FEBRUARY 11, 2015

HONORABLE SUSAN ILLSTON, JUDGE
450 GOLDEN GATE AVENUE
SAN FRANCISCO, CA. 94102-3483

RE: TERMINATION OF GILMORE INJUNCTION
CASE NO: C 66-45878 SI

DEAR JUDGE ILLSTON,

ENCLOSED IS A COPY OF A LETTER THAT I FORWARDED TO THE PRISON LAW OFFICE WHO REPRESENTED 'PLAINTIFFS' IN THE GILMORE INJUNCTION. THE PRISON LAW OFFICE WITHDREW THEIR OPPOSITION TO THE, THE TERMINATION MOTION FILED BY CDCR. BY DOING SO, CDC HAS NOW STOPPED ORDERING ALL LAW BOOKS SOMETHING THAT GILMORE V. LYNCH, 319 F. SUPP. 105 (1970) PROTECTED AGAINST.

JUST SHARING WITH YOU HOW CDCR HAS TOOK FULL ADVANTAGE OF THE GILMORE INJUNCTION BEING TERMINATED WHICH HAS CAUSED ALL OF US PROBLEMS WITH GAINING ACCESS TO LEGAL MATERIAL TO GET US IN THE COURTS.

RESPECTFULLY SUBMITTED
STEVE STEVENSON, ET. AL
K16324

February 9, 2015

Prison Law Office
Donald Specter, Director
1917 Fifth Street
Berkeley, Ca. 94710-1916

Re: Gilmore Injunction
Case No: C 66-45878 SI

Dear Mr. Specter

This letter is being written as a request for assistance, not just for myself but for every single man and woman who is incarcerated in the California Department Of Corrections and Rehabilatation.

It was documented that your office has been the caregiver for the Gilmore injunction for many years. As far as I learned the case Gilmore v. Lynch, 319 F.Supp. 105 (1970) affirmed by Younger v. Gilmore, 404 U.S. 15, 92 S.Ct. 250, 30 L.Ed. 2d 142 (1971), was a case filed by inmates in the CDC at the time who asked for access to the courts by having law books furnished to the law libraries within CDC.

As a result of the decision CDC agreed to supply inmates with a list of law books. This list was formed from the American Association of Law Libraries Special Committee on Law Library Services to Prisoners Checklist one (See Exhbit #1) and Checklist two. (See Exhibit #2) This list known as the Gilmore collection was codified in the California Code Of Regulations Title 15 Section 3124(a) and 3124(b). (See Exhibit #3)

The books were purchased from a publisher called west. By the books being purchased from west there was a 'Key System' that allowed anyone who did not know the law, such as myself, how to learn about a certain topic and take a 'Key Number' and go to every single book listed in CCR Title 15 Section 3124(a) points 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, and 15. The 'Key Numbers' also allowed you to take a topic number and go to the books listed in CCR Title 15 Section 3124(b) points 1, 3, 4, 5, 7, and 8.

The Gilmore injunction stood from 1972 until July of 1997, when the Deputy Director ordered all of the library staff to delayordering law books due to the Supreme Court's ruling in Lewis v. Casey, 518 U.S. 343, 116 S.Ct. 2174, 135 L.Ed.2d 606 (1996). However, due to Gilmore v. Lynch being a State case that was affirmed by the US Supreme Court in the Younger decision Younger supra, 404 U.S. 15, the Court in Gilmore v. California, 220 F.3d 987 (9th Cir. 2000) denied CDC's attempt to terminate the Gilmore injunction and ordered CDC to continue to order the books as stated in the Gilmore collection.

Nine years after that ruling in Gilmore v. California CDCR filed another motion to terminate the Gilmore injunction on October 30, 2009 by Deputy Attorney General Kenneth T. Roost. The motion to terminate was assigned to the Honorable Susan Illston, Judge of the Northern District

District of California. It is recorded that Attorney Alison Hardy represented the interest of the parties concerning the Gilmore Injunction. Ms. Hardy filed an opposition to the motion to terminate the Gilmore Injunction on December 22, 2009. Then on April 12, 2010, Ms. Hardy filed a motion to withdraw the opposition to the motion to terminate the Gilmore Injunction. On April 16, 2010, some Forty-Four years after Gilmore v. Lynch first started the longstanding injunction was terminated as a result to withdraw the opposition to the CDCR's motion to terminiate.

In a letter that Ms. Hardy sent to a prisoner it was stated that there was no grounds to oppose the State's motion to terminate and so the Gilmore injunction is no more. (See Exhibit #4) Ms. Hardy pointed out the fact that CDCR has implemented the Gilmore injunction to CCR Title 15 Section 3124 where the new regulations require the CDCR to maintain, at a minimum, the complete and updated materials required at each prison by the Gilmore injunction.

If you would please look at the language in Exhibit #3, which gives the language behind CCR Title 15 Section 3124 (a):

> "Each institution shall maintain at least one law library for the use of inmates, in print and/or by means of the ELECTRONIC LAW LIBRARY DELIVERY SYSTEM with any necessary print supplements. Except for items that are out of print, the law library collection shall include but shall not be limited to, the following current and updated legal materials OR THEIR EQUIVALENTS FROM OTHER PUBLISHERS:..."

The reason for me capitalizing the Electronic Law Library Delivery system and 'Their Equivalents from other publishers' is due to what this Prison at Centinela has done. Before the beginning of 2014, the Prison I am at ordered three computers under the electronic Law Library system that had a law program called premise. The premise program was based on the West publisher that was EQUIVALENT to the books as listed in CCR Title 15 Section 3124(a) and part of 3124(b). In addi-tion to the computers this prison ordered all the books and kept everything up to date.

Duroing the month of January 2014, this prison stopped ordering ALL LAW BOOKS and supplements. In addition the prison changed the computer system from west law to Lexis Nexis. This new system is nothing like that of west and it is not EQUIVALENT to the west program as there are no digests or Witkins books. The cites to the cases that they cite under the Lexis Program are not like the cites that were included in the law books in the law libraries or on the Premise program.

In addition due to there only being a total of three computers this Prison has told inmates who come to the law library that they only have a thirty minute session to use the computer. (See Exhibit #5 #4) The problem with this is, the law library holds at least a total of twelve men. There is no way for ANYONE to be able to conduct ANYTYPE of legal research in thirty minutes. You can't go up to any Man at this prison and tell him that he has to get off of the computer in thirty minutes or there will be and almost has been racial riots on our yard due to the shortage of law computers.

So now that ALL of the update legal material is on the computers and there are no up to date law books men are unable to conduct legal research with law books that are up to date. CCR Title 15 Section 3123(a) states:

> "Physical law library access means physical entry into a facioity law library for the PURPOSE of using its legal resources. A Facility law library includes, but is not limited to, a print law library or the LAW LIBRARY ELECTRONIC DELIVERY SYSTEM (LLEDS) with any necessary print supplements." (SEE EXHIBIT #6)

At this moment due to ALL legal material being on the computers and there only being three to serve twelve men we are unable and being prevented from using the legal resources in the law library in direct violation of 3123(a).

CCr Title 15 Section 3123(b) states:

> ""All inmates, regardless of their classification or housing status, shall be entitled to physical law library access that is sufficient to provide meaningful access to the courts. Inmates on PLU status may receive a minimum of 4 hours per calendar week of requested physical law library access, as resources are avaiable. and shall be given higher priority to the law library resources. Inmates on GLU status may receive a minimum of 2 hours per calendar week of requested physical law library access, as resources are available." (SEE EXHIBIT #6)

While we are being given physical access to the law library as stated in the CCR, the law library resource that holds all of the cases is on the computer that we are only able to use for thirty minutes, one hour and thirty minutes short of what we are supposedly allowed. This roadblock stops an inmate's ability to have meaningful access to the courts as the resources he needs is hidden in a computer that does not interact with other law books and the time to use the computer is not sufficient.

Since the ruling in the Gilmore case CDCR has had the law books

under the west publisher that allowed any inmate, who was not trained in the law to learn about the law. By taking the premise system, that was based on each and every law book as listed in CCR Title 15 Sections 3124(a) and 3124(b) we are being denied the opportunity to conduct legal research that is meaningful.

CDCR has actually reverted our rights to the courts back to pre 1966 because now, by the Gilmore injunction being taken away, CDCR is doing what they have been trying to do since 1997, that is they have stopped ordering books and they are ignoring they Gilmore injunction and giving us the short list of law books as spoken about in Gilmore v. California 220 F.3d 987, 994 (9th Cir.2000) (SEE EXHIBIT #7)

Now I have been going to the law library for years and I have learned how to use the key system to help not only myself but everyone else who comes into the law library looking to find cases about certain topics. This new system under Lexis Nexis does not have ANY digest books that's really our only guide to locating cases.

As You know shepardizing a case is not the same as finding cases that discuss certain topics as given with the digest books. For the entire year of 2014, I have only been able to use the computer once because men are not getting off of the computer in thirty minutes and I don't blame them becasue I wouldn't either when I have life without parole and I am fighting for my life.

If you were to look at the DEfendant's initial motion to terminate the Gilmore injunction at page 7, it is stated on lines four and five (4-5):

> "Prison law-library and some correctional staff are trained to instruct inmates on how to use Premise, in the event an inmate needs help getting started."

Now I know that I haven't been to every prison in the state of California, but I've never EVER saw any correctional staff help any inmate do anything with a computer. Not to get away from why I cited this, but this prison has come with the Lexis-Nexis program amd we really and truly need assistance with getting the list of books as cited in the CCR Title 15 Section 3124(a) and 3124(b) placed back in the law library here at Centinela State Prison or have the Premise program placed back on the computers.

CDCR doesn't care about our ability to reach the courts in a way that we can truly represent ourselves Mr. Specter. If you leave it up to the Deputy Attorney General Kenneth Roost he would just give the inmates who are incarcerated the legal writ forms and nothing else. I really ask you to assist ALL of us because it's just not me and a few men who are a part of my complaint but what's going on affects every single man and woman who is incarcerated in CDCR.

I know I am going to miss something but its truly my hope and prayer that the reason your office did not oppose the motion for the termination of the Gilmore Injunction was not based on the word of mouth of the State Attorney General on behalf of CDCR. I hope there is something in writing because if not, WE WILL SUFFER and many of US ARE SUFFERING NOW...

Case in point, I have newly discovered evidence that undermines the prosecution's entire theory of its case. The new evidence that I have proves that the witnesses in my case testified falsely and that my conviction is based in material part on false testimony in violation of the 14th Amendment to the US Constitution and the California Penal Code 1473(b)(1). I learned about penal code 1054.9 and as a result of that penal code I have concrete evidence that the prosecutor failed to disclose exculpatory/impeachment evidence in violation of the 14th Amendment to the US Constitution, California penal code 1054.1 and Brady v. Maryland. I have new evidence that will allow me to relitigate an Ineffective Assistance of counsel claim that I filed twenty years ago under this case called mIller that was cited in a recent case called In Re Reno. And lastly, all of the aforementioned violations when looked at in a cumulative fashion denied me a fundamentally fair trial.

Mr. Specter I told you all of that because I learned everything from the books that were supplied by the Gilmore injunction. I was able to go to the West's California Digest Words and phrases look up a topic like Ineffective Counsel and get a criminal key number 641.13(1) and with that key number I was able to go to each and every book cited in CCR Title 15 Section 3124(a) and 3124(b).

But there is an effort by CDCR to take everything that helps us and take us back to a time before Gilmore. Right now the way I see it in the state of California if you have the Death Sentence you are given an attorney not only for your direct appeal but also for your writ of habeas corpus./ A person on death row their attorney is given a large amount of money to conduct a whole new investigation into the case. A person who has money can hire an attorney to file their direct appeal and writ to the court. But for those of us who has no money and don't have the lawbooks to properly file a direct appeal or writ we ARE In trouble its like an unfair playing field.

So my plea again isn't just for me but its for everyone here now and for the ones who will unfortunately come later. And I say to you, if I have all of this information to prove my case and learned to the best of my ability, if the books are taken, if the information is taken, I would actually die in here for a crime that I did not do and why because I don't have the death sentence or money to get an attorney who can read the law books.

I am asking for your help with getting us the law books back under West, or get us the premise program back and more computers

to help us fight for our lives. We are truly at a disadvantage and with your assistance I know that we can receive the books under West back in the law libraries. And please know this, I feel if CDCR has stopped ordering books at this prison they are going to do it elsewhere because that's how they work.

I know it cost money, but I truly wish that you and your staff could come to this prison and see for yourselves what I am talking baout. In addition Mr. Specter the reason why this list of books is of utter importance what everyone seems to forget is, when Gilmore v. Lynch was first decided you probably had at least thirty thousand (30,000) inmates in the department of corrections for the state of cailifornia. Now that number has exploaded to over One Hundred Thousand (100,000) inmates. In addition unlike in 1966 when the Gilmore case was first filed you did n't have all these procedural rules and regulations, the three strikes law didn't exist and for certain the Anti-Terrorism Death Penalty Act of 1996, wasn't even thought of.

Your office has represented the men and women in CDCR best interest for many years and I am now asking that you view our inability to conduct legal research as a problem that WILL AFFECT EVERYONE and in our best interest represent us and assist us with ensuring that CDCR supplies us with the books as listed in CCR Title 15 Section 3124(a) and 3124(b).

Lastly, if you or your Office needs to send information to the Men and Women in CDCR you can contact the Mens Advisory Council and Womens Advisory Council. These councils are made up of inmates who ALWAYS give information to the prison population for the administration and they can do the same for us. The reason I brought that up was due to the brief that was filed by Ms. Hardy where she stated that she received information from CDCR I know it would be a large effort but we can't depend on CDCR to be honest and give us all of the information that you all maybe trying to get to us.

Your immediate attention and response to this lawful request for assistance is greatly appreciated.

Thanking You In Advance,

Mr. Stevie J. Stevenson, et al
K-16324, A4-248L
Centinela State Prison
2302 Brown Road
Imperial, Ca. 92251-0901
IN Pro-Per

cc: Honorable Susan Illston, Judge

EXHIBITS # 1-2

Appendix E
Law Library Requirements

American Association of Law Libraries
Special Committee on
Law Library Services to Prisoners

CHECKLIST ONE:
MINIMUM COLLECTION FOR PRISON LAW LIBRARIES

I. Federal and State Prisons
  A. Federal Materials
    1. *United States Code Annotated.* Constitution; Titles 18, 28 (Sec. 2241–2255, Federal Rules of Appellate Procedure, Rules of Supreme Court); 42 (Sec. 1981–1985). St. Paul: West. 26 vols. and two pamphlets. $195.00 ($58.50 annual upkeep)

       or

       **Federal Code Annotated.* Constitution; Court Rules–Criminal Proceedings; Titles 18; 28 (Sec. 2241–2255); 42 (Sec. 1981–1985). Rochester: Lawyers Cooperative. 7 vols. and pamphlet. $129.00 ($31? annual upkeep)
    2. *United States Reports.* Washington, D.C.: U.S. Government Printing Office. Vol. 361–, 1960–. 36 vols. $204.00? ($35 annual upkeep)

       or

       Supreme Court Reporter. St. Paul: West. Vol. 80–, 1960–. 12 vols. $255.00 ($42.50 annual upkeep)

       or

       United States Supreme Court Reports. (Lawyers Edition 2d Series). Rochester: Lawyers Cooperative. Vol. 4–, 1960–. 23 vols. $402.50 ($82.50 annual upkeep)
    3. *Federal Reporter.* (2d Series). St. Paul: West. Vol. 273–, 1960–. 177 vols. $1,564.00 ($180 annual upkeep)

*Title changed, See Expanded Collection I.A.I.

Comparable legislation covering extradition:

D.C. Code Ann. §§23-401 to 23-411

Miss. Code Ann. §§99-21-1 to 99-21-11

S.C. Code §§17-9-10 to 17-9-70

18 U.S.C.§3182

4. *Federal Supplement*. St. Paul: West. Vol. 180–, 1960–. 155 vols. $1,114.00 ($180 annual upkeep)
5. *Shepard's United States Citations*. Colorado Springs: Shepard, 1968. 5 vols. $145.00 ($48 annual upkeep)
6. *Shepard's Federal Citations*. Colorado Springs: Shepard. Federal Supplement; Federal Reporter, 2d Series. 201–390 vol. (6th ed.) 1969 Series. $90.00 ($48 annual upkeep)
7. Rules of local federal district courts. Free from court clerks.

B. General Materials

1. Bailey, F. Lee and Henry B. Rothblatt. *Complete Manual of Criminal Forms*. Federal and State. Rochester: Lawyers Cooperative, 1968. $35.00 ($7 annual upkeep)
2. Ballentine, James A. *Ballentine's Law Dictionary* (3d ed. by James A. Anderson). Rochester: Lawyers Cooperative, 1969. $20.00

   or

   Black, Henry C. *Black's Law Dictionary* (Rev. 4th ed.) St. Paul: West, 1968. $14.50
3. Cohen, Morris L. *Legal Research in a Nutshell* (2d ed.). St. Paul: West, 1971. $4.50
4. *Criminal Law Reporter*. Washington, D.C.: Bureau of National Affairs. Weekly. 2 vols. (looseleaf) $148.00 first year ($138 annually thereafter)
5. Fox, Sanford J. *Juvenile Courts in a Nutshell*. St. Paul: West, 1971. $4.50
6. Israel, Jerold H. and Wayne R. LaFave. *Criminal Procedure in a Nutshell*. St. Paul: West, 1971. $5.00
7. *Prison Law Reporter*. Seattle: Administration of Criminal Justice and Prison Reform Committee, Young Lawyers Section, American Bar Association, 1971–. Subscription: $14.00 a yr. ($1 a year for prisoners.)
8. Sokol, Ronald P. *Federal Habeas Corpus* (2d ed.). Charlottesville, Va.: Michie, 1969. $25.00

II. Additional Materials for State Prisons

1. Reports of highest and intermediate appellate courts of state. 1960–.
2. State statutes compilation.
3. State digest of court decisions.
4. Shepard's Citations for state.
5. Treatise covering state criminal practice and procedure.
6. Volume containing rules of state courts, if available, otherwise, rules obtainable free from clerks of some state courts.

Note: All materials should be kept up to date by supplementation.
All prices are subject to change and do change from time to time.
Checklists of materials for each state are available on request from A.A.L.L. Special Committee on Law Library Services to Prisoners.

American Association of Law Libraries
Special Committee on
Law Library Services to Prisoners

CHECKLIST TWO:
EXPANDED COLLECTION FOR PRISON LAW LIBRARIES
Draft

I. Materials for both Federal and State Prisons
A. Federal Materials
1. *United States Code Annotated.* St. Paul: West. 164 vols. $902.00*
or
United States Code Service (Lawyer's Edition). Rochester: Lawyers Cooperative. 53 vols. $20.00 per month (until 6/30/75)
2. *United States Reports.* Washington, D.C.: U.S. Government Printing Office. Vol. 340–, 1950–. 61 vols. $350.00 ($36.50 annual upkeep)
or
Supreme Court Reporter. St. Paul: West. Vol. 71–, 1950–. 31 vols. $354.00 ($45 annual upkeep)
or
United States Supreme Court Reports (Lawyers' Edition). Rochester: Lawyers Cooperative. Vol. 95–, 1950–. 34 vols. $564.50† ($70 annual upkeep)
3. *Federal Reporter.* (2d Series). St. Paul: West. Vol. 179–, 1950–. 261 vols. $2,021.00 ($180 annual upkeep)
4. *Federal Supplement.* St. Paul: West. Vol. 88–, 1950–. 237 vols. $1,857.00 ($180 annual upkeep)
5. *Modern Federal Practice Digest.* St. Paul: West, 1960–61. 83 vols. $1,182.25 ($250 annual upkeep)
6. *Shepard's United States Citations.* Colorado Springs: Shepard, 1968. 5 vols. $145.00 ($48 annual upkeep)
7. *Shepard's Federal Citations.* Colorado Springs: Shepard, 1969. 4 vols. $145.00 ($48 annual upkeep)

*Includes 3 years pocket parts; 2 years of recompiled volumes; 2 years of *U.S. Code Congressional and Administrative News*; 2 years *Federal Tax Regulations.*
†Includes *United States Supreme Court Reports Digest.*

8. Wright, Charles A. *Federal Practice and Procedure*. St. Paul: West, 1969. Vols. 1–3 (Criminal). $85.50 ($15 annual upkeep)

   or

   Orfield, Lester B. *Criminal Procedure Under The Federal Rules*. Rochester, N.Y.: Lawyers Cooperative, 1966–68. 7 vols. $192.50 ($17.50 annual upkeep)
9. Sokol, Ronald P. *Federal Habeas Corpus*. (2d ed.) Charlottesville, N.C.: Michie, 1969. $25.00

B. General Materials

1. Black, Henry C. *Black's Law Dictionary*. (Rev. 4th ed.) St. Paul: West, 1968. $14.50

   or

   Ballentine, James A. *Ballentine's Law Dictionary*. Rochester, N.Y.: Lawyers Cooperative, 1969. $20.00
2. *Criminal Law Reporter*. Washington, D.C.: Bureau of National Affairs. Weekly. 2 vols. (looseleaf) $148.00 first year ($138 annually thereafter)
3. One or more of the following:
   a. Anderson, Ronald A. *Wharton's Criminal Law and Procedure*. Rochester, N.Y.: Lawyers Cooperative, 1957. (13th ed.) 5 vols. (supplements) $115.00 ($18.50 annual upkeep)
   b. Israel, Jerold H. and Wayne R. LaFave. *Criminal Procedure in a Nutshell*. St. Paul: West, 1971. $5.00
   c. Perkins, Rollin M. *Criminal Law*. (3d ed.) Mineola, N.Y.: Foundation Press, 1966. $12.50
   d. LaFave, Wayne R. and Austin Scott, Jr. *Hornbook on Criminal Law*. St. Paul: West, 1972. $13.50
   e. Hall, Livingston, Yale Kamisar, Wayne LaFave and Jerold Israel. *Cases on Modern Criminal Procedure*, (3rd ed.) St. Paul: West, 1969. $17.50 Supplement, 1972. $3.50
4. Bailey, F. Lee and Henry Rothblatt. *Complete Manual of Criminal Forms, Federal and State*. Rochester, N.Y.: Lawyers Cooperative, 1968. $35.00 ($7 annual upkeep)
5. Cohen, Morris L. *Legal Research in a Nutshell*. (2d ed.) St. Paul: West, 1971. $4.50
6. Fox, Sanford J. *Juvenile Courts in a Nutshell*. St. Paul: West, 1971. $4.50
7. One or more of the following:
   a. *Prison Law Reporter*. Seattle: Administration of Criminal Justice and Prison Reform Committee, Young Lawyers Section, American Bar Association, 1971–. Monthly. $14.00 a year ($1 a year for prisoners)
   b. *Prisoners Rights Newsletter*. State University of New York, 1971–. Free?

c. *Penal Digest International*. Iowa City, Iowa: Penal Digest International, 1971–. Monthly. $9.00 a year

8. *Martindale–Hubbell Legal Directory*. Summit, N.J.: Martindale–Hubbell. Annual. 5 vols. $5.00 a year
9. *Criminal Law Bulletin*. Boston: Warren, Gorham & Lamont. Monthly. $28.00 a year

II. Additional Materials for State Prisons

1. Set of annotated statutes of State.
2. State session laws subsequent to coverage in annotated statutes and supplements, if not covered by legislative service of annotated statutes publisher.
3. Court reports of appellate courts of State, 1950–.
4. Digest of court decisions of State.
5. Shepard's citations for State.
6. Rules of State courts not covered in annotated statutes. Single volume edition preferred, if available; otherwise, free copies may be obtained from clerks of some courts.
7. State legal encyclopedia, if any.
8. One or more state practice books (with forms) on evidence, criminal law and procedure.

Note: It is recommended that complete sets of the court reports listed be purchased, if funds are available, beginning with volume one of each set.

All materials should be kept up to date by subscriptions or supplementation.

All prices are subject to change and do change from time to time.

Checklists of materials for each State are available upon request from A.A.L.L. Special Committee on Law Library Services To Prisoners.

Exhibit # 83

(2) The inmate is under restricted movement due to his or her medical status.

(3) The inmate has been suspended from physical access to the law library pending investigation of a serious rule violation.

(d) Inmates who are limited to law library paging due to a lockdown or modified program shall, whenever possible, have their law library access restored within 16 calendar days unless a high security risk continues to exist to prohibit physical law library access.

(e) When inmates are limited to law library paging for any reason as described in section 3123(c), law library staff must deliver the requested legal material to their cells as soon as possible, but no later than 16 calendar days from the date of the paging request.

(f) Disciplinary action for an inmate who is found to be guilty of a serious rule violation pertaining to law library resources, facilities, or staff may include a suspension of all physical law library access for up to 90 calendar days. This action does not preclude an inmate from pursuing legal research through the reasonable use of law library paging, beginning three calendar days after the date of suspension until the suspension period ends.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Gilmore* v. *Lynch*, 319 F.Supp. 105 (N.D. Cal. 1970); *Toussaint* v. *McCarthy*, 801 F.2d 1080 (9th Cir. 1986); *Toussaint* v. *McCarthy*, USDC N.D. Cal. No. C 73-1422 SAW, First Special Report of the Monitor, August 19, 1987; *Toussaint* v. *Rowland*, USDC N.D. Cal. No. C 73-1422 SAW, Second Special Report of the Monitor, June 30, 1988; *Zatko* v. *Rowland*, 835 F.Supp. 1174 (N.D. Cal. 1993); *Lewis* v. *Casey*, 518 U.S. 343 (1996).

HISTORY:

1. New section filed 11-24-2009; operative 12-24-2009 (Register 2009, No. 48).
2. Amendment of subsections (c)(1) and (d) filed 6-14-2011; operative 7-14-2011 (Register 2011, No. 24).

3124. Content of Law Libraries.

(a) Each institution shall maintain at least one law library for the use of inmates, in print and/or by means of the Electronic Law Library Delivery System with any necessary print supplements. Except for items that are out of print, the law library collection shall include, but shall not be limited to, the following current and updated legal materials or their equivalents from other publishers:

(1) West's Annotated California Codes.

(2) West's California Digest (latest edition).

(3) West's California Reporter, volumes 1 to 286.

(4) West's California Reporter, Second Series, volumes 1 to 135.

(5) West's California Reporter, Third Series, volumes 1 to date.

(6) Witkin and Epstein, California Criminal Law (latest edition).

(7) Continuing Education of the Bar, California Criminal Law Procedure and Practice (latest edition).

(8) Continuing Education of the Bar, Appeals and Writs in Criminal Cases (latest edition).

(9) United States Code Annotated.

(10) West's Federal Practice Digest (latest edition).

(11) Supreme Court Reporter, volumes 70 to date.

(12) Federal Reporter, Second Series, volumes 176 to 999.

(13) Federal Reporter, Third Series, volumes 1 to date.

(14) Federal Supplement, volumes 180 to 999.

(15) Federal Supplement, Second Series, volumes 1 to date.

(16) United States Law Week (newspaper), one year backfile.

(17) Shepard's United States Citations.

(18) Shepard's Federal Citations.

(19) Shepard's California Citations.

(20) A recognized law dictionary, such as Black's or Ballantine's (latest edition).

(b) Each institution shall also make supplemental legal materials available to inmates from an outside source. Except for items that are out of print, the supplemental legal materials shall include, but shall not be limited to, the following legal materials or their equivalents from other publishers:

(1) Federal Supplement, volumes 1 to 179.

(2) United States Supreme Court Reports, Lawyers' Edition, First Series, volumes 1 to 93.

(3) California Reports, First Series.

(4) California Reports, Second Series.

(5) California Appellate Reports, First Series.

(6) Federal Rules Decisions.

(7) Corpus Juris Secundum.

(8) California Jurisprudence (latest edition).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Gilmore* v. *Lynch*, 319 F.Supp. 105 (N.D. Cal. 1970); *Toussaint* v. *McCarthy*, 801 F.2d 1080 (9th Cir. 1986); *Toussaint* v. *McCarthy*, USDC N.D. Cal. No. C 73-1422 SAW, First Special Report of the Monitor, August 19, 1987; *Toussaint* v. *Rowland*, USDC N.D. Cal. No. C 73-1422 SAW, Second Special Report of the Monitor, June 30, 1988; *Zatko* v. *Rowland*, 835 F.Supp. 1174 (N.D. Cal. 1993); *Lewis* v. *Casey*, 518 U.S. 343 (1996).

HISTORY:

1. New section filed 11-24-2009; operative 12-24-2009 (Register 2009, No. 48).

Article 4. Mail

3130. General Policy.

The California Department of Corrections and Rehabilitation (CDCR) encourages correspondence between inmates and persons outside the correctional facility. The sending and receiving of mail by inmates shall be uninhibited except as specifically provided for in this article. The Regulations contained in this article shall provide for the orderly processing of inmate mail and to give direction to staff, inmates, and their correspondents concerning facility mail requirements. Mail shall be delivered to inmates, regardless of housing, unless it is contraband pursuant to section 3006, or is disturbing or Offensive Correspondence pursuant to section 3135.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600, 2601(d) and 5054, Penal Code; and *Procunier* v. *Martinez*, 416 U.S. 396.

HISTORY:

1. Repealer of Article 4 (Sections 3130–3143) and new Article 4 (Sections 3130–3147) filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41). For prior history, see Registers 78, No. 33; 78, No. 12; 77, No. 40; 77, No. 20; 77, No. 9 and 76, No. 31.
2. Amendment filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3131. Plan of Operation.

Each warden or head of a correctional facility shall prepare and maintain a plan of operation for the sending and receiving of mail for all inmates housed in the facility. Procedures of the correctional facility shall conform to the policies, regulations and the provisions of law made reference to and shall apply to all inmates of the facility. Correctional staff shall promptly inform each newly received inmate of all department regulations and local procedures governing inmate mail.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2080, Penal Code; and *Procunier* v. *Martinez*, 416 U.S. 396.

HISTORY:

1. Amendment filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

PRISON LAW OFFICE
General Delivery, San Quentin CA 94964
Telephone (510) 280-2621 • Fax (510) 280-2704
www.prisonlaw.com

EXHIBIT #4

Dear Prisoner,

You wrote to our office regarding law library access and access to the court. Thank you for taking the time to let us know about the issues you have dealt with as you have tried to pursue your legal action.

After reviewing hundreds of prisoner letters, surveys and inmate appeals, and studying the applicable federal law, this office concluded that we did not have the grounds to oppose the defendants' motion to terminate the injunction in *Gilmore v. California*, C 66-45878 SI. The U.S. Supreme Court's 1996 decision in *Lewis v. Casey*, 518 U.S. 343, has made it extremely difficult for prisoners to demonstrate violations of their constitutional right to access the courts. Prisoners can claim a violation of that right only when they can demonstrate an "actual injury," *i.e.,* that the problems with the law library actually prevented them from making a non-frivolous claim. *Id.* Thus, even "an absolute deprivation of access to all legal materials" does not violate the right to court access, without a showing of actual injury. *Id.* at 353, fn 4. Moreover, even where a prisoner can demonstrate actual injury, there is *no constitutional violation* if the lack of law library access was due to prison regulations that were reasonably related to a legitimate penological interest. *Id.* at 362. So, where prisoners are locked down for extended periods of time based on security issues, *Lewis* holds it does not violate the constitution to deny library access, even if prisoners lose non-frivolous cases because of it. Additionally, systemwide relief, such as the *Gilmore* order, is appropriate only when prisoners can show that there are systemic constitutional violations at every prison. *Id.* at 360, fn 7. Because we could not produce evidence of these types of systemwide constitutional violations, the district court granted the defendants' motion to terminate the 44-year-old case on April 20, 2010.

However, there is also good news. While the federal right to access the courts has been defined very narrowly, the state right to access the courts and law libraries has actually been expanded. On December 24, 2009, CDCR implemented revisions to the California Code of Regulations that, for the first time, incorporate key substantive elements of the *Gilmore* injunction and provide for additional rights to access the law library. The new regulations require the defendants to maintain, at a minimum, the complete and updated materials required at each prison by the *Gilmore* injunction (either on the computer or as hard copies). 15 Cal. Code. Reg. § 3124.

Additionally, the regulations require that the supplemental materials *Gilmore* requires in the CDCR circulating library be made available to prisoners at each institution from an outside source. *Id.* Defendants' new regulations mandate that "[a]ll inmates, regardless of their classification or housing status, shall be entitled to physical law library access that is sufficient to provide meaningful access to the courts." 15 Cal. Code Reg § 3123. When a prisoner is unable to physically access the law library, he or she may use the paging system. *Id.* The paging system should be used only in extraordinary circumstances, and law library access should be restored within 16 calendar days, unless there is a continuing high security risk. *Id.*

We heard from many prisoners who, while they could not prove actual injury, were having problems accessing the law library. This office will continue to assist prisoners seeking law library access. We have enclosed a copy of the newly added law library regulations. Although the edition of Title 15 currently available in the prisons does not include these revisions, they are currently in effect. If you are currently having problems getting to the law library, we encourage you to file a 602 citing the new regulations. If you are not satisfied with the Second Level Response, you should submit it to the Third Level and, if you can, also send a copy to our office. We will review it to determine whether we can assist you, or provide you with a model writ to file once you receive the Third Level Response.

Thank you again for your correspondence. We wish you the best in your pursuit of justice.

Sincerely,

Alison Hardy

Encl: Law Library Regulations

DATE:

FACILITY A LAW LIBRARY COMPUTER SIGN-IN SHEET

EXHIBIT #5

1st 30-min. session	NAME	CDC #	HOUSING	TIME IN	TIME OUT
1					
2					
3					
4					

2nd 30-min. session	NAME	CDC #	HOUSING	TIME IN	TIME OUT
1					
2					
3					
4					

3rd 30-min. session	NAME	CDC #	HOUSING	TIME IN	TIME OUT
1					
2					
3					
4					

4th 30-min. session	NAME	CDC #	HOUSING	TIME IN	TIME OUT
1					
2					
3					
4					

Exhibit #6

HISTORY:

1. Amendment filed 10-7-82; effective thirtieth day thereafter (Register 82, No. 41).
2. Renumbering and amendment of former section 3121 to section 3122 and renumbering and amendment of former section 3122 to section 3121 filed 6-30-93; operative 7-30-93 (Register 93, No. 27).
3. Amendment of subsection (a), new subsections (b)–(c), subsection relettering and amendment of Note filed 11-24-2009; operative 12-24-2009 (Register 2009, No. 48).

3123. Access to Law Libraries.

(a) Physical law library access means physical entry into a facility law library for the purpose of using its legal resources. A facility law library includes, but is not limited to, a print law library or the Law Library Electronic Delivery System (LLEDS) with any necessary print supplements.

(b) All inmates, regardless of their classification or housing status, shall be entitled to physical law library access that is sufficient to provide meaningful access to the courts. Inmates on PLU status may receive a minimum of 4 hours per calendar week of requested physical law library access, as resources are available, and shall be given higher priority to the law library resources. Inmates on GLU status may receive a minimum of 2 hours per calendar week of requested physical law library access, as resources are available.

(c) When unable to physically access the law library, an inmate may request access to legal material through delivery of those materials to the inmate by library staff. This process is referred to as law library paging. An inmate shall not be limited to law library paging for access to legal materials except under extraordinary circumstances including, but not limited to, the following:

(1) The inmate is directly under a prison lockdown or modified program.

(2) The inmate is under restricted movement due to his or her medical status.

(3) The inmate has been suspended from physical access to the law library pending investigation of a serious rule violation.

(d) Inmates who are limited to law library paging due to a lockdown or modified program shall, whenever possible, have their law library access restored within 16 calendar days unless a high security risk continues to exist to prohibit physical law library access.

(e) When inmates are limited to law library paging for any reason as described in section 3123(c), law library staff must deliver the requested legal material to their cells as soon as possible, but no later than 16 calendar days from the date of the paging request.

(f) Disciplinary action for an inmate who is found to be guilty of a serious rule violation pertaining to law library resources, facilities, or staff may include a suspension of all physical law library access for up to 90 calendar days. This action does not preclude an inmate from pursuing legal research through the reasonable use of law library paging, beginning three calendar days after the date of suspension until the suspension period ends.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Gilmore* v. *Lynch*, 319 F.Supp. 105 (N.D. Cal. 1970); *Toussaint* v. *McCarthy*, 801 F.2d 1080 (9th Cir. 1986); *Toussaint* v. *McCarthy*, USDC N.D. Cal. No. C 73-1422 SAW, First Special Report of the Monitor, August 19, 1987; *Toussaint* v. *Rowland*, USDC N.D. Cal. No. C 73-1422 SAW, Second Special Report of the Monitor, June 30, 1988; *Zatko* v. *Rowland*, 835 F.Supp. 1174 (N.D. Cal. 1993); *Lewis* v. *Casey*, 518 U.S. 343 (1996).

HISTORY:

1. New section filed 11-24-2009; operative 12-24-2009 (Register 2009, No. 48).
2. Amendment of subsections (c)(1) and (d) filed 6-14-2011; operative 7-14-2011 (Register 2011, No. 24).

3124. Content of Law Libraries.

(a) Each institution shall maintain at least one law library for the use of inmates, in print and/or by means of the Electronic Law Library Delivery System with any necessary print supplements. Except for items that are out of print, the law library collection shall include, but shall not be limited to, the following current and updated legal materials or their equivalents from other publishers:

(1) West's Annotated California Codes.

(2) West's California Digest (latest edition).

(3) West's California Reporter, volumes 1 to 286.

(4) West's California Reporter, Second Series, volumes 1 to 135.

(5) West's California Reporter, Third Series, volumes 1 to date.

(6) Witkin and Epstein, California Criminal Law (latest edition).

(7) Continuing Education of the Bar, California Criminal Law Procedure and Practice (latest edition).

(8) Continuing Education of the Bar, Appeals and Writs in Criminal Cases (latest edition).

(9) United States Code Annotated.

(10) West's Federal Practice Digest (latest edition).

(11) Supreme Court Reporter, volumes 70 to date.

(12) Federal Reporter, Second Series, volumes 176 to 999.

(13) Federal Reporter, Third Series, volumes 1 to date.

(14) Federal Supplement, volumes 180 to 999.

(15) Federal Supplement, Second Series, volumes 1 to date.

(16) United States Law Week (newspaper), one year backfile.

(17) Shepard's United States Citations.

(18) Shepard's Federal Citations.

(19) Shepard's California Citations.

(20) A recognized law dictionary, such as Black's or Ballantine's (latest edition).

(b) Each institution shall also make supplemental legal materials available to inmates from an outside source. Except for items that are out of print, the supplemental legal materials shall include, but shall not be limited to, the following legal materials or their equivalents from other publishers:

(1) Federal Supplement, volumes 1 to 179.

(2) United States Supreme Court Reports, Lawyers' Edition, First Series, volumes 1 to 93.

(3) California Reports, First Series.

(4) California Reports, Second Series.

(5) California Appellate Reports, First Series.

(6) Federal Rules Decisions.

(7) Corpus Juris Secundum.

(8) California Jurisprudence (latest edition).

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 5054, Penal Code; *Gilmore* v. *Lynch*, 319 F.Supp. 105 (N.D. Cal. 1970); *Toussaint* v. *McCarthy*, 801 F.2d 1080 (9th Cir. 1986); *Toussaint* v. *McCarthy*, USDC N.D. Cal. No. C 73-1422 SAW, First Special Report of the Monitor, August 19, 1987; *Toussaint* v. *Rowland*, USDC N.D. Cal. No. C 73-1422 SAW, Second Special Report of the Monitor, June 30, 1988; *Zatko* v. *Rowland*, 835 F.Supp. 1174 (N.D. Cal. 1993); *Lewis* v. *Casey*, 518 U.S. 343 (1996).

HISTORY:

1. New section filed 11-24-2009; operative 12-24-2009 (Register 2009, No. 48).

Article 4. Mail

3130. General Policy.

The California Department of Corrections and Rehabilitation (CDCR) encourages correspondence between inmates and persons outside the correctional facility. The sending and receiving of mail by inmates shall be uninhibited except as specifically provided for in this article. The Regulations contained in this article shall provide for the orderly processing of inmate mail and to give direction

(EXHIBIT #1)

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

DEPARTMENT OF CORRECTIONS AND REHABILITATION

1 OF 4 Side 1

IAB USE ONLY

1404968

K16324

Institution/Parole Region: CFL-C Log #: 14-0350 Category: 20

FOR STAFF USE ONLY

You may appe... ...ehabilitation (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):	CDC Number:	Unit/Cell Number:	Assignment:
STEVENSON, STEVIE	K16324	C1/229L	C MED PHY

State briefly the subject of your appeal (Example: damaged TV, job removal, etc.):
DENIAL OF NEW CAN BOOKS / DENIAL OF LEGAL RESEARCH BASIC TOOLS (PREMISE) INTERVIEWED

Centinela State Prison
JUN 30 2014
Inmate Appeals

Centinela State Prison
AUG 07 2014
Inmate Appeals

A. Explain your issue (If you need more space, use Section A of the CDCR 602-A):
THIS CDC-602 IS BEING SUBMITTED AS A GROUP APPEAL PER TITLE 15 § 3084.2(h) DUE TO CDCR'S DECISION AND ACTION THAT HAS CAUSED A CONDITION THAT HAS A MATERIAL ADVERSE EFFECT UPON OUR OPPORTUNITY TO CONDUCT LEGAL RESEARCH WITH THE BASIC TOOLS "SEE ATTACHMENT"

B. Action requested (If you need more space, use Section B of the CDCR 602-A): (1) THAT THE COMPUTERS HAVE PREMISE PROGRAM PLACED BACK ON THE COMPUTERS; (2) THAT EVERY SINGLE BOOK AS LISTED IN TITLE 15 SECTION 3124 + DOM SECTION 101120.11 BE REPLACED WITH ALL LEXIS NEXIS BOOKS ANNOTATIONS, JURISPRUDENCE ETC; (3) THAT CDCR START ORDERING ALL THE BOOKS AS "SEE ATTACHMENT"

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):

EXHIBIT #1 (TITLE 15 § 3124)
EXHIBIT #2 (EXPLANATION OF WEST KEY SYSTEM)
EXHIBIT #3 (CALIFORNIA/FEDERAL REPORTERS BASED ON KEY NOTES FOR TAC)
EXHIBIT #4 (BOOKS BASED ON WEST SYSTEM)
EXHIBIT #5 (DOM)

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

Inmate/Parolee Signature: [signature] Date Submitted: 6/27/2014

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

RECEIVED
OCT - 7 2014
INMATE APPEALS BRANCH

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: Voc/Ed Title: Date Assigned: JUN 30 2014 Date Due: AUG 12 2014

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

Date of Interview: 7-22-14 Interview Location: C-LAW LIBRARY

Your appeal issue is: ☐ Granted ☒ Granted in Part ☐ Denied ☐ Other:

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

Interviewer: EAYES, J. (Print Name) Title: SR. LIB (A) Signature: [signature] Date completed: 7-22-14

Reviewer: L. MADDEN (Print Name) Title: Cons Signature: [signature]

Date received by AC: JUL 29 2014

AC Use Only
Date mailed/delivered to appellant: JUL 29 2014

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.

WE ARE VERY DISSATISFIED AND WE WISH TO REITERATE EVERYTHING SUBMITTED TO THE FIRST LEVEL REVIEWER. OUR CONTENTION IS THE LEXIS PROGRAM AND THE LEGAL MATERIAL THEREIN IS NOT EQUIVALENT TO THE LIST OF BOOKS AS STATED IN THE TITLE 15 SECTION 3124 (a) OR (b). THE INFORMATION IN THE CURRENT LEXIS PROGRAM DOES NOT HAVE ANY 'WESTS CALIFORNIA DIGEST.' NOT ONLY DOES THE DIGEST EXPLAIN CASES BUT "THE KEY NUMBER SYSTEM" IS THE INTEGRAL PART THAT CAN TAKE YOU TO EACH AND EVERY BOOK LISTED IN 3124 (a)+(b). WE CAN'T FIND UP TO DATE CASES BECAUSE "SEE SEC D"

Inmate/Parolee Signature: [signature] Date Submitted: 8/6/2014

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: VDC / Educ. Title: _____ Date Assigned: AUG 07 2014 Date Due: SEP 19 2014

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: 7-22-14 Interview Location: C-LAW LIBRARY

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

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

Interviewer: J. EANES (Print Name) Title: LIBRARIAN Signature: [signature] Date completed: 9-15-14

Reviewer: A Miller (Print Name) Title: Warden Signature: [signature]

Date received by AC: SEP 16 2014

AC Use Only
Date mailed/delivered to appellant SEP 16 2014

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.

WE WERE NEVER INTERVIEWED BY ANYONE FROM THE 2ND LEVEL IN ORDER TO PHYSICALLY SHOW THEM OUR WAY TO RECEIVE ANY PERTINENT INFORMATION OFF OF THE COMPUTER FOR 2014. THE LEXIS NEXIS PROGRAM AND ITS REPLACEMENT ARE NOT EQUIVALENT. OUR ARGUMENT IS BEING IGNORED. WE ASKED FOR THE 2ND LEVEL TO SHOW US WHAT PROGRAM ON THIS NEW LEXIS PROGRAM WAS EQUAL TO THE LIST OF BOOKS AS STATED IN CCR TITLE 15 SECTION 3124 (a) AND (b). THE 2ND LEVEL NEVER ADDRESSED THAT THEREFORE "SEE ATTACHED"

Inmate/Parolee Signature: [signature] Date Submitted: 10/3/2014

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.

MAILED

Third Level Use Only
Date mailed/delivered to appellant JAN 02 2015

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:
	CEN-C	14-0950	20

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):	CDC Number:	Unit/Cell Number:	Assignment:
STEVENSON, STEVIE	K16324	C1/229L	C MED PTP

A. Continuation of CDCR 602, Section A only (Explain your issue): THAT WE WERE PROVIDED PER TITLE 15 SECTION 3124 AND DOM § 101120.11. SOME TIME AGO CDCR HAS DECIDED TO TAKE ORDER BOOKS AND PLACE COMPUTERS IN ITS PLACE. THE COMPUTERS THAT WERE PROVIDED HAD A PROGRAM CALLED PREMISE WHICH CONTAINED ALL OR SOME OF THE LEGAL MATERIAL AS ALLOWED/MANDATED. THIS PROGRAM IN STEP WITH GILMORE V. LYNCH OFFERED LEGAL MATERIALS BY A PUBLISHER CALLED WEST. SINCE LYNCH'S DECISION IN 1970 FOR THE NEXT 44 YEARS CDCR HAS PURCHASED LAW BOOKS THAT COME FROM WEST PUBLISHING. BY DOING SO ALL INMATES HAVE LEARNED HOW TO CONDUCT LEGAL RESEARCH 'THE MOST IMPORTANT ASPECT OF LEGAL WRITING & RESEARCH' WITH A KEY LAW NUMBER BY WEST PUBLISHING. (SEE EXHIBIT #1) ALL OF THE WEST ANNOTATED, CALIFORNIA DIGEST, REPORTERS, WITH WEST FEDERAL DIGEST, ANNOTATED FEDERAL REPORTERS SUPPLEMENTS HAVE A KEY NUMBER SYSTEM THAT HELPS INMATES FOR THE PAST 44 YEARS, LEARN ABOUT A CERTAIN TOPIC AND CAN FIND THIS SUBJECT ON A UNIVERSAL LEVEL. SOMETIME IN 2014, CDCR HAS TAKEN PREMISE (WHICH IS BASED ON WEST KEY NUMBERS) AND REPLACED IT WITH LEXIS NEXIS ON THE COMPUTERS. NEXIS DOESN'T HAVE A SYSTEM THAT INTERACT WITH WEST AND THEREFORE DUE TO THE BOOKS NOT BEING ORDERED UNDER WEST 'WE' ARE UNABLE TO CONDUCT LEGAL RESEARCH WHICH HAMPERS OUR ABILITY TO FILE MEANINGFUL PAPERWORK, APPEALS, WRITS, PRISON CONDITIONS ETC TO THE COURTS THUS DENYING OUR RIGHT TO FILE MEANINGFUL LEGAL WORK AND TRUE ACCESS TO THE COURTS (SEE EXHIBIT #2, #3 AND #4)

Inmate/Parolee Signature: [signature] Date Submitted: 6/27/2014

Centinela State Prison
JUN 30 2014
Inmate Appeals

Centinela State Prison
AUG 07 2014
Inmate Appeals

RECEIVED
OCT 27 2014
INMATE APPEALS BRANCH

B. Continuation of CDCR 602, Section B only (Action requested): LISTED IN 3124 OF TITLE 15 + DOM 101120.11 AND UPDATE THE (4) PLACE MORE COMPUTERS IN LAW LIBRARY THAT HAS EITHER PREMISE OR LEXIS NEXIS (5) SUPPLY BOOKLETS TO SHOW HOW TO USE LEXIS NEXIS COMPUTERS (6) NOTIFY ALL RESPONDENTS: STATE ATTORNEY GENERAL + FEDERAL ATTORNEY GENERALS THAT THEY CAN ONLY SITE LEXIS NEXIS CASE LAW STARTING JANUARY 2014 TO DATE BECAUSE THERE ARE NO MORE WEST'S UP TO DATE BOOKS WHEN RESPONDING TO 1983 LAWSUITS, WRIT OF HABEAS CORPUS, AND/OR DIRECT APPEALS (7) NO REPRISALS PER CCR TITLE 15 SECTION 3084.1(a); SUPPLY ALL INMATES IN CDCR WITH PAID ATTORNEYS AND LAW CLINICS TO HELP US WITH OUR RESEARCH AND FILING OF OUR COMPLAINTS OF PRISON CONDITIONS, DIRECT APPEALS OR COLLATERAL REVIEW HABEAS PETITIONS.

Inmate/Parolee Signature: [signature] Date Submitted: 6/27/2014

D. Continuation of CDCR 602, Section D only (Dissatisfied with First Level response): THE LEXIS PROGRAM DOESN'T HAVE A NUMBER SYSTEM. THE PREMISE HAD EVERYTHING LISTED IN 3124(a). THE LEXIS PROGRAM DOESN'T. AS IT STATES IN EXHIBIT #2 THE KEY NUMBER IS UNIVERSAL. WHAT KEY NUMBER SYSTEM DOES LEXIS GIVE? THE LEGAL MATERIAL THAT 'WE NEED' IS THAT WHICH IS IN THE PREMISE SYSTEM. WHAT BOOKS ON THE LEXIS SYSTEM IS EQUIVALENT TO THE FEDERAL PRACTICE DIGEST? WHAT INFORMATION IN THE LEXIS PROGRAM IS EQUIVALENT TO THE CORPUS JURIS SECUNDUM, EQUIVALENT TO THE WITKIN AND EPSTEIN AND ALL THE WEST'S CALIFORNIA REPORTERS, FEDERAL REPORTERS AND SUPPLEMENTS? BECAUSE OF THE PROGRAM FROM LEXIS WE ARE UNABLE TO USE THE MOST IMPORTANT TOOL TO PREPARE FOR ANY ISSUE RATHER CRIMINAL, CIVIL OR PRISON CONDITIONS BECAUSE THE "RESEARCH ALGO" THAT HELPS US UNDERSTAND CASES AND CAN TAKE US TO EVERY SINGLE BOOK LISTED IN 3124(a) AND (b) HAS BEEN DISCARDED BY CDCR AND IN VIOLATION OF 3124(a) & (b) DUE TO THE MATERIAL NOT BEING EQUIVALENT. THE TOOLS 'WE NEED' TO ASSIST US WITH FINDING CASES AND UNDERSTANDING THE LAW HAS BEEN TAKEN AWAY. WE WILL SUFFER WHEN IT COMES TO LEGAL RESEARCH BECAUSE WE DON'T HAVE THE LEGAL RESEARCH GUIDES THAT WEST'S PROVIDED IN THE PREMISE SYSTEM. EVEN THE SYSTEM ON ~~PREMISE~~ DOESN'T HAVE UP TO DATE CASES FOR 2014. WE NEED MORE THAN 3 COMPUTERS. WHAT WE ARE SAYING IS, IN CONCERNS TO THE BOOKS, ORDER US ALL LEXIS NEXIS BOOKS AS LISTED IN 3124(A) SO THAT WE CAN HAVE UNIFORMITY WITH THE COMPUTERS, OR JUST PLACE THE PREMISE PROGRAM BACK ON THE COMPUTERS. BECAUSE PREMISE IS BASED ON WEST'S AND EVERY SINGLE BOOK LISTED IN 3124(a)+(b) WAS ORDERED BACK IN 1970 TO ENSURE THAT EVERYTHING FLOWED. THE ~~PREMISE~~ LEXIS PROGRAM NOT ONLY DOESN'T FLOW BUT IT IS HINDER OUR ABILITY TO CONDUCT TRUE RESEARCH AND STOPS OUR ABILITY TO FIGHT FOR OUR FREEDOM. READ EXHIBIT #4 PLEASE AND COME TO ME SO THAT I MAY DEMONSTRATE MY LEGAL CONTENTIONS.

Inmate/Parolee Signature: [signature] Date Submitted: 8/6/2014

F. Continuation of CDCR 602, Section F only (Dissatisfied with Second Level response): WE ARE VERY DISSATISFIED WITH THE 2nd LEVEL REVIEWER'S RESPONSE AND WE WISH TO REITERATE EVERYTHING TO THE THIRD LEVEL REVIEWER. AGAIN IT'S PLAIN TO SEE THAT BY CDCR STOPPING THE ORDER OF THE WEST'S ANNOTATED CODES, WEST CALIFORNIA DIGEST, LATEST EDITION, WEST'S CALIFORNIA REPORTER, REPORTER 2nd SERIES 3rd SERIES AND UP TO DATE ALONG WITH THE UP DATES TO THE UNITED STATES CODE ANNOTATED, WEST'S FEDERAL DIGEST (LATEST EDITION) FEDERAL REPORTER 3rd SERIES TO DATE FEDERAL SUPPLEMENT 2nd SERIES TO DATE CALIFORNIA JURISPRUDENCE LATEST EDITION CORPUS JURIS SECUNDUM WE ARE UNABLE AND HAVE BEEN STOPPED FROM FINDING CASES FOR 2014. THE 2nd LEVEL SAYS USE THE 'KEYWORD' SYSTEM THAT 'KEYWORD DOES NOT TAKE THE PLACE OF KEY NUMBERS' WE CAN'T FIND ANY CASES FOR 2014 BECAUSE WE DON'T HAVE THE DIGEST TO POINT US TO CERTAIN TOPICS IN CASES THAT'S NEEDED FOR ADEQUATE 'RESEARCH.' RIGHT NOW AS WE TRY TO FILE OUR PETITIONS, PRISON CONDITIONS WE ARE ONLY ABLE TO CITE CASE LAW UP TO DECEMBER OF 2013. 3 COMPUTERS ARE NOT ENOUGH IF THAT THE ONLY SOURCE OF UP TO DATE LEGAL MATERIAL AS THE LIBRARIES HOLD UP TO TEN TO FIFTEEN PEOPLE. WE CAN'T TELL OTHERS TO STOP THEIR RESEARCH ESPECIALLY WHEN TRYING TO FIND ANY CASES THE LEXIS PROGRAM IS LIKE TRYING TO FIND A NEEDLE IN THE HAYSTACK. CDCR'S DELIBERATE STOP OF PURCHASING WEST'S BOOKS, STOPPING THE PREMISE PROGRAM AND REPLACING IT WITH LEXIS HAS REVERTED OUR RIGHTS BACK TO PRE 1970 GILMORE V. LYNCH & DOUGLAS V. SMITH. NOTHING IS UPDATED AND THE LEXIS NEXIS PROGRAM DOES NOT OFFER MORE PROGRAMS THAN PREMISE. OUR RIGHTS TO THE ACCESS OF THE COURTS IS BEING NEGLIGENTLY HAMPERED BY CDCR'S ACTIONS IN VIOLATION OF CCR 3124(A)+(b) REVERSED FROM 1/01/2016

Inmate/Parolee Signature: [signature] Date Submitted: 10/3/2014

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

DEPARTMENT OF CORRECTIONS AND REHABILITATION
Page No. 3 of 4

IAB USE ONLY	Institution/Parole Region:	Log #:	Category:
	CEN-C	14-00950	10

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
STEVENSON, STEVIE	K16324	C MED PR	C1/229	[signature]	6/21/2014

A. Summarize the specific issue that you are appealing as identified in the attached CDCR 602: CDCR HAS STOPPED ORDERING LAW BOOKS FROM WEST PUBLISHING AND HAS ONLY PUT 3 COMPUTERS WITH A SYSTEM UNDER LEXIS NEXIS THAT DOESN'T INTERACT WITH ALL BOOKS IN LAW LIBRARY THAT'S UNDER WEST KEY NUMBER SYSTEM ULTIMATELY DENYING RIGHT TO EFFECTIVELY CONDUCT LEGAL RESEARCH

B. Summarize the action requested: PLACE PREMIVE PROGRAM THAT HAS WEST ON IT BACK ON DOM PUTERS REPLACE ALL WEST BOOKS WITH LEXIS TO ENSURE INTERACTION AS LISTED IN 3124 OF CCR & DOM 101120.11 CDCR START ORDERING ALL BOOKS AS LISTED IN 3124 & DOM 101120.11 UNDER WEST, SUPPLY BOOKLETS TO TEACH HOW TO UTILIZE COMPUTERS

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
G52481	SCHWARTZ	—	C1-139	[signature]	6/12/2014
D-48283	STEVEN A. MARTIN	C3-PORTER	C3-229L	Steven A. Martin	6-18-2014
C86830	RAY C. CALLAHAN	Dining Hall	C2-233	Ray C. Callahan	6-18-14
AE4948	Haney, Michael	Porter	C2-108	[signature]	6-18-14
C-70159	Michael HAYES	Porter	C5-112	[signature]	6-21-14
J67484	MARLON EVANS	MAC	C5-110	Evans, Marlon	6-21-14
AE0586	RICHARD CORTINA		C3 220	[signature]	6-21-14
AF7322	Mark Anthony Candler	—	C2-134	Mark Anthony Candler	6-25-14
AP3473	LYNN J. DORSEY II	GED	C1-116	[signature]	6-25-14
F50955	Garcia, J	Barber	C2/216	[signature]	6-26-2014
J-07661	SANCHEZ SERGIO	—	C1-336	[signature]	6-26-2014
E98923	BENNIE BELLFIELD	DINING HALL	C2-202	[signature]	6/27/2014

STAFF USE ONLY

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

DEPARTMENT OF CORRECTIONS AND REHABILITATION
Page No. 4 of 4

IAB USE ONLY	Institution/Parole Region:	Log #:	Category:
	CEN-C	14-00950	10

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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
STEVENSON, STEVIE	K16324	CMED AK	C1/229L	[illegible]	6/27/2014

A. Summarize the specific issue that you are appealing as identified in the attached CDCR 602: CDCR MAY STILL BE ORDERING LAWBOOKS FROM WEST PUBLISHING AND HAS ONLY PUT 3 COMPUTERS WITH ADMITEM UNDER LEXIS NEXIS THAT DOESN'T INTERACT WITH ALL LAW BOOKS IN LAW LIBRARY THAT'S UNDER WEST KEY NUMBER SYSTEM ULTIMATELY DENYING RIGHT TO EFFECTIVELY CONDUCT LEGAL RESEARCH

B. Summarize the action requested: PLEASE PLEASE PROGRAM THAT HAS WENT ON IT BACK ON COMPUTERS, REPLACE ALL WEST BOOKS WITH LEXIS NEXIS BOOKS TO ENSURE INTERACTION AS LISTED IN SKY OF OCR & DOM 101120.11 OVER STILL ORDERING ALL BOOKS AS LISTED IN 3124 & DOM 101120.11 UNDER WEST, SUPPLY BOOKLETS TO TEACH HOW TO UTILIZE COMPUTERS

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
G-64505	Isaiah Taylor	Education	C5-221	Isaiah Taylor	6-27-14
AK8455	Jesse Alvarez	porter AM	C-4 133	JESSE ALVAREZ	6-27-2014
V09651	Pedro Marrero			Pedromarrero	6-27-2014
V-40315	RUBEN TOSCANO	PIA	CH CELL 234	[illegible]	6/27/14
AH-3036	EDUARDO FIGUEROA	A.M PORTER	C-4 228	[illegible]	6/27/14
G60518	John Lopez	AM PORTER	CH 213	[illegible]	6/27/14
E32831	VALLERY R	C.W	C5.136	M R. Vallery	6.27.14
AB-9190	michael WRIGHT	AM PORTER	C3-213	[illegible]	6-27-14

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

THIRD LEVEL APPEAL DECISION

Date: DEC 30 2014

Group Appeal

In re: Stevie Stevenson, K16324
Centinela State Prison
P.O. Box 731
Imperial, CA 92251-0731

TLR Case No.: 1404968 Local Log No.: CEN-14-00950

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR). All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: It is the appellant's position that the use of the Lexis (LLEDS) program instead of the Premise inhibits computer legal research, as it does not provide the necessary legal materials. The appellant further contends that by using a different system of citations and topic headings (key numbers in West), the use of computers over new print volumes further inhibits research. In remedy, the appellant requests that Premise be reinstalled on the library computers, that books with Lexis citations be ordered, that all books be reordered in print, that additional computers be installed, that instruction be provided for the use of the Lexis system, and that respondents be notified to use Lexis citations that are compatible with the program.

II SECOND LEVEL'S DECISION: The reviewer found that a thorough review and consideration of the appellant's appeal and respective issues have been completed. The reviewer noted that the California Code of Regulations, Title 15, (CCR) states "Each institution shall maintain at least one law library for use of inmates, in print and/or by means of the Electronic Law Library System" and add the library should include "The following current and updated legal material or their equivalents from other publishers." Through 2013, the library used a computer program called Premise for inmate legal research, which used "Key numbers" devised by West, comparable to subject headings in a public library. In January 2014, the library began using a system call Lexis, which uses a different system of citations. Libraries have more than one system of subject headings, and legal research often uses more than one system for citations. Supreme Court cases, for example, can be cited at least three different ways. Similarly, publishers arrange their material differently. The California and Unite States Codes, for instance, comes in at least two editions each. Because cases are now available on computer, the library no longer obtains updated books for the most subjects. Nonetheless, all required material are in the library, in print or on computer. Lexis is an equally valid computer system that can be learned (including citations) by an inmate just as the Premise can be learned.

The reviewer noted that ordering books, Lexis or otherwise, would negate the purpose of obtaining computers, to have law materials in an electronic format. The reviewer noted that ordering printer supplements for material available on computer would also contravene that purpose. Regarding asking respondents to use Lexis citations, the library was not in the position to tell a court or the attorney general how to cite in their documents. Concerning the appellant's request to supply booklets instructing on how to use the computers, the reviewer informed the appellant that the library is able to provide booklets upon request. Based upon the aforementioned, the SLR partially granted the appeal.

III THIRD LEVEL DECISION: Appeal is denied.

A. FINDINGS: The institution has presented the appellant a thorough and comprehensive review of the appellant's issue and the Third Level of Review (TLR) finds no basis to alter said decision. The Centinela State Prison (CEN) reviewers advised the appellant that the computer system will continue to be updated. Pursuant to the CCR 3120, "Each warden shall ensure a library, law library and related services are maintained for the benefit of inmates in their facility.... A library access schedule shall be approved by the warden and posted throughout the facility." Review of this matter reflects that the institution does have an approved procedure for ensuring that the library is updated and is adhering to

that procedure. The appellant was advised that funding is not available to acquire additional computers, books, or other printed materials. The appellant has not provided any evidence that his ability to prepare legal documents has been hindered because of the CEN library procedures, the Lexis LLED with new citation or available resources. The TLR notes that the CEN, and CDCR, are operating at a time of fiscal crisis and is making a good faith effort to ensure that the CEN law library provides sufficient resources for the inmate population access to the courts. Despite the appellant's dissatisfaction with the decision reached by the Second Level of Review, the TLR concludes that the appellant has not presented any meaningful information that would warrant modifying the decision reached by the institution. In view of the above, no relief is provided at the TLR.

B. BASIS FOR THE DECISION:
CCR: 3001, 3004, 3084.1, 3084.5, 3120, 3123, 3124, 3380
CDCR Operations Manual, Section: 101120.1, 101120.15

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.

RBRIGGS,

R. BRIGGS, Chief (A)
Office of Appeals

cc: Warden, CEN
Appeals Coordinator, CEN

State of California Department of Corrections and Rehabilitation

Memorandum

Date: July 22, 2014

To: STEVENSON K16324
Centinela State Prison

Subject: **FIRST LEVEL APPEAL RESPONSE**
LOG NO.: CEN-C-14-00950

ISSUE:

You are submitting this appeal relative to library computer use. It is your position that the use of a Lexis program instead of Premise inhibits computer legal research, especially by using a different system of citations and topic headings (key numbers in West), and that the use of computers over new print volumes further inhibits research.

You request on appeal that Premise be reinstalled on the library computers; that books with Lexis citations be ordered; that all books be reordered in print; that additional computers be installed; that instruction be provided for the use of the Lexis system; and that respondents be notified to use Lexis citations to be compatible with the program.

INTERVIEWED BY: J. Eanes, Sr. Librarian (A), on July 22, 2014; during the interview you reiterated as to what was in your appeal.

EFFECTIVE COMMUNICATION: A review of the Disability and Effective Communications (DEC) System revealed inmate Stevenson has a 12.9 Reading Grade Point Level (GPL) and no disability issues were noted.

REGULATIONS: The rules governing this issue are:

California Code of Regulations, Title 15, Section (CCR)

CCR Section(s) 3124.

In consideration of your appeal, a review of your appeal and its attachments was conducted. The CCR and all applicable laws and procedures were also considered.

DISCUSSION: Title 15 provides "each institution shall maintain at least one law library for the use of inmates, in print *and/or* by means of the Electronic Law Library Delivery System," and adds the library should include "the following current and updated legal materials *or their equivalents from other publishers*." Through 2013, the library used a computer program called Premise for inmate legal research, which used "key numbers" devised by West, comparable to subject headings in a public library. In January 2014, the library began using a system called Lexis, which uses a different system of citations. Libraries have more than one system for subject headings, and legal research often uses more

than one system for citations. Supreme Court cases, for example, can be cited at least three different ways. Similarly, publishers arrange their materials differently. The California and United States Codes, for instance, come in at least two editions each. Because cases are now available on computer, the library no longer obtains updated books for most subjects. Nonetheless, all required materials are in the library, in print or on the computer. Lexis is an equally valid computer system that can be learned (including its citations) by an inmate just as the Premise system can be learned.

Ordering additional books, Lexis or otherwise, would negate the purpose of obtaining computers, to have law materials in an electronic format. Ordering printed supplements for material available on computer would also contravene that purpose. Regarding asking respondents to use Lexis citations, the library is not in a position to tell a court or the attorney general how to cite in their documents.

To the last request, to supply booklets instructing on how to use the computers, the library is able to provide those upon request.

DECISION: The appeal is PARTIALLY GRANTED.

Pursuant to CCR 3084.2(h)(2), the appellant is advised that he is responsible for sharing the appeal response with the inmates who signed the CDCR Form(s) 602-G, Inmate/Parolee Group Appeal, attachment(s) as participants in this group appeal.

The appellant is advised that this issue may be submitted for a Second Level of Review if desired.

R. MADDEN
Chief Deputy Warden
Centinela State Prison

State of California

Department of Corrections and Rehabilitation

Memorandum

Date: September 15, 2014

To: STEVENSON, CDCR# K16324
Centinela State Prison

Subject: **SECOND LEVEL APPEAL RESPONSE**
LOG NO.: CEN-C-14-00950

ISSUE:

You are submitting this appeal relative to availability of library materials on library computers. It is your position that the Lexis LLEDS does not provide the necessary legal materials, and that the different citation system used by Lexis inhibits legal research.
You request on appeal that the Premise program be reinstalled on the library computers, and that all books be either Lexis or West so as to be more integrated.

INTERVIEWED BY:

J. Eanes, Senior Librarian (A), on July 22, 2014; during the interview you reiterated as to what was in your appeal.

REGULATIONS: The rules governing this issue are:

California Code of Regulations (CCR), Title 15, Sections 3123 and 3124.

In consideration of your appeal, a review of your appeal and its attachments was conducted. The CCR and all applicable laws and procedures were also considered.

DISCUSSION:

At the First Level of Review (FLR) it was explained to you that the library provides, pursuant to title 15, certain books "or their equivalent from other publishers." The current Lexis LLEDS contains all primary materials (e.g., statutes and cases) contained in Premise, as well as secondary materials. The inmate researcher can use a variety of research methods in Lexis--keyword searching, for instance--to research the law, even without West's key numbers. Lexis actually contains more secondary sources than does Premise. The library also maintains the existing print sources, updated with electronic sources, which are updated more often. Sometimes in legal research it is necessary to change between citation systems, as when, for instance Supreme Court decisions can be cited in three different ways. As requested in your initial appeal, the library has provided print guides on how to use the computer.

At the SLR you have not added any new or compelling information that would warrant a modification of the response provided to you by the FLR.

DECISION: The appeal is DENIED.

Pursuant to CCR 3084.2(h)(2), the appellant is advised that he is responsible for sharing the appeal response with the inmates who signed the CDCR Form(s) 602-G, Inmate/Parolee Group Appeal, attachment(s) as participants in this group appeal.

The appellant is advised that this issue may be submitted for a Third Level of Review if desired.

A. MILLER
Warden
Centinela State Prison