



1 John Henry Yablonsky CDCR#AL0373  
18-147  
2 480 Alta rd  
Sandiego,ca,92179  
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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 John Henry Yablonsky ,  
11 Plaintiff,,,,,,,,,

12  
13 vs.

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15  
16 California Deparement  
17 of Corrections & Rehabilitations,  
et al,,,  
18 DEFENDANT/s

3;18-cv-01122-CAB-AGS  
NOTICE OF MOTION AND MOTION  
ENTERING AN OBJECTION TO  
DEFENDANTS REPLY FILED ON  
OCTOBER 30, 2020 PURSUANT TO  
F.R.C.P. RULE 12(f)(2)  
THE OBJECTION IS IMPERTINENT  
§ 636.

THE HONORABLE JUDGE SCHOPLER

19  
20 Please take notice that defendants in this matter filed  
21 notice of motion to dismiss certain claims within the second amended  
22 complaint. Plaintiff filed timely opposition, defendants filed a  
23 reply on OCTOBER 30, 2020 basing their reply on impertinent state-  
24 ments that plaintiff case should be dismissed without prejudice,  
25 ignoring that 1) Plaintiff is pro se and layment in law 2) Plaintiff  
26 complaint derives from acts of retaliation while plaintiff was a  
27 protected inmate with handicaps outlined by the American wityh Dis-  
28 abilities Act. (ARMSTRONG).

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3 PLAINTIFF IS DISABLED

4 Plaintiff is disabled with visual impairments that demand  
5 access to resources located inside a secure location by librarians  
6 who a) Knew plaintiff was disabled b) Stated that they did not  
7 honor ADA inmates c) Took actions targeting plaintiff disability,  
8 knowing that these attacks would hinder if not abolish plaintiff  
9 protected e roights. Because of the disability and government bodies  
10 attacks upon these disabilities, plaintiff filed grievances which  
11 met thwarting by "NUMEROUS" actors of the department of correct-  
12 ions. The disability requires equipment and devices that are available  
13 but being restricted for the sole purpose of hindering and chilling  
14 plaintiff exercise of protected rights and staff knew this before,m  
15 and while they targeted plaintiff disability. The Second Amended  
16 Complainit fully explains this. If the language does not satisfy the  
17 laymen ability to state a claim this is because is limited and  
18 frustrated access. Certainly a lawyer would best be able to articulate  
19 with the facts before this Court sufficient language to state a  
20 cause of actions.

21 Defendants have not disputed this. Ignoring the language  
22 under . Palmer v Valdez 560 f3d 965(9th cir 2009); Lassiter v  
23 Department of social Serv. 542 US 18(1981.To dismiss a cause of  
24 action because plaintiff does not have sufficient language in his  
25 head does not support the failure to seek redress. Appointment of  
26 counsel may be necessary.  
27  
28

1  
2 PLAINTIFF SUFFERS ATTACKS BY CDCR STAFF  
3

4           Within plaintiff SAC he states and defendanfs have not  
5 disputed that CDCR staff acts amount to retaliation. Underr ordinary  
6 circumstances this would be meaningless. But in this case, the attack-  
7 ers upon plaintiff and his disability are his caretakers, and control-  
8 ers of access to resources which would make knowledge available.  
9 The attacks by staff were cumulative, verbal as well as documentry  
10 in an effort to terminate access to resources. This hardhsip frustrates  
11 ones ability to focus, think and retain language necessary to stae  
12 poarticular claims. A hardship no practitioner should face. Plaintiff  
13 is faces with the fact that he does not get a choice and must many  
14 times eat crow in order to beg, and plead for access to knoweldgable  
15 facts located inside a protected location/. (THE LAW LIBRARY)

16           The attacks upon plaintiff did not hinder other library  
17 accesses for other inamtes, while the attacks targeted plaintiff  
18 in a retaliatory manner to cause injury. Certainly making this battle  
19 of language unfair, and above and beyond the fact that plaintiff  
20 is not trained in law, how to read, understand, and practice legal  
21 strategies, and language to defeat defenses from specific allegations.  
22 In this case defendantrs have not denied these attacks, and therefore  
23 must admit that practicing law while under direct and indirect attack  
24 can present hardships, above and beyond the ordinary survival needs  
25 within an institution of this caliber. R.J. DONOVVAN is notorious  
26 for ignoring policy, and their cumulative attacks on inmates who  
27 pratice their protected right. For these reasons plaintiff enteres  
28 an onjection at defendantrs request to have this cade dismissed

1 Harrington v Scribner 785 f3d 1299(9th cir 2015)

2 (That counsel assistance may be necessary where access may be  
3 impeded upon to access knowledge); Smith v Hosp. Admin. 814 f2d 751  
4 (7th cir 1988)(The threat of harm may be enough, imminent danger  
5 exists); Hart v Harrington 343 f3d 767(5th cir 2003)  
6  
7

8 CONCLUSION  
9

10 Because defendants have not denied any of the allegat-  
11 ions and target their defenders at the ability to state something  
12 that the facts of the case support, but plaintiff does not have  
13 the knowledge, suggest that this case should be directed at appointment  
14 of counsel so that the causes of actions described within this SAC  
15 can be articulated correctly. These facts above make defendants  
16 reply impertinent.  
17  
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25  
26

27 November 3, 2020  
28

John Henry Yablonsky

PROOF OF SERVICE BY AN INMATE

ACCORDING TO PRISONER MAILBOX RULE

THIS MAILING IS DEEMED FILED AND SERVED UNDER ANTHONY V CAYERA, 236 F.3d.563(9th cir.2000)

WHEN THIS MAILING HAS BEEN DELIVERED INTO THE CUSTODY OF CDCR STAFF

This service and mailing was conducted by a party and inmate of CDCR, and was conducted according to California Code Regulations § 3142 and P.C. § 2601(b). This mailing was inspected and sealed in the presence of an on duty correctional officer, into a fully prepaid envelope to be delivered by the U.S.P.S. as addressed to the following parties;

united states district court  
333 w broadway #420  
s.d.ca.92101

department of justice  
600 w broadway #1800  
s.d.ca.92101

This service contained the following documents;

*LEAVE OF COURT*

MOTION FOR APPOINTMENT OF COUNSEL 28 USC §1915(e)(1)

This service was conducted by an adult over the age of 18 years of age and mailed from a state institution, which will be logged by facility mailroom parties as [LEGAL] mail. This mailing was conducted from;

sandiego

92179

CITY

ZIP CODE

This service was conducted on (DATE)

*10/23/20*

UNDER THE PENALTY OF PERJURY

THE FORGOING IS TRUTHFUL AND ACCORDING TO BELIEF

(NAME) john henry yablonsky

(SIGNED) \_\_\_\_\_

My address is \_\_\_\_\_

480 Alta s.d.ca.92179

1 John Henry Yablonsky CDCR#AL0373  
18-147  
2 480 Alta rd  
3 Sandiego,ca,92179  
4  
5  
6  
7

8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 JOHN HENRY YABLONSKY,  
11 PLAINTIFF,

CASE# 3:18-cv-1122-CAB-AGS  
REQUEST LEAVE OF COURT TO FILE  
NOTICE OF MOTION AND MOTION  
FOR APPOINTMENT OF COUNSEL  
PURSUANT TO 28 U.S.C§1915(e)(1)  
FILED IN CONJUNCTION WITH POINTS AND  
AUTHORITIES, SWORN DECLARATION BY JOHN  
HENRY YABLONSKY

12  
13 VS.

DATE:  
TIME:  
DEPT:  
TRIAL: UNNASSIGNED DATE

14  
15 CALIFORNIA DEPARTMENT  
16 OF CORRECTIONS &  
17 REHABILITATIONS,

et al,  
DEFENDANT/S,

THE HONORABLE JUDGE SCHOPLER

18  
19 PLAINTIFF--JOHN HENRY YABLONSKY  
20 DEFENDANT/S-D.POWELL, G.MARTINEZ, J. ROBLES, D.MC GUIRE,  
R.BLAHNIK, C.TISCARNIA, CAMOFLAGE MAN,  
MONDET, DOES 1-10  
21

22 INTRODUCTION

23 On August 23, 2020 Plaintiff filed second amended com-  
24 plaint as a direct result of a Courts order on September 28, 2020.  
25 The Court did not dismiss the complaint originally filed in 2018  
26 in it's entirety, granting leave to amend the complaint . Defend-  
27 ants in this case filed timely motion to dismiss certain claims  
28 while not challenging the complaint in its entirety.

APPOINTMENT OF COUNSEL-1

1 Plaintiff SAC contained included five causes of action to include  
2 first amendment violations of free speech, retaliation, and access  
3 to Court. The SAC also included two other causes of action for  
4 violations to American With Disabilities Act as well as intentional  
5 infliction of emotional distress. Plaintiff filed opposition to  
6 defendants motion to dismiss along with numerous exhibits support-  
7 ing his allegations made within the complaint.

8 This complaint along with complexities of this case  
9 suggest that plaintiff deserves the assistance of counsel to bring  
10 this case to trial because;

11 1) The complexity of this case where at least seven defend-  
12 ants have been named, one addressed as CAMOFLAGE MAN, as well as  
13 potential defendants identified as DOES listed in five seperate  
14 causes of action that have not been dismissed in their entirety.

15 2) Plaintiff suffers a disability which infringes upon  
16 visually requirments to maintain ordinary course of "PROCEEDINGS"  
17 "DIECOVERY PROCESSES" as well as ability to "RESEARCH AUTHORITY"

18 3) The complaint includes allegations of retaliation  
19 which are already identified by The District Court against R.J.Donovan  
20 staff for taking actions against disabled inmates

21 4) There is a substancial likelihood of success in this  
22 case where defendants have failed to deny one allegation sufficiently  
23 to overcome the burden of presumption of accuracy in the allegations.

24 5) The merits of this case have not been dismissed by  
25 the Court and therefore are meritorious.

26  
27 October 23 2020

John Henry Yablonsky



1  
2  
3 1. THIS CASE IS COMPLEX

4 Plaintiff arrived at R.J. Donovan as a handicapped inmate  
5 seeking access to resources which are located inside a locked and  
6 segregated location of the prison which "REGULATES" how much access  
7 any one inmate may have. In this case, these "RESOURCES" are required  
8 by plaintiff in order for him to maintain forward momentum of  
9 "ANY" causes of actions. Staff at DONOVAN, specifically law library  
10 staff know this, and use this "FACT" to filter plaintiff efforts  
11 which is the foundation of plaintiff troubles at this facility.  
12 RICHARD J. DONOVAN is already known and currently being addressed  
13 for corruption as well as retaliatory actions against inmates housed  
14 at this institution. (ARMSTRONG) Because plaintiff exercise was  
15 circumscribed, antagonized by library staff who feel their library  
16 cards are licenses to breach protected rights afforded inmates,  
17 plaintiff complaints led to a series of unwarranted acts of retaliat-  
18 ion which included locking plaintiff out of the library while he  
19 had active cases, needs to access ADA equipment. Plaintiff complaint  
20 for this act, led to other acts of retaliation, one after another  
21 to include but not limited to ;

- 22 \* REDUCING ACCESS TO LAW LIBRARY
- 23 \* TAKING PLAINIFF HAND WRITTEN RESEARCH
- 24 \* BAIT AND SWITCH APPEALS TO FRUSTRATE APPEALS
- 25 \* MAKING VERBAL THREATS WHILE DISCUSSION EXERCISE RIGHTS
- 26 \* TAMPERING WITH OFFICIAL PROTECTED MAIL
- 27 \* FILING FALSE RVR TO TERMINATE ACCESS
- 28 \* OBFUSCATING ADMINISTRATIVE APPEALS
- \* OTHER INTERFERANCES CAUSING UNWARRANTED HARDSHIPS UPON  
AN ADA PROTECTED INMATE

29 This case involves numerous defendants who have colluded  
30 to take actions upon an inmate who exercised a protected right.

1           What makes this case so complex is that there are at  
2 least fourteen defendants of which seven have been named, another  
3 titled as "CAMOFLAGE MAN" as well as DOES which have been listed  
4 as possible defendants and their roles in these crimes against  
5 plaintiff. This complaint contain five causes of action ,three of  
6 which are first amendment related for access to the Court, free  
7 speech, and retaliations. All of which were violated by the named  
8 sevccen defendants, as well as "CAMOFLAGE MAN" and the unnamed DOES.

9  
10                           A. D. POWELL

11           This defendant as a librarian took actions targeting  
12 plaintiff protected rights, and when plaintiff complained took adverse  
13 actions to reduce access to ADA resources which he knew were required  
14 by plaintiff. He also played a significant role in the creations  
15 of a fake rules which targets plaintiff PLU status as well as author-  
16 ization to read inmates protected papers. This defendant is no  
17 longer at Donovan and discovery for this defendant will be lengthy  
18 as well as complicating. An inmate alone will face troubling if  
19 not catastrophic hurdles from institution to institution for this  
20 process. Depositions, Admissions, Interrogatories, and other develop-  
21 ing featured under F.R.C.P. This defendant colluded with others

22  
23                           B. G. MARTINEZ

24           This defendant as a principal at Donovan played a signif-  
25 icant role in targeting plaintiff protected rights in a conspiracy  
26 to conduct a bait and switch upon an ADA inmate while plaintiff  
27 exercised protected rights. This defendant position at this time  
28 is unknown and colluded with others.

1 C. J. ROBLES

2  
3 This defendant as a librarian took actions targeting plain-  
4 tiff protected rights, played a significant role in creating a  
5 fake rule about mandatory attendance as PLU inmates, then filed  
6 false disciplinary actions to terminate access to ADA resources  
7 located inside the law library. This party also took a significant  
8 role in the fake rule about librarians rights to read inmates protect-  
9 ed papers. This party also took part in reducing access to the  
10 ADA resources located inside the law library. This party colluded  
11 with others  
12

13 D. R. BLAHNIK

14  
15 This defendant as a senior librarian played a significant  
16 role in the creation of fake rules with regards to reading protected  
17 papers, mandatory access for PLU inmates and the filing of a false  
18 disciplinary report, targeting plaintiff ADA needs to access resources  
19 located in the library. This party colluded with others. This defendant  
20 over seen and facilitated these actions outlined in this complaint  
21 about library issues and either facilitated these actions or author-  
22 ized them to take place in his designated authoritative position  
23 in the Plaza Library and other locations.  
24

25 E. C. TISCARNIA

26  
27 This defendant as a librarian took actions targeting  
28 plaintiff protected rights, played a significant role in the reduction  
of access to resources for plaintiff ADA needs. She colluded with other

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F. D. MC GUIRE

This defendant acted as a senior party to these actions while arranging, colluding with, the creations of fake rules about being able to read protected papers, mandatory use of PLU ducats, and arranged, facilitated the taking of "ALL" of plaintiff hand written research notes for backward and forward legal interests with criminal as well as civil interests. This party played a significant role in the actions against an ADA inmate while practicing protected rights when she helped, arranged the taking of plaintiff files, then the threats upon plaintiff for filing appeals against her for taking the files. Then conspired with G. Martinez and others for a bait and switch targeting the appeal directed at her actions for taking the legal files. This defendant also took a significant role in tampering with protected mail being sent to sheriff department for service upon her and other defendants to coerce the case into dismissal. This defendant colluded with others

G. . MONDET

This defendant played significant roles in the handling of appeals targeted at the taking legal files when she conducted the interview. This defendant also colluded with others targeting an ADA inmate who exercised protected right.

H. MR CAMOFLAGE MAN

This defendant took a role in making verbal threats upon plaintiff while discussing plaintiff exercise for redressable

1 issues. Making threats that were unwarranted, uncalled for, and  
2 when plaintiff explained the nature of his attacks against his  
3 wrongful conviction this party terminated that attack upon plaintiff.  
4 This defendant colluded with others, targeting plaintiff ADA .

#### 6 COMPLEXITY ISSUE

7 These defendants control the majority of plaintiff  
8 housing needs with regards to access to the Court and other  
9 first amendment practices. These parties either work together,  
10 have been transferred from one job title to another or transferred  
11 to other institutions and are being sued in the official capacity  
12 and have been replaced by another party. The discovery for these  
13 defendants will be extensive which will include ;

- 14 \* Depositions
- 15 \* Request for admissions
- 16 \* Request for interrogatories
- 17 \* Demands for discoverable materials which include;
  - 18 i) E.Mails transmissions
  - 19 ii) Attendance records for staff meetings (EDUCATION)
  - 20 iii) OTHER ~~XXXXXX~~ related records
  - 21 iv) Requests for named other parties

22 Because plaintiff is addressing numerous parties who  
23 are already on the records for retaliatory acts against ADA inmates  
24 it is expected that discovery will be lengthy and complicating  
25 since a lot of the materials required to show (COLLUSION) will be  
26 on administrative equipment where an inmate access may cause un-  
27 warranted hardships about facility security, whereas a license  
28 lawyer will not face these same hurdles. It is expected that the  
discovery will show that these acts outlined within the complaint  
were in fact intentional and deliberate to chill an inmate who  
fights for liberty that was wrongfully taken through acts of fraud!!



1                   4. THERE IS SUBSTANCIAL LIKLIHOOD OF SUCCESS

2  
3                   Because this complaint had not been dismissed by the  
4 Court on at least two of the grounds for first amendment violations  
5 as well as request for injunctive relief, suggests this case had  
6 merit. Furthermore defendants have not denied any of the allegation  
7 made within the complaint or any of the appeals which had been exhausted  
8 therefore are estopped from taking another defense. It is likely  
9 that defendants will assert immunity defenses which are only based  
10 on qualified immunity which will not stand because they knew the  
11 rules, laws, statutes and knew substantial likelihood an injury  
12 would result as a direct result of their actions. Therefore not  
13 immune to suit. Besides they are being sued in their individual  
14 as well as official capacities. Therefore a substantial chance  
15 that plaintiff will suffer more if this Court does not provide  
16 a vehicle which relief could be sought. Therefore attorney fees  
17 are available .

18                   It is more than likely that through discovery the defendant  
19 actions will be recorded, which will support the elements required  
20 to prove to a panel of jurists that violations did occur as outlined  
21 within the complaint.  
22

23                   5. THE MERITS OF THE COMPLAINT

24  
25                   The Court had denied defendants motion to dismiss the  
26 complaint in its entirety, allowing plaintiff a chance to amend  
27 the complaint. Even the SAC may very well face that same issue  
28 where plaintiff was not capable of stating the facts correctly.

CONCLUSION

For the above stated reasons, appointment of counsel may be necessary to protect plaintiff substantial rights which are being attacked by rogue staff at R.J. DONOVAN who are already on the record for attacking handicapped inmates. This case is complex and includes several complicating issues as described above suggest appointment is necessary

October 23, 2020

John Henry Yablonsky



# EXHIBIT COVER PAGE



Description if this exhibit:

Number of Pages to this exhibit: 1 Pages.

**JURISDICTION:** (Check One Only)

- MUNICIPAL COURT
- SUPERIOR COURT
- APPELATE COURT
- STATE SUPREME COURT
- UNITED STATES DISTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

INSTITUTION (Staff use only)	LOG NUMBER (Staff Use Only) <b>20-63801</b>	DATE RECEIVED BY STAFF: <b>JUN 14 2020</b>
<p>*****TALK TO STAFF IF YOU HAVE AN EMERGENCY*****</p> <p><b>DO NOT</b> use a CDCR 1824 to request health care or to appeal a health care decision. This may delay your access to health care. Instead, submit a CDC 7362 or a CDCR 602-HC</p>		

INMATE'S NAME (Print) <b>YABLONSKY, JIMMY JOHN</b>	CDCR NUMBER <b>AL0373</b>	ASSIGNMENT <b>TA comp.lit.</b>	HOUSING <b>0800-1000 m-f</b>
---	------------------------------	-----------------------------------	---------------------------------

**INSTRUCTIONS:**

- You may use this form if you have a physical or mental disability or if you believe you have a physical or mental disability.
- You may use this form to request a specific reasonable accommodation which, if approved, will enable you to access and/or participate in a program, service or activity. You may also use this form to submit an allegation of disability-based discrimination.
- Submit this form to the Custody Appeals Office.
- The 1824-process is intended for an individual's accommodation request. Each individual's request requires a case-by-case review.
- The CDCR 1824 is a request process, not an appeal process. All CDCR 1824 requests will receive a response.
- If you have received an 1824 decision that you disagree with, you may submit an appeal (CDCR 602, or CDCR 602-HC if you are disagreeing with a medical diagnosis/treatment decision).

**WHAT CAN'T YOU DO / WHAT IS THE PROBLEM?**  
I AM FIGHTING A CRIMINAL CASE WHICH REQUIRES INTENSIVE READING, BECAUSE I AM VISUALLY IMPAIRED BOOK READING IS EXTREMELY DIFFICULT. THE LAW LIBRARY HAS COMPACT LEXUS COMPUTER BOXES THEY PROVIDE INMATES WITH ACCESS ISSUES INTO LAW LIBRARY. BECAUSE OF COVID19 THESE ISSUES NOW APPLY TO ME. I AM REQUESTING ACCESS TO ONE OF THESE LEXUS BOXES FOR A MINIMAL OF TEN HOURS PER WEEK FOR ME TO RESEARCH LEGAL ARGUMENTS, THEORIES, AND DEFENSES FOR (cont)

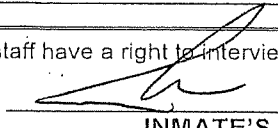
**WHY CAN'T YOU DO IT?**  
BECAUSE OF THE VISUAL IMPAIRMENT BOOK READING IS EXTREMELY DIFFICULT DO TO TEXT SIZE, WHICH ARE AGGRAVATED DUE TO MY DOUBLE VISION. THE DOUBLE VISION AFFECTED THE AMOUNT OF READING I CAN DO. THIS WOULD CHANGE IF THE TEXT WAS LARGER WHICH A COMPUTER BOX FOUR RESEARCH IS PROVIDED IS CAPABLE OF

**WHAT DO YOU NEED?**  
I NEED THE LAW LIBRARY TO PROVIDE ME WITH A LEXUS NEXUS COMPUTER BOX SO THAT I CAN RESEARCH MY CASE, AND ARGUMENTS, CASE LAW STUDY, TO PROVIDE EFFECTIVE LEGAL ARGUMENTS TO THE COURT. These boxes are available to inmates, and because of access to law library prevents any access at all, and my handicap of visual impairment needs, "SOME" means should be provided me so that (I may exercise my right to challenge an illegal conviction) on a case that i have been studying, researching, and developing for almost eight years now. It is obvious i have resources to write. I need to read before *(Use the back of this form if more space is needed)*

**DO YOU HAVE DOCUMENTS THAT DESCRIBE YOUR DISABILITY?** Yes  No  Not Sure

List and attach documents, if available:  
ALL MY MEDICAL IMPAIRMENT RECORDS ARE IN THE CONTROL OF CHIEF MEDICAL STAFF, LIBRARIANS AS WELL AS CORRECTIONAL STAFF MY HANDICAP IS UNDISPUTED

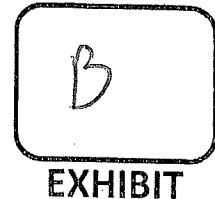
I understand that staff have a right to interview or examine me, and my failure to cooperate may cause this request to be disapproved

 7 13 20  
 INMATE'S SIGNATURE DATE SIGNED

Assistance in completing this form was provided by:

_____	_____	_____
Last Name	First Name	Signature

# EXHIBIT COVER PAGE



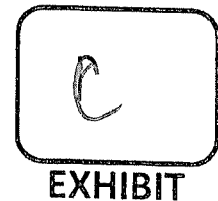
Description of this exhibit:

Number of Pages to this exhibit: 2 Pages.

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**SECTION A: INMATE/PAROLEE REQUEST**

NAME (Print): (LAST NAME) <b>YABLONSKY</b>	(FIRST NAME) <b>JOHN</b>	CDC NUMBER: <b>AL0373</b>	SIGNATURE: 
HOUSING/BED NUMBER: <b>18-147</b>	ASSIGNMENT: <b>TA CAMP</b>	HOURS FROM <b>8</b> TO <b>10</b> <b>AM</b>	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): <b>LIBRARY ACCESS</b>

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:

**I HAVE COURSE DEADLINES  
 OF 6-24-20  
 I NEED ACCESS  
 NOW PLEASE**

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **\*\*NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED\*\***  
 SENT THROUGH MAIL: ADDRESSED TO: **NORUSIAN** DATE MAILED: **6/8/20**  
 DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL	

**SECTION B: STAFF RESPONSE**

RESPONDING STAFF NAME: <b>D. Newroozian</b>	DATE: <b>6/10/20</b>	SIGNATURE: 	DATE RETURNED: <b>6/10/20</b>
--	-------------------------	----------------	----------------------------------

**Due to Covid-19, central library is offering  
 paging services only at this time.  
 Thank you.**

**SECTION C: REQUEST FOR SUPERVISOR REVIEW**

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

**YOUR DENIAL OF ACCESS IS ERRONEOUS. ETA, PIA SHOE FACTORY, FEM WORKERS, KITCHEN WORKERS AS WELL AS EDUCATION TESTING HAVE BEEN TAKING PLACE WHILE COVID 19 ALERTS ARE IN PLACE. YOU HAVE SPACING BETWEEN DESKS, NO BLOCKING OF THE COUNTER AS WELL AS MANDATORY HAND WASHING AND WEARING OF MASKS WHICH SUPPORT ACCESS SHOULD OCCUR. CORONA VIRUS IS VEHICLED ONTO PAPER, CLOTHES, WHICH INDICATE THAT PAGING SHOULD ALSO BE STOPPED ACCORDING TO YOUR UNDERSTANDING ABOUT PRECAUTIONARY MEASURES. I HAVE ACTIVE DEADLINES ON YOUR CASE FOR RETALIATION (R.J. DONOVAN STAFF) 18;LCV-112-CAB-ACS I NEED ACCESS NOW PLEASE!!**

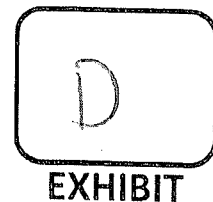
SIGNATURE: 	DATE SUBMITTED: <b>6/10/20</b>
----------------	-----------------------------------

**SECTION D: SUPERVISOR'S REVIEW**

RECEIVED BY SUPERVISOR (NAME): <b>MONDET</b>	DATE: <b>6-16-20</b>	SIGNATURE: 	DATE RETURNED: <b>6-16-20</b>
---	-------------------------	----------------	----------------------------------

**UNTIL FURTHER NOTIFICATION WILL CONTINUE WORKING WITH MODIFIED SCHEDULE AND ATTENDING ONLY THREE DAYS A WEEK PROVIDING PRIORITY INMATE TO PLU'S.  
 WHEN WE START REOPENING THE EDUCATION AND LIBRARY SCHEDULE WE WILL LET THE POPULATION KNOW WE WANT TO PREVENT COVID 19 AND RTD HAS BEEN VERY CAUTIOUS IN REOPENING - PLEASE SHOW PROOF PLU.**

# EXHIBIT COVER PAGE



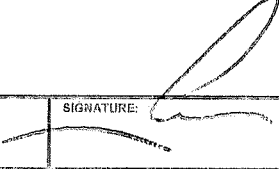
Description if this exhibit:

Number of Pages to this exhibit: 1 Pages.

**JURISDICTION:** (Check One Only)

- MUNICIPAL COURT
- SUPERIOR COURT
- APPELATE COURT
- STATE SUPREME COURT
- UNITED STATES DISTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

**SECTION A: INMATE/PAROLEE REQUEST**

NAME (Print): (LAST NAME) (FIRST NAME) <b>YAPLONSKY JOHN</b>		CDC NUMBER: <b>150373</b>	SIGNATURE: 
HOUSING/BED NUMBER: <b>18-147</b>	ASSIGNMENT: <b>TA comp lit</b>	HOURS FROM <b>9</b> TO <b>10a</b>	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): <b>LIBRARY ACCESS</b>

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW:  
 CCR §§ 3122, 3123 PLAZA LIBRARY HAS BEEN SET UP FOR LAW LIBRARY ACCESS WITH SPACE BETWEEN DESKS, BLOCKADES FROM COUNTER TO INMATE COVID 19 PRECAUTIONS. You had been allowing access to the library, because of these precautions taken by you. PIA, PIA MAINTANANCE, PIA SIDE FACTORY, THEM WORKITS, AS WELL AS KITCHEN WORKERS HAVE BEEN GOING TO ASSIGNED DUTIES WHILE COVID19 ALERTS HAVE BEEN IN PLACE. These facts make your denial of access to the law library for inmates with active cases an outrageous excuse to avoid rights and responsibilities regarding inmates access to courts. (3122, 3123) I HAVE AC DUALINES WITH A LAWSUIT AGAINST YOUR STAFF FOR REDALITION, WHICH YOU ARE NOW BRONECTUSLY STATING THAT COVID19 INMATES ACCESS. WE HAVE BEEN ON MODIFIED LOCKDOWN FOR TWO MONTHS. THESE RESTRICTIONS ARE INTERFERING WITH MY ACCESS TO THE COUR

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **\*\*NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED \*\***

SENT THROUGH MAIL: ADDRESSED TO: **NOPOCCIAN** DATE MAILED **6/10/20**

DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY, PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO

IF FORWARDED -- TO WHOM: DATE DELIVERED/MAILED: METHOD OF DELIVERY:  
(CIRCLE ONE) IN PERSON BY US MAIL

**SECTION B: STAFF RESPONSE**

RESPONDING STAFF NAME: <b>J Robles</b>	DATE: <b>06/17/2020</b>	SIGNATURE: 	DATE RETURNED:
---	----------------------------	--	----------------

Hello, you have  
 We will discuss you to the library due to your vision impairment.  
 You are scheduled June 10, 2020  
 Thank you

**SECTION C: REQUEST FOR SUPERVISOR REVIEW**

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

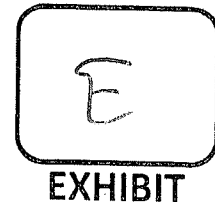
**I WAS DUCATED  
 1-TIME FOR  
 2 HOURS  
 UP UNTIL  
 8-16-20**

SIGNATURE:	DATE SUBMITTED:

**SECTION D: SUPERVISOR'S REVIEW**

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:

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Description if this exhibit:


Number of Pages to this exhibit: 1 Pages.

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- STATE SUPREME COURT
- UNITED STATES DISCTRICT COURT
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- UNITED STATES SUPREME COURT
- GRAND JURY



**SECTION A: INMATE/PAROLEE REQUEST**

NAME (Print): (LAST NAME) <b>YABLONSKY</b>		(FIRST NAME) <b>JOHN</b>	CDC NUMBER: <b>AL0373</b>	SIGNATURE: 
HOUSING/BED NUMBER: <b>18-147</b>	ASSIGNMENT: <b>TA comp.11t</b>		HOURS FROM <b>4</b> TO <b>10</b>	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): <b>LIBRARY ACCESS TO COURT</b>

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW: **CCRS §§ 3120(a), 3122, , 3123(a) 7 AMPLIMENT CONSTIT.**

*IN your 6/16/20 you indicated that you will only open the library for M/J inmates. As indicated your libraries have been prepared with "SPACING" between work stations, barricades at counters to ensure social distancing. Mandatory hand washing at the point of entry into library is enforced. The plaza library is prepared and equipped for twelve law library users who would meet the social distance of six feet while attending. R.J. Donovan has been on prolonged modified program schedule because of covid alerts, since your staff and space is prepared why are you withholding access??*

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **\*\*NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED \*\***

SENT THROUGH MAIL: ADDRESSED TO: **EDUCATION MONDET** DATE MAILED: **6/27/20**  
 DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
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IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL
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**SECTION B: STAFF RESPONSE**

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
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*I WAS NOT RESPONDED TO*

**SECTION C: REQUEST FOR SUPERVISOR REVIEW**

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

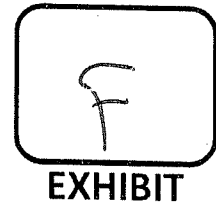
*I WAS DUCATED FTIME UP UNTIL 8 16 20*

SIGNATURE:	DATE SUBMITTED:
------------	-----------------

**SECTION D: SUPERVISOR'S REVIEW**

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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- GRAND JURY

# REASONABLE ACCOMMODATION PANEL (RAP) RESPONSE

RAP Meeting Date: 7/16/20  
Date Received: IAC 7/14/20  
1824 Log Number: 1824: 0  
RJD-D-20-3801  
Inmate's Name: YABLONSK Y,J.  
CDC R #: AL0373  
Housing: RJD-D-018-1-147-1L

**RAP Staff Present:** S. Anderson, ADA Coordinator; Dr. R. Barenchi, Chief Physician & Surgeon; H. Le, Custody Appeals Representative; K. Adrian, Health Care Compliance Analyst; M. Ortiz, Health Care Grievance Representative; Dr. C. Kauffman, Psychologist; B. Millum, Education

## **Summary of Inmate's 1824 Request:**

1. Requesting for the law library to provide Lexus Nexus computer box to research cases, and arguments.

---

## **Interim Accommodation:**



No Interim accommodation provided:

---

## **FINAL RESPONSE:**

### **RAP is able to render a final decision:**

Yablonskey submitted a Request for Reasonable Accommodation requesting for the law library to provide Lexus Nexus computer box to research cases, and arguments. Due to COVID-19 precautions, the Law Library is currently assisting inmates on PLU status only. You may submit a request to the law library for PLU status.

**Direction if dissatisfied:** If you disagree with this decision, submit a CDCR 602 HC grievance, be sure to attach a copy of this response along

**REASONABLE ACCOMMODATION PANEL (RAP)**  
**RESPONSE**

RAP Meeting Date: 7/16/20  
Date Received: IAC 7/14/20  
1824 Log Number: 1824 0  
RJD-D-20-3801  
Inmate's Name: YABLONSK Y,J.  
CDC R #: AL0373  
Housing: RJD-D-018-1-147-1L

with your CDCR 1824 as supporting documents.

S. Anderson, AW

\_\_\_\_\_  
ADA  
Coordinator/Designee

  
Signature

Date sent to  
inmate: AUG 11 2020

**SECTION A: INMATE/PAROLEE REQUEST**

NAME (Print): (LAST NAME) <b>YABLONSKY</b>		(FIRST NAME) <b>JOHN</b>	CDC NUMBER: <b>A10373</b>	SIGNATURE:
HOUSING/BED NUMBER: <b>1B-147</b>	ASSIGNMENT: <b>TA comp.lit</b>		HOURS FROM <b>9</b> TO <b>3:30a</b>	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): <b>LIBRARY ACCESS DURING COVID</b>

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW: **CCR §§§§§ 3120(b), 3122, 3123(a) Mr Larson sir. The**

**please library has been arranged to accommodate 12 inmates for access to court needs. spacing, hand stations, barricades at counter, mandatory hand washing and wearing of face masks are enforced. And the library forbids access and demands paging services only. How are inmates to know which one to request, or which rule if all these resources are locked away from us. Personally I have been studying and working on my case for 3 years, and need to research laws which prohibit my lib from being wrongly taken. "FRAUD" "MISCONDUCTS" "IAC" Please order the library to reopen up near access to the d**

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **\*\*NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED\*\***

SENT THROUGH MAIL: ADDRESSED TO: **WARDEN PORTARD** DATE MAILED: **6/20/14**  
 DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES NO
--------------------------------	-------	------------	--

IF FORWARDED - TO WHOM:	DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL
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**SECTION B: STAFF RESPONSE**

RESPONDING STAFF NAME:	DATE:	SIGNATURE:	DATE RETURNED:
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**SECTION C: REQUEST FOR SUPERVISOR REVIEW**

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

**I WAS NOT RESPONDED TO**

SIGNATURE:	DATE SUBMITTED:
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**SECTION D: SUPERVISOR'S REVIEW**

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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**I WAS EDUCATED 1-TIME UP UNTIL 6/16/14**

# EXHIBIT COVER PAGE



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- UNITED STATES SUPREME COURT
- GRAND JURY

**SECTION A: INMATE/PAROLEE REQUEST**

NAME (Print): (LAST NAME) (FIRST NAME) YARLONSKY JOHN		CDC NUMBER: AL0373	SIGNATURE: 
HOUSING/BED NUMBER: 1A-147	ASSIGNMENT: TA educ.	HOURS FROM 9 TO 10	TOPIC (I.E. MAIL, CONDITION OF CONFINEMENT/PAROLE, ETC.): ACCESS TO LIBRARY

CLEARLY STATE THE SERVICE OR ITEM REQUESTED OR REASON FOR INTERVIEW: CDCR § 3122, 3123. I have repeatedly asked for access into the law library, adding that I had deadlines, for a case which you are defendants. All my requests to access went silent, unanswered. I filed CDC 1624 asking to gain access into your facility known as black box so that I could research active cases, future cases. It too was denied. I am visually impaired, making reading difficult. You have the resources inside the library for visually impaired inmates and refuse access, knowing I have deadlines, because your a defendant. This is unfair, impracticable, since your library is set up for DVD attendance!!

METHOD OF DELIVERY (CHECK APPROPRIATE BOX) **\*\*NO RECEIPT WILL BE PROVIDED IF REQUEST IS MAILED\*\***

SENT THROUGH MAIL: ADDRESSED TO: LIBRARIAN BATES/HORNEGAN DATE MAILED: 8/20/20

DELIVERED TO STAFF (STAFF TO COMPLETE BOX BELOW AND GIVE GOLDENROD COPY TO INMATE/PAROLEE):

RECEIVED BY: PRINT STAFF NAME:	DATE:	SIGNATURE:	FORWARDED TO ANOTHER STAFF? (CIRCLE ONE) YES <u>NO</u>
IF FORWARDED - TO WHOM:		DATE DELIVERED/MAILED:	METHOD OF DELIVERY: (CIRCLE ONE) IN PERSON BY US MAIL

**SECTION B: STAFF RESPONSE**

RESPONDING STAFF NAME: <u>D. Navroozian</u>	DATE: <u>8/20/20</u>	SIGNATURE: 	DATE RETURNED: <u>8/20/20</u>
--	-------------------------	----------------	----------------------------------

We are opening up the Law Library in about 2 weeks. I will make sure you receive a Ducat. Meanwhile please fill out this PLU form.

**SECTION C: REQUEST FOR SUPERVISOR REVIEW**

PROVIDE REASON WHY YOU DISAGREE WITH STAFF RESPONSE AND FORWARD TO RESPONDENT'S SUPERVISOR IN PERSON OR BY US MAIL. KEEP FINAL CANARY COPY.

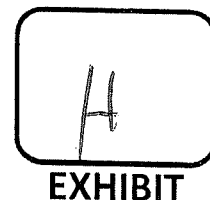
YOUR JUDGE GAVE ME UNTIL SEP 4, 2020 TO COMPLY TO COURT'S ORDERS. YOU ARE DEFENDANTS OF THIS COURT ABOUT RECALIATION. I am an impaired inmate with special needs. Your library has these resources and now that I request them for deadlines you refuse....for two weeks. The deadline will be over by then. You are retaliating upon me for appeals and lawsuits. I am writing your judge and filing another appeal for refusal of access to court as an ada inmate.

SIGNATURE: 	DATE SUBMITTED: <u>8/24/20</u>
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**SECTION D: SUPERVISOR'S REVIEW**

RECEIVED BY SUPERVISOR (NAME):	DATE:	SIGNATURE:	DATE RETURNED:
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# EXHIBIT COVER PAGE



Description if this exhibit:

Number of Pages to this exhibit: 2 Pages.

**JURISDICTION:** (Check One Only)

- MUNICIPAL COURT
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- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY



PRIORITY LIBRARY USER (PLU) REQUEST AND DECLARATION

Date of Request: 9 / 10 / 20

JOHN YABLONSKI  
Inmate's Full Name (Print Legibly)

AL0373  
CDCR #

Complete Inmate Housing Assignment Information: 18-147

Complete sections A through D below to describe your established court deadline and certify your eligibility for Priority Legal User (PLU) status.

A. My established court deadline is based on (check one and provide information):

A court imposed deadline for an active case (attach court document showing the deadline).  
Specify court (e.g., Kern County Superior Court): U.S. DISTRICT COURT  
Specify case number: 18-CV-1122-CAB-AGS

A statutory deadline.  
Identify the statute or court rule that compels the deadline: FRAP (a)(1)(B) WITHIN 60 DAYS  
FRAP (a)(1)(A)

B. My deadline pertains to a(n) (check one and provide information if needed):

Writ of habeas corpus  State or Federal action concerning prison conditions  
 Appeal of criminal conviction  Petition for certiorari concerning criminal conviction  
 Other legal action (specify) CIVIL RIGHT

C. The day of my established court deadline is: 10 / 14 / 2020  
(MM) (DD) (YY)

D. Inmate's self certification of eligibility. (Check all that apply. Sign and date below):

I am not represented by an attorney.  
 I am working on, and will only work on, my individual case.

I certify that all of the above information is true and correct. I understand that my application for PLU status, or the granting of my PLU status, will be revoked for falsifying information on this request; and that I will be guilty of an administrative rule violation.

[Signature]  
Inmate's Signature

AL0373  
CDCR #

9-10-20  
Date

PRIORITY LIBRARY USER (PLU) REQUEST AND DECLARATION

Date of Request: 9 / 30 / 20

JOHN YABLONSKY  
Inmate's Full Name (Print Legibly)

AC0373  
CDCR #

Complete Inmate Housing Assignment Information: 18-147

Complete sections A through D below to describe your established court deadline and certify your eligibility for Priority Legal User (PLU) status.

A. My established court deadline is based on (check one and provide information):

A court imposed deadline for an active case (attach court document showing the deadline).  
Specify court (e.g., Kern County Superior Court): U.S. DISTRICT COURT  
Specify case number: 18 - CV - 1122 - CAC - ASS

A statutory deadline.  
Identify the statute or court rule that compels the deadline: \_\_\_\_\_

B. My deadline pertains to a(n) (check one and provide information if needed):

Writ of habeas corpus                       State or Federal action concerning prison conditions  
 Appeal of criminal conviction               Petition for certiorari concerning criminal conviction  
 Other legal action (specify) CIVIL RIGHTS

C. The day of my established court deadline is: 10 / 23 / 20  
(MM) (DD) (YY)

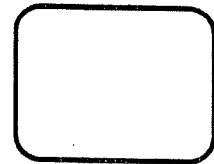
D. Inmate's self certification of eligibility. (Check all that apply. Sign and date below):

I am not represented by an attorney.  
 I am working on, and will only work on, my individual case.

I certify that all of the above information is true and correct. I understand that my application for PLU status, or the granting of my PLU status, will be revoked for falsifying information on this request; and that I will be guilty of an administrative rule violation.

[Signature] AC0373 9 / 30 / 20  
Inmate's Signature                      CDCR #                      Date

# EXHIBIT COVER PAGE



EXHIBIT

Description of this exhibit:

Number of Pages to this exhibit: \_\_\_\_\_ Pages.

**JURISDICTION:** (Check One Only)

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- UNITED STATES DISTRICT COURT
- STATE CIRCUIT COURT
- UNITED STATES SUPREME COURT
- GRAND JURY

PROOF OF SERVICE BY AN INMATE

ACCORDING TO PRISONER MAILBOX RULE

THIS MAILING IS DEEMED FILED AND SERVED UNDER ANTHONY V CAYERA, 236 f.3d.563(9th cir.2000)

WHEN THIS MAILING HAS BEEN DELIVERED INTO THE CUSTODY OF CDCR STAFF

This service and mailing was conducted by a party and inmate of CDCR, and was conducted according to California Code Regulations § 3142 and P.C. § 2601(b). This mailing was inspected and sealed in the presence of an on duty correctional officer, into a fully prepaid envelope to be delivered by the U.S.P.S. as addressed to the following parties;

united stated sitrreict court  
333 w broadway #420  
s.d.ca.92101

department of justice  
600, w broadway #1800  
s.d.ca.92101

This service contained the following documents;

POINTS AND AUTHOTRITIES

This service was conducted by an adult over the age of 18 years of age and mailed from a state institution, which will be logged by facility mailroom parties as [LEGAL] mail. This mailing was conducted from ;

SANDIEGO

92179

CITY

ZIP CODE

This service was conducted on (DATE) \_\_\_\_\_

UNDER THE PENALTY OF PERJURY

THE FORGOING IS TRUTHFUL AND ACCORDING TO BELIEF

(NAME) john henry yablonsky

(SIGNED) \_\_\_\_\_

My address is \_\_\_\_\_

480 alta s.d.ca.92179

1 John Henry yablonsky CDCR#AL0373  
2 18-147  
3 480 Alta rd  
4 Sandiego,ca,92179

5  
6  
7 UNITED STATES DISTRICT COURT  
8 SOUTHERN DISTRICT OF CALIFORNIA

9 John Henry Yablonsky,  
10 Plaintiff,

CASE NO.18-cv-1122-CAB-AGS

POINTS AND AUTHORITIES IN SUPPORT  
OF MOTION FOR APPOINTMENT OF COUNSEL

11 vs.

DATE:NONE  
TIME : UNKNOWN  
DEPT: SCHOPLER

12  
13  
14 Californai Department  
15 of Corrections &  
16 Rehabilitations

Defendants ;  
et al ;

THE HONORABLE MAGISTRATE A A. SCHOPLER

17  
18  
19 A fedreal civil rights complaint was filed by John  
20 Henry Yablonsky (PLAINTIFF) naming numerous defednants whop work  
21 for the departrment of correction at 480 Alta rd Sandiego, ca,92179.  
22 This Court adopted and found this case should npt be dismissed  
23 in it's entirety. Providing relief for plaintiff for first amdnemtn  
24 violations, as stated withinthe complaint . These allegations  
25 are supported by esxhiboits filed withinthe *SECOND* amended complaint  
26 filed with thois Court

POINTS AND AUTHORITIES

1 Top prevail on a request for appointment of counsel  
2 the plaintiff must "PREVAIL" on some practicle benefit of law,  
3 favorable to the complaint.Hewitt v Helms 482 US 755(1987 A  
4 prevailing party may be entitled to attorney fees unless special  
5 circumstances would render such an award unjust. Farr v. Hobby,  
6 506 US 103(1992. Prior to § 1983 PRLA cases would always be afforded  
7 "reasonable" fees at marketable billing rates. Johnson v Georgia  
8 Highway Express 488 f.2d 714 (5th cir 1974) Fees are limited  
9 to hourly rates plus 150 percent of CRIMINAL JUSTICE ACT RATES.  
10 42 USC § 1997e(d)(3); 18 USC § 3006A

11 In this case defendants R. Blahnik had been involved  
12 with numerous complaints regardiung similar actions by himself  
13 and other law library employees, there have been at least seventy  
14 three seperate complaints naming R. Blahnik as a defendant who  
15 ~~violated federal laws. ( GARCIA V BLAHNIK )~~ This indicates the  
16 creation of custom s and policy to ignore rules ,laws and statutes  
17 which were protected. In order to protect plaintiff reights  
18 from "SYSTEMIC OFFICAL ACTIONS" which would frustrate plaintiff  
19 current action as well as forward looking actions, the filing  
20 Oof complaints at present time or near future must be protected  
21 Christopher v Harbury 536 US at 413(536 US 403)(2002)

22 Although there is no constitutional right to counsel  
23 parties may be entitled to such appointments by the Court. Lassiter  
24 v Depoartment of Social services 452 US 18(1981); Palmer v Valdez  
25 560 f3d 965(9th cir 2009) The finding whether a prisoner in unable  
26 to articulate his claim in light of the complexity of the issues  
27 ~~egh~~d deem appointment necessary. 8Harrington v sccribner 785  
28 f3d 1299)9th cir 2015)(quoting Palemerer

1 It is further determined by the Court that pro se  
2 litigants may further be serviced by counsel assistance where access  
3 may be impeded upon access to knowledge. Rand v Rowland 113 f3d  
4 1520(1997) rev oth gron 154 f3d 952(1998)(CONCERN REGARDING INVEST\_  
5 igations and discovery are not exceptional facots). Furhter pro  
6 se litigants may not have the vast knowledge necessary to convenience  
7 the Court. Wells v Washington no.#C13 234 RJB/KLS. It is the  
8 Couyrt's sound discretion to appoint counsel. Franklin v Murphy  
9 745 f2d 1221(9th cir 1984); Eskridge v rhay 345 f2d 778(1985);  
10 Franko gonzales v Holder 767 f.supp.2d 1034(2010)(REFERING CASE  
11 TO PRO BONO COUNSEL)

12 There is no constitutional right to appointment of  
13 counsell. Lassiter v Deparment of social sdervices 452 US 18(1981);  
14 Palmer v Valdez 560 f3d 965(9th cir 2009)(FINDING WHETHER PRISONER  
15 MAY ARTICULATE THE CLAIM IN LIGHT OF THE COMPLEXITIES) ;Harrington  
16 v scriber 785 f3d 1299(9th cir 20-15)(quoting Palmer 560 f3d at  
17 970) The Court agrees pro se litigants may be better ser ved with  
18 the assistance of counsel. Rand v Rowland 113 f3d 1520(9th cir1997);  
19 rev oth grn 154 f3d 952(1998)( "CONCERN REGARDING INVESTIGATIONS  
20 AND DISCOVERY ARE NOT EXCEPTIONAL FACOTRS); Garcia v Blahnik 2017  
21 U s Dist Lexis 47136(2017)

22 When exceptional circumstances exist. Terrell v  
23 Brewer 935 f2d 1015(9th cir.1991)Estelle v Gamble 429 US 92 (1976)  
24 (MORALES)( Deliberate indifferent to inmates medical needs)The  
25 likelihood of success on the merits and plaintiff inability to  
26 articulate the claim in light of compexities of elgal issues involved.  
27 Wilborn v Escalderon 789 f3d 1382(9th cir 1986);Smith v Hospital  
28 Admin 814 f2d 751(7th cir 1988) The threat of imminent dange may  
~~be enough~~ Hart v Hairston 343 f3d 762(5th cir 2003)  
be enough HART v HAIRSTON 343 F3d 762 (5th Cir 2003)

1 The plaintiff was physically threatened and believes  
2 he is in imminent danger of physical harm. Lewis v Sullivan 279  
3 f3d 526(9th cir 2002) Imminent danger is satisfied where plaintiff  
4 has stated and shown he was in danger of physical injury, prolonged  
5 attacks, anxiety, worry and fear. Ciarpaclini v Saini 352  
6 f3d 328(9th cir 2003) Imminent means that injury had already  
7 occurred as well about to occur and threateningly hanging over  
8 plaintiff head and ongoing danger. In other words officer who  
9 continue to practice acts ~~XXXXXX~~ targeted at causing injury  
10 to plaintiff as well as others satisfies imminent danger. Andrews  
11 v Cervantes 2007 US app.Lexis 15187(9th cir 2007) amend, 493 f3d  
12 1047(9th cir 2007) REPRINT 493 f3d 1047(9th cir 2007

13 THE COMPLEXITY OF THE CASE

- 14 1) Stated colorable claims under 42 USC 1983 and chances  
15 of success are reasonable .
- 16 2) The incarceration makes it difficult if not impracticable  
17 to investigate critical facts underlying the complaint
- 18 3) Complex factual issues constitutes grounded would  
19 be best argued by one schooled in the laws

20 ARMSTRONG V SNYDER 103 FRD 96(1984)

21  
22  
23 MERITS OF THE CASE

- 24 \* The claims are not frivolous  
25 \* The allegations are not denied  
26 \*The claim has merit  
27 \*The plaintiff has "SOME" chance of success

28 JULIANO V NEW YORK CITY HUMAN ADM2003 US Dist Lexis 5646(  
(2003)



1 ANALYSIS

2  
3 As outlined in the complex and extensive complaint be-  
4 fore this court, this complaint includes many issues with an  
5 inmates protected rights, which is also a handicapped inmate.  
6 Plaintiff only fault in any of these claims is that he demanded  
7 his rights not be violated. When he complained, staff took flight  
8 and acted in concert to terminate plaintiff rights<sup>fe</sup> exercise altog-  
9 ether. Taking actions upon a handicapped inmate for more than  
10 two full years. The acts are cumulative, complex and this Court  
11 had not dismissed the case. The fact COVID 19 floods this community  
12 with hardships over and above what is outlined herein, making  
13 it virtually impracticable to schedule deadlines, knowing that staff  
14 will further hinder actions upon plaintiff to prevent this case  
15 from becoming fruitful. Appointment of counsel may be a reasonable  
16 option at this time.

17 Please do not use the fact that plaintiff has been  
18 able to state a cause of action as a manner to decide whether  
19 staff will, further interfere and be non cooperative with plaintiff  
20 pleading in the discovery phase in this case. Plaintiff visual  
21 impairments are not getting better, and all efforts to correct  
22 this disability have been frustrated, forcing plaintiff into less  
23 than ~~per~~ reasonable care and treatment. The resources for plaintiff  
24 are located inside a secure location of the institution and not  
25 accessible when plaintiff requires or for the length of time  
26 needed to complete research. As stated earlier <sup>u</sup> ~~was~~ given 8 hours  
27 of access in six months. Certainly this is unacceptable.

28 Octoberr 23, 2020

John Henry Yablonsky

PROOF OF SERVICE BY AN INMATE

ACCORDING TO PRISONER MAILBOX RULE

THIS MAILING IS DEEMED FILED AND SERVED UNDER ANTHONY V CAMERA, 236 F.3d.563(9th cir.2000)

WHEN THIS MAILING HAS BEEN DELIVERED INTO THE CUSTODY OF CDCR STAFF

This service and mailing was conducted by a party and inmate of CDCR, and was conducted according to California Code Regulations § 3142 and P.C. § 2601(b). This mailing was inspected and sealed in the presence of an on duty correctional officer, into a fully prepaid envelope to be delivered by the U.S.P.S. as addressed to the following parties;

united states district court  
333 w broadway #420  
sandieg, ca92101

department of justice  
600 w broadway #1800  
s.d.ca.92101

This service contained the following documents;

SWORN DECLARATION OF John Henry Yablonsky

This service was conducted by an adult over the age of 18 years of age and mailed from a state institution, which will be logged by facility mailroom parties as [LEGAL] mail. This mailing was conducted from ;

a sandiego

CITY

92179

ZIP CODE

This service was conducted on (DATE) \_\_\_\_\_

UNDER THE PENALTY OF PERJURY

THE FORGOING IS TRUTHFUL AND ACCORDING TO BELIEF

(NAME) john henry yablonsky

(SIGNED) \_\_\_\_\_

My address is \_\_\_\_\_

480 alta rd s.d.ca.92101

John Henry yablonsky CDGR#AL0373  
18-147  
]480 alta rd  
sandiego,ca,92179

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

John Henry yablonsky,  
Plaintiff,

CASE NO. 18-cv-1122-CAB-AGS

NOTICE OF DECLARATION BY JOHN  
HENRY YABLONSKY IN SUPPORT OF LEAVE  
OF  
COURT TO REQUEST APPOINTMENT OF COUNSEL

vs.

DATE: NONE  
TIME: NONE  
DEPT: SCHOPLER

California Deaprtment of  
Correction and  
Rehabilitations

et al,  
defendants , The Magistrate Andrew A Schopler

DECLARATION BY JOHN HENRY YABLONSKY

I John Henry yablonsky an adult over the age of consent  
and party to this action swear before this court;

1) That all allegations and satatements within motion  
for leave of court for appointment of counsel are according to  
belief and knwoedge

2) That I am an inamte and party to this action bef0ore  
this court

3) That all allegations made with the complaint before  
thios court are the belief and knwoledge of apltiff in this matter

4) If called top testify will state the same unde  
penalty of perjury

~~John~~ Henry yablonsky