

# EXHIBIT M

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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND DIVISION

17 TODD ASHKER, DANNY TROXELL, GEORGE  
18 RUIZ, JEFFREY FRANKLIN, GEORGE FRANCO,  
GABRIEL REYES, RICHARD JOHNSON, PAUL  
19 REDD, LUIS ESQUIVEL, and RONNIE  
DEWBERRY, on their own behalf, and on behalf of  
20 a class of similarly situated prisoners,

21 Plaintiffs,

22 v.

23 EDMUND G. BROWN, JR., Governor of the State  
of California, MATTHEW CATE, Secretary,  
24 California Department of Corrections and  
Rehabilitation (CDCR); ANTHONY CHAUS,  
25 Chief, Office of Correctional Safety, CDCR; and  
G.D. LEWIS, Warden, Pelican Bay State Prison,  
26

27 Defendants.

Case No. 4:09 CV 05796 CW

**DECLARATION OF PAUL REDD IN  
SUPPORT OF PLAINTIFFS'  
MOTION FOR CLASS  
CERTIFICATION**

Honorable Claudia Wilken

1 I, Paul Redd, declare under penalty of perjury that:

- 2 1. I am a 56-year-old prisoner and have spent 33 of the past 35 years in solitary confinement  
3 in California. With the exception of a short period between December 2000 and March  
4 2001, I have been incarcerated at the Pelican Bay SHU since 1990.
- 5 2. My disciplinary misconduct over the past 25 years did not involve gang violence or gang-  
6 related activities, and did not carry a determinate SHU term. I have not had any  
7 significant disciplinary misconduct for the past 25 years.
- 8 3. I was denied inactive status in 2011 based purely on association and my political writings  
9 and materials, and not based on any gang-related actions. My SHU retention was based  
10 on possession of drawings, and cards related to George Jackson and the Black Panthers,  
11 and my appearance on a roster of purported gang affiliates found amid the property of  
12 another prisoner. In addition, one confidential informant identified me as a BGF  
13 “captain” and another labeled me a “main BGF member” responsible for routing BGF  
14 communications through the legal system. None of these source items provide any  
15 evidence of any actions engaged in by me on behalf of a prison gang in the prior six  
16 years. True and correct copies of my 2011 inactive review documents can be found at  
17 Exhibit N.
- 18 4. The 180-day reviews are a sham. I have only been asked if I will debrief, and whether I  
19 am mentally ill. Prison officials also check that my records are in order. The only  
20 determination of whether I am eligible to leave the SHU is made at my six-year reviews.
- 21 5. While in prison, because of my legal research and familiarity with CDCR’s rules,  
22 regulations and practices, I have helped many other prisoners with their legal cases. I  
23 was designated by CDCR as an “approved correspondent,” which meant that I could  
24 officially provide legal assistance to other prisoners in their habeas cases, civil rights  
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1 claims, or internal CDCR appeals. As an approved correspondent, I could write and  
2 receive letters and documents from other prisoners. Such correspondence went through  
3 the Pelican Bay law library, and was reviewed by the Institutional Gang Investigator Unit  
4 (IGI) so that they could ensure that my correspondence was on legal matters and had  
5 nothing to do with gang activity.

6 6. Over the years I was an approved correspondent, I would estimate that I aided  
7 approximately 300 fellow prisoners in various legal matters, including aiding between  
8 100 and 150 prisoners with gang validation between 1990 and 1999, and another 25  
9 prisoners with inactive reviews between 1999 and 2011.

10 7. After the 2011 hunger strike by the prisoners, CDCR terminated the approved  
11 correspondent program at Pelican Bay SHU, so that I can no longer correspond with  
12 other prisoners.

13 8. The numerous inactive reviews of prisoners who I aided invariably involved IGI and SSU  
14 determining that a prisoner was validated as a member/associate and/or still an active  
15 gang member. In the documents that I reviewed, common source items that CDCR used  
16 to determine that prisoners at the SHU were not inactive included:

- 17 a) Inter-departmental envelopes found in their possession with the name of a  
18 prisoner who was validated as a gang member, particularly when there was  
19 some mark or scratch next to the name. These are envelopes that are  
20 circulated by various prison staff such as counselors or medical staff.  
21 Prisoners have no control over whose name is on the envelope they receive.  
22 b) Poems written by prisoners, or political writings or poems from another  
23 validated gang member found in their cell;  
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- c) Their name appearing on a list of alleged gang members found in the cell of an unidentified prisoner;
- d) A chrono in which a guard states that the prisoner was simply talking with a validated gang member, for example in the library or through a yard door;
- e) Their possession of artwork or political or cultural materials such as something written in Swahili; and
- f) Their possession of an address book which contains the address of a validated gang member.

9. I am eligible for parole, and have been before the Parole Board numerous times. However, I cannot get parole because I am in the SHU. For example, in 2001, I was reviewed by the Parole Board and told that I need to be in a less restrictive environment in order to obtain parole.

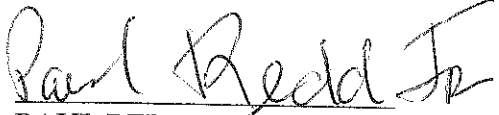
10. A few weeks ago, a prisoner named Charles Coleman was being escorted from the pod and was loudly greeting other prisoners. He and several other prisoners received documents informing them that this so-called communication would be used at their next inactive reviews.

11. My prolonged solitary confinement in Pelican Bay has caused me serious harm. I have described and discussed this harm with the experts who have been retained by my lawyers in this case.

12. I suffer from hypertension, Type 2 diabetes, vision problems, and a thyroid disorder for which I receive no medication. I also suffer from chronic lower back and knee pain as a result of an incident in which a corrections officer kicked a chain in my direction. Doctors would not refer me to a consultation with an orthopedist because they say that the prison no longer contracts with one.

- 1 13. I am currently an alternative representative designated to represent prisoners at the SHU  
2 in discussions of complaints with the Warden.
- 3 14. I am one of the 16 signatories to the statement by prisoners at Pelican Bay SHU issued in  
4 September 2012 and effective October 10, 2012 that states that racial and ethnic violence  
5 amongst prisoners in California prisons should cease.
- 6 15. I am interested in being a class representative in this case because I would like to  
7 represent other prisoners who have experienced the same constitutional violations as I,  
8 and I want to help change and improve CDCR's policies. I share this common interest  
9 with all the other prisoners held in the Pelican Bay SHU, so I don't know of any reason  
10 why I would be unable to adequately represent them in our claims for injunctive and  
11 declaratory relief.
- 12 16. I have been cooperating fully with my lawyers and am responding to their requests to the  
13 best of my ability and recollection, and will continue to do that. My lawyers keep me  
14 updated as to the progress of the case. I am happy with their performance, and am  
15 confident that they will adequately represent me and the class.

16 I declare under penalty of perjury that the foregoing is true and correct based on my  
17 knowledge and belief and that this declaration was executed on April 21, 2013, in Crescent City,  
18 California.

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22 PAUL REDD

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**ADDITIONAL PLAINTIFFS' COUNSEL**

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# EXHIBIT N



D2-117

STATE OF CALIFORNIA  
CDC 128-B-2 (4/07)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

NAME: REDD, Paul

CDCR NUMBER: B72683

On 4/22/11 a gang validation package regarding subject was received from Institution Gang Investigator D. Barneburg at PBSP. Subject was originally validated on 2/11/80 under CDCR number B72683 as a Member of the BLACK GUERRILLA FAMILY [BGF] prison gang. This CDCR 128B2 reflects additional information which updates Subject's status.

TOTAL NUMBER OF ITEMS SUBMITTED FOR REVIEW: (4)

The following items meet the validation requirements:

- Item #1 CDCR 128B dated 4/6/11 (Tattoos and Symbols)
- Item #2 CDCR Confidential Memorandum dated 4/12/10 (Informants)
- Item #3 CDCR Confidential Memorandum dated 7/16/09 (Debriefing Report)
- Item #4 CDCR Confidential Memorandum dated 1/15/08 (Written Material)

TOTAL NUMBER OF ITEMS WHICH MEET VALIDATION REQUIREMENTS: (4)

The following items do not meet the validation requirements and were/shall not be used as a basis for validation:

None

TOTAL NUMBER OF ITEMS WHICH DO NOT MEET VALIDATION REQUIREMENTS: (0)

**ACTION OF REVIEWER**

Pursuant to the validation requirements established in CDCR Title 15 Section 3378. Paul REDD is:

VALIDATED       REJECTED

as a Member of the BLACK GUERRILLA FAMILY [BGF] prison gang.

*R. Burt*

R. BURT, Special Agent  
SPECIAL SERVICE UNIT

<p><b>DISTRIBUTION:</b>  Original - Central File  Copy - Classification &amp; Parole Representative/Parole Administrator I  Copy - Institutional Gang Investigator/Region Gang Coordinator  Copy - Office of Correctional Safety - Special Service Unit  Copy - Inmate/Parolee date: <u>10/25/11</u> by: <u>A Hernandez</u></p>	<p><b>ACTIVE/INACTIVE REVIEW</b></p> <p><b>4/1/2017 Based on source item(s) #1</b></p> <p><b>ELIGIBILITY DATE</b></p>
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Date: 5/23/11

SSU GANG VALIDATION/REJECTION REVIEW

GENERAL CHRONO

OCT 3 1 2011

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION  
CDCR 128-B (Rev. 4/74)

NAME and NUMBER: REDD, Paul

B-72683

HOUSING: D2-117L

On April 1, 2011, the Institution Gang Investigations Unit (IGI) initiated an investigation of inmate **REDD, Paul, B-72683, moniker "Mume/Paul," validated Black Guerrilla Family (BGF) member**, currently housed in Pelican Bay State Prison (PBSP), Security Housing Unit (SHU), Facility D, Unit 2, Cell 117L, regarding his current gang status. On April 1, and 5, 2011, the property of REDD was searched to ascertain any BGF gang-related information for his pending Active/Inactive Review Investigation. Discovered amid his personal paperwork were several items which constitute BGF gang-related activities. The first item is a hand sketched drawing of George Jackson and Jeffery Gauden. George Jackson is the co-founder of the BGF. Members and associates of the BGF hold Jackson in high regard as a martyr and base their ideologies and philosophy on the structure that Jackson helped establish. GAULDEN, Jeffrey Patrick, B-09053, aka "Khatari," (deceased,) was the Supreme Commander of the BGF, after the death of Jackson. The second item discovered amid his property was a greeting card with several photographs glued in the inside. One of the photographs glued on the inside is titled "Black August, Long Live the Guerilla," and depicts a drawing of George Jackson and Brother Jonathan Jackson. "Black August" or the Black August movement is a concept which was established by the BGF to commemorate all of their fallen comrades. The BGF picked the month of August due to the fact that several members and associates of the BGF had been killed in the month of August. These members include George Jackson (co-founder of the BGF, killed during an attempted escape from San Quentin State Prison on August 21, 1971,) Jeffery Gauden (Commander of the BGF after the death of Jackson, killed during a football game at San Quentin State Prison on August 1, 1978), William Christmas, James McClain, and Jonathan Jackson (all three killed on August 7, 1970, during an attempted escape at the Marin County Courthouse,) death of Alvin Miller, Cleveland Edwards, and W. L. Nolan, who were shot and killed by correctional staff during an incident with the Aryan Brotherhood, (this incident actually took place on January 13, 1970, but BGF utilize the date of August 13, 1970, to commemorate their death.) The BGF also utilize other occurrences not directly involving the BGF, but occurred in the month of August. This includes the Watts Riots in August 1965, arrival of the first black slaves in the 13 colonies in August 1619, Underground Railroad August 1850, the birth of Marcus Garvey August 17, 1887, and birth of Black Panther Fred Hampton on August 30, 1948. Also discovered amid his personal paperwork was a hand drawn greeting card which depicts Jonathan Jackson holding two guns. This drawing is depicted from an actual photograph taken by journalists of Jonathan Jackson as he was evading police at the Marin County Courthouse on August 7, 1970.

Based on my training as a gang investigator, I have concluded that REDD had several items located within his personal property which would lend credence to the fact that he is still actively participating as a member and demonstrating his loyalty to BGF prison gang. Therefore, this document meets the criteria for gang involvement as prescribed in California Code of Regulations (CCR) Title 15, Section 3378 (c) (8) (B), Symbols.

A photocopy of the aforementioned items will accompany this document.



S. Burris  
Assistant-Institutional Gang Investigator  
Pelican Bay State Prison

DATE: 4/6/2011

GANG INFORMATION

CDCR 128B

#1

STATE OF CALIFORNIA  
CDC 1030 (6/2009)

DEPARTMENT OF CORRECTIONS

CONFIDENTIAL INFORMATION DISCLOSURE FORM

INMATE NUMBER B-72683 INMATE NAME: REDD

1) Use of Confidential Information.

Information received from a confidential source(s) has been considered in the:

a) Active/Inactive Review

b) Prison Gang Validation

Submitted by, Correctional Officer S. Burris

c) CDC-114-D, Order and Hearing for Placement in Segregated Housing dated N/A

2) Reliability of Source.

The identity of the source(s) cannot be disclosed without endangering the source(s) or the security of the institution.

This information is considered reliable because:

a)  The confidential source has previously provided information which has proven to be true.

b)  Other confidential sources have independently provided the same information.

c)  This information provided by the confidential source is self-incriminating.

d)  Part of the information provided is corroborated by through investigation or by information provided by non-confidential sources.

e)  The confidential source is the victim.

f)  Staff report, the information was confiscated and not solicited by or intended for staff.

g)  Other (Explain)

3) Disclosure of information received.

Confidential Memorandum dated April 12, 2010, authored by Correctional Officer J. Stout. On March 1, 2010, at Pelican Bay State Prison, a validated member of the Black Guerrilla Family (BGF) identified you as a captain in the BGF prison gang. This information meets gang validation requirements per CCR, Title 15, 3378 (c) (8) (H) Informants.

The information is considered reliable Per California Code of Regulations (CCR), Title 15, Section 3321 as indicated above in part 2.  
(If additional space needed, attach another sheet.)

4) Type and current location of documentation, (ie: CDC-128-B of 5-15-86 in the confidential material folder)

Confidential Memorandum dated April 12, 2010, authored by Correctional Officer J. Stout, in the confidential section of the Central File.

S. Burris



STAFF SIGNATURE, TITLE

4/6/2011

DATE DISCLOSED

DISTRIBUTION: WHITE ---Central File; GREEN --- Inmate; YELLOW --- Institution Use

OCT 31 2011

STATE OF CALIFORNIA  
CDC 1030 (6/2009)

DEPARTMENT OF CORRECTIONS

## CONFIDENTIAL INFORMATION DISCLOSURE FORM

INMATE NUMBER

B-72683

INMATE NAME:

REDD

## 1) Use of Confidential Information.

Information received from a confidential source(s) has been considered in the:

 a) Active/Inactive Review b) Prison Gang Validation

Submitted by, Correctional Officer S. Burris

 c) CDC-114-D, Order and Hearing for Placement in Segregated Housing datedN/A

## 2) Reliability of Source.

The identity of the source(s) cannot be disclosed without endangering the source(s) or the security of the institution.

This information is considered reliable because:

a)  The confidential source has previously provided information which has proven to be true.b)  Other confidential sources have independently provided the same information.c)  This information provided by the confidential source is self-incriminating.d)  Part of the information provided is corroborated by through investigation or by information provided by non-confidential sources.e)  The confidential source is the victim.f)  Staff report, the information was confiscated and not solicited by or intended for staff.g)  Other (Explain)

## 3) Disclosure of information received.

Confidential Memorandum dated July 16, 2009, authored by Correctional Sergeant R. Bishop and Sergeant A. Murphy. On May 14, 2009, at Pelican Bay State Prison, a validated member of the Black Guerrilla Family (BGF) identified you as one of the main BGF members responsible for routing BGF related communications through the legal system. This information meets gang validation requirements per CCR, Title 15, 3378 (c) (8) (M) Debriefing Report.

The information is considered reliable Per California Code of Regulations (CCR), Title 15, Section 3321 as indicated above in part 2.

(If additional space needed, attach another sheet.)

## 4) Type and current location of documentation, (ie: CDC-128-B of 5-15-86 in the confidential material folder)

Confidential Memorandum dated July 16, 2009, authored by Correctional Sergeant R. Bishop and Sergeant A. Murphy, in the confidential section of the Central File.

S. Burris

  
 STAFF SIGNATURE, TITLE

4/6/2011

DATE DISCLOSED

DISTRIBUTION: WHITE --Central File; GREEN --- Inmate; YELLOW --- Institution Use

OCT 31 2011

5

STATE OF CALIFORNIA  
CDC 1030 (6/2009)

DEPARTMENT OF CORRECTIONS

## CONFIDENTIAL INFORMATION DISCLOSURE FORM

INMATE NUMBER

B-72683

INMATE NAME:

REDD

## 1) Use of Confidential Information.

Information received from a confidential source(s) has been considered in the:

 a) Active/Inactive Review b) Prison Gang Validation

Submitted by, Correctional Officer S. Burris

 c) CDC-114-D, Order and Hearing for Placement in Segregated Housing datedN/A

## 2) Reliability of Source.

The identity of the source(s) cannot be disclosed without endangering the source(s) or the security of the institution.

This information is considered reliable because:

a)  The confidential source has previously provided information which has proven to be true.b)  Other confidential sources have independently provided the same information.c)  This information provided by the confidential source is self-incriminating.d)  Part of the information provided is corroborated by through investigation or by information provided by non-confidential sources.e)  The confidential source is the victim.f)  Staff report, the information was confiscated and not solicited by or intended for staff.g)  Other (Explain)

## 3) Disclosure of information received.

Confidential Memorandum dated January 15, 2008, authored by Correctional Officer B. Thornton. On January 7, 2008, at Pelican Bay State Prison, a coded roster of Black Guerrilla Family (BGF) affiliates was discovered amid the property of a validated BGF member. The coded roster is titled "Path Finder Index." Within this roster, under the subtitle "Trade," is your name (REDD, P.) and code number assigned to you (6). This document meets criteria set forth in CCR, Title 15, 3378 (c) (8) (G) (C) Written Material/Association. By your personal information being discovered amid a coded roster in a validated BGF members possession, potentially allows for illicit BGF gang-related information to be distributed amongst the membership without being detected by custody staff.

The information is considered reliable Per California Code of Regulations (CCR), Title 15, Section 3321 as indicated above in part 2.

(If additional space needed, attach another sheet.)

## 4) Type and current location of documentation, (ie: CDC-128-B of 5-15-86 in the confidential material folder)

Confidential Memorandum dated January 15, 2008, authored by Correctional Officer B. Thornton, in the confidential section of the Central File.

S. Burris

  
STAFF SIGNATURE, TITLE

4/6/2011

DATE DISCLOSED

DISTRIBUTION: WHITE --- Central File; GREEN --- Inmate; YELLOW --- Institution Use

4/6/2011

4

# EXHIBIT O

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12 Attorneys for Plaintiffs  
(Additional counsel listed on attached page)  
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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND DIVISION

17 TODD ASHKER, DANNY TROXELL, GEORGE  
RUIZ, JEFFREY FRANKLIN, GEORGE FRANCO,  
18 GABRIEL REYES, RICHARD JOHNSON, PAUL  
REDD, LUIS ESQUIVEL, and RONNIE  
19 DEWBERRY, on their own behalf, and on behalf of  
20 a class of similarly situated prisoners,

Plaintiffs,

v.

22 EDMUND G. BROWN, JR., Governor of the State  
23 of California, MATTHEW CATE, Secretary,  
24 California Department of Corrections and  
25 Rehabilitation (CDCR); ANTHONY CHAUS,  
26 Chief, Office of Correctional Safety, CDCR; and  
G.D. LEWIS, Warden, Pelican Bay State Prison,

Defendants.

Case No. 4:09 CV 05796 CW

**DECLARATION OF GABRIEL  
REYES IN SUPPORT OF  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION**

Honorable Claudia Wilken

1 I, Gabriel Reyes, declare under penalty of perjury that:

- 2 1. I am a 47-year-old prisoner and I have spent almost 17 years continuously in isolation in  
3 California. I have been at the Pelican Bay SHU for over 15 years.
- 4 2. I am serving a sentence of 25 years to life under California's "three strikes" law.
- 5 3. The lack of telephone calls and difficulties involved in visiting Pelican Bay impose a  
6 considerable strain on my family relationships.
- 7 4. Phone calls are not permitted to prisoners at the SHU, except in certain emergencies.  
8 You are supposed to be able to call your family after a parent dies, but even this call is  
9 discretionary. I was denied a telephone call home after my stepfather died, because I had  
10 been allowed a telephone call several months earlier when my biological father died.
- 11 5. I have not hugged my daughters in almost two decades, since they were in first grade and  
12 pre-school, because all visits at the Pelican Bay SHU are strictly non-contact. They are  
13 now adults. I was recently allowed to send my children a photograph of me – my first in  
14 17 years.
- 15 6. I was trying to continue my education, but in 2007 CDCR cancelled the program at  
16 Pelican Bay SHU.
- 17 7. My prolonged solitary confinement in Pelican Bay has caused me serious harm. I have  
18 described and discussed this harm with the experts who have been retained by my  
19 lawyers in this case.
- 20 8. I suffer from several chronic medical ailments, including Sjogren's Syndrome, chronic  
21 nerve degeneration, chronic pain, arthritis, and Raynaud's Disease. In the past, I was  
22 prescribed effective medications for these problems. Most of those medications have  
23 been discontinued at the Pelican Bay SHU, and other medical treatment has also been  
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1 withdrawn without explanation. At the SHU, I developed an autoimmune ailment, which  
2 causes dryness of the eyes, mouth and all the mucus membranes and causes other, more  
3 serious conditions affecting the nerves and joints. While here, I also developed Chronic  
4 Obstructive Pulmonary Disease (COPD) and Raynaud's Disease.

5 9. The doctor here told me that if I wanted better medical care, I should debrief.

6 10. Despite the promise of release through "gang inactivity," I have been repeatedly denied  
7 inactive gang status based on association, without evidence of any gang activity as I  
8 understand those words. At my first inactive review I was denied inactive status based on  
9 one source item: exercising with other validated prisoners in a group yard while in  
10 administrative segregation.  
11

12 11. At my last inactive review, in 2008, I was denied inactive status based on two items  
13 found in my cell. One was a cursive design for a tattoo of my name and, as alleged by  
14 CDCR, included a Mactlactlomei symbol below my name. The second was a cultural  
15 drawing of a woman, man and a Mayan Shaman, with a geometric pattern alleged to be  
16 what CDCR refers to as a G-shield. The G-shield also appears in a tattoo on my torso  
17 and was rejected by CDCR's gang experts as a gang-related source item in 1996, 2003  
18 and 2005, repeatedly stating "symbol not gang specific." True and correct copies of my  
19 2008 inactive review documents can be found at Exhibit P.  
20

21 12. My only rules violations in the last 12 years involved the recent hunger strike and the  
22 unauthorized donation of artwork to a non-profit organization.  
23

24 13. I am interested in being a class representative in this case because I would like to  
25 represent other prisoners who have experienced the same constitutional violations as I,  
26 and I want to help change and improve CDCR's policies. I share this common interest  
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with all the other prisoners held in the Pelican Bay SHU, so I don't know of any reason why I would be unable to adequately represent them in our claims for injunctive and declaratory relief.

14. I have been cooperating fully with my lawyers and am responding to their requests to the best of my ability and recollection, and will continue to do that. My lawyers keep me updated as to the progress of the case. I am happy with their performance, and am confident that they will adequately represent me and the class.

I declare under penalty of perjury that the foregoing is true and correct based on my knowledge and belief and that this declaration was executed on April 20, 2013, in Crescent City, California.

  
GABRIEL REYES

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# EXHIBIT P

STATE OF CALIFORNIA  
CDC 128-B-2 (4/07)

INMATE'S NAME: REYES, GABRIEL

CDCR NUMBER: C88996

On Saturday, December 13, 2008 a gang validation package regarding subject was received from Institution Gang Investigator J. Beeson at PBSP. Subject was originally validated on 11/07/96 under CDCR number C88996 as an associate of the MEXICAN MAFIA [EME] prison gang. Subject was subsequently validated on 10/17/03 under CDCR number C88996 as an associate of the MEXICAN MAFIA [EME] prison gang. Subject was subsequently validated on 05/24/05 under CDCR number C88996 as an associate of the MEXICAN MAFIA [EME] prison gang. This CDCR 128B2 reflects additional information which updates Subject's status.

TOTAL NUMBER OF ITEMS SUBMITTED FOR REVIEW: (1)

The following items meet the validation requirements:

- 1. CDC 128B dated December 9, 2008 (tattoos and symbols).

TOTAL NUMBER OF ITEMS WHICH MEET VALIDATION REQUIREMENTS: (1)

The following items do not meet the validation requirements and were/shall not be used as a basis for validation:

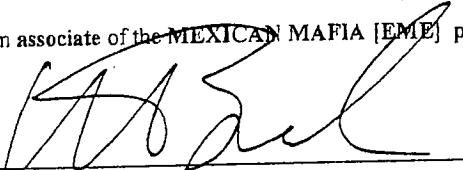
TOTAL NUMBER OF ITEMS WHICH DO NOT MEET VALIDATION REQUIREMENTS: (0)

**ACTION OF REVIEWER**


Pursuant to the validation requirements established in 15 CCR Section 3378, REYES, GABRIEL is:

VALIDATED       REJECTED

as an associate of the MEXICAN MAFIA [EME] prison gang.



M. BUECHNER, SPECIAL AGENT  
SPECIAL SERVICE UNIT

<p><b>DISTRIBUTION:</b>  Original - Central File  Copy - Classification &amp; Parole Representative/Parole Administrator I  Copy - Institutional Gang Investigator/Region Gang Coordinator  Copy - Office of Correctional Safety - Special Service Unit  Copy - Inmate/Parolee <u>2-19-09</u> by <u>A. PEREZ CCI</u></p>	<p><b>ACTIVE/INACTIVE REVIEW</b></p> <p><b>December 8, 2014</b></p> <p><b>ELIGIBILITY DATE</b></p> 
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Date: 12/13/2008

SSU GANG VALIDATION/REJECTION REVIEW

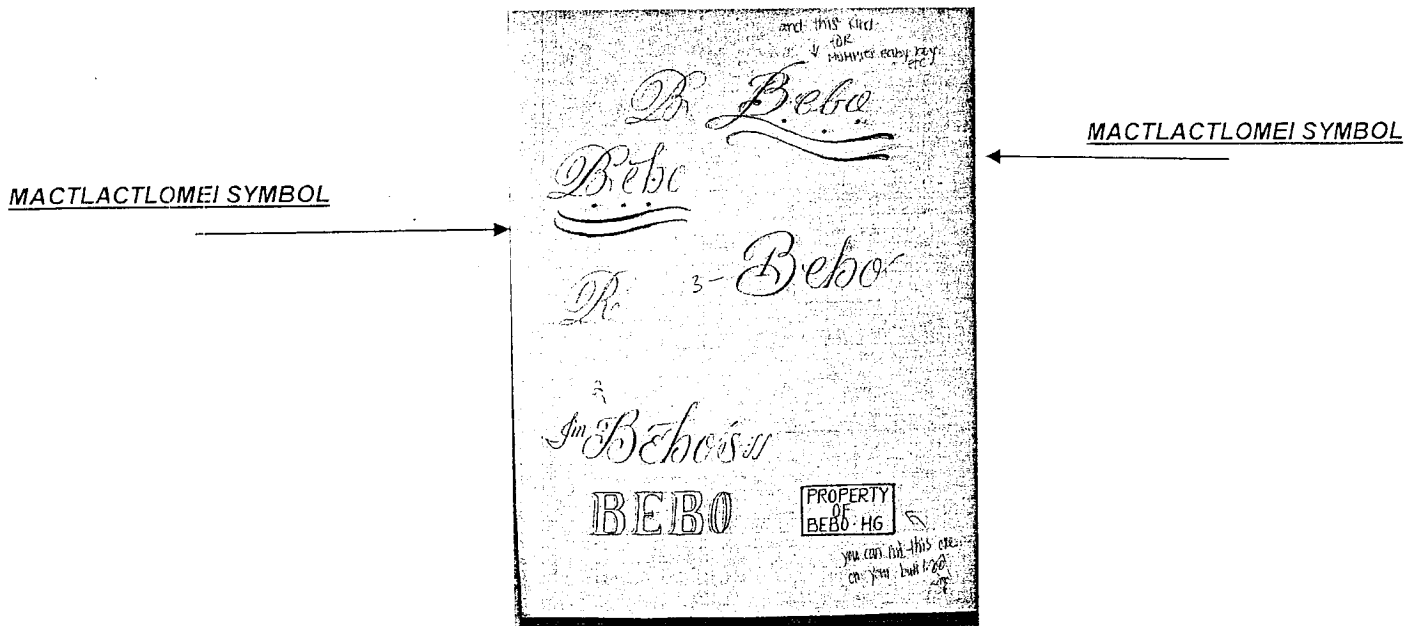
GENERAL CHRONO

Name and Number

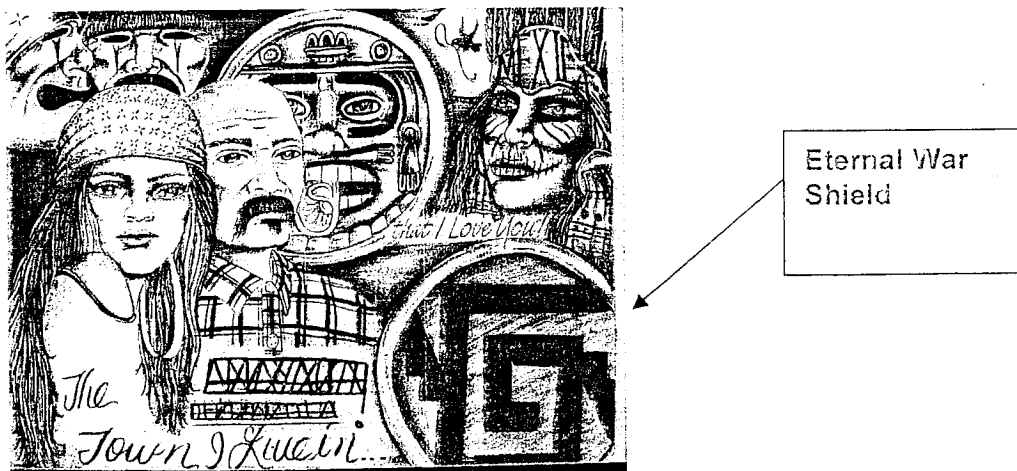
REYES, C-88996

CDC 128-B (4/74)

On December 8, 2008, an investigation was initiated regarding the gang status of inmate REYES, C-88996, aka "Bebo from Hawaii Gardens," a validated Mexican Mafia (EME) prison gang associate. During the investigation, inmate REYES' personal property was confiscated for the purpose of searching for gang material. During the course of the search, staff discovered two (2) pieces of material recognized as gang material specific to the EME prison gang. Specifically, one item consisted of a drawing which contained the *Eternal War Shield* symbol, and the other item consisted of a piece of paper containing the *mactlactomei* symbol, below the name "BEBO." "Bebo" is inmate REYES' documented moniker. Below are digital photograph insert(s) which contain clarifications of the discovery.



The mactlactomei symbol is the Ancient Meso-American numeral 13, which consist of two separated parallel lines below three unconnected dots. The thirteenth letter of the alphabet is "M", which is frequently used by subservient inmates of the Mexican Mafia (EME) prison gang as an attempt to conceal their association. The mactlactomei symbol is a recognized by the California Department of Corrections and Rehabilitation CDCR as EME prison gang association.



The Eternal War Shield is synonymous with EME prison gang association. Members and associates of the EME prison gang often refer to themselves as Aztec warriors. These warriors believe they are fighting for the purpose of the EME and its membership. The Eternal War Shield tattoos are symbolic of their dedication or pledge to their beliefs. The Eternal War Shield is recognized by the CDCR as an identifier of association to the EME prison gang.

Inmate REYES possessing the aforementioned material shows his association to the EME prison gang and should count as a source point towards him being validated as an associate of the EME.

cc: C-File

A. Guzman

# EXHIBIT Q

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12 Attorneys for Plaintiffs  
(Additional counsel listed on attached page)  
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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND DIVISION

17 TODD ASHKER, DANNY TROXELL, GEORGE  
RUIZ, JEFFREY FRANKLIN, GEORGE FRANCO,  
18 GABRIEL REYES, RICHARD JOHNSON, PAUL  
REDD, LUIS ESQUIVEL, and RONNIE  
19 DEWBERRY, on their own behalf, and on behalf of  
a class of similarly situated prisoners,

20  
21 Plaintiffs,

22 v.

23 EDMUND G. BROWN, JR., Governor of the State  
of California, MATTHEW CATE, Secretary,  
24 California Department of Corrections and  
Rehabilitation (CDCR); ANTHONY CHAUS,  
25 Chief, Office of Correctional Safety, CDCR; and  
G.D. LEWIS, Warden, Pelican Bay State Prison,  
26

27 Defendants.  
28

Case No. 4:09 CV 05796 CW

**DECLARATION OF GEORGE RUIZ  
IN SUPPORT OF PLAINTIFFS'  
MOTION FOR CLASS  
CERTIFICATION**

Honorable Claudia Wilken



1 I, George Ruiz, declare under penalty of perjury that:

- 2 1. I have been held continuously in solitary confinement in either administrative segregation or  
3 a SHU since 1984. I have been housed in the Pelican Bay SHU since 1990, more than 22  
4 years.
- 5 2. I am now 70 years old. I was convicted in 1981 of robbery and a kidnapping in which  
6 nobody was injured. I was sentenced to eight years on the robbery charge, and seven  
7 years to life for the kidnapping charge. I was told by the judge at sentencing that I would  
8 likely serve 13 and a half years in prison.
- 9 3. I have been eligible for parole since 1993. However, multiple parole boards have indicated  
10 to me that I will never get parole as long as I am housed in the SHU. I have been to the  
11 Board nine times since 1993, and despite my excellent disciplinary record, I have always  
12 been denied parole.
- 13 4. I have been disciplined only once for violating a prison rule in over 25 years. Indeed, my  
14 only rule violations in the past 30 years have been for missing count in 1981, possession  
15 of wine in 1983, possession of unlabeled stimulants and sedatives in 1986, and a rule  
16 violation entitled "Mail Violation With No Security Threat" for using the term "sobrino",  
17 which means nephew in Spanish, in a letter I wrote. Despite this innocuous prison  
18 record, I have spent over 25 years in harsh isolation, without access to normal human  
19 contact.
- 20 5. In 2007, I was denied inactive gang status based on: (a) two 2006 searches of unnamed  
21 prisoners' cells that uncovered my name on a laundry list of purported EME members  
22 and associates in "good standing"; and (b) my possession of photocopied drawings in my  
23 cell. True and correct copies of my 2007 inactive review documents can be found at  
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1 Exhibit R. I had openly possessed this artwork, drawn by other prisoners, for at least  
2 eight years without any complaint or objection from prison officials. Three days before  
3 my 2007 inactive review, CDCR asserted that the drawings contained symbols associated  
4 with the EME. None of the source items relied on to retain me in the SHU for another six  
5 years alleged any gang activity as I understand those words, nor any criminal conduct.

6 6. My prolonged solitary confinement in Pelican Bay has caused me serious harm. I have  
7 described and discussed this harm with the experts who have been retained by my  
8 lawyers in this case.

9  
10 7. I have glaucoma and had a corneal transplant on my left eye. I have been told that I need one  
11 for my right eye. I also have diabetes, which became aggravated after a change in my  
12 medication. I recently developed pneumonia, kidney failure, and difficulty breathing,  
13 and experienced a delay in being seen by a medical practitioner. I had to be hospitalized  
14 for these conditions, but after I got somewhat better I was returned to the SHU. I also  
15 suffer from arthritis and high blood pressure.

16  
17 8. Recently, the Pelican Bay medical staff determined that due to my diabetes and kidney  
18 failure, I am a high risk patient whose medical needs cannot be adequately attended to at  
19 the SHU and that I should be transferred. However that recommendation was reversed  
20 by the IGI and then chief medical officer Michael Sayre.

21 9. I have been informed by the doctor that the only way to better medical treatment for my  
22 diabetes and kidney failure is to debrief and return to the mainline.

23  
24 10. I have had very few social visits from family and friends during my time at the SHU. I have  
25 two daughters and a son. My daughters live in San Diego and find it very hard to visit  
26 me because it is so far away. One of my daughters visited me five years ago. I have a  
27

1 sister who is 80 years old and cannot visit me. One of my granddaughters attempted to  
2 visit me several months ago from San Diego. She was recently married and had changed  
3 her name since her driver's license was issued. She was turned away by the guards and  
4 didn't get to visit me even though she brought all the legal documents to prove her name  
5 change was legitimate. Meanwhile, scribbled drawings from my two-year-old great-  
6 grandson have been confiscated for supposedly containing "coded messages." I cannot  
7 talk over the phone to any of my relatives, since phone calls are prohibited at the SHU  
8 except in an emergency.  
9

10 11. I am interested in being a class representative in this case because I would like to represent  
11 other prisoners who have experienced the same constitutional violations as I, and I want  
12 to help change and improve CDCR's policies. I share this common interest with all the  
13 other prisoners held in the Pelican Bay SHU, so I don't know of any reason why I would  
14 be unable to adequately represent them in our claims for injunctive and declaratory relief.  
15

16 12. I have been cooperating fully with my lawyers and am responding to their requests to the best  
17 of my ability and recollection, and will continue to do that. My lawyers keep me updated  
18 as to the progress of the case. I am happy with their performance, and am confident that  
19 they will adequately represent me and the class.  
20

21 I declare under penalty of perjury that the foregoing is true and correct based on my  
22 knowledge and belief and that this declaration was executed on April 30, 2013, in Crescent City,  
23 California.  
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25   
26 GEORGE RUIZ  
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**ADDITIONAL PLAINTIFFS' COUNSEL**

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# EXHIBIT R



STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

NAME: RUIZ, George

CDC # B-82089


CDC 128-B (REV. 4/74)

On July 23, 2007, an investigation was initiated by Institutional Gang Investigations (IGI) Unit, in reference to validated Mexican Mafia (EME) member RUIZ, George B-82089, aka's "Silent George, Mumms and Buzz from Logan Heights", per the California Code of Regulations, Section 3378 (e); regarding his current gang status. RUIZ was validated as an associate of the EME prison gang based upon a gang validation package submitted by Institution Gang Investigator L.D. Thomas at SQSP on October 15, 1984, resulting in a CDC 128B2 dated November 7, 2003 identifying RUIZ as a validated member of the EME prison gang. The most current documented gang activity used in the validation of RUIZ was a Confidential CDC 128B dated January 26, 2001. The source items used to validate RUIZ are all over six (6) years old. Therefore, per the California Code of Regulations, 3378 (e), RUIZ meets the criteria for an Active/Inactive Status Review. During this current investigation the following areas were reviewed relevant to EME prison gang activity:

**(Central File)** The Central File of RUIZ revealed the following current gang activity:

- A Confidential Memorandum dated July 28, 2006, Written Material. Documented is the fact that on July 21, 2006 during the course of a property search of a validated EME member, an EME roster of validated members and associates was discovered containing RUIZ'S name, CDC number, and street gang set. This roster contained members that are in "good standings". To be in "good standings" means you are functioning under the authority of the gang's policies, procedures, rules and guidelines. This documentation meets the criteria for gang involvement as prescribed in California Code of Regulations (CCR) Title 15, Section 3378 (c) (8) (C), Written Material.
- A Confidential Memorandum dated April 12, 2006, Written Material. Documented is the fact that on April 11, 2006 during the course of a clothed body search of a validated EME associate, an EME roster of validated members and associates was discovered containing RUIZ'S name, CDC number, and street gang set. This roster contained members that are in "good standings". To be in "good standings" means you are functioning under the authority of the gang's policies, procedures, rules and guidelines. This documentation meets the criteria for gang involvement as prescribed in California Code of Regulations (CCR) Title 15, Section 3378 (c) (8) (C), Written Material.

**(Property Search)** A property search was conducted by the IGI Unit on July 23, 2007, resulting in the following documented gang activity:

- A CDC 128B dated July 24, 2007, Symbols. Documented is the fact that during the search of RUIZ'S property, photocopied hand drawn pictures from validated EME associate Felipe MARTINEZ J-43603 aka "Sky from Santa Maria", were discovered. The first picture was an Aztec warrior with wings with a depiction of the Eternal/Aztec/G War Shield on his chest. This symbol has been identified by gang investigators as a symbol utilized by those associated with the EME to show allegiance to the gang as well as identifying with the ideology of being warriors against all who oppose the EME. One of the drawings contained the Mactlactlomei. The Mactlactlomei is the Mayan Symbol for the number 13 (3 dots over 2 lines ). This symbol and number corresponds to the thirteenth letter of the alphabet, which is the letter "M". "M" in the Spanish language is pronounced "EME". Southern Mexican or "Sureño" gang members who associate themselves with the EME prison gang utilize this symbol to show their allegiance and loyalty to the EME. The third picture was an Aztec warrior holding a spear and an Eternal/Aztec/G War Shield. This documentation meets the criteria for gang involvement as prescribed in California Code of Regulations (CCR) Title 15, Section 3378 (c)(8)(B), Symbols.
- A CDC 128B dated July 23, 2007, Symbols. Documented is the fact that during the search of RUIZ'S property, photocopied hand drawn pictures from validated EME member Fernando BERMUDEZ B-53002 aka "Ferne from Dog Patch". The picture is a depiction of the Eternal/Aztec/G War Shield. Hanging from the bottom of the War Shield are thirteen feathers. This number corresponds to the thirteenth letter of the alphabet, which is

the letter "M". "M" in the Spanish language is pronounced "EME". Southern Mexican or "Sureño" gang members who associate themselves with the EME prison gang utilize this symbol to show their allegiance and loyalty to the EME. On the top arrowhead, is a picture of the Black Hand with blood dripping from the palm. The "Black Hand" of the Mexican Mafia is the symbol most commonly utilized by the EME membership to identify oneself as a member of the prison gang. This documentation meets the criteria for gang involvement as prescribed in California Code of Regulations (CCR) Title 15, Section 3378 (c)(8)(B), Symbols.

(Archives) RUIZ is still serving under his original CDCR #B-82089, and does not have an archive file.

(WSIN) No additional information was provided by this source.

(Local Law Enforcement) Local Law Enforcement was not contacted as RUIZ has been in custody for the last six years.

(Paroles/Leads) Paroles were not contacted as RUIZ has been in custody for the last six years.

(Cal Gangs) No additional information was provided by this source.

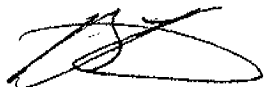
(SSU/OCS) No additional information was provided by this source.

On July 23, 2007, RUIZ was cooperative with the taking of photographs for the update of his Active/Inactive Review. RUIZ has a TABE score of 5.8, and therefore does not require nor did he request staff assistance. RUIZ is not a participant in the Mental Health Delivery System.

On July 26, 2007, RUIZ was issued copies of the CDC 128B used in the Active/Inactive process as well as two (2) pages of pre-printed response. RUIZ was informed that the Institutional Gangs Investigation (IGI) Unit would interview him after 24 hours regarding the information used in the update. RUIZ was informed that during the interview he would have the opportunity to present his response regarding the information used.

On July 27, 2007, RUIZ was interviewed relative to the documents used in the review. RUIZ submitted two (2) pages of pre printed response, and had no further statements to make regarding the review process. All submitted documentation and supporting arguments have been considered, including the interview conducted during this review. Based on the information obtained during this investigation it is the opinion of this investigator the submission of this validation is warranted.

Based on the above information and documentation, it is reasonable to believe that RUIZ is still active with the EME prison gang. Pursuant to the CCR, Section 3378 (c), the IGI Unit recommends that the gang status of **George RUIZ, B-82089, aka's "Silent George, Mumms and Buzz" remain unchanged as a member of the Mexican Mafia (EME) prison gang.** This information will be forwarded to the Office of Correctional Safety (OCS) to update RUIZ'S gang status. At RUIZ' request, he will be eligible for an Inactive Gang Status Review after July 2013. This date is based upon information contained in RUIZ' central file, specifically the Confidential CDC 128B dated July 24, 2007, evidencing EME gang activity in July of 2007.



B. THORNTON  
Correctional Officer  
Institution Gang Investigations  
Pelican Bay State Prison



J. MCKINNEY  
Correctional Lieutenant  
Institutional Gang Investigations  
Pelican Bay State Prison

DATE: July 27, 2007

ACTIVE/INACTIVE GANG STATUS REVIEW

CDC 128B



**NAME and NUMBER**

**RUIZ**

**B-82089**

**CELL: D01-220**

On Monday July 23, 2007, while assigned to the Institutional Gang Investigations (IGI), I searched the property of validated Mexican Mafia (EME) member **RUIZ B-82089**, aka "**Silent George from Logan Heights**", D01-220. Found amid the property of **RUIZ** was a piece of art work depicting EME gang symbols.

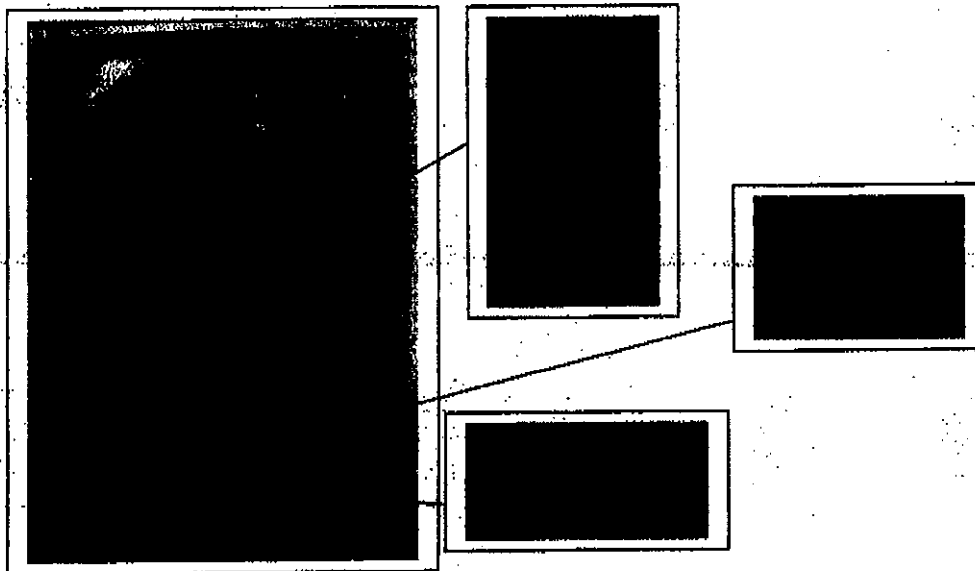
The picture was a photocopied hand drawn picture from validated EME member **Fernando BERMUDEZ B-63002** aka "**Fernie from Dog Patch**". The picture is a depiction of the Eternal/Aztec/G War Shield. This symbol has been identified by gang investigators as a symbol utilized by those associated with the EME to show allegiance to the gang as well as identifying with the ideology of being warriors against all who oppose the EME.

Hanging from the bottom of the War Shield are thirteen feathers. This number corresponds to the thirteenth letter of the alphabet, which is the letter "M". "M" in the Spanish language is pronounced "EME". Southern Mexican or "Sureño" gang members who associate themselves with the EME prison gang utilize this symbol to show their allegiance and loyalty to the EME.

On the top arrowhead, is a picture of the Black Hand with blood dripping from the palm. The "Black Hand" of the Mexican Mafia is the symbol most commonly utilized by the EME membership to identify oneself as a member of the prison gang. This symbol has been referred to as "the hand of death" or "mono negro." It has been documented that EME members have stated one will die if touched by the black hand of the EME. Only members are allowed to tattoo this symbol upon their body or utilize it in any manner.

This credibility was established from information received from former members and associates of the EME prison gang. Additionally distinctive symbols, body markings, hand signs, and gang graffiti have been identified as having a direct correlation with specific prison gangs. Gang coordinators and investigators receive training and frequently updated information to identify specific symbols and tattoos. The OCS has established the credibility regarding the meaning of these symbols, therefore this drawing meets the criteria set forth in CCR Title 15, Section 3378 (c)(8)(B), Symbols.

**RUIZ'S** possession of this drawing demonstrates his loyalty to the gang. This documented activity should be considered as information in the Active/Inactive Review of **RUIZ** as a member of the Mexican Mafia (EME) Prison Gang.



**DOCUMENT MEETS  
VALIDATION REQUIREMENTS  
IN CCR TITLE 15 SECTION 3378**

ORIG : C-File  
cc : GANGS

*[Signature]*  
**B. THORNTON**  
Correctional Officer  
Institutional Gang Investigations

**DATE** 07-23-07

**GANG CHRONO**

**PBSP**

# EXHIBIT S

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12 Attorneys for Plaintiffs  
(Additional counsel listed on attached page)  
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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND DIVISION

17 TODD ASHKER, DANNY TROXELL, GEORGE  
RUIZ, JEFFREY FRANKLIN, GEORGE FRANCO,  
18 GABRIEL REYES, RICHARD JOHNSON, PAUL  
REDD, LUIS ESQUIVEL, and RONNIE  
19 DEWBERRY, on their own behalf, and on behalf of  
a class of similarly situated prisoners,

20 Plaintiffs,

21 v.

22  
23 EDMUND G. BROWN, JR., Governor of the State  
of California, MATTHEW CATE, Secretary,  
24 California Department of Corrections and  
Rehabilitation (CDCR); ANTHONY CHAUS,  
25 Chief, Office of Correctional Safety, CDCR; and  
G.D. LEWIS, Warden, Pelican Bay State Prison,  
26

27 Defendants.

Case No. 4:09 CV 05796 CW

**DECLARATION OF DANNY  
TROXELL IN SUPPORT OF  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION**

Honorable Claudia Wilken

1 I, Danny Troxell, declare under penalty of perjury that:

- 2 1. I am 60 years old have been housed at the Pelican Bay SHU since December 1989.
- 3 2. I have spent over 27 years in solitary confinement, including the past 23 years at the Pelican
- 4 Bay SHU, because of my validation as a member of the Aryan Brotherhood.
- 5 3. My only significant disciplinary infraction in the past 30 years arose from my involvement in
- 6 a fist fight in 1997 in which nobody was significantly injured.
- 7 4. I have been eligible for parole since 1996, but have been always been denied parole based on
- 8 an unwritten CDCR policy of denying parole to any prisoner housed at the SHU.
- 9 5. I have received almost no social visits over the past decade. I believe that my last family
- 10 visit was in <sup>D. 2006</sup> ~~2007~~. Since then my family has given up trying to visit me because of the
- 11 distance and cost of traveling to Pelican Bay and because non-contact visits are so
- 12 upsetting. I have five grandchildren and one great-grandchild, but I have never met them.
- 13 6. My prolonged solitary confinement in Pelican Bay has caused me serious harm. I have
- 14 described and discussed this harm with the experts who have been retained by my
- 15 lawyers in this case.
- 16 7. None of my 180-day or annual reviews have evaluated whether I should be released from the
- 17 SHU. In my experience, the inactive reviews are also meaningless because CDCR
- 18 simply comes up with some evidence to show that you are still a gang member, whether
- 19 or not you have engaged in any gang activity.
- 20 8. I have high blood pressure. When tested at sick call, I have been told that it is so high that I
- 21 must be monitored. The monitoring lasts for a little while, but then is discontinued.
- 22 9. I participated in the 2011 hunger strikes and am one of the alternate representatives of the
- 23 prisoners designated by CDCR to participate, if necessary, in meetings and negotiations
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with prison officials on behalf of the Pelican Bay prisoners.

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10. I am one of the people who signed a statement issued in September 2012 by representatives of the different racial and ethnic groups at Pelican Bay SHU calling on prisoners throughout the California prison system to cease all racial and ethnic violence as of October 10, 2012.

11. My interest in this litigation is solely to obtain injunctive relief for myself and the rest of the class in an effort to end our confinement in the torturous conditions at Pelican Bay SHU and provide us with due process. It is for that reason that I dropped the damages claim and other non-class related personal claims from the original complaint in this case.

12. I am interested in being a class representative in this case because I would like to represent other prisoners who have experienced the same constitutional violations as I, and I want to help change and improve CDCR's policies. I share this common interest with all the other prisoners held in the Pelican Bay SHU, so I don't know of any reason why I would be unable to adequately represent them in our claims for injunctive and declaratory relief.

13. I have been cooperating fully with my lawyers and am responding to their requests to the best of my ability and recollection, and will continue to do that. My lawyers keep me updated as to the progress of the case. I am happy with their performance, and am confident that they will adequately represent me and the class.

I declare under penalty of perjury that the foregoing is true and correct based on my knowledge and belief and that this declaration was executed on April 30, 2013, in Crescent City, California.

  
DANNY TROXELL

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