

PROOF OF SERVICE BY AN INMATE

ACCORDING TO PRISONER MAILBOX RULE

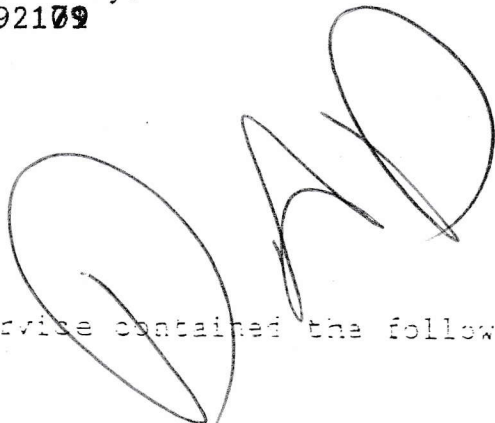
THIS MAILING IS DEEMED FILED AND SERVED UNDER ANTHONY V. GONZA. 236 F.3d.565(9th cir.2000)

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 F.C. § 2501(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.92109

DEPARTMENT OF JUSTICE
600 w broadway#1800
s.d.ca.92101



This service contained the following documents;

LEAVE OF COURT TO MOTION THE COURT TO TAKE JUDICIAL NOTICE
OPRUSUANT TO F.R.EVID RULE 201(b)(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.ca.

92179

CITY

ZIP CODE

This service was conducted on (DATE) septwber 22, 2021

UNDER THE PENALTY OF PERJURY
THE FORGOING IS TRUTHFUL AND ACCORDING TO BELIEF

(NAME) JOHN HENRY YABLONSKY (SIGNED) _____

My address is 490 alrta rd s.d.ca.92179

39

1 JOHN HENRY YABLONSKY CDCR#AL0373
17-122
2 480 ALTA RD
3 S.D.CA.92179
4
5
6
7
8
9

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 JOHN HENRY YABLONSKY,
13 PLAINTIFF,

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

14 VS.

PLAINTIFF REQUEST LEAVE OF
COURT UNDER F.R.EVID RULE 201
TO TAKE JUDICIAL NOTICE OF
FACTS WITHIN THIS JURISDICTION
OF ROUTINE AND PRACTICE OF
DEFENDANTS AND INSTITUTION
PLAINTIFF IS DETAINED

15 CALIFORNIA DEPARTMENT OF
16 CORRECTIONS & REHABILITATIONS,
17 et al,

HEARING :SEPTEMBER 04, 2021

18 DEFENDANT/s, THE HONORABLE ANDREW SCHOPLER
19

20 If it pleases the Court, John Henry Yablonsky
21 (PL:AINTIFF) will request this Court to judicially notice records
22 within this Courts jurisdiction of routine and practice of
23 said defendants outlined within this complaint pursuant to
24 federal rule of evidnece rule 201(b)(1) and Rule 201(d).
25

26 FACTS OF THIS CASE

27 Plaintiff filed civil rights complaint on may 310,
28 2021 naming several employees of the Cal-ifornia department
of Corrections who work at RICHARD J DONOVAN CORRECTIONS.

1 That certain defendants named within this complaint
2 were alleged to take adverse actions against plaintiff for the
3 purpose of hindering, interfering and creating a filter of what
4 rights under the first amendment plaintiff may exercise. The
5 facts outlined within the complaint before this Court, resemble
6 and nearly mirror facts outlined within other complaints against
7 same defendants regarding custom and policy to infringe upon
8 inmates access into the law library and Courts.

9
10 A COURT MAY TAKE JUDICIAL NOTICE

11 In the spirit of rules of federal evidence outlined by
12 rule No. #201(b)(1) any Court may take judicial notice of facts
13 known within the trial courts of that specific jurisdiction.
14 Under the rules outlined by Fed. Ev. Rule 201(d) the Court may
15 take notice not subject to reasonable dispute. In this case
16 plaintiff moves this Court to "NOTICE" under F.R.EV. 406 the
17 "HABIT, ROUTINE AND PRACTICE" of defendants named within this
18 complaint, established by similar civil rights allegations made
19 against defendant R. Blahnik, Tiscornia, ^{Mondet} Baranre. All named
20 parties within this motion are "SUBJECTS" outlined by complaints
21 filed by inmates detained at, have been detained at Richard
22 J. Donovan, making similar, and mirror like claims about miscon-
23 duct regarding inmates exercise under the first amendment..

24 There are seven such civil rights complaints against
25 named defendants within this complaint, suggesting a pattern
26 of conduct, creating a custom and policy to infringe upon, filter
27 and hinder inmates access into the law library, what they write
28 to the Courts and determine who actually gets access.

1 That until reading Mr Garcia's case, plaintiff Yablonsky
2 never even heard of said defendant, never spoke to him, nor had
3 any type of communications with said person, suggesting the pattern
4 was ~~XXXXXXXXXXXX~~"ROUTINE" designated at filtering inmates writing
5 to the Courts.

6
7 AREALLANO V BLAHNIK 2021 US Dist. LEXIS 107429

8 IN THIS INSTANT CASE INMATE AREALLANO MADE ALLEGATIONS
9 THAT R. BLAHNIK WHO WORKS INSIDE THE PLAZA LIBRARY AS
10 SENIOR LIBRARIAN HINDERED THE ACCESS OF INMATE ARREALL-
11 ANO INTO THE LAW LIBRARY, FRUSTRATED THE FREE EXERCISE
12 OF ARREALLANO. THIS ALLEGATION MADE BY INMATE ARREALL-
13 ANO RESEMBLES MIRRORLIKE ALLEGATIONS MADE BY YABLONSKU.
14 THIS COMPLAINT FILED BY ARREALLANO IS STILL ACTIVE
15 AT THIS TIME.

16 THAT ON SEPTEMBER 8, 2021 AT 1230 hours JUST
17 PRIOR TO YABLONSKY LEAVING THE LAW LIBRARY, YABLONSKY
18 WITNESSED R BLAHNIK HAVE INMATE CLERK READING BLAHNIK
19 FACTS FROM ARREALLANOS CASE WHICH BLAHNIK USED TO
20 DETERMINE ACCESS ISSUES FOR ARREALLANO. THIS ACTIVITY
21 WAS CAPTURED ON LAW LIBRARY CAMERA AT 1200-1230 hrs
22 ON SEPTEMBER 8, 20-21 . THIS IS MIRROR CONDUCT WITHIN
23 YABLONSKY COMPLAINT, THAT STAFF BASES ACCESS ISSUES
24 ON INMATES CASES. IN THIS SPECIFIC CASE BLAHNIK WAS
25 IDENTIFIED AS ARREALLANO DEFENDANT AS WELL.

26 Consistent to the language under rule 406, this presents
27 a pattern of routine practices, where library staff reads inmates
28 writings that are protected to determine access, to infringe that
29 inmates access. This Court should take notice for pattern of con-
30 duct by library staff as a senior librarian . *YABLONSKY DOES
31 NOT KNOW ARREALLANO*

1 WILLIAMS V NAVARRO 2019 US Dist LEXIS 126187

2 IN THIS INSTANT CASE INMATE WILLIAMS MADE ALLEGATIONS
3 THAT LIBRARIANSTISCORNIA READ LEGALLY PROTECTED PAPER
4 AND PLAYED SIGNIFICANT ROLES IN THREATS OF FILING
5 DISCIPLINARY REPO~~ASS~~. THIS CASE IS ATTACHED TO CASE
6 # LEXIS 22637 WHERE TISCORNIA FILED FALSE RVR TO
7 INTERCEPT LIBRARY ACCESS FOR INAMTE WILLIAMS. THIS
8 DOES CREATE A PATTERN OF CONDUCT THAT MIRRORS YABLON
9 SKY CASE, WHERE STAFF READS INMATES PROTECTED PAPERS
10 THEN DECIDES WHO ENTERS THE LAW LIBRARY, AND IF THE
11 INMATE COMPLAINED FILED FALSE DISCIPLINARY REPORTS
12 THAT TARGET INAMTES ACCESS INTO THE LAW LIBRARY.

13 Constant to the language under rule 406 this does prese
14 ent a patter of routine and custom, where library staff reads the
15 inmates protected papers then decides who enters the law library.
16 Then if the inamte complains filing of disciplinary reports targeted
17 at inmates access. YABLONSKY DOE SNOT KNOW INMATE WILLIAMS.

18 SNYDER V ALLISON 2021 US Dist LEXIS 4905

19 IN THIS INSTANT CASE TISCORNIA WAS ALLEGED TO HAVE
20 PLAYED A ROLE IN RETALIATORY ACTIONS AGAINST INMATE
21 SNYDER. THIS DOES CREATE A PAT~~T~~ERN OF CONDUCT WHERE
22 LIBRARY STAFF RETALIATE AGAINST INAMTES REGARDING access
23 ISSUES COK~~M~~PLAINED OF. YABLONSKY DOES NOT KNOT S~~N~~YBER

24 Constant to the language under rule 406 this does present
25 a pattrn of routine and customn where law librarians retaliate
26 against inmates when complaints about misconduct are made.

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
28

JONES V TISCORNIA 2018 US Dist LEXIS 49974

IN THIS CASE INMATE JONES MADE MIRRORLIKE ALLEGATIONS AGAINST TISCORNIA IN THE FORM OF HARRASSMENT AND TAKING RETALIATORY ACTIOPNS AGAINST AN INMATE WHO USED THE LAW LIBRARY. THIS DOES PRESEWNT A PATTERN OF CONDUCT AND PRACTICE MIRRORED BY YABLONSKY CASE.

Consitant to rule 406 this does present pattern of routine and practice where law librarians retaliate when inmates complain about access issues. Yablonsky does not know Williams

COOPER V PARAMO 2020 US Dist LEXIS 182407

IN THIS CASE INMATE SNOPPER MADE VERY STRIKING SIMILAR ALLEGATIONS WHERE TISCORNIA AS WELL AS MCGUIRE READ inmates protected papers to judge who received access INTO THE LAW LIBRARY. THIS ALLEGATION OUTLINES A CONSPIRACY BETWEEN TISCORNIA AND MCGUIRE WHO WORKED IN CONCERTT WHERE BAD CASES WERE INVOLVED, WHO GOT ACCES AND WHO DID NOT BASED ON THE NATURE OF THEIR CONVICTION. THIS ALLEGATION MIRRORS YABLONSKY WHERE STAFF DETERMINE WHAT INAMTES HGET ACCESS INTO THE LAW LIBRARY , ARE ALLOWED TO FILE WITH THE COURTS.

Consitant to language under rule 406 this does present a pattrn of routine and custom where library staff worked with oither staff to inringe upon that inmates access into the law library, by readling the case first, then deciding afterwards. Yablonsky does not know Copper until he read this case.

1 IT SHOULD MATTER TO THIS COURT

2
3 That defendants named within the Yablonsky complaint
4 are mirror complaints by several inmates who are detained at
5 donovan correctiopns. That this Court jurisdiction is saturated
6 with federal civil rights complaints regareding miscondacts that
7 are well established federal laws under WOLFF V MCDONALD(CITATION
8 OMMITTED, TURNER V SAFFLEY 482 US 78 regarding legitimate actions
9 of corrections staff, PROCUNJAR V MARTINEZ 416 US 396 regarding
10 censorship of protected papers filed by inmates with the Courts.

11 It is well established federal law ad well as state regulat-
12 ions that inmates accesz into the law library should not hinge
13 on what the inmate was convicted of, who inmate was suing, and
14 whether there is a legitimate excuse for corrections staff to
15 impede upon protected papers without legitimate excuses related
16 to safety and secutrory of the institution, staff or other inmates.
17 The Supreme Court determined that inmates eights are not to be
18 hindered, unless related to legitimate penological reasons in
19 the interest of institutional safety, staff safety, and excessive
20 costs to that administzation.

21 Creating a fake sneek and peek rule does not meet the
22 federal standards outlined by PROCUNJAR , EX PARTE HULL.

23
24 CONCLUSION

25 Plaintiff moves this Court to take judicial notice that
26 staff at this prison have at the very least on the books AMORE
27 THAN ONE HUNDRED allegations of staff misconduct regarding
28 law library access and treatment while in the library.

PRAYER

10 That this Court take judicial notice of the cases
presented by plaintiff

2) That this Court consider these facts when weighing
credibility of plaintiff allegations

September 22, 2021

John Henry yablonsky

JUDICIAL NOTICE

1 ROB BONTA
 Attorney General of California
 2 WILLIAM C. KWONG
 Supervising Deputy Attorney General
 3 LYNSDAY CRENSHAW
 Deputy Attorney General
 4 State Bar No. 246743
 600 West Broadway, Suite 1800
 5 San Diego, CA 92101
 P.O. Box 85266
 6 San Diego, CA 92186-5266
 Telephone: (619) 738-9503
 7 Fax: (619) 645-2581
 E-mail: Lyndsay.Crenshaw@doj.ca.gov
 8 *Attorneys for Defendants*
D. Powell, G. Martinez, J. Robles, D.
 9 *McGuire, R. Blahnik, and C. Tiscornia*

10
 11 IN THE UNITED STATES DISTRICT COURT
 12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
 13

<p>14 JOHN HENRY YABLONSKY, 15 Plaintiff, 16 v. 17 18 CALIFORNIA DEPARTMENT OF CORRECTIONS AND 19 REHABILITATION, et al., 20 Defendants. 21</p>	<p>3:18-cv-01122-AGS DEFENDANTS’ OPPOSITION TO PLAINTIFF’S MOTION FOR JUDICIAL NOTICE [ECF NO. 164]</p>
--	---

22 **OPPOSITION**

23 Plaintiff’s motion for judicial notice of six complaints filed by other
 24 prisoners against Defendants Blahnik, McGuire, and Tiscornia should be denied for
 25 three reasons.

26 First, Plaintiff has not furnished the Court with the necessary information to
 27 determine whether the documents qualify as judicially noticeable evidence under
 28

1 Federal Rule of Evidence 201. Plaintiff appears to be seeking judicial notice of
2 documents in other lawsuits, but he does not identify the document or cite to
3 specific facts. Instead, Plaintiff claims that the allegations in those lawsuits are
4 similar to the allegations in this lawsuit. Federal Rule of Evidence 201(c)(2)
5 requires Plaintiff to furnish the Court with the necessary information required to
6 determine if the documents are subject to judicial notice. Plaintiff's citation to the
7 cases and brief summary is not enough, and denies Defendants an "opportunity to
8 be heard" on the matter. (*See* Fed. R. Ev. 201(e).) Plaintiff's motion should be
9 denied on those grounds.

10 Second, assuming Plaintiff seeks judicial notice of the allegations in the cited
11 lawsuits' complaints, they are in dispute and not from sources whose accuracy
12 cannot be reasonably questioned. Federal Rule of Evidence 201 only permits
13 judicial notice of facts that are not reasonably in dispute because: (1) it is generally
14 known within the trial court's territorial jurisdiction; or (2) can be accurately and
15 readily determined from sources whose accuracy cannot reasonably be questioned.
16 (Fed. R. Ev. 201(d).) In this case, Plaintiff wants the Court to take judicial notice
17 of those allegations as fact, so that he can use it as evidence of habit, routine and
18 practice under Federal Rule of Evidence 406. While it may be proper to take
19 judicial notice of court filings in other matters (*Reyn's Pasta Bella, LLC v. Visa*
20 *USA, Inc.*, 442 F.3d 741, 746 n6 (9th Cir. 2006)), noticing the disputed facts alleged
21 in those documents is not proper (*In re Qualcomm Antitrust Litig.*, 292 F. Supp. 3d
22 948, 963-64 (N.D. Cal. 2017)). *See also Khoja v. Orexigen Therapeutics, Inc.*, 899,
23 999 F.3d 988 (9th Cir. 2018) (judicially noticing a document does not mean that
24 every alleged fact in the document should be noticed for the truth of the matter).

25 Finally, the motion is premature because there is no pending evidentiary
26 matter before the Court. Although judicial notice may be sought at any point in the
27 proceeding, it is generally done when there are pending evidentiary matters before
28

1 the court (i.e. motion to dismiss, summary-judgment motion, or trial) that are
2 relevant to the judicially noticeable material. Given that Plaintiff is presumably
3 seeking judicial notice in anticipation of trial (or opposition to summary judgment)
4 it is premature, especially since its relevancy cannot be determined at this time.

5 Plaintiff's motion for judicial notice of the six lawsuits filed by other
6 prisoners should be denied.

7
8 Dated: October 19, 2021

Respectfully submitted,

9 ROB BONTA
10 Attorney General of California
11 WILLIAM C. KWONG
12 Supervising Deputy Attorney General

/s/ Lyndsay Crenshaw

13 LYNSAY CRENSHAW
14 Deputy Attorney General
15 *Attorneys for Defendants*
16 *D. Powell, G. Martinez, J. Robles, D.*
McGuire, R. Blahnik, and C.
Tiscornia

17 SD2018701948
18 83094761.docx
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Case Name: John Henry Yablonsky v. CDCR, Case No. 3:18-cv-01122-AGS
et al.

I hereby certify that on **October 19, 2021**, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR JUDICIAL NOTICE
[ECF NO. 164]**

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

I further certify that some of the participants in the case are not registered CM/ECF users. On **October 19, 2021**, I have caused to be mailed in the Office of the Attorney General's internal mail system, the foregoing document(s) by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within three (3) calendar days to the following non-CM/ECF participants:

John Henry Yablonsky
CDCR No.: AL0373
Richard J. Donovan Correctional Facility
480 Alta Road
San Diego, CA 92179
Plaintiff In Pro Per

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on **October 19, 2021**, at San Diego, California.

A. Silva
Declarant


Signature

PROOF OF SERVICE BY AN INMATE

ACCORDING TO PRISONER MAILBOX RULE

THIS MAILING IS DEEMED FILED AND SERVED UNDER ANTHONY V. COVEA, 236 F.3d 565(9th cir.2010)

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 F.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:

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

dept of just
600 w bropadway#1800
s.d.ca.92101

This service contained the following documents;

REPLY TO DEFENSE OPPOSITION TO PLAINTIFF MOTION FOR COURT TO TAKE JUDICIAL NOTICE OF CERTAIN PUBLISHED CASES, *DECLARATION BY JOHN 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 ;

SANDIEGO

92179

CITY

ZIP CODE

This service was conducted on (DATE) October 27, 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

1 JOHN HENRY YABLONSKY CDCR#AL0373
2 17-122
3 480 ALTA RD
4 SANDIEGO.CA92179
5
6
7
8

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 JOHN HENRY YABLONSKY, PLAINTIFF, CASE 3;18-cv-01122-CAB-AGS

12 PLAINTIFF REPLY TO DEFENSE
13 OPPOSITION TO PLAINTIFF
14 MOTION FOR JUDICIAL NOTICE
(ECF#164)

15 VS.

16
17 CALIFORNIA DEPARTMENT OF
18 CORRECTION & REHABILITATIONS,
19 DEFENDANT/S,
20 et al, THE HONORABLE ANDREW SCHOPLER

21 PLAINTIFF REPLY

22 Plaintiff filed request of this Court to take judicial
23 notice of matters which are 1) subject to judicial notice
24 2) is within this Courts jurisdiction 3) could be readily
25 determined from sources whose accuracy cannot be questioned.
26 This case involves at least eleven known actors who [conspired]
27 to violate plaintiff protected rights, and when plaintiff filed
28

REPLY JUDICIAL NOTICE ~/

1 informal and formal appeals to restore the violated rights,
2 he experienced well choreographed overt acts known as retaliat-
3 ion by "NUMEROUS" employees at Richard j Donovan. The case
4 at hand which draws this Courts attention. Defendants activites
5 within discovery forced plaintiff to move for judicial notice;

6 1) Defendants claim there is insufficient need at this
7 time, this is incorrect. The cases plaintiff quo ted are not
8 subject to dispute. *ARE RELATED TO HABIT + PRACTICE*

9 2) The cases plaintiff quoted are contradictory to
10 defendants disclosures during discovery.

11 3) That judicial notice may be sought at any time to
12 support FRCP RULE 406 "EVIDENCE OF HABIT, CUSTOM & ~~POLICY~~ *PRACTICE*"
13 which in this case gridlock access to legal resources, or
14 take actions in the form or retaliations.

15 4) Plaintiff is an inmate addressing the staff which
16 created the "GRIDLOCK AND BARRICADES" to address the issues
17 of the claims made by p;laintiff.

18 5) The evidentiary issue was created by defendants
19 deception which would support plaintiff claims, "THAT STAFF
20 AT DONOVAN TAKE ACTIONS AGAINST THOSE WHO FILE GRIEVANCES."
21
22
23

24
25 October 27, 2021

John Henry Yablonsky

1. THERE IS A NEED FOR THIS MOTION AT THIS TIME

1 Defendants have provided records related to allegations
2 made against certain defendants, which contradicts LEXIS post-
3 ings. In the furtherance of sufficient proofs of plaintiff
4 allegations the Court should take judicial notice of MATTERS
5 WHICH ARE NOT SUBJECT TO DISPUTE. Defendants have knowledge
6 of these cases, know they relate to specific defendants, know
7 that these cases are related to specific actions whgich are
8 memorialized by plaintiff complaint, and supporting documents.
9

10 The motion provided sufficient information for the Court
11 to determine whether F.R. EVIDENCE 406 are applicable in this
12 case. Because defendants sent contradictory discovery during
13 F.R.C.P. RULES 26, 33, 34, 35 & 36 whcih suggest deception,
14 there is a dispute regarding facts which would support plaintiff
15 allegations that defendants actions created a custom and policy
16 to ignore rules and laws protecting inamtes rights of access..
17 Consistant to F.R EVIDENCE RULE 201(e) thse parties were served,
18 and briefing occured, permitting defendants sufficient time
19 to be heard. Plaintiff served the motion to defense on Septembetr
20 22, 2021, ^{ALMOST} thrity days before they filed an opposition. There
21 was sufficient time to be heard . Because discovery provided
22 by defendants contradicts the LEXIS engines, suggest this is
23 necessary at this time, since access to resources for plaintiff
24 are in microscopic periods of time, and this motion could be
25 filed at any time, the information requested shoudl be noticde
26 by this Court
27

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
28

2. THE CASES QUOTED ARE CONTRADICTORY TO
RECORDS DISCLOSED BY DEFENDANTS

As stated above, parties joined in discovery where defendants were asked to provide a list of all appeals filed against them. Defense provided a list of CDCR602 filed against named parties which contradicts the LEXIS records which are published information. The cases quoted did not include, to plaintiff knowledge, defenses about failure to exhaust, making the claims within the complaints would have been addressed after filing and exhaustion of formal appeals CDCR602(PRLA). (EXHIBIT DIS) Defense offered a list of appeals filed at RJD related to these defendants;

a) RJD-D-13-1019 filed against Blahnik, but does not include any facts related to what the allegations are, and that this was deemed unfounded at TLR. Garcia v Blahnik does support that the allegations made by Garcia are mirror to Yablonsky case, as does Arellano v Blahnik. Because the complaints in both cases are virtually identical this Court should take notice.

b) RJD-C-17-1834 filed against Powell and Blahnik suggest this was not exhausted, while none of the allegations made within that appeal are memorialized by neither case quoted by plaintiff. Suggesting that an appeal is missing from the disclosure, since only three of the appeals related to Blahnik were provided, but only one had been exhausted, suggesting any

1 complaints this Court may have published are contradictory
2 to the appeals which defendants have provided suggesting HIDE
3 AND SEEK for information which would support plaintiff claims.
4 That RJD staff has a history of impeding upon an inmates rights
5 through the use of the law library.

6
7 c)RJD-D-16-03840, RJD-D-16-03927 These appeals were ~~RELATED TO~~
8 ~~TISCORNIA AND~~
9 never filed to the TLR for exhaustion. The LEXIS case plaintiff
10 quoted did not address any such exhaustion issues. WILLIAMS
11 V NAVARRO, SNYDER V ALLISON. JONES V TISCORNIA All include
12 allegations about staff misconduct which mirror plaintiff case,
13 and none of these cases include any arguemnts about exhaustion,
14 are related to similar acts alleged by plaintiff. This indicates
15 defendants are playing hide and seek. All three of these complaint
16 memorialize activites which mirror plaintiff complaint, and
17 are not subject to dispute, and are within this Courts juris-
18 diction to take judicial notice

19
20 d)RJD-D-1700467, RJD-D-17-1488 These appeals filed
21 against McGuire were never presented to TLR for exhaustion
22 purpose, and contradict COOPER V PARAMO where tiscornia and
23 McGuire were accused of mirror like allegations madew within
24 plaintiff complaint. BecauseCopper does not address exhaustion
25 issues related to that case, suggest the CDCR 602 had been
26 exhausted. Furthermore defendants game of HIDE AND SEEK suggest
27 this Court should atke judicial notice.
28

1 Because the cases requested for judicial notice are
2 published, and were included in the motion itself gave defendants
3 sufficient time to be heard. F.R.EV. 201(e) This Court should
4 take notice, regardless of the evidentiary issue which was
5 created by defendants game of HIDE AND SEEK.

6
7 3. FEDERAL RULES OF EVIDENCE PERMIT THIS ACTION

8 Because the language by rule makers stating "THAT
9 THIS COULD OCCUR AT ANY TIME' suggest plaintiff request "SHOULD'
10 be honored. That defendants named within this complaint have
11 been identified as parties in other actions to include CDCR602
12 appeals filed by inmates regarding violations to inmates rights,
13 complaints filed and published by LEXIS memorialize similar
14 activities outlined within plaintiff complaint. As outlined
15 within the rules of evidence, which indicate it is proper to
16 move the court where credibility issues arise. Here defendants
17 have a) denied all allegations made within their answer b) Have
18 refuted any such activities occurred within their briefs, c) Have
19 been deceptive during discovery. The purpose of rule 406 is
20 to establish whether a custom and policy or habit, ~~PRACTICE OCCUR~~
21

22 EVIDENCE OF A PERSONS HABIT OR AN ORGANIZATION'S
23 ROUTINE PRACTICES MAY BE ADMITTED TO PROVE THAT ON A
24 PARTICULAR OCCASION THE PERSON OR ORGANIZATION ACTED
25 IN OCCURRENCE OF THE HABIT ROUTINE OR PRACTICE. THE COURT
26 MAY ADMIT THIS INTO EVIDENCE REGARDLESS OF WHETHER IT
27 IS CORROBORATED OR THERE WAS AN EYE WITNESS

28 Here there is more than enough showing that defendants
have established a custom, routine, and policy to ignore rights
of the inmate which are protected by federal law.

1 The defendantrs have joined in this same activities
2 producing any and all RVR filed about the plaintiff. Had
3 there been anything viable related to misconduct, certainly
4 the Court would be visiting that claim as well regarding credib-
5 ility, and h^ostory of bad conduct. As a result there is sufficient
6 showing that defendants have an ongoing tradition to cause
7 inteference, harrass, and antagonize inamtes who wish to use
8 the law library, so that ^{STAFF}~~they~~ can filter any legitimate staff
9 complaints being filed. any legitimate lawsuits about misconduct
10 from being filed and to scare the inamtes into abandoning their
11 legal interests. There is sufficient showing inthe LEXIS CASES
12 PLAINTIFF PROVIDED.
13

14
15 4..THE COMPLAINT SHOWS SUFFICIENT SHOIWNG
16 THAT THE LEXIS CASES ARE MIRROR TO PLAINTIFF CASE
17

18 As outlined within the motion before the Court, and
19 joined in by plaintiff microscopic access into the law library,
20 coupled with plaintiff disability, forces plaintiff into filing
21 this motion which was instigated by defendantrs game of hide
22 and seek regarding discovery about similar allegations made.
23 LEXIS memorializes these activities, . Just as plaintiff alleged,
24 so does others, unrelated to plaintiff, unbeknownst to plaintiff,
25 regarding mirror like claims. That staff is caught readign
26 inamtes mail, making calculated decisions abouth who get saccess,
27 or what the inamte may file with the Court. Then if the inamte
28

1 complains of these violations they are threatened, false RVR
2 filed against them, or blatant denial of access into the ;law
3 library occurred. This is the very foundation of plaintiff case
4 which resulted in numerous attacks upon plaintiff because
5 he asked staff to stop reading his protected mail at the xerox
6 machine. Judicial notice shall be taken because these cases
7 are mirros to plaintiff case.
8

9
10 5. DEFENDANTS DISCOVERY ACTIVITY CREATED
11 AN EVIDENTIARY ISSUE OF FACTS.

12 As discussed above, and within the motion, defendants
13 named within this complaint have been the cause of legal actions
14 because of same, mirror like, identical claims of misconduct
15 which are used to impede upon an inmates access to the Court
16 access to resources so that the inmate can learn, study, and
17 prepare legitimate backward and forward legal pursuits. That
18 defendants named within plaintiff complaint are the "SUBJECTS"
19 of mirror like complaints, making this vulnerable for judicial
20 notice to be taken. Because rule 406 suggests whether these
21 are corroborated, or there being an eye witness, judicial notice
22 shall be admitted. In this case plaintiff claims are virtually
23 identical to the L:EXIS complaints. Whether these allegations
24 are founded, exhausted, or determined, cannot overcome the
25 bizarre identity of these separate parties who claim acts
26 of IDENTICAL defendants violated same rules, and laws. This
27 should warrant taking judicial notice at this time.
28

1 It is because the full disclosure by defense which
2 contradicts the LEXIS engines, suggesting deception. Where
3 PRLA forbids a complaint without having been exhausted, and
4 the cases mentioned in the motion appear to not argue exhaust-
5 ion and focus on merits of the pleadings, making those cases
6 different than the CDCR602 record produced "INCOMPLETE". There-
7 fore an evidentiary issue.

8
9 CONCLUSION

10 BECAUSE PLAINTIFF ACCESS TO RESOURCES ARE MICROSCOPIC
11 AND [UNRELIABLE] MAKING THIS MOTION FALL WITHIN THE
12 "AT ANY TIME" NECESSARY, ANTICIPATORY FOR THE SUMMARY
13 JUDGMENT MOTION HEADED PLAINTIFF WAY, 1) WHICH WILL
14 HINGE OF FACTS 2) SUPPORTING RECORDS 3) MERITS TO
15 SATISFY THE FIVE ELEMENTS TO PLAINTIFF CASE. AS SUCH
16 THIS COURT SHOULD TAKE JUDICIAL NOTICE, DEFENDANTS
17 HAVE HAD SUFFICIENT TIME TO READ THE CASES, WHICH
18 TOOK ME ONE DAY, WHILE THEY HAVE HAD NEARLY THIRTY
19 DAYS, THEREFORE THEY HAVE HAD SUFFICIENT TIME, WARN-
20 ING TO PREPARE A DEFENSE FED RULES EVID 201(e)
21 BECAUSE THESE CASES ARE PUBLISHED THEY ARE NOT SUBJECT
22 TO DISPUTE, ARE WITHIN THIS COURTS JURISDICTION,
23 AND ARE SUBJECT TO BEING "NOTICED".
24 THERE IS A WELL STRATEGICALLY PLACED "CUSTOM, POLICY,
25 HABIT, AND PRACTICE " AT DONOVAN TO EXTERMINATE STAFF
26 COMPLAINTS, TO HIDE AND BURY MISCONDUCT BY EMPLOYEES
27 OF THE DEPARTMENT OF CORRECTIONS WHO KNOWINGLY
28 VIOLATE INMATES PROTECTED RIGHTS WHICH ARE WELL
ESTABLISHED FEDERAL LAWS!!

OCTOBER 27, 2021

JOHN HENRY YABLONSKY

REPLY JUDICIAL NOTICE-9

1 JOHN HENRY YABLONSKY CDCR#AI.0373
2 17-122
3 480 ALTA RD
4 SANDIEGO.CA.92179

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 JOHN HENRY YABLONSKY, CASE 3;18-cv-1122-CAB-AGS
13 PLAINTIFF DECLARATION BY JOHN HENRY Y
14 VS. YABLONSKY REGARDING SUPPORTING
15 DOCUMENT IDENTIFIED AS EXHIBITS
DIS

16 CALIFORNIA DEPARTMENT
17 OF CORRECTIONS &
REHABILITATION et al.
18 DEFENDANTS THE HONORABLE ANDREW SCHOPLER

19
20 That I John Henry Yablonsky an adult over the age
21 of consent and party to this action, makes this sworn declaration
under penalty of perjury as such.

22 1) That attached hereto this declaration are exhibits
23 provided me from defendants throughbn discovery and are true
24 copies of said such documents

25 2) That these exhibits attached hereto suggest deception
26 to published cases by LEXIS

27 3) That each of these pages provided herein does memorialize
28 appeals filed against named defendants in this complaint.

1 4) That these exhibits attached hereto does supprot
2 allegation mad within ½plaintiff motion for the Court to take
3 judicial notice.

4 5) That the allegations made withinthe motion and exhibits
5 attached hereto support plaintiff claims that there is a habit
6 of practice at this institution to regulate and filtetr inamtes
7 access to resources locateds inside the law library, and that
8 defendants atake actions agaionst those who complain.

9 IDENTIFIED DEFENDANTS IN THIS CASE

10 Mr Powell
11 Mr Blahnik
12 Mr Robles
13 Mrs Tiscornia
14 Mrs McGuire
15 Mr Martinez
16 Mr Self
17 Mr Olivarria
18 Mr Garcia
19 Mr Pickett
20 Mrs Fuller
21 Mr CAMOFLAGE MAN (DOE #11)
22 DOES (1-10)

23 DEFENSE ONLY ADDRESSED FOUR OF THESE DEFENDANTS

24 October 27, 2021

JOHN HENRY YABLONSKY

DIS

EXHIBIT

h

Yablonsky v. CDCR
USDC Southern District Case No. 3:18-cv-01122-AGS

PRIVILEGE LOG

LOG NO.	RFP Request No.	Document Description	Identity of Recipient / Position Title	Identity of Author / Position Title	Privilege Claimed	Present Location
1.	9	Grievance number RJD-C-13-01019. Staff complaint against Defendant Blahnik. Partially granted in that an investigation was performed. The complaint was deemed unfounded at the third level of review.	Appeal Coordinator	Inmate at RJD	The information sought violates third party rights to privacy. Official information privilege, safety and security, and confidential information. 5 U.S.C. § 552; <i>Kerr v. U.S. Dist. Court</i> , 511 F.2d 192, 198-99 (9th Cir. 1975); <i>Hampton v. City of San Diego</i> , 147 F.R.D. 227, 229-30 (S.D. Cal. 1993); <i>Jackson v. County of Sacramento</i> , 175	Defense Counsel

DIS-1

					F.R.D. 653 (E.D. Cal. 1997).	
2.	9	Grievance number RJD -C-16-2283. Staff complaint against Defendant Powell. Partially granted in that an investigation was performed. The complaint was deemed unfounded at the second level of review and inmate did not appeal that finding to the third level.	Appeal Coordinator	Inmate at RJD	The information sought violates third party rights to privacy. Official information privilege, safety and security, and confidential information. 5 U.S.C. § 552; <i>Kerr v. U.S. Dist. Court</i> , 511 F.2d 192, 198-99 (9th Cir. 1975); <i>Hampton v. City of San Diego</i> , 147 F.R.D. 227, 229-30 (S.D. Cal. 1993); <i>Jackson v. County of Sacramento</i> , 175 F.R.D. 653 (E.D. Cal. 1997).	Defense Counsel
3.	9	Grievance number RJD-D-16-03840. Staff complaint against Defendant Tiscornia. Partially granted in that an investigation was performed. The complaint was deemed unfounded at the second level of review and inmate	Appeal Coordinator	Inmate at RJD	The information sought violates third party rights to privacy. Official information privilege, safety and security, and confidential	Defense Counsel

DIS-2

		did not appeal that finding to the third level.			information. 5 U.S.C. § 552; <i>Kerr v. U.S. Dist. Court</i> , 511 F.2d 192, 198-99 (9th Cir. 1975); <i>Hampton v. City of San Diego</i> , 147 F.R.D. 227, 229-30 (S.D. Cal. 1993); <i>Jackson v. County of Sacramento</i> , 175 F.R.D. 653 (E.D. Cal. 1997).	
4.	9	Grievance number RJD-D-16-03927. Staff complaint against Defendant Tiscornia. Partially granted in that an investigation was performed. The complaint was deemed unfounded at the second level of review and inmate did not appeal that finding to the third level.	Appeal Coordinator	Inmate at RJD	The information sought violates third party rights to privacy. Official information privilege, safety and security, and confidential information. 5 U.S.C. § 552; <i>Kerr v. U.S. Dist. Court</i> , 511 F.2d 192, 198-99 (9th Cir. 1975); <i>Hampton v. City of San Diego</i> , 147 F.R.D. 227, 229-30 (S.D. Cal. 1993); <i>Jackson v. County of</i>	Defense Counsel

DIS - 3

					<i>Sacramento</i> , 175 F.R.D. 653 (E.D. Cal. 1997).	
5.	9	Grievance number RJD-D-17-00467. Staff complaint against Defendant McGuire. Partially granted in that an investigation was performed. The complaint was deemed unfounded at the second level of review and inmate did not appeal that finding to the third level.	Appeal Coordinator	Inmate at RJD	The information sought violates third party rights to privacy. Official information privilege, safety and security, and confidential information. 5 U.S.C. § 552; <i>Kerr v. U.S. Dist. Court</i> , 511 F.2d 192, 198-99 (9th Cir. 1975); <i>Hampton v. City of San Diego</i> , 147 F.R.D. 227, 229-30 (S.D. Cal. 1993); <i>Jackson v. County of Sacramento</i> , 175 F.R.D. 653 (E.D. Cal. 1997).	Defense Counsel
6.	9	Grievance number RJD-D-17-1488. Staff complaint against Defendant McGuire. Partially granted in that an investigation was performed. The complaint was deemed unfounded at the second level of review and inmate	Appeal Coordinator	Inmate at RJD	The information sought violates third party rights to privacy. Official information privilege, safety and security, and	Defense Counsel

DIS-4

		did not appeal that finding to the third level.			confidential information. 5 U.S.C. § 552; <i>Kerr v. U.S. Dist. Court</i> , 511 F.2d 192, 198-99 (9th Cir. 1975); <i>Hampton v. City of San Diego</i> , 147 F.R.D. 227, 229-30 (S.D. Cal. 1993); <i>Jackson v. County of Sacramento</i> , 175 F.R.D. 653 (E.D. Cal. 1997).	
7.	9	Grievance number RJD-C-17-01834. Staff complaint against Defendant Powell and Blahnik. Partially granted in that an investigation was performed. The complaint was deemed unfounded at the second level of review and inmate did not appeal that finding to the third level.	Appeal Coordinator	Inmate at RJD	The information sought violates third party rights to privacy. Official information privilege, safety and security, and confidential information. 5 U.S.C. § 552; <i>Kerr v. U.S. Dist. Court</i> , 511 F.2d 192, 198-99 (9th Cir. 1975); <i>Hampton v. City of San Diego</i> , 147 F.R.D. 227, 229-30 (S.D. Cal. 1993);	Defense Counsel

DIS-5

					<i>Jackson v. County of Sacramento</i> , 175 F.R.D. 653 (E.D. Cal. 1997).	
8.	9	Grievance number RJD-E-17-05042. Staff complaint against Defendant Tiscornia. Partially granted in that an investigation was performed. The complaint was deemed unfounded at the second level of review and inmate did not appeal that finding to the third level.	Appeal Coordinator	Inmate at RJD	The information sought violates third party rights to privacy. Official information privilege, safety and security, and confidential information. 5 U.S.C. § 552; <i>Kerr v. U.S. Dist. Court</i> , 511 F.2d 192, 198-99 (9th Cir. 1975); <i>Hampton v. City of San Diego</i> , 147 F.R.D. 227, 229-30 (S.D. Cal. 1993); <i>Jackson v. County of Sacramento</i> , 175 F.R.D. 653 (E.D. Cal. 1997).	Defense Counsel
9.	9	Notice of Adverse Action dated 6/19/15 against Defendant. Unrelated to lawsuit and claims are not substantially similar to claims made by Plaintiff.	Defendant	Employee Relations Office	The information sought violates privacy rights. Official information privilege, safety and security, and	Defense Counsel

DIS-6

					confidential information. 5 U.S.C. § 552; <i>Kerr v. U.S. Dist. Court</i> , 511 F.2d 192, 198-99 (9th Cir. 1975); <i>Hampton v. City of San Diego</i> , 147 F.R.D. 227, 229-30 (S.D. Cal. 1993); <i>Jackson v. County of Sacramento</i> , 175 F.R.D. 653 (E.D. Cal. 1997).	
10	9	Internal affairs investigation dated August 23, 2016, involving Defendant. Unrelated to lawsuit and claims are not substantially similar to claims made by Plaintiff. No disciplinary action was taken.	Internal Affairs	Internal Affairs	The information sought violates privacy rights. Official information privilege, safety and security, and confidential information. 5 U.S.C. § 552; <i>Kerr v. U.S. Dist. Court</i> , 511 F.2d 192, 198-99 (9th Cir. 1975); <i>Hampton v. City of San Diego</i> , 147 F.R.D. 227, 229-30 (S.D. Cal. 1993); <i>Jackson v. County of</i>	Defense Counsel

DIS-7

					<i>Sacramento</i> , 175 F.R.D. 653 (E.D. Cal. 1997).	
11.	9	Hiring Authority Review of Investigation dated September 15, 2020. Unrelated to lawsuit and claims are not substantially similar to claims made by Plaintiff. Adverse action taken against Defendant.	Defendant	Warden	The information sought violates privacy rights. Official information privilege, safety and security, and confidential information. 5 U.S.C. § 552; <i>Kerr v. U.S. Dist. Court</i> , 511 F.2d 192, 198-99 (9th Cir. 1975); <i>Hampton v. City of San Diego</i> , 147 F.R.D. 227, 229-30 (S.D. Cal. 1993); <i>Jackson v. County of Sacramento</i> , 175 F.R.D. 653 (E.D. Cal. 1997).	Defense Counsel

DIS-8