

STEPHEN LOUIS RUDISILL-235368

Name and Prisoner/Booking Number

ARIZONA STATE PRISON COMPLEX-TUCSON

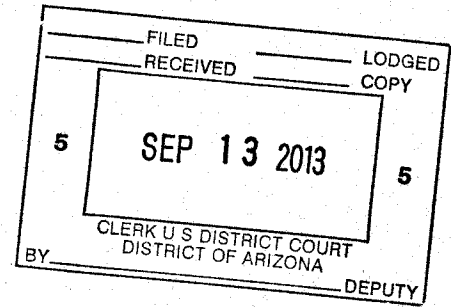
Place of Confinement

POST OFFICE BOX 24401

Mailing Address

TUCSON, ARIZONA 85734-4401

City, State, Zip Code



(Failure to notify the Court of your change of address may result in dismissal of this action.)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

STEPHEN LOUIS RUDISILL)

(Full Name of Plaintiff)

Plaintiff,

CIV13-1149 TUC CKJ

vs.)

CASE NO. _____

(To be supplied by the Clerk)

(1) CHARLES RYAN)

(Full Name of Defendant)

(2) ROBERT PATTON)

(3) THERESE SCHROEDER)

(4) DANIAL LUNDBERG)

Defendant(s).)

CIVIL RIGHTS COMPLAINT
BY A PRISONER

JURY TRIAL DEMANDED

Original Complaint

First Amended Complaint

Second Amended Complaint

Check if there are additional Defendants and attach page 1-A listing them.

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

28 U.S.C. § 1343(a); 42 U.S.C. § 1983

28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

Other: _____

2. Institution/city where violation occurred: ARIZONA STATE PRISON COMPLEX-TUCSON

B. DEFENDANTS

1. Name of first Defendant: CHARLES RYAN . The first Defendant is employed as DIRECTOR at ARIZONA DEPARTMENT OF CORRECTIONS.
(Position and Title) (Institution)
2. Name of second Defendant: ROBERT PATTON . The second Defendant is employed as DIVISION DIRECTOR at OFFENDER OPERATIONS.
(Position and Title) (Institution)
3. Name of third Defendant: THERESE SCHROEDER . The third Defendant is employed as WARDEN at ARIZONA STATE PRISON COMPLEX-TUCSON.
(Position and Title) (Institution)
4. Name of fourth Defendant: DANIAL LUNDBERG . The fourth Defendant is employed as DEPUTY WARDEN at ARIZONA STATE PRISON COMPLEX-TUCSON.
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? Yes No
2. If yes, how many lawsuits have you filed? 1 . Describe the previous lawsuits:

a. First prior lawsuit:

1. Parties: STEPHEN LOUIS MOORE v. RUTHERFORD COUNTY JAIL
2. Court and case number: U.S. District Court, Western District of N.C.
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) North Carolina Prisoner Legal Service settled the case in 1987-88, CLASS-ACTION.

b. Second prior lawsuit:

1. Parties: NOT APPLICABLE v. _____
2. Court and case number: _____
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

c. Third prior lawsuit:

1. Parties: NOT APPLICABLE v. _____
2. Court and case number: _____
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION

COUNT I

1. State the constitutional or other federal civil right that was violated: EQUAL PROTECTION OF THE LAW, FOUND IN THE FOURTEENTH AMENDMENT OF U.S. CONSTITUTION.

2. Count I. Identify the issue involved. Check only one. State additional issues in separate counts.
 Basic necessities Mail Access to the court Medical care
 Disciplinary proceedings Property Exercise of religion Retaliation
 Excessive force by an officer Threat to safety Other: RACIAL DISCRIMINATION

3. Supporting Facts. State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

1. The ARIZONA State PRISON Complex-TUCSON is located in TUCSON, ARIZONA, at 10,000 South Wilmet Road, Post Office Box 24400 (FOR official's address). Upon information and belief, the PRISON Complex IN TUCSON houses APPROXIMATELY 6,300 INMATES. INMATES are housed in eight (8) SEPARATE UNITS: RINCON UNIT, WINCHESTER UNIT, SANTA RITA UNIT, MINOR'S UNIT, CTMARRON UNIT, WHETSTONE UNIT, GDU UNIT; and MANZANITA UNIT.

2. PLAINTIFF, Stephen Louis Rudisill, is A BLACK Adult male INMATE, who ARRIVED at the ARIZONA State PRISON Complex-TUCSON, (Manzanita unit) on MAY 31, 2011. PLAINTIFF has been housed at the Manzanita unit FROM MAY 31, 2011, to this present day. The MANZANITA unit consist of six (6) housing units: Housing units 1-5 house medium custody (units) INMATES in dormitory style setting with double-bunkbeds; capable of holding two INMATES on each bunk. Housing unit 1B has twelve single bunks, 12 double bunks. Housing unit 6 houses medical needs INMATES. There is also A detention (see attach)

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).
The defendants, and each of them, have violated Plaintiff's Rights Under the Equal Protection clause of the Fourteenth Amendment by Segregating Plaintiff because of Plaintiff's Race (BLACK) in the housing units (see attach)

5. Administrative Remedies:
a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
b. Did you submit a request for administrative relief on Count I? Yes No
c. Did you appeal your request for relief on Count I to the highest level? Yes No
d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. NOT APPLICABLE

D. CAUSE OF ACTION

3. SUPPORTING FACTS (CONTINUED)

Unit at the MANZANITA UNIT. UPON INFORMATION and belief, PLAINTIFF says the MANZANITA UNIT is Capable of housing Approximately Five hundred (500) INMATES.

③ PLAINTIFF is presently in housing Unit 1-A side OF the MANZANITA UNIT. HOUSING UNIT 1-A side has 24 double-bunkbeds, HOUSING UNIT 1-B side has 12 double-bunkbeds and 12 single-beds (FOR INMATE WITH PHYSICAL DISABILITIES, AMERICAN WITH DIS-ABILITIES (ADA). ON THE REST OF THE MANZANITA UNIT; HOUSING UNITS 2-4 HAS 48 double-bunkbeds in each housing unit, 24 double-bunkbeds ON A-SIDE AND 24 double-bunkbeds ON B-SIDE IN EACH UNIT; HOUSING UNIT 5 HAS 24 double-bunkbeds ON A-SIDE, AND 34 double-bunkbeds ON B-SIDE. UPON INFORMATION AND BELIEF, HOUSING UNIT 6, (ON THE MANZANITA UNIT), HAS 46 single-beds medical needs INMATES ARE HOUSED. UPON INFORMATION AND BELIEF THE DETENTION UNIT (ON THE MANZANITA UNIT), HAS 13 double-bunkbeds (1 double-bunkbed in each of the 13 cells); and two cells with 1 single-bed in each cell; FOR A TOTAL OF 15 CELLS IN THE DETENTION UNIT.

3-A

D. CAUSE OF ACTION

3. SUPPORTING FACTS (CONTINUED)

4. Defendant, Charles Ryan is the Director of the State of Arizona Department of Corrections. He is legally responsible for the overall operation of the ARIZONA Department of Corrections and each institution under its jurisdiction; including ARIZONA State Prison Complex-Tucson, Manzanita Unit, where Plaintiff is presently housed.

Defendant, Charles Ryan duties are listed under ARIZONA Revised Statutes, Section 41-1604; which reads in pertinent part(s) as follows:

"§ 41-1604 Duties and Powers of Director

A. The director shall:

1. Be responsible for the overall operations and policies of the department.

2. Maintain and administer all institutions and programs within the department, including prisons, reception and diagnostic centers, conservation camps, community correctional centers and such other facilities and programs as may be required and established for the custody, control, correction, treatment and rehabilitation of all adult offenders who are committed to the department."

5. Be responsible for the development of policies and programs that shall be recommended to the governor and the legislature for the purpose of improving the

D. CAUSE OF ACTION

3. SUPPORTING FACTS (CONTINUED)

VARIOUS adult CORRECTIONAL PROGRAMS of this state.
6. Develop and establish a uniform statewide method of reporting statistics as related to this chapter."

Defendant, Charles RYAN's Address is: 1601 West Jefferson Street, Phoenix, ARIZONA 85007.

Defendant, Charles RYAN is sued Individually and in his official Capacity. At all times mentioned in this Complaint, Defendant, Charles RYAN acted under the color of State law.

5. Defendant, Robert Patton is Division Director of Offender Operations in the ARIZONA Department of Corrections. His address is: 1601 West Jefferson Street; Phoenix, ARIZONA 85007. Defendant Robert Patton is sued Individually and in his official Capacity. At all times mentioned in this Complaint, Defendant, Robert Patton acted under the color of State law.

Some of Defendant, Robert Patton's duties are listed under the ARIZONA Department of Corrections; Department Order Manual (Chapter: 700 OPERATIONAL SECURITY); under Department Order: 701 (INMATE ACCOUNTABILITY); Defendant, Charles RYAN's duties read in pertinent part:
1.2.4 The Division Director FOR OFFENDER OPERATIONS is notified of any count discrepancies (i.e., Racial Parity/Imbalances, and any other issues which

D. CAUSE OF ACTION

3. SUPPORTING FACTS (CONTINUED)

MAY IMPACT THE SAFE AND SECURE OPERATIONS OF THE PRISONS:"

UPON INFORMATION AND BELIEF WARDENS AND DEPUTY WARDENS AT ARIZONA DEPARTMENT OF CORRECTIONS' PRISONS REPORT TO DEFENDANT, ROBERT PATTON, THE DIVISION DIRECTOR FOR OFFENDER OPERATIONS, THROUGH THE APPROPRIATE REGIONAL OPERATIONS DIRECTOR, ANY SIGNIFICANT PROBLEMS ARISING FROM PRISON CROWDING, INCLUDING BUT NOT LIMITED TO RACIAL PARITY/IMBALANCE, POTENTIAL SECURITY THREAT GROUP ISSUES AND INFRASTRUCTURE DEMANDS ON PHYSICAL STRUCTURES/PLANTS. (SEE DEPARTMENT ORDER 701 INMATE ACCOUNTABILITY 701 (1.1.6))

UPON INFORMATION AND BELIEF ARIZONA PRISONS FORWARD BED INFORMATION DATA SHEETS TO THE DIVISION DIRECTOR FOR OFFENDER OPERATIONS THROUGH THE APPROPRIATE REGIONAL OPERATIONS DIRECTOR FOR SIGNATURE AND PLACEMENT INTO THE OFFENDER OPERATIONS MASTER BED RECORD.

(SEE DEPARTMENT ORDER 701 INMATE ACCOUNTABILITY 701 (1.3.2))

UPON INFORMATION AND BELIEF THE OFFENDER SERVICES BUREAU MAINTAIN A PERMANENT RECORD, FOR HISTORICAL PURPOSES, OF DIRECTOR APPROVED CHANGES TO BEDS/COUNTS, AS WELL AS THE BED INFORMATION DATA SHEETS.

6. DEFENDANT, THERESE SCHROEDER IS THE WARDEN OF ARIZONA STATE PRISON COMPLEX-TUCSON; AT 10,000 SOUTH WILMOT ROAD, POST OFFICE BOX 2440; TUCSON, ARIZONA 85756-4400.

D. CAUSE OF ACTION

3. SUPPORTING FACTS (CONTINUED)

Defendant, Therese Schroeder is legally responsible for the operation of ARIZONA State PRISON-TUCSON and for the welfare of all the inmates in the ARIZONA State PRISON Complex-TUCSON; including Plaintiff's welfare.

Defendant, Therese Schroeder is sued individually and in her official capacity. At all times mentioned in this complaint, Defendant Therese Schroeder acted under the color of state law.

Some of Defendant, Therese Schroeder's duties under the ARIZONA DEPARTMENT OF CORRECTIONS; DEPARTMENT ORDER MANUAL (CHAPTER 700 (OPERATIONAL SECURITY)) are:

701.01 GENERAL RESPONSIBILITIES

1.1 WARDENS and DEPUTY WARDENS shall be responsible for the accounting of all beds by type and use within their assigned area and shall ensure:

1.1.1 Accountability officers are designated and trained.

1.1.2 Bed numbers, types and locations are not changed without the Director's prior written authorization.

1.1.3 Bed information data sheets are accurate and complete. "....."

1.1.6 Report to the Division Director for offender operations, through the appropriate Regional Operations Director, any significant problems arising from prison crowding, including but not limited to racial parity/imbalance, potential security threat group issues and

D. CAUSE OF ACTION

3. SUPPORTING FACTS (CONTINUED)

INFRASTRUCTURE demands on Physical Structures/Plants.

7. Defendant, DANIAL LUNDBERG is the Deputy WARDEN of the MANZANITA UNIT, at ARIZONA State PRISON Complex-TUCSON; address: 10,000 South Wilmot Road, Post Office Box 2440; TUCSON, ARIZONA 85756-4400.

Defendant, DANIAL LUNDBERG is legally responsible for the operation of the MANZANITA UNIT, at ARIZONA State PRISON Complex-TUCSON, and for the welfare of the inmates in the MANZANITA UNIT, where the PLAINTIFF is housed. Defendant, DANIAL LUNDBERG is sued individually and in his official capacity. At all times mentioned in this complaint, Defendant DANIAL LUNDBERG acted under the color of state law.

Some of Defendant, DANIAL LUNDBERG's duties under the ARIZONA Department of CORRECTIONS; Department Order Manual (Chapter 700 (Operational Security)) are: 701.01 General Responsibilities Sections; 1.1, 1.1.2, 1.1.3 and 1.1.6. 1.1.6 Reads as follows: "Report to the Division Director for Offender Operations, through the Appropriate Regional Operations Director, any significant problems arising from prison crowding, including but not limited to racial parity/imbalance, potential security threat group issues and infrastructure demands on Physical Structures/Plants.

Defendant, DANIAL LUNDBERG's duties under Department Order 704.08 (Inmate Housing Assignments), Reads

D. CAUSE OF ACTION

3. SUPPORTING FACTS (CONTINUED)

IN PERTINENT PART: 1.5.2.2.1, "The Unit Deputy Warden shall Review the AIMS Scheduler FOR housing Recommendations and then approve OR deny housing assignments and document decisions ON the APPROPRIATE AIMS Screen. The Unit Deputy WARDEN shall be the Final Approval authority FOR all housing assignments."

8. ALL Defendants are sued individually AND in their (and each of them) official capacity. At all times mentioned in this Complaint each defendant acted UNDER the color of State law.

9. Plaintiff, Stephen Louis Rudisill, alleges that all of the named defendants in this Complaint are systematically segregating INMates by Race in housing assignments at the ARIZONA State PRISON Complex-TUCSON'S MANZANITA UNIT.

10. Caucasian (white) INMates are double-bunked with other white INMates only.

11. BLACK INMates are double-bunked with other BLACK INMates only.

12. MEXICAN and/OR HISPANIC INMates are double-bunked with other MEXICAN and/OR HISPANIC INMates.

13. Native AMERICAN INMates are double-bunked with Native AMERICAN INMates.

14. UPON INFORMATION AND BELIEF, INMates at all of the units (RINCON, WINCHESTER, SANTA RITA, MINOR'S CIMARRON, WHETSTONE, CDU) at ARIZONA State

D. CAUSE OF ACTION

3. SUPPORTING FACTS (CONTINUED)

1
2
3 PRISON Complex-TUCSON, ARE being systematically
4 segregated by race in housing assignments (in the
5 area of the double-bunks and double cells).

6 (15) UPON INFORMATION AND BELIEF, INMATES AT ALL OF
7 THE STATE OF ARIZONA'S DEPARTMENT OF CORRECTIONS'
8 PRISONS (ADULT MALE COMPLEX), (THAT IS; LEWIS, YUMA,
9 DOUGLAS, WINSLOW, FLORENCE, FT. GRANT, SAFFORD,
10 EYMAN, GLOBE, APACHE, PHOENIX, AND OTHERS) ARE
11 being systematically segregated by race in housing
12 assignments (in the area of the double-bunks and double-
13 cells).

14 (16) UPON INFORMATION AND BELIEF THERE IS ACROSS-THE-
15 BOARD RACIAL SEGREGATION OF INMATES IN HOUSING
16 ASSIGNMENTS, AND NOT "NARROWLY TAILORED".

17 (17) PLAINTIFF WROTE DEFENDANT, CHARLES RYAN (LETTER
18 DATED MAY 18, 2013) ABOUT RACIAL DISCRIMINATION
19 AND SYSTEMIC SEGREGATION OF INMATES IN THE
20 AREA OF HOUSING, DINING AND RACIAL QUOTAS FOR INMATE
21 JOBS. PLAINTIFF RECEIVED A REPLY TO PLAINTIFF'S
22 LETTER (TO DEFENDANT RYAN) FROM DEFENDANT,
23 ROBERT PATTON, DIVISION DIRECTOR OF OFFENDER
24 OPERATIONS. THE REPLY FROM DEFENDANT PATTON
25 WAS DATED JUNE 4, 2013.

26 (18) PLAINTIFF WROTE DEFENDANT, CHARLES RYAN AGAIN,
27 IN A LETTER DATED AUGUST 4, 2013 REGARDING
28 AN INMATE GRIEVANCE (NUMBER 13-G14-044), AND

D. CAUSE OF ACTION

3. SUPPORTING FACTS (CONTINUED)

1
2
3 other matters. Inmate Grievance Number: 13-
4 C14-044, is about Racial Discrimination and Segre-
5 gation at ARIZONA State PRISON Complex-Tucson.

6 Plaintiff informed Defendant, Charles Ryan that the
7 U.S. Supreme in Johnson v. California (2005), 543
8 U.S. 499 (125 S.Ct. 1141) held that Racial Classifications
9 by PRISON officials are UNLAWFUL unless the govern-
10 ment CAN PROVE that the Policies "are NARROWLY
11 tailored measures that further Compelling govern-
12 mental Interests." Id. at 505, 509-512.

13 Plaintiff's August 4, 2013 letter to Defendant,
14 Charles Ryan was answered by Defendant, Robert
15 Patton (Defendant Patton's Reply is dated August 16, 2013.
16 (19) Plaintiff wrote Defendant, Therese Schroeder, (in a
17 letter dated MAY 18, 2013) about Racial Discrimination
18 and Segregation of Inmates at ARIZONA State PRISON
19 Complex-TUCSON. Plaintiff received Reply from Defendant,
20 Therese Schroeder, Reply was dated JUNE 7, 2013.
21 Defendant, Therese Schroeder's Reply (letter) was
22 delivered to Plaintiff by COIII Karoline Washmon on
23 one occasion and by Defendant, DANIAL LUNDBERG on
24 another occasion.

25 (20) Plaintiff was interviewed by Defendant, DANIAL
26 LUNDBERG ON MAY 23, 2013; Regarding Plaintiff's
27 letter(s) to Defendant Therese Schroeder and/or
28 Defendant CHARLES RYAN; about Racial Discrimination

D. CAUSE OF ACTION

3. SUPPORTING FACTS (CONTINUED)

and Segregation of Inmates, as well as other matters.

21. Plaintiff, Receive A Reply letter from Defendant, Danial Lundberg Regarding the Interview held ON May 23, 2013, about Racial Discrimination and Segregation of Inmates by Race. Defendant, Danial Lundberg Reply letter is dated May 28, 2013.

22. ON June 11, 2013, Defendant, Danial Lundberg toss some paperwork (was response from Defendant, Therese Schroeder, regarding Plaintiff's letter dated May 18, 2013) and stated "that was uncalled for; nothing going to happen; all letters get filtered back to me, I run this prison." Plaintiff looked at the paperwork that Defendant, Danial Lundberg toss on Plaintiff's bed. Plaintiff ask Defendant, Danial Lundberg for Defendant Lundberg's statement (quoted above) in writing, Defendant, Danial Lundberg declined.

23. Plaintiff wrote another letter (dated June 20, 2013) to Defendant, Therese Schroeder about systemic Segregation, and including A copy of A letter I wrote to the Governor of the State of Arizona (Honorable Janice Brewer) regarding Racial Discrimination and Systemic Segregation in Arizona State Prisons.

24. Plaintiff says, Inmates eat at separate tables in the Manzanita unit's dining Hall. White Inmates do not eat at the same dining room table with Blacks; Native

1 D. CAUSE OF ACTION

2 3. SUPPORTING FACTS (CONTINUED)

3 AMERICAN; and MEXICAN and/or HISPANICS. INMATES ARE
4 SEPARATED BY RACE AT TABLES IN THE MANZANITA UNIT DINING
5 HALL.

6 (25) INMATES ARE SEPARATED BY RACE AT TABLES ON THE
7 RECREATION YARD, EXCEPTION BEING THE INMATES ARE
8 PLAYING POKER AT ONE OF THE TABLES; HAVING CHURCH SERVICE
9 AT A TABLE, OR AT THE "ADA TABLE"

10 (26) INMATES WHO WORK AS BARBERS, USED SEPARATE
11 BARBER TOOLS, THAT ARE IN SEPARATE BOXES NUMBERED
12 1-6. THE WHITE BARBERS USE BOXES NUMBERED
13 2 AND 4; MEXICAN BARBERS USE BOXES NUMBERED
14 1 AND 3; BLACK BARBER USE BOX NUMBERED 5;
15 AND THE NATIVE AMERICAN BARBER USE BOX NUMBER
16 6. THE BARBER'S WORK SCHEDULE IS POSTED ON THE
17 INMATE BULLETIN BOARDS; THE CORRECTIONAL OFFICER'S
18 CONTROL BOOTH; AND THE CORRECTIONAL OFFICER THREE
19 (3) OFFICE.

20 (27) INMATE WORKERS WHO ASSIST INMATES WITH PHYSICAL
21 DISABILITIES; ASSIST INMATES OF THE SAME RACE.
22 WHITE INMATES ASSIST WHITE INMATES (ADA);
23 BLACK INMATES ASSIST BLACK INMATES (ADA); AND
24 MEXICAN/HISPANIC INMATES ASSIST MEXICAN/HISPANIC
25 INMATES (ADA); AND NATIVE AMERICAN INMATES
26 ASSIST NATIVE AMERICANS WITH DISABILITIES (ADA).
27 A CORRECTIONAL OFFICER THREE (3) AND 4 DETERMINE
28 WHO WILL BE EMPLOYED AT VARIOUS INMATE JOBS.

D. CAUSE OF ACTION

3. SUPPORTING FACTS (CONTINUED)

1
2
3 (28.) UPON INFORMATION AND BELIEF PLAINTIFF ALLEGES ALL
4 NAMED DEFENDANTS HAVE ESTABLISHED OR TOLERATED A
5 DELIBERATELY INDIFFERENT POLICY OR CUSTOM THAT HAS
6 RESULTED IN THE VIOLATION OF PLAINTIFF'S CONSTITUTIONAL
7 RIGHT OF EQUAL PROTECTION OF THE LAW; TO NOT BE
8 DISCRIMINATED AGAINST (SEGREGATED) BECAUSE OF PLAINTIFF
9 'S RACE.

10 (29.) UPON INFORMATION AND BELIEF PLAINTIFF ALLEGES ALL
11 NAMED DEFENDANTS IN THIS COMPLAINT HAVE VIOLATED
12 PLAINTIFF'S CLEARLY ESTABLISHED CONSTITUTIONAL
13 RIGHT (EQUAL PROTECTION OF THE LAW). RACIAL DIS-
14 CRIMINATION (SEGREGATION) IS ILLEGAL.

15 (30.) PLAINTIFF ALLEGES UPON INFORMATION AND BELIEF
16 THAT ALL NAMED DEFENDANTS (AND EACH OF THEM) SHOULD
17 HAVE KNOWN OR KNEW THAT THE SEGREGATING OF
18 PLAINTIFF IN HOUSING (DOUBLE-BUNKING) BY RACE
19 IS ILLEGAL.

20 (31.) PLAINTIFF IS BLACK AND PLAINTIFF'S SHARES A DOUBLE-
21 BUNKBED WITH A BLACK INMATE. PLAINTIFF HAS ALWAYS
22 SHARED A DOUBLE-BUNK BED WITH ANOTHER BLACK INMATE
23 (WHEN BOTH BUNKS ARE OCCUPIED) SINCE ARRIVING AT
24 ARIZONA STATE PRISON COMPLEX-TUCSON, MANZANITA UNIT.
25 UPON INFORMATION AND BELIEF PLAINTIFF ALLEGES
26 ALL NAMED DEFENDANTS' ACROSS-THE-BOARD RACIAL
27 SEGREGATION OF PLAINTIFF AND OTHER INMATES AT ADULT
28 PRISONS FOR MALES, IS INTENTIONAL RACIAL DISCRIMINATION.

D. CAUSE OF ACTION

4. INJURY (continued)

at ARIZONA State PRISON complex-TUCSON, MANZANITA unit.

32. PLAINTIFF Reallege and INCORPORATE by REFERENCE PARAGRAPHS 1- 31.

33. The Racial DISCRIMINATION and INTENTIONAL Segregation OF PLAINTIFF, Stephen Louis Rudi'sill, is A VIOLATION OF PLAINTIFF'S EQUAL PROTECTION RIGHTS UNDER the FOURTEENTH Amendment to the UNITED STATES CONSTITUTION, by ALL NAMED DEFENDANTS.

34. The PLAINTIFF, Stephen Louis Rudi'sill, HAS NO plain, adequate OR complete Remedy at LAW to Redress the WRONGS described herein. PLAINTIFF HAS BEEN and will CONTINUE to be IRREPARABLY INJURED by the CONDUCT of the DEFENDANTS UNLESS this COURT GRANTS the declaratory AND INJUNCTIVE Relief which PLAINTIFF seeks ; and monetary damages to be decided by A JURY.

COUNT II

1. State the constitutional or other federal civil right that was violated: NOT APPLICABLE

2. **Count II.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- Basic necessities
- Mail
- Access to the court
- Medical care
- Disciplinary proceedings
- Property
- Exercise of religion
- Retaliation
- Excessive force by an officer
- Threat to safety
- Other: _____

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

NOT APPLICABLE

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

NOT APPLICABLE

5. **Administrative Remedies.**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- b. Did you submit a request for administrative relief on Count II? Yes No
- c. Did you appeal your request for relief on Count II to the highest level? Yes No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. NOT APPLICABLE

COUNT III

1. State the constitutional or other federal civil right that was violated: NOT APPLICABLE

2. **Count III.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- Basic necessities Mail Access to the court Medical care
- Disciplinary proceedings Property Exercise of religion Retaliation
- Excessive force by an officer Threat to safety Other: _____

3. **Supporting Facts.** State as briefly as possible the **FACTS** supporting Count III. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

NOT APPLICABLE

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

NOT APPLICABLE

5. **Administrative Remedies.**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- b. Did you submit a request for administrative relief on Count III? Yes No
- c. Did you appeal your request for relief on Count III to the highest level? Yes No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. NOT APPLICABLE

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.

E. REQUEST FOR RELIEF

State the relief you are seeking:

WHEREFORE, PLAINTIFF Respectfully PRAY that this COURT
ENTER Judgment:

1. DECLARE that the acts and omissions described
herein violated PLAINTIFF'S RIGHTS under the constitution
and LAWS OF the United States.

2. ENTER PRELIMINARY and PERMANENT INJUNCTIONS ORDERING
Defendants RYAN, PATTON, SCHROEDER and LUNDBERG;(see attach)

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

Executed on September 11, 2013
DATE

Stephen L. Rudisell
SIGNATURE OF PLAINTIFF

NOT APPLICABLE
(Name and title of paralegal, legal assistant, or
other person who helped prepare this complaint)

NOT APPLICABLE
(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.

E. REQUEST FOR RELIEF (CONTINUED)

1
2
3 their successors, agents, employees, and all persons
4 acting in concert with them to stop their practice
5 of double-bunking prisoners only with other prisoners,
6 same race; and stop their practice of double-
7 celling male prisoners only with other prisoners
8 of the same race and/or ethnic group; at Arizona
9 State Prison Complex-Tucson, and Arizona State
10 Prisons statewide; Stop Racial Segregation in
11 all Arizona Prisons; implement an adequate classifi-
12 cation system that would end racial segregation in
13 all Arizona Prisons (statewide); Close supervision of
14 all inmates and firm disciplinary measures against
15 troublemakers who refuse to integrate; increase
16 staffing at all Arizona Prisons to a level adequate
17 to protect the safety of all inmates at Arizona
18 State Prison Complex-Tucson and Prisons statewide.

19 3. Plaintiff ask for judgment in favor of Plaintiff
20 for nominal, compensatory, and punitive
21 damages, as allowed by law, against each defendant,
22 jointly and severally, to be decided by a jury.

23 4. Plaintiff also seek a jury trial on issues
24 triable by jury

25 5. Plaintiff also seek recovery of his cost in this
26 suit, and

27 6. The cost of this action be taxed against the
28 defendants.

E. REQUEST FOR RELIEF (CONTINUED)

7. PLAINTIFF seek Declaratory Relief Pursuant to 28 U.S.C. Section 2201 and 2202.

8. PLAINTIFF'S CLAIMS FOR INJUNCTIVE RELIEF ARE AUTHORIZED by 28 U.S.C. Section 2283 and 2284 and Rule 65 of the Federal Rules of Civil Procedure.

9. ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST, PROPER, and equitable.

DATE September 11, 2013 Respectfully Submitted,
Stephen L. Rudisill
STEPHEN LOUIS RUDISILL
PLAINTIFF

VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed on September 11, 2013 at TUCSON, ARIZONA

Stephen L. Rudisill
STEPHEN LOUIS RUDISILL

PLAINTIFF

ARIZONA STATE PRISON COMPLEX-TUCSON

MANZANITA UNIT

POST OFFICE BOX 24401

TUCSON, ARIZONA 85734-4401