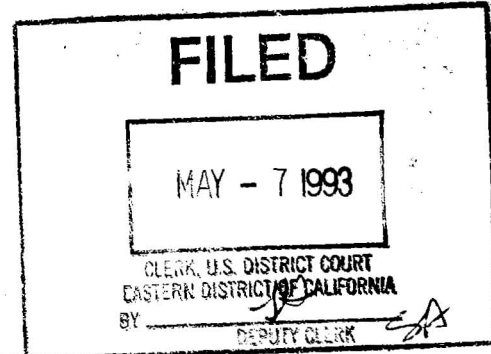




UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

WILLIAM ROUSER
(Name of Plaintiff)

CIV-S-93- 767 LKK GGH
(Case Number)

v.

THEO WHITE WARDEN
E.W. MEADS PROTESTANT CHURCH
JACK R. REAGAN CHIEF JUDGE APPEALS
JAMES GONZALEZ DIRECTOR OF CORRECTIONS
(Names of Defendants)

CV11-9123-RGK
(JEM)

I. Previous Lawsuits:

A. Have you begun other lawsuits in state or federal court, dealing with the same facts involved in this action or otherwise relating to your imprisonment: YES () NO (☒)

B. If your answer to A is yes, describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs

Defendants

if State Court, give name of County)

3. Docket Number _____
4. Name of judge to whom case was assigned _____
5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit _____
7. Approximate date of disposition _____

II. Place of present confinement CALIFORNIA STATE PRISON - SACRAMENTO

- A. Is there a prisoner grievance procedure in this institution?
YES (X) NO ()
- B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? YES (X) NO ()
- C. If your answer was YES,

1. What steps did you take? I filed a 602 INMATE APPEAL UNTIL I EXHAUSTED MY ADMINISTRATIVE REMEDIES
2. What was the result? IT WAS DENIED ON ALL GROUNDS. I FILED A SECOND 602 ON NOT BEING ABLE TO RECEIVE MY BIBLE IN ANSWER THEY ARE NOT MEETING THEIR OBLIGATIONS

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any)

- A. Name of Plaintiff WILLIAM ROUSER C10659
Address P.O. Box 29-A-5112, REPRIST CALIF 95671

(In item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions and places of employment of any additional defendants.)

- B. Defendant THRO WHITE is employed as WARDEN
_____ at CALIFORNIA STATE PRISON - SAC
- C. Additional defendants E.W. MEADS, PROTESTANT CHAPLAIN AT CALIFORNIA STATE PRISON - SAC, JACK R. REAGAN CHIEF CLERK APPEALS, DEPARTMENT OF CORRECTIONS, JAMES GOMEZ DIRECTOR DEPARTMENT OF CORRECTIONS

IV. Statement of aim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved. include also the names of other persons involved, dates and places. Do not give any legal arguments or cite cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as needed. Attach extra sheets if necessary.)

I Filed AN INMATE Appeal About The
Denial of My Right To Practise My Religion
I WAS Told I could not have (see ATTACH
IV.

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

I would like My Religion Wicca Recognized
and Respected AS A Religion. That we are
Allowed All The Rights of Other Religions
That we are Allowed TAROT CARDS.. A PLACE TO
Worship. If There are enough TO qualify That
we Receive A Chaplain and \$50.000⁰⁰

Signed this 5 day of MAY, 19 93.

William Rouser
 (Signature of plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

5-5-1993
 (Date)

William Rouser
 (Signature of Plaintiff)

1 TAROT cards which were made by me, and
 2 that I could not receive any. TAROT IS A
 3 ESSENTIAL PART OF WICCA. IT IS USED FOR SPIRITUAL
 4 STRENGTHENING, AND GUIDANCE. REV. EDWARD MEADS
 5 THE PROTESTANT CHAPLAIN INTERVIEWED ME FOR THE
 6 1ST HEARINGS RESPONSE. HE DENIED ME TAROT CARDS,
 7 YET WE CAN HAVE PINNACLE CARDS, AND TOLD ME THAT
 8 THE C.D.C. WOULD NOT RECOGNIZE A WICCAN CHAPLAIN
 9 (SEE 602). I WENT TO THE NEXT HEARING AND ADDED
 10 A LIST OF INMATES WHO WERE ALSO WICCANS, AND
 11 THAT WE WANTED TO PRACTISE OUR RELIGION. THAT I
 12 FELT MY RIGHTS WERE VIOLATED BY THE PROTESTANT
 13 CHAPLAIN HEARING MY 602 WHEN CHRISTIANITY
 14 PROSECUTED WICCANS SINCE THE 14TH CENTURY. HE DENIED
 15 IT I WAS ALSO ASKING THE SAME THING AS THE FIRST HEARING
 16 THE SECOND HEARING WAS WARDEN THEO WHITE.

17 I THEN SENT IT TO THE THIRD HEARING WITH THE
 18 LIST OF NAMES OF THOSE WHO WERE ALSO EITHER WICCANS
 19 OR DESIRING TO LEARN OF IT. ALSO I MENTIONED THAT WE
 20 ARE NOT ALLOWED TO HAVE OUR CEREMONIES. SUCH AS
 21 OUR SABBAT OF SAMHAIN. SOMEONE CAME TO SEE
 22 ME THEN I WAS SENT A RESPONSE BY MAIL (SEE LETTER)
 23 THOUGH I DID NOT RECEIVE BACK THE LIST OF NAMES.
 24 THE DECISION TO DENY IT ON THE THIRD HEARING WAS
 25 BY JACK R. REGAN CHIEF INMATE APPEALS BRANCH. OFC
 26 JAMES GONZ THE DIRECTOR OF CORRECTIONS, WHO
 27 SUPERVISES THE PRISONS IN THIS SYSTEM.

28 ALSO I AM BEING DENIED MY BIBLE FROM MY
 PROPERTY WHEN CHRISTIANS AND MUSLIMS RECEIVE THEIRS
 WHILE IN AD 826

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**
 CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1.

2.

(17)

33

Religion

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
ROUSSEAU	C10659	UNASSIGNED	7B.3119

A. Describe Problem: I Sent A Request To The Activities Coordinator And Spoke To The Protestant Chaplain Rev. Grimes, About The Fact I Am Not being able To Practice my Religion I Am not asking for anything which would pose a security threat. I am a Wiccan (A Pagan) My worship is of the God And Goddess. Tarot Cards, Eucross are A Part of my Religious practice. There are other Religious groups such as Muslims and Indians which

If you need more space, attach one additional sheet. See Attached Sheet

B. Action Requested: That I Be Allowed To Get Tarot Cards And Eucross, Also Small Candles For casting my circle To practice my Religion, And That I Am Told what is necessary to get A Chaplain For those of us that are Wiccans

Inmate/Parolee Signature: William Rousseau C10659 Date Submitted: 8-2-92

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: Denied. THE ONLY CARDS ALLOWED IN THE INSTITUTION ARE PINOCHLE CARDS. INCENSE AND CANDLES ARE NOT ALLOWED DUE TO SECURITY AND FIRE RESTRICTIONS.

Staff Signature: M. Johnson

Date Returned to Inmate: 8-19-92

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

I Am not speaking of playing cards but Tarot cards which are a part of my Religion And incense is used in my Religious practice. I am not asking for the only Religion which was allowed. The others are allowed.

Signature: William Rousseau C10659

Date Submitted: 8-23-92

Note: Property/Funds appeals must be accompanied by a completed

RECEIVED BY

CDC Appeal Number:

Board of Control form BC-1E, Inmate Claim

FOLSOM'S APPEAL OFFICE

AUG 25 1992

9207316

8-4#4

1032

INMATE INTERVIEWED 9/ -92 ~~9/11~~First Level ☐ Granted ☐ P. Granted ☒ Denied ☐ Other

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: _____ Due Date: _____

Interviewed by: Rev. Edward W. Meads, Protestant Chaplain

DENIED: PROCEDURES DO NOT ALLOW ANY CARDS EXCEPT PINOCLE BOX.
INCENSE IS A SECURITY RESTRICTION. CDC CURRENTLY RECOGNIZES CATHOLIC, JEWISH,
MUSLIM, NATIVE AMERICAN AND PROTESTANTS AS CHAPLAINS.

RECEIVED BY
 OLSOM'S APPEAL OFFICE

SEP 04 1992

Staff Signature: Rev. Edward W. Meads Title: PROTESTANT CHAPLAIN Date Completed: 9-3-92
 Division Head Approved: _____ Returned: SEP 04 1992
 Signature: B. J. Johnson Title: AW Date to Inmate: _____

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

FIRST OF ALL I FEEL THAT THE PROTESTANT CHAPLAIN WAS
NOT A UN BIAS PERSON TO HEAR MY APPEAL FOR MY
RELIGION IS WICCA, WHICH IS A Paganistic NATURAL
RELIGION IT HAS FACED PERSECUTION BY CHRISTIANITY
 Signature: William Keweenaw C10659 Date Submitted: 9-13-92

Second Level ☐ Granted ☐ P. Granted ☒ Denied ☐ Other

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: _____ Due Date: _____

☒ See Attached Letter S WAS INTERVIEWED AT 1ST LEVEL BY REV. E. W. MEADS.

Signature: GEORGE L. JACKSON, AW, DIV. 4 Date Completed: 10/21
 Warden/Superintendent Signature: THEO WHITE, WARDEN (A) Date Returned to Inmate: OCT 23 1992

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

THERE IS NO Feasible or Logical Reason for Denying Wicca
Tarot Cards, for They are not playing cards, and are essential
in Wicca, for Spiritual and psychic Strengthening. This
Institution at Present Does not allow or provide anything
for Wiccans, nor are we Represented by any Chaplains.
Our Sabbath of Samhain is Oct 31st But we are not Allowed any
SEE ATTACHMENT H

Signature: _____ Date Submitted: _____

For the Director's Review, submit all documents to: Director of Corrections
 P.O. Box 942883
 Sacramento, CA 94283-0001
 Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☐ Denied ☐ Other
☐ See Attached Letter

DEPARTMENT OF CORRECTIONS

P. O. Box 942883
Sacramento, CA 94283-0001



January 22, 1993

William Rouser C10659
California State Prison-Sacramento
P.O. Box 29
Represa, California 95671

RE: DIRECTOR LEVEL DECISION
CASE NO. 9207316
INSTITUTION LOG NO. N-92-3580

This matter was reviewed on behalf of the California Department of Corrections, Inmate Appeals Branch, at California State Prison-Sacramento (SAC), on December 2, 1992, by Appeals Examiner R. Munoz.

All submitted documentation and supporting arguments of the parties have been considered. To the extent such documentation and arguments are in accordance with the findings and conclusions stated herein, they have been accepted. To the extent they are inconsistent therewith, they have been rejected.

ISSUES

Whether or not the institution's denial of appellant's request to receive Tarot cards, incense and small candles is appropriate.

FINDINGS

I

The appellant states that he is not being allowed to receive or possess the articles necessary to practice his religion. Appellant claims he is a WICCA (PAGAN), who worships the God and Goddess. Appellant states that the Tarot cards, incense and candles are necessary ceremonial articles. Appellant states that the denial of the articles of worship, is a violation of his constitutional rights to practice his religion. Appellant requests he be allowed to receive the Tarot cards, incense and small candles.

II

The institution takes the position that the Tarot cards, incense and candles are not allowed. The institution states that the listed items are not authorized for inmate possession and institutional religious services are provided by the institution.

ROUSER, C-10659 - CASE NO.9207316
Page 2

III

The Department's rules regarding religion and property are contained in the California Code of Regulations (CCR), Title 15, Sections 3190(a) and 3210.

3190. General Policy.

"(a) Wardens and superintendents shall establish a list of personal property items and the maximum amount of such items an inmate may have in his or her possession within the institution. Institutions shall permit inmates to possess in their living quarters, in addition to state property items issued to an inmate, personal property items that present no threat to institution security or the safety of persons."

3210. General Policy.

"Wardens, superintendents and regional parole administrators will make every reasonable effort to provide for the religious and spiritual welfare of all interested individuals and groups of inmates or parolees. Depending upon the number of inmates or parolees of the various faiths, chaplains may be employed on a full-time, part-time, or intermittent basis, or their services may be accepted on a volunteer nonpaid basis, to minister to the religious interests and needs of the inmates or parolees. Whenever feasible, the department favors separate space for services of the faith groups represented by a substantial number of inmates or parolees. However, in some institutions and in small facilities, such as camps, it will be necessary for the various faith groups to share such space as is available for religious services."

The documentation and arguments presented are persuasive that the Tarot cards, incense and candles are not allowed to be in an inmate's possession. The institution has provided religious services for inmates as determined to be necessary. The appellant's allegation of being denied his right to practice his religion is not supported, and the denial of unauthorized material appropriate.

DETERMINATION OF ISSUE

The institution's denial of appellant's request for Tarot cards, incense and candles is appropriate.

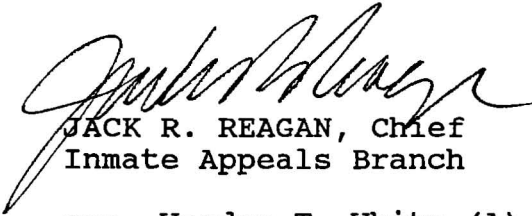
The appeal is denied.

ROUSER, C-10659 - CASE NO.9207316
Page 3

ORDER

No changes or modifications are required by the institution.

This decision exhausts the administrative remedy available to appellant within the Department of Corrections.



JACK R. REAGAN, Chief
Inmate Appeals Branch

cc: Warden T. White (A), FOL
Appeals Coordinator, FOL

1 William Rouser C10659
2 P.O. Box 29-A-5222
3 REYESA CALIF 95671
4

5 United States District Court
6 EASTERN DISTRICT OF CALIFORNIA
7

8
9 WILLIAM ROUSER }
10 | PLAINTIFF, }
11 | VS. }
12 | THEO WITZ, E.W. MEADS }
13 | J. REAGAN, J. GOMEZ }
14 | DEFENDANTS }
15

CASE NO. _____
EX-PARTE MOTION FOR ASSIGNMENT OF
COUNSEL

16 To: the above entitled court:

17 Comes now, William Rouser, the plaintiff in the above entitled
18 action, pursuant to Title 28 U.S.C. § 1915(d), with this Ex-Parte Motion
19 for Assignment of Counsel to assist plaintiff in the further litigation
20 of this action.

21 Plaintiff's motion is based on the following facts, and the particular
22 authorities cited hereinafter, as well as all the papers currently on file
23 in this action.

24 Plaintiff's motion is additionally based on the attached, sworn declaration,
25 and such further papers, exhibits, and or arguments as the court may deem
26 appropriately submitted.
27
28

I.

STATEMENT OF FACTS

1 Petitioner William Rouser, is currently incarcerated at CALIF STATE
2 PRISON-SAC, REPRISA, California.

3 Petitioner does not currently have a meaningful source of income by which
4 to employ the services of an attorney by which to have experienced legal advice
5 and/or skills applied to the further litigation of this case.

6 Petitioner as an indigent state prisoner has only limited access to legal
7 materials at the prison where he is confined, and has inadequate time to study
8 legal materials when he is given access.

9 Petitioner is a layman at law with very little experience in the complex
10 and confusing methods of legal research, writing and reasoning and virtually
11 no knowledge of the procedural rules or the federal rules of court or civil
12 procedure by which to proceed with critically important discovery to obtain
13 certain types of evidence and other items that petitioner believes the defendants
14 currently have possession of and/or access to.

15 Petitioner does not know what papers he should now file or seek to submit
16 to the court or to defendants by which to further litigate this action. Petitioner
17 attempts to read and understand the federal rules of civil procedure, which
18 leave petitioner predominantly confused concerning appropriate action at
19 this point.

20 Petitioner sincerely desires to pursue this action and to seek the relief
21 prayed for in the original complaint filed with this court in this matter.

22 Petitioner has a limited education, and no education in law. Petitioner
23 does not understand, nor can he comprehend complex legal reasoning, standards,
24 and language when he attempts to study law and legal publications. Petitioner
25 has had to enlist the assistance of fellow prisoners, knowledgeable in law
26 and order, to prepare and file the pleadings currently before this court,
27 as well as this current motion for assignment of counsel.
28

II.
REASONS THE COURT SHOULD ASSIGN COUNSEL TO ASSIST
PLAINTIFF IN FURTHER LITIGATION OF THIS ACTION

(1) Plaintiff is unable to employ counsel (see: Forma Pauperis application of file in this action).

(2) The issues involved are complex and difficult for petitioner to understand in relationship to how to proceed further to press his claims to a final resolution.

(3) The issues involved necessitate serious discovery proceedings to be undertaken by plaintiff in order to prepare for further proceedings on either summary judgement or to proceed to trial.

(4) The prison limits plaintiff access to law books and legal materials.

(5) Plaintiff has no legal experience and very little experience or knowledge of law.

(6) The interest of justice and the economy of judicial resources would be best served by an assignment of counsel to assist your plaintiff in this action.

DATED: 5-5-1993

/s/ William Rouser
PLAINTIFF IN PRO-SE

1 MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF ASSIGNMENT OF COUNSEL

2 At the outset, plaintiff points out that there is clearly statutory
3 authority by which the District Court may appoint or assign counsel to assist
4 plaintiff in the further litigation of this civil action (see: Title 28
5 U.S.C. § 1915(d); and Title 28 U.C.S. § 3006A(g); in some relationship to
6 Title 42 U.S.C. § 1983; see also Norris v. Wainwright, 588 F. 2d 130, cert.
7 denied, 444 U.S. 846).

8 One consideration is that of the right of every litigant, rich or poor,
9 to equal consideration before the courts. (see: Coppedge v. United States,
10 369 U.S. 438, 456,) Moreover, even without the statutes, there is some
11 indication that the federal courts, in the proper situation or case, may
12 assign counsel for an indigent state prisoner under the court's supervisory
13 powers and sound discretion (see: McNabb v. United States, 318 U.S. 332;
14 see also The Supervisory Power of the Federal Courts, 76 Harv. L. 1656).

15 Some courts have held that counsel is not necessary, "unless the
16 circumstances of the particular case are such that counsel would be vital
17 to attain due process, or access to the courts." (see: Eskridge v. Rhay,
18 345 F. 2d 778; see also: Anderson v. Heinze, 258 F 2d 778; Dillion v. United
19 States, 307 F. 2d 447; Bounds v. Smith, 430 U.S. 817).

20 Your plaintiff is aware that the United States Supreme Court and the
21 United States Congress have never held that a civil litigant has a right
22 to counsel to be assigned, to assist him in pressing his claims before the
23 courts. Rather, the question of whether or not to assign counsel rests in
24 the sound discretion of the court, and such discretion "requires that
25 counsel be appointed at least in some cases." (see: United States v.
26 Wilkens, 338 F. 2d 404; and United States v. Wilkens, 281 F. 2d 707-715).

27 There are many entanglements that may be avoided by the assignment of
28 counsel (see: Taylor v. Pegelow, 335 F. 2d 147.) Moreover, at least one

1 federal district court has viewed in the context of federal habeas corpus
2 that unless the petition could be dismissed "summarily", an attorney should
3 be assigned to the impoverished, "layman-prisoner." (see: Cullins v. Crouse,
4 348 F. 2d 887);

5 In federal civil rights actions under Title 42 U.S.C. § 1983 to redress
6 injuries caused by persons "acting under color of state law", the courts
7 have considered assignment of counsel as important in cases where the
8 prisoner (civil litigant) must conduct discovery by which to pursue his
9 or her case, and cannot do it himself (see: Murrell v. Bennett, 615 F. 2d
10 306 .) Moreover, "summary judgement" proceedings against the prisoner,
11 plaintiff, unable to secure discovery of the items to ward off such a
12 judgement, may not be permitted against a lay-prisoner who does not know
13 how to oppose such proceedings. (see: Murrell v. Bennett, Supra. at pp. 310).

14 In your plaintiff's case, as the facts stated in the motion for counsel
15 and attached declaration demonstrate that plaintiff cannot himself proceed
16 further with the prosecution of this action without at least some assistance
17 from someone with the knowledge to pursue such action.

18 Wherefore, plaintiff prays this court will assign an attorney to assist
19 him in the further pursuit of this action.

20
21 DATED: 5-5-1993

William Rouser
PLAINTIFF, PRO-SE

DECLARATION OF

I, William Rouser, depose, and declare as follows:

1. I am the plaintiff in this entitled action.

2. That I am currently a state prisoner, with no regular, meaningful source of income with which to employ an attorney to assist me.

3. That my personal attempts to read law books, rules of court, and court procedures have resulted in confusion and inability to comprehend what action to take next, to further prosecute this action.

4. That I have had to ask other prisoners, who appear to have some knowledge of law, to assist me in writing and filing the papers currently before the courts, as well as this present motion for counsel.

5. _____

6. _____

7. _____

EXECUTED THIS 5 DAY OF May, 1993

William Rouser

PLAINTIFF IN PRO SE:

United States District Court

DISTRICT OF _____

William Rouser

APPLICATION TO PROCEED IN FORMA PAUPERIS, SUPPORTING DOCUMENTATION AND ORDER

THEO WHITE, E.W. MEADS,
JACK REAGAN, JAMES GOMEZ

CASE NUMBER:

CIV-S-93- 767 LKK

GGH

I, WILLIAM ROUSER, declare that I am the (check appropriate box)

☒ petitioner/plaintiff☐ movant (filing 28 U.S.C. 2255 motion)☐ respondent/defendant☐ _____

other

in the above-entitled proceeding; that, in support of my request to proceed without being required to prepay fees, cost or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefor; that I believe I am entitled to relief. The nature of my action, defense, or other proceeding or the issues I intend to present on appeal are briefly stated as follows:

42 U.S.C 1983 lawsuit for Denial
of my First Amendment Rights.
to Freedom of Religion

In further support of this application, I answer the following questions.

1. Are you presently employed? Yes ☐ No ☒

a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer. (list both gross and net salary)

b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

2-25-1993 \$19.00 a month.

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or other form of self-employment

Yes ☐ No ☒

b. Rent payments, interest or dividends?

Yes ☐ No ☒

c. Pensions, annuities or life insurance payments?

Yes ☐ No ☒

d. Gifts or inheritances?

Yes ☐ No ☒

e. Any other sources?

Yes ☒ No ☐

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

Money from friends to use at Center F + UA 1123.

3. Do you own any cash, or do you have money in checking or savings accounts?

Yes ☒ No ☐ (Include any funds in prison accounts.)

If the answer is "yes," state the total value of the items owned.

4. Do you own or have any interest in any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?

Yes ☐ No ☒

If the answer is "yes," describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

5-5-1993

(Date)

William Rouser

Signature of Applicant

CERTIFICATE

(Prisoner Accounts Only)

I certify that the applicant named herein has the sum of \$ _____ on account to his credit at the _____ institution where he is confined. I further certify that the applicant likewise has the following securities to his credit according to the records of said institution: _____

I further certify that during the last six months the applicant's average balance was \$ _____

Authorized Officer of Institution

ORDER OF COURT

The application is hereby denied

United States Judge

Date

The application is hereby granted. Let the applicant proceed without prepayment of cost or fees or the necessity of giving security therefor.

United States Judge
or Magistrate

Date

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

WILLIAM ROUSER

vs.
THEO WHITE, EW. MEADS,
JACK, REAGAN, JAMES GOMEZ.

AFFIDAVIT IN SUPPORT OF
REQUEST TO PROCEED IN
FORMA PAUPERIS

I, WILLIAM ROUSER, depose and say that I am the movant in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefore, I state that because of my poverty, I am unable to pay the costs of said proceeding or to give security therefore; that I believe I am entitled to relief.

I further declare that the responses which I have made to questions and instructions below are true.

1. Are you presently employed? YES () NO (X)
a. If the answer is YES, state the amount of your salary or wages per month, and give the name and address of your employer.

- b. If the answer is NO, state the date of last employment and the amount of the salary and wages per month which you received.

2-25-1993 \$19.00 A MONTH.

2. Have you received, within the past twelve months, any money from any of the following sources?

- a. Business, profession or form of self-employment? YES() NO(X)
b. Rent payments, interest or dividends? YES() NO(X)
c. Pensions, annuities or life insurance payments? YES() NO(X)
d. Gifts or inheritances? YES() NO(X)
e. Any other source? YES(X) NO() From friends to spend on children.

3. Do you own any cash, or do you have any money in a checking or savings account? YES() NO()

If the answer is YES, state the total value of the items owned.

4. Do you own estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)?

YES() NO(X)

9926633

If the answer is YES, describe the property and state its approximate value.

5. List the persons who are dependant upon you for support, state your relationship to those persons, and indicate how much you contribute to their support.

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury, and I declare under penalty of perjury that the foregoing is true and correct.

Executed at REPRESA, SACRAMENTO, CALIFORNIA on 5-5-1993
(City, County State) (Date)

William Rouser
(Movant's Signature)

9926633

Judge: LKK Mag: GGH

DEPUTY CLERK'S CHECKLIST FOR NEW CIVIL ACTIONS

Case Number: CIV-S-93- 767 LKK GGH :

Civil Actions (PRISONER MATTERS):

✓

CIVIL RIGHTS ACTION

Jurisdiction: 3

Cause of Action: 42 USC 1983

Nature of Suit: 550

Origin: 1

() PETITION FOR WRIT OF HABEAS CORPUS

Jurisdiction: 3

Cause of Action: 28 USC 2254

Nature of Suit: 530

Origin: 1

() MOTION TO VACATE SENTENCE

Jurisdiction: 2

Cause of Action: 28 USC 2255

Nature of Suit: 510

Origin: 2

* Serve a copy of the motion on the
US Atty and Staff Attorneys (use prepared
cover letter).

() DEATH PENALTY/CAPITAL CASE

Jurisdiction: 3

Cause of Action: 28 USC 2254

Nature of Suit: 535

Origin: 1

** See additional checklist

✓

OTHER

COMMENTS:

letter sent

FORM COMPLETED BY: LB