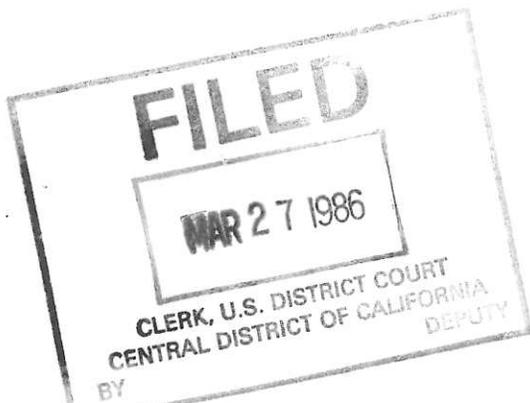


1 GERALD GLEN BOYDEN, C-35520  
2 Chino Guidance Center  
3 P.O. Box 441  
4 Chino, CA 91708-0441

5 PLAINTIFF, PRO PER



6  
7  
8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10  
11 GERALD GLEN BOYDEN, C-35520  
12 FRANK CANNIZZARO, D-01858  
13 HORACE THOMAS, B-77278  
14 and all other persons  
15 similarly situated,

16 Plaintiffs.

17 v.

18 DANIEL McCARTHY, individually and in  
19 his official capacity as Director of  
20 the California Dept. of Corrections;  
21 OTIS THURMAN, individually and in his  
22 official capacity as Superintendent  
23 of the Calif. Institution for Men;  
24 BOB BALES, individually and in his  
25 official capacity as Associate  
26 Superintendent of the California  
27 Institution for Men,

28 Defendants.

CASE NO. 86 1989 HLH(K)

COMPLAINT FOR DAMAGES

ADONIS CHARGE  
NOV 14 1986  
LITING LEE  
88-788  
1986

I. JURISDICTION

1. This is a civil class action authorized by 42 USC 1983 to redress the deprivation, under color of State law, of rights secured by the Constitution of the United States under the Due Process Clause of the Fifth Amendment, and the Eighth Amendment

1 prohibition against cruel and unusual punishment. The court has  
2 jurisdiction under 28 U.S.C. 1343. Plaintiffs seek declaratory  
3 relief pursuant to 28 U.S.C. 2201 and 2202. The matter in con-  
4 troversy exceeds, exclusive of interest and costs, the sum of  
5 \$27 million.

6 (a) The class herein involved is so numerous that  
7 joinder of all members is impracticable; there are questions of  
8 law and fact common to the class; the claims of the represen-  
9 tative parties are typical of the claims of the class; and the  
10 representative parties will fairly and adequately protect the  
11 interests of the class;

12 (b) The parties opposing the class have acted on grounds  
13 generally applicable to the class, thereby making it appropriate  
14 for final injunctive relief and corresponding declaratory relief  
15 with respect to the class as a whole.

## 16 II. PLAINTIFFS

17 2. Plaintiffs GERALD GLEN BOYDEN, FRANK CANNIZZARO, and  
18 HORACE THOMAS are prisoners of the State of California, currently  
19 being held at the Reception Guidance Center which is located at  
20 the California Institution for Men, Chino, California. Plaintiffs  
21 represent the class of all other persons similarly situated, past  
22 and present.

## 23 III. DEFENDANTS

24 3. Defendant DANIEL McCARTHY is the Director of the California  
25 Department of Corrections. He is legally responsible for the  
26 overall operation of the Department and each institution under  
27 its jurisdiction, including the Chino Reception Guidance Center.

28 4. Defendant OTIS THURMAN is the Warden/Superintendent of

1 the California Institution for Men (CIM). He is legally charged  
2 with the day to day operation of the abovenamed institution and  
3 with the welfare of all the inmates of that prison;

4 5. Defendant BOB BALES is the associate superintendant who is  
5 legally responsible for the day to day operation of the Reception  
6 Guidance Center, which is part of the California Institution for  
7 Men, located at Chino, California.

8 6. Each defendant is sued individually and in his official  
9 capacity. At all times mentioned in this Complaint each defendant  
10 acted under the color of California law.

11  
12 IV. FACTS

13 7. Since January 1, 1985, the abovenamed defendants have  
14 warehoused two hundred and twelve prisoners in the Gymnasium area  
15 of the Chino Reception Guidance Center which is a prison branch of  
16 the California Department of Corrections.

17 8. Toilet accomodations for these 212 prisoners consist of  
18 a single functioning shower head which routinely provides ice-cold  
19 water.

20 9. By reason of the inadequate plumbing, one or more toilets  
21 overflow weekly. When this occurs, puddles of water collect on the  
22 floor along with an abundance of offal and human excrement.

23 10. Said gymnasium which houses 212 prisoners presents an  
24 accute fire hazard because the building has a highly flammable  
25 wooden roof. The gym also contains hundreds of highly flammable  
26 sheets, blankets, mattresses, and paper sacks which are used as  
27 trash receptacles and ash trays. The gym has a wooden stage, and  
28 large wooden panels covered with shellac adorn the west wall.



1 sprinkler system or a smoke detection system to prevent such a  
2 holocaust is a violation of the cruel and unusual punishment  
3 clause of the Eighth Amendment of the U. S. Constitution.

4 19. Defendants' threats to punish Plaintiffs for taking  
5 legal action, and their threats to punish prisoners who submit  
6 affidavits on behalf of the Plaintiff Class, violate plaintiff's  
7 rights of meaningful access to the courts, which is guaranteed  
8 by the Due Process Clause of the 14th Amendment of the United  
9 States Constitution.

10 20. The plaintiffs have no plain, adequate or complete  
11 remedy at law to redress the wrongs described herein. Plaintiffs  
12 have been and will continue to be irreparably injured by the  
13 conduct of the defendants unless this Court grants the declara-  
14 tory and injunctive relief which plaintiffs seek.

15 RELIEF SOUGHT

16 WHEREFORE, plaintiffs respectfully pray that this Court enter  
17 judgment granting plaintiffs:

18 1. A declaratory judgment that the defendants' acts, policies  
19 and practices described herein violate plaintiffs' rights under  
20 the United States Constitution.

21 2. A preliminary and permanent injunction which:

22 a) Prohibits the defendants, their successors in office,  
23 agents and employees and all other persons in active concert and  
24 participation with them from harassing, threatening, punishing  
25 or retaliating in any way against any plaintiff because he filed  
26 this action or against any other prisoner because that prisoner  
27 submitted affidavits in this case on behalf of the plaintiffs;

28 b) Prohibits Defendants McCARTHY, THURMAN and BALES from

1 transferring any plaintiff to any other institution, without  
2 that plaintiff's express consent, during the pendency of this  
3 action;

4 c) Requires defendants McDARTHY, THURMAN and BALES to  
5 allow plaintiffs and other prisoners: 1) to engage in any oral  
6 or written communication which is reasonably related to the  
7 conduct of this suit, including the preparation of affidavits on  
8 behalf of plaintiffs; and 2) to allow plaintiffs to confer with  
9 co-plaintiffs and prepare legal papers and do anything else,  
10 consistent with prison security, which is reasonably connected  
11 with the conduct of this suit.

12 3. Compensatory damages at the rate of \$100.00 per day for  
13 each day of barbarous and unconstitutional confinement in the  
14 gym area of the Chino Reception Guidance Center.

15 4. Nominal damages for the intentional infliction of mental  
16 stress and anguish in the amount of \$50.00 per day.

17 5. Exemplary damages for gross disregard of human and civil  
18 rights in the amount of \$50.00 per day.

19 6. Plaintiffs hereby request immediate certification of the  
20 class, pursuant to Rule 23(b)(2) of the Federal Rules of Civil  
21 Procedure. Said class consists of all men forced to live under  
22 the lawless conditions imposed in the gym area of the Chino  
23 Reception Center, commencing on the date of January 1, 1985.

24 7. Plaintiffs hereby request the Court to appoint a qualified  
25 firm of attorneys to fairly and adequately represent the entire  
26 Plaintiff Class herein.

27 8. A jury trial on all issues triable by jury.

28 9. Plaintiffs' costs of this suit.

1 10. Such other and further relief as this court deems just,  
2 proper and equitable.

3 Respectfully submitted,

4 G. Glen Boyden

5 GERALD GLEN BOYDEN, C-35520

6 Frank Cannizzaro

7 FRANK CANNIZZARO, D-01858

8 DATED: March 6, 1986

9 Horace Thomas

10 HORACE THOMAS, B-77278

11 Reception Guidance Center  
12 P.O. Box 441  
13 Chino, CA 91708-0441

14 IN PRO PER

15 VERIFICATION

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

21 Executed at Chino California

22 on March 6, 1986

23 G. Glen Boyden

24 Frank Cannizzaro

25 Horace Thomas

**National Archives and Records Administration**  
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