

FORM TO BE USED BY A STATE PRISONER IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. SECTION 1983 OR BY A FEDERAL PRISONER IN FILING A BIVENS CLAIM.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:10-CT-3135
(leave this space blank)

FILED
JUL 26 2010
DENNIS F. IAVARONE, CLERK
US DISTRICT COURT, EDNC
BY [Signature] DEP CLK

Stanley Earl Corbett, Jr.

(enter full names of each plaintiff(s))

Inmate Number 0716025

G.J. Branker (Warden), Sgt. Reed,
Sgt. Prado, Officer Holloman, Officer
Lancaster, Officer Hicks, &
Officer James

(enter full names of each defendant(s))

Motion for Counsel & [Redacted] Summons is enclosed also.

- I. HAVE YOU BEGUN OTHER LAWSUITS IN FEDERAL COURT DEALING WITH THE SAME FACTS INVOLVED IN THIS ACTION? YES () NO (X)

If your answer is YES, describe the former lawsuit in the space provided below:

- II. DID YOU PRESENT THE FACTS RELATING TO YOUR COMPLAINT TO THE STATE INMATE GRIEVANCE PROCEDURE? YES (X) NO ()

If your answer is YES:

1. What steps did you take? All three steps.
2. What was the result? (Attach copies of grievances or other supporting documentation.)

They undermined my complaint like they always do! (see Exhibits A. through G. of this complaint.)

VERIFIED STATEMENT

I have been advised of the requirements regarding exhaustion of administrative remedies and now submit this verified statement.

(Please choose the box that applies to your action):

☐ There are no grievance procedures at the correctional facility at which I am being confined.

☐ This cause of action arose at _____, and I am now being housed at _____. Therefore, I do not believe I have administrative remedies relating to this complaint at this time.

☒ I have exhausted my administrative remedies relating to this complaint and have attached copies of grievances demonstrating completions.

III. PARTIES:

In Item "A" below, place your name in the first blank and your present address in the second blank. Do the same for additional plaintiffs, if any. NOTE: ALL PLAINTIFFS LISTED IN THE CAPTION ON THE FIRST PAGE SHOULD BE LISTED IN THIS SECTION.

A. Name of Plaintiff:

Stanley Earl Corbett, Jr.

Name of Present Confinement

Central Prison

Address of Present Confinement

1300 Western Blvd., Raleigh, N.C.

27606

In Item "B" below, place the full name of defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use Item (C) through (F) for additional defendants. NOTE: ALL DEFENDANTS LISTED IN THE CAPTION ON THE FIRST PAGE SHOULD BE LISTED IN THIS SECTION.

B. Defendant

G. J. Branker

Position

Warden

Employed at

Central Prison

Address

1300 Western Blvd., Raleigh, N.C. 27606

Capacity in which being sued: Individual () Official () Both (☒)

C. Defendant

Sgt. Reed

Position

Staff Supervisor

Employed at

Central Prison

Address

1300 Western Blvd., Raleigh, N.C. 27606

Capacity in which being sued: Individual () Official () Both (☒)

- D. Defendant Sgt. Prado
 Position Staff Supervisor
 Employed at Central Prison
 Address 1300 Western Blvd., N.C. 27606
 Capacity in which being sued: Individual () Official () Both (✓)
- E. Defendant Officer Lancaster
 Position C/O
 Employed at Central Prison
 Address 1300 Western Blvd., N.C. 27606
 Capacity in which being sued: Individual () Official () Both (✓)
- F. Defendant Officer Holloman
 Position C/O
 Employed at Central Prison
 Address 1300 Western Blvd., N.C. 27606
 Capacity in which being sued: Individual () Official () Both (✓)

there are more
 defendants,
 see next page
 attached.....

IV. STATEMENT OF CLAIM

State here as briefly as possible the **FACTS** of your case. Describe how **each** defendant is involved. Include also the names of the other persons involved, dates and places. **DO NOT GIVE ANY LEGAL CITATIONS OR ANY LEGAL ARGUMENTS OR CITE ANY STATUTES.** If you wish to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

1.) On 12-19-08 at approximately 7:57 p.m. Officer Lancaster & Officer Holloman came to upper A-Block to do showers. Officer Lancaster came to my door & asked me if I wanted a shower. I told her "yes." She then opened the food passage door, handcuffed me, then escorted me to the shower. I began to bathe & her & Officer Holloman left the block. Approximately 3 minutes later they came back to get me & the other guy that was in the shower. At the time, I was covered with soap. Officer Lancaster stated "come, on lets go." I asked her if I could rinse the soap off of my body. She stated "get out of the shower before I spray your ass!!" Being

G. Defendant Officer Hicks

Position C/O

Employed at Central Prison

Address 1300 Western Blvd., Raleigh, N.C. 27606

Capacity in which being sued: Individually ☐ Official ☐ Both ☒

H. Defendant Officer James

Position C/O

Employed at Central Prison

Address 1300 Western Blvd., Raleigh, N.C. 27606

Capacity in which being sued: Individually ☐ Official ☐ Both ☒

that she cursed & threatened me, I told her, "It's not like I haven't been sprayed before. I don't care about your mace! I asked you nicely & you start disrespecting me." The shower stopped, in which I was fixing to push the button again. But, I told myself, "Go ahead & get out of the shower before she sprays ~~me~~ you." Therefore, I started drying off my face. While I was drying my face, she sprayed me in my pants, then my face. So I asked her, "Are you trying to set me up?" She stated, "You set yourself up, you shouldn't of spit on me." To make a long story short she sprayed me because I didn't get out of the shower when she said so, & the fact that I mouthed back at her. She then called Sgt. Reed, Sgt. Prach, & Officers Hicks to the block.

2.) Afterwards, Officer Holloman placed me in handcuffs, opened the shower door, & bent my wrists all the way to the inside of the mop closet. In which he put a gash on my right wrist. Sgt. Reed, Sgt. Prach, & Officer Hicks had followed us to the mop closet. While in the mop closet Sgt. Reed, Sgt. Prach, Officer Hicks, & Officer Holloman beat me. I was suppose to have been taken to the mop closet to be cleaned, but I was never cleaned! Afterwards, I was taken downstairs, put in full restraints, then placed in the desert holding cell.

3.) At approximately 9:00 p.m. I was taken to medical by Officer Allen & Officer Hicks. Afterwards, I was placed back in the desert

Continued on
next pages
attached...

V. RELIEF SOUGHT BY PRISONER

State briefly exactly what you want the Court to do for you. MAKE NO LEGAL ARGUMENTS. DO NOT CITE CASES OR STATUTES.

WHEREFORE, Plaintiff respectfully prays that this court enter judgment granting plaintiff:

1.) A declaration that the acts & omissions described herein violated Plaintiff's rights under the Constitution & Laws of the United States.

holding cell. Next, at approximately 11:40 p.m. Officer James reported to the desert holding cell, and told me that Lt. Claybourne wanted to speak to me about what had just happened. He opened the cage door, then we begin walking down the hall. I was on the left side of the hall, while he was on the right side of me. As we were coming towards lower B-Block I noticed the second door on the left had opened, but at that time I didn't see who had opened it. Right after that Officer James pushed me in the dark room, which looked like a storage room because I seen boxes, due to the hallway light shining in the window. As I looked closely Officer Lancaster ~~was standing~~ in the middle of the room with her fist balled. Then Officer James stated, "oh, you thought it was over, I bet you want write any more grievances," then him and Officer Lancaster beat me & squeezed my groin for about 8 or 9 minutes. Afterwards, Officer James told me that it wasn't over, and that if I said anything that he would kill me. (see, Exhibits A, B-1, B-2, C, D, E, F, & G)

4.) To cover up their illegal conduct I received three disciplinary charges, in which they lied on me alleging that I assaulted correctional staff. I made numerous attempts to get the grievance that I wrote about the illegal conduct processed, but it never got processed. Therefore, I sent a copy of the grievance to the "N.C. Inmate Grievance Resolution Board." They sent it back to this prison, in which was the only reason it had gotten processed. (see, Exhibits A, B-1, & B-2)

5.) The Plaintiff received a few injuries from the use of force incidents. Which were: a gash on his right wrist, headaches, lower back pain in which there was a big knot on his lower back on the left side, pain in his left shoulder, & numbness ~~in his~~ ~~point~~ ~~fingers~~ ~~thumb~~ ~~the~~ ~~of~~ ~~his~~ ~~right~~ ~~leg~~. The Plaintiff is still

experiencing headaches, lower back pain, pain in his left shoulder, & numbness in his point fingers, thumbs, & wrists. The Plaintiff has been prescribed numerous pain pills, including narcotics, and has had to receive physical therapy. The Plaintiff is still mentally & emotionally distressed from the beatings, in which he's been on a few different anti-depressants, and is currently taking Zoloft. The Plaintiff is also taking nerve pills for the numbness in his point fingers, thumbs, & wrists.

6.) Due to the fact that Officer Lancaster alleged that Plaintiff had spit on her the Defendants Sgt. Reed, Sgt. Prado, Officer Holloman, & Officer Hicks "corporally punished" him. The Defendants motives were to seriously harm Plaintiff for his allegedly past conduct. In which the above Defendants did seriously harm the Plaintiff. The Defendants also acted under "color of state law." Thus, the Defendants have violated the Plaintiff's 8th & 14th Amendment of the United States Constitution.

7.) The Defendant Officer Lancaster beat the Plaintiff, & encouraged the illegal conduct. In which she knew would cause the Plaintiff serious harm. The Defendant Officer James retaliated against the Plaintiff for a previous grievance that he had wrote against him, in which was why he & Officer Lancaster beat the Plaintiff in an area where no one could see them. This amounts to "cruel & unusual punishment" as well as "corporal punishment." The Defendants were definitely trying to seriously harm the Plaintiff, in which they did seriously harm the Plaintiff. These two Defendants also acted under "color of state law."

8.) The Defendant G.I. Branker knew that Plaintiff has had problems with his staff and that Plaintiff was subject to future harm, and is still subject to more harm. Therefore, he created a policy allowing and encouraging the illegal conduct. The Defendant was, & still is, "Deliberately Indifferent" by not preventing Plaintiff from being seriously harmed and failing to do anything to fix the situation. The Defendant also acted under "color of state law."

9.) All of the above named Defendants are in violation of the Plaintiffs 8th & 14th Amendment of the United States Constitution.

2.) A injunction ordering Defendants to create a non-tolerance policy, in which any unlawful beating would result to termination, & to stop on-going conduct that the court finds illegal. I'm also seeking a injunction for all of the infractions that I received on 12-19-08 be removed.

Continued on
next page
attached...

Signed this 19th day of July, 2010.

Stanley B. Corbett, Jr.
Signature of Plaintiff

Signature of other Plaintiffs
(if necessary)

I declare under penalty of perjury that the foregoing is true and correct.

7-19-2010
Date

Stanley B. Corbett, Jr.
Signature of Plaintiff

Signature of other Plaintiffs
(if necessary)

3.) Compensatory Damages in the amount of \$40,000.00 against each Defendant.

4.) Punitive Damages in the amount of \$40,000.00 against each Defendant.

5.) A jury trial on all issues triable by jury.

6.) Any additional relief this court deems just, proper, & equitable.




State of North Carolina

BEVERLY EAVES PERDUE
GOVERNOR

FINESSE G. COUCH
EXECUTIVE DIRECTOR

INMATE GRIEVANCE RESOLUTION BOARD

4207 MSC
RALEIGH, NORTH CAROLINA 27699-4207

 **Exhibit A.**

REV. REGINALD E. MIDGETTE, SR.
CHAIRMAN

MEMBERS
BRADLEY J. BANNON, ESQ.
LUCIEN CAPONE, III, ESQ.
JOHN E. GEHRING, ESQ.
MATTHEW ROUSE, JR., D.H.L.

July 01, 2009

Stanley Corbett, 0716025
Central Prison 3100

Re: Staff assault

Dear Mr. Corbett:

Your recent correspondence addressed to the official listed above has been forwarded to me for review. According to the Administrative Remedy Procedure, you must first submit your grievance for processing and investigation at the facility.

We are returning this grievance to your unit to submit according to the Administrative Remedy Procedure guidelines.

We hope this information is useful to you.

Sincerely,



Elizabeth Wallace

Inmate Grievance Examiner

**NORTH CAROLINA DEPARTMENT OF CORRECTION
DIVISION OF PRISONS
ADMINISTRATIVE REMEDY PROCEDURE**

Page 1 of 2

1. Inmate Name: Stanley Corbett 2. Inmate No.: 0716025

3. Location: Central Prison - Unit 1 4. Date: 2-25-09

5. **Grievance Statement:** About two months ago I [REDACTED] submitted a grievance pertaining to the issue below, but the grievance was never processed! Therefore, I'm presenting it again to ensure that it ~~was~~ is processed!

On 12-19-08 at approximately ~~8:00pm~~ Officer Lancaster sprayed me in my penis then my face, as I was drying my face. Afterward Officer Holloman placed me in handcuffs, opened the shower door, & bent my wrists all the way to the inside of the mop closet in which he cut my right wrist. While in the mop closet Sgt. Reed Sgt. Smith Officer ~~Lester~~ Officer Holloman beat me. I was suppose to have been taken to the mop closet for decontamination, but I was never decontaminated. Afterward, I was taken downstairs put in full restraints then placed in the desert holding cell.

At approximately 9:00 p.m. I was taken to medical by Officer Allen and Officer Hicks. Afterwards I was placed back in the desert holding cell. Next, at approximately 11:40 p.m. Officer James reported to the desert holding cell, and told me that Lt. Claybourne wanted to speak to me about what had occurred.

6. What remedy would resolve your grievance?: Due to my future safety and health under "15 U.S.C. 1691j and Employee Responsibility" I am seeking to be transferred to another maximum custody facility to prevent this from happening again. I am seeking that cameras be placed into my

7. Inmate Signature: Stanley Corbett

OFFICIAL USE

8. Date received: 11/1/81

9. Receiving Officer Signature

10. ☐ This grievance is returned and can only be accepted when your current grievance completes step two.

11. Date delayed: ____/____/____

12. _____
Screening Officer Signature

13. The grievance is rejected for the following reason(s): (Enter Code)

- | | | |
|------------------------------------|--------------------------------|---------------------------------|
| A. State or Federal Court Decision | B. Parole Commission Decision | C. Appeals disciplinary action |
| D. Action not yet taken | E. Exceeds 1 year time limit | F. Remedy for another inmate |
| G. More than one incident | H. ARP procedures not followed | I. Violates Disciplinary No. 38 |
| J. Beyond control of DOC | | |

If grievance is rejected, # 13, # 14, # 15, and # 16 are completed by the Screening Officer, a photocopy of grievance is forwarded to Superintendent for review, and the original grievance is returned to inmate.

14. Rejection Justification: _____

15. Date rejected: / /

16. _____
Screening Officer Signature

17. Date accepted: 1/1/80

18. _____
Screening Officer Signature

19. Grievance No.

FILED-09-0981

Item #13, 15, or 17 to be completed within 3 calendar days of item #8.

Distribution: White to point of final disposition. Blue for Unit record; Green to inmate.

Exhibit B-2.

5/5/10

**NORTH CAROLINA DEPARTMENT OF CORRECTION
DIVISION OF PRISONS
ADMINISTRATIVE REMEDY PROCEDURE**

Page 2 of 2
#876

1. Inmate Name: Stanley Corbett 2. Inmate No.: 0716025
 3. Location: Central Prison - Unit 1 4. Date: 8-25-09
 5. Grievance Statement: happened. He opened the cage door, then we begin walking down the hall. I was on the left side of the hall, while he was on the right side of me. As we were coming towards lower B-Block I noticed the second door on the left had opened, but at that time I didn't see who had opened it. Right after that Officer James pushed me in the dark room, which looked like a storage room because I seen boxes, due to the hallway light shining in the window. As I looked closely Officer Lancaster was standing in the middle of the room with her fist balled. Then Officer James stated "oh you thought it was over I bet you want write anymore grievances" then him and Officer Lancaster beat me squeezed my groin for about 30 minutes. After wards, Officer James told me that it wasn't over and that if I said anything that he would kill me. The only reason why I think this happened is because I wrote a grievance on 9-22-08 against Officer James.
This grievance is specifically pertaining to "cruel and unusual punishment" by the above correctional officers, and I will not stop grieving until something is done about this!
 6. What remedy would resolve your grievance?: Closest and in the hallways. I'm seeking that video footage from 8:00 p.m. until 11:50 p.m. ^(on 12-17-08) reviewed as a part of the investigation of this grievance. I'm also seeking "JUSTICE."
 7. Inmate Signature: Stanley Corbett

OFFICIAL USE

8. Date received: 11/11 9. [Signature]
 Receiving Officer Signature
 10. ☐ This grievance is returned and can only be accepted when your current grievance completes step two.
 11. Date delayed: 1/1 12. [Signature]
 Screening Officer Signature
 13. The grievance is rejected for the following reason(s): (Enter Code)
 A. State or Federal Court Decision B. Parole Commission Decision C. Appeals disciplinary action
 D. Action not yet taken E. Exceeds 1 year time limit F. Remedy for another inmate
 G. More than one incident H. ARP procedures not followed I. Violates Disciplinary No. 38
 J. Beyond control of DOC

If grievance is rejected, # 13, # 14, # 15, and # 16 are completed by the Screening Officer, a photocopy of grievance is forwarded to Superintendent for review, and the original grievance is returned to inmate.

14. Rejection Justification: _____
 15. Date rejected: 1/1 16. [Signature]
 Screening Officer Signature
 17. Date accepted: 1/1 18. [Signature]
 Screening Officer Signature

19. Grievance No.

8100-09-0991

Item #13, 15, or 17 to be completed within 3 calendar days of item #8.
 Distribution: White to point of final disposition, Blue for Unit record; Green to inmate.

Exhibit C.

**NORTH CAROLINA DEPARTMENT OF CORRECTION
DIVISION OF PRISONS
ADMINISTRATIVE REMEDY PROCEDURE**

6/28/09
6/11/09
AU-104

Step One - Unit Response20. Grievance No.: 30009 77122. Inmate No.: 001002521. Inmate Name: Stanley Corbett

23. Grievance Response (Item #25 to be completed within 15 calendar days of date in Item #17):

In response to your grievance, this incident was thoroughly investigated at the time of occurrence by Lt. Clayburn. Due to your many allegations of staff wrongdoing at the time, I was assigned to reinvestigate this incident. This incident began when you assaulted staff by spitting in Officer Lancaster's face. You were pepper sprayed while still in the shower to stop the assault. Therefore, pepper spray may have made contact with your groin area. You were afforded and accepted decontamination, but once in the decontamination station, you once again began assaulting staff by kicking and physically striking Sgt. Prado with your body. Force was continued until you stopped your continuous assault. The medical screening revealed injuries consistent with the force staff stated was used on you. There was also an injury to staff due to your assault, which required medical attention. You stated you were pushed into a supply closet during this incident. This investigator finds no evidence to support your allegation. Upon my reinvestigation of the incident, I agreed with Lt. Clayburn's findings and opinion of the incident. The amount and type of force used in this incident was minimal and justifiable to stop your continuous assault on staff. The video cameras were not attached to a recording device at this time, and therefore no video footage was available. Your grievance is considered resolved at this level.

24. Date: 7-9-09

25. Lt. T. K. Warden
H. J. IV
Superintendent Signature

26. (A) ☐ Agree with grievance response(B) ☒ Appeal to Step Two (24-hour limit)27. Date: 7-10-09

28. Stanley Corbett
Inmate Signature

Step Two - Area/Complex/Institution Response

29. Step two response (Item #31 to be completed within 20 calendar days of date in Item #27):

In response to your grievance, I offer the following. An investigation into this matter indicates that during the incident in question, staff acted well within the scope of their authority and did not target you for any reason other than what was noted in the Step One response. In fact, it was your demonstrated negative behavior that resulted in the incident's occurrence and a subsequent amount of force being used on you. There is no evidence to suggest that you were treated in any manner not in accordance with applicable policies and, or standard operating procedures. I trust this has addressed your concerns in this matter and subsequently, your grievance is now considered resolved.

30. Date: 7-28-09

31. D. J. Brinker
Administrator Signature

32. (A) ☐ Agree with grievance response(B) ☒ Appeal to Secretary, DOC (24-hour limit)33. Date: 7-28-09

34. Stanley Corbett
Inmate Signature

DISTRIBUTION: White to point of final disposition; Blue for Unit Record; Green to Inmate

Exhibit D.

NORTH CAROLINA DEPARTMENT OF CORRECTION

STATE OF NORTH CAROLINA
BEVERLY EAVES PERDUE
GOVERNOR

FINESSE G. COUCH
EXECUTIVE DIRECTOR

INMATE GRIEVANCE RESOLUTION BOARD
MSC 4207, Raleigh, NC 27699-4207

REV. REGINALD E. MIDGETTE, SR.
CHAIRMAN

MEMBERS
LUCIEN CAPONE, III, ESQ.
MATTHEW ROUSE, JR., D.H.L.

Administrative Remedy Procedure**Step Three**

35. Inmate Name Corbett, Stanley

36. GRE Grievance No.: 1151

AKA:

37. Inmate # 0716025

38. Unit Grievance No. 3100090991

39. Location: Central Prison 3100

40. Date Received: 8/3/2009

41. GRIEVANCE EXAMINER: Findings and Disposition Order

Inmate Stanley Corbett filed this grievance on February 25, 2009 at Central Prison alleging that officer Lancaster improperly pepper sprayed him in the face and groin area and other staff members used excessive force on him. Staff responded that an investigation of inmate Corbett's concern revealed that on the date in question, the amount of force used in this incident was a result of inmate Corbett's demonstrated negative behavior which resulted in the incident's occurrence and subsequent amount of force being used. Staff indicated that there was no evidence found to suggest that inmate Corbett had been treated in any manner not in accordance with applicable policies and or standard operating procedures.

This Examiner spoke with the investigating officer, Lt. Clayburn and was advised that policies and procedures were followed in this incident and that the use of force involving inmate Corbett was warranted and justifiable. This Examiner reviewed the Use of Force Report and Witness Statements and could not find any evidence of wrongful treatment. Inmate Corbett is advised in the future to be mindful of his actions and follow instructions given by staff.

This examiner has carefully reviewed the grievance and the response given by staff in the DC-410A response. From this review, I am convinced that staff has adequately addressed this inmate's grievance concerns. I adopt the facts found by the staff investigator.

On this record, this inmate's allegations are insufficiently supported. Thus, this grievance is dismissed for lack of supporting evidence.

42. Date:

10-2009

J. Baker Williams
Inmate Grievance Examiner

DISTRIBUTION: Originals (DC-410, DC-410A & DC-410B) to location of final action.

cc: [] Unit Superintendent

Exhibit E.
NORTH CAROLINA DEPARTMENT OF CORRECTION
DIVISION OF PRISONS
ADMINISTRATIVE REMEDY PROCEDURE

1st
attn: [unclear]

1. Inmate Name: Stanley Corbett 2. Inmate No.: 0716025
 3. Location: AL-107 4. Date: 9-22-08

5. Grievance Statement: At approximately 8:00 p.m. officer Landecker brought me my "Ramadan" meal. Then I began to eat, which was for about five minutes. Then Officer James came in the block and asked me if I wanted a shower. I told him "yes" as I was eating he then told me to hurry up or my shower would be refused. Before I could get my food situated he shut my trap & said I refused. I HAVEN'T TOOK A SHOWER SINCE SATURDAY!!! This isn't his first time doing this/harrassing. I've been trying to hold it in but I'm tired of this dude harrassing me. I'm a grown man & I have no time for childish games!!

6. What remedy would resolve your grievance?: That he stays away from me, that I not be denied my shower, or justice in the court of law I will pursue.

7. Inmate Signature: Stanley Corbett

OFFICIAL USE

8. Date received: 9 22 08 9. [Signature]
 Receiving Officer Signature

10. ☐ This grievance is returned and can only be accepted when your current grievance completes step two.

11. Date delayed: 1 / 1 12. [Signature]
 Screening Officer Signature

13. The grievance is rejected for the following reason(s): (Enter Code) _____

- | | | |
|------------------------------------|--------------------------------|---------------------------------|
| A. State or Federal Court Decision | B. Parole Commission Decision | C. Appeals disciplinary action |
| D. Action not yet taken | E. Exceeds 1 year time limit | F. Remedy for another inmate |
| G. More than one incident | H. ARP procedures not followed | I. Violates Disciplinary No. 38 |
| J. Beyond control of DOC | | |

If grievance is rejected, # 13, # 14, # 15, and # 16 are completed by the Screening Officer, a photocopy of grievance is forwarded to Superintendent for review, and the original grievance is returned to inmate.

14. Rejection Justification: _____

15. Date rejected: 1 / 1 16. [Signature]
 Screening Officer Signature

17. Date accepted: 9 22 08 18. [Signature]
 Screening Officer Signature

19. Grievance No.

8100-08-1352

Item #13, 15, or 17 to be completed within 3 calendar days of item #8.

Distribution: White to point of final disposition, Blue for Unit record; Green to inmate.

Exhibit F

9/21/08

**NORTH CAROLINA DEPARTMENT OF CORRECTION
DIVISION OF PRISONS
ADMINISTRATIVE REMEDY PROCEDURE**

Step One - Unit Response20. Grievance No.: 3100-18-135321. Inmate Name: Harley B. Bell22. Inmate No.: 0716035

23. Grievance Response (Item #25 to be completed within 15 calendar days of date in item #17):

IN RESPONSE TO YOUR GRIEVANCE, ON 9/22/08 AT APPROXIMATELY 7:53PM C/O S. JAMES WENT TO YOUR CELL AND OFFERED YOU A SHOWER. C/O JAMES THEN OPENED THE FOOD PASSAGE DOOR TO PLACED RESTRAINTS ON YOU, AND YOU WERE REMOVING SOME PICTURES OFF THE WALL. C/O JAMES AGAIN TOLD YOU TO STOP TAKING THE PICTURES OFF THE WALL. YOU REFUSED TO DO SO AND CONTINUED TO REMOVE THE PICTURES AND YOUR SHOWER PERIOD WAS CANCELLED. WHEN STAFF COMES TO YOUR BLOCK TO CONDUCT SHOWERS, YOU SHOULD BE READY WITH ALL YOUR COSMETICS AND CLOTHES. YOUR BLOCK HOUSED TWENTY-SIX INMATES THAT ARE WAITING TO TAKE SHOWERS. IF YOU WANTED TO TAKE YOUR PICTURES DOWN OFF THE WALL YOU SHOULD'VE DONE IT BEFORE OR AFTER YOUR SHOWER PERIOD. IT IS THE CONCLUSION OF THIS INVESTIGATOR THAT THIS GRIEVANCE IS RESOLVED AT THIS TIME.

24. Date: 11/23/0825. [Signature]
Superintendent Signature26. (A) ☐ Agree with grievance response(B) ☐ Appeal to Step Two (24-hour limit)27. Date: 11-26-0828. [Signature]
Inmate Signature**Step Two - Area/Complex/Institution Response**

29. Step two response (Item #31 to be completed within 20 calendar days of date in item #27):

In response to your grievance, I offer the following. An investigation into this matter indicates that at the time in question, you were not prepared to take your shower period. Because of this and the fact that time does not permit staff to wait for you if you are not ready at the prescribed time you were treated in any manner not in accordance with applicable policies and, or standard operating procedures. I trust this has addressed your concerns in this matter and subsequently, your grievance is now considered resolved.

30. Date: 10-13-0831. [Signature]
Administrator Signature32. (A) ☐ Agree with grievance response(B) ☒ Appeal to Secretary, DOC (24-hour limit)33. Date: 10-15-0834. [Signature]
Inmate Signature

DISTRIBUTION: White to point of final disposition; Blue for Unit Record; Green to Inmate

Exhibit G.

NORTH CAROLINA DEPARTMENT OF CORRECTION

STATE OF NORTH CAROLINA

MICHAEL F. EASLEY
GOVERNORFINESSE G. COUCH
EXECUTIVE DIRECTOR

INMATE GRIEVANCE RESOLUTION BOARD

MSC 4207, Raleigh, NC 27699-4207

REV. REGINALD E. MIDGETTE, SR.
CHAIRMANMEMBERS
LUCIEN CAPONE, III, ESQ.
BRADLEY BANNON, ESQ.
JOHN E. GEHRING, ESQ.
MATTHEW ROUSE, JR., D.H.L.Administrative Remedy ProcedureStep Three

35. Inmate Name Corbett, Stanley

36. GRB Grievance No.: 4035

AKA:

37. Inmate # 0716025

38. Unit Grievance No. 3100081352

39. Location: Central Prison 3100

40. Date Received: 10/23/2008

41. GRIEVANCE EXAMINER: Findings and Disposition Order

Inmate Stanley Corbett filed this grievance on September 22, 2008 at Central Prison complaining about being denied a shower because he was trying to eat. Staff responded that an investigation of Inmate Corbett's concern revealed that at the time in question, Inmate Corbett was not prepared to take his shower. Staff stated that because of this and the fact that time does not permit staff to wait on individuals if they are not ready at the prescribed time.


This examiner has carefully reviewed the grievance and the response given by staff in the DC-410A response. From this review, I am convinced that staff has adequately addressed this inmate's grievance concerns. I adopt the facts found by the staff investigator.

My examination of this grievance reveals no violation of applicable Division of Prisons policy nor does it show any evidence of staff indifference. No further action warranted; thus this grievance is dismissed.

42. Date:

10-31-08

43.



Inmate Grievance Examiner

DISTRIBUTION: Originals (DC-410, DC-410A & DC-410B) to location of final action.

cc: [] Unit Superintendent