

SCANNED

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

Name: NICKERSON, MICHAEL ✓
 (Last) (First) (Middle Initial)

Prisoner Number: F-77522

Institutional Address: SAN QUENTIN STATE PRISON SN-6660
SAN QUENTIN, CA 94974

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

FILED

Sep 09 2020

SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

MICHAEL VAUGHN NICKERSON
 (Enter your full name.)

vs.

Case No. 20-cv-6326-DMR
 (Provided by the clerk upon filing)

RON BROOMFIELD, WARDEN

CLARENCE CRUEL, CEO

SAN QUENTIN PRISON, CDCR
 (Enter the full name(s) of the defendant(s) in this action.)

COMPLAINT UNDER THE
 CIVIL RIGHTS ACT,
 42 U.S.C. § 1983

I. Exhaustion of Administrative Remedies.

Note: You must exhaust available administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.

A. Place of present confinement SAN QUENTIN STATE PRISON SN-6660

B. Is there a grievance procedure in this institution? YES ☒ NO ☐

C. If so, did you present the facts in your complaint for review through the grievance procedure? YES ☒ NO ☐

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue any available level of appeal, explain why.

1. Informal appeal: LOG # 006000008563 6/25/2000 PJC

OFF TIL 8/25/2000 AND SEC 3084.8(C)(1) ALL

RESPONSES WILL BE MADE IN 30 WORKING DAYS

2. First formal level: N/A

AS TO ALL LEVELS FROM THE ONSET THE PRISON
WAS GIVEN AMPLE OPPORTUNITY TO RESPOND

3. Second formal level: N/A

4. Third formal level: N/A

E. Is the last level to which you appealed the highest level of appeal available to you?

YES ☐

NO ☒

F. If you did not present your claim for review through the grievance procedure, explain why.

THE PRISON IS NOT FOLLOWING IT'S OWN TIME
GUIDELINES, THEY ARE SLOWING DOWN THE PROCESS
PURPOSELY

II. Parties.

A. Write your name and present address. Do the same for additional plaintiffs, if any.

MICHAEL VAUGHN NICKERSON F-77522
SAN QUENTIN STATE PRISON SN-66LOW
SAN QUENTIN CA 94974

B. For each defendant, provide full name, official position and place of employment.

RON BLOOMFIELD ACTING WARDEN SAN QUENTIN
CLARENCE CRUER CEO SAN QUENTIN
RALPH DIAZ DIRECTOR OF COLLECTIONS
SAN QUENTIN STATE PRISON
CDCR

III. Statement of Claim.

State briefly the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

ON MAY 30, 2020 SAN QUENTIN DECIDED TO DISREGARD AN ORDER NOT TO DO TRANSFERS UNTIL PANDEMIC IS OVER AND BROUGHT IN 121 INMATES WHICH INFECTED ALMOST THE WHOLE POPULATION WITH COVID-19, AND IN A JULY 19 CONFERENCE WITH A JUDGE WAS ORDERED TO RELEASE AT LEAST HALF OF THE POPULATION TO CURB THE SPREAD, AT THE SAME TIME THE CDCR TURNED DOWN TESTING FROM A LAB IN BERKELEY, ALL THE PRISON HAS DONE IS SHUFFLE INMATES FROM ONE UNIT TO ANOTHER AND BACK, DURING THE FIRST WEEK OF AUGUST THEY TRIED MOVING NEGATIVE AND POSITIVE TOGETHER IN SOME CASES THAT WAS ALREADY THE ISSUE

IV. Relief.

Your complaint must include a request for specific relief. State briefly exactly what you want the court to do for you. Do not make legal arguments and do not cite any cases or statutes.

I WOULD LIKE FOR THE COURT TO MAKE CDCR AND ALL PARTIES IMMEDIATELY RELEASE ME AND PAY THE SUM OF 1 MILLION DOLLARS FOR FUTURE COST OF MEDICAL EXPENSES

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: 8-25-2020

Date

Michael V. Nickerson

Signature of Plaintiff



CALIFORNIA DEPARTMENT of
Corrections and Rehabilitation

CLAIMANT GRIEVANCE RECEIPT ACKNOWLEDGMENT

Offender Name: NICKERSON, MICHAEL V.

CDC#: F77522

Date: 06/25/2020

Current Location: SQ-Facility A

Current Area/Bed: A NB 5066001L

From: Office of Grievances at San Quentin State Prison

Re: Log # 00000008563

The California Department of Corrections and Rehabilitation Office of Grievances at San Quentin State Prison received your grievance on 06/25/2020. Your grievance has been assigned for review and response.

Pursuant to California Code of Regulations, title 15, the Office of Grievances will complete its review no later than 08/25/2020.

Please be informed that the Office of Grievances will not respond to any inquiries about the status of a grievance prior to the date shown above.

Once you receive a response and if you are dissatisfied with the decision(s), you may file an appeal with the California Department of Corrections and Rehabilitation Office of Appeals.

CDCR SOMS OGTT300
CLAIMANT GRIEVANCE RECEIPT ACKNOWLEDGMENT

0909-06-07 NI

MICHAEL NICKERSON F 77522
SAN JOSE STATE PRISON 5N-66000
SAN JOSE, CA. 94974



RECEIVED

AUG 28 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA



NORTHERN DISTRICT OF CALIFORNIA
CLERK'S OFFICE
U.S. DISTRICT COURT-NO. DIST. OF CA
450 GOLDEN GATE AVE. 16TH FLOOR
SAN FRANCISCO, CA 94102



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C/O CHARR
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ATTN: LEGAL MAIL