

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT, SOUTHERN DIVISION

Application of
Robert C. Jordan Jr.
Plaintiff

VS

NO. _____

1. CJ Fitzharris, Warden, et al. Soledad Prison
2. Deputies and agents of the State of California
Defendants

INTRODUCTION OF PETITION

This is a complaint and suit against C.J. Fitzharris, Warden, et. al., Soledad Prison, Soledad, California; the California Judicial and Legal officials and Authorities, State of California; And responsible officials of the Soledad State Prison, Soledad, California.

Plaintiff seeks monetary damages and compensation for physical injury, impairment, loss and pain, suffered as a direct and absolute result of unlawful and criminal acts and deeds by the respondent, defendant, along with criminal conspiracy against the Federal Civil Right and Constitutional Rights of the Plaintiff in this cause of action.

This is an original motion and action, sought in the judicial district of the United States Courts, Northern District, Southern Division. This suit is instituted and submitted to this, and in this Honorable Court as a result of violations of Federal Laws and Codes and this action arises and is given cause by venue of United States Federal Laws. The questions raised and the laws violated were, and are, Federal questions and laws.

Jurisdiction of this Honorable Court in this cause and matter is invoked and given power by Article 3, Section 2, subdivision 1, of the United States Federal Constitutional Provisions. (and by U.S. Const.

Art, 6, Sec, 2),

IN THE UNITED STATES DISTRICT COURT
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Application of
Robert C. Jordan Jr.
Plaintiff

VS

C.J. Fitzharris, Warden, et al., Soledad Prison
Defendants

NO. _____

Complaint:
Before the Honorable
United States Judge.

Complaint of Criminal Officers

Plaintiff: Robert Charles Jordan Jr., who first being duly sworn complains and says: that at the Correctional Training Facility, Soledad, California, C.J. Fitzharris, warden, et.al., committed the crime(s) of: Violation and abridgement of United States Constitutional Amendment 8; U.S. Constitutional Amendment 14, sec, 1; And the Federal Civil Rights Acts. Also violation of Calif. Penal Code sections 2650, 2651, 2652, 2653, 681, 673, 147 and 182.5. And violation of Title 18 U.S.C. Sec. 241; Title 42 U.S.C. Sec. 1981 and 1983.

Said Plaintiff and complaintant prays that a warrant be issued for the arrest of said defendant and he be dealt with according to law. The same being for and in the interests of law, order and justice.

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

DATED THIS _____ DAY OF _____, 19____.

Respectfully Submitted;

Plaintiff

State of California
County of Monterey

ss: Motion for Appointment of Legal Counsel

I, Robert C. Jordan Jr., Petitioner in the foregoing cause of action, deposes and says: That this action is brought in good faith, that he is a poor and indigent person and does not possess the means to pay for the services of legal counsel in representing him in this action; that he is a layman unskilled in law and does not possess the legal knowledge and skill necessary to litigate this action without legal counsel; that petitioner respectfully requests and motions that learned counsel be appointed to aid him in the presentation of his case and cause, and the petitioner be aided in Propria Persona and In Forma Pauperis with counsel at a hearing of his case and cause.

Petitioners motion in this matter is supported in re:

Price Vs Johnson, 161 F 2d 705 (9th Cir. 1947) certiorari Granted,
321 U.S. 104, 67 S. Ct. 1757 (1947)

Ekbera Vs McGee, 194 F 2d 178 (9th Cir.)

Walker Vs Johnson, 312 U.S. 275 61 S.Ct. 574, 85 L.Ed. 830

Herman Vs Blandy, 350 U.S. 116, 123 (1956)

Johnson V. United States, 352 U.S. 565

Powell Vs Alabama, 372 U.S. 335

Dated this _____ day of _____, 196_____.

By: Robert C. Jordan Jr.

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 SOUTHERN DIVISION

4 Application of:
5 Robert C. Jordan Jr. Plaintiff

6 VS

NO. _____

7 1. C... Fitzharris, Warden, et.al., Soledad Prison
8 2. Deputies and Agents of the State of California.
9 Defendants

10 Civil Complaint and Suit

11 TO: The Honorable Judge, Presiding, in the Above Entitled Court.

12 GREETINGS:

13 Come's now plaintiff, Robert C. Jordan Jr., who hereby seeks to
14 file his complaint and Suit against the herein cited defendants.

15 Plaintiff seeks damages and compensation for impairment and loss
16 of physical ability and parts, injury and harm to physical and mental
17 health, cruelty and inhumane treatment, and for denial and gross vio-
18 lations of all rights, privileges and immunities guaranteed by the laws
19 and Constitution of the State of California and the United States
20 Constitution and the United States Federal Government.

21 Plaintiff seeks judgment of damages against the defendants as follows:

22 1. Against C.Fitzharris; damages and compensation in the amount of
23 Fifty Thousand dollars--(\$50,000.00)

24 2. Against deputies and agents of the State of California in the amount
25 of One-Hundred Thousand Dollars--(\$100,000.00)

26 In addition plaintiff seeks general damages in the amount of One
27 million dollars--(1,000,000.00) against the Correction Training Faci-
28 lity, at Soledad, California.

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT, SOUTHERN DIVISION

Application of:
Robert C. Jordan Jr.
Plaintiff

-VS-

NO. _____

1. C.J. Fitzharris, Warden, et. al. Soledad Prison
2. Deputies and Agents of the State of California
Defendants

Civil Complaint and Suit

To: The Most Honorable Judge, Presiding in the Above entitled Court.

MEETINGS:

Comes now Robert C. Jordan Jr., plaintiff in the foregoing cause of action, who charges and complains of the following criminal actions and deeds, perpetrated against and upon his person by the defendants, to wit:

1. Cruel and Unusual Punishment
2. Gross and Wilful Inhumanities and Atrocities
3. Violations of Federal Constitutional and Civil Rights
4. Denial and refusal of the Equal Protection of the Laws
5. Physical injury, harm and loss
6. Criminal Conspiracy and Prejudicial Discrimination

The above cited actions and causes being perpetrated by the defendants maliciously and with deliberate aforethought in direct and wilful violation and conflict with the laws of the State of California and the United States Federal Constitution and Government.

Statement of the Case

Plaintiff has been wilfully and deliberately treated in such a cruel and unusual manner and subjected to such malicious inhuman treatment that his physical and mental health and well-being has been im-

paired and injured and permanently damaged.

Plaintiff has, as a direct and absolute result of the defendants actions suffered a permonate deterioration and damage to his eyesight to such an great extent that he will be forever severely handicapped for the rest of his life and may lose his eyesight completely in the very near future.

Plaintiff has also had, ever since the treatment inflicted upon him was imposed, severe intestinal pains and has on a number of occasions passed blood in his bowel movements, and had rashes and sores on his body and private parts.

Plaintiff has had his teeth decay to the point that they have chipped off and has constant and continuous pain and are damaged and decayed beyond hope.

Plaintiff complains and alleges that the actions of the defendants were clearly and blatantly unlawful and violate the United States Federal Civil Rights of plaintiff and his constitutional rights, also the said acts and deeds were done illegally and wilfully in violation of State and Federal laws and Statutes.

The loss and damage plaintiff has suffered and will continue to suffer is the direct and end result of criminal and malignant actions by the defendants, done deliberately and with malicious aforethought with the full and complete knowledge of its unlawfulness, illegality, and harmful nature. Plaintiff has good and just case of complaint, and for the loss and damage suffered, unwillingly and against his wishes, is entitled to damages and relief as herein sought.

Statement of the Facts

On the day of July 9, 1965 Plaintiff was for supposedly 'disciplinary' reasons placed in the special punishment unit of the institution,

which unit is called a 'Strip cell', meaning that persons placed in these cells are stripped of all their clothing and there are no furnishings of any type in the cell.

This cell is approximately 8 feet by 12 feet and has only an open mouth flush toilet in it. This toilet has been in the cell for so long that it has become encrusted with the filth and body wastes of countless previous occupants of the cell. This toilet has become so deteriorated that the enamel has cracked and fallen off in chunks, and the base metal thus exposed has become rusted and corroded and filth encrusted. The result of this filthy and unsanitary condition is that a constant and continual overpowering, nauseating odor arises from it filling the room with an atmosphere amounting to a 'smog'.

There is no other fixture of any nature other than the cell door. No wash basin or other cleaning facility. No bunk, bed, cot, or any other fixture to rest or recline upon other than the cold concrete floor.

Plaintiff was left in this cell completely naked and bare for eight (8) days at which time he was given a pair of coveralls only. After which he spent a total of 12 days in the cell.

During this period of time plaintiff was not allowed to wash, shower, shave, or in any manner, form, or way, cleanse himself. Plaintiff was forced to defecate, urinate and wipe his private parts and then handle and eat his food with his hands unwashed. At no time of his confinement was he ever afforded any form of sanitary provisions or allowed in any form or manner to wash or clean or wipe his hands, body, or face.

Also plaintiff was denied any opportunity to brush his teeth. In the entire period plaintiff was never able to brush his teeth, either before or after eating his food or before or after getting up in the

1 morning or going to sleep at night. Plaintiff became so rancid and
2 filthy that rashes and sores broke out on parts of his body.

3 The so called strip cell is so constructed that special flaps can
4 be raised up and shut out all light and most sound, and the only air
5 that comes in is that which seeps in around the cracks of the door and
6 flaps, which is practically none existent.

7 Plaintiff was forced to lie in this cell, with the flaps raised
8 up and the door shut. The light in the cell under these conditions
9 in all but none existent and a person lives in a world of perpetual
10 'gloom' or 'twilight'. The pungent fumes arising from the filthy
11 toilet were so overpowering and nauseous in the airless condition of
12 the cell that Plaintiff was at times overcome and made physically ill
13 (vomiting, etc).

14 Plaintiff was forced in addition to lie on a ice cold floor with
15 no clothing whatever and with only a very stiff canvas mat (of the type
16 used for gymnastics) approximately $5\frac{1}{2}$ x $4\frac{1}{2}$ feet long and wide.
17 Plaintiff is 6 foot 1 inch in height and this mat offered next to no
18 covering, being so stiff that if folded over to cover a person trying
19 to lie on it, it must be held at all times or it would snap off of him.
20 The cell is made out of solid concrete and steel and is perpetually chilled
21 and cold, it has no heating equipment. The temperature in such
22 cell drops, at night, to a very low degree and persons (at least plaintiff)
23 spend their time running back and forth to avoid becoming
24 dangerously chilled. Plaintiff's estimate of the average temperature
25 at night in this cell is one of between 40 to 45 degrees. Plaintiff
26 however is not a trained person and the actual temperature may have
27 been much lower or possibly higher. Plaintiff only knows that it
28 was unbearably cold. Also the canvas mat is so thin that even it is

tain upon the chill and cold is felt as if it were not there, the concrete floor being so cold that it radiates the cold and chill and in fact seems to retain the cold and chill it further.

The floors and walls of the cell were also encrusted and filthy with the body and urinary wastes of the previous occupants who evidently and obviously placed them there deliberately. It was impossible to avoid bodily contact. Plaintiff hand and body (being naked) were continually coming into contact with filthy wastes and again no possible chance of washing or cleansing his hands, face or body was given plaintiff and he was forced to eat and handle his food with his hands contaminated with other human beings filth and urinary wastes.

Plaintiff complained of the nauseous smells and odors and of the existence of the filth (urine, etc.) on the walls and floors and asked to be allowed to scrub and mop his cell out. Plaintiff was refused. Plaintiff made his complaint to the officials (on his requests) and also to the chief Medical Officer of the institution.

Plaintiff also requested that a flap be left open so that some of the fresh air and light could enter the cell, this request also made to both the officials and the Chief Medical Officer. Plaintiff was refused again in his request and the flaps remained tightly shut up. Plaintiff was forced by this action to lie in a dense, rank, and noxious atmosphere of putrid decay, in a perpetual gloom or twilight for 23½ hours a day, the door of the cell being opened only for approximately 15 to 15 minutes each meal, in order so that the food could be seen to be eaten, which was twice a day.

The toilet was flushed only twice a 24 hour day and only by the officials as there was no means of operating it from inside the cell. It was flushed at about 8:30 A.M. in the morning and again at 9:15 P.M.

at night. If any bodily functions were necessary between the hours of approximately 8:35 A.M. to 9:10 P.M. the wastes remained in the toilet throughout those hours, also any functions necessary from about 9:20 P.M. to 8:25 A.M. the wastes remained in the toilet. With the filthy conditions of the toilet originally and the fumes arising from it and the walls and floors, the addition of defecated bile wastes and resultant vile fumes, in the airless and tightly enclosed condition of the cell, the effect was overpowering and caused repeated physical nausea and vomiting and conditions of acute physical distress. To escape from these fumes was impossible. The only possible relief was to hold all bowel movements rigidly and effect them only at such moments when the toilet was sure to be flushed in quick order (at one of the aforementioned times), even this method was not sure as on numerous occasions the toilets were not flushed at all for the full 24 hour period. And the resultant strain upon a person in holding bowel movements causes great strains and problems.

Argument of the Case

Plaintiff has suffered severe physical and mental anguish and harm and impairment as a result of being treated as he was and subjected to the unsanitary, filthy and inhumane conditions of the so called 'strip cell'.

Plaintiff has had very severe and repeated intestinal pains which have grown steadily worse in both intensity and length. Plaintiff has repeatedly requested medical treatment and had been given A.P.C. tablets and refused even the most cursory examination or any other medication. Plaintiff has talked and written to the Chief Medical Officer and has been told that A.P.C. was all he needed. Plaintiff contends that being forced to eat and handle his food without being

able to wash or cleans them, has introduced some part of foreign bacteria into his body which came from contaminated urinary wastes and the bile particles that adhered to his unwashed and filthy hands and body.

Plaintiff has also developed a severe case of hemorrhoids and charges and contends that this condition is a result of both the filth and contamination of wastes and the fact that plaintiff was forced to endure the extreme chill and cold perpetually naked and bare body coming directly and continually in contact with the ice cold concrete floor. Plaintiff has never before had any such troubles and attributes them justly and with good cause to the conditions and facts of the so called strip cell. Plaintiff has also been denied medical treatment for this condition, which has now become so severe that the hemorrhoids are now protruding from plaintiff's anus.

Plaintiff has in addition been for the past four months been passing blood in his stool and it has grown progressively worse, at times running to large clots.

Plaintiff has in addition had his vision or eyesight seriously impaired. The conditions of almost absolute darkness and rancid, eye irritating fumes causing continual strain upon plaintiff's eyes which were already so bad that he has worn very thick eyeglasses all his life. Plaintiff has since his confinement in the strip cell suffered from re-occurring blurring and dimming of his vision and continual soreness and headaches, and as a direct result of this has suffered on occasions spells of extreme dizziness and blankness. Plaintiff has had difficulty at times in reading printed material, said material print blurring and fuzzing up and Plaintiff's eyes watering.

Plaintiff has also had one of his teeth chip off so badly that it

had to be removed and if others decay so badly that they will have to be removed or filled, with all the resulting pain, discomfort, and handicaps that such treatment entails.

Also plaintiff has suffered from severe pains and aches in his knee, hip and elbow joints, especially his right hip. Plaintiff is of the belief that he has either developed arthritis of these joints or bone bruises. Plaintiff is not a medical technician and therefore can not say why these conditions are present. Plaintiff has good and just cause to content that the fact of being forced to lie naked in the cold cell, with its ice cold concrete floor, said floor pressing continuously into plaintiff's joints; has in some way caused a detrimental condition to develop in plaintiff's joints and body.

Having been denied any and all medical examination or check ups plaintiff does not know how severe the aforesaid conditions are or what is causing them; (in the nature of bacteria, germs, etc.); Plaintiff knows that all of these conditions did not exist in their present nature until plaintiff was confined in the nasty, filthy and inhumane conditions of the so called strip cell. Plaintiff was a healthy young man with no handicaps other than weak eyesight.

II

The actions of the defendants were criminal in nature and were done deliberately with the express thought in mind to make the punishment imposed as onerous and as severe as possible. Thoughts as to the lawfulness, healthfulness, etc., are minor or no concern whatever to the defendants.

Plaintiff has a very long and extended recorded medical history of very weak and bad eyesight. And it is also recorded as recently as May of 1965 in plaintiff's medical file that plaintiff had a number of

teeth that were slightly decayed and needed constant care.

Despite these medically recorded facts, the defendants inflicted such harsh and inhuman treatment as to be aimed at causing the most harm possible to plaintiffs eyes and teeth purposely and deliberately.

Plaintiff was forced to lie for 24 hours a day in a dark, dank cell with obnoxious and rancid fumes of a great eye irritating and overpowering nature. Plaintiff was forced to have his hands come into contact with the urinary and bile wastes (human) that the cell was encrusted with and then, when the irritation to his eyes became irresistible, rub his eyes with his filthy hands, And mucus matter in the eyes that became encrusted upon eyelids and eyecorners had to be rubbed off with those same filth encrusted and contaminated hands.

Plaintiff was also forced to handle his food and eat his food with those same contaminated hands, obviously introducing contaminated filth particles and bacteria into his mouth and body (internal) organs. Plaintiff was not allowed to even possess a toothbrush or any to clean his teeth with or with any method of cleaning his hands or mouth.

With the unchecked bacterial activity acting upon plaintiffs eyes and mouth the outcome is obvious.

If plaintiff had not had such an extensive record (medical) defendants actions could be excused. But the very fact of the recorded medical facts were enough to preclude any such conditions (as were inflicted upon plaintiff) as a matter of medically dictated consequence.

III

The defendants acted in direct and deliberate violation and conflict with the law of the State of California and the U.S. Federal

Government.

California Constitutional Art. 1, Section 6, states that cruel and unusual punishment shall not be inflicted upon the citizens and residents of the State of California.

California Penal Code #2650, states that the person of a prisoner is protected by law and that any harm done to him is unlawful and punishable as if he were not convicted of a prisoner.

California Penal Code number 2652, states (quote) "It shall be unlawful to use in the prisons, any cruel, corporal or unusual punishment or to inflict any treatment or allow any lack of care whatever which would injure or impair the health of the prisoner, inmate or person confined ____". (Also see Cal. Jur. 2d Prisons and Prisoners #71) sections number 2651 and 2653 also prohibit the acts of the defendants.

United States Constitutional Amendment 8 also prohibits the imposed treatment.

Plaintiff contends and charges that there is a criminal conspiracy between the California State Judicial Authorities and the California State Prison Authorities to prejudicially discriminate against the rights of the provisions set forth under title 28 U.S.C. section 241 et. seq. (title 42 U.S.C. sec. 1981 Supra and 1983 Supra) and plaintiffs Federal Civil Rights and Federal Constitutional Rights.

Plaintiff was sentenced to a term in the California Prisons by the California Courts. Plaintiff is a poor and indigent person untrained in law and by virtue of his confinement has no power to defend himself against those in authority over, him. Plaintiffs only protection from abuse and mistreatment by the prison authorities is the judicial power of the California legal Courts. California State laws and Statutes protect the persons and wellbeing of California State

prisoners and the enforcers and upholders of those laws are the California State law officers and judges.

Yet time and time again the California State judicial Authorities have refused to enforce those laws protecting prisoners. The California State Courts and legal officers have refused to extend the protection of the laws of the State of California to the prisoners, whom those laws were enacted to protect.

Plaintiff has petitioned the California State legal Courts and legal officers for the enforcement of these laws and remedy from the abuses and mistreatment herein complained of and has been denied repeatedly.

The California Attorney General, the California State Superior and Supreme Courts have all been petitioned and contacted by plaintiff and asked for relief and remedy and all have refused, even though the California Attorney General admits that the acts and conditions constitute a violation of California State laws!

Plaintiff complains and charges that there is a deliberate criminal conspiracy between the State of California judicial and penal Authorities.

The California State Attorney General states that the conditions and acts complained of violate a number of California State laws. But that same Attorney General refuses to investigate these conditions or to institute any legal or investigative action against the authorities of the prison, upon complaint of the plaintiff. Motions for injunction, Writ of Habeas Corpus, etc., have all been denied by the California State Superior and Supreme Courts. Also affidavits of complaint, information, and contention have been denied, ignored and passed off by the Courts and the Attorney General of the State of California.

California Penal Code Section 2653 states:

"Every person who is guilty of wilful inhumanity or oppression toward any prisoner in a State prison and under his care or in his custody, is punishable by fine not exceeding two thousand dollars (\$2,000.00) and by removeable from office." (Also see #147, P.C.)

Yet upon receipt of complaints and charges of inhumane and cruel treatment and abuse, the California State Judicial and legal Authorities not only refuse remedy, they refuse to even investigate the charges or conditions.

IV

The above is clearly a agreed upon pact between the authorities of the State of California Judicial, legal and penal systems to violate and abridge the Federal Rights of prisoners of the State of California and specifically your plaintiff in these matters and causes of action, both Federal Civil Rights and Constitutional Rights. (U.S. Const. Amdt. 8; U.S. Const. Amdt. 14, Sec. 1.)

The actions and deeds by the defendants have caused plaintiff to suffer severe and great physical pain, distress, and impairment and deterioration, cruel and extreme mental anguish and has prejudicially damaged and handicapped plaintiffs past, present and future, health, welfare, and life.

Plaintiff has suffered loss, partial, of his visionary ability, contacted a bacterial ailment of some sort and a hemorrhoid condition, lost portions of his teeth and had others badly decayed. Plaintiff has been subjected to a cruel and unusual treatment and inhuman conditions, made to lie in other human beings contaminated urinary and bile wastes and eat and handle his food with his hands, and his hands contaminated and encrusted with the urinary and bile wastes of other human beings

and himself.

Plaintiff contends and believes that he has a good and just cause of action and is entitled to receive damages and compensation as sought for the acts and deeds and conditions complained of and the resultant detrimental effects upon plaintiffs physical and mental health.

The defendants have acted criminally against the person of plaintiff and have criminally conspired to, and have, violated plaintiffs Federal Civil Rights.

Also the plaintiffs Constitutional Rights have been criminally conspired against by the defendants and deliberately violated and abridged (U.S. Const. Amdt. 8; "Cruel and Unusual Punishment"- U.S. Const. Amdt. 5; "Due process of Law"- U.S. Const. Amdt. 14 sec. 1; Privileges and immunities of Citizens" and "Due process and Equal protection of the laws".).

V

Conclusion

Plaintiff wherefore prays that this Honorable Court will concur with plaintiffs belief that he has a good, honorable and just cause of action, and will cause set forth the legal procedures that will result in plaintiffs cause and case being brought before this Most Honorable Court for legal Court hearings and trial pursuant to the judicial procedures set forth for the determination of cases of this nature and matter.

Plaintiff will ever pray

Respectfully Submitted;

Petitioner

State of California

County of Marin

ss. VERIFICATION

I, Robert C. Jordan Jr., being first duly sworn, deposes and says:

That he is the petitioner in the above and foregoing entitled matter;
that he has prepared and read the foregoing petition and knows the contents
thereof; that the same is true of his own knowledge, except as to those matters
which are therein stated on his information or belief, and as to those matters
that he believes it to be true.

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

Dated January 31, 1966

Robert Jordan

Petitioner

Box A-46604

Soledad, California