

**ORIGINAL**

NO. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

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**Dewey Steven Terry** - PETITIONER

VS.

**California Prison Industry Authority (CAL-PIA)**

**Phillip Earley,**

**Gary Loredo,**

**Jeremy Young, and**

**Joe Dobie.**

-- RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

**Ninth Circuit United States Court of Appeals**

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Dewey Steven Terry, CDC # D-08191  
CSP San Quentin, Four North 25 Low  
San Quentin, CA 94974  
No Phone Number

## Questions Presented

- 1) Did the Ninth Circuit Court of Appeals ‘error’ when the court concluded that Petitioner’s ***First & Fourteenth Amendment Right*** was not violated during the course of Settlement Negotiations under Uiforma (***Shelby Bus. Forms, Inc. vs. NLRB***, 111 F.3d 1284 (6<sup>th</sup> Cir. 1997) and 5 U.S.C.S. 2302 (b) (8) (A) when the evidence is proved to show the facts of the threats made in Settlement Negotiations with Respondent?
- 2) Did The Ninth Circuit Court of Appeals ‘error’ in overlooking or misinterpreted the preponderance of evidence of the Settlement Offer, to terminate Petitioner after payment on a date selected by Respondent’s under (***United States vs. Prewitt***, 34 F.3d 436, 439, (7<sup>th</sup> Cir. 1994); and 5 U.S.C.S. 2302 (b) (6) does it shield respondent’s based on the threats of *retaliation* of employment during litigation and Settlement Negotiations in the November 2015 Settlement Offer?

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Pages	Citation Name and Number
2, 5, 12	<b><i>Uniforma-Shelby Bus. Forms, Inc. vs. NLRB</i></b> , 111 F.3d 1284 (6 <sup>th</sup> Cir. 1997);
2, 5,	<b><i>United States vs. Prewitt</i></b> , 34 F.3d 436, 439, (7 <sup>th</sup> Cir. 1994)
4	Exhibit -1 Page's 1 & 2; Title VII of the civil Rights Act of 1964;
5,	<b><i>Vulcan Hart Corp. [St. Louis Div.] vs. NLRB</i></b> , 718 F.2 269, 277 (8 <sup>th</sup> Cir. 1983); <b><i>Michigan Precision Indus. Inc.</i></b> 223 NLRB 892, 893 (1976); 5 U.S.C.S. 2302 (b) (8) (A) and (b) (6); 29 U.S.C.S. 158 (a) (1) and (a) (3);
6,	Evidence Rule 901 (a) (b) (1) and 902 (4);
7,	<b><i>Albino</i></b> , 747 F.3d at 1176-77; <b><i>Portsmouth Square, Inc. vs. S' holders Protective Comm.</i></b> 770 F.2d 866, 869, (9 <sup>th</sup> Cir. 1985); <b><i>McDonnell Douglas Crop. vs. Green</i></b> , 411 US 792, 802-04, 93 S. Ct. 1817, 36 L. Ed. 2d. 668 (1973);
8	<b><i>Smith vs. US</i></b> 561 F.3d 1090, 1094, 1105 (10 <sup>th</sup> Cir. 2009); <b><i>Wallis vs. Baldwin</i></b> , 70 F.3d 1074, 1076-77 (9 <sup>th</sup> Cir. 1995); <b><i>Powell vs. Lennon</i></b> , 914 F.2d 1459, 1463 (11 <sup>th</sup> Cir. 1990); <b><i>Occoquan vs. Barry</i></b> , 717 F.Supp. 854, 866 (D.D.C. 1989);
8, 10, 11,	<b><i>Gonyer vs. McDonald</i></b> , 874 F.Supp. 464, 466-67 (D. Mass. 1995);
9	<b><i>Wallis vs. Baldwin</i></b> , 70 F.3d at 1075, & 1077)
11	<b><i>Inmates of Occoquan vs. Barry</i></b> , 717 F.Supp. 854, 866 (D.D.C. 1989); <b><i>Herman vs. Holiday</i></b> , 238 F.3d 660, 663-65 (5 <sup>th</sup> Cir. 2001);

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix C to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 4-25-2018.

[ ] No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 4-13-2018, and a copy of the order denying rehearing appears at Appendix B.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_. A copy of that decision appears at Appendix \_\_\_\_\_.

[ ] A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## STATEMENT OF THE CASE

The Petitioner Terry believes that the Court has overlooked or misinterpreted the preponderance of evidence that Petitioner Terry was exposed to asbestos and lead from pipe insulation that was inhaled and did cause Petitioner Terry pneumonia lung infection, the fibers that was released into the air from May and June of 2012 in the CAL-PIA Mattress Factory at San Quentin State Prison.

Petitioner Terry, request for *Judicial Notice* to address Petitioner issues regarding the Respondent's Phillip Earley, Gary Loredo, Jeremy Young and Joe Dobie also Prison Industry Authority (CAL-PIA) and the attorney's on the behalf of all Respondent's, who are not employed by the Department of Corrections and Rehabilitation, but who are assigned to or engaged in work at San Quentin State Prison facility, must observe all policy, procedure, rules, regulations, including California Department of Corrections Operations Manual, and all Department of Personnel Administration Laws and Regulation, with Title 15, and all Health and Safety Requirements – including Title 8, and the Policies and Procedures of (CAL-PIA) to ensure (CAL-PIA) staff is familiar with the provision of these and other references.

California Department of Corrections and Rehabilitation has a stringent adherence policy governing the conduct of employees for all California State Prisons, and “failure to do so may lead to exclusion” from department facilities; all Respondent's Phillip Earley, Gary Loredo, Jeremy Young and Joe Dobie also Prison Industry Authority (CAL-PIA) are under the Department of Corrections & Rehabilitation jurisdiction, state and federal law.

The Respondent's engaged in retaliation in a *Settlement Conference* against Petitioner and *deprivation* accrued when attorney for Respondent's and the representative of Prison Industry Authority (CAL-PIA) did not comply with its obligations under the *Settlement Agreement* that laid out specific regulations,

policy procedure and ethical and professional standard to fully execute Respondent's and the representative of (CAL-PIA) obligations under the *Settlement Agreement*; to achieve a global settlement that affords Petitioner Terry, with appropriate relief.

- 1) However the Respondent's and representative to (CAL-PIA) decline to participate and engaged in vindictive retaliatory behavior against Petitioner Terry for bringing a legal civil suit action – thereby violating Petitioner's constitutional right under the First, Eight and Fourteenth Amendment, under Title VII of the Civil Rights Act of 1964 that prohibits the firing of Petitioner as a (CAL-PIA) employee in retaliation for Petitioner's opposition to discriminatory practices or investigation;
- 2) It is unlawful discriminatory practice for any Prison Industry Authority (CAL-PIA) Respondent's:
  - (a) Phillip Earley – Lead Manager,
  - (b) Gary Loredo - Supervisor II,
  - (c) Jeremy Young – Immediate Supervisor, and
  - (d) Joe Dobie – Immediate Supervisor,

As employer to discharge, expel, or otherwise discriminate against Petitioner, because he has opposed the discussion in the *Settlement Conference* with all attorneys for Respondent's and (CAL-PIA), regarding Petitioner employment by the Prison Industry Authority (CAL-PIA) at San Quentin State Prison will be *terminated* after payment and at a date set by (CAL-PIA) REASONS FOR GRANTING THE PETITION.

- 3) A letter from Attorney at Law, Nancy E. Hudgins (see exhibit 1) page 1 & 2 dated June 15, 2017, stated numerous times of reprisal against Petitioner and has not stop;

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4) (CAL-PIA) and the attorneys for the Respondent's engaged in telling Petitioner to not apply for a Prison Industry Authority (CAL-PIA) job in the future for employment at any (CAL-PIA) location and that they could reject Petitioner application if the Petitioner does apply. Furthermore, (CAL-PIA) may terminate any employment Petitioner might later obtain with the Business. Prison Industry Authority (CAL-PIA)

The threats made in the *Settlement Negotiations* were admissible, under Rule 408; it is inapplicable when the claim is based upon a wrong that is committed during the course of *Settlement Negotiations*. (See *Uforma – Shelby Bus. Forms, Inc. v. NLBR*, 111 F.3<sup>d</sup> 1284 (6<sup>th</sup> Cir. 1997), *United States v. Prewitt*, 34 F.3<sup>d</sup> 436, 439, (7<sup>th</sup> Cir. 1994), and 5 U.S.C.S. 2302 (b) (8) (A) with (b) (6) under rule 408 it does not exclude evidence the employers (CAL-PIA) and the attorney for Respondent's introduce threats to retaliate during November 2015, *settlement Negotiations*, it threats of retaliation does not shield the Respondent's Phillip Earley; Gary Loredo; Jeremy Young; Joe Dobie and Prison Industry Authority (CAL-PIA) from liability, under 29 U.S.C.S. 158 (a) (1) and (a)(3) the treat is the actionable wrong (See *Vulcan Hart Corp. (St. Louis Div.)v. NLRB*, 718 F.2d 269, 277 (8<sup>th</sup> Cir. 1983) and *Michigan Precision Indus. Inc.* 223 N.L.R.B. 892, 893 (1976) against Petitioner for the right guaranteed by the First Amendment is the right to petition the government for a redress of a constitutional right, to stop all retaliation against Petitioner.

Prison Industry Authority (CAL-PIA) Head Office ordered Supervisor Ron Glass, to tell Petitioner that Ron Glass was ordered by High-level (CAL-PIA) Prison Industries Administrator's lead manager, to have Petitioner remove from Prison Industry Authority complex, at San Quentin Prison, also plaintiff *Evert Spell v. Smith*, 13-4102-EMC, and *Norman Hirscher v. Smith* 14-0340-EMC was told by Supervisor Pat Griffin, PIA is removing you at this time and put on a (Hold-Out list).

Petitioner then requested for interview to lead manager, Andrew Howell, and asks? "I am a PIA employee – why am I not permitted to my work assignment"? In Prison Industry Authority (CAL-PIA)

Lead Manager Andrew Howell on November 20, 2014, received Petitioner request for interview and responded on November 24, 2014 and stated: "You can go to work". Numerous times of illegal retaliatory behavior against Petitioner and was not permitted or allowed to work in PIA job assignment from June 9, 2014 to June 26, 2014, from 6 am to 3 pm; a total of 12 days, and one case was terminated after payment and at the date set by PIA. This was a course of reckless disregard for clear reprisal to the plaintiff ***Hirscher v. Smith*** Case No. 14-0340-EMC. (See SER 102.103...

Petitioner's case illustrate violation that Respondent's Phillip Earley, Gary Loredo, Jeremy Young and Joe Dobie, who are not employed by the Department of Corrections and Rehabilitation, but who are assigned to or engaged in work at San Quentin State Prison facility, must observe all rules, regulation and state laws governing the conduct of Respondent's at the facility at San Quentin, under the Department of Correction jurisdiction, and violation of these provisions by the Respondent's to engage in retaliatory conduct against Petitioner in the *Settlement Conference* and not to comply with Respondent's obligations under the *Settlement Agreement* that laid out specific regulations, policy, procedure to fully execute CAL-PIA's obligations under the *Settlement Agreement* which was indifferent to the consequences to Petitioner, there is sufficient evidence to support unwarranted threat of termination. See Exhibit 1, under federal Rule of Evidence 901 (a), (b) (1) and 902 (4) – this is the facts why Petitioner did not settle with the Respondent's, the evidence shows an issue of numerous times of retaliatory behavior against Petitioner, the court referred all the cases to the magistrate judge for *settlement* proceedings, as to the issue of the identical evaluation that the court did of the evidence, four of the cases settle, and CAL-PIA terminated three of the

four after payment –‘this was a clear course of reprisal’. (See *Albino*, 747 F.3d at 1176-77 and *Portsmouth Square, Inc. v. Sholders Protective Comm.* 770 F.2d 866, 869 (9<sup>th</sup> Cir. 1985), and See *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 802-04, 93 S. Ct. 1817, 36 L. Ed. 2d 668 (1973) it is undisputed that Petitioner has successfully shown elements that in the *Settlement Conference* with the Respondent’s and the Prison Industry Authority (CAL-PIA), who had a representative with complete settlement authority in attendance at the *Settlement Conference* with all attorney’s for the Respondent’s adverse discriminatory action show’s “clear and convincing evidence” of an unconstitutional violation, such as retaliation. Respondents have demonstrated the course of action in the *Settlement* proceeding to threatened Petitioner with termination. See SER – 101-102-103-104.

The preponderance of evidence that Prison Officials and Prison Industry Authority (CAL-PIA) facility, at San Quentin State Prison were on Notice of the presence of *asbestos* and lead paint in the prison...

### **THE RESPONDENT HAS HAD AWARENESS OF THE RISKS!**

Petitioner case illustrate the reckless disregard to conduct of all Respondent’s Joe Dobie, and Jeremy Young without concern for consequences or danger to Petitioner regardless of whether anyone is hurt, it has been well-known for more than half a century that *asbestos* is among the most powerful known carcinogens, and is categorically unsafe for use in any application and in any quantity. It is equally well known that using *asbestos* in pipe covering is among the most dangerous applications of the substance. The Respondent’s Joe Dobie and Jeremy Young fully aware that their conduct create a risk of harm when the Respondents were on *notice* of presence of dangerous *asbestos* and lead located throughout the San Quentin State Prison and Prison Industry authority (CAL-PIA) facility’s this information was included in the San Quentin Wardens Bulletin

regarding the “Annual *Asbestos* Notification’ that was directed to all staff at San Quentin, also the information was included in the Prison Industry Authority worksite orientation pamphlet for new employees, current Department of Corrections and Rehabilitation staff and outside personnel that puts all institutional staff on notice not to disturb the *asbestos* and **lead paint** in the facility, the reckless disregard to the health and Safety to Petitioner without concern for the consequences or danger, the deprivation accrued when Respondent’s Joe Dobie and Jeremy Young, CAL-PIA Supervisor personally instructed the Petitioner to engage in an illegal abatement activity.

Petitioner Terry informed Respondent’s Joe Dobie and Jeremy Young numerous times of the presence of *asbestos* between May and June 6, 2012, at the (CAL-PIA) Mattress Factory at San Quentin Prison, as a result of the settled dust due to the conditions of friable *asbestos*, *Smith v. US* 561 F.3d 1090, 1094, 1105 (10<sup>th</sup> Cir. 2009), Petitioner Terry now suffers from pneumonia lung infection, as a result, Petitioner Terry is now on an inhaler two or three times a day, *Wallis V. Baldwin*, 70 F.3d 1074, 1076-1077 (9<sup>th</sup> Cir. 1995), evidence the Petitioner Terry was required by Respondents Joe Dobie, and Jeremy Young to clean an *asbestos*-laden area in the Mattress Factory for hours without adequate protective gear, *Powell v. Lennon*, 914 F.2d 1459, 1463 (11<sup>th</sup> Cir. 1990) and *Gonyer v. McDonald*, 874 F. Supp. 464, 466-67 (D. Mass. 1995), Inmates of *Occoquan v. Barry* 717 F. Supp. 854, 866 DDC 1989) according to several government authorities, Medical science has not established any minimum level of exposure to *asbestos* fibers, which is considered to be safe, the evidence presented by Petitioner Terry in his Informal Brief and his reply Brief to the Court, Case No. 17-15184, that *asbestos* pipes insulation broke and caused dry particles to be disbursed throughout the factory, onto Petitioner Terry and was required by Respondent’s Jeremy Young to bag and handled *asbestos* containing materials that had broken loose and lay scattered around the Mattress Factory with other debris, *Wallis v. Baldwin*, 70 F.3d

at 1075, when Petitioner Terry complained that the work he was being asked to perform put Petitioner at risk. Respondent's Joe Dobie, and Jeremy Young actually knew of the *asbestos* in the Mattress Factory and nonetheless required Petitioner to work in a manner that had disrupt the *asbestos*, Respondent's Joe Dobie and Jeremy Young was informed by Correctional Officer Keith Davis, who was in charge of Petitioner Terry Health and Safety Officer Davis, witnessed firsthand the tasks the Petitioner was performing during his daily rounds – Officer Davis told Respondent's Joe Dobie and Jeremy Young that the building was old and warned the Respondents' of *asbestos* danger. None of the Respondent's Joe Dobie and Jeremy Young took any action in response to Correctional Officer Davis's warnings. Respondent's Joe Dobie and Jeremy Young were aware that the power washer was being used floor to ceiling as it occurred. According to Respondent's Jeremy Young's memorandum from June 7, 2012, all Respondent's Joe Dobie, Jeremy Young knew there was at least some *asbestos* at San Quentin, *Wallis*, 70 F.3d at 1077; it is not enough for Respondents Joe Dobie and Jeremy Young to claim they did not know about the *asbestos* in the Mattress Factory. Triable issues remain with regard to whether Respondents' Joe Dobie and Jeremy Young was 'deliberate indifference' to the risk posed by the *asbestos*.

Petitioner Terry has satisfied the objective prong for *asbestos* exposure. At the end of each workday, the Petitioner Terry was ordered by Respondent's Joe Dobie and Jeremy Young to sweep up broke insulation debris that landed on the floor, including dry *asbestos* particles, using push brooms, Petitioner pick-up large debris with his hands and used dust-pans to pack contaminated materials into plastic mattress bags to be disposed after his shift ended. On June 6, 2012 Luu Rogers, the industrial Safety Coordinator for (CAL-PIA), visited the factory and informed Jeremy Young of the dangerous working conditions, including the presence of *asbestos*. The same day, Safety Coordinator Luu Rogers notified Respondents Gary Loredo and Phillip Earley and sent a written memorandum to

Respondents that the Petitioner Terry work had been done near the *asbestos* pipe wrapping on the steam line in the Mattress Factory. (*Gonyer v. McDonald*, 874 F. Supp. 464-67 (D. Mass. 1995). Also on June 6, 2012, Elizabeth Babcock, the prison's hazmat Material Specialist, identified the presence of airborne *asbestos*, and ordered that the factory be shutdown, the Mattress Factory remained shut down until June 29, 2012, when CAL-PIA subsequently retained Earthshine Consulting Inc. an *asbestos* abatement company, to professionally clean the Mattress Factory and test certain samples for *asbestos*.

CAL-PIA specifically identified fifteen areas of the factory for Earthshine to 'sample' excluding the large overhead heating pipe that was and remains covered with *asbestos*. Earthshine was directed to inspect two smaller pipes, but did not take samples because it simply assumed they contained *asbestos*, based on the common presence of *asbestos* in such pipes.

***The final Earthshine Report warned:***

If you discover building materials that have not been identified and included in this report you must stop work and not disturb such materials, but years after the *asbestos* exposure pipes has not been alleviated and contaminated dangerous fibers continue to fall on Petitioner Terry; I informed all Respondents Joe Dobie, Jeremy Young, and Gary Loredo, with Phillip Earley, and Prison Industry Authority CAL-PIA on November 2, 2015. Petitioner Terry counsel, visited San Quentin State Prison, and took 52 new photographs confirming the existing damage to the *asbestos* pipes, after Earthshine Abatement Company was directed to inspect, for several years the Respondent's and Prison Industry Authority (CAL-PIA) had been informed numerous time of the *asbestos* problem in the Mattress Factory this willful negligence and intentional disregard for the health and safety of Petitioner Terry and he now suffers from pneumonia lung infection, as a result, Petitioner Terry is now on an inhaler, these Respondents and Prison Industry Authority (CAL-PIA) betrays each other's false testimony to cover-up the misconduct of one

another to the fact they work together, thus each remains culpable for the blatant disregard for mandatory safety training on working in areas containing *asbestos*, but today in 2018, years after the *asbestos* exposure incident on June 6, 2012, the damaged overhead heating pipes has not been remediated and contaminated fibers continue to fall. Respondents knew of a substantial risk from the very fact that the risk was obvious with regard to the *asbestos* exposure years after the June 6, 2012, cleaning incident. (See, *Inmates of Occoquan v. Barry*, 717 F. Supp. 854, 866 (D.D.C. 1989), and *Herman v. Holiday* 238 F.3d 660, 663-65 (5<sup>th</sup> Cir. 2001), with *Gonyer v. McDonald*, 874 F.Supp. 464, 466-67 (D. Mass. 1995)

## CONCLUSION

The Respondent's, Phillip Earley, Jeremy Young, Joe Dobie, and Gary Loredo, with the representative of Prison Industry Authority (CAL-PIA) engaged in retaliation in Settlement Conference Negotiations and *Deprivation* accrued when the Attorneys on behalf of all Respondent's and representative of Prison Industry Authority (CAL-PIA) did not comply with its obligations under Settlement Agreement that laid out specific regulations, policy, procedure an ethical and professional standard to fully execute Respondent's and the representative of Prison Industry (CAL-PIA) obligations under the Settlement Negotiations, all Attorneys on the behalf of all Respondent's including the law Office of Nancy E. Hudgins, that represented Respondent's Phillip Earley, Gary Loredo, and Joe Dobie, except for Respondent Jeremy Young who is being represented separately by Attorney at Law Kenneth Williams – engaged in retaliatory behavior in the Settlement Negotiations. Deprivation accrued when the Attorneys for the Respondent's had been authorized to make the following Settlement Offer by stating to Petitioner Terry:

“Your employment by the Prison Industry Authority (CAL-PIA) will be terminated after payment and at a date set by the Prison Industry Authority (CAL-PIA) and not apply for a job in the future and the Prison Industry Authority (CAL-PIA) may reject any such application at any CAL-PIA location facility”.

Threats made in Settlement Negotiations is admissible when the claim is based upon wrong that was committed during the course of Settlement Negotiations, (See *Uforma – Shelby Bus. Forms, Inc. v. NLRB*, 11 F.3d 1284 (6<sup>th</sup> Cir. 1997).)

This does not exclude evidence of alleged threat of retaliation against Petitioner Terry for his protected activity when the statements occurred during and after negotiations, focused on the protected activity of the Petitioner Terry, and the evidence serves to prove liability of all Respondent’s Phillip Earley, Joe Dobie, Jeremy Young and Gary Loredo, with the representative for Prison Industry Authority (CAL-PIA). The retaliatory conduct orchestrated in Settlement against Petitioner Terry, for bringing a legal civil suit action thereby violating Petitioner Terry’s Constitutional Right of the First, Eight, and Fourteenth Amendment.

The Respondents who are under the Department of Corrections and rehabilitation jurisdiction, and who are not employed by the department of Corrections and Rehabilitation, but who are assigned to or engaged in work at any Department facility, must observe all Rules, Regulations and Laws governing the conduct of the Prison Industry Authority Employees – Respondent’s Phillip Earley, Joe Dobie, and Jeremy Young, did violate these provisions and resulted in their exclusion from the San Quentin facility.

The Department of Corrections and Rehabilitation Jurisdiction states under Title 15, §3084.1 (a) and §3084.1 (d):

*“No Reprisal Shall Be Taken Against Petitioner Terry, For Filing a Complaint”.*

The Respondent's participate and engaged in vindictive retaliatory behavior in the Settlement Offer, See Exhibit 1, upon a showing of personal involvement in the constitutional deprivation or a sufficient causal connection between the Respondent's wrongful conduct against Petitioner Terry, and standing alone these actions show a conscious and deliberate decision by the Employer the Respondent's Phillip Earley, Joe Dobie, Jeremy Young and Gary Loredo, with Prison Industry Authority (CAL-PIA) is not shield from liability... The threat is the actionable wrong or either for making, or later acting upon the threats – against Petitioner Dewey Steven Terry, there is a genuine issue of material facts of evidence in this legal action. The Respondent's Phillip Earley, Joe Dobie, Jeremy Young, and Gary Loredo, with (CAL-PIA) should have known the perils opposed by retaliation against Petitioner Terry, in a Settlement Negotiation.

Petitioner Dewey Steven Terry, asks this Honorable Court to rule on the preponderance of evidence presented to Supreme Court of the United States.

DEWEY STEVEN TERRY, CDC# D-08191

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Friday, July 13, 2018

Date

Dewey S. Terry

Signature