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I. ARGUMENT

A. Mr. SANDOVAL DID NOT RECEIVE PROCEDURAL DUE PROCESS OF LAW UNDER THE UNITED STATES FEDERAL CONSTITUTIONS FOURTEENTH AMENDMENT.

To prevail on a claim of deprivation of property without due process of law, you must first establish the existence of a protected property interest. Wolff v. McDonnell, 418 U.S. 539, 556-75, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974); Serrano v. Francis, 345 F.3d 1071, 1078 (9th Cir. 2003). See also: Board of Regents v. Roth, 408 U.S. 564, 576, 92 S.Ct. 2701, 33 L.Ed.2d 548 (1972); ("To have a property interest in a benefit, a person clearly must have more than an abstract need or desire for it. He must have more than a unilateral expectation of it. He must, instead, have a legitimate claim of entitlement to it").

1. THE DOCUMENTS CONFISCATED FROM SANDOVAL'S CELL. The documents were confiscated on September 24, 2010, CP945, and CP1277, are personal documents Sandoval owns. CP946-947, CP948. These documents are permitted per DOC Policy 590.500, LEGAL ACCESS FOR OFFENDERS, SEE: DIRECTIVE: I. General Requirements (c). CP1189, and CP949-950, and 951. The defendant's absurdly used the Public Disclosure Act RCW 42.56, et Seq., to justify

their confiscation of the documents. CP986. The documents are administrative Public Records. The State Supreme Court has established a Rule regarding Public access to Administrative Records. General Rule (GR 31.1), See also: RCW 36.18.016(4). The documents confiscated were secured by DOC Staff as evidence pending a disciplinary hearing held on October 4, 2010. CP1226, CP1227. Defendant Ms. Sullivan admitted that she provided erroneous information in the serious disciplinary infraction report. CP938, CP944.

2. THE SIX YEARS RETENTION OF MR. SANDOVAL'S MAIL, AND LEGAL RESEARCH MATERIAL'S VIOLATES PROCEDURAL DUE PROCESS OF THE U.S. FOURTEENTH AMENDMENT AND OF THE U.S. FIRST AMENDMENT RETALIATION AND MEANINGFUL ACCESS TO THE COURT.

The Six year retention is not a temporary deprivation.

Mr. Dahne abused his authority by refusing to give back the documents. Mr. Sandoval did not request his documents to be withheld, but was pressured under coercion by Mr. Dahne. If Mr. Sandoval refuses to sign the property disposition form CP955, the documents will be disposed of. CP1229-1230, CP1014.

3. MR.SANDOVAL HAS A PROTECTED RIGHT TO ASSIST OTHER INMATES.

The defendant's had his documents confiscated.
See: Murphy v. Shaw, 195 F.3d 1121, 99 Cal. Daily Op. Serv. 8846 (9th Cir.1999); at ¶ [30]; This Circuit in Rizzo v. Dawson, 778 F.2d 527, 531 (9th Cir.1985); Recognized that the provisions of legal assistance to a fellow inmate is an activity protected by the First Amendment. The defendant's defiantly assert DOC Policy 590.500(v) (Rule against possessing another inmate's legal documents in absence of the other inmates)., This does not apply here in this case. Mr. Sandoval was never in possession of any other inmate's personal legal documents.

Here, defendant's Ms. Sullivan, Mr. Salvaggi, Mr. May, Mr. Dahne, Mr. Glebe, Mr. Pacholke, and Mr. Warner violated the U.S. Fourteenth and First Amendment's. See: Rhodes v. Robinson, 408 F.3d 559, 567-68 (9th Cir.2004), (an inmate has a right to be free from retaliation for engaging in First Amendment activities). See: Merritt v. Mackey, 827 F.2d 1368 (9th Cir.1987) at ¶ [60]; Parratt distinguishes action that is an "established State Procedure" from action that is "unauthorized".

451 U.S. at 541. A post-deprivation remedy provides inadequate process for a governmental act prescribed by rule or regulation but provides adequate process for an act that is completely unauthorized. See: Haygood v. Younger, 769 F.2d 1350, at 1357 (9th Cir.1985). See also: Honey v. Destelrath, 195 F.3d 531, 533-534 (9th Cir.1999), (Similar).

4. THE MONEY ORDERS.

Mr. Sandoval asserts the withholding of the money orders is an unconstitutional deprivation without being provided Procedural Due Process of law.

Mr. Sandoval sent the Stafford Creek (herein after SCCC), mail room a kite with an attached Pre-Franked envelope requesting to mail out the mail and the Tree Money Orders that was rejected.

CP1209. The response to the kite stated: "Your money orders are being held as evidence for your infraction". The mail room did not return the Pre-Franked envelope.

After the disciplinary hearing on 10-12-10, I sent the SCCC mail room another kite requesting to return the mail with the money orders. CP1211. And on 11-07-10, again I requested by kite to send out the mail and money orders. CP1213. The response

was: "OK, please provide a pre-franked envelope".
Mr. May also refused to allow me to return the
mail and the money orders. CP954, CP974, CP979,
CP980-981, and CP1020-1021.

Mr. Glebe also refused to allow me to return the
mail and the money orders. See: CP976.

Mr. Sandoval has a protected property interest in
funds received or funds in his prison account.

See: quick v. Jones, 754 F.2d 1521, 1523 (9th
Cir.1985). Specifically, an inmate "has a
Fourteenth Amendment due process liberty interest
in receiving notice that his incoming mail is
being withheld by prison authorities". Frost v.
Symington, 197 F.3d 348, 353-54, (9th Cir.1999).

This liberty interest is protected from "arbitrary
government invasion", and any decision to censor
or withhold delivery of mail must be accompanied
by "minimum procedural safeguards". Sikorski v.
Whorton, 631 F.Supp.2d 1327, 1341

(D.Nev.2009)(Procunier), 416 U.S. at 417-18.

Clearly genuine issues are still in dispute.

B. MR. SANDOVAL'S U.S. FEDERAL CONSTITUTIONAL
RIGHT OF THE FIRST AMENDMENT WAS VIOLATED.

1. MR.SANDOVAL WAS DENIED ACCESS TO THE COURTS.

Prisoner's have a constitutional right to

meaningful access to the courts. Bounds v. Smith, 430 U.S. 817, 821, 97 S.Ct. 1491, 52 L.Ed.2d 72 (1977). Mr. Sandoval has suffered an actual injury by being shut out of court, due to the intentional interference by the defendant's Ms. Sullivan, Mr. May, and Mr. Glebe. Actual injury requires "actual prejudice to contemplated or existing litigation" by being shut out of court. See: Nevada Dep't of Corr. v. Greene, 648 F.3d 1014, 1018 (9th Cir.2011).

Mr. Sandoval had a Civil Rights lawsuit in Thurston County Superior Court, Case No. 09-2-02415-1, and an associated appeal in Division II of the Court of Appeals Case No. 41671-9-II. Mr. Sandoval was notified to pay \$37.75, CP1028-1029, and CP1246. The Three defendant's deprived Mr. Sandoval of access to the courts in these Two proceedings. Mr. Sandoval was denied to utilize the funds sent to him due to an erroneous disciplinary infraction. CP930,931,932,933,934-935.

The Court of Appeals dismissed the appeal for the following reasons: 1). Abandonment; 2). appellant's notice of withdrawal of the

designation of Clerk's papers; 3). Statement of Arrangements; 4). delay; and 5). Want of Prosecution. CP1257, CP1258.

Mr. Sandoval paid the filing fee of \$290.00 for Case No.41671-9-II. CP1028-1029, CP1246. Because of the interference of withholding of his funds based on an erroneous disciplinary infraction, his Case was dismissed. CP1248, CP1250, CP1251, and CP1254. The money order's were used in an erroneous disciplinary infraction. Ms. Sullivan ascribed erroneous information in the Narrative portion of the infraction. CP938, CP976, and CP935. See: Smith v. Sublett, 1992 U.S. App. LEXIS 27440 (10/13/92), Actual injury consist of a specific instance in which a plaintiff was actually denied access to the courts. Id. Under the First Amendment, a prisoner has both a right to meaningful access to the courts and a broader right to petition the government for a redress of his grievances. See: Bradley v. Hall, 64 F.3d 1276, 1279 (9th Cir.1995)(overruled on other grounds by Shaw v. Murphy, 532 U.S. 223, 230 N.2, 121 S.Ct. 1475, 149 L.Ed.2d 420 (2001).

2. MR. SANDOVAL WAS SUBJECTED TO AN ONSLAUGHT
OF RETALIATION FOR ENGAGING IN
CONSTITUTIONAL PROTECTED ACTIVITIES.

Mr. Sandoval was engaged in a protected activity of assisting his celly Mr. Shamp, with his legal matter's when Ms. Sullivan assumed that Mr. Sandoval was in possession of Mr. Shamp's personal legal documents. Her sole purpose and reason for requesting the cell (H5-A75) to be searched was to confiscate the document's she assumed belong to Mr. Shamp. CP939, CP1067, CP1215, and 1216-1217. Mr. Salvaggi conducted the cell search and confiscated Mr. Sandoval's mail and legal research material's. CP945, and CP1227. Leaving the cell in complete shambles (Ransacked), with papers strewn all over the floor in disarray. CP878, and CP879, and CP880. (Affidavit of Mr. Michael G. Robtoy). Ms. Sullivan embarked on a campaign of retaliation against Mr. Sandoval for engaging in constituional protected activities of assisting other offender's and for litigating his own Two previous Civil Suits against Officer's of SCCC Case No. 09-2-02415-1, and Case No. 41671-9-II. CP1257, resulting in a denial of access to the courts, an actual injury, and by filing unfounded and

unwarranted retaliatory disciplinary charges.

CP930,931,932,933,934, and 935.

There was no factual basis, nor any valid penological goal achieved from Ms. Sullivan's erroneous actions or Mr. Salvaggi's. See: Smith v. Sublett, 1992 U.S. App. LEXIS 27440 (10/13/902), (Citing Cain v. Lane, 857 F.2d 1139, 1143 N.6 (7th Cir.1988)). The Pattern, Practice, Habit and unsupervised procedures of ransacking prisoner's cell's is extremely rampant at SCCC. CP962. (Not a single incident). See: Rhodes v. Robinson, 408 F.3d 559, 567-68 (9th Cir.2004).

All mail sent to prisoner's is automatically intercepted and censored prior to forwarding it to the inmate per policy 450.100, to prevent any contraband. Receiving money orders is not prohibited or considered contraband, after the prison's mail room intercepts it, as is the case here. nor posting it to the inmates prison account, or restricting it for unauthorization. CP1072-1090, CP1092-1111.

All the actions taken against Mr. Sandoval was substantially motivated for his right to assist other inmates and for communicating with friends and court's via mail, and for litigating against

the defendant's fellow officer's. Mr. Sandoval's access to the Court's right was chilled. The protected conduct was the "Substantial" or "Motivating" factors behind the defendant's conduct. Brodheim v. Cry, 584 F.3d 1262, 1271 (9th Cir.2009), (quoting Soranno's Gasco, Inc., v. Morgan, 874 F.2d 1310, 1314 (9th Cir.1989)).

C. MR.SANDOVAL WAS SUBJECTED TO CALCULATED HARASSMENT REGARDING THE CELL SEARCH AND CONFISCATED DOCUMENTS.

Mr. Sandoval has been subjected to malicious cell searches. CP962, CP879-880, Because he engaged in constitutionally protected activities of litigating and assisting other inmate's. Mr. Sandoval has a right to meaningful access to the courts, and a right to be free from retaliation. Bounds V. Smith, Supra.

In Vigliotto v. Terry, 873 F.2d 1201, at 1203, (11/14/88); The Eighth Amendment protects prisoners from searches conducted only for "Calculated Harassment". Hudson v. Palmer, 468 U.S. 517, 530, 82 L.Ed.2d 393, 104 S.Ct. 3194 (1984). CP896-897, (Referencing: "obduracy" and Wantonness").

There is no legitimate penological justification for the cell search to have been left Ransacked,

nor to confiscate his personal property legal research material's, but to harass Mr. Sandoval, constituting Cruel and Unusual Punishment in violation of the Eighth Amendment of the U.S. Federal Constitution.

D. THERE IS NO LACK OF EACH DEFENDANT'S PERSONAL PARTICIPATION IN THE VIOLATION OF MR. SANDOVAL'S U.S. FEDERAL CONSTITUTIONAL CIVIL RIGHTS.

To obtain relief against a defendant in a § 1983, the plaintiff must prove the particular defendant has caused or personally participated in causing the deprivation of a particular protected constitutional right. Arnold v. International Business Machines Corp., 637 F.2d 1350, 1355 (9th Cir.1981); Sherman v. Yakahi, 549 F.2d 1287, 1290. To be liable for "Causing" the deprivation of a Constitutional right, the particular defendant must commit an affirmative act, or omit to perform an act, which he or she is legally required to do, which causes the plaintiff's deprivation. Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir.1978). The inquiry into Causation must be individualized and focus on the duties and responsibilities of each individual defendant whose act or omissions are alleged to have caused

a constitutional deprivation. Rizzo v. Goode, 423 U.S. 362, 370-71 and 357-77, 96 S.Ct. 589, 604-607 (1976); Leer v. Murphy, 844 F.2d 628 (9th Cir.1988). The plaintiff must set forth specific facts showing a "Causal" connection between each defendant's actions and the harm allegedly suffered. See: Aldabe v. Aldabe, 616 F.2d 1089, 1092 (9th Cir.1980); Rizzo, 423 U.S. at 371.

1. Mr. May has personally participated in causing the deprivation of Mr. Sandoval's U.S. Federal Constitutional rights of the First Amendment. Mr. May's duties and responsibilities were dealing with evidence of disciplinary actions. This Civil Rights action originated when Mr. May allowed Ms. Sullivan and Mr. Dahne to file false erroneous reports and to withhold personal property of Mr. Sandoval. CP903, CP904, 905 and 905, CP952, 953, 954. CP974, CP979, CP980, CP981, CP1014, and CP1021. See: Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989) (Liability under Section 1983 arises only upon a showing of personal participation by the defendant").

2. Mr. Glebe was notified on several occasions of unlawful acts being committed by his subordinates, and deliberately turned blind eyes to all the

allegations brought to his attention. Mr.Glebe refused to release and return the personal property being withheld by Ms.Sullivan, Mr.May, and Mr.Dahne.

It is Mr.Glebe's duties and responsibilities to ensure that unlawful conduct is not happening or going on in the facility. Mr.Glebe has participated directly in the deprivation of Mr.Sandoval's constitutional rights, by failing to return all the withheld property, and causing his pending litigation to be dismissed by denying the release of the Three money orders. See: CP962, CP975, CP976, CP979, CP980, CP981, CP986-987, CP1016-1017, and 1018.

3. Mr. D. Pacholke personally participated directly in the deprivation of Mr.Sandoval's Constitutional right of the First, Eighth, and Fourteenth Amendments. The actions and inactions of Mr.Pacholke are genuine issues in dispute, non-speculative, sufficient to hold Mr.Pacholke liable.

4. Mr.B. Warner's personal involvement and personal participation with the unlawful actions of Wash. St. DOC's Official's of the SCCC, makes him equally liable.

"A Supervisor may be liable if there exist 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". Redman v. County of San Diego, 942 F.2d 1435, 1446-47 (9th Cir.1991) (emphasis in original).

Mr. Warner responded to my letter on Dec 20, 2010, informing me that purchasing legal research material's that I had a friend purchase for me, because I was assisting another inmate, and he condoned the retaliatory act's of the SCCC official's, denying Mr. Sandoval's right of meaningful access to the courts. A violation of the U.S. Federal Constitutions First Amendment, and condoned the erroneous disciplinary infraction which set in motion a series of unlawful act's against Mr. Sandoval, is also a violation of the U.S. Federal Constitutions Fourteenth Amendment, which also resulted in Mr. Sandoval's pending legal cases to be dismissed because of the withholding of the erroneous infraction evidence caused his appeal to be dismissed, the money order's were unlawfully withheld. Clear violation of U.S.

Federal Constitutional rights.

E. THE FOLLOWING DEFENDANT'S ARE NOT ENTITLED TO QUALIFIED IMMUNITY.

Pursuant to Feis v. King County Sheriff's Dep't. 165 Wn.App. 525 (11/03/11), at 541, To defeat an assertion of immunity, a plaintiff must allege that an officer's conduct violated a clearly established and sufficiently particularized Statutory or Constitutional right. Saucier, 533 U.S. at 202 (quoting Anderson, 483 U.S. at 640. Qualified immunity includes two independent prongs: 1) Whether the officer's conduct violated a Constitutional right, and 2) Whether that right was clearly established at the time of the incident.

Pearson v. Callahan, 555 U.S. 223, 232, 129 S.Ct. 808, 172 L.Ed.2d 565 (2009).

There must be "a genuine issue as to whether the defendant in fact committed those act's". Mitchell v. Forsyth, 472 U.S. 511, 526, 105 S.Ct. 2806, 86 L.Ed.2d 411 (1985).

1. Defendant Ms.Sullivan's unlawful conduct violated the U.S. Federal Constitutions First Amendment, (The right to petition the government for a redress of Grievances), and (Access to the

Courts).

Ms.Sullivan retaliated against Sandoval because he was engaged in protected activities of meaningful access to the courts, litigating his Two pending cases. No. 09-2-02415-1, (Thurston Co.) and No. 41671-9-II, (C.O.A.Div.II).

Ms.Sullivan used his mail and Money to commit these acts in an erroneous infraction, and having his cell searched for his legal research material's.

Ms.Sullivan's conduct violates the First, Fifth, Eighth and Fourteenth Amendments of the U.S. Federal Constitution, and those rights are clearly established.

Prisoner's have a Constitutional right to Meaningful access to the Court's. Bounds v. Smith, 430 U.S. 817, 821 (1977). See: Murphy v. Shaw, 195 F.3d 1121, 99 Cal. Daily Op. Serv. 8846 (9th Cir.11/04/99); at ¶ [30]; This Circuit in Rizzo v. Dawson, 778 F.2d 527, 531 (9th Cir.1985);

Recognized that the provisions of legal assistance to a fellow inmate is an activity protected by the First Amendment.

2. Mr.Salvaggi's conduct violated the U.S. Federal Constitutions First Amendment, (Access to the

Courts) and (Meaningful access to the Courts), and the Eighth Amendment (Cruel and Unusual Punishment) (Calculated Harassment). On Sept 24, 2010, Mr.Salvaggi retaliated by ransacking Mr.Sandoval's cell (H5-A75), by leaving the cell in shambles, with all his personal property strewn all over the floor in disarray.

On 09/24/10, Mr.Salvaggi confiscated personal property (legal research material's in retaliation for engaging in a protected activity of Access to the courts and Meaningfull access to the courts, and for Assisting another inmate with his legal matters, (Mr.Shamp).

Mr.Salvaggi's conduct violated U.S. Federal Constitutional rights, and those rights were clearly established. See: Rhodes v. Robinson, 408 F.3d 559, 567-68 (9th Cir.2004); an inmate has a right to be free from retaliation for engaging in First Amendment activities. See also: Vigliotto v. Terry, 873 F.2d 1201, (11/14/88); at 1203, The Eighth Amendment protects prisoners from searches conducted only for "Calculated Harassment".

3. Mr.Dahne's conduct violated U.S. Federal Constitutions First Amendment (Access to the Court) and Meaningful Access to the Court).

On 12/03/10, Mr.Dahne retaliated against Mr.Sandoval by unlawfully restricting his personal mail (legal research material's), by coercive power, explaining that if I refuse to sign the property disposition form CP955, CP1014, the property will be disposed of.

Captain Mr.May had ordered Mr.Dahne to release all the physical evidence used in the 10/04/10 Serious Disciplinary hearing.

Mr.Dahne's conduct violated U.S. Federal Constitutional rights and those rights were clearly established. See: Rhodes v. Robinson, 408 F.3d 559, 567-68 (9th Cir.2004). See also: Board of Regents v. Roth, 408 U.S. 564, 576, 92 S.Ct. 2701, 33 L.Ed.2d 548 (1972)("To have property interest in a benefit, a person clearly must have more than an abstract need or desire for it. He must have more than a unilateral expectation of it. He must, instead, have a legitimate claim of entitlement to it").

4. Mr.May and Mr.Glebe's conducts violated the U.S. Federal Constitutions First Amendment's (Access to the Courts), (Meaningful access to the Courts) and of the Fourteenth Amendment (Procedural Due Process of law).

On 10/03/10, Mr.May ordered Mr.Dahne to release all the physical evidence used in the disciplinary hearing. Mr.Dahne refused to release some of the items. Mr.May then coincided with Mr.Dahne and with Mr.Glebe, both declining to release the remaining personal legal research material's, Mail, and money belonging to Mr.Sandoval.

The actions of Mr.May and Glebe, is retaliatory, their conduct violates U.S. Federal Constitutional rights, and those rights were clearly established.

See: Bounds v. Smith, 430 U.S. 817, 821 (1977);

Rhodes v. Robinson, 408 F.3d 559, 567-68 (9th

Cir.2004); and See: Board of Regents v. Roth, 408

U.S. 564, 576, 92 S.Ct. 2701, 33 L.Ed.2d 548

(1972).

F. MR.SANDOVAL'S OBJECTION TO INADMISSIBLE EVIDENCE SUBMITTED WITH DEFENDANT'S MOTION FOR SUMMARY JUDGMENT IS MERITORIOUS.

On Dec 11, 2015, Defendant's filed their Motion For Summary Judgment with inadmissible evidence in support. CP1037-1282.

On March 4, 2016, Mr.Sandoval filed a Motion To Strike the inadmissible evidence, specifically; all the attachments regarding the Serious Disciplinary Infraction. CP159-161.

The Trial Court denied the motion on April 15, 2016. CP1289-1290.

The evidence used is inadmissible because it is "erroneous" it failed to provide a legitimate process of due process at the disciplinary hearing. CP938. Mr.Sandoval was denied a fundamental fair proceeding because the finding of guilt was based on less than constitutionally sufficient evidence. CP1205.

The defendant's used this inadmissible evidence to support their Motion For Summary Judgment contrary to State Court case law. See: Raymond v. Pacific Chem, 98 Wn.App. 739 at 744, (Dec 13, 1999); at ¶ [1];[2], A Trial Court may not consider inadmissible evidence when ruling on a Summary Judgment. King County Fire Protection Dist. No.16, v. Housing Auth, 123 Wn.2d 819, at 826, 872 P.2d 516 (1994).

Ms.Sullivan admitted that she falsified a Serious Major Disciplinary Infraction Report. CP938.

It is impermissible to allow the defendant's to support their motion for summary judgment with inadmissible evidence. (erroneous information), it is contrary to Washington State precedent case laws, and is prejudicial to Mr.Sandoval because the

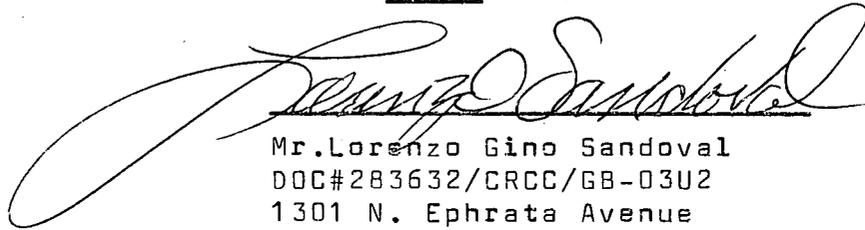
sole reasons and purposes for the unlawful acts committed was out of retaliation for filing several Civil Rights actions against numerous SCCC Official's prior to this Case.

Allowing the defendant's to use erroneous information (Infraction Report), by the defendant's to falsely substantiate that being guilty of a Minor from that Infraction, clearly does not advance any Correctional goal. The defendant's theory of legitimacy based on an erroneous infraction report as in this case is another act of unlawfulness by the same defendant's. This is a clear disregard for Mr.Sandoval's State and U.S. Federal Constitutional rights.

II. CONCLUSION

The Trial Court erred when it improperly granted the defendant's Motion For Summary Judgment with Prejudice, when numerous genuine issues of material facts remain in dispute.

Therefore, Mr.Sandoval Prays that this Court
REVERSES AND REMANDS THE CASE BACK TO THE TRIAL
COURT FOR A JURY TRIAL; Award all cost incurred to
the Appellant, and Recues Judge Mary Sue Wilson
from the Case for lack of knowledge in Civil Law.
RESPECTFULLY SUBMITTED This 31st, day of JANUARY,
2017.



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