

" the US courts of Appeal ninth circuit denied dated 7-17-2020 "...

Exhibit "A"

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 17 2020

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NORMAN PAUL BLANCO,

Plaintiff-Appellant,

v.

I. PETE, Individual; DEBBIE ASUNCION,
Warden,

Defendants-Appellees.

No. 19-55609

D.C. No. 2:18-cv-04795-JVS-KS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
James V. Selna, District Judge, Presiding

Submitted July 14, 2020**

Before: CANBY, FRIEDLAND, and R. NELSON, Circuit Judges.

California state prisoner Norman Paul Blanco appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging First Amendment claims related to his incoming legal mail. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's dismissal of a complaint

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

for failure to state a claim under 28 U.S.C. § 1915A. *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017). We affirm.

The district court properly dismissed Blanco's action because Blanco failed to allege facts sufficient to show that defendants personally participated in or otherwise caused the opening of his incoming legal mail on four occasions in 2017 and 2018. *See Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (although pro se pleadings are construed liberally, plaintiff must present factual allegations sufficient to state a plausible claim for relief); *see also Starr v. Baca*, 652 F.3d 1202, 1207 (9th Cir. 2011) (a supervisor is liable under § 1983 "if there exists either (1) his or her personal involvement in the constitutional deprivation, or (2) a sufficient causal connection between the supervisor's wrongful conduct and the constitutional violation" (citation omitted)).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

We do not consider documents that were not presented to the district court. *See United States v. Elias*, 921 F.2d 870, 874 (9th Cir. 1990).

AFFIRMED.

"the US district court of Appeal central district "opinion" directing
dismissal of ~~affendant~~ civil rights 1983 petition dated 4-4-2019"

Exhibit  "B"

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 **NORMAN PAUL BLANCO,**) **NO. CV 18-4795-JVS (KS)**
11)
12 **Plaintiff,**)
13 **v.**) **REPORT AND RECOMMENDATION OF**
14 **I. PETE, et al.,**) **UNITED STATES MAGISTRATE JUDGE**
15 **Defendants.**)
16 _____)
17

18 This Report and Recommendation is submitted to the Honorable James V. Selna,
19 United States District Judge, pursuant to 28 U.S.C. § 636 and General Order 05-07 of the
20 United States District Court for the Central District of California.
21

22 **INTRODUCTION**
23

24 On May 30, 2018, Norman Paul Blanco ("Plaintiff"), a California state prisoner
25 proceeding *pro se* and *in forma pauperis*, filed a civil rights complaint pursuant to 42 U.S.C.
26 § 1983 (the "Complaint"). (Dkt. No. 1.) On June 19, 2018, the Court ordered service of the
27 Complaint. (Dkt. Nos. 7-9.) On October 24, 2018, Defendants I. Pete and Warden Debbie
28

1 Asuncion filed a Motion to Dismiss (the “Motion”). (Dkt. No. 28.) On March 5, 2019, after
2 briefing on the Motion was complete, the Court granted the Motion and dismissed the
3 Complaint with leave to amend for failure to state a claim and comply with Rule 8 of the
4 Federal Rules of Civil Procedure. (Dkt. No. 36.) On March 21, 2019, Plaintiff filed the First
5 Amended Complaint (“FAC”). (Dkt. No. 37.) Based upon the Court’s review of the FAC, it
6 is recommended that this action be dismissed with prejudice for failure to state a claim.

7 8 STANDARD OF REVIEW

9
10 Congress requires that district courts perform an initial screening of complaints in civil
11 actions where a prisoner seeks redress from a governmental entity or employee. 28 U.S.C. §
12 1915A. Further, in civil actions where the plaintiff is proceeding *in forma pauperis*,
13 Congress requires district courts to dismiss the complaint “at any time” if the court
14 determines that the complaint, or any portion thereof: (1) is frivolous or malicious; (2) fails
15 to state a claim upon which relief can be granted; or (3) seeks monetary relief from a
16 defendant who is immune from such relief.¹ 28 U.S.C. § 1915(e)(2).

17
18 In determining whether a complaint should be dismissed at screening, the Court
19 applies the standard of Federal Rule of Civil Procedure 12(b)(6): “[a] complaint must
20 contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible

21
22 ¹ Even when a plaintiff is not proceeding IFP, Rule 12(b)(6) permits a trial court to dismiss a claim *sua sponte* and
23 without notice “where the claimant cannot possibly win relief.” *Omar v. Sea-Land Serv., Inc.*, 813 F.2d 986, 991 (9th
24 Cir. 1987); *see also Sparling v. Hoffman Constr. Co.*, 864 F.2d 635, 638 (9th Cir. 1988) (same); *Baker v. Director, U.S.*
25 *Parole Comm’n*, 916 F.2d 725, 726 (D.C. Cir. 1990) (per curiam) (adopting Ninth Circuit’s position in *Omar* and noting
26 that in such circumstances a *sua sponte* dismissal “is practical and fully consistent with plaintiffs’ rights and the efficient
27 use of judicial resources”). The court’s authority in this regard includes *sua sponte* dismissal of claims against defendants
28 who have not been served and defendants who have not yet answered or appeared. *See Abagnin v. AMVAC Chemical*
Corp., 545 F.3d 733, 742–43 (9th Cir. 2008); *see also Reunion, Inc. v. F.A.A.*, 719 F. Supp. 2d 700, 701 n.1 (S.D. Miss.
2010) (“[T]he fact that [certain] defendants have not appeared and filed a motion to dismiss is no bar to the court’s
consideration of dismissal of the claims against them for failure to state a claim upon which relief can be granted, given
that a court may dismiss any complaint *sua sponte* for failure to state a claim for which relief can be granted pursuant to
Rule 12(b)(6).”).

1 on its face.” *Rosati v. Igbinoso*, 791 F.3d 1037, 1039 (9th Cir. 2015). Thus, the plaintiff’s
2 factual allegations must be sufficient for the court to “draw the reasonable inference that the
3 defendant is liable for the misconduct alleged.” *Cook v. Brewer*, 637 F.3d 1002, 1004 (9th
4 Cir. 2011) (citation and internal quotation marks omitted); *see also Bell Atlantic Corp. v.*
5 *Twombly*, 550 U.S. 544, 555 (2007) (“Factual allegations must be enough to raise a right to
6 relief above the speculative level.”).

7
8 When a plaintiff appears *pro se* in a civil rights case, the court must construe the
9 pleadings liberally and afford the plaintiff the benefit of any doubt. *Akhtar v. Mesa*, 698
10 F.3d 1202, 1212 (9th Cir. 2012); *see also Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (“A
11 document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully
12 pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.”
13 (citations and internal quotation marks omitted)). In giving liberal interpretation to a *pro se*
14 complaint, however, the court may not supply essential elements of a claim that were not
15 initially pled, *Byrd v. Maricopa County Sheriff’s Dep’t*, 629 F.3d 1135, 1140 (9th Cir. 2011),
16 and the court need not accept as true “allegations that are merely conclusory, unwarranted
17 deductions of fact, or unreasonable inferences,” *Sprewell v. Golden State Warriors*, 266 F.3d
18 979, 988 (9th Cir. 2001).

19
20 If the court finds that a *pro se* complaint fails to state a claim, the court must give the
21 *pro se* litigant leave to amend the complaint unless “it is absolutely clear that the deficiencies
22 of the complaint could not be cured by amendment.” *Akhtar*, 698 F.3d at 1212 (internal
23 quotation marks omitted); *Lira v. Herrera*, 427 F.3d 1164, 1176 (9th Cir. 2005). However,
24 if amendment of the pleading would be futile, leave to amend may be denied. *See Gonzalez*
25 *v. Planned Parenthood of Los Angeles*, 759 F.3d 1112, 1116 (9th Cir. 2014). “The district
26 court’s discretion in denying amendment is ‘particularly broad’ when it has previously given
27 leave to amend.” *Id.*

1 For the following reasons, the Court finds that the FAC must be dismissed because it
2 does not correct the defects identified in the Court's March 5, 2019 Order and; as a result,
3 fails to state a cognizable claim for relief.

4 5 **ALLEGATIONS**

6
7 Plaintiff sues the following: I. Pete, the acting supervisor of the prison mailroom
8 office, in his individual capacity; and Warden Debbie Asuncion, in her individual capacity.
9 (FAC at 2.) Plaintiff asserts that Defendant Pete was grossly negligent in supervising
10 mailroom staff and Defendant Asuncion did not enforce regulations. (FAC at 2.) More
11 specifically, Plaintiff contends that he has been deprived of his First and Fourteenth
12 Amendment rights to correspond confidentially with the courts, lawyers, and public officials
13 because confidential mail was opened outside his presence. (FAC at 3, CM/ECF Page ID
14 220) (citing, *inter alia*, *Hayes v. Idaho Correctional Center*, 849 F.3d 1204 (9th Cir. 2017)).
15 Plaintiff states that a letter he sent to his attorney, Mary Masi, was marked "Return to
16 Sender" and returned to him on July 12, 2017, with the envelope already opened when it was
17 placed on Plaintiff's bed. (FAC at CM/ECF Page ID 216-17.) Plaintiff filed an internal
18 appeal regarding his mail being opened. (See FAC at CM/ECF Page ID 217) (citing Exhibit
19 B). Nevertheless, Plaintiff's legal mail was opened on three more occasions: December 27,
20 2017 (mail from Plaintiff's attorney, Mary Masi); January 24, 2018 (mail from the Sixth
21 District Appellate Program); and April 16, 2018 (mail from the California state auditor).
22 (FAC at CM/ECF Page ID 217, 219).

23
24 Plaintiff states that, on February 13, 2018, he sent a CDCR 22 form to Defendant Pete,
25 notifying him of the issues. (FAC at CM/ECF Page ID 217.) Plaintiff states that Defendant
26 Pete is the supervisor in the Lancaster State Prison mailroom office and did not correct the
27 alleged constitutional violations, despite being served with Plaintiff's February 13, 2018
28 CDCR 22 form. (FAC at CM/ECF Page ID 219.) Instead, on April 16, 2018, Plaintiff

1 received mail from the California state auditor that was opened outside his presence. (FAC
2 at CM/ECF Page ID 220.) Plaintiff states that Defendant Pete knew about the constitutional
3 violations and was responsible for correcting those violations but instead approved, tolerated,
4 and/or ratified the misconduct of mailroom officer personnel, thereby being grossly negligent
5 in his supervision. (FAC at CM/ECF Page ID 220.)
6

7 Plaintiff also states that, on April 22, 2018, he sent the warden, Defendant Asuncion, a
8 CDCR 22 form informing her of the constitutional violations. (FAC at CM/ECF Page ID
9 217.) Plaintiff asserts that Defendant Asuncion “was responsible for correcting [the
10 constitutional] violations and approved, tolerated, and/or ratified the misconduct of mailroom
11 staff personnel.” (FAC at CM/ECF Page ID 219.) Specifically, Defendant Asuncion
12 “fail[ed] to enforce policies and procedures and training related to confidential mail
13 incoming processing” and “knew or should have known that her actions would violate
14 [inmates’] right[s].” (FAC at CM/ECF Page ID 219.)
15

16 Based on these allegations, Plaintiff seeks a declaratory judgment that Defendants’
17 acts, policies, and practices were unconstitutional, a court order requiring Defendants to
18 “rescind” some California regulations governing prison mail, and \$2,000.00 in damages from
19 each Defendant. (FAC at CM/ECF Page ID 221.)
20

21 Attached to the Complaint are, *inter alia*, copies of the envelopes that Plaintiff alleges
22 were unconstitutionally opened outside his presence. (See FAC at CM/ECF Page ID 230
23 (envelope addressed to Mary Masi is marked “Return to Sender Unable to Forward” and
24 dated July 6, 2017), CM/ECF Page ID 243 (envelope addressed to Plaintiff from Mary Masi,
25 Esq. postmarked December 27, 2017), CM/ECF Page ID 247 (envelope postmarked January
26 24, 2018 addressed to Plaintiff from Sixth District Appellate Program marked “Opened By
27 Mistake Not Read CSP-LAC Mailroom 128-B Issued”), CM/ECF Page ID 245 (envelope
28

1 postmarked April 16, 2018 addressed to Plaintiff from the California State Auditor and
2 marked "Opened By Mistake Not Read CSP-LAC Mailroom 128-B Issued").)

4 DISCUSSION

6 "Prisoners have a protected First Amendment interest in having properly marked legal
7 mail opened only in their presence." *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1211 (9th
8 Cir. 2017). Further, "a prisoner who receives legal mail that has been opened and re-sealed
9 may be justifiably concerned about the confidentiality of his communications," and,
10 therefore, even just two or three pieces of mail opened in an arbitrary or capricious way
11 suffice to state a First Amendment claim. *Id.* (internal quotation marks omitted) (citing
12 *Merriweather v. Zamora*, 569 F.3d 307, 318 (6th Cir. 2009)).

14 However, as the Court previously informed Plaintiff, "[l]iability . . . must be based on
15 the personal involvement of the defendant." *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th
16 Cir. 1998); *see also Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002) ("[T]here must be a
17 showing of personal participation in the alleged rights deprivation."). To demonstrate a civil
18 rights violation against a government official, a plaintiff must show either direct, personal
19 participation of the official in the harm or some sufficient causal connection between the
20 official's conduct and the alleged constitutional violation. *See Starr v. Baca*, 652 F.3d 1202,
21 1205-06 (9th Cir. 2011). The inquiry into causation must be individualized and must focus
22 on the duties and responsibilities of each individual defendant whose acts or omissions are
23 alleged to have caused a constitutional deprivation." *Leer v. Murphy*, 844 F.2d 628, 633 (9th
24 Cir. 1988).

26 Government officials may not be held liable for the unconstitutional conduct of their
27 subordinates under a theory of respondeat superior. *See Ashcroft v. Iqbal*, 556 U.S. 662, 676
28 (2009). Rather, to be held liable, a supervising officer has to personally take some action

1 against the plaintiff or “set in motion a series of acts by others . . . which he knew or
2 reasonably should have known, would cause others to inflict the constitutional injury” on the
3 plaintiff. *Larez v. City of Los Angeles*, 946 F.2d 630, 646 (9th Cir. 1991) (internal quotations
4 omitted). This is not say that a plaintiff is required to allege that a supervisor was physically
5 present when the injury occurred. *Starr*, 652 F.3d at 1205. Instead, to assert liability, the
6 plaintiff must articulate specific facts from which the Court can plausibly infer that the
7 supervisor participated in the violation by his or her “own culpable action or inaction in the
8 training, supervision, or control of his subordinates, his acquiescence in the constitutional
9 deprivations of which the complaint is made, or conduct that showed a reckless or callous
10 indifference to the rights of others.” *Id.* at 1205-06; *Preschooler II v. Clark Cty. Bd. of Tr.*,
11 479 F.3d 1175, 1183 (9th Cir. 2007) (same).

12 13 **I. The FAC Fails To State A First Amendment Claim Against Defendant Pete**

14
15 The FAC states that Defendant Pete is the supervisor in the Lancaster State Prison
16 mailroom office (FAC at CM/ECF Page ID 219), and, on February 13, 2018, Plaintiff sent a
17 CDCR 22 form to Defendant Pete, notifying him that legal mail had been opened in the
18 mailroom (FAC at CM/ECF Page ID 217). Attached to the FAC is a copy of the CDCR 22
19 form that Plaintiff sent to Defendant Pete, in which Plaintiff stated, “I have already written a
20 602 on this issue! This is ‘notice of incurred liability.’ Legal mail has been opened in the
21 mailroom! Some has been processed as regular mail when it’s legal. I would like for ‘all’
22 my legal mail to be not opened, read, and processed. . . .” (FAC at CM/ECF Page ID 242.)
23 In response, Defendant Pete wrote, “We apologize for opening your mail by mistake. Your
24 mail was not read.” (FAC at CM/ECF Page ID 242.) Plaintiff contends that, despite his
25 apparent apology, Defendant Pete did not take appropriate actions to prevent future mistakes
26 but, instead, approved, tolerated, and/or ratified the misconduct of mailroom personnel,
27 resulting in the April 16, 2018 letter from the California state auditor also being opened
28

1 outside Plaintiff's presence. (See FAC at CM/ECF Page ID 220.) Plaintiff asserts that
2 Defendant Pete was grossly negligent in his supervision. (FAC at 3, CM/ECF Page ID 220.)
3

4 These allegations do not suffice to hold Defendant Pete liable for the mail that was
5 opened prior to Plaintiff's February 2018 notification – that is, the mail opened in summer
6 2017, December 2017, and January 2018 – because there are no specific factual allegations
7 to support a plausible inference that Defendant Pete knew about these incidents prior to
8 February 2018, much less that he personally participated in, or acquiesced or exhibited
9 deliberate indifference to, these incidents. Plaintiff has not, for example, alleged that
10 Defendant Pete was the mailroom officer who opened any of Plaintiff's legal mail, and he
11 has not identified any specific defect in Defendant Pete's supervision or training of mailroom
12 office personnel that "set in motion" the allegedly unconstitutional acts by mailroom staff.
13 Without more, Plaintiff's assertions that Defendant Pete is a supervisor who was informed
14 that "legal mail has been opened in the mailroom!" are insufficient to support a plausible
15 inference that Defendant Pete committed a culpable action or inaction in the training or
16 supervision of his subordinates, acquiesced to the constitutional deprivations alleged, or
17 engaged in conduct that showed a reckless or callous indifference to the rights of others. See
18 *Sommer v. United States*, 713 F. Supp. 2d 1191, 1205 (S.D. Cal. 2010) ("plaintiff must allege
19 more than mere knowledge of a subordinate's violation of the plaintiff's constitutional
20 rights").
21

22 Further, although California prison regulations prohibit prison mailroom staff from
23 opening and reading mail from, *inter alia*, "all state and federal officials appointed by the
24 governor or the President of the United States," the First Amendment's protections only
25 apply to legal mail – that is, to correspondence from a prisoner's lawyer or prospective
26 lawyer. See *Hayes v. Idaho Correctional Center*, 849 F.3d 1204, 1211 (9th Cir. 2017)
27 ("prisoners have a protected First Amendment interest in having properly marked *legal* mail
28 opened only in their presence" (emphasis added) and, therefore, district court properly

1 dismissed at screening the plaintiff's First Amendment claim that mail from the United
2 States courts was opened outside his presence); *Hamilton v. Dep't of Corr.*, 43 F. App'x 107
3 (9th Cir. 2002) (although a prisoner may have a right under California law to correspond
4 confidentially with public officials, no such federal constitutional right exists) (citing
5 *O'Keefe v. Van Boening*, 82 F.3d 322, 325-27 (9th Cir. 1996)). Accordingly, Plaintiff cannot
6 state a First Amendment claim against Defendant Pete for his failure to prevent mailroom
7 staff from opening the April 16, 2018 letter from the California state auditor, which is the
8 only letter Plaintiff alleges was improperly opened after he sent his CDCR 22 form to
9 Defendant Pete in February 2018. For all of the foregoing reasons, Plaintiff fails to state a
10 First Amendment claim against Defendant Pete.

11 12 **II. The FAC Fails To State A First Amendment Claim Against Defendant Asuncion**

13
14 Plaintiff similarly fails to adequately allege that Defendant Asuncion personally
15 participated in the alleged constitutional deprivations. The FAC's sole allegations against
16 Defendant Asuncion are that she, as the warden, "was responsible for correcting [the
17 constitutional] violations" but instead "approved, tolerated, and/or ratified the misconduct of
18 mailroom staff personnel" (FAC at CM/ECF Page ID 219) and, on April 22, 2018, Plaintiff
19 sent Defendant Asuncion a CDCR form informing her that his legal mail had been opened
20 (FAC at CM/ECF Page ID 217). Plaintiff asserts that Defendant Asuncion "fail[ed] to
21 enforce policies and procedures and training related to confidential mail incoming
22 processing" and "knew or should have known that her actions would violate [inmates']
23 right[s]." (FAC at CM/ECF Page ID 219.)

24
25 The FAC fails to plausibly allege that Defendant Asuncion knew about the alleged
26 First Amendment violations, or the potential for First Amendment violations, before they
27 occurred, because it alleges that Plaintiff did not inform Defendant Asuncion of the problems
28 until April 22, 2018 – after the last letter at issue was opened by mailroom staff. Plaintiff

1 also has not alleged that Defendant Asuncion was the mailroom officer who opened any of
2 Plaintiff's legal mail or otherwise personally participated in the mail being opened, and he
3 has not identified any specific defect in Defendant Asuncion's supervision or training of
4 prison personnel that "set in motion" the allegedly unconstitutional acts by prison mailroom
5 staff. Further, without more, Plaintiff's allegations that Defendant Asuncion is a supervisor
6 who knew about Plaintiff's concerns are insufficient to support a plausible inference that
7 Defendant Asuncion committed a culpable action or inaction in the training or supervision of
8 her subordinates, acquiesced to the constitutional deprivations alleged, or engaged in
9 conduct that showed a reckless or callous indifference to the rights of others. *See Sommer*,
10 713 F. Supp. 2d at 1205 ("plaintiff must allege more than mere knowledge of a subordinate's
11 violation of the plaintiff's constitutional rights"). Accordingly, for all of the foregoing
12 reasons, Plaintiff fails to state a First Amendment claim against Defendant Asuncion.

13 14 **III. Leave to Amend Should Be Denied**

15
16 Because the Court previously granted Plaintiff leave to amend the Complaint to
17 include specific facts supporting a plausible inference that either Defendant Pete or
18 Defendant Asuncion personally participated in the alleged constitutional violations, and he
19 has failed to remedy this defect with his amendments, the Court finds that granting Plaintiff
20 an opportunity for further amendment would be futile. *See Gonzalez*, 759 F.3d at 1116.
21 Accordingly, the Court recommends dismissing the FAC without leave to amend and
22 entering judgment dismissing this action with prejudice.

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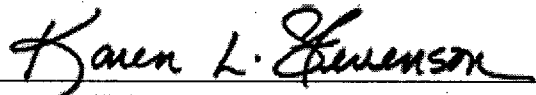
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1 **RECOMMENDATION**

2
3 For all of the foregoing reasons, IT IS RECOMMENDED that the District Judge issue
4 an Order: (1) accepting the Report and Recommendation; and (2) directing that Judgment
5 be entered dismissing this action with prejudice for failure to state a claim.
6


7 DATED: April 4, 2019

8 
9 KAREN L. STEVENSON
10 UNITED STATES MAGISTRATE JUDGE

11 **NOTICE**

12
13 Reports and Recommendations are not appealable to the Court of Appeals, but may be
14 subject to the right of any party to file objections as provided in the Local Rules Governing
15 the Duties of Magistrate Judges and review by the District Judge whose initials appear in the
16 docket number. No notice of appeal pursuant to the Federal Rules of Appellate Procedure
17 should be filed until entry of the judgment of the District Court.
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1602 internal C.B.C.R appeal administrative 1st, 2nd and 3rd level
series dated 12-21-2018 C.B.C.R. app. Kurland Remedies

Exhibit  "C"

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 21 2017**

In re: Norman Blanco, F39441
California State Prison, Los Angeles County
44750 - 60th Street West
Lancaster, CA 93536-7620

TLR Case No.: 1711953

Local Log No.: LAC-17-03641

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

I APPELLANT'S ARGUMENT: It is the appellant's position that staff at the California State Prison, Los Angeles County (LAC) inappropriately opened his legal mail not in his presence. The appellant states that on July 12, 2017, he received return-to-sender legal mail that was already opened. He adds that he was not allowed to sign the legal mail log to indicate that he had received legal mail on the date in question. The appellant contends that he has the right to receive confidential legal mail.

The appellant states that his mail was clearly marked as confidential and properly addressed to his attorney. He asserts that the action of staff to open his confidential legal mail was in violation of departmental rules and regulations and a violation of his rights.

II SECOND LEVEL'S DECISION: The reviewer found that a comprehensive and thorough review of the appellant's appeal was conducted. The reviewer noted that following an inspection of the letter in question and the Legal Mail Log, it was determined that the appellant did not receive any legal mail on the date in question. In that the letter was returned to sender, the mailroom processed it through the regular mail. Like any other regular mail, mailroom staff opened the letter and sent it through the regular mail bag. *Mail should have remained sealed*

The appellant's envelope was not properly labeled due to the fact that it was prison-generated mail and the letter was not being mailed to the appellant by his attorney and the return address was "Return to Sender." It was determined that no CDCR employee violated any mail policy or procedure concerning this issue. Based upon the conducted inquiry, the appeal was denied at the Second Level of Review.

III THIRD LEVEL DECISION: Appeal is denied.

A. FINDINGS: Following analysis of the submitted documentation, the Appeals Examiner has determined that the appellant's allegations have been reviewed and evaluated by administrative staff at the LAC. The appeal inquiry was conducted by appropriate supervising staff and the appeal was reviewed by the institution's Chief Deputy Warden. Despite the appellant's dissatisfaction, this review finds no evidence of a violation of existing policy or regulation by the institution based upon the arguments and evidence presented.

The appeal inquiry determined that the actions of staff were consistent with departmental rules and regulations. The Examiner looked up the attorney's name and address. The address does not match the appellant's address on the envelope; therefore, it was returned to him. Since the address did not match, it was no longer considered legal mail as the return address was inmate generated. The Mailroom staff processed the envelope accordingly to the California Code of Regulations Title 15 and the Department Operations Manual regarding mail procedures. The appellant did not request any action within his appeal. The appellant has not provided any new or compelling information that would warrant a modification of the decision reached by the institution. Relief in this matter at the Third Level of Review is unwarranted.

need copy of letter to confirm whether properly addressed as legal mail

B. BASIS FOR THE DECISION:

CCR: 3001, 3130, 3137, 3141, 3143, 3144, 3270, 3380
CDCR Operations Manual, Section: 54010.12, 54010.12.3

C. ORDER: No changes or modifications are required by the institution.

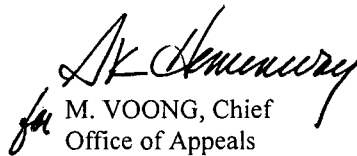
This decision exhausts the administrative remedy available to the appellant within CDCR.



K. J. ALLEN, Appeals Examiner
Office of Appeals

cc:

Warden, LAC
Appeals Coordinator, LAC



M. VOONG, Chief
Office of Appeals

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME)	(FIRST NAME)	DOC NUMBER:	SIGNATURE:
blanco-norman		F-39441	Norman Blanco
HOUSING/BOO NUMBER:	ASSIGNMENT:	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.):
b-4-102	supervisor mailroom b-yard		title 15 3131-3086(a)(b)

I have already written a 002 on this issue. This is "notice of incurred liability". My legal mail has been opened in the mailroom. (Some has been processed as regular mail, when it's legal.) I would like for "all" my legal mail to be not opened, read, and processed as legal mail per title 15 3142(a) incoming and outgoing legal mail. the right to file paper and communicate with lawyers and media. in re jordan 4 cal-3d 930 (1972) p.c 2600 entitled prisoner correspond confidentially with courts, lawyers, public officials. 14th amendment. p.c 5054 supervision management. care custody treatment training discipline and employment. from your m personnel employer to not open my legal mail per title 15 3131(a)(b) when apply at all times!!

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) ☒ NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED
☒ SENT THROUGH MAIL: ADDRESSED TO: Mailroom-b-yard acting supervisor i-pete DATE MAILED: 2/13/2018
☒ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF?
VO	2/13/18	[Signature]	(CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY:	
MAILROOM SUPERVISOR PETE	2/13/18	(CIRCLE ONE) IN PERSON BY US MAIL	

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
L. Pete OSSI (A)	2/16/18	L. Pete OSSI (A)	2/16/18

We apologize for opening your mail by mistake. Your mail was not read. Per Title 15 Section 3142(a) The letter must be addressed to a person or to the office of a person listed in Section 3141.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:

1711953	IAB USE ONLY	Institution/Parole Region: LAC-B	Log #: 17-03641	Category: 3
	FOR STAFF USE ONLY			

You may appeal any California Department of Corrections and Rehabilitation (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 (CCR), Title 15, Section 3084.1. You must send this appeal and any supporting documents to the Appeals Coordinator (AC) within 30 calendar days of the event that led 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): BLANCO NORMAN	CDC Number: #F-39441	Unit/Cell Number: B4-102	Assignment: Kitchen Worker
--------------------------------------	-------------------------	-----------------------------	-------------------------------

State briefly the subject of your appeal (Example: damaged TV, job removal, etc.):

Per Title 15 3141 (6)(3)(a) - 3143(a)(b) - 3144 - 3084 - 1 "D.O.M"

A. Explain your issue (If you need more space, use Section A of the CDCR 602-A): ON 7-12-17 OPEN Legal Mail was placed in my cell while I was at work (B-YARD 3rd WATCH KITCHEN WORKER). It was a "return to sender" legal mail administered via an officer who did not open in my presence.

B. Action requested (If you need more space, use Section B of the CDCR 602-A): My United States Constitutional Rights has been violated and I will file a complaint as to C.D.C.R. for opening up and reading my legal mail confidential?

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):

(1) a copy of my legal mail envelope (3) a copy document that Mary
(2) a copy of my kitchen worker ducate Masi is my stand by counsel

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

Inmate/Parolee Signature: NORMAN BLANCO Date Submitted: 7/12/17

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

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: _____

☐ Cancelled (See attached letter) Date: _____

☒ Accepted at the First Level of Review.

Assigned to: OPS Title: AW Date Assigned: 7-25-17 Date Due: 8-30-17

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

Date of Interview: 08/01/2017 Interview Location: Facility B01 Office CDCR-UC

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

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

Interviewer: Z. Valadez Title: Sgt Signature: [Signature] Date completed: 08/01/2017

Reviewer: D. J. Williams Title: Asst Signature: [Signature]

Date received by AC: AUG 10 2017

AC Use Only
Date mailed/delivered to appellant AUG 10, 2017

JUL 19 2017

AUG 16 2017

REC'D BY OOA
OCT - 2 2017

STAFF

1711953	IAB USE ONLY	Institution/Parole Region: LACB	Log #: 17-03641	Category: 3
	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): BLANKO, NORMAN	CDC Number: #F39441	Unit/Cell Number: B4-102	Assignment: Kitchen Worker
------------------------------------	---------------------	--------------------------	----------------------------

A. Continuation of CDCR 602, Section A only (Explain your issue): NOR allow ME to SIGN the legal mail document that I received CONFIDENTIAL mail. I return from work at 7:30 pm and found that the mail was NOT delivered to my person by staff. "CONFIDENTIAL correspondence is a Federal Right guaranteed by Federal Law"! So why is Lancaster State Prison Officials opening up my legal mail without my presence? The envelope is clearly addressed to Mary Masi Attorney at Law which is my STAFF COUNSEL! per title 15(a)(b) "designated staff shall open letter in the presence of the addressed inmate. Staff shall not read any confidential correspondence legal mail"! per title 15.3143 incoming mail must show the NAME title return address and the office of persons listed in section 3141 ON the outside of the envelope to be processed as CONFIDENTIAL mail. An Attorneys return address must match the address listed with the State BAR. It is plain to see that my legal mail is CONFIDENTIAL and processed as CONFIDENTIAL mail printed ON the envelope per title 15.3141 and I followed all title 15 legal mail procedures. I am PROPER and going to court so I don't need C.D.C.R. or anyone reading my legal CONFIDENTIAL mail!

Inmate/Parolee Signature: NORMAN BLANKO Date Submitted: 7-12-17

ONLY
JUL 19 2017
AUG 16 2017
REC BY OOA
08-2 2017
STAFF

B. Continuation of CDCR 602, Section B only (Action requested):

Inmate/Parolee Signature: _____

Date Submitted: _____

**CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
CALIFORNIA STATE PRISON-LOS ANGELES COUNTY
FIRST LEVEL RESPONSE**

Appellant's Name & CDCR #	BLANCO F-39441
Appeal Log #	LAC-B-17-03641 <i>BH-102</i>
Reviewed By:	F. VILLALOBOS, SERGEANT.
Appeal Issue:	MAIL
Appeal Decision:	DENIED

AUG 16 20

APPEAL ISSUE:

In your appeal you state on July 12, 2017, open Legal Mail was placed in your cell while you were at work ("B" Facility 3rd watch culinary worker). You state the letter was a return to sender legal mail administered via an Officer who did not open it in your presence nor allowed you to sign the legal mail document that you received Legal Mail. You state you returned from work at 1930 hours and found the mail was not delivered to your person by staff. "Confidential Correspondence is a Federal Right Guaranteed by the Federal Law"! Why is Lancaster State Prison Officials opening up your Legal Mail without your presence?

You state the envelope is clearly addressed to Mary Masi Attorney at Law which is your stand by Counsel! Per Title 15 (a) (b) "Designated Staff shall not read any Confidential Correspondence Legal Mail"! Per Title 15 3143 incoming mail must show the name, title, return address and the office of persons listed in section 3141 on the outside of the envelope to be processed as Confidential Mail. An Attorney's return address must match the address listed with the State Bar. It is plain to see that your Legal Mail is Confidential and processed as Confidential Mail printed on the envelope per Title 15 3141 and you followed all Title 15 legal mail procedures. You state you are Pro-Per and are going to court so you do not need the California Department of Corrections and Rehabilitations (CDCR) or anyone reading your Legal Confidential Mail!

APPEAL REQUEST:

You have no request in the "Action Requested" section of your appeal. You alleged Your United States Constitutional Rights were violated and advise that you will file a complaint as to CDCR for opening up and reading your Legal Mail.

EFFECTIVE COMMUNICATION:

Inmate Blanco does not have housing restrictions and/or physical limitations that can affect the capacity to understand the appeals process. Inmate Harris DDP code is NCF and his MHSDS code is CCCMS. Blanco TABE score is 10.8 therefore inmate Blanco does not meet the criteria for a staff assistant per CCR 3315. Effective communication was achieved by speaking slow and clear.

INTERVIEW(S):

On Tuesday, August 01, 2017, at approximately 1900 hours, Correctional Sergeant F. Villalobos conducted a face to face interview with you in the Sergeant's Office on Facility "B" at California State Prison-Los Angeles County (LAC) where you are currently housed. The interview was conducted to provide you the opportunity to fully explain your appeal and for you to provide any supporting information and/or documentation. You did not provide additional information and/or documentation.

APPEAL FINDINGS:

A review of the appeal was conducted, which included your interview, a review of your appeal with attachments, a review of your central file and all applicable departmental policies and institutional procedures. In your appeal you state on July 26, 2017, Staff opened Legal Mail while you were at work in the "B" culinary. You allege staff did not open the envelope in your presence, read it and did not allow you to sign for it. Although you have failed to write a request in this appeal, I will explain why the letter arrived to your cell already open. After requesting and inspecting the Legal Mail Sign Sheet for the day of July 12, 2017, (Attached) it was discovered that you had no Legal Mail sent to you. Since the Legal Mail Letter was a return to sender, the mail room processed it through the regular mail. Like any other regular mail, the Mail Room staff opened your letter, inspected it and sent it in the regular mail bag. The building staff just delivered it to your cell like any other regular mail.

APPEAL DECISION:

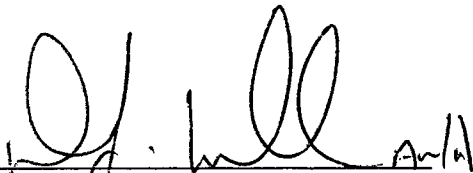
Based on the above information, your appeal is **DENIED** at the First Level of review. Your allegations of staff misconduct and violations to CCR Title 15, as well as violations to the United States Constitution Amendments have no merit. There is no record indicating you had any Legal Mail sent to you on the day in question. If you are dissatisfied with the First Level response you may submit for a Second Level response by completing section D of the Form 602.



F. VILLALOBOS

Correctional Sergeant, Facility "B"
California State Prison- Los Angeles County

8/8/17
Date



T. LEWANDOWSKI

Associate Warden, Central Operations
California State Prison- Los Angeles County

8/10/17
Date

Memorandum

Date: September 15, 2017

To: Inmate NORMAN P. BLANCO, F-39441
Housing Unit, FBB4-102U
California State Prison-Los Angeles County

Subject: SECOND LEVEL MAIL APPEAL RESPONSE LOG NUMBER- LAC-B-17-03641

APPEAL ISSUE:

In your appeal you claim on July 12, 2017, a letter (Legal Mail) was placed in your cell while you were at work in the Facility B Culinary. You further allege the letter was labeled as a "Return to Sender".

You further state in your appeal the Legal Mail was "administered" by an Officer who did not open it in your presence nor allowed you to sign the legal mail document stating you received Legal Mail.

You allege the envelope is clearly addressed to Mary Masi Attorney at Law and per Title 15, any incoming Confidential Correspondence Legal Mail shall be open in the presence of the addressed inmate.

In your appeal you are not requesting any specific action.

REGULATIONS:

The rules governing this issue are:

- DOM Section 54010.1 "Inmate Mail Policy",
- California Code of Regulations (CCR), Title 15, Section 3130 "General Mail Policy"
- DOM Section 54010.1.2.3 "Processing Incoming Confidential Mail"
- CCR, Title 15, Section 3143 "Processing Incoming Confidential Mail"
- CCR, Title 15, Section 3137 "Appeals Relating to Mail and Correspondences"

EFFECTIVE COMMUNICATION:

Inmate Blanco does not have housing restrictions and/or physical limitations that can affect the capacity to understand the appeals process. Inmate Blanco's DDP code is NCF and his MHSDS code is CCCMS. Inmate Blanco's documented TABE Score is 10.8 therefore inmate Blanco does not meet the criteria for a Staff Assistant per CCR 3315 (d)(2).

SUMMARY OF INQUIRY:

You were interviewed by Correctional Lieutenant A. Lugo, on Friday September 1, 2017 in the Facility B Program Office, providing you the opportunity to add additional information and or documentation.

During the interview you did not provide Lt. Lugo with any new evidence or proof, you only reiterated what was in the appeal and advised Lt. Lugo that in the past other Legal Mail has been mailed back to you as "Return to Sender", but when the officer noticed that you had labeled the envelope as "Legal Mail", the officer immediately gave the mail back to the officer who handles the Legal Mail so that the officer could log it into the "Incoming Legal Mail by Date" log for that day.

Since you did not request any specific action, Lt. Lugo asked you during the interview what you wanted to accomplish out of this appeal. You responded by stating all you wanted was for Lt. Lugo to "Partially Grant" this appeal.


DECISION:

Based on all the evidence that was presented and reviewed for this matter, your appeal is **DENIED** at the Second Level of review, per **DOM Section 54010.1.2.3** **"Processing Incoming Confidential Mail"** which states in part *"Incoming letters must show the name, title, return address, and office of persons listed in Subsection 54010.11 on the outside of the envelope for them to be processed as confidential correspondence. An attorney's return address must match the address listed with the State Bar. A notice of or a request for confidentiality is not required. Letters that are appropriately addressed with a return address that indicates it is from any of the persons or employees of persons outlined in Section 54010.11 shall be processed and treated as confidential correspondence."* and **CCR Title 15, Section 3143** **"Processing Incoming Confidential Mail"** which states in part *"Incoming letters must show the name, title, return address and the office of persons listed in Section 3141 on the outside of the envelope to be processed as confidential correspondence. An attorney's return address must match the address listed with the State Bar."*

In both DOM and CCR Section it clearly states that the name, title, return address, and office of persons listed in Subsection 54010.11 on the outside of the envelope for the mail to be treated as "Incoming Confidential Mail". In this case the envelope was not properly labeled due to the fact that it was Prison Generated Mail and the letter was not being mailed to you by your attorney and the return address was "Return to Sender".

No CDCR employee violated any Mail policy or procedure concerning this appeal.

If you are dissatisfied with the Second Level response, you may mail for a Third Level Review by following the instructions in the F section of the 602 Form.



XAVIER CANO
Chief Deputy Warden
California State Prison-Los Angeles County



DATE

=copy=

MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 03/30/17

CASE NO. MA067528

THE PEOPLE OF THE STATE OF CALIFORNIA

VS.

DEFENDANT 01: NORMAN BLANCO

NUNC PRO TUNC ORDER PREPARED. IT APPEARING TO THE COURT THAT THE MINUTE ORDER
IN THE ABOVE ENTITLED ACTION DOES NOT PROPERLY REFLECT THE COURT'S ORDER. SAID
MINUTE ORDER IS AMENDED NUNC PRO TUNC AS OF THAT DATE. ALL OTHER ORDERS ARE TO
REMAIN IN FULL FORCE AND EFFECT. DETAILS LISTED AT END OF THIS MINUTE ORDER.

INFORMATION FILED ON 03/21/16.

COUNT 01: 4573.6(A) PC FEL

ON 02/23/17 AT 830 AM IN NORTH DISTRICT DEPT A16

CASE CALLED FOR PRETRIAL HEARING

PARTIES: FRANK M. TAVELMAN (JUDGE) CHERIE PINA (CLERK)
KATHRYN HOWELL (REP) SHANNON SEXTON (DA)

DEFENDANT IS PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
DEFENDANT APPEARS IN PRO PER

BAIL SET AT \$75,000

-PRO PER **STATE PRISONER**
-STAND-BY COUNSEL MARI MASI

DEFENDANT'S MOTION TO DISCLOSE INFORMANT IS READ, CONSIDERED
AND DENIED.

DEFENDANT'S MOTION PURSUANT TO SECTION 995 OF THE PENAL CODE IS
HEARD, ARGUED AND DENIED.

DEFENDANT'S MOTION FOR DISCOVERY IS HEARD, ARGUED AND DENIED.

DEFENDANT'S REQUEST FOR PRO PER FUNDS IS GRANTED IN THE AMOUNT
OF \$50.00.

ORDER FOR PRO PER FUNDS IS SIGNED AND FILED.



copy

CASE NO. MA067528
DEF NO. 01

DATE PRINTED 03/30/17

DEFENDANT'S MOTION TO CONTINUE IS HEARD AND GRANTED..

MATTER IS CONTINUED TO MARCH 30, 2017, AT 8:30 A.M. IN
DEPARTMENT A16 FOR PRETRIAL HEARING AS DAY 00 OF 30.

DEFENDANT IS TO BE HOUSED AT STATE PRISON AND THE DEPARTMENT OF
CORRECTIONS IS ORDERED TO TRANSPORT THE DEFENDANT TO COURT ON
MARCH 30, 2017, AT 8:30 A.M. IN DEPARTMENT A16.

THE ABOVE NUNC PRO TUNC LANGUAGE IS TO BE DISREGARDED DUE TO
COMPUTER PROGRAM ERROR.

COURT ORDERS AND FINDINGS:

-THE COURT STATES THAT IT HAS READ AND CONSIDERED THE TRANSCRIPT
OF THE PRELIMINARY HEARING. MOTION PURSUANT TO SECTION 995
PENAL CODE IS DENIED AS TO COUNT 1.

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
03/30/17 830 AM PRETRIAL HEARING DIST NORTH DISTRICT DEPT A16

DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMANDED

03/30/17

I HEREBY CERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ELECTRONIC MINUTE
ORDER ON FILE IN THIS OFFICE AS OF THE ABOVE DATE.

SHERRI R. CARTER, EXECUTIVE OFFICER/CLERK OF SUPERIOR COURT, COUNTY OF LOS
ANGELES, STATE OF CALIFORNIA

BY C. Piña, DEPUTY
C. PIÑA



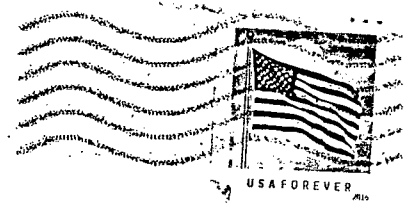
SE NO. 2

PRETRIAL HEARING
HEARING DATE: 02/23/17

MORANIAN BLANK # 39441
P.O. Box 4490 (b-4-102)
Lancaster, California
93539 (L.A.C.)

SANTA CLARITA CA 913

19 JUN 2007 PM 1 1



NIXIE 900674617-1N 07/06/17

RETURN TO SENDER
UNABLE TO FORWARD
UNABLE TO FORWARD
RETURN TO SENDER

"Legal mail, confidential mail"
per. title 15 3.14.1 (b)(3)(a)

B-4
STATE PRISON
GENERATED MAIL
93539-4498

JB

*MR. MARCEL MARCI
attorney at law
1215 Century Park E. Suite 700
Los Angeles, California
90007*

(copy of legal envelope "front") →

Incoming Legal Mail by Date

Date	Name	CDC#	Yard	Housing	Addressee	Inmate Signature	Staff Signature
7/12/2017	WATTS	[REDACTED]	B3	102	[REDACTED]	<i>C. Watts</i>	<i>[Signature]</i>
7/12/2017	BOYCE	[REDACTED]	B3	107L	[REDACTED]	<i>Boyce</i>	<i>[Signature]</i>
7/12/2017	GUNN	[REDACTED]	B3	101	[REDACTED]	<i>P.B. Gunn</i>	<i>[Signature]</i>
7/12/2017	BURTON	[REDACTED]	B3	223	[REDACTED]	<i>[Signature]</i>	<i>[Signature]</i>
7/12/2017	GARCIA	[REDACTED]	B3	130L	[REDACTED]	<i>P. Garcia</i>	<i>[Signature]</i>
7/12/2017	GRAY	[REDACTED]	B4	226	[REDACTED]	<i>Gray</i>	<i>[Signature]</i>
7/12/2017	NUNGARAY	[REDACTED]	B4	217L	[REDACTED]	<i>[Signature]</i> 7/12/2017	<i>[Signature]</i>

INMATE ASSIGNMENT CARD EFFECTIVE DATE: 02/07/2017

CDC#: F39441

NAME: BLANCO, NORMAN

FACILITY: LAC-B

HOUSING: B 004 1 - 102001U

LOCATION: 005 - B CUL. 3/W

POSITION: ^{UKW.UUS.}
nni

B LEAD BACK DOCK 3/W B/D

DAYS OF WEEK	START TIME	END TIME
Sunday through Thursday	12:00	15:00
Sunday through Thursday	15:30	19:00

Name: BLANCO, NORMAN P.

CDC #: F39441 PID #: 11572680

CHSS035C **DPP Disability/Accommodation Summary** Tuesday August 01, 2017 05:18:40 PM

As of: 08/01/2017

**OFFENDER/PLACEMENT**

CDC#: F39441

Name: BLANCO, NORMAN P.

Facility: LAC-Facility B

Housing Area/Bed: B 004 1/102001U

Placement Score: 108

Custody Designation: Medium (A)

Housing Program: General Population

Housing Restrictions:

Physical Limitations to Job/Other:

DISABILITY ASSISTANCE

DDP Code: NCF

DDP Adaptive: None

Support Needs:

DDP Effective Date: 09/13/2006

DPP Codes:

DPP Determination Date:

MHSDS Code: CCCMS

SLI Required:

Interview Date:

Primary Method:

Alternate Method:

Learning Disability:

Initial TABE Score: 10.8

Initial TABE Date: 04/02/2009

Durable Medical Equipment:

Spoken Language:

IMPORTANT DATES

Date Received: 09/07/2006

Last Returned

Date:

Release Date: 01/07/2023

Release Type: Earliest Possible Release Date

WORK/VOCATION/PIA

Privilege Group: A

Work Group: A1

AM Job Start 02/07/2017

Date:

Status: Full Time

Position #: DRW.005.001

Position Title: B LEAD BACK DOCK 3/W B/D

Regular Days On: Sunday through Thursday (12:00:00 - 15:00:00)

Sunday through Thursday (15:30:00 - 19:00:00)

SIXTH DISTRICT APPELLATE PROGRAM

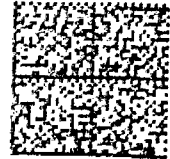
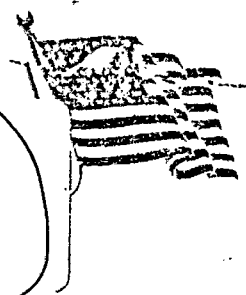
Dallas Sacher, Executive Director & Attorney

A Non-Profit Corporation

95 S. Market Street, Suite 570

San Jose, CA 95113

OPENED BY MISTAKE
NOT READ
CSP-LAC MAILROOM
128-B ISSUED



UNITED STATES POSTAGE
02 1P
0000872690
MAILED FROM ZI

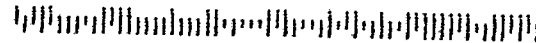
B4 - 102

LEGAL MAIL
ATTORNEY CLIENT
CORRESPONDENCE

Norman Paul Blanco, #F-39441
CSP, Los Angeles - Facility 6, Building 4
P.O. Box 4490
Lancaster, CA 93539

Dallas Sacher

93539-449090



Front of envelope

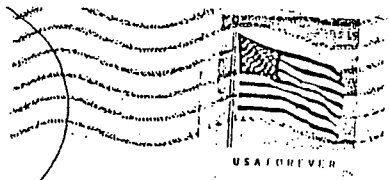
back of envelope

LEO: MAIL
ATTORNEY CLIENT
CORRESPONDENCE

MORAN, MORAN # 34477
P.O. Box 4490 (L-4-102)
Los Angeles, California
93539 (L-4-1)

SANTA CLANTA CA 913

19 JUN 2007 PM 1 1



NIXIE 900674617-1N 07/06/17

RETURN TO SENDER
UNABLE TO FORWARD
UNABLE TO FORWARD
RETURN TO SENDER

93539 4490

JB

"Legal mail, confidential mail"
per title 15 3.141 (b)(3)(v)

MR. MORAN MORAN
attorney at law
1215 Century Park E. Suite 700
Los Angeles, California
90007

84
STATE PRISON
GENERATED MAIL
93539 4490

(copy of legal envelope "front") →

(copy of legal envelope "back")
FO MAR/MAL

6 GIGENA 6-18-17
LSS

front of envelope

M. Maci, Esq.

Box 241671

L.A., CA 90024

20
#11

LOS ANGELES CA 900

27 DEC 2017 PM 9:01



Norman Blanco, F-39941

Facility B, Building 4, Bed 102

P.O. Box 4490

Lancaster, CA 93539

Attorney/Client Privileged

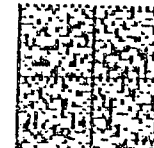
front of envelope



PO BOX 1019, Sacramento, CA 95812

SACRAMENTO
CA 957
16 APR '18
PM 7 L

OPENED BY MISTAKE
NOT READ
CSP-LAC MAILROOM
.128-B ISSUED



02 1P \$ 000.47⁰
0000840009 APR 16 2018
MAILED FROM ZIP CODE 95814

Norman Blanco #F-39441
Facility B, Building 4, Bed 102
California State Prison, Los Angeles County
P.O. Box 4490
Lancaster, CA 93539

93539-449090



back of envelope
from California
state auditor

Copyrighted Material
Cal. Code of Regulations
Title 15, Section 31416(a)(2)

JOHN DISTRICT APPELLATE PROGRAM

Dallas Sacher, Executive Director & Attorney

A Non-Profit Corporation

95 S. Market Street, Suite 570

San Jose, CA 95113

OPENED BY MISTAKE

NOT READ

CSP-LAC MAILROOM

128-B ISSUED

B4 - 102

LEGAL MAIL

ATTORNEY CLIENT
CORRESPONDENCE

Norman Paul Blanco, #F-39441

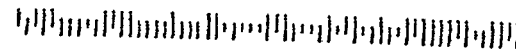
CSP, Los Angeles - Facility 6, Building 4

P.O. Box 4490

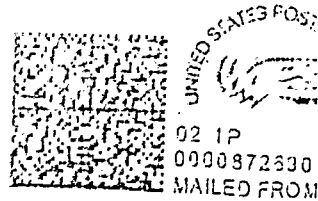
Lancaster, CA 93539

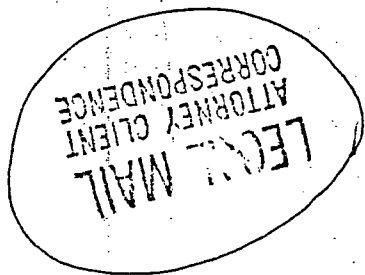
Dallas Sacher

93539-449090



Front of envelope





Back of envelope from Dallasacher attorney at law

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME)	(FIRST NAME)	CDC NUMBER:	SIGNATURE:
blanco, norberto		839441	Norberto Blanco
HOUSING/BED NUMBER:	ASSIGNMENT:	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.):
b. 4. 142	warden's office		712 15 3131-36860101

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

on 4-19-2018 i received some legal mail that has been opened and it is clearly
mistaken that it is legal mail. i wrote previously to the mailroom acting supervisor
and was informed that it would not happen again. i am legal mail needs to be opened up
in front of that inmate who is receiving legal mail per title 15-3131. i still have
title to do and "do not" want any retaliation but i am asking for the fundamental
right of confidentiality that it is governed by law in re: hudson v. ca (1979) 7 cal 3d 930 p.c.
266 until evidence to correspond confidential with "court lawyers, public officials" can you
please let me know this and/or you let me know how to proceed.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED **

☒ SENT THROUGH MAIL: ADDRESSED TO: warden's office - Mr. Debbie Duncan DATE MAILED: 4/22/18
☐ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF?
Montoya	4-22-18	[Signature]	(CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY:	
	8	(CIRCLE ONE) IN PERSON BY US MAIL	

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:

119 Outgoing Legal Mail by CDC Number

Date	Name	CDC#	Addressee	City, State Zip Code
4/2/2018	BLANCO	F39441	CHAMPION ATTY	STNFRD CA 94305
4/2/2018	BLANCO	F39441	APPEL DEF	SD CA 92101
4/4/2018	BLANCO	F39441	DIST ATTY	LA CA 90012
4/5/2018	BLANCO	F39441	SUP CT CLK	CHLA VSTA CA 91910
4/6/2018	BLANCO	F39441	KANTOR ATTY	MLBU CA 90264
4/9/2018	BLANCO	F39441	ST AUDITOR	SAC CA 95812
4/13/2018	BLANCO	F39441	DAI	SAC CA 94283
4/16/2018	BLANCO	F39441	DIST CT	LANC CA 93534
4/23/2018	BLANCO	F39441	FBI	RSVLLE CA 95678
4/23/2018	BLANCO	F39441	KANTOR ATTY	MLBU CA 90264
5/1/2018	BLANCO	F39441	KANTOR ATTY	MLBU CA 90264

Friday, May 04, 2018

SECTION A: INMATE/PAROLEE REQUEST

NAME (Print): (LAST NAME)	(FIRST NAME)	CDC NUMBER:	SIGNATURE:
blanco-norman		F-39441	M. L. Garcia
HOUSING/BED NUMBER:	ASSIGNMENT:	HOURS FROM _____ TO _____	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.):
b-4-102	MAILROOM OFFICE		title 15 3086(a)(b)

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

to be direct but respectful i would like to have a "copy" printout out of my legal mail "outgoing" c.d.c.r 119 of the month of may & june 2017 that was process. title 15 3086(a)(b) "dept. staff shall attempt to resolve inmates issues expeditiously" once again my printout c.d.c.r 119 "outgoing" legal mail of the month may & june 2017. thank you.

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED**

☒ SENT THROUGH MAIL: ADDRESSED TO: b-yard mailroom office DATE MAILED: 5/6/2018
☒ DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
G. L. GARCIA	5-6-18		(CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL	
MAILROOM	5-7-18	(CIRCLE ONE) IN PERSON BY US MAIL	

SECTION B: STAFF RESPONSE

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
R. Branch	5/9/18		5/9/18

See attached.

SECTION C: REQUEST FOR SUPERVISOR REVIEW

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

SIGNATURE:	DATE SUBMITTED:

SECTION D: SUPERVISOR'S REVIEW

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:

119 Outgoing Legal Mail by CDC Number

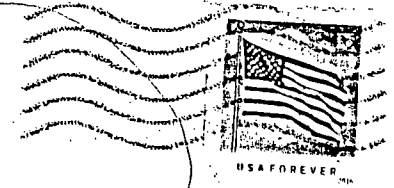
Date	Name	CDC#	Addressee	City, State Zip Code
5/11/2017	BLANCO	F39441	MICHAEL ANTONOVICH AV CT HOUSE	LANCASTER CA 93534
5/13/2017	BLANCO	F39441	CHF OFFC OF APPLS CDCR	SAC CA 94283
5/26/2017	BLANCO	F39441	SHRFF DEPT	LA CA 90012
6/5/2017	BLANCO	F39441	DIMATTEO AND ASST	ORANGE CA 92866
6/8/2017	BLANCO	F39441	4TH APPELLATE DIST DIV ONE	SAN DIEGO CA 92101
6/8/2017	BLANCO	F39441	2X-AV CT HOUSE	LANCASTER CA 93534

Wednesday, May 09, 2018

P.O. Box 4490 V (K-4-102)
Livermore, California
94539 (LAC)

SANTA CLARITA CA 913

19 JUN 2007 PM 1 11



NIXIE 900674617-1N 07/06/17

RETURN TO SENDER
UNABLE TO FORWARD
UNABLE TO FORWARD
RETURN TO SENDER

JB

Legal mail, confidential mail
pr. title 15 3141 (b)(3)(a)

B-4
STATE PRISON
GENERATED MAIL
93539 > 4490

MR. MICHAEL MCDI
attorneys at law
1715 Century Park E. Suite 700
Los Angeles, California
90067

front of
envelope

back of
envelope
from Marymori
dated June 19, 1947

C. GIGENA 6-18-17

6/18

Case Number: XNOMA067528-01
 Defendant Name: BLANCO, NORMAN
 Violation Date: February 19, 2015
 Filing Date: February 22, 2016
 Courthouse: North District

CASE INFORMATION

Count	Charge Section	Charge Statute	Plea	Disposition	Disposition Date
01	4573.6(A)	Penal Code	Not Guilty	Case Pending	Case Pending

EVENTS

Upcoming Scheduled Events

Date	Time	Location	Dept/Room Number	Event
April 18, 2016	08:30 AM	Michael Antonovich Antelope Valley Courthouse	A16	PRETRIAL HEARING

Past Events

Date	Time	Location	Dept/Room Number	Event
March 21, 2016	08:30 AM	Michael Antonovich Antelope Valley Courthouse	A16	ARRAIGNMENT

BAIL

No Information Found

ter 97, No. 31). Pursuant to Penal Code 5058(e), a Certificate of Compliance must be transmitted to OAL by 1-5-98 or emergency language will be repealed by operation of law on the following day.

8. Certificate of Compliance as to 7-28-97 order, including further amendment of subsection (c)(4), transmitted to OAL 12-2-97 and filed 1-15-98 (Register 98, No. 3).
9. Amendment filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).

3142. Processing of Outgoing Confidential Mail.

In order to be accepted and processed as confidential correspondence, an inmate's letter shall comply with the following requirements:

(a) The letter must be addressed to a person or to the office of a person listed in Section 3141. The address of an attorney must match the address listed with the State Bar.

(b) The inmate's full name, department identification number, and the address of the facility shall be included in the return address appearing on the outside of the envelope.

(c) The word "confidential" shall appear on the face of the envelope. Failure to do this will result in the letter being processed as regular mail or being returned to the inmate if for any reason the mail cannot be processed as regular mail.

(d) Inmates shall post confidential mail by presenting the mail unsealed to designated staff. In the presence of the inmate, the staff shall remove the contents of the envelope upside down to prevent reading of the contents. Staff shall remove the pages and shake them to ensure there is no prohibited material, consistent with these regulations. If no prohibited material is discovered, the contents shall be returned to the envelope and sealed. Staff shall place their signature, badge number and date across the sealed area on the back of the envelope. Staff shall then deposit the confidential mail in the appropriate depository.

(e) If prohibited material is found in the confidential mail, the prohibited material shall be confiscated; however, the letter may be returned to the inmate or mailed following the process outlined above. If the prohibited material indicates a violation of the law or intent to violate the law, the matter may be referred to the appropriate authorities for possible prosecution. Administrative and/or disciplinary action shall also be taken against all parties involved.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2601, Penal Code.

HISTORY:

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

3143. Processing Incoming Confidential Mail.

Incoming letters must show the name, title, return address and the office of persons listed in Section 3141 on the outside of the envelope to be processed as confidential correspondence. An attorney's return address must match the address listed with the State Bar. A notice or request for confidentiality is not required on the envelope. Correspondence that is appropriately addressed with a return address that indicates it may be confidential shall be processed and treated as confidential correspondence whether or not it is stamped as such.

(a) Designated staff shall open the letter in the presence of the addressed inmate at a designated time and place. Staff shall not read any of the enclosed material. Staff shall remove the pages and shake them to ensure the absence of prohibited material.

(b) Inmates shall sign for all confidential mail at the time of delivery. This shall be accomplished by use of a permanent logbook or use of receipts. If receipts are used, the receipts shall be forwarded to the mailroom for filing. The log book at a minimum must record

the date of delivery, the inmates name and departmental identification number, and the senders name and address.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2601, Penal Code.

HISTORY:

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

3144. Inspection of Confidential Mail.

Confidential mail will be opened and inspected for contraband in the presence of the inmate addressee. Inspecting correctional officials will not read any of the contents of the confidential mail. Confidential mail may be further inspected, for cause only.

(a) Cause may include, but is not limited to, the reasonable belief by correctional officials that the letter is not addressed to or is not from an official or office listed in Section 3141 or when other means of inspection indicates the presence of physical contraband in the envelope. In such instances the mail will be opened in the presence of the inmate for determination.

(b) Administrative action may be taken to restrict, for cause, the confidential mail privileges afforded to an attorney pursuant to this Article.

(1) A first offense of a non-serious mail rule violation of the department's mail regulations shall result in a written warning or up to a six-month suspension of the attorney's confidential mail privileges. A non-serious mail violation means a violation of the inmate regulations that is not chargeable as a felony but is nevertheless unlawful, such as an enclosure of contraband into the confidential mail, or a misrepresentation of the sender or addressee's identity.

(2) A second offense of a non-serious mail rule violation shall result in modification/suspension of confidential mail privileges for a period of up to twelve months.

(3) A third offense of a similar nature and/or a first offense that could be charged as a felony that jeopardizes the safety of persons, or the security of the facility, shall result in confidential mail privileges being suspended from one year up to an indefinite period of time.

(4) The attorney must petition the Warden or Director of the Division of Adult Institutions (DAI) for reinstatement of confidential mail privileges.

The confidential mail privilege may be a statewide suspension for any offense that could be prosecuted as a felony. Only the Director of the DAI or designee shall issue a statewide suspension of confidential mail privileges.

(c) Upon determining that the envelope contains prohibited material or that there is a misrepresentation of the sender's or the addressee's identity the letter and any enclosures may be examined and read in its entirety to determine the most appropriate of the following actions:

(1) When the prohibited material or misrepresentation of identity indicates a violation of the law or an intent to violate the law, the matter will be referred to the appropriate criminal authorities for possible prosecution. Any case referred to criminal authorities will be reported to the Director of the DAI. When a case is referred to criminal authorities and the determination is made not to prosecute, the fact of the referral and the determination made will be reported to the inmate and to the inmate's correspondent. The Director of the DAI will be informed of the outcome of all referrals to criminal authorities.

(2) When an inmate's action or complicity indicates a violation of law; the regulations set forth in this article; or approved facility mail procedures; the matter may also be handled by appropriate disciplinary action.

Generally, inmates are not eligible to receive Supplemental Security Income (SSI) checks from the Social Security Administration, Veteran Affairs Benefits, or Welfare checks from the California Department of Social Services/County Welfare agencies. Depending upon eligibility, inmates may be allowed to receive tax refund checks.

(1) A facility representative shall be appointed by the Associate Warden, Business Services, to assist outside agencies in determining an inmate's eligibility.

(2) Mailroom staff shall deliver all received SSI, Veteran Affairs Benefits, and/or welfare and/or tax refund checks to the Inmate Trust Office. The Accounting Officer shall notify the facility representative that checks are being held pending determination of eligibility of the inmates to receive the checks. The facility representative shall notify the appropriate agency.

(3) Unauthorized checks shall be returned to the appropriate agency.

(c) When a U.S. Government check is received for an inmate who is deceased or discharged from CDCR, the check and envelope shall be returned to the sending agency with the necessary information shown as to the inmate being deceased or discharged.

(1) If an inmate has been transferred to another facility, the check shall be forwarded including a note requesting the inmate to notify the state or federal agency of their change of address.

(2) Mail received for inmates who have been paroled shall be forwarded to the office of the parole region to which the inmate was released, or if unable to locate the parolee, the check should be returned to the originating state or federal agency.

(d) Funds shall not be released for spending by the inmate for thirty (30) days from the date of deposit into the inmate trust account and must have cleared the bank upon which they were drawn. When any personal check, money order, cashier's check, certified check, or any other negotiable instrument is received, the face of the envelope in which the funds were received shall be imprinted with a stamp indicating the funds have been accepted at this time. This stamp is not intended to indicate that the funds are immediately available for inmate use, but only that the funds were accepted for processing by the department.

(e) No foreign currency shall be accepted. If foreign currency is received, the entire envelope and its contents shall be returned to sender with a pre-printed notice to the sender which states it is unauthorized.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Section 2601, Penal Code.

HISTORY:

1. Renumbering of former section 3140 to subsection 3139(j) and new section 3140 filed 7-17-2008; operative 7-17-2008 pursuant to Government Code section 11343.4 (Register 2008, No. 29).
2. Amendment of subsection (d) filed 6-27-2011 as an emergency pursuant to Penal Code section 5058.3(a)(2); operative 6-27-2011 (Register 2011, No. 26). Pursuant to Penal Code section 5058.3(a)(1), a Certificate of Compliance must be transmitted to OAL by 12-5-2011 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 6-27-2011 order, including further amendment of subsection (d), transmitted to OAL 11-21-2011 and filed 1-5-2012 (Register 2012, No. 1).
4. Amendment of subsections (a) and (a)(1), new subsection (a)(5), subsection renumbering and amendment of subsection (d) filed 11-14-2016; operative 1-1-2017 (Register 2016, No. 47).

3141. Confidential Correspondence.

(a) Confidential correspondence is a right guaranteed by law. Using confidential correspondence for personal non-business correspondence, the transmission of contraband items, or the smuggling of letters and other communications to be forwarded to persons not

listed in subsection (c) is an abuse of this right and such proven abuse may be subject to disciplinary action as described in Sections 3314 and 3315.

(b) Confidential mail will not be limited to First Class mail standards. Mail received from confidential correspondents will be processed regardless of weight or postage class.

(c) Persons and employees of persons with whom inmates may correspond confidentially and from whom inmates may receive confidential correspondence include:

- (1) All state and federal elected officials.
- (2) All state and federal officials appointed by the governor or the President of the United States.
- (3) All city, county, state and federal officials having responsibility for the inmate's present, prior or anticipated custody, parole or probation supervision.
- (4) County agencies regarding child custody proceedings, as clearly identified in the communication and listed on the envelope.
- (5) All state and federal judges and courts.
- (6) An attorney at law, on active status or otherwise eligible to practice law, listed with a state bar association.
- (7) All officials of a foreign consulate.
- (8) The Secretary, Undersecretary, Chief Deputy Secretaries, Executive Director, Assistant Secretaries, Division Directors, Deputy Directors, Associate Directors, the Chief, Inmate Appeals, and the Lead Ombudsman's Office of the Department.
- (9) A legitimate legal service organization that consists of an established group of attorneys involved in the representation of offenders in judicial proceedings including, but not limited to:
 - (A) The American Civil Liberties Union.
 - (B) The Prison Law Office.
 - (C) The Young Lawyers Section of the American Bar Association.
 - (D) The National Association of Criminal Defense Lawyers.
 - (E) California Appellate Project.
- (10) All incoming confidential mail from an attorney or legal service organization shall include the attorney's name, title, and return address of their office. Institution mailroom staff shall contact the CDCR Office of Legal Affairs Division at Headquarters if there is any question regarding the legitimacy of a legal service organization.

NOTE: Authority cited: Section 5058, Penal Code. Reference: Sections 2600 and 5054, Penal Code; and *In re Jordan*, 12 CA 3rd 575 (1974); and *King v. Borg*, USDC-ED Case No. CIV. S-87-0519 LKK/PAN/P.

HISTORY:

1. Editorial correction of subsection (a) filed 2-19-85 (Register 85, No. 8).
2. Change without regulatory effect adopting new subsection (c)(8) and amending Note filed 8-19-93; operative 8-19-93 (Register 93, No. 34).
3. Repealer of subsection (c)(6) and subsection renumbering filed 4-8-96 as an emergency; operative 4-8-96 (Register 96, No. 15). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 9-15-96 or emergency language will be repealed by operation of law on the following day.
4. Certificate of Compliance as to 4-8-96 order transmitted to OAL 9-13-96 and disapproved 10-28-96 (Register 96, No. 44).
5. Repealer of subsection (c)(6) and subsection renumbering filed 10-28-96 as an emergency; operative 10-28-96 (Register 96, No. 44). Pursuant to Penal Code section 5058(e), a Certificate of Compliance must be transmitted to OAL by 4-6-97 or emergency language will be repealed by operation of law on the following day.
6. Certificate of Compliance as to 10-28-96 order transmitted to OAL 3-3-97 and filed 4-14-97 (Register 97, No. 16).
7. New subsection (c)(4), subsection renumbering, and amendment of Note filed 7-28-97 as an emergency; operative 7-28-97 (Register 97, No. 16).

"(2) two declarations Affidavits of eddie c. Johnson
and Jansen L. Harris witness of mail tampering by prison officials"

Exhibit



①

Declaration of Darren L. Harris

I, Darren L. Harris, have indeed been a victim of years of Mail Tampering, Theft, etc here at CSP-LAC (Lancaster), to the fact that I have submitted numerous 602/complaint(s) on the matter, and am now preparing a writ to the Federal District Court to Request an investigation into the mailing issue among others.

Also, I have given the Warden, Debbie Asuncion notice of the criminal activities carried on by Correctional Officers to impede investigations, civil actions, and reception of legal aid. (Note: Defendant is being illegally detained).

The Staff/Officers/Administration at this prison are corrupt and steal mailings (Legal/Confidential/and/or Personal) wantonly to isolate prisoners and conceal their misconduct from their superior and/or outside law enforcement agencies that safeguard against the corruption of CDCR personnel/Officials.

What I have and am still encountering is undoubtedly organized crime and the concealment of organized crime by means of mail theft, etc.

I, Darren L. Harris (F-78333), do hereby certify (declare) under penalty of perjury that the foregoing is true and correct.

Dated: February 2nd, 2018

Darren L. Harris (F-78333)

Alvin I Harris

DECLARATION OF EDDIE D. JOHNSON

I have been incarcerated at Lancaster State Prison

All while being housed at L.A.-C I have personally experienced

Received letters in the past that were processed out as legal

Mail & received it return to sender letter & legal that was

/Delivered

Brought to me by Department staff & opened up in front of me

& I signed for the return to sender legal mail as policy

& there is 3143 (a)(b) C.D. Code & Regulations.

And correct.

Under penalty of perjury that the foregoing is true

I Eddie D. Johnson (AR-1582) Herby Declart (Declarat)

Eddie D. Johnson

Dated: May 22nd, 2018

