

ATTY  
GAW ONLY

OUR RECORDS

John Henry Yablonsky AL-0373  
Box 8500  
Coalinga, Ca. 93210

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

IN THE UNITED STATES DISTRICT COURT  
CENTRAL DIVISION

John Henry Yablonsky,  
petitioner,

Case No. EDCV 14-01877-PA(DTB)

VS.

NOTICE OF MOTION IN SUPPORT  
OF RESPONDENTS RECKLESS INTENT  
TO CONTEMPTUAL INTERFERENCE  
WITH PETITIONERS RIGHT OF  
ACCESS TO COURTS.

Scott Fraeunheim(warden),  
respondent,

A

On September 4, 2014, petitioner filed a writ of habeas in the district court, challenging illegal convictions, among other things. Petitioner served the California Attorney General, according to the order on September 12, 2014 by Magistrate Bristow.

Petitioner has repeatedly requested access to the facility law library which is controlled by, ExParte Hull(1941)312 U.S. 546, 549[61 s.ct.640;85 l.ed.1034]; Toussaint v. McCarthy, 801 f.2d 1080 (9th.cir.1986); Title 15 §3122. All reasonable access has been

refused to institution library on, (BY OFFICIAL DOCUMENTED REQUESTS)

\*October 6, 2012

\*October 13, 2014

\*September 22, 2014

\*October 29, 2014

\*And disputed by Leah Wilson (official Technician Litihgations)

The library has restricted access to [all] inmates to include petitioner for numerous months by allowing one day per week access to regular inmates (2-2½ hour sessions) for (1000 men) in a room that accomodates 16 people. The library now does not accept

Library 1

1 pet itioners application for access because of their inability to  
2 comprehend the courts orders and interpret the rulings of [Hull]  
3 and McCarthy. Petitioner clearly indicated the interference as  
4 contempt to the facility litigations department, but access was  
5 still refused. CDCR must provide prisoners access to a law library.  
6 This access must satisfy the reasonable prong by actually allowing  
7 the inmates into the library, and facility materials for PLU inmates  
8 Bounds v. Smith(1977)430 U.S.817. Without sufficient cause, the  
9 institution must adhere to the rulings of McCarthy/Smith. There  
10 is no excuse in this instant case, and respondent has carelessly  
11 allowed this interference to affect the petitioners rights.

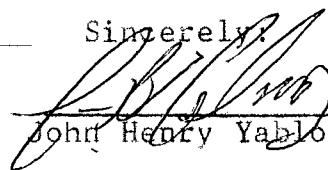
12 Petitioner moves this court to take judicial notice of  
13 respondents interference with petitioners ability to defend his  
14 rights outlined in petition. -EDCV 14-01877-PA(DTB).

15 The proof of this interference is available upon request,  
16 since there is no access to copies of the originals.

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

Date Nov. 9, 2014

Library 2

Sincerely,  
  
John Henry Yablonsky

FILED  
20

PROOF OF SERVICE ACCORDING TO PRISONER MAIL BOX RULE

This service and mailing was conducted by a party to this action, and was conducted in accordance with facility practice and the Title 15, div. 3 section §3142, also Penal Code § 2601(b).

This mailing was inspected and sealed in the presence of an on duty correctional officer, in a fully pre-paid envelope that was addressed to the following,

7 UNITED STATES DISTRICT COURT	California Attorney General
3470 Twelfth St. Rm. 134	Attn: D. Delgado
8 Riverside California, 92501	Box 85266
	S.d., Ca. 92186

This service contained the following ;

JUDICIAL NOTICE

ONLY ONE COPY TO COURT CLERK

This service was conducted by an adult over the age of 18 years of age,, and mailed in compliance with ordinary daily mail practices and routines that are processed and delivered by the U.S.P.S. from the city of;

Coalinga and 93210  
city zip code

This service was conducted on ))) 11/9/14 Date

ACCORDING TO THE PRISONER MAIL BOX RULE

THIS SERVICE IS CONSIDERED FILED ON THE DATE OF THE SERVICE

UNDER THE PENALTY OF PERJURY

The forgoing of this proof of service is the truth to the best and direct knowledge of;

John Henry Yablonsky  
My address is Box 8500 Coalinga, ca. 93210

11/9/14  
Date