action requested): CONTINUED FROM PART A. ABOVE.</p> <p>to leave. "When I say to go - get out, that means you too." She then turned to the IM with a cane sitting at the table (who she requires to get his own tray etc.) & said "See, I'm picking on him tonight to let you know you aren't the only one I pick on." On 5-10-16 Johnson took the IM sitting at the table 5-3-10 out of his cell demanding to know the full name and cell# of the IM she ordered to leave the chowhall. He could not give her the information. Before returning to his cell he asked her "Are you going to retaliate now?" to which she replied "You bet your ass I'm going to retaliate!" One of "US/" housed in Johnson's building on Fac A. contends that was her style back then and she continues to retaliate against him now on Fac C. Because of her retaliation, names of IM's in the above are not listed. A copy of this staff complaint has already been mailed to the ACLU, ACA, Inspector General, Prison Law Office, & Editor of the Sacramento Bee.</p>	
----- CONTINUED FROM PART B. FORM 602 -----	

SUCH in an effort to accommodate their needs without further harassment and retaliation by G.O. Johnson.

Inmate/Parolee Signature: Ronald Russell Date Submitted: 3-13-2016

IAB USE ONLY	Institution/Parole Region: Log #: CIM-C-16-01021	Category: 11
FOR STAFF USE ONLY		

This is a group appeal signature attachment sheet. Attach it to your group CDCR 602. You are to legibly print your name, number, assignment and housing, then sign and date the form. By signing, you are agreeing to the issue and action requested; and you acknowledge that this appeal counts towards the allowable number of appeals in the period in which it is filed.

PRIMARY APPELLANT

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First):	CDC Number:	Assignment:	Unit/Cell #	Signature	Date
Russell, Ronald	AT3116	Educa, B 120	123L	Ronald Russell	5-13-2016

A. Summarize the specific issue that you are appealing as identified in the attached CDCR 602:
Staff complaint re: C/O (Ms.) Johnson's treatment of ADA & elderly inmates in the chow hall on Tuesday evenings when she is on duty.

B. Summarize the action requested:
Re-assign her to another yard or cell-feed ADA/Elderly inmates on Tuesday evenings if they request it to avoid her harassment and retaliation.

NOTE: I, the undersigned, agree that the facts presented in this appeal are true. I agree with the issue presented and I am requesting the action indicated. In the event the Primary Appellant transfers or elects to withdraw from the appeal, I understand that I may become the primary appellant for purposes of processing the group appeal.

CDC Number	Name	Assignment	Unit/Cell #	Signature	Date
AV8149	Fran Chenlee	A-1-A	C01241L	Jesse Chen	5-13-16
V58669	Harold Higgins	A1A	B57E 115L	Harold Higgins	5-13-16
T70284	Machuca Jose N	A-1-A	A1-2454	JM	5-13-16
T61651	CABRAL RUBEN	-	C 1122L	DW G. Ruben	5/13/16
P69205	Keith A. Higgins	-	C124	Keith A. Higgins	5-13-16
CDC Number	Name	Assignment	Unit/Cell #	Signature	Date
CDC Number	Name	Assignment	Unit/Cell #	Signature	Date
CDC Number	Name	Assignment	Unit/Cell #	Signature	Date
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CDC Number	Name	Assignment	Unit/Cell #	Signature	Date
CDC Number	Name	Assignment	Unit/Cell #	Signature	Date

STAFF USE ONLY

2016 MAY 20 AM 6 12

CIM-ER

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL
CDCR 602 (REV. 03/12)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 1

IAB USE ONLY	Institution/Parole Region:	Log #:	Category:
FOR STAFF USE ONLY			

You may appeal any California Department of Corrections and Rehabilitation (CDCR) decision, action, condition, policy or regulation that has a material adverse effect upon your welfare and for which there is no other prescribed method of departmental review/remedy available. See California Code of Regulations (CCR), Title 15, Section 3084.1. You must send this appeal and any supporting documents to the Appeals Coordinator (AC) within 30 calendar days of the event that led to the filing of this appeal. If additional space is needed, only one CDCR Form 602-A will be accepted. Refer to CCR 3084 for further guidance with the appeal process. No reprisals will be taken for using the appeal process.

Appeal is subject to rejection if one row of text per line is exceeded.

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First): Russell, Ronald	CDC Number: AT3116	Unit/Cell Number: Butte 120	Assignment: Education
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State briefly the subject of your appeal (Example: damaged TV, job removal, etc.):

Appeal Cancellation of Appeal Log# CIM-C-16-01021

A. Explain your issue (If you need more space, use Section A of the CDCR 602-A): **Cancelled appeal CIM-C-16-01021 was submitted as a group appeal solely for the purpose on limiting the opportunity of C/O who's behavior is the focus of the cancelled appeal to retaliate against individual appellants. Because**
B. Action requested (If you need more space, use Section B of the CDCR 602-A):

Reinstate cancelled appeal log# CIM-C-16-01021.

Supporting Documents: Refer to CCR 3084.3.

Yes, I have attached supporting documents.

List supporting documents attached (e.g., CDC 1083, Inmate Property Inventory; CDC 128-G, Classification Chrono):

Cancelled Group Appeal, Log # CIM-C-16-01021

No, I have not attached any supporting documents. Reason:

Inmate/Parolee Signature: Ronald Russell Date Submitted: 6-14-2016
 By placing my initials in this box, I waive my right to receive an interview.

C. First Level - Staff Use Only

This appeal has been:

- Bypassed at the First Level of Review. Go to Section E.
- Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____ Date: _____
- Cancelled (See attached letter) Date: _____
- Accepted at the First Level of Review.

Staff – Check One: Is CDCR 602-A Attached? Yes No

Assigned to: _____ Title: _____ Date Assigned: _____ Date Due: _____

First Level Responder: Complete a First Level response. Include Interviewer's name, title, interview date, location, and complete the section below.

Date of Interview: _____ Interview Location: _____

Your appeal issue is: Granted Granted in Part Denied Other: _____

See attached letter. If dissatisfied with First Level response, complete Section D.

Interviewer: _____ Title: _____ Signature: _____ Date completed: _____
(Print Name)

Reviewer: _____ Title: _____ Signature: _____
(Print Name)

Date received by AC: _____

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL FORM ATTACHMENT
CDCR 602-A (08/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 1

IAB USE ONLY	Institution/Parole Region: Log #:	Category:
FOR STAFF USE ONLY		

Attach this form to the CDCR 602, only if more space is needed. Only one CDCR 602-A may be used.

Appeal is subject to rejection if one row of text per line is exceeded.

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First): Russell, Ronald	CDC Number: AT3116	Unit/Cell Number: Butte 120	Assignment: Education
-----------------------------------------------	------------------------------	---------------------------------------	---------------------------------

A. Continuation of CDCR 602, Section A only (Explain your issue): ~~retaliation by this C/O is legendary, many other inmates would not add their names (or encounters) to the appeal out of fear of having their cells tore up and their property destroyed. The subject matter of any individual staff complaints/appeals - C/O Johnson's treatment and behavior toward them as elderly white & Hispanic mobility impaired inmates would be the same issue as addressed in the cancelled group appeal. The cancelled group appeal cites specific incidents occurring on specific dates.~~

STAFF USE ONLY

Inmate/Parolee Signature: Ronald Russell Date Submitted: 6-14-2013

B. Continuation of CDCR 602, Section B only (Action requested):

Inmate/Parolee Signature: _____ Date Submitted: _____

EXHIBIT

D

Ron
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IN THE UNITED STATES DISTRICT COURTS
FOR THE EASTERN DISTRICT OF CALIFORNIA
AND THE NORTHERN DISTRICT OF CALIFORNIA
UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES
PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE

11 RALPH COLEMAN, et al.,

12 Plaintiffs,

13 v.

14 EDMUND G. BROWN JR., et al.,

15 Defendants.

17 MARCIANO PLATA, et al.,

18 Plaintiffs,

19 v.

20 EDMUND G. BROWN JR., et al.,

21 Defendants.

NO. 2:90-cv-0520 LKK DAD (PC)

THREE-JUDGE COURT

NO. C01-1351 TEH

THREE-JUDGE COURT

ORDER GRANTING IN PART
AND DENYING IN PART
DEFENDANTS' REQUEST FOR
EXTENSION OF DECEMBER 31,
2013 DEADLINE

23 WHEREAS the Court has read and considered the parties' filings in response to this
24 Court's January 13, 2014 Order;

25 WHEREAS defendants have represented that, in conformance with the terms of this
26 order, they will develop comprehensive and sustainable prison population-reduction reforms
27 and will consider the establishment of a commission to recommend reforms of state penal
28 and sentencing laws;

1 WHEREAS defendants have represented that they will not appeal or support an
2 appeal of this order, any subsequent order necessary to implement this order, or any order
3 issued by the Compliance Officer to be appointed in conformance herewith that is consistent
4 with the duties of the Compliance Officer as specified in this order, and will not move or
5 support a motion to terminate the relief contained in this order until at least two years after
6 the date of this order and such time as it is firmly established that compliance with the
7 137.5% design capacity benchmark is durable;

8 WHEREAS this order is issued in reliance on defendants' representations; and

9 WHEREAS the Court finds that the order below is narrowly tailored to the
10 constitutional violations identified by the *Plata* and *Coleman* courts, extends no further than
11 necessary to remedy those violations, and is the least intrusive possible remedy.

12 IT IS HEREBY ORDERED that:

13 1. The Court GRANTS defendants' request for an extension of time, but only to
14 February 28, 2016, to comply with this Court's June 30, 2011 Order to reduce California's
15 prison population to 137.5% design capacity.

16 2. The deadline to achieve the ordered reduction in the in-state adult institution
17 population to 137.5% design capacity is extended to **February 28, 2016**. Defendants will
18 meet the following interim and final population reduction benchmarks:

- 19 (a) 143% of design bed capacity by **June 30, 2014**;
20 (b) 141.5% of design bed capacity by **February 28, 2015**; and
21 (c) 137.5% of design bed capacity by **February 28, 2016**.

22 3. During the extension period, and as long as this Court maintains jurisdiction,
23 defendants shall not increase the current population level of approximately 8,900 inmates
24 housed in out-of-state facilities. Defendants shall also explore ways to attempt to reduce the
25 number of inmates housed in out-of-state facilities to the extent feasible.

26 4. The Court acknowledges that defendants intend to comply with this order in
27 part through a combination of contracting for additional in-state capacity in county jails,
28 community correctional facilities, and a private prison, and through newly enacted programs

1 including the development of additional measures regarding reforms to state penal and
2 sentencing laws designed to reduce the prison population. Defendants shall also immediately
3 implement the following measures:

4 (a) Increase credits prospectively for non-violent second-strike offenders
5 and minimum custody inmates. Non-violent second-strikers will be eligible to earn good
6 time credits at 33.3% and will be eligible to earn milestone credits for completing
7 rehabilitative programs. Minimum custody inmates will be eligible to earn 2-for-1 good time
8 credits to the extent such credits do not deplete participation in fire camps where inmates also
9 earn 2-for-1 good time credits;

10 (b) Create and implement a new parole determination process through
11 which non-violent second-strikers will be eligible for parole consideration by the Board of
12 Parole Hearings once they have served 50% of their sentence;

13 (c) Parole certain inmates serving indeterminate sentences who have
14 already been granted parole by the Board of Parole Hearings but have future parole dates;

15 (d) In consultation with the Receiver's office, finalize and implement an
16 expanded parole process for medically incapacitated inmates;

17 (e) Finalize and implement a new parole process whereby inmates who are
18 60 years of age or older and have served a minimum of twenty-five years of their sentence
19 will be referred to the Board of Parole Hearings to determine suitability for parole;

20 (f) Activate new reentry hubs at a total of 13 designated prisons to be
21 operational within one year from the date of this order;

22 (g) Pursue expansion of pilot reentry programs with additional counties and
23 local communities; and

24 (h) Implement an expanded alternative custody program for female inmates.

25 5. Defendants will report to this Court monthly on the status of measures being
26 taken to reduce the prison population, and on the current in-state and out-of-state adult prison
27 populations. The first report shall be submitted on the 15th of the month following the date
28 of this order and shall continue until further order of the Court.

1 6. The Court will appoint a Compliance Officer for the purpose of bringing
2 defendants into compliance with any missed benchmark by ordering inmate releases. If
3 compliance with any benchmark is not achieved within a 30-day period following the
4 expiration of any missed benchmark, the Compliance Officer shall, within seven days, direct
5 the release of the number of inmates necessary to achieve compliance with the missed
6 benchmark and the measures to be followed in selecting the prisoners to be released. The
7 authority of the Compliance Officer shall extend no further than ordering defendants to
8 release inmates necessary to ensure defendants' compliance with any missed benchmark.

9 (a) In selecting inmates for release, the Compliance Officer shall consider
10 public safety by minimizing any risk of violent re-offense. The Compliance Officer shall not
11 be authorized to order the release of condemned inmates or inmates serving a term of life
12 without the possibility of parole.

13 (b) The Compliance Officer shall have access to all necessary CDCR data
14 and personnel regarding the California prison population, including population projections,
15 risk assessments, recidivism data, statistical data, and prisoner files, and shall receive
16 administrative support from CDCR to the extent needed to carry out the Compliance
17 Officer's duties. In addition, the Compliance Officer may engage the services of a part-time
18 assistant and/or a part-time secretary upon a showing of good cause within the discretion of
19 this Court at a rate of pay to be approved by this Court should the parties disagree. If the
20 Compliance Officer finds good cause to question the accuracy of any data presented to him
21 or her, the Compliance Officer shall have the authority to verify the accuracy of such data.

22 (c) The Compliance Officer shall be compensated for all work or services
23 necessary to ensure compliance with a benchmark, should a benchmark be missed, and all
24 work or services necessary to verify the accuracy of any data presented to him or her by the
25 CDCR, should the Compliance Officer find good cause to question the accuracy of such data.
26 Defendants shall reasonably compensate the Compliance Officer on an hourly basis and for
27 reasonable expenses, and the provisions of 18 U.S.C. § 3626(f) shall not apply.

1 7. The Compliance Officer shall retain all powers, access to information, and
2 compensation granted under this order after the final 137.5% benchmark is reached and until
3 it is firmly established that defendants' compliance with the 137.5% benchmark is durable.
4 During this period after compliance with the final benchmark and before such compliance is
5 durable, if two of defendants' monthly reports, consecutive, report a prison population above
6 137.5% design capacity, the Compliance Officer shall, within seven days, direct the release
7 of the number of inmates necessary to bring the prison population to 137.5% design capacity.

8 8. The parties shall meet and confer to attempt to make a joint recommendation to
9 the Court regarding the selection of the Compliance Officer and an appropriate hourly rate of
10 compensation, which may be subject to increase annually. If the parties are not able to agree,
11 they may each recommend up to two candidates for the Court's consideration and a proposed
12 hourly rate. The parties shall file their recommendations, including a description of any
13 recommended candidate's qualifications and an explanation of any proposed hourly rate,
14 within 30 days of the date of this order. The selection of the Compliance Officer and
15 compensation rate rests solely within the Court's discretion, and the Court will not be limited
16 to the parties' recommendations, whether separate or joint.

17 9. To the extent that any state statutory, constitutional, or regulatory provisions,
18 except the California Public Resources Code, impede the implementation of this order or
19 defendants' ability to achieve the population reduction benchmarks, all such laws and
20 regulations are waived. Although the Court does not issue a general waiver of the Public
21 Resources Code, defendants may request waivers, as the need arises, of these statutory
22 provisions that are tailored to specific projects.

23 10. This Court shall maintain jurisdiction over this matter for as long as is
24 necessary to ensure that defendants' compliance with the 137.5% final benchmark is durable,
25 and such durability is firmly established.

26 11. Defendants shall, within 60 days of the date of this order, file with the
27 Compliance Officer under seal, the categories of prisoners who are least likely to reoffend or
28 who might otherwise be candidates for early release (the "Low Risk List") that this Court

1 previously ordered them to create. The Low Risk List shall not be viewed by the
2 Compliance Officer unless and until he or she is ordered to do so by this Court. Similarly,
3 this Court will not inspect the list unless circumstances so warrant. Defendants shall file an
4 amended list every 60 days, should changes to the list become appropriate.

5

6 **IT IS SO ORDERED.**

7

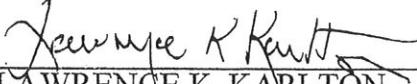
8 Dated: 02/10/14


STEPHEN REINHARDT
UNITED STATES CIRCUIT JUDGE
NINTH CIRCUIT COURT OF APPEALS

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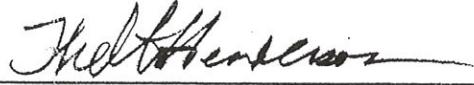
11 Dated: 02/10/14


LAWRENCE K. KARLTON
SENIOR UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF CALIFORNIA

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13

14 Dated: 02/10/14


THELTON E. HENDERSON
SENIOR UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA

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EXHIBIT

E

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL
CDCR 602 (REV. 08/09)

Side 1

IAB USE ONLY	Institution/Parole Region: Log #:	Category:
	<u>CIM-C-16 00231</u>	9
FOR STAFF USE ONLY		

You may appeal any California Department of Corrections and Rehabilitation (CDCR) decision, action, condition, policy or regulation that has a material adverse effect upon your welfare and for which there is no other prescribed method of departmental review/remedy available. See California Code of Regulations, Title 15, Section (CCR) 3084.1. You must send this appeal and any supporting documents to the Appeals Coordinator (AC) within 30 calendar days of the event that lead to the filing of this appeal. If additional space is needed, only one CDCR Form 602-A will be accepted. Refer to CCR 3084 for further guidance with the appeal process. No reprisals will be taken for using the appeal process.

Appeal is subject to rejection if one row of text per line is exceeded.

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First): <u>RUSSELL, RONALD</u>	CDC Number: <u>AT3116</u>	Unit/Cell Number: <u>Butte 123L</u>	Assignment:
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State briefly the subject of your appeal (Example: damaged TV, job removal, etc.):

GROUP 602 Continuous Exposure to Cold - No Heat in Buildings

A. Explain your issue (If you need more space, use Section A of the CDCR 602-A): The undersigned (hereafter "US") are high risk medical patients, being age 65 or older, and/or having multiple serious medical conditions, nevertheless housed on CIM Fac. "C" where there is no heat in any of the inmate assessible buildings. We have infrequent (if any) access to hot water in showers/cells

B. Action requested (If you need more space, use Section B of the CDCR 602-A):

We are looking for a "durable" solution to solve this problem of lack of heat in the late fall, winter & early spring, and addresses the oppressive heat (100°+) even at night that follows in the late spring, summer &

Supporting Documents: Refer to CCR 3084.3.

Yes, I have attached supporting documents.

List supporting documents attached (e.g., CDC 1083, Inmate Property Inventory; CDC 128-G, Classification Chrono):

No, I have not attached any supporting documents. Reason: We contend the administration's issuance of a first, then a second (paper thin) extra blanket as "your personal heating system" speaks for itself as documentation.

Inmate/Parolee Signature: Ronald Russell Date Submitted: 2-5-2016

By placing my initials in this box, I waive my right to receive an interview.

C. First Level: Staff Use Only

Staff - Check One: Is CDCR 602-A Attached? Yes No

This appeal has been:

- Bypassed at the First Level of Review. Go to Section E.
 Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____ Date: _____
 Cancelled (See attached letter) Date: _____
 Accepted at the First Level of Review.

Assigned to: Business Services Title: AW Date Assigned: 2-8-16 Date Due: 3-22-16

First Level Responder: Complete a First Level response. Include Interviewer's name, title, interview date, location, and complete the section below.

Date of Interview: 03/04/16 Interview Location: FAC-BUTTE

Your appeal issue is: Granted Granted in Part Denied Other: _____

See attached letter. If dissatisfied with First Level response, complete Section D.

Interviewer: J. Morales (Print Name) Title: Supervising Officer Signature: J. Morales Date completed: 03/04/16

Reviewer: M. J. H. (Print Name) Title: Supervising Officer Signature: M. J. H.

Date received by AC: 3/10/16

AC Use Only
Date mailed/delivered to appellant 3/10/16

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL FORM ATTACHMENT
CDCR 602-A (08/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 1

IAB USE ONLY

Institution/Parole Region: Log #:

Category:

CIM-C-16-00231

9

FOR STAFF USE ONLY

Attach this form to the CDCR 602, only if more space is needed. Only one CDCR 602-A may be used.

Appeal is subject to rejection if one row of text per line is exceeded.

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First): Russell, Ronald	CDC Number: AT3116	Unit/Cell Number: Butte 123L	Assignment:
--------------------------------------------	---------------------------	-------------------------------------	-------------

A. Continuation of CDCR 602, Section A only (Explain your issue): creating conditions where even wearing multiple layers of PERSONAL CLOTHING (if we have such) under state issue clothing, it is impossible to warm up even when lying under 4 blankets in our cells. Even then, sooner or later must get out of bed to use the toilet/meals/etc. only to get back into bed to begin this cycle again. The ventilation system which failed all summer when cel temps exceeded 100° now runs 24/7 sucking in frigid (35° or less) outside air blowing it into cells all night long off setting any temperature gain during daylight hours. The ventilation system blow thick layers of dust & debris into the cells. After days of rain, the constantly running ventilation system feeds moisture to the mold in the buildings. Standing outside in the cold/wind/rain waiting for medical services 30 minutes to 4 hours creates wet clothing that will not dry out in cold damp cells. Rain creates COLD & DAMP cells where not even towels dry in a week or more. We maintain there living conditions present not only a material adverse effect on our health & welfare as "high risk medical" patients; the conditions violate the Eighth Amendment prohibition against cruel/unusual punishment. Prison officials knew of these conditions before they brought us/ elderly & high risk medical patients to CIM Fac. C.; and in fact knew these conditions have existed for several years but nevertheless proceeded to house us/ on Fac. C. in conscious disregard of the material adverse effects these conditions impose on our health and welfare. A copy of this Group 602 has been forwarded to the ACIU, ACA, Inspector General Robert Burton, Editorial Dept. of the Sacramento Bee. We expect the issue to appear in social media in the near future.

Inmate/Parolee Signature: Ronald Russell Date Submitted: 2-5-2016

B. Continuation of CDCR 602, Section B only (Action requested): late fall. We have obtained information from several sources which maintain the original yard heating system is most likely beyond repair, if somehow repaired, would require constant further repair, and the cost of the initial repair would be exorbitant. Even then, summer air conditioning would not be addressed. Installing the same kind of units used in the chapel offices (combo heater/air conditioner) in each cell solves both problems, is faster, cheaper & easier to maintain. Hot water issue requires the same "re-thinking" because it a problem that never goes away (for very long.) The problem of keeping us/ outside in the cold/rain/wind requires common sense particularly where there is a place to wait inside and in every situation where there isn't serious need to send us/ outside but travel/waiting can be accomplished indoors (meals, for example.) Until the heating problem is solved, perhaps 2 sets of thermals (sweats/sweatshirt) & rain ponchos would be adequate.

Inmate/Parolee Signature: Ronald Russell Date Submitted: 2-5-2016

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF APPEALS
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

THIRD LEVEL APPEAL DECISION

Date: AUG 03 2016

Group Appeal

In re: Ronald Russell, AT3116
California Institution for Men
P.O. Box 128
Chino, CA 91708

TLR Case No.: 1514619

Local Log No.: CIM-16-00231

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner J. Knight, Captain. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that he is housed on a facility at California Institution for Men (CIM) that has no heat in any of the assessable buildings. The appellant asserts this issue affects many of the inmates who are high risk medical and over the age of 65. The appellant alleges that he has infrequent access to hot water in the showers/cells. The appellant contends the living conditions require inmates to wear multiple layers of clothing when it is cold. The appellant alleges the ventilation system does not work correctly causing moisture and mold within his housing unit. The appellant asserts that ventilation system blows dust and debris through it. The appellant states the conditions have existed for years and violate the eight amendment which prohibits cruel and unusual punishment. The appellant requests for the heating and cooling issues to be resolved with a durable solution; and until the issue is resolved to be issued two sets of thermals and two sets of rain ponchos.

II SECOND LEVEL'S DECISION: The reviewer found that repairs have been completed to the heating system within the appellant's assigned housing and the heating system was returned to service. The reviewer explained to the appellant that the ventilation system within his housing unit is not equipped with an air conditioning unit. It is only designed to bring the outside air to the inside of the building. However, CDCR headquarter has plans for outfitting the building with a cooling system, once funding has been approved. The reviewer also noted that with the hot water issue that the hot water heater will only produce hot water depending on its capacity. The appellant may have to wait for the water heater to recover and then consume the hot water.

The appellant's referenced problems he was having with the Custody and the Medical Departments will not be addressed within this appeal. The appeal issues addressed involved plant operations. The appellant was informed that plant operations has no control over the operational procedures of the Custody or Medical Departments. The appellant's appeal was partially granted at the SLR.

III THIRD LEVEL DECISION: Appeal is denied.

A. FINDINGS: The Third Level of Review (TLR) reviewed the issues of the appellant's appeal and reaffirms the institution's examination and conclusions as addressed within the Second Level of Review. The TLR notes that only the heating, cooling, and hot water issues were addressed within the appellant's appeal response. The appellant's other noted appeal issues medical and how the facility conducts unlocks during inclement weather will not be addressed at the TLR and are not considered exhausted through the inmate appeals process. The appellant has failed to present compelling evidence and convincing argument to warrant modification of the decision reached by the institution. The CIM has informed the appellant that they are aware of the heating and air conditioning issues and provided the appellant with an explanation as to the steps taken to address the issue.

The Chief Engineer, Isaac Morales, was interviewed at the TLR. Mr. Morales confirmed that the air circulation for the appellant's housing unit meets CALOSHA standards. Mr. Morales also stated that a special repair project has been submitted to headquarters that is under review and pending approval to install evaporative units for the appellant's assigned housing unit. After considering the evidence and

RONALD RUSSELL, AT3116

CASE NO. 1514619

PAGE 2

arguments herein, it has been determined the CIM acted appropriately on the appellant's request. There shall be no relief afforded to the appellant at the TLR.

The appellant has added new issues and requests to his appeal. The additional requested action is not addressed herein as it is not appropriate to expand the appeal beyond the initial problem and the initially requested action (CDC Form 602, Inmate/Parolee Appeal Form, Sections A and B).

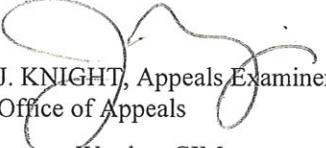
B. BASIS FOR THE DECISION:

California Code of Regulations, Title 15, Section (CCR): 3000, 3001, 3004, 3022, 3030, 3060, 3084, 3084.1, 3084.2, 3084.3, 3084.5, 3084.7, 3270, 3270.1, 3287, 3350, 3380

C. ORDER: No changes or modifications are required by the Institution.

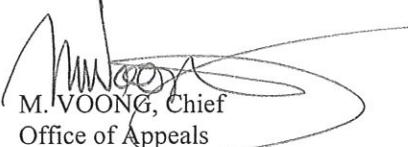
The appellant shall, pursuant to CCR section 3084.2(h)(2), share this response with the other inmates who signed this appeal.

This decision exhausts the administrative remedy available to the appellant within CDCR.



J. KNIGHT, Appeals Examiner
Office of Appeals

cc: Warden, CIM
Appeals Coordinator, CIM



M. VOONG, Chief
Office of Appeals

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL
CDCR 602 (REV. 08/09)

Side 1

1514619



AT3116

E ONLY

Institution/Parole Region: Log #:

CIM-C-16-00231

Category:

9

FOR STAFF USE ONLY

You may appeal any California Department of Corrections and Rehabilitation (CDCR) decision, action, condition, policy or regulation that has a material adverse effect upon your welfare and for which there is no other prescribed method of departmental review/remedy available. See California Code of Regulations, Title 15, Section (CCR) 3084.1. You must send this appeal and any supporting documents to the Appeals Coordinator (AC) within 30 calendar days of the event that lead to the filing of this appeal. If additional space is needed, only one CDCR Form 602-A will be accepted. Refer to CCR 3084 for further guidance with the appeal process. No reprisals will be taken for using the appeal process.

Appeal is subject to rejection if one row of text per line is exceeded.

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First): RUSSELL, RONALD	CDC Number: AT3116	Unit/Cell Number: Butte 123L	Assignment:
-----------------------------------------------	------------------------------	----------------------------------------	-------------

State briefly the subject of your appeal (Example: damaged TV, job removal, etc.):

GROUP 602 Continuous Exposure to Cold - No Heat in Buildings

A. Explain your issue (If you need more space, use Section A of the CDCR 602-A): The undersigned (hereafter "US/" are high risk medical" patients, being age 65 or older, and/or having multiple serious medical conditions, nevertheless housed on CIM Fac. "C" where there is no heat in any of the inmate assessible buildings. We have infrequent (if any) access to hot water in showers/cells

B. Action requested (If you need more space, use Section B of the CDCR 602-A):

We are looking for a "durable" solution to solve this problem of lack of heat in the late fall, winter & early spring, and addresses the oppressive heat (100°+) even at night that follows in the late spring, summer &

Supporting Documents: Refer to CCR 3084.3.

Yes, I have attached supporting documents.

List supporting documents attached (e.g., CDC 1083, Inmate Property Inventory; CDC 128-G, Classification Chrono):

RECEIVED
IN
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7 AM 8 09
CM-E.R.
INMATE APPEALS BOARD
FEB 20 2011
USE ONLY
APR 7 AM 8 09
2011

No, I have not attached any supporting documents. Reason: We contend the administration's issuance of a first, then a second (paper thin) extra blanket as "your personal heating system" speaks for itself as documentation.

Inmate/Parolee Signature: X Ronald Russell Date Submitted: 2-5-2011

By placing my initials in this box, I waive my right to receive an interview.

C. First Level - Staff Use Only

Staff – Check One: Is CDCR 602-A Attached?

Yes

No

This appeal has been:

- Bypassed at the First Level of Review. Go to Section E.
 Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____ Date: _____
 Cancelled (See attached letter) Date: _____
 Accepted at the First Level of Review.

Assigned to: BUSINESS SERVICES Title: AW Date Assigned: 2-8-11 Date Due: 3-22-11

First Level Responder: Complete a First Level response. Include Interviewer's name, title, interview date, location, and complete the section below.

Date of Interview: 03/04/11 Interview Location: FAC BUTTE

Your appeal issue is: Granted Granted in Part Denied Other: _____

See attached letter. If dissatisfied with First Level response, complete Section D.

Interviewer: J. Morales (Print Name) Title: SHIEF Signature: J. Morales Date completed: 03/04/11

Reviewer: M. J. Hill (Print Name) Title: AW Signature: M. J. Hill

Date received by AC: 3/10/11

AC Use Only

Date mailed/delivered to appellant: 3/10/11

CIM-C-16-00231

Side 2

D. If you are dissatisfied with the First Level response, explain the reason below, attach supporting documents and submit to the Appeals Coordinator for processing within 30 calendar days of receipt of response. If you need more space, use Section D of the CDCR 602-A.
The purposes of Administrative Remedy Procedures are: 1.) Put officials "on notice" as to the existence/nature of an issue/problem having a material adverse effect on health/safety/welfare; 2.) Give officials opportunity TO RESOLVE the issue/problem before resorting to costly litigation. The PLRA administrative remedy exhaustion requirement is predicated on a "in good faith" expectation prison officials will use Administrative Remedy procedures for these purpose. It is not GOOD FAITH and an appeal is not granted or even partially granted simply

Inmate/Parolee Signature: *Ron Russell*

Date Submitted: 4-5-2016

E. Second Level - Staff Use Only

Staff - Check One: Is CDCR 602-A Attached? Yes No

This appeal has been:

- By-passed at Second Level of Review. Go to Section G.
 Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____ Date: _____
 Cancelled (See attached letter)

Accepted at the Second Level of Review

Assigned to: *Bils. Serv.* Title: *AW* Date Assigned: *4/7/16* Date Due: *5/19/16*

Second Level Responder: Complete a Second Level response. If an interview at the Second Level is necessary, include interviewer's name and title, interview date and location, and complete the section below.

Date of Interview: *4-6-16* Interview Location: *CLASSROOM, COC OFFICE*

Your appeal issue is: Granted Granted in Part Denied Other: _____

See attached letter. If dissatisfied with Second Level response, complete Section F below.

Interviewer: *S. ALMOSARA* (Print Name) Title: *CE 1* Signature: *Almosara* Date completed: *4-6-16*

Reviewer: *R. Grounds* (Print Name) Title: *Warden (A)* Signature: *R. Grounds*

Date received by AC: *5/19/16*

AC Use Only
Date mailed/delivered to appellant *5/19/16*

F. If you are dissatisfied with the Second Level response, explain reason below; attach supporting documents and submit by mail for Third Level Review. It must be received within 30 calendar days of receipt of prior response. Mail to: Chief, Inmate Appeals Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001. If you need more space, use Section F of the CDCR 602-A.

The SLR as PARTIALLY GRANTED fails to differentiate what is granted & what is denied.

The SLR is nothing more than reiteration of the FLR that contends "all problems have been addressed, however, not all problems have been resolved" is an adequate & appropriate FLR. US./ contend NONE of the problems were actually resolved and inmates housed at CIM on FAC. C. will have to deal with all of them again beginning in November/December 2016,

Inmate/Parolee Signature: *Ron Russell* Date Submitted: *6-14-2016*

G. Third Level - Staff Use Only

This appeal has been:

- Rejected (See attached letter for instruction) Date: _____ Date: _____ Date: _____ Date: _____ Date: _____
 Cancelled (See attached letter) Date: _____
 Accepted at the Third Level of Review. Your appeal issue is Granted Granted in Part Denied Other: _____

See attached Third Level response.

Third Level Use Only
Date mailed/delivered to appellant *AUG 04 2016*

Request to Withdraw Appeal: I request that this appeal be withdrawn from further review because; State reason. (If withdrawal is conditional, list conditions.)

Inmate/Parolee Signature: _____ Date: _____

Print Staff Name: _____ Title: _____ Signature: _____ Date: _____

STATE OF CALIFORNIA
INMATE/PAROLEE APPEAL FORM ATTACHMENT
CDCR 602-A (08/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Side 1

IAB USE ONLY

Institution/Parole Region: Log #:

Category:

1514619

CIM-C-16-00231

9

FOR STAFF USE ONLY

Attach this form to the CDCR 602, only if more space is needed. Only one CDCR 602-A may be used.

Appeal is subject to rejection if one row of text per line is exceeded.

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First): Russell, Ronald	CDC Number: AT3116	Unit/Cell Number: Butte 123L	Assignment:
--------------------------------------------	---------------------------	-------------------------------------	-------------

A. Continuation of CDCR 602, Section A only (Explain your issue): creating conditions where even wearing multiple layers of PERSONAL CLOTHING (if we have such) under state issue clothing, it is impossible to warm up even when lying under 4 blankets in our cells. Even then, sooner or later must get out of bed to use the toilet/meals/etc. only to get back into bed to begin this cycle again. The ventilation system which failed all summer when cel temps exceeded 100° now runs 24/7 sucking in frigid (35° or less) outside air blowing it into cells all night long off setting any temperature gain during daylight hours. The ventilation system blow thick layers of dust & debris into the cells. After days of rain, the constantly running ventilation system feeds moisture to the mold in the buildings. Standing outside in the cold/wind/rain waiting for medical services 30 minutes to 4 hours creates wet clothing that will not dry out in cold damp cells. Rain creates COLD & DAMP cells where not even towels dry in a week or more.

We maintain there living conditions present not only a material adverse effect on our health & welfare as "high risk medical" patients; the conditions violate the Eighth Amendment prohibition against cruel/unusual punishment. Prison officials knew of these conditions before they brought US/ elderly & high risk medical patients to CIM Fac. C.; and in fact knew these

conditions have existed for several years but nevertheless proceeded to house US/ on Fac. C. in conscious disregard of the material adverse effects these conditions impose on our health and welfare. A copy of this Group 602 has been forwarded to the ACLU, ACA, Inspector General Robert Burton, Editorial Dept. of the Sacramento Bee. We expect the issue to appear in social media in the near future.

Inmate/Parolee Signature: X Ronald Russell Date Submitted: 2-5-2016

B. Continuation of CDCR 602, Section B only (Action requested): late fall. We have obtained information from several sources which maintain the original yard heating system is most likely beyond repair, if somehow repaired, would require constant further repair, and the cost of the initial repair would be exorbitant. Even then, summer air conditioning would not be addressed. Installing the same kind of units used in the chapel offices (combo heater/air conditioner) in each cell solves both problems, is faster, cheaper & easier to maintain. Hot water issue requires the same "re-thinking" because it a problem that never goes away (for very long.)

The problem of keeping US/ outside in the cold/rain/wind requires common sense particularly where there is a place to wait inside and in every situation where there isn't serious need to send US/ outside but travel/waiting can be accomplished indoors (meals, for example.) Until the heating problem is solved, perhaps 2 sets of thermals (sweats/sweatshirt) & rain ponchos would be adequate.

Inmate/Parolee Signature: X Ronald Russell Date Submitted: 2-5-2016

D. Continuation of CDCR 602, Section D only (Dissatisfied with First Level response): because "all problems stated have been addressed" as the FLR suggests, and no issues were resolved as the FLR admits. Neither is it "good faith" to avoid the truth. Heat & hot water issues in the Fac. C. housing continue despite officials statements/claims to the contrary and despite bandaide solutions that turned the water off many, many days during 2/W. Can we presume Sacramento just recently authorized funds to rectify heating & hot water problems existing for years & years and that's the reason it is still "work in progress" in April 2016? That's the "take-away" from the FLR statement "cooling issues won't be addressed until Sacramento approves the funding." Neither is it "good faith" when the FLR either misstates the issues or even addresses them at all. FLR misstates issue: "heater & air conditioner do not work." (602 states "ventilation which failed all summer when cell temps exceeded 100° runs 24/7 sucking frigid outside air into cells all night long ... (and) blows thick layers of dust & debris into the cells." No mention of continuous unresolved hot water issues or the elderly patient welfare issues created by the wretched conditions. The elder patient welfare issue doesn't just simply "go away" because "Plant Operations has no control over the operational procedures of the Custody or Medical Depts. any more than they go away because the Custody or Medical Depts. have no control over Plant Ops to rectify these horrid conditions. Neither does the issue Sacramento knew about these conditions before and after they continued sending elderly high risk medical patients to be housed on Facility C. "go away" or become "moot" simply because the Plant Ops Dept "addressed" but hasn't resolved any of the underlying problems and has no control over other departments and apparently not even their own employees.

Inmate/Parolee Signature: Ron Russell

Date Submitted: 4-5-2016

F. Continuation of CDCR 602, Section F only (Dissatisfied with Second Level response): just as they dealt with the same problems November/December 2014. Further, neither the FLR or SLR deal with the issue created by prison official's prior knowledge of living conditions on Fac. C. BEFORE they elected to house high risk medical patients on this facility. And, as if the physical condition of the facility isn't enough to contend with, immediately after the ACA audit/inspection, population census rose significantly from approximately 540 inmates (within the 137% of design capacity) to more than 770 inmates (nearly 200% of design capacity.) This huge influx of new inmates creates additional policy/operational problems once partially resolved when the Fac. C. population was at a more manageable level. Once again we have returned to rules & regulations made up by employees on the fly and policies unique ONLY to Fac. C. incongruent with CCR. Title 15 and/or DOM. Living conditions and program considerations created by this perennial population problems may well be more convenient for employees but are neither helpful to or in the best interests and welfare of high risk medical patients now housed and stuck here. Now, with concern of failing the ACA audit/inspection behind us, the return of the Facility Captain on whose previous watch, plant conditions and program concerns were ignored and not abated and whose derisive responses to problems were legendary, we are definitely poised to repeat the 2014-2015 era where problems consistently grew more extreme.

& Inmate/Parolee Signature: Ronald Russell

Date Submitted: 4-13-2016

CALIFORNIA DEPARTMENT OF CORRECTIONS and REHABILITATION
CALIFORNIA INSTITUTION FOR MEN
INMATE APPEAL SUPPLEMENTAL PAGE

FIRST FORMAL LEVEL OF RESPONSE

DATE: March 04, 2016

TO: Russell, Ronald NUMBER: AT3116

CIM APPEAL LOG: CIM-C-16-00231

INTERVIEWED BY: Isaac Morales, Chief Engineer I

APPEAL ISSUE: LIVING CONDITIONS

APPEAL DECISION: **PARTIALLY GRANTED**

2016 APR 7 AM 8 08
CIM - ER.

APPEAL ISSUE:

In your appeal, you are stating that the Facility C, Butte living unit, heater and air conditioner do not work.

APPEAL REQUEST:

You are requesting that both the heating and air conditioning systems be repaired.

APPEAL RESPONSE:

On March 04, 2016, a face-to-face interview was conducted by Isaac Morales, Chief Engineer. At that time, the building's heating and air conditioning system was explained.

APPEAL FACT-FINDING:

During the interview, it was stated that repairs have been completed to the heating system. And, that the heating system was returned to service.

Also, it was explained that the ventilation system is not equipped with an air conditioning unit. It is only designed to bring the outside air to the inside of the building. However, Sacramento has plans for outfitting the building with a cooling system, once funding has been approved.

You continued the discussion further by referencing the problems you were having with the Custody and the Medical Departments. You were told that Plant Operations has no control over the operational procedures of the Custody or Medical Departments.

The Test of Adult Basic Education (TABE) listing of scores below 4.0 and the listing for inmates with learning disabilities were reviewed and showed you possess a TABE score of 5.2. At the First Level Interview, you indicated your understanding of the questions asked at the interview. Our statements and responses established an Effective Communication bridge with no barriers.

First Level Appeal Response

Log # **CIM-C-16-00231**

Inmate **Russell, R** CDCR # AT3116

Page 2 of 2

APPEAL DECISION:

This appeal is **PARTIALLY GRANTED**, in that all problems stated have been addressed, however, not all problems have been resolved. If you are not satisfied, you may appeal to the Second Level of Review within 30 days.



Isaac Morales
Chief Engineer I
California Institution for Men



Molly Hill
Associate Warden, Business Services
California Institution for Men

2016 APR 7 AM 8 09
CIM - E.R.

DIVISION OF ADULT INSTITUTIONS

California Institution for Men

P.O. Box 128

Chino, CA 91708-0128

**DATE:** May 06, 2016**TO:** Russell, Ronald AT3116**SUBJECT:** SECOND LEVEL APPEAL RESPONSE**CIM APPEAL LOG#:** CIM-C-16-00231**APPEAL ISSUE:** LIVING CONDITIONS**APPEAL DECISION:** PARTIALLY GRANTED**APPEAL DESCRIPTION:**

In your 2nd Level Appeal, you were stating that the Facility C, Butte living unit, Cell B-136L, was lacking of heat and infrequent access to hot water cells/showers, waiting 30 mins – 4hrs in cold/rain/wind, ventilation system on 24/7 adding cold air & dampness; cells damp-wet clothes, towels, etc. will not dry.

ACTION(S) REQUESTED:

You are requesting solution to solve, damp cells in late fall, winter & early spring and oppressive hot cell in late spring, summer & early fall. You also request solution to ever continuing hot water problem.

REGULATIONS:

You did not attach any supporting documents with your appeal.

INTERVIEW:

A face-to-face interview was conducted on May 6, 2016, by Santiago Almosara, Chief Engineer I.

APPEAL RESPONSE:

A face-to-face interview was conducted on May 6, 2016, by Santiago Almosara, Chief Engineer. During the interview, it was stated that the Hydronic Heating System, which supplies heating for Facility C, Butte living unit was operational and ready to provide heat when needed. It was also restated that the design of the ventilation of the building is being supplied from a supply fan to the inside of the unit, Sacramento has plans for outfitting the building with a better cooling system, once funding has been approved.

Second Level Appeal Response
Log # **CIM-C-16-00231**
Inmate **Russell, Ronald** CDCR # AT3116
Page 2 of 2

Finally, the hot water issue was stated that the hot water heater will only produce hot water depending on its capacity, wait for the water heater to recover and then consume the hot water again.

APPEAL FACT-FINDING:

There are no further facts due to no additional information was added from the first level response.

APPEAL DECISION:

This appeal is **PARTIALLY GRANTED**, in that all problems stated have been addressed and future repairs have been assigned. If you are not satisfied with this response, you have 30 days to submit additional data or reasons for requesting a Third Level Review.


5/17/16

Santiago Almosara
Chief Engineer I
California Institution for Men



Dean Borders
Acting Warden
California Institution for Men

STATE OF CALIFORNIA
INMATE/PAROLEE GROUP APPEAL
CDCR 602-G (08/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION
Page No. _____ of _____

IAB USE ONLY	Institution/Parole Region:	Log #:	Category:
	<u>CIM-C-16-00231</u>		<u>9</u>
FOR STAFF USE ONLY			

This is a group appeal signature attachment sheet. Attach it to your group CDCR 602. You are to legibly print your name, number, assignment and housing, then sign and date the form. By signing, you are agreeing to the issue and action requested; and you acknowledge that this appeal counts towards the allowable number of appeals in the period in which it is filed.

PRIMARY APPELLANT

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First):	CDC Number:	Assignment:	Unit/Cell #	Signature	Date
Russell, Ronald	AT3116		B-136L	X Ronald Russell	2-5-2016

A. Summarize the specific issue that you are appealing as identified in the attached CDCR 602: Lack of heat in the buildings. infrequent access (if any) to hot water in cells/showers, waiting 30 min. to 4 hrs in the cold/rain/wind, ventilation system on 24/7 adding cold air, dampness to cells, wet clothes, towels etc. will not dry in cells. 8th Amendment issue.

B. Summarize the action requested: Durable solution to solve cold damp cells in late fall, winter & early spring; and oppressive hot (100°) cells in late spring, summer & early fall.

Re-think continuing hot water problems, Common sense solutions to waiting in the cold/rain/wind.

NOTE: I, the undersigned, agree that the facts presented in this appeal are true. I agree with the issue presented and I am requesting the action indicated. In the event the Primary Appellant transfers or elects to withdraw from the appeal, I understand that I may become the primary appellant for purposes of processing the group appeal.

CDC Number	Name	Assignment	Unit/Cell #	Signature	CIM	Date
A10618	ZANE PAYNE	U	B106L	X Zane Payne	7	1-16-16
F03140	HOBSON, T.	3WP	1084	X T. Hobson	8	1-16-16
D56665		YDW CO	122L	X	9	
AW1578		GEO	237	X	10	
A.I-759	Not enough	A/p cell 237		X Paulino Flores	11	1/16/2016
A.I5321		2W WATCH DEL		X Jeff Green	12	1-16-2016
K-97560	W. NOEBITT (ADA)	3WP PTA	214L	X W. Nobitt	13	1-16-16
N8149	F. Chentee ADA	5C	C-241	X F. Chentee	14	1-16-16
AC9983	M. Allison	2/WPTC	C4212	X M. Allison	15	1-16-16
AR1036	D. Brooks		123	X Derrick Brooks	16	1-16-16
E50471	David Niera	SCHOOL	142	X David Niera	17	1-16-17
P74064	Tony Walkinshaw	Am/CIK C112		X Tony Walkinshaw	18	1-17-16

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STATE OF CALIFORNIA
INMATE/PAROLEE GROUP APPEAL
CDCR 602-G (08/09)

DEPARTMENT OF CORRECTIONS AND REHABILITATION
Page No. _____ of _____

IAB USE ONLY	Institution/Parole Region:	Log #:	Category:
	<u>CIM-C-16-00231</u>		<u>9</u>
FOR STAFF USE ONLY			

This is a group appeal signature attachment sheet. Attach it to your group CDCR 602. You are to legibly print your name, number, assignment and housing, then sign and date the form. By signing, you are agreeing to the issue and action requested; and you acknowledge that this appeal counts towards the allowable number of appeals in the period in which it is filed.

PRIMARY APPELLANT

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First):	CDC Number:	Assignment:	Unit/Cell #	Signature	Date
RUSSELL, RONALD	AT3116		B-136L		

A. Summarize the specific issue that you are appealing as identified in the attached CDCR 602. Lack of heat, infrequent access (if any) to hot water in cells/showers, waiting 30 min. - 4 hrs. in cold/rain/wind, Ventilation system on 24/7 adding cold air & dampness; Cells damp - wet clothes, towels etc. will not dry. Eighth Amendment issue.

B. Summarize the action requested: Durable solution to solve cold, damp cells in late fall, winter & early spring plus solve oppressive hot (100°+) cells in late spring, summer & early fall. Re-think solution to ever continuing hot water problems, common sense solutions to waiting outside in the cold/wind/rain.

NOTE: I, the undersigned, agree that the facts presented in this appeal are true. I agree with the issue presented and I am requesting the action indicated. In the event the Primary Appellant transfers or elects to withdraw from the appeal, I understand that I may become the primary appellant for purposes of processing the group appeal.

CDC Number	Name	Assignment	Unit/Cell #	Signature	Date
AC0016	Romano, Lou.	A-17	B-227	Lou Romano	1/30/16
P-09811	Donald Schumaker	D-2-B	D-1012	Donald Schumaker	1-30-2016
F-162-87	Rust, David	A-1-A	D-237	David Rust	1-30-2016
E-72725	Rob Valencia	X	149	Rob Valencia	1/30/16
AF-3304	Koldan-Roberto	Edc.	144	Koldan Roberto	1/30/16
CDC Number	Name	Assignment	Unit/Cell #	Signature	Date
CDC Number	Name	Assignment	Unit/Cell #	Signature	Date
CDC Number	Name	Assignment	Unit/Cell #	Signature	Date
CDC Number	Name	Assignment	Unit/Cell #	Signature	Date
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IAB USE ONLY	Institution/Parole Region: Log #: <u>CIM-C-16-00231</u>	Category: <u>9</u>
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PRIMARY APPELLANT

WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First):	CDC Number:	Assignment:	Unit/Cell #	Signature	Date
RUSSELL, RONALD	AT3116		B-136L	X Ronald Russell	2-8-2016

A. Summarize the specific issue that you are appealing as identified in the attached CDCR 602: Lack of heat, infrequent access (if any) to hot water cells/showers, waiting 30 min. - 4 hrs. in cold/rain/wind, ventilation system on 24/7 adding cold air & dampness; cells damp - wet clothes towels, etc. will not dry. Eighth Amendment issue.

B. Summarize the action requested: Durable solution to solve cold, damp cells in late fall, winter & early spring; and oppressive hot (100°+) cells in late spring, summer & early fall. Re-think solution to ever continuing hot water problems, Common sense solutions to waiting outside in the cold/wind/rain.

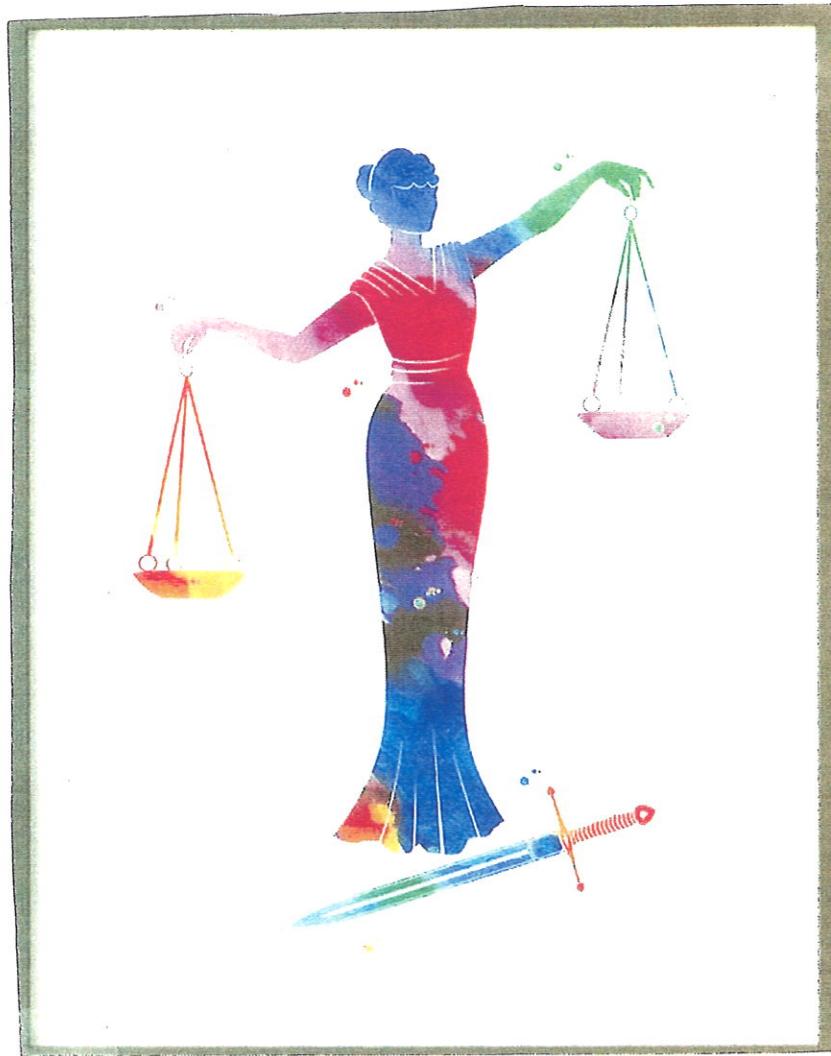
NOTE: I, the undersigned, agree that the facts presented in this appeal are true. I agree with the issue presented and I am requesting the action indicated. In the event the Primary Appellant transfers or elects to withdraw from the appeal, I understand that I may become the primary appellant for purposes of processing the group appeal.

CDC Number	Name	Assignment	Unit/Cell #	Signature	Date
A18568	Danie P. Clark	Kitchen	131	Daniel P. Clark	10/16/2016
V-76154	Carris Timmons	PANTRY	107	Carris Timmons	1-18-16
I-97361	S. Trerice		222	S. Trerice	1-19-15
AC7868	John Pentland	Tutor	041294	John Pentland	1-25-16
F76398	Joe Ruiz	EDU	C4-129	Joe Ruiz	01/25/16
AP0994	Robert Spiecker	EDU	C4-142	Robert Spiecker	1-28-16
AM1009	Robert AMAKA.	EDU	C2-118	Robert AMAKA.	1-25-16
Juricet	Ruben Munoz	PAI	C4-105	Ruben Munoz	1-26-16
K48904	Earl Drake	PAI	C4-110	Earl Drake	1-28-16
K-05766	M. Guzman	PORTER	C-1-132	M. Guzman	1-26-16
P69205	Keith Higgin	PAI	Butte 19	Keith Higgin	1-26-16
V34304	Chad Roye	PAI	Col 135	Chad Roye	1-26-16

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They say that justice is blind

I say that justice is not blind
its only colored blind
and only see's the color
\$\$ GREEN \$\$



Up to this time I have represented myself as pro-se (without an attorney).
To continue to seek justice I will need help with legal fee's to take my case all
the way to the US Supreme court if needed,

With Your Help
I will Stand up for the Constitution
Prove My Innocents
Expose California's Corrupt Justice System
Giving Hope to other Wrongfully Convicted Californian's