

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

QUESTIONNAIRE FOR THE PRISONERS PROCEEDING
PRO SE UNDER 42 U.S.C. § 1983

JERRY THOMAS COEN
GDC# 757465

(GIVE FULL NAME AND PRISON NUMBER OF PLAINTIFF)

Plaintiff

CIVIL ACTION NO: 5:16-CV-353-MTT-MSH

VS.

COMMISSIONER HOMER BRYSON
et al.

(NAME OF EACH DEFENDANT)

Defendant(s)

I. GENERAL INFORMATION

1. Your full name and prison number JERRY THOMAS COEN AND 757465
2. Name and location of prison where you are now confined CENTRAL STATE PRISON MACON, GA
3. Sentence you are now serving (how long?) TEN YEAR, RECIDIVIST ACT
 - (a) What were you convicted of? BURGLARY, FALSE IMPRISONMENT,
AGGRAV BATTERY
 - (b) Name and location of court which imposed sentence GLYNN COUNTY COURT
HOUSE
 - (c) When was sentence imposed? FEB 20, 2007
 - (d) Did you appeal your sentence and/or conviction? Yes ☐ No ☒
 - (e) What was the result of your appeal? N/A

(f) Approximate date your sentence will be completed

FEB 18, 2017

II. PREVIOUS LAWSUITS

NOTE: FAILURE TO DISCLOSE ALL PRIOR CIVIL CASES MAY RESULT IN THE DISMISSAL OF THIS CASE. IF YOU ARE UNSURE OF ANY PRIOR CASES YOU HAVE FILED, THAT FACT MUST BE DISCLOSED AS WELL.

4. Other than an appeal of your conviction or sentence, and other than any habeas action, have you filed a lawsuit dealing with the same or similar facts or issues that are involved in this action?

Yes ☐ No ☒

5. If your answer to question 4 is "Yes," list that lawsuit below, giving the following information:

(IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit INVOLVING SAME FACTS:

Plaintiff(s): N/A

Defendant(s): N/A

(b) Name of Court: N/A

(c) Docket Number: N/A When did you file this lawsuit? N/A

(d) Name of judge assigned to case: N/A

(e) Is this case still pending? Yes ☐ No ☒

(f) If your answer to (e) is "No", when was it disposed of and what were the results?

(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?)

N/A

6. Other than an appeal of your conviction or sentence, and other than any habeas action, have you ever filed any lawsuit while incarcerated or detained? Yes ☐ No ☒

7. If your answer to question 6 is "Yes," list that lawsuit below, giving the following information:

(IF YOU HAVE FILED MORE THAN ONE LAWSUIT, LIST OTHER LAWSUITS ON A SEPARATE SHEET OF PAPER, GIVING THE SAME INFORMATION FOR EACH)

(a) Parties to the previous lawsuit:

Plaintiff(s): N/A

Defendant(s): N/A

(b) Name of Court: N/A

(c) Docket Number: N/A When did you file this lawsuit? N/A

(d) Name of judge assigned to case: N/A

(e) Is this case still pending? Yes ☐ No ☒

(f) If your answer to (e) is "No", when was it disposed of and what were the results?
(DID YOU WIN? WAS THE CASE DISMISSED? DID YOU APPEAL?)

N/A

8. AS TO ANY LAWSUIT FILED IN ANY FEDERAL COURT in which you were permitted to proceed *in forma pauperis*, was any suit dismissed on the ground that it was frivolous, malicious, or failed to state a claim? Yes ☐ No ☒

If your answer is Yes, state the name of the court and docket number as to each case:

N/A
N/A
N/A
N/A

N/A
N/A
N/A
N/A

III. PLACE OF INCIDENT COMPLAINED ABOUT

9. Where did the matters you complain about in this lawsuit take place? CENTRAL STATE PRISON VIOLATED AMERICAN WITH DISABILITIES ACT LAW (ADA)

(a) Does this institution have a grievance procedure? Yes ☒ No ☐

(b) If your answer to question 9(a) is "Yes", answer the following:

(1) Did you present your complaint(s) herein to the institution as a grievance?

Yes ☒ No ☐

(2) If Yes, what was the result? NOT SUCCESSFULL

(3) If No, explain why not: N/A

(c) What, if anything else, did you do or attempt to do to bring your complaint(s) to the attention of prison officials? Give dates and places and the names of persons talked to.

DEPUTY WARDEN JOHN FAGAN et al., CASE COUNSELOR,
MS MONCRIEF, AND MS JONES, DEPUTY WARDEN OF CARE OF
TREATMENT MR THOMAS

(d) Did you appeal any denial of your grievance to the highest level possible in the prison system? Yes ☒ No ☐

(1) If Yes, to whom did you appeal and what was the result? N/A

(2) If No, explain why you did not appeal: N/A

10. In what other institutions have been confined? Give dates of entry and exit.

GEORGIA DIAGNOSTIC & CLASSIFICATION PRISON FEBRUARY 20
2008, MEN'S STATE PRISON MARCH 2008 TO 2010, CENTRAL STATE
PRISON OCT 2010 TO FEB 18, 2017 MAXOUT.

IV. PARTIES TO THIS LAWSUIT

11. List your CURRENT place of incarceration/mailling address.

JERRY THOMAS COEN GDC 757465 E-3 101-B
CENTRAL STATE PRISON
4600 FULTON MILL RD
MACON, GEORGIA 31208

12. List the full name, the official position, and the place of employment of each defendant in this lawsuit. (ATTACH ADDITIONAL PAGES IF NECESSARY)

DEPUTY WARDEN, JOHN FAGAN et al., CASE COUNSELOR MS JONES,
DEPUTY WARDEN, MIZELL DAVIS, CASE COUNSELOR MS RACHEAL MONCRIEF
DEPUTY WARDEN, MICHEAL THOMAS, UNIT MANAGER SHENECA KING
CHIEF COUNSELOR, JUANITA THORPE, LT BASELY LT CHILDRESS
WARDEN, WALTER BERRY, LT PHILLIP CAPT HALL

V. STATEMENT OF CLAIM

13. In the space hereafter provided, and on separate sheets of paper if necessary, set forth your claims and contentions against the defendant(s) you have named herein. Tell the court WHAT you contend happened to you, WHEN the incident(s) you complain about occurred, WHERE the incident(s) took place, HOW your constitutional rights were violated, and WHO violated them? Describe how each defendant was involved, including the names of other persons who were also involved. If you have more than one claim, number and set forth each claim SEPARATELY.

DO NOT GIVE ANY LEGAL ARGUMENT OR CIT ANY CASES OR STATUTES AT THIS TIME; if such is needed at a later time, the court will advise you of this and will afford you sufficient time to make such arguments. KEEP IN MIND THAT RULES 8 OF THE FEDERAL RULES OF CIVIL PROCEDURE REQUIRES THAT PLEADINGS BE SIMPLE, CONCISE, and DIRECT! If the court needs additional information from you, you will be notified.

WHERE did the incident you are complaining about occur? That is, at what institution or institutions? CENTRAL STATE PRISON (BUT STATEWIDE)

WHEN do you allege this incident took place? SINCE MY INCARCERATION

WHAT happened? I HAVE FILED SEVERAL GRIEVANCE WHICH HAVE GONE UNRESPONDED TOO BY THE STATE, THE DEPARTMENT OF CORRECTIONS, THE WARDEN AND CENTRAL STATE PRISON ADMINISTRATION (INCLUDING ALL NAMED DEFENDANTS) TO THE PROBLEM THATS IN VIOLATION OF MY FIRST AMENDMENT RIGHT TO FREE SPEECH, FIRST AMENDMENT RIGHT TO FREE EXERCISE OF RELIGION, EIGHT AMENDMENT PROTECTION FROM CRUEL & UNUSUAL PUNISHMENT, FOURTEETH AMENDMENT RIGHT TO EQUAL PROTECTION, FOURTEETH AMENDMENT RIGHT TO DUE PROCESS, CONSTITUTIONAL RIGHTS, ADA AND REHABILITATION ACT, AMERICAN WITH DISABILITIES ACT AND RLUIPA. I AM A PROFOUNDLY DEAF AND I DO NOT HAVE AN ACCESS AND NEVER HAD ACCESS TO ICS (INMATE CALLING SERVICES) OR ACCESS TO THE TTY'S TO COMMUNICATE WITH MY FAMILY, FRIENDS, LAWYERS, AND DEAF ADVOCACY FOR ALMOST NINE YEARS THAT TTY AND GEORGIA RELAY SERVICE IS INACCESSABLE, INOPERABLE, OUTDATED, OUTMODED, AND OBSOLETE. THERE IS ALSO NO PROGRAMS, ACTIVITIES, AND RELIGION AVAILABLE FOR ME DUE TO? MY NATIVE LANGUAGE IS AMERICAN SIGN LANGUAGE AND DUE TO THESE FACTS I CONTINUE TO

V. STATEMENT OF CLAIM

BE MISTREATED AND DISCRIMINATED AGAINST BASED ON MY ABILITY TO UNDERSTAND AMERICAN SIGN LANGUAGE OR ENGLISH AS WELL THESE NO AMERICAN SIGN LANGUAGE INTERPRETERS AVAILABLE WITH CERTIFIED COUNSELORS TO TEACH ANY PROGRAMS FOR THE DEAF TO BE HARRASSED AND TREATED IN A CRUEL AND UNUSUAL PUNISHMENT AND MANNER IN VIOLATION OF THE EIGHTH AMENDMENT TO THE UNITED STATES CONSTITUTION. THIS IS A DELIBERATE INDIFFERENCE TO ME AND ALL OTHER DEAF INMATES HERE AT CENTRAL STATE PRISON.

LEGAL ARGUMENT AND CITATION OF AUTHORITY

(1) NOTE: PRO-SE COMPLAINTS ARE ENTITLED TO LIBERAL CONSTRUCTION SEE: HAINES V. KERNER 404 U.S. 519, 520-21 (1972) AND BILLMAN V. INDIANA DEPARTMENT OF CORRECTION 56 F.3d 785, 789-90 (1995).

ALL THE DEFENDANT(S) NAMED IN THIS ACTION HAS VIOLATED MY CIVIL AND CONSTITUTIONAL RIGHTS UNDER THE ADA. SECTION 504 OF THE REHABILITATION ACT BY PURPOSELY ME COMMUNICATION WITH MY FAMILY IMPOSING ABUSE AND HARDSHIP BY DENIAL OF ACCESS TO COMMUNICATION EQUIPMENT AND DEVICES AND AUXILIARY AIDS PROGRAMS THAT ARE INSTITUTED UNDER TITLE II OF THE ADA AND U.S. DEPARTMENT OF JUSTICE REGULATIONS TO TITLE II 28 C.F.R § 35.104 ALSO SEE: 42 USC § 12141 et seq.

I HAVE CONTINUALLY COMPLAINED TO THE WARDEN OF CENTRAL STATE PRISON COMMISSIONER HOMER BRYSON WHO REPLACED BRIAN OWENS ABOUT OBTAINING THE TECHNOLOGY CALLED VIDEO RELAY SERVICE(VRS) PROVIDE BY

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PURPLE COMMUNICATIONS INC AND SORENSON COMMUNICATION, VIDEOPHONE DUE TO MY ONLY MEANS TO COMMUNICATE ~~IS~~ IS BY MEANS OF AMERICAN SIGN LANGUAGE. THIS TECHNOLOGY HAS ALREADY BEEN MANDATED AND INSTITUTED SEE: STATE OF MARYLAND V. CHRISTOPHER SARBOE CASE. NO ELH-12-572, COMMONWEALTH OF KENTUCKY V. ADAMS CASE NO 3:14-CV-00001-GFVT-EBA DOCKET #: 76-1-1381 DATE: 05/19/2015

STATEMENT OF CLAIM CONT.

I AM NOT ABLE TO COMMUNICATE BY TTYS WHICH IS MOSTLY INACCESSABLE, INOPERABLE, OUTDATED, OUTMODED, AND OBSOLETE HERE AT THIS FACILITY AND THE MANY COMPLAINTS HAVE BEEN REJECTED OR WHEN TOLD TO THE ADMINISTRATION RESPONDED BACK IN AN ABUSIVE MANNER INCONSISTENT WITH A LESS THAN PERFECT RESOLUTION. I AM ALSO CONTINUOUSLY DISCRIMINATED AND ALIENATED AGAINST BY THE STAFF COUNSELORS AND THIS INSTITUTION CAUSE THERE IS NO PROGRAM FOR THE DEAF WITH NO CERTIFIED AMERICAN SIGN LANGUAGE INTERPRETERS AND OR TRAINING PROGRAMS FOR ME, EACH INQUIRY TO ANY PROGRAMS OR ASSISTANCE IN EDUCATION OR ANY HELP PERIOD, LEADS TO ABUSIVE REACTIONS RETALIATION AND THREATS. MY RECENT GRIEVANCE WAS DENIED CAUSE THEY SAY

STATEMENT OF CLAIM CONT

THERE INSTALLING J-PAY VISITATION BUT THEY HAVE NOT ADDRESSED THE FACT THAT IT WILL STILL REQUIRE A LIVE AMERICAN SIGN LANGUAGE INTERPRETER FOR ME TO COMMUNICATE WITH OTHER WHO DO NOT UNDERSTAND AMERICAN SIGN LANGUAGE WHICH I AM A PROFOUNDLY DEAF AND MY NATIVE LANGUAGE IS AMERICAN SIGN LANGUAGE IN AND IS BASICALLY MY ONLY MEANS OF COMMUNICATION. I CONTINUE TO BE DISCRIMINATED AGAINST DUE TO THEY ARE NOT WILLING TO COMPLY WITH FEDERAL LAW BASED ON THERE BUDGETARY NEEDS BUT THEY ARE RECEIVING FEDERAL FUNDING BUT NOT PROPERLY USING THEM FOR THE PURPOSE SOUGHT AND THAT'S TO ACCOMMODATION THE NEEDS OF THE DEAF. MY FAMILY IS FORCED TO BLOCK OUR COMMUNICATION WITH EACH OTHER THAT THEY COULD NOT BE ABLE TO HEAR FROM ME AND I DESERVE TO WANT TO HEAR FROM THEM BECAUSE THEY WANT TO HEAR FROM ME. THE FACT MY FAMILY FORCE DRIVE TRAVEL 7 HOURS ONCE A MONTH TO SEE ME AND TO MAKE SURE I AM DOING OK. FOR ALMOST NINE YEARS FROM NOW. I HAVEN'T HEAR FROM THEM! WANT THEM TO KNOW THAT TO MAKE SURE I AM DOING OK AND I WANT THEM TO KNOW. I CARE ABOUT THEM AND I LOVE THEM VERY MUCH.

STATEMENT OF CLAIM CONT

THIS HAS CAUSED A HARDSHIP ON THEM AS WELL HAS CAUSED THEM AND ME TO EXPERIENCE

EXTREME EMOTIONAL AND PHYSICAL TRAUMA AND DISTRESS. I HAVE NO WAY OF MAKE A CALL MY FAMILY AND FRIENDS, AND LAWYERS, AND DEAF ADVOCACY. THERE'S NO AMERICAN SIGN LANGUAGE INTERPRETER'S DURING ANY DISCIPLINARY PROCEEDINGS AND I HAVE ALWAYS ENDED UP BEING CONVICTED OF CONSEQUENCES I AM NOT RESPONSIBLE FOR. I AM BEING DENIED DUE PROCESS AND A MEANINGFUL RIGHT TO BE HEARD AND UNDERSTAND THIS IS JUST A FEW OBSTACLES I FACE ON A DAILY BASIS THAT'S BEING CREATED BY THOSE IN THE THEIR POSITION TO OVERSEE ME AND MAKE SURE I AM PROPERLY REHABILITATED. I LEAVE ROOM TO AMEND AND ADD TO THIS COMPLAINT.
FED R. CIVP. 15(a)

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14. List the name and address of every person you believe was a WITNESS to the incident(s) you complain about, BRIEFLY stating what you believe each person knows from having seen or heard what happened. (USE ADDITIONAL SHEETS, IF NECESSARY)

I AM MAKING COPIES OF ALL MY EXHIBITS AND LETTERS, GRIEVANCES, RESPONSES AND AGENCY RESPONSES WHICH WILL BE FORWARDED TO THIS COURT, ONCE MY CASE IS DOCKETED OR AN ATTORNEY IS APPOINTED.

15. BRIEFLY state exactly what you want the court to do for you. That is, what kind of relief are you seeking in this lawsuit? Do not make any legal arguments and do not cite any cases or statutes! (USE ADDITIONAL SHEETS, IF NECESSARY)

I WANT THE SAME INSTITUTIONS AS BASED ON THE HOLDINGS IN: GORDON V. TEXAS H-98-0394 JARBOEU. MARYLAND DEPT OF PUBLIC SAFETY & CORRECTIONAL SERVICES AND THE CASE ADAMS V. COMMONWEALTH OF KENTUCKY AND FOR YEARS OF DAMAGE PAIN AND SUFFERING HUMILIATION DENIAL OF MY CIVIL AND CONSTITUTIONAL RIGHTS 15 MILLION DOLLARS ALL TAXES AND FEE PAID BY THE DEFENDANT(S)

16. You may attach additional pages if you wish to make any legal argument. However, legal arguments are NOT required in order for you to obtain relief under §1983. If the court desires legal argument from you, it will request it. If any defendant presents a legal argument, you will be afforded an opportunity to respond thereto.

17. KEEP IN MIND THAT ONCE YOUR LAWSUIT IS FILED, THE COURT WILL REQUIRE YOU TO DILIGENTLY PROSECUTE IT. That means that you will be required to go forward with your case without delay. Thus, if you fail to adequately prepare your case before you file it, you may find your lawsuit dismissed for failure to prosecute if you take no action once it is filed. YOU WILL RECEIVE NO FURTHER INSTRUCTIONS FROM THE COURT TELLING YOU WHAT TO DO OR HOW TO DO IT! IT IS YOUR RESPONSIBILITY AND YOURS ALONE TO PROSECUTE YOUR OWN CASE! If you fail to prosecute your case, it will be dismissed under Rule 41 of the Federal Rules of Civil Procedure.

Signed this 8 day of DECEMBER, 20 16.

Gerrard Thomas Cain
PLAINTIFF