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14 * *Pro Hac Vice* Application To Be Filed

15 Attorneys for Plaintiff

16 UNITED STATES DISTRICT COURT
17 CENTRAL DISTRICT OF CALIFORNIA

18 PRISON LEGAL NEWS, a project of the
19 HUMAN RIGHTS DEFENSE CENTER

20 Plaintiff,

21 v.

22 COUNTY OF VENTURA; GEOFF DEAN,
GARY PENTIS, LINDA OKSNER, and
23 RICK BARRIOS, in their individual and
24 official capacities, DOES 1-10, in their
individual and official capacities,

25 Defendants.

Case No. CV 14-0773 HK/EX
COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF UNDER
THE CIVIL RIGHTS ACT, 42
U.S.C. §1983 AND DAMAGES

JURY TRIAL DEMANDED

INTRODUCTION

Plaintiff PRISON LEGAL NEWS (“PLN” or “Plaintiff”), a project of the Human Rights Defense Center, brings this action challenging Defendants’ censorship of its monthly publication and of correspondence mailed to prisoners and pre-trial detainees (collectively, “inmates”) held in custody at Ventura County jails, in violation of the First and Fourteenth Amendments to the United States Constitution. Defendants have adopted and implemented mail policies and practices that unconstitutionally restrict PLN’s correspondence with inmates. Defendants’ mail policies are unconstitutional on their face and as applied, and are constitutionally infirm because they are unduly broad and vague. Defendants’ mail policies and practices also do not afford adequate notice and an opportunity to challenge the censorship, in violation of PLN’s right to due process. Defendants’ policies, practices, and actions thus violate PLN’s rights and the rights of others who seek to send mail and publications to inmates at Defendants jails under the First Amendment and the Due Process and Equal Protection Clauses of the Fourteenth Amendment. PLN brings this action, pursuant to 42 U.S.C. § 1983, seeking injunctive and declaratory relief, and damages to be proven at trial.

JURISDICTION AND VENUE

1. This action arises under the First and Fourteenth Amendments to the United States Constitution and is brought pursuant to 42 U.S.C. § 1983. This Court has both subject matter jurisdiction and diversity jurisdiction over this action under 28 U.S.C. §§ 1331, 1332, 1343, 2201, and 2202.

2. Venue is proper in the Central District of California under 28 U.S.C. § 1391(b)(2) because substantial acts and omissions giving rise to the claims occurred in this District, including Defendants’ implementation of the challenged mail policies and practices, and because Defendants reside in this District.

PARTIES

3. Plaintiff PRISON LEGAL NEWS is a project of the Human Rights

1 Defense Center ("HRDC"), a Washington Non-Profit Corporation. The core of
2 HRDC's mission is public and prisoner education, advocacy, and outreach in
3 support of prisoners' rights in furtherance of their basic human rights. PLN
4 publishes and distributes a monthly journal of corrections news and analysis, and
5 offers and sells books about the criminal justice system, legal reference books, and
6 self-help books of interest to prisoners. PLN has a broad audience, including
7 prisoners, lawyers, courts, libraries, and members of the general public throughout
8 the country and abroad.

9 4. Defendant COUNTY OF VENTURA is a municipal corporation,
10 organized and existing under the laws of the State of California. Defendant
11 COUNTY OF VENTURA is, and was at all relevant times mentioned herein,
12 responsible for the actions and/or inactions and the policies, procedures, customs
13 and practices of the Ventura County Sheriff's Department ("the Sheriff's
14 Department" or "the Department"), the Ventura County Sheriff's Detention Services
15 Division ("the Detention Services Division"), and their respective employees and
16 agents. The Department operates the Pre-Trial Detention Facility, the Todd Road
17 Jail, and the East County Jail (collectively, the "jails"), and is and was responsible
18 for adopting and implementing mail policies governing incoming mail for inmates at
19 Ventura County jails.

20 5. Defendant GEOFF DEAN is the Sheriff of the COUNTY OF
21 VENTURA, and has held this position since January 3, 2011. Defendant DEAN is
22 employed by and is an agent of Defendant COUNTY OF VENTURA and the
23 Department. He is responsible for overseeing the management and operations of the
24 Detention Services Division, and for the hiring, screening, training, retention,
25 supervision, discipline, counseling, and control of the personnel of the Ventura
26 County jails who interpret and apply the Detention Services Division's mail policy
27 for inmates. As Sheriff, Defendant DEAN is the final policymaker for Defendant
28 COUNTY OF VENTURA with respect to the operations of the Ventura County

1 jails, including for policies governing incoming mail for inmates. He is sued in his
2 individual and official capacities.

3 6. Defendant GARY PENTIS is an Assistant Sheriff of the COUNTY OF
4 VENTURA, and has been in charge of the Detention Services Division since
5 approximately January 3, 2011. He is employed by and is an agent of Defendant
6 COUNTY OF VENTURA and the Sheriff's Department. The Detention Services
7 Division is the largest of the Department's four divisions in both personnel and
8 budget, and includes all job positions related to inmate services, including reception,
9 booking and classification, jail services, and court room and pre-trial security
10 services. As Assistant Sheriff in charge of the Detention Services Division,
11 Defendant PENTIS is responsible for the operation and management of the Ventura
12 County jails and for the promulgation and implementation of Detention Services
13 Division policies, including the inmate mail policies challenged herein. He is also
14 responsible for the hiring, screening, training, retention, supervision, discipline,
15 counseling, and control of the personnel of the Ventura County jails who interpret
16 and apply the Detention Services Division's mail policy for inmates. He is sued in
17 his individual and official capacities.

18 7. Defendant LINDA OKSNER is the Commander in charge of the Todd
19 Road Jail for the Sheriff's Department. She is employed by and is an agent of
20 Defendant COUNTY OF VENTURA and the Sheriff's Department. Defendant
21 OKSNER is responsible for operational oversight of the Todd Road Jail, for Inmate
22 Services, and for the Detention Services Divisional Training Unit. Prior to this
23 assignment, she was in charge of the operations and management of the Pre-Trial
24 Detention Facility and the East County Jail. In these capacities, Defendant
25 OKSNER is and was responsible for the implementation of Detention Services
26 Division policies at Ventura County jail facilities, including the inmate mail policies
27 challenged herein, and for the hiring, screening, training, retention, supervision,
28 discipline, counseling, and control of the personnel of the Ventura County jails who

1 interpret and apply the Detention Services Division's mail policy for inmates. She
2 is sued in her individual and official capacities.

3 8. Defendant RICK BARRIOS is the Commander of the Pre-Trial
4 Detention Facility for the Sheriff's Department. He is employed by and is an agent
5 of Defendant COUNTY OF VENTURA and the Sheriff's Department. Defendant
6 BARRIOS is responsible for operational oversight of the Pre-Trial Detention
7 Facility. In this capacity, Defendant BARRIOS is responsible for the
8 implementation of Detention Services Division policies at the Pre-Trial Detention
9 Facility. He is sued in his individual and official capacities.

10 9. The true names and identities of Defendants DOES 1 through 10 are
11 presently unknown to PLN. Each of Defendants DOES 1 through 10 are or were
12 employed by and are or were agents of Defendant COUNTY OF VENTURA and
13 the Sheriff's Department when some or all of the challenged inmate mail policies
14 and practices were adopted and/or implemented. Each of Defendants DOES 1
15 through 10 are or were personally involved in the adoption and/or implementation of
16 the Detention Services Division's mail policies for inmates, and/or are or were
17 responsible for the hiring, screening, training, retention, supervision, discipline,
18 counseling, and/or control of Ventura County jails' staff who interpret and
19 implement these inmate mail policies. They are sued in their individual and official
20 capacities. PLN will seek to amend this Complaint as soon as the true names and
21 identities of Defendants DOES 1 through 10 have been ascertained.

22 10. Each and every act and omission alleged herein of Defendants, their
23 officers, agents, servants, employees, or persons acting at their behest or direction,
24 were done and are continuing to be done under the color of state law and within the
25 scope of their official duties as employees or agents of Defendant COUNTY OF
26 VENTURA and the Sheriff's Department.

27 FACTS

28 11. Plaintiff PRISON LEGAL NEWS publishes and distributes *Prison*

1 *Legal News: Dedicated to Protecting Human Rights*, a monthly journal of
2 corrections news and analysis. PLN also publishes and distributes paperback books
3 about the criminal justice system and legal issues impacting prisoners.

4 12. PLN has approximately 9,000 subscribers in the United States and
5 abroad, including prisoners, attorneys, journalists, public libraries, judges, and other
6 members of the public. PLN distributes its publication to prisoners and law
7 librarians in approximately 2,200 correctional facilities across the United States,
8 including institutions within the Federal Bureau of Prisons and all thirty-three adult
9 prisons of the California Department of Corrections and Rehabilitation.

10 13. PLN engages in core protected speech and expressive conduct on
11 matters of public concern, such as the operations of corrections facilities, jail and
12 prison conditions, prisoner health and safety, and prisoners' rights. PLN regularly
13 receives correspondence from inmates in correctional facilities around the country,
14 including Ventura County jails, in which they ask questions and report on jail or
15 prison conditions.

16 14. Defendants have censored PLN's monthly journal, informational
17 brochure packets, subscription renewal letters, and Internet-based printouts mailed
18 to inmates held in custody at Ventura County jails, by refusing to deliver said items
19 to the prisoners and, in some instances, by returning items to PLN's offices via the
20 Return To Sender service of the United States Postal Service. Defendants continue
21 to censor many of the items listed above.

22 15. Defendants have censored materials mailed by PLN on at least 148
23 occasions from February 2012 to the present, including the items identified below.

24 **Censorship of PLN's Monthly Journal**

25 16. PLN's monthly journal, *Prison Legal News*, is a black and white 64-
26 page soft cover publication that contains articles on corrections news and analysis
27 about prisoner rights, court rulings, the management of prison and jail facilities, and
28 conditions of confinement.

1 17. Starting in at least February 2012, Defendants censored PLN's monthly
2 journal by refusing to deliver it to the inmates to whom it was addressed, sometimes
3 sending it by return mail at PLN's expense, marking it with an ink stamp or
4 adhesive label noting various reasons for the return, including: (1) "CONTENTS
5 UNACCEPTABLE," circling with black pen "SUGGESTIVE ITEMS" from a list
6 of prohibited correspondence; (2) "SUGGESTIVE ADS INSIDE. PLEASE
7 RETURN TO SENDER"; and (3) "UNACCEPTABLE – SUGGESTIVE IMAGES
8 & ADS. RETURN TO SENDER."

9 18. In March 2012, PLN mailed its March 2012 *Prison Legal News*
10 publication to twelve (12) prisoners at the Ventura County jails, each of whom were
11 in custody there at the time that the publications were received from PLN.
12 Defendants did not deliver the publications to the inmate-addressees and sent them
13 by return mail at PLN's expense, with an ink stamp with the following reason for
14 return: "CONTENTS UNACCEPTABLE," circling with black pen "SUGGESTIVE
15 ITEMS" from a list of prohibited correspondence.

16 19. In April 2012, PLN mailed its April 2012 *Prison Legal News*
17 publication to seven (7) prisoners at the Ventura County jails, each of whom were in
18 custody there at the time that the publications were received from PLN. Defendants
19 did not deliver the publications to the inmate-addressees and sent them by return
20 mail at PLN's expense, with an adhesive label with the following reason for return:
21 "SUGGESTIVE ADS INSIDE. PLEASE RETURN TO SENDER."

22 20. In May 2012, PLN mailed its May 2012 *Prison Legal News* publication
23 to fourteen (14) inmates at the Ventura County jails, each of whom were in custody
24 there at the time that the publications were received from PLN. Defendants did not
25 deliver the publications to the inmate-addressees and sent them by return mail at
26 PLN's expense, with an adhesive label with the following reason for return:
27 "UNACCEPTABLE – SUGGESTIVE IMAGES & ADS. RETURN TO
28 SENDER."

1 21. PLN's monthly journal occasionally contains advertisements for
2 distributors of sexually based material. Most of the advertisements for such
3 distributors contain no pictures. In the few instances in which pictures may be
4 found, they are barely visible: each picture is less than one square inch, there is no
5 nudity, and even clothed depictions of breasts, buttocks, or the groin area often are
6 rendered invisible by a white star.

7 22. On information and belief, Defendants refused to deliver additional
8 *Prison Legal News* publications that PLN mailed to inmates, other than those
9 identified above, who were in custody at the Ventura County jails at the time the
10 publications were received.

11 23. Defendants did not provide PLN with sufficient due process notice or
12 with an opportunity to appeal the aforementioned censorship decisions. PLN is
13 informed and believes that Defendants have a written policy which allows for an
14 appeal of any decision rejecting inmate mail and that there is a form that is to be
15 sent to the sender notifying the sender of the decision. However, PLN never
16 received any such form.

17 24. Currently, PLN has 14 subscribers at the Ventura County jails. PLN
18 continues to pursue its mission to promote public safety through educational and
19 journalistic avenues by sending its monthly publication to inmates confined at
20 Ventura County jails.

21 **Censorship of PLN's Informational Brochure Packet**

22 25. Since at least February 2012, and continuing to the present day,
23 Defendants have censored PLN's Informational Brochure Packet by refusing to
24 deliver it to the inmates to whom it was addressed. PLN's "Informational Brochure
25 Packet" includes the three items described below: (1) The *Prison Legal News*
26 Brochure and Subscription Order Form; (2) The PLN Book List; and (3) The
27 Published Books Brochure.

28 ///

(a) ***Prison Legal News Brochure and Subscription Order Form:***

This brochure and order form include: a description of the topics covered in PLN's monthly magazine; subscription rates, special subscription offers, a subscription order form; a description of three books available for purchase or included with a subscription to *Prison Legal News—Protecting Your Health & Safety, With Liberty for Some: 500 Years of Imprisonment in America*, and *Prison Profiteers: Who Makes Money from Mass Incarceration*; and other information about PLN's bookstore.

(b) **PLN Book List:** The book list includes a description of 42

books, dictionaries, and legal resource materials available for purchase. The books available for purchase cover a variety of topics, including: the basic rights of prisoners regarding health and safety; the American criminal justice system; finding the right lawyer; DNA testing; issues related to imprisoned women; self-representation in court; developing a successful re-entry plan upon correctional release; searching for a job; crime and poverty; and the mental health crisis in U.S. prisons and jails.

(c) **PLN Published Books Brochure:** The PLN Published Books

brochure details two books published by PLN and includes detailed information about and an order form for (1) a comprehensive book on high school, vocational, paralegal, undergraduate, and graduate courses available to prisoners through written correspondence programs of study; and (2) a legal resource book on the topic of ineffective assistance of counsel and habeas corpus litigation.

26. Defendants have censored PLN's Informational Brochure Packet by refusing to deliver it to the inmates to whom it is addressed, and sometimes sending it by return mail at PLN's expense, with an adhesive label indicating various reasons for return, including the following: (1) "INMATES CANNOT ORDER SUBSCRIPTIONS FROM JAIL. PLEASE RETURN TO SENDER."; (2) "INMATES CANNOT ORDER ANYTHING FROM JAIL. PLEASE

1 RETURN TO SENDER."; and (3) "INMATES MAY NOT ORDER ANY
2 BILLABLE ITEMS FROM JAIL (i.e. Magazine Subscriptions, Books). RETURN
3 TO SENDER."

4 27. Since February 2012 to the present, Defendants have censored at least
5 50 of PLN's Informational Brochure Packets and frustrated PLN's attempt to deliver
6 it to inmates at the Ventura County jails.

7 28. Defendants did not provide PLN with sufficient notice or with an
8 opportunity to appeal any of the aforementioned censorship decisions.

9 29. PLN continues its educational and journalistic mission by sending its
10 Informational Brochure Packets to inmates confined at Ventura County jails.

11 **Censorship of Photocopies and Internet Printouts**

12 30. Defendants also have censored PLN's correspondence with inmates
13 containing Internet-based printouts of case law by refusing to deliver these items.

14 31. These items have sometimes been sent by return mail at PLN's expense
15 with an adhesive label affixed with various reasons for return, including the
16 following: (1) "CONTENT UNACCEPTABLE/NOT A 'PRISON LEGAL NEWS'
17 PUBLICATION, NO ENVELOPED PERSONAL CORRESPONDENCE.
18 RETURN TO SENDER" or (2) "PER LEGAL DEPT.: XEROXED COPIES FROM
19 BOOKS ARE NOT ALLOWED. MUST BE ORIGINAL MATERIAL. RETURN
20 TO SENDER."

21 32. Since April 2012, Defendants censored PLN's correspondence with
22 inmates and frustrated PLN's attempt to send Internet-based printouts of case law to
23 forty-six (46) inmates at the Ventura County Jails.

24 33. Similarly, in February 2013, a third party mailed copies of articles from
25 the Prison Legal News web site to several inmates at the Ventura County jails.
26 Those articles were returned to sender with the notation "Return to Sender:
27 Postcards Only. No Enveloped Correspondence."

28 34. Just as with the aforementioned instances of censorship, Defendants did

1 not provide PLN with sufficient notice or with an opportunity to appeal censorship
2 decisions regarding Internet printouts of case law mailed to inmates.

3 35. PLN continues its educational and journalistic mission by sending
4 Internet-based printouts of case law to inmates confined at Ventura County jails.

5 **PLN Subscription Renewal Letters**

6 36. Defendants also have censored PLN's correspondence with inmates
7 containing PLN "Subscription Renewal Letters." Since at least June 2012, and
8 continuing to the present day, Defendants have censored PLN's Subscription
9 Renewal Letters by refusing to deliver it to the inmates to whom it is addressed, and
10 sometimes sending it by return mail at PLN's expense, with an adhesive label
11 indicating various reasons for return, including the following: (1) "RETURN TO
12 SENDER- POSTCARDS ONLY- NO ENVELOPES,"; and (2) "INMATES
13 CANNOT ORDER SUBSCRIPTIONS FROM JAIL. RETURN TO SENDER."

14 37. Since June 2012, Defendants censored PLN's attempt to send
15 Subscription Renewal Letters to 19 inmates at the Ventura County Jails. Just as
16 with the aforementioned instances of censorship, Defendants did not provide PLN
17 with sufficient notice or with an opportunity to appeal censorship decisions
18 regarding Internet printouts of case law mailed to inmates.

19 **Jail Policies**

20 38. After PLN's materials were rejected, starting in February 2012, PLN
21 began investigating the reasons for the rejections. PLN then learned that Defendants
22 appeared to have begun applying written policies that it had not before applied to
23 PLN to exclude PLN's materials. These policies include the following: *Article 36*
24 of the Detention Services Division policy, entitled "Inmate Mail Guidelines," which
25 requires all incoming mail addressed to inmates at the Ventura County jails, with the
26 exception of legal mail, to be in postcard form (hereinafter "Postcard Only Mail
27 Policy"). Defendants' web site explaining that policy states, in pertinent part:
28 "postcards will be the only acceptable form of incoming mail" and "must be no

1 smaller than 4 x 6 inches and no larger than 6 x 11 inches.”

2 39. Defendants’ Postcard Only Mail Policy has been used to censor PLN’s
3 enveloped correspondence with inmates at Ventura County jails containing
4 informational brochures packets, Internet-based printouts of case law, and
5 subscription renewal letters.

6 40. Defendants’ conduct prohibiting PLN from mailing its publications,
7 informational brochure packets, Internet-based printouts of case law and
8 subscription renewal letters to inmates confined at the Ventura County jails violates
9 the First Amendment. This policy on its face and as applied censors these
10 expressive activities and has a chilling effect on PLN’s future speech and expression
11 directed at inmates confined there. Defendants’ policy is unconstitutional both
12 facially and as applied to Prison Legal News.

13 41. Prison Legal News publishes and distributes content concerning the
14 rights of inmates and the means by which they may obtain relief from
15 unconstitutional conditions of confinement. As a result, PLN is informed and
16 believes that Defendants have retaliated against PLN by refusing to deliver PLN’s
17 written materials to inmates held at the jails.

18 42. Defendants’ actions have violated, continue to violate, and are
19 reasonably expected in the future to violate PLN’s constitutional rights, and have
20 caused Plaintiff financial harm in the form of lost subscriptions, lost opportunities
21 for purchases and sales of its publications, lost opportunities for book sales, and
22 diversion of resources to address the censorship. In addition, Defendants’ actions
23 have frustrated Plaintiff’s mission of education and advocacy, including the
24 dissemination of PLN’s political message, and the reporting and publishing of news
25 regarding the human and legal rights of persons held in prisons and jails. Further,
26 Defendants’ actions have interfered with PLN’s ability to recruit new donors and
27 supporters.

28 43. Defendants’ actions and inactions were and are motivated by ill motive

1 and intent, and were and are all committed under color of law with reckless
2 indifference to PLN's rights.

3 44. Defendants COUNTY OF VENTURA, DEAN, PENTIS, OKSNER,
4 BARRIOS, DOES 1-10, and other agents of the County of Ventura are responsible
5 for or personally participated in creating and implementing these unconstitutional
6 policies, practices, and customs. Further, Defendants are responsible for training and
7 supervising the mail staff whose conduct has injured and continues to injure PLN,
8 and for ratifying or adopting them.

9 45. Defendants' unconstitutional policy, practices, and customs are
10 ongoing and continue to violate PLN's rights. As such, PLN has no adequate
11 remedy at law.

12 46. PLN is entitled to injunctive relief prohibiting Defendants from
13 refusing to deliver or refusing to allow delivery of publications, informational
14 brochures packets, and other correspondence from Prison Legal News, and
15 prohibiting Defendants from censoring mail without due process of law.

16 47. On or about February 13, 2013, PLN placed Defendants on actual
17 notice through the filing of a state tort claim that their policies and practices violate
18 PLN's constitutional rights. Defendants continue to violate PLN's constitutional
19 rights.

20 CLAIMS FOR RELIEF

21 FIRST CLAIM FOR RELIEF

22 (Against All Defendants - For Violations of the First Amendment Under Color
23 Of State Law – Free Speech; Section 1983)

24 48. Plaintiff realleges and incorporates by reference the preceding
25 paragraphs.

26 49. The acts described above constitute violations of Plaintiff's rights under
27 the First Amendment to the United States Constitution through 42 U.S.C. § 1983,
28 and have caused and will continue to cause damages to Plaintiff.

1 50. Plaintiff seeks declaratory and injunctive relief, as well as nominal and
2 compensatory damages, against all Defendants.

3 51. Plaintiff is informed, believes, and based thereon alleges that in
4 engaging in the conduct alleged herein, individual Defendants acted with the intent
5 to injure, vex, annoy and harass Plaintiff, and subjected Plaintiff to cruel and unjust
6 hardship in conscious disregard of Plaintiff's rights with the intention of causing
7 Plaintiff injury and depriving it of its constitutional rights.

8 52. As a result of the forgoing, Plaintiff seeks exemplary and punitive
9 damages against the individual Defendants.

10 **SECOND CLAIM FOR RELIEF**
11 **(Against All Defendants - For Violations of the First Amendment Under Color**
12 **Of State Law - Retaliation for Exercising Speech Rights; Section 1983)**

13 53. Plaintiff realleges and incorporates by reference the preceding
14 paragraphs.

15 54. The acts described above constitute violations of Plaintiff's right to be
16 free from retaliation for exercising its constitutionally protected speech rights.

17 55. By retaliating against Plaintiff, Defendants have violated Plaintiff's
18 rights under the First Amendment to the United States Constitution through 42
19 U.S.C. § 1983, and have caused and will continue to cause damages to Plaintiff.

20 56. Plaintiff seeks declaratory and injunctive relief, as well as nominal and
21 compensatory damages, against all Defendants.

22 57. Plaintiff is informed, believes, and based thereon alleges that in
23 engaging in the conduct alleged herein, individual Defendants acted with the intent
24 to injure, vex, annoy and harass Plaintiff, and subjected Plaintiff to cruel and unjust
25 hardship in conscious disregard of Plaintiff's rights with the intention of causing
26 Plaintiff injury and depriving it of its constitutional rights.

27 58. As a result of the forgoing, Plaintiff seeks exemplary and punitive
28 damages against the individual Defendants.

1 **THIRD CLAIM FOR RELIEF**
2 **(Against All Defendants - For Violations of the Due Process Clause of the**
3 **Fourteenth Amendment Under Color Of State Law; Section 1983)**

4 59. Plaintiff realleges and incorporates by reference the preceding
5 paragraphs.

6 60. By failing to give Plaintiff sufficient notice of the censorship of its
7 publications, and by failing to give an opportunity to be heard with respect to that
8 censorship, Defendants have deprived and continue to deprive Plaintiff of liberty
9 and property without due process of law, in violation of the Fourteenth Amendment
10 to the United States Constitution via 42 U.S.C. § 1983.

11 61. The acts described above have caused and will continue to cause
12 damage to Plaintiff.

13 62. Plaintiff seeks declaratory and injunctive relief, as well as nominal and
14 compensatory damages, against all Defendants.

15 63. Plaintiff is informed, believes, and based thereon alleges that in
16 engaging in the conduct alleged herein, individual Defendants acted with the intent
17 to injure, vex, annoy and harass Plaintiff, and subjected Plaintiff to cruel and unjust
18 hardship in conscious disregard of Plaintiff's rights with the intention of causing
19 Plaintiff injury and depriving it of its constitutional rights.

20 64. As a result of the forgoing, Plaintiff seeks exemplary and punitive
21 damages against the individual Defendants.

22 **FOURTH CLAIM FOR RELIEF**
23 **(Against All Defendants - For Violations of the Equal Protection Clause of the**
24 **Fourteenth Amendment Under Color Of State Law; Section 1983)**

25 65. Plaintiff realleges and incorporates by reference the preceding
26 paragraphs.

27 66. By prohibiting the delivery of Plaintiff's publications but allowing the
28 delivery of the publications of others who are similarly situated, Defendants have

1 deprived and continue to deprive Plaintiff of equal protection under the laws, in
2 violation of the Fourteenth Amendment to the United States Constitution through 42
3 U.S.C. § 1983.

4 67. The acts described above have caused and will continue to cause
5 damage to Plaintiff.

6 68. Plaintiff seeks declaratory and injunctive relief, as well as nominal and
7 compensatory damages, against all Defendants.

8 69. Plaintiff is informed, believes, and based thereon alleges that in
9 engaging in the conduct alleged herein, individual Defendants acted with the intent
10 to injure, vex, annoy and harass Plaintiff, and subjected Plaintiff to cruel and unjust
11 hardship in conscious disregard of Plaintiff's rights with the intention of causing
12 Plaintiff injury and depriving it of its constitutional rights.

13 70. As a result of the forgoing, Plaintiff seeks exemplary and punitive
14 damages against the individual Defendants.

15 **PRAYER FOR RELIEF**

16 The conduct previously alleged, unless and until enjoined by order of this
17 Court, will cause great and irreparable injury to Plaintiff. Further, a judicial
18 declaration is necessary and appropriate at this time so that all parties may know
19 their respective rights and act accordingly.

20 WHEREFORE, Plaintiff requests relief as follows:

21 1. A declaration that Defendants' policies, practices, and customs violate
22 the First and Fourteenth Amendments to the United States Constitution.

23 2. An order enjoining all Defendants and their employees, agents, and any
24 and all persons acting in concert with them from further violating Plaintiff's civil
25 rights under the First and Fourteenth Amendments to the United States Constitution.

26 3. Nominal damages for each violation by the Defendants against the
27 Plaintiff's rights.

28 4. Compensatory damages in an amount to be proven at trial.

1 5. Punitive damages against the individual Defendants in an amount to be
2 proven at trial.

3 6. Costs, including reasonable attorney's fees, under 42 U.S.C. § 1988,
4 CCP § 1021.5, and under other applicable law.

5 7. Prejudgment and post-judgment interest.

6 8. Such other relief as the Court deems just and equitable.

7
8 DATED: January 31, 2014

Respectfully submitted,

9 ROSEN BIEN GALVAN & GRUNFELD LLP

10
11 By: /s/
Ernest Galvan

12
13 THE LAW OFFICES OF BRIAN A. VOGEL,
14 PC

15 By: Brian Vogel
16 Brian A. Vogel

17 HUMAN RIGHTS DEFENSE CENTER

18
19 By: /s/
20 Lance Weber

21 Attorneys for Plaintiff
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25
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28

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial.

DATED: Janaury 31, 2014

Respectfully submitted,

ROSEN BIEN GALVAN & GRUNFELD LLP

By: /s/
Ernest Galvan

THE LAW OFFICES OF
BRIAN A. VOGEL, PC

By: Brian Vogel
Brian A. Vogel

HUMAN RIGHTS DEFENSE CENTER

By: /s/
Lance Weber

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge George H. King and the assigned Magistrate Judge is Charles F. Eick.

The case number on all documents filed with the Court should read as follows:

2:14CV773 GHK Ex

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

January 31, 2014

Date

By J. Prado
Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

☐ Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

☐ Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

PRISON LEGAL NEWS, a project of the HUMAN
RIGHTS DEFENSE CENTER,

Plaintiff(s)

v.

County of Ventura; Geoff Dean, Gary Pentis, Linda
Oksner, and Rick Barrios, in their individual and
official capacities, DOES 1-10, in their individual and
official capacities,

Defendant(s)

CV 14-07736 HK 1E x)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

County of Ventura 800 S. Victoria Avenue, Ventura, CA 93009-1260
Geoff Dean 800 S. Victoria Avenue, Ventura, CA 93009
Gary Pentis 800 S. Victoria Avenue, Ventura, CA 93009
Linda Oksner 800 S. Victoria Avenue, Ventura, CA 93009
Rick Barrios 800 S. Victoria Avenue, Ventura, CA 93009

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Brian A. Vogel
The Law Offices of Brian A. Vogel, PC
770 County Square Drive, #104
Ventura, CA 93003

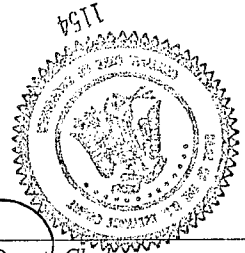
If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

JAN 31 2014

Date: _____

CLERK OF COURT

Signature of Clerk or Deputy Clerk



UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself ☐)

Prison Legal News, a project of the Human Rights Defense Center

DEFENDANTS (Check box if you are representing yourself ☐)

Ventura County; Geoff Dean, Gary Pentis, Linda Oksner, and Rick Barrios, in their individual and official capacities, Does 1-10, in their individual and official capacities

(b) County of Residence of First Listed Plaintiff Palm Beach Cty, FL

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant _____

(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

See attachment.

Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

Unknown.

II. BASIS OF JURISDICTION (Place an X in one box only.)

☐ 1. U.S. Government Plaintiff☒ 3. Federal Question (U.S. Government Not a Party)☐ 2. U.S. Government Defendant☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)

Citizen of This State

PTF ☐ 1 DEF ☐ 1

Incorporated or Principal Place of Business in this State

PTF ☐ 4 DEF ☐ 4

Citizen of Another State

PTF ☐ 2 DEF ☐ 2

Incorporated and Principal Place of Business in Another State

PTF ☐ 5 DEF ☐ 5

Citizen or Subject of a Foreign Country

PTF ☐ 3 DEF ☐ 3

Foreign Nation

PTF ☐ 6 DEF ☐ 6

IV. ORIGIN (Place an X in one box only.)

☒ 1. Original Proceeding☐ 2. Removed from State Court☐ 3. Remanded from Appellate Court☐ 4. Reinstated or Reopened☐ 5. Transferred from Another District (Specify) _____☐ 6. Multi-District LitigationV. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☒ No ☒ MONEY DEMANDED IN COMPLAINT: \$ According to proof.

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 U.S.C. 1983: Violation of Plaintiff's rights under the First and Fourteenth Amendments to the United States Constitution

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
☐ 375 False Claims Act	☐ 110 Insurance	☐ 240 Torts to Land	☐ 462 Naturalization Application	Habeas Corpus:	☐ 820 Copyrights
☐ 400 State Reapportionment	☐ 120 Marine	☐ 245 Tort Product Liability	☐ 465 Other Immigration Actions	☐ 463 Alien Detainee	☐ 830 Patent
☐ 410 Antitrust	☐ 130 Miller Act	☐ 290 All Other Real Property	TORTS	☐ 510 Motions to Vacate Sentence	☐ 840 Trademark
☐ 430 Banks and Banking	☐ 140 Negotiable Instrument	PERSONAL INJURY	PERSONAL PROPERTY	☐ 530 General	SOCIAL SECURITY
☐ 450 Commerce/ICC Rates/Etc.	☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 310 Airplane	☐ 370 Other Fraud	☐ 535 Death Penalty	☐ 861 HIA (1395ff)
☐ 460 Deportation	☐ 151 Medicare Act	☐ 315 Airplane Product Liability	☐ 371 Truth in Lending	Other:	☐ 862 Black Lung (923)
☐ 470 Racketeer Influenced & Corrupt Org.	☐ 152 Recovery of Defaulted Student Loan (Excl. Vet.)	☐ 320 Assault, Libel & Slander	☐ 380 Other Personal Property Damage	☒ 540 Mandamus/Other	☐ 863 DIWC/DIWW (405 (g))
☐ 480 Consumer Credit	☐ 153 Recovery of Overpayment of Vet. Benefits	☐ 330 Fed. Employers' Liability	☐ 385 Property Damage Product Liability	☐ 550 Civil Rights	☐ 864 SSID Title XVI
☐ 490 Cable/Sat TV	☐ 160 Stockholders' Suits	☐ 340 Marine	BANKRUPTCY	☐ 555 Prison Condition	☐ 865 RSI (405 (g))
☐ 850 Securities/Commodities/Exchange	☐ 190 Other Contract	☐ 345 Marine Product Liability	☐ 422 Appeal 28 USC 158	☐ 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
☐ 890 Other Statutory Actions	☐ 195 Contract Product Liability	☐ 350 Motor Vehicle	☐ 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 891 Agricultural Acts	☐ 196 Franchise	☐ 355 Motor Vehicle Product Liability	CIVIL RIGHTS	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 871 IRS-Third Party 26 USC 7609
☐ 893 Environmental Matters	REAL PROPERTY	☐ 360 Other Personal Injury	☐ 440 Other Civil Rights	☐ 690 Other	
☐ 895 Freedom of Info. Act	☐ 210 Land Condemnation	☐ 362 Personal Injury-Med Malpractice	☐ 441 Voting	LABOR	
☐ 896 Arbitration	☐ 220 Foreclosure	☐ 365 Personal Injury-Product Liability	☐ 442 Employment	☐ 710 Fair Labor Standards Act	
☐ 899 Admin. Procedures Act/Review of Appeal of Agency Decision	☐ 230 Rent Lease & Ejectment	☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability	☐ 443 Housing/Accommodations	☐ 720 Labor/Mgmt. Relations	
☐ 950 Constitutionality of State Statutes		☐ 368 Asbestos Personal Injury Product Liability	☐ 445 American with Disabilities-Employment	☐ 740 Railway Labor Act	
		☐ 448 Education	☐ 446 American with Disabilities-Other	☐ 751 Family and Medical Leave Act	
				☐ 790 Other Labor Litigation	
				☐ 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

Case Number:

CV-71 (11/13)

CIVIL COVER SHEET

Page 1 of 3

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court? ☐ Yes ☒ No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	☐ Los Angeles		Western
	☐ Ventura, Santa Barbara, or San Luis Obispo		Western
	☐ Orange		Southern
	☐ Riverside or San Bernardino		Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action? ☐ Yes ☒ No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF?	A DEFENDANT?	
	Then check the box below for the county in which the majority of DEFENDANTS reside:		Then check the box below for the county in which the majority of PLAINTIFFS reside:
	☐ Los Angeles	☐ Los Angeles	Western
	☐ Ventura, Santa Barbara, or San Luis Obispo	☐ Ventura, Santa Barbara, or San Luis Obispo	Western
	☐ Orange	☐ Orange	Southern
	☐ Riverside or San Bernardino	☐ Riverside or San Bernardino	Eastern
☐ Other	☐ Other	Western	

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A Los Angeles County	B Ventura, Santa Barbara, or San Luis Obispo Counties	C Orange County	D Riverside or San Bernardino Counties	E Outside the Central District of California	F Other
Indicate the location in which a majority of plaintiffs reside:	☐	☐	☐	☐	☒	☐
Indicate the location in which a majority of defendants reside:	☐	☒	☐	☐	☐	☐
Indicate the location in which a majority of claims arose:	☐	☒	☐	☐	☐	☐

C.1. Is either of the following true? If so, check the one that applies: ☐ 2 or more answers in Column C ☐ only 1 answer in Column C and no answers in Column D Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C2 to the right. →	C.2. Is either of the following true? If so, check the one that applies: ☐ 2 or more answers in Column D ☐ only 1 answer in Column D and no answers in Column C Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	Western

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT):

Brian Vogel

DATE:

1/31/14

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

Attachment – Section I.C– Attorneys for Plaintiff

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**Pro HacVice* Application To Be Filed