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UNITED STATES DISTRICT COURT
333 W BROADWAY #420
s.d.ca.92179

This service contained the following documents;

CONFIDENTIAL SETTLEMENT STATEMENT

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

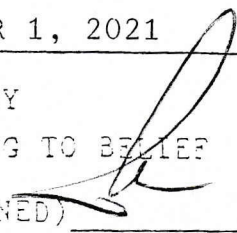
This service was conducted on (DATE) SEPTEMBER 1, 2021

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.92179

70

1 JOHN HENRY YABLONSKY CDCR#AL0373

2 17-122

3 480 ALTA RD

4 SANDIEGO, CA. 92179

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

11 JOHN HENRY YABLONSKY,
12 PLAINTIFF,

CASE# 3;18-cv-1122-CAB-AGS

13 NOTICE OF CONFIDENTIAL SETTLEMENT
14 STATEMENT BY JOHN HENRY YABLONSKY
15 THE PLAINTIFF IN THIS MATTER AS
16 DEFENDANTS MCGUIRE, TISCORNIA, *Dces*,
17 ROBLES, BLAHNIK, POWELL, MARTINEZ
18 ARE LIABLE FOR VIOLATIONS OF
19 FEDERALLY PROTECTED RIGHTS

20 VS.

HEARING: SEPTEMBER 3, 2017

21 CALIFORNIA DEPARTMENT OF CORRECTIONS
22 & REHABILITATIONS,

Dces 1-10 et al,

23 DEFENDANT/S, THE HONORABLE ANDREW SCHOPLER

24 PLAINTIFF-JOHN HENRY YABLONSKY
25 DEFENDANTS- MCGUIRE, TISCORNIA, ROBLES, BLAHNIKE, POWELL,
26 MARTINEZ *Dces 1-10 et al*

27 *FIRST AMENDMENT. FREE SPEECH, FREE FROM RETALIATION*

28 STATEMENT OF THE FACTS

29 The while John Henry Yablonsky (PLAINTIFF) as an inmate
30 was protected under the safeguards outlined by the United States
31 Constitution as an inmate detained within California Department
32 of Corrections, specifically located at Richard J. Donovan correction
33 at 480 Alta Sandiego California 92179, (SOUTHERN CALIFORNIA)

34 cCON

CONFIDENTIAL STATEMENT 1

INDEX FOR THIS MATTER

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11
12

DECLARATION BY
JOHN HENRY YABLONSKY

13
14 That I John Henry Yablonsky an inmate housed at Richard
15 Donovan swear under penalty of perjury that all facts
16 related inside this confidential declaration are the
17 truth and is supported by records created, memorializing
18 the activity of defendants named within this complaint.
19 That this offer to settle is not meant to be malicious
20 in nature, or hinder the Court with fodder. It is my
21 belief that there is no other remedy than what this Court
will allow me access to for rights that were attacked by
manv. causing the loss of protected rights, suffering of
a chilling affect, because I exercised my protected rights
under the first amendemnt United States Constitution

"AND FOR NO OTHER REASON"

22 August 31, 2021

23 John Henry Yablonsky.
24
25
26
27
28

DEFENDANTS DOES 1-10,

1 That defendants McGuire (LITIGATIONS COORDINATOR), Blahnik (SENIOR
2 LIBRARIAN), Powell (LIBRARIAN), Robles (LTA LIBRARIAN), Tiscornia
3 (LIBRARIAN), Martinez (EDUCATION PRINCIPAL) while acting under the
4 cloth of authority and color deliberately and maliciously colluded
5 to violate plaintiff protected rights, acts outside statutes, rules
6 regarding specific conducts by defendants, when interacting with
7 inmates on state property. That the defendants had specific responsib-
8 ility to perform their duties while interacting with inmates, and
9 failed to follow, respect, and or protect the ~~protected~~ rights out-
10 lined within the civil rights complaint filed by plaintiff.

11 That CDCR602 appeals were filed timely and exhausted,
12 while petitioner specifically named defendants, their actions, seek-
13 ing restoration of the rights being violated by said defendant^S,
14 These appeals were exhausted by statute, rule, and or full levels
15 of review and defendants have not argued otherwise. The civil rights
16 complaint was filed timely and now identified as the ^{SECOND} ~~THIRD~~ AMENDED
17 COMPLAINT.

18 Plaintiff filed over 500 pages ~~of exhibits~~ outlined
19 by thirty nine exhibits supporting his claims within the civil rights
20 complaint, which the defendants have not disputed to any degree.
21 The exhibits support the protected rights of plaintiff, and his
22 efforts to seek administrative remedy, which was refused. Plaintiff
23 filed state action petition for writ of mandate to restore these
24 rights which were violated without one legitimate penalogical excuse,
25 which was rejected by the Court as "NOT BEING EXHAUSTED". An abuse
26 of discretion under ROSS V BLAKE 136 S.CT 1850(2016) and other
27 rulings by the federal courts. Plaintiff suffered the prolonged
28 loss of protected rights which were violated when he exercised those

1 rights at Donovan corrections. While plaintiff required access to
2 resources, while exercising his protected rights was attacked by
3 employees of the department of corrections for no other reason than
4 to cause a chilling affect, seek revenge, get even for filing appeals,
5 and to stop plaintiff exercise of the first amendment to free speech,
6 right to be free from retaliation while exercising free speech,
7 and other statutes outlined by federal as well as state constitution.
8 There is no genuine , legitimate penalogical excuse for defendants
9 actions that are related to plaintiff interests, nor have defendants
10 described or offered any. Plaintiff exercise did not present one
11 legitimate safety concern for inmates, staff, facility, nor did
12 any of plaintiff exercise offend of cost the institution anything
13 that was not required to be provided to inamtes access the Courts,
14 or communicating with lawyers.

15
16
17 PLAINTIFF EXERCISE WAS PROTECTED

18
19 LIBRARY ATTACKS

20 While plaintiff accessed the law library , and requested
21 copies, noticed that librarians were reading confidential materials
22 addressed to the Courts as well as plaintiff lawyers. Plaintiff
23 access into the law library were required for plaintiff to address
24 his criminal conviction as well as other civil interests backward
25 and forward. When plaintiff addressed these breaches of confidential-
26 ity, his access into the library was reduced, while plaintiff had
27 four active cases in state and federal courts, some with deadlines.
28 When plaintiff filed appeals for this violation, ~~_____~~
~~_____~~

1 Exhibit one describes the war like exercise by plaintiff
2 and his federally protected interests.

- 3 * Federal challenges to conviction (PP2 -3)
- 4 * ISSUES BEING ADDRESSED IN FEDERAL COURTS (PP4-5)
- 5 * State challenges to conviction (PP6-8)
- 6 * Post trial developing cases State and Federal Courts (PP11-15)
- 7 * Civil rights complaints developing (PP16-22)
- 8 * Civil rights developing case for post trial attack(PP2324)

9 Defendants Blahnik, Powell, Robles, and Tiscornia knew
10 this when I used their plaza library because they read "EVERYTHING"
11 I processed through that library, made copies inside that library.

12 Exhibits one dee (1D) through six describe the efforts
13 to restore rights that were ignored, obfuscated and were never disput-
14 ed by defendants at the CDCR appeal stage, or litigations in this
15 complaint. Exhibit two displays plaintiff request regarding protected
16 right to confidentiality, which defendants Blahnik, Powell were
17 well aware of plaintiff federally protected right. The department
18 statutes make this clear, "THAT INMATES HAVE A PROTECTED RIGHT TO
19 CONFIDENTIAL COMMUNICATIONS WITH THE COURT, LAWYERS" CCR§3142-3144
20 PENAL CODE § 2601. Staff response is that they are allowed to search
21 for text contraband inside plaintiff protected papers. (PP44-46)
22 During discovery, none of the defendants provided any legal training.
23 any training for search and seizures, while admitting that all inmates
24 are searched by trained officers before they enter into the law
25 library for contraband.....and only non contraband carrying inmates
26 are allowed into the law library.

27 THIS IS AN ADMISSION THEY KNEW
28 THEY'RE ACTIONS WERE WRONG

29 Plaintiff addressed the dramatic terminations of access
30 into the law library while plaintiff was under statutory and Court
31 dealines. (PP45) Defendants response is "THAT IS NOT WHAT THE RECORDS

32 ~~CONFIDENTIAL~~

1 ~~XXXXXXXXXX~~ INDICATE". Defendants delayed access knowing that delay
2 would hinder plaintiff ability to perform to deadlines, knowing
3 that their interference was against policy which was well established.
4 *THERE WAS SPACE FOR PLAINTIFF TO ATTEND YET HE WAS REJECTED ANYWAY.*
5 Again during discovery none of the defendants provided proof they
6 had any legal training or law degrees. When I requested access to
7 priority library filings in 2016 defendants stated those records
8 were ruined by "water damage". I requested repair work orders to
9 show lack of deception. no such records were made available. This
10 indicates: "THEY KNEW PLAINTIFF WAS UNDER PLU STATUS AND THE RECORDS
11 SHOW THIS". Their failure to perform discovery is an admission.
12 Furthermore during discovery they admitted they do not know why
13 access was rejected. Refusing discovery demands!

14 Exhibit three shows a pattern history of defendants refusing
15 access for erroneous reasons. While exhibit three although three
16 years after the first attack. indicate defendants can take drastic
17 actions by terminating access altogether for a full month. This
18 is an admission of behavior. creating a custom and policy to infringe
19 upon inmates access to the law library for "RETALIATORY REASONS".

20 *WHILE PLAINTIFF WAS UNDER DEADLINE SCHEDULES BY COURTS.*
21 Exhibit four indicates defendants have no regard for protected
22 rights to confidentiality. where papers were "DRAMATICALLY MARKED"
23 *"CONFIDENTIAL"*
24 and still the right refused. This established a pattern of conduct
25 violating protected rights "REGARDLESS". (PP82) Exhibit five indicates
26 that CDCR adult with disability inmates recognized by coordinators
27 and physicians. That plaintiff suffered visual disabilities which
28 were recognized by two separate physicians. two separate disability
coordinators. which Donovan staff rejected. refused acknowledgement.
refused compliance. Stating to plaintiff that "THEY DO NOT HONOR
ADA CHRONOS AT THIS INSTITUTION FROM OTHER INSTITUTIONS".(PP84-86)

1 Exhibit six indicates that CDCR 602 was timely filed
2 as RJD-D -16-4564. (PP88-100) The original appeal filed on October
3 13. 2016. The screening of this appeal was obfuscated and rejected
4 erroneously by (OJTVARRTA AND SELF) because the attached papers
5 which were originally attached were now "MISSING". The filing occurred
6 in a secured lock box located inside the housing unit. These "STRIPPED"
7 records turned up in a bag of files that were returned to me on
8 November 17. 2016 at 1530 hours by an TSU officer. I was forced
9 into filing two other appeals because of the obfuscations on 11/15/16
10 and another on 12/9/16 because the manner which they "JUGGLED
11 THE APPEALS. DRAGGED RESPONSES. PASSED THROUGH THEIR OBSTACLE COURSE
12 UNTIL THE APPEAL TIME LIMITS EXPIRED. OR APPELLER LOST INTEREST"
13 (PP92-95) This appeal was erroneously cancelled!

14 DEFENDANTS LIABILITY

- 15 * POWELL
- 16 * BLAHNIK
- 17 * ROBLES
- 18 * TISCORNTA

19 All four defendants actions were non compliant to accepted
20 rules. laws. statutes violating protected rights of plaintiff for
21 the purpose of hindering. estopping. terminating.chilling plaintiff
22 exercise of the first amendment and was retaliatory in nature because
23 plaintiff requested they stop reading plaintiff protected ~~XXXXXXXXXXXX~~
24 correspondences. All four defendants admit they read protected mail
25 even though they have no official training. the papers they "SEARCHED"
26 were already searched by trained officers prior to plaintiff entering
27 into "THEIR LIBRARY JURISDICTION". *ALL PAPERS WERE CONFIDENTIALLY PROTECTED.*

28 Although each breach amounts to a violation. which would
be difficult to calculate. plaintiff requests the settlement for
these acts in the amount of \$ 7.500.00 per defendant.

1 That comes to \$30,000.00 for the violations to free speech
2 and retaliation by these defendants. There is sufficient records
3 to convince a reasonable jurist that defendants Blahnik, Powell,
4 Tiscornia, and Robles acted with careless disregard to rights, and
5 benefits afforded plaintiff while exercising the first amendment.
6 The defendants have not argued otherwise. It would take two full
7 days in trial for this very situation, to discuss the facts, direct
8 examinations as well as any evidentiary issues that may arise.
9 Although I have asked for a larger amount, including punitive damages
10 should the jurists find in my favor. Making this amount seem reason*
11 able for callous disregard to federally protected rights.

12 13 14 TAKING OF LEGAL FILES

15 As a direct result of the CDCR602 appeal being OBFUSCATED"
16 by other defendants, plaintiff contacted the litigation coordinator
17 D. McGuire, inquiring her assistance in processing the law library
18 appeal about staff reading inmates confidential papers at the xerox
19 machine. (See exhibit 7) (PP102-105) Plaintiff mailed this on
20 11/13/16 thirty days after filing the appeal for library staff behav-
21 ior. This mailing occurred inside a secure mailbox and processed
22 that next day at or about 0830 hours by administrative personnel.
23 The letter explained about my exercise in the courts, access to
24 the law library, and what I caught the librarians doing with my
25 protected mail, and that I was forced into writing appeals. (THIS
26 COPY IS AUGMENTED AND DEFENDANTS HAVE NOT ARGUED OTHERWISE) (THIS
27 EVIDENCE WAS ACCEPTED AND COULD NOT HONESTLY BE ARGUED OTHERWISE)

1 This letter was delivered to her on November 14, 2016, ~~proceeds~~
2 during normal business hours. depending on processing of administrative
3 correspondences. The letter mailed to defendant McGuire influenced
4 her motives. coarsed her actions to order the removal of plaintiff
5 entire hand written reseach notes within cell #129 of housing unit
6 #18 on November 14, 2016. When I was confronted by ISU staff C/O Picket
7 he stated that he did not know why he was taking the papers. that
8 he was told to take my legal files. I asked him why. and he responded
9 whether I had filed any appeals at this institution.

10 INDICATING THAT WAS POLICY AT THIS INSTITUTION
11 " TO INMATES WHO FILE STAFF COMPIATNTS AND APEALS "

12 Defendant McGuire admitted to plaintiff family that she
13 had the files and would return them once she was done. Plaintiff
14 family as well as plaintiff contacted the CDCR ombudsman regarding
15 these files which contained research notes for plaintiff criminal
16 challenge to his case. backward cases. as well as forward cases.
17 ~~In all.~~ HAND WRITTEN LEXIS RESEARCH NOTES 1000 HRS RESEARCH.
18 In all. there was forty manila envelopes take out of the cell. No
19 other materials. property were removed from the cell. There was
20 no receipt for the materials removed which is warranted when staff
21 confiscates inmates property. The cell appeared to have had a tornado
22 pass through it. The ombudsman stated to family that she stated
23 she would have the records returned when they were done. McGuire
24 admitted to building counselor at that time she would have the papers
25 returned when "she was done"/. When partial returns of these materials
26 occurred on 11/17/16 ~~around~~. ISU staff stated they had no knowledge
27 why the legal files were removed. and that whom ever had them would
28 return the rest some time later. Plaintiff contacted the litigations
office. ISU officers inquiring to get the files back. All inquiries
were ignored. or blatant lies by McGuire. (exhibits 7-9)(PP102-140)

1 During discovery defendant McGuire refused to inform
2 plaintiff as to whom she ordered to take the files. ins inuating
3 that ISU. UUI were investigating plaintiff." None of these facts
4 are true. When plaintiff filed appeals about the taking of the legal
5 files someone dressed in "CAMOFLAGE" not wearing any insignias
6 took me into the TSU building and made verbal threats ina discussion
7 about civil case against state parties and appeals about Donovan
8 staff. Had plaintiff been under investigations then, TSU staff while
9 plaintiff was being threatened would have provided viable excuse
10 for the files being removed. "THEY DID NO SUCH THING". Becasue there
11 *IS NOT ISU, OR UUI STAFF WHO WEAR CAMOFLAGE AND THERE*
12 is more than a common thread between the files being taken. and
13 the letter addressed to defendant McGuire. Reasonable iurists would
14 be able to infer that even though she denied having the files taken.
15 that her admissions to others at the institution and plaintiff family
16 wou ld establish state of mind. and intent. which was directly related
17 to plaintiff exercise of his protected rights. REASONABIENESS IN
18 TIME. REMOTENESS IN TIME. Defendant McGuire conspired with anohter.
19 which plaintiff was incapabile of discovering who. other than C/O
20 Pickett who clearly stated 1) he had no knowledge why the files
21 were being taken 2) That he was told to take mv legal files 3) Asked
22 whether plaintiff had filed any appeals against Donovan staff.
23 *APPEAL FOR TAKING FILES AFFORDED # RJD-D-17-0034*
24 There is a connection between the appeal filed against
25 library staff. and the taking of mv legal fikles at McGuires instruc-
26 tion. Furthermore there is federal cases where McGuire as well as
27 Tiscornia participated ina conspiracy to invade inamtes pleadings
28 and "FILTER" that inamtes access into the Courts because they felt
a certain way about inamtes cases. "SIBLIMINALLY TRYING TO HINDER
ACCESS TO COURT TO HELP KEEP THE TRASH IN PRISON" or some other
morbid interests only ~~THESE TWO SHARE~~. THESE TWO SHARE.

1 Defendants are liable for their retaliatory actions while
2 plaintiff exercised protected rights under the first amendment.
3 There is enough evidentiary support that McGuire facilitated the removal
4 of plaintiff legal files to get revenge. cause a chilling affect
5 on plaintiff because he filed staff complaints and appeal. teaching
6 plaintiff a lesson who runs this camp.....

- 7 * D. McGuire
- 8 * C/O Pickett

9 These parties are liable for the violations to protected
10 rights. and should be held responsible for \$7,500.00 dollars each
11 for their acts. Both parties knew. should. have known their actions
12 were against statutes protecting inmates right to exercise access
13 to the Courts. free speech. and to be free from retaliatory actions.
14 *TO BE ABLE TO ACCESS LEGAL FILES IN THEIR CELL.*
15 Both defendants are employed by CDCR and acted in concert. under
16 color of authority when they caused injury upon plaintiff. Plaintiff
17 asked for more for each injury. including punitive damages. It will
18 take one full day in court to present this fact. as well as any
19 discovery issues. and any reasonable jurist would agree. that these
20 defendants are responsible for federal violations to plaintiff.
21 That makes this settlement of \$15,000.00 a reasonable offer for
22 callous acts which violated federally protected rights.

23 ~~XXXXXXXXXXXXXXXXXXXX~~
24 BAIT AND SWITCH

25 That as a direct result of two appeals filed by plaintiff.
26 one for reduction of access into law library (4564) and the taking
27 of plaintiff legal files (0034) "AN INTERVIEW" occurred at plaintiff
28 work station. Asking plaintiff to withdraw the appeal filed against
the law library staff for reduction of access. (ALLEGEDLY 4564)

1 Defendant Martinez acted under color of law as an employee
2 of the department of corrections and colluded to conduct deceptive
3 behavior recognized as a "BAIT AND SWITCH ROUTINE". Where Martinez
4 explained he was there for appeal (4564) about the law library.
5 he instead carried an appeal about the taking of plaintiff legal
6 files. (0034) Martinez explained he had read appeal RJD-D-17-0034
7 and believed this ~~was~~ a law library appeal when he asked plaintiff
8 to withdraw the appeal. Martinez told plaintiff that the librarians
9 may very well lose their jobs if the appeal did not get withdrawn.
10 Martinez knew this appeal was related to exercise of protected rights
11 because as a senior educator at this institution would have known.
12 should have known.

13 When martinez displayed the appeal. he did so that the
14 appeal was upside down. to prevent plaintiff from reading the appeal.
15 As a result plaintiff had only Martinez words to go on. and believed
16 martinez was telling the truth. "HE WAS NOT" The appeal Martinez
17 held and coerced plaintiff into withdrawing was for the taking
18 of the legal files.(0034) and not the library appeal(04564) which was
19 not discovered until several days later (see exhibit 16)(PP180-231)
20 Martinez knew . or should have known his actions would cause an
21 injury and were deceptive in nature preventing plaintiff exercise
22 of the first amendment free speech and to be free from retaliation
23 while plaintiff exercised the protected rights. Exhibit fourteen
24 indicates communications with Martinez afterwards of the "ALLEGED:"
25 bonofide withdraw activity. (PP154-156) On March 27. 2017 Martinez
26 admitted that he had no authority or powers to address the taking
27 of the legal files in a CDCR22 response.

28 "MR YABLONSKY WHEN WE SPOKE I TOLD YOU THAT WE COULD ~~NOT~~
ONLY ASSIST YOU WITH LIBRARY MATTERS".....

1 In that statement alone there is enough showing that Martinez
2 knew what he was doing and deliberately hindered plaintiff right
3 to free speech and to be free from retaliation . It would be incon-
4 ceivable for a person with masters degrees to not understand the
5 language in the CDCR602 form about taking legal files. (SEE EXHIBIT
6 13) (PP148-149)(PP150-152). There is no doubt that Martinez was sent
7 there to coerce the withdraw. but other parties to this were not
8 disclosed during discovery, petitioner speculates appeal coordinator
9 Olivarria and Self. but does not know for sure. As a direct result
10 of the actions on behalf of Martinez a settlement offer or \$7.500.00
11 is reasonable. Reasonable jurists would believe that he knowingly
12 participated in the bait and switch to get revenge for plaintiff filing
13 appeals. to teach plaintiff a lesson. and to cause a chilling affect.
14 It will take half a day in court to present this fact. and any discov-
15 ery issues that may arise. making \$7.500 .00 dollars reasonable
16 since plaintiff requested more as well as punitive damages.

17 FALSE DISCIPLINARY REPORT

18 That while litigations was in force in this case. defendant
19 Robles at the instruction of Blahnik . Tiscornia filed false disciplin-
20 ary reports to terminate plaintiff access into the plaza library.
21 That on November 9. 2017 plaintiff had been ducated for three two
22 and a half hour sessions. Plaintiff attended the first two sessions
23 for five hours. Because of plaintiff visual disability. became
24 affected by that much time into the law library. Plaintiff had
25 repeatedly requested to only be ducated for one two and a half
26 hour sessions per day because of the disability. Staff recognized
27 these library attendance requests and still ducated plaintiff for
28 too many hours to aggravate plaintiff disability.

1 That on November 9, 2017 plaintiff attended the library.
2 but at 1230 hours could not stay any longer because of eye irritation.
3 and blurriness because of reading for too long. Plaintiff filed
4 a CDCR 22 form addressing this issue to be excused from the third
5 session that day. Gave the CDCR22 to Blahnik, who stated to "not
6 worry" that he'd give the CDCR22 to Robles when he got back. Plaintiff
7 left the law library at 1230 hours and did not return that day.
8 (see exhibit 19) (PP290-318) That on 11/9/17 before I left the
9 law library I handed the form to Blahnik addressed to Robles. (PP300)
10 Plaintiff asked to not exceed four hours a day educating. Blahnik
11 allegedly addressed this on 11/13/17 "RECEIVED AND NOTED" and returned
12 this to plaintiff.

13 On 11/9/17 at 1301 hours defendant Robles at the instruction
14 of Blahnik and Tiscornia filed a false RVR trying to terminate plaintiff
15 access into the law library. The RVR stated that plaintiff refused
16 access that day for the 1330 /530 session. "One" it would be incredible
17 for Robles to know whether I missed a session later that date.
18 because the time never occurred. "Next" plaintiff had already been
19 at the law library for five hours and notified staff about not
20 being able to stay for the third session making it seven and a half
21 hours at a computer without a break. Appeals were filed timely and
22 assigned RJD-D-17-7056. The appeal was denied stating that plaintiff
23 failed to arrive at the scheduled educating time. "THIS IS FALSE".
24 I was there all day. left a note addressing why I needed to leave.
25 (PP300) I told staff why I could not stay. and gave it to senior
26 librarian by hand while I was still in the law library. Yet I was
27 still disciplined for not attending a sixth and seventh hour that
28 day!! "IF" staff RVR was based on legitimate issues then why did
he state "THAT YABLONSKY WAS SCHEDULED TO STAY" meaning that I

1 had already been there. and the CDCR22 suggests that I gave him
2 written notice whv I could not attend the third session. During
3 discovery I requested libravy attendec forms which are regularly
4 on file. This would have shown that I repeatedly asked for two and
5 a half hours only. frequently. because of eye irritations from
6 reading so long. Defendants ^{STATED} ~~ated~~ that these records ~~a~~ were also
7 damaged during this alleged rain storm. I asked for the maintenance
8 record request for this repair to show lack of deception. No report
9 was ever produced. The purpose of this RVR was targeting plaintiff
10 because he filed appeals against donovan staff. library staff. even
11 filed civil actions against these same defendants asking them
12 to restore my ~~XXXXXX~~ rights/. (PETITION FOR WRIT OF MANDATE) (DISCUSSED
13 EARLIER). ~~THEY WERE OFFERED A SETTLEMENT FOR EACH OF THEM.~~

14 The actions of Robles were in concert with his coworkers
15 Blahnik and Tiscornia. targeting plaintiff access into the law library
16 regardless of plaintiff active cases. forward case interest. to
17 get revenge. teach plaintiff a lesson. cause a chilling affect.

18 As a result defendants :

- 19 * Roble
- 20 * Blahnik
- 21 * Tiscornia

22 Are offered a settlement of \$7,500.00 each. There is
23 enough documentarv support to convince a panel of jurist that these
24 defendants colluded to file a false disciplinary report to gety
25 revenge against plaintiff for filing apeals. civil actions against
26 them . Plaintiff requested more during trial and believes this offer
27 is reasonable. considering plaintiff also asked for punitive damages.
28 It will take plaintiff two full days to present these fact. as well
as any other discovery issues that may arrise. \$22,500.00

LABELS OVER THE U.S.P.S MAIL ADDRESS

1
2 That on April 13, 2017 plaintiff mailed service summons
3 to defendants in this action for case #37-2017-2658-CU-WM- CIT
4 according to CDCR legal mail processing: (SEE EXHIBITS 22-23)(PP336A
5 that the mail be handed to corrections staff unsealed 381)
6 that they inspect it for contraband and if no contraband
7 is located hands it back to the inmate who seals it then
8 the officer places his badge number, the date and his
9 signature over the seal. Then takes the envelope from the
10 inmate and processed it though CDCR protected USPS mailing.

11 *ADDRESSED TO S.D.S.D For Service of Summons*

12 That the letter was properly processed according to
13 facility practices CCR§ 3141-3142. (PP346) The institution mailroom
14 logged this letter outbound on the CDC119 legal mail records. (PP352)
15 This CDC119 indicates the mail left the institution with tracking
16 number#9914-9999--4423-8251-7034-19(PP347) On May 4, 2017 this
17 mailing was returned to plaintiff through the process of institutional
18 legal mail and recorded as incoming on CDCR CDC119 inbound legal
19 mail.(PP353) When Plaintiff got this back into his cell, he noticed
20 that the mailing was returned with a label over the numerical
21 portion of the P.O. box number (42900) Plaintiff never placed
22 any such labels over the mailing hence the officer who inspected
23 *OUT BEHIND MAIL*
24 the mail would not have processed the mailing on April 17, 2017

25 During this "FIASCO" trying to figure out who placed
26 labels over the legally protected mail, plaintiff filed CDCR602
27 where #RJD-D-17-2597 were assigned. Some time later plaintiff had
28 discovered through meetings with mailroom supervisor Garcia and
29 mailroom technician that "THEY PLACED THE LABEL ON THE TRACKING
30 PORTION OF THE MAILING BUT DID NOT ALLEGEDLY PLACE THE LABEL OVER
31 THE ADDRESS". When I mentioned that McGuire was involved in this
32 conduct Garcia's physical reaction was that he recalled the incident

1 and McGuire's involvement with staff named Fuller. (see pages 336A-
2 336J) Plaintiff recovered enough information that connects Garcia
3 and Fuller as well as McGuire to the mishandling of the legal mail.
4 That plaintiff sought through several efforts to communicate with
5 the postmaster general and received a "PRINT OUT" of the tracking
6 number #9114-9999-4423-8251-7034-19 that "the label was created."
7 " and as soon as the shipper processes this package they will be
8 able to provide tracking. (336 K)

9 "MEANING"

10 That the label placed onto this mailing on April 13, 2017
11 headed to the sheriff department in San Diego which was logged out
12 CDC119(PP352) never left the institution. That this "ERRONEOUS"
13 processing of the legally protected mail which included summons
14 for the now named defendants was obfuscated by the "DEFENDANTS
15 NAMED IN THIS COMPLAINT" " MCGUIRE, TISCORNTA, BLAHNTK, ROBLES,
16 POWELL, MARTINEZ for they are the ONLY ONES WHO HAD ANY STAKE
17 IN THIS ACTION. AND ILLICITED THE HELP OF MAILROOM STAFF NAMED"
18 "garcia. and Fuller" to get the labels onto the mailing. Furthermore
19 plaintiff tried to avoid this "INSANITY" and mailed a much larger
20 envelope with these materials to the same destination for service
21 upon the defendants on May 11, 2017, writing abnormal sized letters
22 to avoid obfuscation. Plaintiff underestimated defendants' creativ-
23 ity while they placed two separate labels to cover the address
24 portion of this mailing. (PP 348) IT WAS NOT DELIVERED EITHER
AND RETURNED

25 It would be remarkable that "ONLY GARCIA AND FULLER
26 DID THIS WITHOUT HAVING PRIOR KNOWLEDGE OF WHAT WAS INSIDE THE
27 ENVELOPE AND THE LEGAL STATUS OF ITS CONTENTS WHERE DONOVAN STAFF
28 WERE ACCUSED OF MALICIOUS ATTACKS UPON AN ADA inmate. Therefore
all defendant are responsible for this attack on protected mail.

1 The defendants acted in concert, while under the color
2 of law. as employees of the e department of corrections. and know-
3 ingly . colluded to attack and prevent legal recoursee for actions
4 they took upon plaintiff violating plaintiff right to free speech.
5 to be frreee from retaliation and doing so to get revenge~~x~~ on
6 plaintiff who filed appeals. teach plaintiff who was in charge.
7 and to cause a chilling affect on plaintiff while hee xercised
8 his protected rights. There is eno~~u~~gh documentarv support that
9 any reasonable iurist will find defen~~b~~dants responsible directly
10 and vicariouslv with this activitv. That these defendants ~~conspired~~
11 conspired to cause iniurv upon a handicapped inmate. As a result
12 of the defendants actions plaintviff ask a settlement of \$7.500.00
13 per defendant: That is \$45.000.00

- 14 * McGuire
- 15 * Blahnik
- 16 * Robles
- 17 * Tiscornia
- 18 * Martinez
- 19 * Powell

19 It will take plaintiff three days to produce these witnesses
20 along with the documentary evidence to a panel of iurist and there
21 is more than enough to show their actions of collususions. Plaintiff
22 asked for more . including punitive damages. and anv reasonable
23 iurist will be able to connect the violation to the defendants
24 conduct. even though they~~an~~ play hide and seek prettv well. They
25 all work at the same ~~instat~~i~~on~~ ^{institution} duriung the ~~as~~ same working hours
26 and have all been named in a prior civil suit to restore the rights
27 they violated. All six of the defendants played some role. all
28 defendants had access to the mailroom. all defendants knew and

1 colkuded with one another to teach plaintiff a lesson about filing
2 lawsuit. appeals. complaining about the conditions at this institut-
3 ion and in concert relied on one another to perform this act.
4 placing labels to prevent the case from being heard. trving to force
5 the case into default.

6
7
8 CONCLUSION

9
10 At this time there are six named defendants for five
11 seperate causes of actions where there ~~are~~^{is} over 500 pages support.
12 Although plaintiff requests \$7.500 hunderd dollars per defendant
13 and per actions making this request of \$120.000.00 dollars very
14 reasonable considering the gravity of their attacks. prolonged
15 period of atatcks and the sufficient evidentiary support. The punitive
16 damages will outweigh the nature of this offer . I would like to
17 put this behind me. so that I may address my criminal case. At
18 this time I will believe that \$50.000.00 would be fair. They
19 cannot overcome the trail of evidence supporting these allegations.
20 Even if a couple escaped responsibility. certainly several will
21 suffer pecuniary loss . The cost of trial far outweighs the amount
22 being asked for.

23 IT IS MY HUMBLE OFFER TO SETTLE FOR \$50.000.00
24 I DID NOTHING WRONG TO BE TREATED LIKE THIS!!!!!!

25
26 Septemebr 1. 2021

John Henry vablonskv

27 CONFIDENTIAL STATEMENT-17
28