

PROOF OF SERVICE BY AN INMATE

ACCORDING TO PRISONER MAILBOX RULE

THIS MAILING IS DEEMED FILED AND SERVED UNDER ANTHONY V. COOPER, 236 F.3d 566 (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 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 bnroadway #420
s.d.ca.92101

department of justice
600 w broadway#1800
s.d.ca.92179

KEN

This service contained the following documents;

LEAVE OF COURT TO FILE SUPPLEMENTAL PLEADING DECLARATION BY
JOHN HENRY YABLONSKY IN SUPPORT OF SECOND AMENDED COMPLAINT

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 ;

SANDIEG

92179

CITY

ZIP CODE

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

UNDER THE PENALTY OF PERJURY

THE FORGOING IS TRUTHFUL AND ACCORDING TO BELIEF

(NAME) john henry yablonsdky

(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 CA.92179
5
6
7

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 JOHN HENRY YABLONSKY. CASE# 3;18-cv-1122-CAB-AGS
11 PLAINTIFF.

12 VS.

11 PLAINTIFF REQUEST LEAVE OF
12 COURT TO FILE SUPPLIMENTLA
13 DECLARATION TO SECOND AMENDED
14 COMPLAINT BY JOHN HENRY
15 YABLONSKY

14 CALIFORNIA DEPARTMENT
15 OF CORRECTION & REHABILITATIONS

14 HEARING DATE;September 24,2021

16 et al.

16 DEFENDANT/S. THE HONORABLE ANDREW SCHOPIER
17

18 John Henry yablonsky (PLAINTIFF) moves this Cpourt to
19 file declaration by plaintiff in support of second amended
20 complaint, requesting leave to suppliment the complaint by
21 declaration herein.
22

23 FACTS

24 On May 31, 2018 plaintiff filed 28 USC § 1983 complaint
25 naming several parties. (ECF1) Plaintiff survived dismissal
26 motions by said defendants, and filed second amended complaint
27 on September 2, 2020, along with thirty nine exhibits. (OVER
28 600 PAGES IN TOTAL).

DECLARATION BY JOHN HENRY YABLONSKY-1

½POINTS AND AUTHORITY

1 Plaintiff now moves this Court for leave to file
2 swoprn declaration by John Henry yablonsky as a supplimental
3 pleadfing to the second amended complaint. Rule 15(d) suppliment-
4 al ½pleading may be filed ~~over~~ at [ANY] stage of the case,
5 including summary judgement stage. (MUSIC DELI & GROCERIES
6 V IRS DIST OF MANHATTAN 786 f. supp. 992(SDNY 1991);NOVAK V
7 NBC 724 f.supp.141 (SDNY 1989); ARGUS INC V EASTMANKODAK CO.
8 552 f.supp.589(SDNY1982)(SUPPLIMENTAL PLEADFINGS ALLOWED AT
9 SUMMARY JUDGMENT STAGE)
10
11
12

13 SWORN DECLARATION BY
14 JOHN HENRY YABLONSKY

15 !) That John Henry Yablonsky is an adult over the
16 age of consent and party to this action.

17 2) That the allegations , claims made within the second
18 amendedc complaint are the ttruth according to beleif and
19 knowledge.

20 3) That while plaintiff exercidsed first amendment
21 rights at RICHARD J DONOVAN in the form of; ~~under the~~

22 * Accessing the prison law library

23 * Using the appeals system with the CDCR administration

24 * Expressing first amendement right to free speech

25 * Expecting to be free from retaliation while exercising
26 protected speech

27 4) Yhat plaintiff was attacked by said defendants actions
28 described within the second amended complaint, while exercising
protected rights under the first amendment *in THE FORM OF*

OVERT ACT IN DIRECT RELATION TO EXERCISED RIGHT

- 1 * Reading plaintiff ½protected confidential papers
2 at the xerox machine inthe law library **VERBAL AND CDCR 22**
- 3 * That staff reduced access into the law library
4 when plaintiff com½plained of the confidentiality
5 breach **VERBAL AND CDCR 22 AND CDCR 602 APPEAL**
- 6 * That staff tooki plaintiff legal files because
7 of appelas filed regarding staff reading plaintiff
8 confidential legal papers, **REDUCTION OF LIBRARY ACCESS**
- 9 * That staff obfuscated appeals that were filed about
10 taking legal files, reading legal materials, reducing
11 access into the law library
- 12 * That staff played bait and switch with appealds
13 t to estopp appeals at the administration level
- 14 * That staff filed false RVR about plaintiff failure
15 to use law library
- 16 * That staff placed labels over mailing address to
17 ½prevent delivery of summons which named defendants
18 at Donovan corrections
- 19 * That verbal threats were made because plaintiff
20 filed lawsuits and appeals about staff misconduct
21 **THESE ATTACKS WERE UNWARRANTED, AND IN VIOLATION TO
22 RULES, LAWS, STATUTE IN DIRECT RELATION TO PLAINTIFF EXERCISE**
- 23 5) That all of the actions by said defendants were
24 against rules, policy , regulations sert forth by CDCR title
25 15, state penal laws, and constitution, **BECAUSE OF PLAINTIFF EXERCISE**
- 26 6) That none of the actions by said defendants supported
27 one legitimate penalogical excuse related to plaintiff in
28 the form of threat to safety, security, or cost of the institut-
ion of facility, staff, inmates, plaintiff.
- 7) That there is not one genuine penalogicalk excuse
for defendants a) Reading protected papers b) reducation
of access into the law library c) taking legal files d) Filing
false RVR reports d) Hindering appeals e) mishandling mail.
f) MAKING THREATS

1 8) That the exhibits attached to the second amended
2 complaint outline the chronological sets of attacks, plaintiff
3 efforts to restore rights, plaintiff efforts to address these
4 issues at the lowest possible level

5 9) That plaintiff has not played any role in aggravating,
6 *INFLUENCING, INSTIGATING*
7 defendants actions other than plaintiff exercise of the first
8 amendment to free speech and expectations to be free from
9 retaliations while doing so. *"BUT FOR" PLAINTIFF EXERCISE*

10 10) That defendants have not offered one legitimate
11 excuse for their actions other than *"THEY GET TO DO SO! 'SCWAT'!"*

12 11) That while plaintiff exercised protected speech
13 defendants Robles, Tiscornia, Powell, Blahnik, Martinez, McGuire,
14 Mondet, Garcia, Fuller, Olivarria, Self, CAMOFLAAGE MAN and
15 DOES violated protected rights for no other reasons than
16 to get even, revenge, teach plaintiff a lesson, cause a chill-
17 ing affect because plaintiff exercised his rights too aggressiv-
18 ely, to frequently, and as a result of defendants actions
19 plaintiff has suffered, and will continue to suffer the
20 loss of free speech, and right to be free from retaliatory
21 acts while plaintiff wished his rights to not be violated.

22 12) because of actions by defendants plaintiff lost
23 access to his free speech, to be free from retaliation *CHILLING*
24 *EFFECT IN*
25 clear violation to standing laws outlined by state and country.

26 13) The rules, laws, regulations violated by said
27 defendants were ~~against~~ standing law, creating a custom and
28 policy to attack those who exercise protected right. *REVENGE,*
FOR FILING APPEALS, "HOW DARE AN INMATE COMPLAIN!"

DECLARATION BY JOHN HENRY YABLONSKY--4

