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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

BOBBY LOPEZ, MARCO TOPETE,  
JOHN MYLES, RICARDO ROLDAN,  
JOHN GONZALES, and RONALDO  
MEDRANO AYALA, on their own behalf  
and on behalf of a class of similarly  
situated prisoners,

Plaintiffs,

v.

EDMUND G. BROWN, Governor of the  
State of California; JEFFREY A. BEARD,  
Secretary of the California Department  
of Corrections and Rehabilitation;  
RONALD DAVIS, Warden, San Quentin  
State Prison,

Defendants.

Case No.

COMPLAINT

CIVIL RIGHTS

**CLASS ACTION**

**I. NATURE OF THE ACTION**

1  
2 1. Plaintiffs BOBBY LOPEZ, MARCO TOPETE, JOHN MYLES, RICARDO  
3 ROLDAN, JOHN GONZALES, and RONALDO MEDRANO AYALA, sue on their own behalf  
4 and as representatives of a class of condemned prisoners who have been incarcerated in the  
5 Adjustment Center at San Quentin State Prison under inhumane and degrading conditions  
6 for excessively long periods of time without meaningful review of their placement and with no  
7 hope of release.  
8

9 2. Plaintiffs and the class seek declaratory and injunctive relief against  
10 EDMUND G. BROWN, JEFFREY A. BEARD, and RONALD DAVIS (defendants) in their  
11 official capacities. Plaintiffs and the class are incarcerated by the California Department of  
12 Corrections and Rehabilitation (CDCR) and are entirely under the control of defendants.  
13 Plaintiffs are at the mercy of defendants to provide for and protect their most basic human  
14 needs, including adequate housing, recreation, nutrition, physical and mental health care,  
15 meaningful human contact, environmental stimulation, and social intimacy.  
16

17 3. Plaintiffs and the class are all men sentenced to death in California. They are  
18 confined in the Adjustment Center, one of three units that house condemned men at San  
19 Quentin State Prison (SQSP). The Adjustment Center holds approximately 100 condemned  
20 men in extreme isolation.  
21

22 4. As in CDCR's Security Housing Units (SHUs) at other state prisons, men who  
23 live in the Adjustment Center live under the most severe deprivations of basic human needs  
24 and are subject to the most wretched treatment as compared to other California prisoners and  
25 death row prisoners in other states.

26 5. Plaintiffs and the class they represent are placed in these conditions as a result  
27 of their perceived gang affiliations, and their retention is based on this perception rather than  
28

1 on allegations and proof of actual gang-related behavior or other misconduct. Once confined  
2 in the Adjustment Center, they are denied any meaningful review of their retention.

3           6.           Prisoners in the Adjustment Center spend 21 to 24 hours per day inside the  
4 four walls and solid steel door of their cramped cells. They remain there alone, with no  
5 exposure to natural light, no access to religious services, and devoid of recreational,  
6 vocational, and educational programming. They are denied contact visits or telephone calls.  
7 Defendants persistently and intentionally deny these men the normal human contact and  
8 socialization necessary for a person's mental and physical well-being. These brutal and  
9 relentless conditions of confinement have produced harmful and predictable psychological  
10 deterioration among plaintiffs and class members.  
11

12           7.           Plaintiffs and the class are retained in these conditions indefinitely and  
13 without meaningful review of their placement. Condemned prisoners receive a classification  
14 grade of "A" or "B," with "A" having many privileges and freedoms, and "B" having stark and  
15 cruel deprivations.  
16

17           8.           Plaintiffs, all Grade B, are entitled to a periodic classification "review," which  
18 occurs approximately every 90 days. *See* San Quentin Operational Procedure No. 0-0608,  
19 §315(b) (October 2014). The "review," however, is perfunctory and without process. The  
20 classification committee provides no substantive assessment of the plaintiffs' inability to be  
21 reasonably managed by prison staff or their risk to the safety of the institution or risk of  
22 escape—the criteria upon which a prisoner is assigned Grade B classification. *See* San Quentin  
23 Operational Procedure No. 0-0608, §301 (October 2014).  
24

25           9.           The depraved conditions of Grade B, called a "program" by CDCR, are, by  
26 design, meant to penalize prisoners the administration sees as unsuitable for the privileges  
27 granted to the majority of the condemned population.  
28

1           10.       The severity of this penalization amounts to torture, and plaintiffs have no  
2 meaningful end in sight.

3           11.       In 2013, to protest the inhumane and degrading conditions and violations of  
4 due process inherent in incarceration in the Adjustment Center, many plaintiffs and class  
5 members organized and participated in a hunger strike. The hunger strike, conducted in  
6 solidarity with prisoners isolated in SHUs across the state, was by all accounts peaceful. The  
7 undercurrent of the strike, however, notably that plaintiffs and the class live in such a dire  
8 and unforgiving environment that the only meaningful way to challenge the inhumane and  
9 degrading conditions was to risk death, is a graphic condemnation of the conditions in the  
10 unit and the helplessness felt by participants.

11           12.       In response to the strike, CDCR officials met with the organizers to discuss  
12 their demands, which included increased recreation and socialization opportunities,  
13 increased opportunity for family visits and communication, and meaningful review of their  
14 retention in the Adjustment Center. Despite this meeting, no changes resulted. Instead,  
15 participants were assessed a rules violation for their peaceful strike. This write-up is viewed  
16 as a disciplinary offense and used to justify their continued retention in the Adjustment  
17 Center.

18           13.       At the hands of defendants and indeed by design, plaintiffs are placed  
19 arbitrarily and with no meaningful process into isolation in the Adjustment Center, and while  
20 there, suffer atypical and significant hardship, in violation of the due process clause of the  
21 Fourteenth Amendment of the United States Constitution. While confined in the Adjustment  
22 Center, plaintiffs suffer serious harm and are subject to a substantial risk of serious harm as a  
23 result of the conditions and their isolation in the Adjustment Center cells, constituting cruel  
24 and unusual punishment in violation of the Eighth Amendment of the United States  
25  
26  
27  
28

1 Constitution.

2 **II. JURISDICTION AND VENUE**

3 14. Plaintiffs and the class bring claims pursuant to 42 U.S.C. § 1983 and the  
4 Eighth and Fourteenth Amendments to the United States Constitution.

5 15. This Court has jurisdiction for claims seeking declaratory and injunctive relief  
6 pursuant to 28 U.S.C. §§ 1331, 1343 and the Declaratory Judgment Act, 28 U.S.C §§ 2201,  
7 2202.

8 16. Venue is proper in the Northern District of California pursuant to 28 U.S.C. §  
9 1391(b)(2), in that a substantial part of the events or omissions giving rise to the claims  
10 brought by plaintiffs and the class have occurred in Marin County in this District.

11 **III. PARTIES**

12 **A. Plaintiffs**

13 17. Plaintiff BOBBY LOPEZ (K76100) is a 50-year-old prisoner classified as Grade  
14 B and housed in the Adjustment Center at San Quentin State Prison. He has been confined in  
15 the Adjustment Center for 17 years, without any meaningful review of his placement and with  
16 no reasonable means of earning his way into Grade A classification. Although he was  
17 validated as a member of the Nuestra Familia prison gang in 1997 based on a gang  
18 enhancement in his commitment offense, he has never received a formal inactive review.<sup>1</sup>

19  
20  
21  
22  
23 1. In other CDCR institutions, a prisoner suspected of gang affiliation is subject to an  
24 internal confirmation procedure known as “validation.” The procedure requires the gang  
25 investigation unit staff to collect information about a prisoner’s suspected gang affiliation,  
26 recommend validation if the information meets the minimum criteria established by a  
27 weighted point system, and send the recommendation to the Office of Correctional Safety for  
28 approval. *See* 15 CCR §3778.2. A validated gang member is entitled to periodic reviews of his  
classification and an “inactive review” every six years, to assess whether he has been  
participating in actual gang activity during the validation period. *See* 15 CCR §3378.8.  
Prisoners who are validated are encouraged to “debrief,” or inform on prison gangs and  
prison gang activity, as a means to gain release from segregation.

1 Lopez has received only one disciplinary write-up impacting his classification since 2005, and  
2 that was for his participation in the 2013 hunger strike to improve conditions in the  
3 Adjustment Center. Despite his clean disciplinary record, he is told that the only way he will  
4 be released from the Adjustment Center and removed from indefinite Grade B classification is  
5 to debrief. Lopez has been on death row since November 1997.

6  
7 18. Plaintiff MARCO TOPETE (AK7990) is a 42-year-old prisoner classified as  
8 Grade B and housed in the Adjustment Center at SQSP. Topete has been confined in the  
9 Adjustment Center for three years, without any meaningful review of his placement and with  
10 no reasonable means of earning his way into Grade A classification. Topete was validated as a  
11 member of Northern Structure in December 1999. Despite having an inactive review when  
12 confined at Pelican Bay State Prison in 2006, Topete has never had an inactive review during  
13 his time as a condemned prisoner. At classification meetings, he is told to debrief for any  
14 hope of release from the Adjustment Center. With the exception of a disciplinary write-up for  
15 his participation in the 2013 hunger strike, Topete has received only three disciplinary write-  
16 ups affecting his classification during his time in the Adjustment Center, each for relatively  
17 minor infractions. Topete has been on death row since February 2012.

18  
19 19. Plaintiff JOHN MYLES (T15235) is a 43-year-old prisoner classified as Grade  
20 B and housed in the Adjustment Center. Myles has been confined in the Adjustment Center  
21 for 11 years, without any meaningful review of his placement and with no reasonable means of  
22 earning his way into Grade A classification. He has not been validated as a gang member or  
23 associate, but an allegation that he had ties to a street gang prior to his incarceration and a  
24 single informational "chrono" documenting his possession of a single piece of gang material  
25 has kept him indefinitely confined in the Adjustment Center for over a decade. During his 11  
26 years in the Adjustment Center, Myles has received only three disciplinary infractions that  
27  
28

1 impact his classification, with the last one being in 2012. Myles is not told how he can earn his  
2 way out of the Adjustment Center and instead just rots in the attendant isolation with no  
3 meaningful hope of relief. Myles has been on death row since May 2001.

4           20. Plaintiff RICARDO ROLDAN (H62400) is a 44-year-old prisoner classified as  
5 Grade B and housed in the Adjustment Center. Roldan has been confined in the Adjustment  
6 Center for eight years, without any meaningful review of his placement and with no  
7 reasonable means of earning his way into Grade A classification. Roldan has never been  
8 validated as a gang member or associate. Nevertheless, he is told that he is unsuitable for  
9 placement on East Block due to allegations of gang affiliation lodged against him in  
10 confidential memoranda. Since he has been confined in the Adjustment Center, Roldan has  
11 not received a disciplinary infraction affecting classification with the exception of a write-up  
12 for participating in the hunger strike. Roldan has been on death row since January 1993.

13           21. Plaintiff JOHN GONZALES (P23300) is a 38-year-old prisoner classified as  
14 Grade B and housed in the Adjustment Center. Gonzales has been confined in the Adjustment  
15 Center for four years, without any meaningful review of his placement and with no reasonable  
16 means of earning his way into Grade A classification. Gonzales has never been validated as a  
17 gang member or associate. Despite that, confidential memoranda claim that Gonzales has ties  
18 to the Mexican Mafia, and other prisoners' "rosters" with Gonzales' name on them are used to  
19 condemn him to the Adjustment Center. Gonzales has only two disciplinary violations on his  
20 record that affect his classification: one for participating in the peaceful hunger strike and one  
21 for working out in an organized fashion with other men alleged to be gang affiliates. Gonzales  
22 has been on death row since December 1998.

23           22. Plaintiff RONALDO MEDRANO AYALA (E10000) is a 65-year-old prisoner  
24 classified as Grade B and housed in the Adjustment Center. He has been confined in the  
25

1 Adjustment Center for 26 years, without any meaningful review of his placement and with no  
2 reasonable means of earning his way into Grade A classification. Although he was validated as  
3 a member of the Mexican Mafia upon his admission to the unit, he has never received an  
4 inactive review. Ayala has been on death row since February 1989.

5  
6 **B. Defendants**

7 23. Defendant EDMUND G. BROWN, Jr. is the Governor of the State of  
8 California. As such, he has caused, created, authorized, condoned, ratified, approved or  
9 knowingly acquiesced in the illegal, unconstitutional, and inhumane conditions, actions,  
10 policies, customs and practices that prevail in the Adjustment Center at SQSP, as described  
11 below. He has, therefore, directly and proximately caused, and will continue to cause in the  
12 future, the injuries and violations of rights set forth below. Defendant Brown is sued in his  
13 official capacity only.

14  
15 24. Defendant JEFFREY A. BEARD is the Secretary of the CDCR. As such, he has  
16 caused, created, authorized, condoned, ratified, approved or knowingly acquiesced in the  
17 illegal, unconstitutional, and inhumane conditions, actions, policies, customs and practices  
18 that prevail in the Adjustment Center, as described below. He has, therefore, directly and  
19 proximately caused, and will continue to cause in the future, the injuries and violations of  
20 rights set forth below. Defendant Beard is sued in his official capacity only.

21  
22 25. Defendant RONALD DAVIS is the Warden of San Quentin State Prison. As  
23 such, he has caused, created, authorized, condoned, ratified, approved or knowingly  
24 acquiesced in the illegal, unconstitutional, and inhumane conditions, actions, policies,  
25 customs and practices that prevail in the Adjustment Center, as described below. He has,  
26 therefore, directly and proximately caused, and will continue to cause in the future, the  
27 injuries and violations of rights set forth below. Defendant Davis is sued in his official  
28



1 capacity only.

## 2 IV. FACTUAL ALLEGATIONS

### 3 A. Background of the Adjustment Center

4 26. San Quentin State Prison houses all men condemned to death in the State of  
5 California. With 750 condemned prisoners, 727 of whom are men housed at San Quentin,  
6 California far exceeds any other state in the number of prisoners awaiting execution. Many of  
7 these prisoners have languished on death row for decades due to California's exceedingly  
8 long, and, as one district court has found, unconstitutional delays in the appeals process. *See*  
9 *Jones v. Chappell*, 31 F.Supp.3d 1050, 1069 (2014).

10  
11 27. Including men sentenced to death in 2014, nearly 78 percent of the  
12 condemned population has been on death row for a decade or more. California has not  
13 executed a condemned prisoner since 2006. Between 1976, when the national death penalty  
14 moratorium was lifted, and 2006, California executed 13 men. The average time they spent on  
15 death row was 17.5 years. As a result of California's current de facto moratorium on  
16 imposition of the death penalty, men are residing much longer than previously in the  
17 condemned unit at San Quentin. Further, the sheer number of men condemned to death and  
18 the severe delays in appeals attorney appointments mean that exhaustion of death penalty  
19 appeals takes approximately 25 years to complete. *See Jones v. Chappell*, 31 F.Supp.3d 1050,  
20 1054-1056 (2014).

21  
22 28. With the exception of men in special health care or mental health care  
23 management programs, condemned men are housed in one of three units at SQSP: Northern  
24 Segregation, East Block, and the Adjustment Center.

25  
26 29. All prisoners who arrive on death row begin their incarceration in the  
27 Adjustment Center. Some, like plaintiffs Ayala, Topete, and Lopez, have never left. Others,  
28

1 such as plaintiffs Gonzales, Roldan, and Myles, were moved into the Adjustment Center for a  
2 disciplinary infraction and remain there for unconscionably long periods of time, despite  
3 accruing long amounts of time free from serious disciplinary infractions.

4           30. Title 15 of the California Code of Regulations (Title 15) codifies the policies  
5 and procedures to which all prisoners in CDCR custody are subject. Death row at San Quentin  
6 is also governed by an additional procedural manual, Operational Procedure 0-0608 (O.P.  
7 608), also known as the condemned manual. The condemned manual is reviewed annually by  
8 the prison administration, and any proposed changes are submitted to the Warden for  
9 approval. While the condemned manual is said to supplement Title 15, its vague procedures  
10 sometimes contradict Title 15 in crucial ways, and the condemned manual is often followed in  
11 the face of those conflicts. As a result, significant portions of plaintiffs' daily lives are  
12 governed by a procedural manual drafted, implemented, and monitored by the Warden and  
13 staff of San Quentin.

14           31. O.P. 608 defines the classification scheme for men in the condemned unit.  
15 They are denied the typical classification structure applied to other prisoners, as defined by  
16 Title 15. In lieu of an individualized classification review to assign a privilege group and a  
17 work group and the attendant rights and freedoms that come with those assignments,  
18 prisoners in the condemned unit receive one of two classifications, Grade A or Grade B.  
19 Prisoners are classified as Grade A or Grade B based on the vague standard of whether they  
20 present a "high risk" of violence or escape or are "difficult management cases." No further  
21 guidance is provided.

22           32. Prisoners classified as Grade A can work, get an advanced education, call their  
23 families every day, touch their loved ones during two and one-half hour visits, receive  
24 quarterly packages and special purchase orders, order additional food and recreation items  
25  
26  
27  
28

1 from the commissary, create art, recreate with equipment, access the vast San Quentin  
2 library, and worship in group settings. Prisoners classified as Grade B are denied all  
3 possibilities for work, enrichment and socialization. They do not experience normal human  
4 contact. They receive only minimal recreation; limited, non-contact visiting; access to a book  
5 cart comprised of other condemned men's used books; and only an annual package and  
6 special order, the means by which they can receive new clothes, a radio, or a television.  
7

8       33.       Grade B classification can be assigned as punishment for a definite period.  
9 Prisoners with a determinate Grade B assignment receive a Minimum Eligible Release Date  
10 (MERD) and have their behavior reviewed in anticipation of that date. A prisoner with  
11 disciplinary Grade B status may serve their term on the East Block or in the Adjustment  
12 Center.  
13

14       34.       In contrast, plaintiffs and the class are formally or informally classified  
15 indeterminate Grade B and may only serve out their indefinite sentence in the Adjustment  
16 Center. They have no MERD permitting them some idea of the time that they will be freed  
17 from the abysmal conditions of the Adjustment Center. Instead, they have a meeting every 90  
18 days that engenders no meaningful hope of relief from the extreme isolation and deprivations  
19 suffered daily.  
20

21       35.       All the prisoners in the Adjustment Center are Grade B. Some Grade B  
22 prisoners are also housed in East Block. The difference between the Adjustment Center and  
23 East Block—where prisoners are housed behind bars, not solid steel; are showered with  
24 natural sunlight, not slivers of indirect sunlight if they are lucky enough to have a cell that has  
25 an unobstructed view of the windows above the hallway opposite their cell doors; and who  
26 can more openly talk with other prisoners through their cell bars, instead of shouting through  
27 the walls to a neighbor—is palpable for plaintiffs.  
28

1           36.       Topete, Roldan, Ayala, and Lopez have all been told by the classification  
2 committee that they will never experience this relative freedom because Grade A or Grade B  
3 East Block is not appropriate for anyone with a gang affiliation. All plaintiffs have been told to  
4 debrief to be considered for Grade A or Grade B East Block classification.  
5

6           37.       While plaintiffs and the class languish for indeterminate periods in the  
7 Adjustment Center, they struggle daily to maintain their psychological health and to maintain  
8 some hope of relief from crushing conditions they've come to know day in and day out.

9 **B.       Unconstitutional Conditions in the Adjustment Center**

10           38.       Plaintiffs spend almost their entire days in cells that measure approximately  
11 six feet wide and nine feet long, smaller than a standard parking spot. They cannot stretch  
12 their arms the width of their cell without touching the walls. Topete, who reports spending  
13 many hours in his cell pacing, can take only two full steps from the back of his cell to the door  
14 before having to pivot and pace the other way.  
15

16           39.       The hollow steel cell doors have two slivered windows that look out onto a  
17 bleak hallway and a small locked slot that is used to deliver food to plaintiffs and to handcuff  
18 them before they are transported from their cell. The slot is caked with old food. The cells  
19 have a third window next to the door that also looks onto the same hallway. The cells have no  
20 windows to the outside. Plaintiffs have no natural light or airflow in their cells. The only  
21 glimpse at the outside comes if a plaintiff is lucky enough to have a cell on the second or third  
22 tier. The windows above the hallway of the tier, opposite the cells, are largely boarded up on  
23 the first tier, obstructing the exposure to slivers of sunlight prisoners on the first floor might  
24 otherwise have.  
25

26           40.       Temperature in the cells is uncontrolled, fluctuating from extremely hot to  
27 extremely cold. Recycled air ventilation and flush restrictions on the toilets in the cells render  
28

1 the air frequently stifling and stale.

2       41.       The cells are starkly furnished. Plaintiffs have only a steel or concrete slab  
3 bunk with a thin mattress to sleep on, and a sink-toilet combination in which to relieve  
4 themselves. There is no chair or desk in the cell. There is no locker or shelving for storage.  
5 Plaintiffs must store the property they are permitted in one of the six banker's boxes they are  
6 allowed in their cells.

7  
8       42.       Property is severely restricted in the Adjustment Center. Men are permitted  
9 only 10 books, magazines, or newspapers at one time. They cannot keep personal hygiene  
10 items in their cell, beyond toilet paper, a tooth brush, and toothpaste. After the 2013 hunger  
11 strike, CDCR permitted plaintiffs three medical items such as lotion, eye drops, or nasal  
12 spray. Plaintiffs cannot keep hygiene items in their original containers. Hygiene supplies—  
13 including liquids such as shampoo—must be stripped of packaging and placed in plastic bags.

14  
15       43.       Plaintiffs are only permitted their hygiene items during their shower. If they  
16 need an item while in their cell, they must bang on the cell door to get a guard's attention,  
17 request that he or she provide the hygiene supply to them, and hope that the guard  
18 acquiesces.

19       44.       Plaintiffs spend a maximum of nine hours a week outside of their cells for  
20 recreation. Three days a week, plaintiffs are released for three hours of exercise in a small  
21 group yard segregated by race or in walk-alone cages if they are so assigned.

22  
23       45.       In practice, however, the amount of recreation time a prisoner gets is at the  
24 discretion of the guards. Frequently, staff training, staff attenuation, incident investigations,  
25 and official tours cut short the allotted amount of yard time. Staff training throughout the  
26 month of April 2015 meant that plaintiffs received at most six hours of recreation a week.

27 Although these are the reasons often given to the prisoners, staff are not obligated to give a  
28

1 reason for cancelling yard on a given day and often do not.

2           46.       Plaintiffs cannot exercise with equipment. Where prisoners on Grade A yards  
3 have heavy bags, speed bags, medicine balls, pull up bars, dip bars, a basketball court, and  
4 tables on which to play board games provided to them, Adjustment Center yards have only  
5 the rocky pavement, a few hand balls, and an outdoor toilet and shower, which is currently  
6 unusable. Should plaintiffs or class members want to use the toilet, they must do so in view of  
7 everyone else on the yard.  
8

9           47.       Walk alone cages are about twice the size of the men's cells. They do not  
10 provide space for much physical activity. Plaintiffs assigned to the cages cannot run for  
11 exercise. A built-in toilet takes up a corner of the cage. Until the 2013 hunger strike, the walk  
12 alone cages had no equipment to assist in recreation. They now have pull up bars.  
13

14           48.       Despite the exposure, plaintiffs utilize the shower in the yard as it is the only  
15 way absent a doctor's order that they are able to take a near daily shower. However, prison  
16 staff have begun prohibiting its use due to California's drought crisis. For Roldan, showering  
17 every day is one of the few humanizing things over which he has control. The recent denial of  
18 shower on the yard means that he and the other plaintiffs and class are relegated to three  
19 showers a week and are denied the hygienic practice of washing off sweat after a work-out.  
20

21           49.       The yard has no protection from the elements, and the cages have a sheet of  
22 corrugated tin covering half of the roof. Men on the yard have no protection from the sun,  
23 wind, cold, or rain, and men in the cages have only minimal sun protection provided by the  
24 thin strip of metal. Their clothing is strongly regimented. On the yard, plaintiffs can only wear  
25 a blue denim coat or a thin sweatshirt and, at the discretion of staff, clear rain gear, leaving  
26 them with little protection against the cold or rain. In severe conditions, some plaintiffs have  
27 elected to forfeit precious yard time rather than spend three hours in extreme heat, cold, or  
28

1 wet.

2 50. Before being released for yard, plaintiffs are required to submit to an  
3 unclothed body search, whether they are going to group yard or to a walk-alone cage, where  
4 they will have no physical contact with another prisoner. Plaintiffs are then handcuffed with  
5 hands behind their backs for transport. According to O.P. 608, escort must be performed by  
6 two guards. One guard has his or her hands on plaintiffs at all times, the other walks beside  
7 the prisoners with baton withdrawn and in a strike position. Ayala consistently feels that he is  
8 seconds away from a blow with a baton; a feeling that puts him on edge in almost every  
9 encounter with guards.  
10

11 51. During their movement to and from the yard, plaintiffs must undress. They  
12 can wear only their t-shirt, boxers, socks, and slip-on rubber shoes. Plaintiffs must walk  
13 through the unit, in front of other prisoners and staff, dressed only in these minimal  
14 garments. In inclement weather, plaintiffs may wear closed toe shoes for transport to and  
15 from yard, although they must then wear leg irons when moving around the unit in shoes  
16 other than the slip-on shoes. A second unclothed body search is performed when the men  
17 leave the yard.  
18

19 52. Prisoners who are escorted in leg chains must wear the chains the entire time  
20 they are out of their cells. Myles has a medical need for handcuffs that are linked to one  
21 another to create less tension on his shoulders. As a result of the looser compression of his  
22 hands behind his back, he must be in leg chains. He is forced to wear them the entire time he  
23 is out of his cell, even when handcuffs are removed, including during visits to the law library  
24 and non-contact visits with attorneys.  
25

26 53. Plaintiffs in the Adjustment Center are transported in this manner for all  
27 movement in the unit. Men are subjected to undignified unclothed body searches before and  
28

1 after visits, medical appointments, and law library visits, even if they have no contact with  
2 another person and are under observation by guards the entire time. These searches are often  
3 performed in view of other prisoners and guards, instead of in a private setting such as a  
4 holding cell.

5  
6 54. The absence of any tables, desks, chairs, benches, or stools in the yard and in  
7 the cells means that plaintiffs are not permitted the small dignity of sitting at a table to eat or  
8 a desk to write a letter or a legal appeal. The only time plaintiffs sit in a chair with a table in  
9 front of them is during the occasional visit or when they attend the law library, which occurs  
10 once every four to six weeks.

11  
12 55. When writing letters to loved ones, Roldan kneels on his shower shoes and  
13 uses his bunk as a table. Ayala fashions a seat out of the banker's boxes where he keeps his  
14 property. Gonzales and Topete sit on a blanket on the floor of their cells and write on their  
15 beds. For Topete, who has chronic back pain, sitting in that position becomes excruciating  
16 after 15 minutes. As a result, he can only write and research in brief increments.

17  
18 56. Other than their bunks, plaintiffs have no surface on which to spread  
19 paperwork, such as legal materials. Each table surface plaintiffs have access to is small and  
20 narrow, making research and writing exceptionally difficult.

21  
22 57. Plaintiffs are denied any opportunity for personal enrichment in the  
23 Adjustment Center. They may not participate in educational or vocational courses. They are  
24 not permitted to work within the prison. There is no recreational programming. There are no  
25 group religious services, and individual religious services are conducted by a chaplain through  
26 the closed doors of their cells. They cannot order arts and crafts supplies, listen to music on  
27 compact discs, or learn to play an instrument. While plaintiffs have access to books, they are  
28 not granted access to the library. Their books come from a cart shelved with limited reading



1 material confiscated from other prisoners in the unit. Some men have televisions and radios if  
2 they were able to purchase them during their one annual opportunity. Despite the welcome  
3 distraction of TV and radio, enrichment is still restricted. The educational channels on the  
4 televisions are limited, and antennas to enhance the quality of the radio signal are forbidden.

5  
6 58. Plaintiffs may listen to their television and radio only through clear plastic ear  
7 buds, which have cords four feet in length. This forces the men to remain almost completely  
8 stationary while listening to the television or radio.

9 59. Listening to television or the radio is plaintiffs' only escape from the excessive  
10 noise in the unit. Sounds echo throughout the Adjustment Center. Security gates and cell  
11 doors constantly slam open and close. The sound of keys jingling on the belts of guards is  
12 constant. Prisoners shout to one another through sealed cell doors in desperate attempts to  
13 communicate or to alert one another to administration announcements. On a regular basis,  
14 prisoners can be heard screaming and yelling in fits. Some days, according to Myles, all you  
15 can hear all day long is screaming, hollering, and banging from prisoners who can no longer  
16 endure the isolation. High ceilings and the enclosed steel cells in the unit amplify this noise.  
17 The cacophony continues throughout the day and night.

18  
19 60. A new security check system adds regularly to the excessive noise on the unit.  
20 The Guard One security system is designed to account for guards' suicide checks in cells. The  
21 system employs a hand-held wand and a sensor affixed to cell doors that must connect to  
22 register an encounter. Every 30 minutes, guards must visually check on the well-being of each  
23 prisoner in the Adjustment Center and then touch the end of the wand to the sensor as  
24 confirmation that the check was completed.

25  
26 61. In practice, guards unnecessarily slam the wand against the sensor, creating a  
27 loud bang against the cell door. If the sensor fails to register the first time, guards slam the  
28

1 wand subsequent times. Plaintiffs experience this all through the night, waking up each time  
2 there is a bang against the door.

3 62. The new system has frayed plaintiffs' nerves. Plaintiffs experience near  
4 constant anxiety in their tiny cells in anticipation of the banging against their doors.

5 63. The noise makes sleep elusive. Many plaintiffs wake up every time the Guard  
6 One check is conducted, resulting in sleep for 30 minute increments at best. Topete is  
7 awakened every time the Guard One check is performed. The noise and sudden jostling out of  
8 sleep causes his heart to race and makes it difficult for him to resume sleep. At times when  
9 Ayala is awakened by these checks, his mind races with obsessive thoughts so overwhelming  
10 that he cannot fall back to sleep.

11 64. Lopez requested that the sensors be moved to the walls to the side of the doors  
12 in the hope that it would reduce the noise created by the hollow door, but CDCR officials  
13 refused to relocate the sensors because placement on the cell doors was within the  
14 manufacturers' design and compliant with departmental procedure.

15 65. Ayala says the sleep deprivation makes him agitated and immediately angry at  
16 any little thing. Lopez feels drained of energy all the time. Topete experiences exhaustion  
17 daily as a result of his constantly interrupted sleep.

18 66. Plaintiffs do not receive adequate nutrition. Meals in the unit are often served  
19 cold and on dirty trays. The portions are small and at times rotten or inedible. They are  
20 predominately comprised of food that is starchy and high in sodium. Lunch almost every day  
21 consists of bologna or salami and sandwich bread. Myles, who has high blood pressure,  
22 nevertheless receives these high in sodium meals daily. Plaintiffs attempt to supplement their  
23 daily meals with food from the commissary. However, they are limited to \$55 a month and  
24 are the last group in the cycle to make purchases. As a result, their food supply is very limited,  
25  
26  
27  
28

1 and most men report regular hunger pangs.

2           67.       Guards take advantage of the small rations by using food as currency to  
3 persuade prisoners to perform jobs around the unit or to skip showers on busy days. Roldan,  
4 Lopez, and Ayala have all been offered an extra tray of food in exchange for cleaning the  
5 shower or the yard toilet and sink, jobs that are supposed to be performed by guards. Myles is  
6 often so hungry that he will accept additional food in exchange for skipping a shower, leaving  
7 him to bathe using his sink in his cell.  
8

9           68.       The deleterious effects of these deprivations are exacerbated by plaintiffs'  
10 extreme social isolation. Plaintiffs are permitted only minimal social contact through group  
11 yard and non-contact visits with family.

12           69.       The social contact on group yards is wrought with its own complexities.  
13 Plaintiffs assigned to a group yard are assigned to one of three race-based options: the  
14 southern Hispanic and White yard, the northern Hispanic and Black yard, and the  
15 "integrated" yard. As a result, the little socialization the men are permitted is limited to  
16 interaction only within their ethnic group as perceived and assigned by CDCR.  
17

18           70.       The minimal social contact plaintiffs on the group yards receive does not come  
19 without consequence. Plaintiffs working out with other prisoners often receive informational  
20 chronos or disciplinary write-ups citing the work-out as gang activity. Myles, who is offered  
21 placement on a group yard in committee, declines the assignment and stays in a walk alone  
22 cage in order to remain free from the gang allegations that unavoidably come from exercising  
23 on a group yard. Prisoners who do exercise on group yards soon find that these allegations are  
24 used as evidence to keep plaintiffs in the Adjustment Center. Only prisoners on the integrated  
25 yard are typically free from this consequence. Even prisoners perceived as exercising together  
26 while in the walk-alone cages receive write-ups for their workouts.  
27  
28

1           71.       Other than group yard, plaintiffs are restricted from any other group activity.  
2 Plaintiffs can never eat together, work together, learn together, or pray together. Roldan  
3 worries that by even simply greeting another prisoner, he will be accused of gang behavior.

4           72.       Plaintiffs are denied all but the most minimal social contact with family.  
5 Telephone calls are prohibited, except in cases of emergency. In the event of an emergency,  
6 plaintiffs may be permitted a brief phone call at the sole discretion of prison staff. Topete was  
7 denied a phone call to his family in 2013 when his grandmother died. Ayala's parents have  
8 both died since he has been in the Adjustment Center. When his mother died 10 years ago, he  
9 was permitted a 10-minute phone call with his family. Five years ago, when his father passed  
10 away, he was allowed to use the phone for just five minutes. Roldan was permitted only five  
11 minutes to talk to his family when his father died in 1998 and when his mother had triple  
12 bypass surgery in 2000. Lopez was denied a condolences call to his family when his cousin  
13 died in a May 2015 natural disaster because the cousin was not considered immediate family,  
14 despite the fact that Lopez lived with the cousin's mother during his childhood and helped to  
15 care for the cousin as if a younger brother.  
16

17           73.       Visits from loved ones are severely limited as well. Plaintiffs may only have  
18 non-contact visits with family and friends. The partition between them means that plaintiffs  
19 cannot touch or hug or kiss their family members. Plaintiffs are denied the most basic sense  
20 of normalcy that comes from embracing a loved one or taking comfort in their familiar scents.  
21 Myles dwells on the fact that he can no longer draw strength from grasping his family's hand  
22 and that he can no longer remember what it is like to love and be loved by his family. Topete's  
23 seven-year-old daughter constantly asks why her daddy cannot come out from behind the  
24 window during visits.  
25

26           74.       When plaintiffs' families do make the journey to SQSP, they are limited to one  
27  
28

1 hour visits. Predictably, some of the exceedingly brief visit is taken up with a discussion about  
2 any updates plaintiffs have on their capital appeals, leaving even less time for meaningful  
3 socialization. Grade A prisoners are permitted two and a half hour long contact visits with  
4 their family members, and if a family member travels further than 400 miles, additional time  
5 may be arranged.<sup>2</sup> Plaintiffs are permitted extra time with family only at the discretion of  
6 prison staff and only if there is space in one of the visiting booths. In practice, an extension of  
7 the hour does not often occur.  
8

9         75. Visitation is infrequent and inconsistent. Plaintiffs may only visit with family  
10 on the weekends and occasionally on Thursday mornings. There are only five non-contact  
11 booths in which plaintiffs can see their families, and their use is sometimes shared by other  
12 non-AC prisoners in San Quentin. The long distances families must travel, restricted  
13 visitation hours, and minimal booth availability mean that most plaintiffs are denied any  
14 regular social intimacy with their families.  
15

16         76. While visitation should be an affirming experience for plaintiffs and loved  
17 ones, it remains another opportunity for plaintiffs' dehumanization and humiliation. Despite  
18 being denied all physical contact with their family members, plaintiffs are strip searched  
19 before arriving in their sealed booth for the visit and again at its conclusion. Plaintiffs' family  
20 members often experience problems entering the facility. Topete's daughter, five years old at  
21 the time, was forced to remove her costume on Halloween because the pants for the costume  
22 were deemed too tight. If guards are late bringing plaintiffs to their visits, that time comes out  
23 of the duration of the visit. When a visit conflicts with yard, plaintiffs must sacrifice their  
24 entire three hours of recreation for one hour with their loved ones.  
25

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26  
27         <sup>2</sup> This is significant as the majority of prisoners sentenced to death received their  
28 sentences from Los Angeles, Orange, San Bernardino, San Diego, and Riverside counties.

1           77.       Some families find the whole visitation process so upsetting that they no  
2 longer come to visit. Myles has seen his mother only once since he was moved to the  
3 Adjustment Center, 11 years ago. Ayala struggles with his family's inability to understand the  
4 emotional and physical anguish he experiences being chained up and strip searched before he  
5 can visit them. As a result, he has asked his family to limit how often they come to visit.  
6 Roldan and his family are so distressed by the visitation procedure that they choose to  
7 communicate solely through letters and pictures.  
8

9           78.       Written correspondence is slow and censored. Social mail can take up to a  
10 month to reach plaintiffs. Guards have wide discretion to confiscate letters, pictures, and  
11 reading material sent through the mail before plaintiffs have an opportunity to review it.  
12 These delays and omissions compound plaintiffs' feelings of disconnectedness fostered by the  
13 minimal visitation permitted and the complete deprivation of social telephone calls.  
14

15           79.       Plaintiffs suffer from serious medical conditions that are caused or  
16 exacerbated by their confinement in the Adjustment Center. Medical care is limited in the  
17 unit and plaintiffs are unable to see appropriate specialists and receive diagnoses on a regular  
18 basis. Further, punishment and perceived security needs are put before plaintiffs' health care  
19 in even the most blatantly unnecessary ways.  
20

21           80.       Lopez, for example, is in constant pain following a surgical procedure to repair  
22 a hernia. After the surgery he experienced more pain and asked to see a specialist for almost a  
23 year. He was finally sent to a pain management specialist in 2014. The specialist at UCSF  
24 recommended a consultation for a second surgery, but he has not received it. Further, his  
25 pain management medication was taken from him as punishment for saving a pill to take in  
26 the evening, when his pain was worse. Instead of managing his intake through better  
27 monitoring or by crushing the pill and mixing it with water as is sometimes done in  
28

1 correctional settings, the medication that minimally controlled his pain was discontinued.

2 81. Three hours after knee surgery, Myles was returned to the unit and forced to  
3 walk up stairs to his second tier cell. He remained on the second tier following the surgery,  
4 despite the difficulty and pain associated with climbing up and down. His knee took more  
5 than twice as long to heal as he was advised it would, and he still experiences pain in his knee  
6 from the poor aftercare. He is denied effective pain medication to manage his residual pain.  
7

8 82. Defendants are directly responsible for the stark conditions at the Adjustment  
9 Center and for the degree to which the conditions are compounded by other punitive  
10 measures, including a pattern and practice of a coercive denial of standard medical care.

11 83. Punishment in the unit is demonstrative of the stark and inhumane conditions  
12 suffered by plaintiffs daily. When an indefinitely confined prisoner who is subjected daily to  
13 this social isolation and enforced idleness is found guilty of a rules violation, the penalties  
14 prescribed are the definition of draconian. Plaintiffs can be punished by the denial of all  
15 recreation access, almost complete removal of property, and total confinement to their cells.  
16

17 84. Property restriction, a punishment assessed frequently against plaintiffs for  
18 not following orders or talking back to custody officers, results in all property being removed  
19 from the prisoner's cell save a single box of legal materials. Plaintiffs are denied all  
20 appliances, all books, all clothing in excess of state issue, and all commissary purchases. They  
21 are not permitted calendars or devices to tell time while on property control. All personal  
22 address books are removed, restricting what friends and families they can write to during this  
23 time. Plaintiffs serve out this punishment in deep despair and disorientation.  
24

25 85. Property control is commonly assessed for 90 days, at a minimum. But  
26 plaintiffs have experienced property control in extreme excess of that. Beginning in 2011,  
27 Ayala was on property control for over a year as a result of a single infraction.  
28

1           86.       Plaintiffs confined to their quarters may leave only for showers and legal  
2 visits. Although this restriction is reviewed after 10 days, plaintiffs may remain confined to  
3 their cells for long periods at the discretion of the Warden. Each plaintiff has experienced this  
4 severe punishment for relatively minor infractions. Topete was confined to his quarters as  
5 punishment for allegedly possessing a hand-written note. Roldan, Gonzales, and Myles have  
6 all been punished in this manner for weeks on end, often as part of group-based punishments  
7 where they themselves were not accused of or found guilty of breaking a rule.  
8

9           87.       Race plays a large role in the degradation plaintiffs experience at the hands of  
10 staff. Ethnicity is at the forefront of their alleged association with prison gangs. Plaintiffs are  
11 subject to taunting, racial slurs, harassment during and about unclothed body searches, and  
12 mockery from guards. Most plaintiffs have had occasion to file a staff complaint based on  
13 guards' treatment of them. However, no plaintiffs' staff complaint has ever resulted in  
14 punishment for staff.  
15

16           88.       Further, guards have wide discretion to punish plaintiffs. They can discipline  
17 plaintiffs for an action or behavior that has been permitted in the past. Roldan was punished  
18 for possession of a staple that was affixing his appeal to an official response, which was  
19 provided to him by guards. They can also write and include functionally uncontestable  
20 informational chronos in plaintiffs' files. Plaintiffs live with the constant knowledge that,  
21 despite their compliance with rules, their jailers have almost complete and unchecked control  
22 over their release from the Adjustment Center.  
23

24           89.       The extreme deprivations of plaintiffs' basic human needs are CDCR policy  
25 and implemented and executed by the Warden of SQSP with the knowledge and consent of  
26 CDCR officials.  
27  
28



1 **C. Due Process and Plaintiffs' Retention in the Adjustment Center**

2 90. Upon admission to the condemned program, all prisoners are housed in the  
3 Adjustment Center. Newly admitted prisoners remain in the Adjustment Center for 30 to 90  
4 days awaiting initial classification. At the initial classification meeting, prisoners receive a  
5 Grade A or Grade B determination, a housing unit, and a yard assignment.  
6

7 91. Overwhelmingly, prisoners with alleged gang affiliations receive Grade B  
8 designation without regard to their actual behavior and remain in the Adjustment Center.

9 92. Notably, the alleged gang affiliation that keeps plaintiffs in the abysmal  
10 conditions of the Adjustment Center does not stem from active gang behavior or misconduct  
11 in prison. For some, their affiliations on the outside are used as justification for their  
12 retention in the Adjustment Center. For example, Gonzales and Myles are alleged to have ties  
13 to street gangs. Although none of the men are accused of activity in prison in furtherance of  
14 their street gang affiliation, the classification committee uses their alleged ties as a reason to  
15 deny them reprieve from the Adjustment Center.  
16

17 93. Other plaintiffs have been accused of allegiance to prison gangs. However, the  
18 condemned unit has no process and no quality control measures to verify that plaintiffs or the  
19 class are allied with these gangs. Further, the condemned unit has no process or quality  
20 control measures for assessing whether plaintiffs and the class remain active participants in  
21 prison gangs. As a result, plaintiffs and the class are often assessed as having gang allegiances  
22 because of their ethnicity and the region in which they grew up.  
23

24 94. Once retained in the Adjustment Center, prisoners receive a "review" of their  
25 classifications by the classification committee approximately every 90 days. The "review,"  
26 however, is not substantive. Plaintiffs in the Adjustment Center have no program to  
27 demonstrate their compliance with gang prohibitions, no metric by which their actions can be  
28

1 assessed. As a result, their retention is at best, arbitrary, and at worst, a certainty.

2 95. Instead of a substantive review of a plaintiff's suitability for retention or  
3 release, classification committee meetings are a rigid four step process that rarely deviates.  
4 Plaintiffs are brought before the committee in handcuffs. They remain bound the whole time.  
5 Two officers stand over plaintiffs for the duration, one with a raised baton and one close  
6 enough to maintain a hand on the plaintiff's shoulder. Then the meeting begins.  
7

8 96. First, a psychologist asks plaintiffs if they want to hurt themselves or hurt  
9 others. This inquiry is performed in front of the entire committee. Plaintiffs are then asked  
10 what, if any, program change they are seeking. The classification committee then reviews  
11 plaintiffs' files and reads aloud portions of the record. What follows is either the outright  
12 denial of plaintiffs' requests or the assignment of arbitrary requirements outside of plaintiffs'  
13 control.  
14

15 97. During these reviews, it is clear to plaintiffs that avoiding disruptive or violent  
16 behavior while in the Adjustment Center will never be enough to ensure their release. Many  
17 plaintiffs have not received even a minor disciplinary write-up in years. Indeed, some  
18 plaintiffs have not received a disciplinary write-up during their entire time in the Adjustment  
19 Center.  
20

21 98. For example, Roldan has been discipline-free since his confinement to the  
22 Adjustment Center, with the exception of the write-up for the hunger strike. Gonzales too has  
23 received only one write up, for the hunger strike, but otherwise remains free from disciplinary  
24 infractions during his time in the Adjustment Center. Lopez has not received a disciplinary  
25 write up affecting his classification status in over 10 years, save his write up for the hunger  
26 strike.  
27

28 99. Indeed, instead of analyzing disciplinary records and plaintiffs' actual

1 behavior, classification committees focus on unsubstantiated “evidence” of gang affiliation.  
2 Topete, Ayala, and Roldan were told that men who are gang affiliated are not suitable for  
3 Grade B East Block or Grade A. For this reason, the classification committee is a meaningless,  
4 perfunctory process for plaintiffs.

5           100. This unsubstantiated evidence comes from informational chronos and  
6 confidential memoranda. Unlike disciplinary write-ups, where a prisoner is entitled to a  
7 hearing where he can contest accusations and call witnesses to testify on his behalf, the  
8 issuance of informational chronos and confidential memoranda has no attendant process.  
9 There is no requirement that a rule be violated in order to receive one, and there is no  
10 mechanism to challenge the accusations or the veracity of their content. Plaintiffs can file a  
11 grievance over an issuance of an informational chrono or confidential memo, but no plaintiff  
12 has been successful in having one removed from his record.  
13

14           101. These documents are relied upon heavily, and in some cases exclusively, to  
15 retain a plaintiff in the Adjustment Center.  
16

17           102. On March 19, 2015, Ayala received an informational chrono for working out in  
18 an organized fashion. This chrono included a note stating that it would be used to show gang  
19 “activity” and that he is not able to reclassify to Grade A as a result.

20           103. In a particularly Kafkaesque demonstration of this process, Gonzales was  
21 accused through confidential memorandum of remaining intentionally disciplinary free in  
22 Grade A status, ultimately to receive and smuggle contraband back into the Adjustment  
23 Center by committing a disciplinary infraction. This memo is used to justify his retention in  
24 the Adjustment Center at each classification meeting.  
25

26           104. Despite informational chronos or confidential memoranda often being void of  
27 any actual behavior-based allegations, plaintiffs remain indefinitely confined to the  
28

1 Adjustment Center due to the material within them.

2 105. Ever present is the final option, indeed the only real option, for release from  
3 the Adjustment Center, which is to debrief.

4 106. The pressure to debrief is constant for plaintiffs whether or not they are  
5 validated gang affiliates. At every classification committee meeting, plaintiffs are told to  
6 debrief in exchange for consideration for Grade A placement.

7 107. Debriefing is extremely dangerous for plaintiffs. Informants are put at great  
8 risk of retaliation in prison. They are assaulted and sometimes killed as a result of their  
9 perception as snitches. Worse, in the eyes of many plaintiffs, the family members of  
10 informants can be targeted if the informant is somehow difficult to reach. Should plaintiffs  
11 debrief, they are putting themselves and their families at great risk of harm or death.

12 108. The risk of debriefing for the condemned is compounded by their active cases.  
13 Each plaintiff and most class members are actively appealing their commitment offences.  
14 Debriefing, however, requires plaintiffs to discuss all facts of the cases that led to their  
15 incarceration and answer questions about all aspects of their lives that prison officials deem  
16 relevant. Any information collected from this process can be used against the plaintiffs or  
17 other class member in their appeals. To combat this practice, plaintiffs' appointed capital  
18 counsel have written the Warden at San Quentin requesting that a prisoner's declination to  
19 speak about his case not be used against him in classification meetings. These appeals have  
20 fallen on deaf ears.  
21

22 109. Lopez feels that every time officials ask him to debrief, it is as though they are  
23 asking him to lie down and die.

24 110. Validated prisoners such as Topete, Lopez, and Ayala are doomed to die  
25 without ever leaving the Adjustment Center. This is because they are denied inactive reviews.  
26  
27  
28

1 Unlike validated prisoners in other institutions, plaintiffs will never outlive their validations  
2 as gang affiliates as long as they remain condemned. They will never be given the opportunity  
3 to demonstrate that they are not active in a gang and that their behavior does not merit their  
4 label as gang affiliates.

5  
6 111. Plaintiffs are given no notice about what behavior will keep them confined in  
7 the Adjustment Center and what they can do to earn their way out. In an October 2014  
8 classification chrono, it is documented that Topete's gang affiliation was the reason he would  
9 remain in the Adjustment Center. However, in February 2015, when recommended for formal  
10 Indeterminate Grade B status, the committee told him that gang behavior is not an offense  
11 that would subject him to Grade B status. Later, in March 2015, Ayala received an  
12 informational chrono that said men with accusations of gang behavior would not be suitable  
13 for removal from Grade B status.

14  
15 112. The despair and distress of the process means that many in the Adjustment  
16 Center elect to not attend classification meetings. Plaintiffs have come to experience  
17 classification meetings as the practice of having decades old bad acts read aloud, hearing  
18 accusations that they are violent gang members without any means of challenging the  
19 accusations, and having their ability to speak against their classification curtailed. Myles  
20 refuses to attend any 90-day classification meetings because he feels like the process of  
21 announcing anonymous evidence against him and rehashing all of his past rules violations  
22 with no meaningful opportunity to address the violations or discuss the ways in which he has  
23 progressed is designed solely to provoke anger.

24  
25 113. For plaintiffs, classification hearings are simply a reminder to debrief or  
26 remain in solitude, with only the recitation of unsubstantiated evidence against them and no  
27 meaningful review of the factors that are said to have resulted in plaintiff's confinement in the  
28

1 Adjustment Center.

2 **D. Mental Health in the Adjustment Center**

3 114. Confinement in the Adjustment Center strips plaintiffs of more than just their  
4 essentials of life and dignity. Plaintiffs experience excruciating and unrelenting mental  
5 anguish, pain, and suffering resulting from their extreme isolation.  
6

7 115. The treacherous effect of long-term solitary confinement on the mental and  
8 physical health of human beings is long-studied and well-documented. Solitary confinement  
9 studies show clearly that isolation causes significant harm to an individual's mental health  
10 and places individuals at substantial risk of serious psychological harm.

11 116. Prisoners subject to extreme isolation suffer from a host of psychological  
12 disorders, including anxiety and nervousness, headaches, lethargy and chronic tiredness,  
13 trouble sleeping, obsessive ruminations, and oversensitivity to stimuli as a result of that  
14 isolation.  
15

16 117. Plaintiffs all exhibit signs and symptoms of the psychological damage  
17 resulting from their isolation. Further, as plaintiffs and the class remain confined in the  
18 Adjustment Center indefinitely, they remain at substantial risk of further harm to their  
19 mental health and mental and physical well-being.

20 118. Due to their prolonged confinement and the constant noise from guards,  
21 prisoners, and security checks, plaintiffs suffer from chronic sleeplessness and insomnia.  
22 Ayala frequently gets just three to four hours of broken sleep a night. When he is woken up by  
23 any one of the raucous noises that persist though the night, obsessive thoughts and paranoia  
24 about the reason he was wakened prevent him from falling back asleep. Lopez wakes at every  
25 noise close to his cell, making a sound night's sleep impossible for him. As a result, he is less  
26 able to cope with the rampant indignity and dehumanization of life in the Adjustment Center.  
27  
28

1 Myles has his sleep interrupted at least five times a night from excessive noise and from  
2 officers performing security checks by shining a flashlight in his eyes. He also feels less able to  
3 cope with the realities of his confinement as a result of the deprivation. He additionally  
4 experiences memory loss from a lack of sleep.

5  
6 119. Plaintiffs experience choking frustration as a result of the solitary conditions  
7 in the Adjustment Center, the uncertainty of the length of confinement, and the attendant  
8 injustice and helplessness they feel at being trapped in isolation with no mechanism through  
9 which they can earn their way out. Despite its persistence, plaintiffs work consistently to  
10 suppress the frustration they feel. They know any outward expression that could be perceived  
11 as anger could lead to a disciplinary write-up resulting in grave punishments. Worse still, it  
12 could be used to further justify their indefinite confinement in the Adjustment Center.

13  
14 120. While the justifiable frustration created by their isolation is ever-present in  
15 plaintiffs, they feel numb to other emotions. Plaintiffs often do not feel happiness or sadness.  
16 They cannot draw upon emotions when they visit with their loved ones. This emotional  
17 numbness further entrenches the men in their isolation, straining the only socially intimate  
18 connections they have.

19  
20 121. Myles says that most of the time, he feels nothing. At times, he is even  
21 grateful for the numbness, because the times when he does feel, frustration and despair are  
22 constant. Feeling nothing, he says, is easier in a place like this.

23  
24 122. Plaintiffs experience difficulty with concentration and memory. Roldan feels  
25 unable to focus and reflect on anything during his day. Ayala struggles to remember simple  
day to day tasks.

26  
27 123. Human touch has also become foreign to plaintiffs. Myles says that every time  
28 a guard or prisoner puts a hand on him, he gets the highly anxious feeling reminiscent of

1 being grabbed by a complete stranger. Roldan detests being touched by anyone and goes to  
2 great lengths to avoid it.

3       124.       Plaintiffs' become obsessive in their isolated confinement. Ayala and Gonzales  
4 both note that their minds run constantly, often running through all the possible reasons for a  
5 particular event in the Adjustment Center, such as the cancellation of yard. These  
6 ruminations sometimes keep them awake through the night. Gonzales has obsessive-  
7 compulsive tendencies. He sweeps and mops the floor of his cell before each time he leaves.  
8 Roldan, Topete, and Myles also obsessively clean their surroundings. Gonzales feels that he  
9 must wash his hands every time he is forced to touch something outside of his cell.

10  
11       125.       Despite these predictable and observable developed maladies, plaintiffs have  
12 little to no access to mental health services in the Adjustment Center. On occasion, guards will  
13 ask mental health staff to check on a particular prisoner. This contact is performed through  
14 the prisoner's cell door and is overheard by guards and neighbors. As a result of the lack of  
15 confidentiality in the interaction and the potential for professed mental health symptoms to  
16 be used negatively by guards and other prisoners, plaintiffs are reluctant to share any mental  
17 health concerns.

18  
19       126.       Although without access to services and diagnoses, plaintiffs are acutely  
20 aware of the deep fundamental changes to their experience of their own normalcy. Many  
21 plaintiffs report that they observe their mental deterioration. Ayala does not remember what  
22 it is like to exist without his symptoms.

23  
24       127.       The only mental health contact plaintiffs consistently have is the two  
25 questions prisoners are asked at the beginning of the classification meetings. This too is  
26 conducted in front of prison staff and outside of any confidential setting.

27       128.       Confidential meetings, when they do occur, happen in a cramped and filthy  
28



1 booth. Plaintiffs and class members are strip-searched before and after the appointment,  
2 which adds to the mental anguish that led them to seek help.

3         129. Plaintiffs' symptoms are predictable and expected in an isolated environment.  
4 In addition, the conditions under which plaintiffs can expect to receive mental health care  
5 result in a constructive denial of care, which exacerbates plaintiffs' daily symptoms.  
6 Defendants are aware of these issues and permit them to continue.  
7

8 **E. Class Allegations**

9         130. Plaintiffs bring this action on their own behalf and, pursuant to Rules 23(a),  
10 23(b)(1), and 23(b)(2) of the Federal Rules of Civil Procedure, on behalf of all prisoners who  
11 are now serving, or will in the future serve, indeterminate sentences in the Adjustment Center  
12 at San Quentin State Prison on the basis of unverified and uncontestable gang affiliation  
13 allegations, none of whom have been or will be afforded meaningful review of their  
14 confinement, in violation of the Due Process Clause of the Fourteenth Amendment.  
15

16         131. Plaintiffs also bring this action on their own behalf and on behalf of all  
17 prisoners who are now, or will be in the future, imprisoned by defendants in the Adjustment  
18 Center under the conditions and pursuant to the policies described herein for an indefinite  
19 period. Such imprisonment constitutes cruel and unusual punishment within the meaning of  
20 the Eighth Amendment.  
21

22         132. The class is so numerous that joinder of all members is impracticable. Fed. R.  
23 Civ. P. 23(a)(1). As of April 2015, there were 93 condemned men imprisoned in the  
24 Adjustment Center. Plaintiffs and the class comprise the majority of this group. Upon  
25 information and belief, these men have been denied meaningful notice and review, and thus  
26 fit the class definition. All have been subjected to cruel and unusual punishment.

27         133. The class members are identifiable using records maintained in the ordinary  
28

1 course of business by CDCR.

2 134. All class members are suffering the deprivation of at least one basic human  
3 need due to their prolonged confinement in the Adjustment Center, including mental and  
4 physical health, physical exercise, sleep, nutrition, normal human contact, meaningful  
5 activity, and environmental stimulation. In addition, all class members are suffering  
6 significant mental and physical harm. While the exact nature of those harms may differ in  
7 some respects for each prisoner, the source of the harm complained of here is the same –  
8 namely, defendants' policies and practices in placing the class of prisoners for a lengthy  
9 period of time in conditions of confinement shown to cause serious mental and physical  
10 harm.  
11

12 135. In addition, all prisoners placed in the Adjustment Center face a common risk  
13 of suffering even more serious mental harm caused by their retention in the Center for such a  
14 lengthy period of time.  
15

16 136. There are questions of law and fact common to the members of the class.  
17 Those questions include, but are not limited to:

- 18 a) Whether prolonged and indefinite confinement in the Adjustment Center under the  
19 conditions and policies maintained by the defendants objectively constitutes cruel and  
20 unusual punishment prohibited by the Eighth Amendment.  
21  
22 b) Whether defendants have been deliberately indifferent to the mental and physical  
23 suffering incurred by the plaintiff class.  
24  
25 c) Whether incarceration under the conditions and policies imposed by defendants  
26 results in constitutionally cognizable harm, or presents a constitutionally unacceptable  
27 risk of harm.  
28  
29 d) Whether a legitimate penological reason exists for defendants to incarcerate

1 condemned prisoners indefinitely in the conditions described herein simply because  
2 they are members or associates of a gang, without demonstrating that they are  
3 currently engaged in or have been recently engaged in some illegal or wrongful gang-  
4 related or other misconduct.

5  
6 e) Whether the conditions in the Adjustment Center and the policies imposed by  
7 defendants on all prisoners housed therein constitute an atypical and significant  
8 hardship compared to the ordinary incidents of prison life.

9  
10 f) Whether defendants deny prisoners incarcerated in the Adjustment Center  
11 meaningful, periodic review of their confinement as required by the Due Process  
12 Clause of the Fourteenth Amendment by: (1) failing to provide them with notice of  
13 what they can do to get released from the Adjustment Center apart from risking their  
14 lives and safety and that of their families by debriefing; (2) providing misleading notice  
15 that they can become eligible to be released from the Adjustment Center by becoming  
16 an “inactive” gang member or associate and refraining from any gang activity, when in  
17 fact prisoners who are not involved in any current gang activity are still routinely  
18 retained in the Adjustment Center; and 3) making a predetermination that many  
19 prisoners will stay in the Adjustment Center until they either die or debrief, thus  
20 rendering the classification reviews meaningless.

21  
22 g) Whether Defendants fail to provide timely meaningful review of prisoners’  
23 imprisonment in the Adjustment Center by engaging in 90-day reviews that do not  
24 substantively review whether the prisoners should be retained in the Adjustment  
25 Center and therefore are meaningless, and providing no so-called “inactive” review.

26 137. Defendants are expected to raise common defenses to these claims, including  
27 denying that their policies and practices violate the Constitution.  
28

1           138.       The claims of the plaintiffs are typical of those of the plaintiff class, as their  
2 claims arise from the same policies, practices, courses of conduct, and conditions of  
3 confinement, and their claims are based on the same legal theories as the class' claims. The  
4 cause of the named plaintiffs' injuries is the same as the cause of the injuries suffered by the  
5 rest of the class, namely defendants' policies and practices.  
6

7           139.       Plaintiffs are capable of fairly and adequately protecting the interests of the  
8 plaintiff class because plaintiffs do not have any interests antagonistic to the class. Plaintiffs,  
9 as well as class members, seek to enjoin the unlawful acts, policies, and practices of  
10 defendants. Indeed, some of the named plaintiffs have already served as de facto  
11 representatives of the class by presenting the demands of hunger strikers to defendants  
12 during the hunger strike of 2013. Finally, plaintiffs are represented by counsel experienced in  
13 civil rights litigation, prisoners' rights litigation, and complex class litigation.  
14

15           140.       This action is maintainable as a class action pursuant to Fed. R. Civ. P.  
16 23(b)(1) because the number of class members is numerous, and prosecution of separate  
17 actions by individuals would create a risk of inconsistent and varying adjudications, which in  
18 turn would establish incompatible standards of conduct for defendants. Moreover, the  
19 prosecution of separate actions by individual members is costly, inefficient, and could result  
20 in decisions with respect to individual members of the class that, as a practical matter, would  
21 substantially impair the ability of other members to protect their interests.  
22

23           141.       This action is also maintainable as a class action pursuant to Fed. R. Civ. P.  
24 23(b)(2) because defendants' policies and practices that form the basis of this Complaint are  
25 generally applicable to all the class members, thereby making class-wide declaratory and  
26 injunctive relief appropriate. Common questions of law and fact clearly predominate within  
27 the meaning of Rule 23(b)(2) as set forth above. Class treatment provides a fair and efficient  
28

1 method for the adjudication of the controversy herein described, affecting a large number of  
2 persons, the joinder of whom is impracticable.

3 **V. CLAIMS FOR RELIEF**

4 **First Cause of Action: Eighth and Fourteenth Amendments**

5 **(Cruel and Unusual Punishment)**

6  
7 142. Plaintiffs incorporate by reference each and every allegation contained in the  
8 preceding paragraphs as set forth herein.

9 143. Plaintiffs advance this claim on their own behalf, and on behalf of the class,  
10 against all defendants.

11 144. By their policies and practices described herein, defendants have imposed  
12 serious deprivations and continue to impose serious deprivations on the plaintiffs and the  
13 class of the minimal civilized measure of life's necessities and have violated their basic human  
14 dignity and their right to be free from cruel and unusual punishment under the Eighth and  
15 Fourteenth Amendments to the United States Constitution for each of the reasons set forth  
16 below.

17  
18 **A. Deprivation of basic human needs**

19 145. First, the cumulative effect of the horrendous and wrenching conditions of  
20 confinement combined with the extremely prolonged isolation deny each plaintiff at least one  
21 basic human need, including but not limited to normal human contact, environmental and  
22 sensory stimulation, mental and physical health, physical exercise, sleep, nutrition, and  
23 meaningful activity.

24  
25 **B. Imposition of serious psychological and physical injury, pain and suffering**

26 146. Second, the deprivation of these basic human needs for a prolonged period  
27 causes plaintiffs and the class serious psychological pain and suffering and permanent  
28

1 psychological and physical injury. In addition to plaintiffs' current psychological and physical  
2 pain, the likelihood that plaintiffs and the class will remain in the Adjustment Center for the  
3 foreseeable future subjects plaintiffs and the class to a significant risk of serious harm to their  
4 psychological and physical health.

5  
6 **C. Adjustment Center confinement designed to coerce plaintiffs to provide information**

7 147. Third, defendants' policies and practices of isolating plaintiffs and the class in  
8 the harsh conditions of the Adjustment Center is not legitimately related to security or other  
9 penological needs, but rather designed to unjustifiably punish plaintiffs and the class for their  
10 alleged associations and to coerce them into becoming informants for the State. The policy  
11 and practice of holding plaintiffs and the class in prolonged isolation and subjecting them to  
12 extreme deprivations of basic human needs with the threat that they will debrief or die in  
13 those conditions is intolerable and an affront to modern standards of decency. It is cruel and  
14 unusual punishment for defendants to coerce plaintiffs and the class to provide information  
15 on other prisoners—if they indeed have any such information—by indefinitely confining them  
16 in crushing and punitive conditions that constitute an atypical and significant hardship,  
17 unless they so inform.  
18

19  
20 148. Prisoners who debrief or otherwise inform for the State—or those who are  
21 even perceived to have informed—suffer a substantial risk of serious harm to their own  
22 physical integrity and well-being as well as that of their loved ones from the palpable threat of  
23 retaliation by prisoners and gangs upon whom the prisoner informs. The combination of the  
24 stifling conditions in the Adjustment Center, the policies and practices designed to coerce  
25 prisoners to debrief, the lack of any effective means of obtaining release from the Adjustment  
26 Center without debriefing, and the substantial risk of serious harm if one does debrief, puts  
27  
28

1 prisoners in an untenable position and constitutes an unconstitutional threat to the safety of  
2 prisoners confined in the Adjustment Center in violation of the Eighth and Fourteenth  
3 Amendments to the Constitution.

4 **D. Disproportionate punishment**

5 149. Fourth, defendants' policies and practices of indefinite and prolonged  
6 confinement in the Adjustment Center imposes disproportionate punishment on plaintiffs  
7 and the class. Defendants have no legitimate penological interest in retaining prisoners  
8 indefinitely in the debilitating conditions of the Adjustment Center simply because they are  
9 alleged to be gang members or associates, without recent, serious disciplinary or gang-related  
10 infractions. Nor are the policies or practices rationally related to legitimate security needs.  
11 Defendants' decades-long infliction of significant psychological harm and the risk of future  
12 debilitating harm on these prisoners simply for allegedly being gang members or associates  
13 offends civilized society's sense of decency, constitutes an intolerable practice in modern  
14 society, and is a disproportionate punishment that violates the Eighth and Fourteenth  
15 Amendments to the Constitution.  
16  
17

18 **E. Deprivation of human dignity in violation of contemporary standards of**  
19 **decency**

20 150. Finally, defendants' continuation of plaintiffs' isolation for many years under  
21 debilitating and extreme conditions and deprivations strips human beings of their basic  
22 dignity and humanity in violation of contemporary standards of decency and constitutes cruel  
23 and unusual treatment as prohibited by the Eighth and Fourteenth Amendments to the  
24 United States Constitution.

25 151. That California's policies and practices violate modern standards of human  
26 decency is evidenced by the fact that those policies and practices are unusual as compared to  
27  
28

1 other states' segregation practices and as compared to the length of time a prisoner on  
2 California's death row can expect to experience these conditions as compared to other states'  
3 death rows. Virtually no other state uses mere gang association or membership to confine  
4 prisoners to segregated housing. Plaintiffs and the class are subject to unusually harsh  
5 conditions of confinement even in comparison with other death rows, such as windowless  
6 cells and a lack of telephone access to call loved ones, for years and in some cases for decades  
7 longer than prisoners on other states' death rows.  
8

9 152. That California's practices with respect to the plaintiff class violate  
10 contemporary standards of human decency and dignity is also evidenced by the international  
11 community's condemnation of the practice of prolonged and indefinite solitary confinement  
12 under very harsh and stifling conditions such as exist in the Adjustment Center and their  
13 condemnation of separate and harsher treatment of prisoners on death row. Such  
14 condemnation is reflected in international treaties such as the Convention Against Torture  
15 and the International Covenant on Civil and Political Rights, decisions and declarations of  
16 international bodies, customary international law, and decisions of regional and national  
17 courts.  
18

19 **F. Defendants deliberate indifference to the deprivations suffered by**  
20 **plaintiffs**

21 153. The policies and practices complained of herein have been and continue to be  
22 implemented by defendants and their agents, officials, employees, and all persons acting in  
23 concert with them under color of state law, in their official capacity.

24 154. Defendants have been and are aware of all the deprivations complained of  
25 herein and have condoned or been deliberately indifferent to such conduct.  
26

27 155. It should be obvious to defendants and to any reasonable person that the  
28



1 conditions imposed on plaintiffs and the class for many years cause tremendous mental  
2 anguish, suffering, and pain to such prisoners. Moreover, defendants have repeatedly been  
3 made aware through administrative grievances, a hunger strike, and written complaints that  
4 plaintiffs and class members are currently experiencing significant and lasting injury.  
5 Defendants have been deliberately indifferent to plaintiffs' pain and suffering.  
6

7 156. Indeed, defendants have deliberately and knowingly caused such pain to  
8 unjustifiably punish plaintiffs and in an effort to force plaintiffs and the class to become  
9 informants.

10 **Second Cause of Action: Fifth and Fourteenth Amendments**  
11 **(Due Process)**

12 157. Plaintiffs incorporate by reference each and every allegation contained in the  
13 preceding paragraphs as set forth herein.  
14

15 158. Plaintiffs advance this claim on their own behalf, and on behalf of the class,  
16 against all defendants.

17 159. Defendants have deprived plaintiffs and the class of a liberty interest without  
18 due process of law by denying them meaningful and timely periodic review of their prolonged,  
19 continued, long-term, and indefinite detention in the Adjustment Center and meaningful  
20 notice of what they must do to earn their release and to be subject to the same conditions as  
21 other condemned prisoners at SQSP, in violation of the Fifth and Fourteenth Amendments to  
22 the United States Constitution.  
23

24 160. The conditions and the duration of defendants' confinement of plaintiffs and  
25 the class in the Adjustment Center constitutes an atypical and significant hardship as  
26 compared with the ordinary incidents of prison life due to the exceeding harshness and  
27 isolation of the conditions in the Adjustment Center and the unconscionably long duration of  
28

1 confinement in the Adjustment Center.

2       161.       The conditions in the Adjustment Center are unduly harsh and do not  
3 generally mirror those conditions imposed upon prisoners in segregated housing or in other  
4 units on California's death row. These harsh conditions include but are not limited to:  
5 isolation in cells that are sealed off from contact with other prisoners, the lack of windows in  
6 cells, a prohibition on social phone calls, no contact visits and very limited visiting hours, no  
7 or minimal educational or general programming, exercise facilities that are void of nearly all  
8 recreational equipment, food which is inferior to that served to other prisoners in California  
9 prisons and on California's death row, and denial of standard medical and mental health care.

10  
11       162.       Plaintiffs have been held in the crushing conditions described above for years,  
12 and often for decades, with no meaningful hope of release and no functional procedure by  
13 which to earn their way out. Plaintiffs are condemned and sentenced to remain in this single  
14 place until they die. This shockingly lengthy confinement void of any meaningful process for  
15 release is atypical in comparison to the ordinary disciplinary and administrative segregation  
16 imposed in California.  
17

18       163.       Because indefinite placement in the Adjustment Center constitutes a  
19 significant and atypical hardship, plaintiffs and the class are entitled to meaningful notice of  
20 how they may alter their behavior to achieve Grade B East Block and Grade A classifications,  
21 as well as meaningful and timely periodic reviews to determine whether they still warrant  
22 detention in the Adjustment Center.  
23

24       164.       Defendants have denied and continue to deny any such notice or meaningful  
25 review by: (1) failing to provide prisoners with notice of what they can do to be released from  
26 the Adjustment Center apart from providing information that they do not have or risking  
27 their life and safety and that of their families by debriefing; (2) providing misleading notice  
28

1 that they can become eligible to be released from the Adjustment Center by refraining from  
2 engaging in any gang activities, when in fact prisoners who are not involved in any current  
3 gang activity are still routinely retained in the Adjustment Center; (3) making a  
4 predetermination that many prisoners will stay in the Adjustment Center until they either die  
5 or debrief, thus rendering the periodic reviews substantively and procedurally meaningless.

6  
7 165. Defendants are also violating plaintiffs' due process rights by retaining  
8 plaintiffs and the class in conditions that amount to an atypical and significant hardship  
9 without legitimate penological interest, as this detention occurs without reliable evidence that  
10 plaintiffs and the class are committing any acts on behalf of a prison gang and are thus active  
11 gang members.

12 166. Defendants are capable of providing plaintiffs and the class with meaningful  
13 review of their initial placement and prolonged detention in the Adjustment Center and of  
14 placing prisoners whose actual conduct does not require isolation in the Adjustment Center in  
15 other units housing the condemned at minimal cost and without sacrificing defendants'  
16 legitimate interests in maintaining safety and orderly conditions in the units housing the  
17 condemned at SQSP.  
18

19 **PRAYER FOR RELIEF**

20 Plaintiffs and the class they represent have no adequate remedy at law to redress the  
21 wrongs suffered as set forth in this complaint. Plaintiffs have suffered and will continue to  
22 suffer irreparable injury as a result of the unlawful acts, omissions, policies, and practices of  
23 defendants, as alleged herein, unless plaintiffs and the class they represent are granted the  
24 relief they request. The need for relief is critical because the rights at issue are paramount  
25 under the United States Constitution.  
26

27 WHEREFORE, the named plaintiffs and the class they represent request that this  
28

1 Court grant them the following relief:

- 2 a. Declare that the suit is maintainable as a class action pursuant to Federal Rule of Civil  
3 Procedure 23(a) and 23(b)(1) and (2);
- 4 b. Declare that defendants' policies and practices of confining prisoners in the Adjustment  
5 Center violate the Eighth and Fourteenth Amendments to the United States Constitution;
- 6 c. Issue injunctive relief ordering defendants to present a plan to the Court within 30 days of  
7 the issuance of the Court's order providing for:

- 8
- 9 i. The release from the Adjustment Center of those prisoners whose term in  
10 the Adjustment Center are indefinite, or the assignment of a definite  
11 confinement period based on actual disciplinary infractions of which the  
12 prisoner has been found guilty, which is proportional to the severity of  
13 the infraction;
- 14
- 15 ii. Alleviation of the conditions of confinement in the Adjustment Center so  
16 that prisoners no longer are incarcerated under conditions of isolation,  
17 sensory deprivation, lack of social and physical human contact, and  
18 environmental deprivation;
- 19
- 20 iii. Meaningful review of the continued need for confinement in the  
21 Adjustment Center of all prisoners currently housed in the Adjustment  
22 Center within six months of the date of the Court's order; and
- 23
- 24 iv. Meaningful review of Adjustment Center confinement for prisoners  
25 housed in the Adjustment Center in the future;

26 d. Award Plaintiffs the costs of this suit, and reasonable attorneys' fees and litigation  
27 expenses pursuant to 42 U.S.C. § 1988, and other applicable law;

28 e. Retain jurisdiction of this case until defendants have fully complied with the orders of this

1 Court, and there is a reasonable assurance that defendants will continue to comply in the  
2 future absent continuing jurisdiction; and

3 f. Award such other and further relief as the Court deems just and proper.  
4

5 Dated June 17, 2015

SIEGEL & YEE

6 By:   
7

Dan Siegel

8 Attorneys for Plaintiffs  
9 BOBBY LOPEZ, et al.  
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