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UNITED STATES DISTRICT COURT
333 w broadway#420
s.d.ca.92109

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

KEN

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)

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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

1 JOHN HENRY YABLONSKY CDCR#AL0373
17-122
2 480 ALTA RD
3 S.D.CA.92179
4
5
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10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 JOHN HENRY YABLONSKY, CASE # 3;18-cv-1122-CAB-AGS
13 PLAINTIFF,

14 VS. PLAINTIFF REQUEST LEAVE OF
15 COURT UNDER F.R.EVID RULE 201
16 TO TAKE JUDICIAL NOTICE OF
17 FACTS WITHIN THIS JURISDICTION
18 OF ROUTINE AND PRACTICE OF
19 DEFENDANTS AND INSTITUTION
20 PLAINTIFF IS DETAINED

21 CALIFORNIA DEPARTMENT OF
22 CORRECTIONS & REHABILITATIONS, HEARING :SEPTEMBER 04, 2021
23 et al,
24 DEFENDANT/s, THE HONORABLE ANDREW SCHOPLER
25

26 If it pleases the Court, John Henry Yablonsky
27 (PL:AINTIFF) will request this Court to judicially notice records
28 within this Courts jurisdiction of routine and practice of
29 said defendants outlined within this complaint pursuant to
30 federal rule of evidnece rule 201(b)(1) and Rule 201(d).

31 FACTS OF THIS CASE

32 Plaintiff filed civil rights complaint on may 310,
33 2021 naming several employees of the Cal-ifornia department
34 of Corrections who work at RICHARD J DONOVAN CORRECTIONS.
35

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} ~~Parsons~~. 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 complaint 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 PLEASE TAKE NOTICE OF R BLAHNIK 71

2 R. Blahnik a named defendant in this action before the
3 Court was alleged to have infringed upon plaintiff access into
4 the law library for the purpose of exercising a protected
5 right under the first amendment. Plaintiff alleged that Blahnik
6 read protected papers, (WHICH BLAHNIK NOW ADMITS) and reduced
7 access into the law library when plaintiff complained of the
8 breach to confidential correspondences. (BLAHNIK CANNOT EXPLAIN
9 WHY THE REDUCTION OCCURED). Blahnik is also alleged to have
10 conspired to create and enforce a fake rule about mandatory
11 use of priority library ducats, and filing a false disciplinary
12 report for and alleged missed session. (BLAHNIK DOES NOT DISPUTE
13 ANY RVR ACTIVITIES)

14 This Court "SHOULD" take judicial notice of pattern
15 of allegations made within this jurisdiction that "MIRROR" said
16 allegations made by plaintiff. Take notice now please;

17 GARCIA V BLAHNIK, 2017 US Dist LEXIS 47136

18 IN THIS INSTANT CASE INMATE GARCIA MADE ALLEGATIONS THAT
19 R. BLAHINK WHO WORKS INSIDE THE PLAZA LAW LIBRASRY AS
20 SENIOR LIBRARIAN USED THE XEROX MACHINE TO "HINDER" and
21 INFRINGE UPON INMATE GARCIA'S RIGHTS UNDER THE FIRST
22 AMENDMENT. THAT BLAHNIK FILED RVR AGAINST GARCIA STATING
23 GARCIA FAILED TO FOLLOW RULES IN THE LAW LIBRARY. THIS
24 ALLEGATION MADE BY INMATE GARCIA RESEMBLES MIRRORLIKE
25 ALLEGATIONS MADE BY INMATE YABLONSKY. THIS COMPLAINT
26 FILED BY GARCIA OCCURED IN THE SAME TIME FRAMES THAT
27 YABLONSKY EXPERIENCED THE SAME PATTERN OF CONDUCT.

28 Consistant to the language under rule, 406 of fed rule
of evidnece, this does present a pattern of routine practice,
where library staff reads inmates protected papers illegally.

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 P:LAZA 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 READY 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 COKMPLAINED OF. YABLONSKY DOES NOT KNOT SNYBER

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.

2 IN THIS CASE INMATE JONES MADE MIRRORLIKE ALLEGATIONS
3 AGAINST TISCORNIA IN THE FORM OF HARRASSMENT AND
4 TAKING RETALIATORY ACTIONS AGAINST AN INMATE WHO
5 USED THE LAW LIBRARY. THIS DOES PRESENT A PATTERN OF
6 CONDUCT AND PRACTICE MIRRORED BY YABLONSKY CASE.

7 Consistant to rule 406 this does present pattern of routine
8 and practice where law librarians retaliate when inmates complain
9 about access issues. Yablonsky does not know Williams
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13 COOPER V PARAMO 2020 US Dist LEXIS 182407

14 IN THIS CASE INMATE SHOPPER MADE VERY STRIKING SIMILAR
15 ALLEGATIONS WHERE TISCORNIA AS WELL AS MCGUIRE READ
16 inmates protected papers to judge who received access
17 INTO THE LAW LIBRARY. THIS ALLEGATION OUTLINES A
18 CONSPIRACY BETWEEN TISCORNIA AND MCGUIRE WHO WORKED
19 IN CONCERT WHERE BAD CASES WERE INVOLVED, WHO GOT ACCESS
20 AND WHO DID NOT BASED ON THE NATURE OF THEIR CONVICTION.
21 THIS ALLEGATION MIRRORS YABLONSKY WHERE STAFF DETERMINE
22 WHAT INMATES GET ACCESS INTO THE LAW LIBRARY , ARE ALLOWED
23 TO FILE WITH THE COURTS.

24 Consistant to language under rule 406 this does present
25 a pattern of routine and custom where library staff worked with
26 other staff to infringe upon that inmates access into the law
27 library, by reading the case first, then deciding afterwards.
28 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 correctional institutions. That this Court jurisdiction is saturated
6 with federal civil rights complaints regarding misconducts that
7 are well established federal laws under WOLFF V MCDONALD (CITATION
8 OMITTED, TURNER V SAFFLEY 482 US 78 regarding legitimate actions
9 of corrections staff, PROCUNIAN V MARTINEZ 416 US 396 regarding
10 censorship of protected papers filed by inmates with the Courts.

11 It is well established federal law as well as state regulations
12 that inmates access 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 security of the institution, staff or other inmates.
17 The Supreme Court determined that inmates rights 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 administration.

21 Creating a fake sneak and peek rule does not meet the
22 federal standards outlined by PROCUNIAN, 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 MORE
27 THAN ONE HUNDRED allegations of staff misconduct regarding
28 law library access and treatment while in the library.

PRAYER

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3 1) That this Court take judicial notice of the cases
4 presented by plaintiff

5 2) That this Court consider these facts when weighing
6 credibility of plaintiff allegations
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21 September 22, 2021

John Henry yablonsky

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JUDICIAL NOTES