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8
9 UNITED STATES CENTRAL DISTRICT COURT

10 STATE OF CALIFORNIA

11 June Mayfield aka Deshawn
12 Williams,

13 Plaintiff

14 vs.

15 County of San Bernardino, County
16 of San Bernardino Sheriff Does 1-
17 5,

18 Defendants

) Case No.:
) COMPLAINT FOR DAMAGES
) - **42 U.S.C. Section 1983 and**
) **1988:**
) State Created Danger;
) Failure to Protect;
) - **Monell:**
) - Custom/Practice/Policy;
) Failure to Train;
) - State Law Claims: Negligence;
) Intentional Infliction of
) Emotional Distress;
) -
)

19 DEMAND FOR JURY TRIAL
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21

22
23 **NATURE OF ACTION**
24

25 1. This is an action for money damages brought pursuant to 42 U.S.C.
26 Sections 1983 and 1988, the Eighth and the Fourteenth Amendments of
27 the United States Constitution and the California Constitution against the
28

1 County of San Bernardino (DCSB), San Bernardino County Sheriff Does
2 1-5 (DOES). DCSB and DOES collectively together will be referred to
3 as DEFENDANTS. Individual Defendant will be referred to as Doe 1.
4

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6
7 **PRELIMINARY STATEMENTS**

- 8 2. Plaintiff June Mayfield aka Deshawn Williams (PJM) was a pretrial
9 inmate at the West Valley detention facility in the County of San
10 Bernardino.
11
- 12 3. PJM was injured due to the DEFENDANTS' failure to provide safety and
13 failing to stop harm that they reasonably knew was going to occur.
14
- 15 4. DEFENDANTS have sole control over the opening and shutting of
16 security doors.
17
- 18 5. DEFENDANTS facilitate and contribute to repeated attacks by inmates
19 against inmates by their control over the security doors.
20
- 21 6. This custom/policy/practice (CPP) of opening and/or not securing
22 security doors causes insecurity amongst the inmates, including PJM,
23 and this CPP results in inmates being physically harmed.
24
- 25 7. These CPPs run contrary to the duty of care a jailer owes to the prisoner
26 and the special relationship that exists between them.
27
28

1 8. This is a civil action seeking damages against the DEFENDANTS for
2 committing acts under color of law and depriving PJM of rights secured
3 by the Constitution and laws of the United States (42 U.S.C. § 1983).
4 The rights deprived are 1.) due process right to be free from violence
5 from other inmates and 2.) constitutional right to be free from a
6 government employee affirmatively placing PJM in a position of actual,
7 particularized danger.
8

9
10
11 9. DEFENDANTS together acted with a deliberate indifference to a known
12 and obvious danger.
13

14 10. PJM brings this action against all the DEFENDANTS under the
15 Eighth and Fourteenth Amendments of the United States Constitution
16 and the Civil Rights Act of 1871, as codified at 42 U.S.C. § 1983, for
17 injuries suffered due to the DEFENDANTS' substantial and deliberate
18 indifference to their health and safety.
19

20
21 11. PJM brings this action against the DEFENDANTS, for monetary
22 damages to redress all their individual injuries resulting from
23 DEFENDANTS' negligence, deliberate indifference, failure to protect
24 and purposeful acts.
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1 12. PJM states claims against the DEFENDANTS for breach of duties
2 imposed upon them by the Constitution of the State of California and for
3 duties imposed upon them by the common law.
4

5 13. Due to the number of current pending lawsuits against the DCSB
6 involving harm to inmates by other inmates and the failure to protect,
7 which has continuing unabated, DEFENDANTS have constructive and
8 actual notice of the longstanding, pervasive, well-documented custom,
9 habit, and practice of allowing inmate-on-inmate violence, facilitating it,
10 and showing a deliberate indifference toward a substantial risk of harm
11 to PJM.
12
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15 14. The following similar cases are examples of DCSB's custom and
16 unwritten policy facilitating inmate on inmate violence in its jails and
17 provide notice of the problems:
18

19 a. Solis v. West Valley 5:15-1005 – filed 5/21/2015 – inmate alleged
20 request made for protective custody, request denied, and inmate
21 placed in general population whereupon he was beat up by 3
22 inmates on 2 separate occasions and later put into protective
23 custody. Pro se dismissed for procedural reasons.
24
25

26 b. Thomas v. County of San Bernardino 5:15-cv-02323 – filed
27 11/11/2015 - 18-year-old 100-pound inmate who was
28

1 developmentally and physically disabled was placed in a 2-man
2 cell at West Valley and killed by a 22-year-old 200-pound man with
3 known violent propensities and prior assaults with inmates and
4 staff while in custody.
5

6
7 c. Clay v. San Bernardino – No. EDCV 19-00032-AG(DFM) –

8 originally filed 6/2/2016 - security door opened allowing Clay to be
9 attacked and stabbed by other inmates while Sheriff Deputies
10 watched and failed to intervene.
11

12 d. Thomas v. County of San Bernardino 5:19-cv-00167 – filed

13 1/28/2019 – Deputies purposefully put an inmate who plaintiff was
14 testifying against in a cell with him, knowing he would be attacked,
15 whereby he was in fact sliced with a weapon in his abdomen area,
16 broke his wrist, busted his lip and deputies failed to stop the attack
17 and watched. The District Attorney had even warned the Sheriff's
18 department to not allow the two inmates, "any room together,
19 holding cell, county bus, transportation to and from court, for safety
20 and security of the plaintiff." Sheriff Department deemed the event
21 an accident during the grievance process.
22

23
24 e. McGhee vs. San Bernardino County 5:19-cv-00910-VBF-JC, - filed

25
26 5/15/2019 - inmate attacked by weapon received stiches and
27
28

1 bandages and alleged a long-standing practice of allowing
2 prisoners to roam freely and to attack other prisoners. Pro se case
3 dismissed on procedural grounds.
4

5 f. Bookman v. San Bernardino, EDCV 19-cv-1012 JGB (KKx) – filed
6 6/3/2019 - inmate stabbed by another prisoner while in protective
7 custody and alleged pattern and practice of letting prisoners roam
8 freely unsupervised despite information regarding threats. Guards
9 were warned about possible attack by Plaintiff. Pro se dismissed
10 on procedural grounds because no Monell claim filed although
11 Court found enough pled for failure to protect.
12
13
14

15 g. Martinez v. County of San Bernardino 5:19-cv-2057 – filed
16 10/25/2019 - inmates allege that deputies encouraged inmates to
17 fight in an involuntary fight club and deputies would intimidate and
18 scare inmates into fighting. These deputies were later charged
19 and convicted. Settled.
20
21

22 h. Covarrubias v. SCS Trujillo, EDCV 20-1456-JFW (JPR) – filed
23 7/1/2020 - inmate at West Valley placed by Sheriff Deputies on
24 three separate occasions into a room with rival enemies or
25 Deputies opened his cell door whereafter the inmate was injured.
26 Pro se dismissed on legal sufficiency grounds.
27
28

- 1 i. Estate of Michael McCormack v. County of San Bernardino, 5:21-
2 cv-00148- filed 1/25/2021 - wrongly housed mentally ill inmate at
3 West Valley killed by violent inmate with previous known violent in-
4 custody disputes. Monell dropped as not adequately pled.
5
6 j. Manago v. Martinez – No. 5:21-CV-01939 MCS(KES) – filed
7 11/10/2021 - Manago alleges mixing of different classifications of
8 inmates contrary to jail policy to encourage inmate on inmate
9 violence.
10
11 k. Townsend v. Deputies No. EDCU 22-0525-VBF (JPR) – filed
12 3/24/2022 - security door opened allowing Townsend to be
13 attacked by inmates while in protective custody.
14
15 l. Pedro Hernandez vs. San Bernardino County, 5:22-cv-01101-
16 JGB-SP – filed 7/1/2022 - inmate at West Valley was injured with
17 broken vertebrae during a second race riot that was preventable
18 as the Sheriffs didn't separate the races after the first race riot.
19
20 m. Mateo D. v. County of San Bernardino, 5:22-cv-1357 – filed 8/1/22
21 - wrongly housed severely mentally ill inmate at West Valley killed
22 when placed in a 2-man cell with a violent inmate with prior history
23 of violence in custody. Dismissed with leave to amend Monell
24 failings.
25
26
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1 n. Villa v. County of San Bernardino- 5:22-cv-01538-DSF-JC – filed
2 8/31/2022- Plaintiffs Villa and Morales were stabbed by an inmate
3 and the DCSB failed to intervene though they could have, failed to
4 protect and they created this danger by facilitating and allowing
5 these actions.
6

7
8 o. Alvarado v. County of San Bernardino - 2:23-cv-02641 – filed
9 4/7/2023 - whereby protected inmates were stabbed and attacked
10 by general population inmates because the DCSB facilitated
11 access and physical and emotional harm happened thereafter. In
12 these incidents this DCSB and employees failed to intervene and
13 that case is associated with this case per Order of the Court.
14

15
16 p. Baltierra v. County of San Bernardino – 5:23-cv-00931-DSF-JC –
17 filed 5/23/2023 – whereby inmates were attacked when other
18 inmates were allowed into the tier, that should not have been
19 there, and the deputies purposefully initially failed to monitor what
20 was going on to allow the attack to unfold.
21

22
23 q. Perris Lee v. County of San Bernardino – 5:23-cv-02446-SHK an
24 inmate was able to attack inmate Lee after a guard opened a door,
25 granting access.
26
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1 15. Hector Gaona in the Alvarado case gave prior actual notice of threats
2 to his safety when he was previously attacked while in protected custody
3 by inmates that should have been segregated from him and by filing a
4 grievance thereafter. He was attacked a second time by inmates who
5 should not have had access to him.
6
7

8 16. Each Government-official Defendant's, official, and individual actions,
9 has violated the Constitution.
10

11 17. The alleged constitutional deprivations are the product of a policy or
12 custom of San Bernardino County of putting inmates in purposeful,
13 preventable danger without any consequences.
14

15 18. DEFENDANTS are aware of the need to keep certain categories of
16 inmates separated.
17

18 19. There is a permanent and well-settled practice by San Bernardino
19 County in not protecting inmates which gave rise to the alleged
20 constitutional violations.
21

22 20. DEFENDANTS have been aware and are aware the inmates have
23 the ability to pop doors themselves or cause security doors not close.
24

25 21. DEFENDANTS know of the need to manually check doors to ensure
26 their security.
27
28

1 22. DEFENDANTS have a habit, custom and thereby policy of housing,
2 placing, or combining inmates, that should be separated and segregated
3 from each other, together in the same cell, area or allowing unauthorized
4 access. The death or great bodily injury of one by the other happens
5 thereafter and this custom presents a substantial known risk of serious
6 harm. DEFENDANTS consistently fail to take reasonable measures to
7 abate this harm, which allows inmate on inmate violence to occur again
8 and again and again.
9
10
11

12 23. DCSB's officials, management and employees were intentional, by,
13 without limiting other acts and behaviors: failing to follow its established
14 safety procedures; failing to protect PJM from harm from other inmates;
15 failing to provide necessary and appropriate security measures and
16 maintenance in keeping security doors closed to prevent access for the
17 safety, welfare and protection of PJM; failing to monitor the cameras in
18 the control booth, ignoring them on purpose, and/or watching and failing
19 to act.
20
21
22

23 24. The DEFENDANTS violated PJM's constitutional rights and were
24 negligent or intentional by, without limiting other acts and behaviors;
25 breach of its duty of care PJM by: (1) not monitoring inmates and not
26 following established protocols for doing such; (2) failing to properly
27
28

1 keep inmates segregated that are known to have acted violently in the
2 past; (3) failing to provide sufficient gate maintenance at the unit where
3 PJM is housed; (4) failing to follow its established safety procedures in
4 keeping racially segregated inmates away from each other; (5) failing to
5 provide necessary and appropriate security measures in stopping
6 inmate on inmate attacks; (6) failing to implement a classification system
7 and corresponding housing plan for inmates at the West Valley
8 detention center to keep inmates separated and, (7) failing to provide
9 necessary and appropriate security measures necessary for the safety,
10 welfare and protection of PJM.
11
12
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14

15 25. PJM suffered physical and emotional injuries and deprivation of his
16 constitutional rights because of the DEFENDANTS' actions.
17

18 26. PJM was further disciplined after being attacked due to the
19 DEFENDANTS actions.
20

21 27. PJM is entitled to reasonable costs and attorney's fees under 42 U.S.C.
22 1988.
23

24 28. Under San Bernardino County policy for door security 6.505.00,
25 inmates are unable to leave one secured area to enter another without a
26 staff member opening a door. Security doors shall remain closed unless
27 authorized personnel are passing through. Staff shall take precautions
28

1 to ensure all persons are clear for movement prior to opening or closing
2 doors and gates. Staff shall not open any door until the person
3 requesting entry or exit has been identified.
4

5 29. San Bernardino County policy for door security 6.505.00 was not
6 adhered to, resulting in injury to PJM.
7

8 30. Under San Bernardino County policy for inmate grievances 12.230.00
9 an administrative or criminal investigation is not completed if there is
10 misconduct by a staff Member of the jail if a Facility Commander or
11 designee is notified of such an event unless for an allegation of sexual
12 abuse and harassment.
13
14

15 31. San Bernardino County policy 12.230.00 shows that the Defendant
16 shows substantial indifference to the known and obvious danger of
17 facilitating inmate on inmate violence by not criminally or administratively
18 investigating such occurrences.
19
20

21 32. Exposing an inmate to attack by another inmate shows that
22 DEFENDANTS are in fact deliberately indifferent to the risk of harm to
23 the inmate, in this case, PJM.
24

25 33. The harm PJM was in danger of suffering was objectively serious; The
26 harm was in fact serious resulting in being attacked and severe
27 emotional distress.
28

1 34. DOES 1- 5 were acting within the scope of his employment when he
2 facilitated and/or allowed PJM to be attacked by other inmates.
3

4
5 **JURISDICTION AND VENUE**
6

7 35. This Court has jurisdiction over the federal civil rights claim pursuant to
8 28 U.S.C. §§ 1331 and 1343 under the federal question doctrine. This
9 Court has supplemental jurisdiction over the state-law claims pursuant to
10 28 U.S.C. § 1367(a).
11

12 36. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and (c).
13

14 37. This action is filed under the Eighth and Fourteenth Amendments to the
15 United States Constitution, pursuant to 42 U.S.C. § 1983, under
16 California Law and under common law, to redress injuries suffered by
17 PJM at the hands of DEFENDANTS.
18

19 38. DEFENDANTS are responsible for the opening, closing, security and
20 maintenance of the gates and units in question.
21

22 **PARTIES**
23

24 39. Defendant San Bernardino County is a California municipal
25 corporation that acts through individuals to establish its policies and that
26 is capable of being sued under California Law.
27

28 40. DCSB is an entity under the jurisdiction of San Bernardino County.

1 41. At all times mentioned herein and at all other relevant times, DOES 1-
2 5 were employed by the Department acting within the course and scope
3 of his employment as a DCSB employee at the time of the incident and
4 is sued herein in both his official and personal capacities.
5

6
7 42. PJM is an individual, and at all times mentioned herein was a citizen
8 of the United States of America and a resident of the County of San
9 Bernardino while incarcerated at San Bernardino County West Valley
10 Detention Center located at 9500 Etiwanda Ave. Rancho Cucamonga
11 CA 91739.
12
13
14

15 **STATEMENT OF FACTS GIVING RISE TO PJM's CAUSES OF ACTION**

16 43. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
17 if set forth herein and further states that:
18

19 44. At the time of the incident, PJM was incarcerated at San Bernardino
20 County West Valley jail located at 9500 Etiwanda Ave. Rancho
21 Cucamonga CA 91739.
22

23 45. On July 8, 2023, at approximately 7:12 AM, inmates Luis Martinez,
24 Manuel Guterrewz and Steven Lagunas were able to "pop" their cell
25 doors from their bottom tier and together beat, attack and stab PJM.
26
27
28

1 46. PJM was stabbed multiple times due to the incident, causing him to
2 be sent to the hospital.
3

4 47. PJM was further disciplined for 20 days after being attacked.

5 48. The inmate discipline report against PJM states that Deputy N. Perez
6 J4517 saw the incident from while sitting down in Unit 5's bubble.
7

8 49. N. Perez does not mention PJM's stabbing in the discipline report.

9 50. N. Perez does not report how the inmates were able to "pop" their
10 doors in his discipline report.
11

12 51. Inmates should not be able to open their jail cell doors themselves.
13

14 52. DEFENDANTS owed PJM a duty under the law to protect him from
15 harm as his jailer.
16

17 53. PJM was attacked because a door was purposely or negligently not
18 secured by DOES.
19

20 54. PJM was placed in protective custody after the attack, which
21 heightened his fear of being attacked further. This caused a constant
22 fear of his security, increased anxiety and paranoia.
23
24

25 **COUNT 1 – Violation of 14th Amendment – Due Process – State-**

26 **Created Danger**
27
28

1 55. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
2 if set forth herein and further states that:
3

4 56. DOES breached its duty of care to Plaintiff through “deliberate
5 indifference” toward a substantial risk to the Plaintiff’s health or safety by
6 failing to secure security doors. These acts were a known and obvious
7 danger of not providing the proper maintenance to control the opening or
8 closing of a security door in a high security unit.
9

10
11 57. DOES committed an affirmative act by not ensuring thee security
12 doors were secure.
13

14 58. By DOES allowing the door to be opened, or by failing to close the
15 appropriates doors, that inaction or action placed Plaintiff in a position of
16 an actual, particularized danger by creating and exposing the Plaintiff to
17 a danger that he would not have otherwise faced.
18

19 59. DOES acted with deliberate indifference to a known and obvious
20 danger by allowing it to be opened without their control, and then by
21 failing to take any action to timely protect PJM from attacking inmates;
22 DOES control the opening and closing of the security doors and DOES
23 were late to intervene to stop the attack.
24

25
26 60. DOES' failure to take appropriate action and their purposeful
27 affirmative action not controlling the door, created the actual,
28

1 particularized dangers which caused injury to the Plaintiff that was
2 foreseeable and in fact resulted in physical and emotional harm to the
3 Plaintiff.
4

5 61. The DEFENDANTS' common practice of placing inmates needlessly
6 in detrimental situations caused the Plaintiff to be attacked and thereby
7 caused his emotional and physical injuries and DOES are thereby liable
8 for compensatory damages under 42 U.S.C. Section 1983.
9

10
11 62. Plaintiff further claim all of Plaintiff's attorney's fees and costs
12 incurred and to be incurred in Plaintiff's presenting, maintaining, and
13 prosecuting this action under 42 U.S.C, 1988.
14

15 63. The action of the Defendants are/were willful, wanton, oppressive,
16 malicious, fraudulent, and extremely offensive and unconscionable to
17 any person of normal sensibilities, and therefore warrants the imposition
18 of exemplary and punitive damages as to Defendants.
19
20
21

22 **COUNT 2 – Violation of 14th Amendment – Pretrial Detainee's Claim of**

23 **Failure to Protect**
24

25 64. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
26 if set forth herein and further states that:
27
28

1 65. DOES deprived the Plaintiff of particular rights under the Fourteenth
2 Amendment by a purposeful failure to provide necessary and
3 appropriate security measures in keeping security doors secure and
4 failing to attempt to stop an attack by an inmate.
5

6
7 66. DOES made an intentional decision regarding the conditions under
8 which the Plaintiff was confined by not controlling the opening of a door
9 of an inmate who thereafter attacked PJM.
10

11 67. The opening of a security door housing a high security inmate of a
12 different race put PJM at substantial risk of suffering serious physical
13 and emotional harm, which in fact did occur.
14

15 68. DOES did not take any reasonable available measures to abate or
16 reduce that risk, even though a reasonable officer in the circumstances
17 would have appreciated the high degree of risk involved in not
18 maintaining control of the security doors and in ignoring attacks—
19 making the consequences of the defendant's conduct obvious; and
20
21

22 69. By not taking the measures to abate or reduce the risk, DOES
23 caused the Plaintiff's injuries.
24

25 70. The injury to the Plaintiff was caused by a failure of DOES to provide
26 necessary and appropriate security for the safety, welfare, and
27 protection of Plaintiff in violation of the laws of the Constitution and
28

1 procedures governing the operation of DOES by allowing security doors
2 to be unsecured, not segregating inmates sufficiently and/or allowing
3 high security inmates to roam unsecured causing the injury to PJM.

4
5 71. The Plaintiff re-alleges and incorporates paragraphs 60-63 regarding
6 Plaintiff's request for damages and attorneys' fees as if set forth herein
7 this Court.
8

9
10
11 **COUNT 3 – 1983 MONELL: MUNICIPALITY LIABILITY FOR**
12 **CUSTOM/PRACTICE/POLICY; FAILURE TO TRAIN**

13
14 **(PJM vs. DCSB)**

15 72. PJM re-alleges and incorporates the foregoing paragraphs as if set
16 forth herein and further states that:

17
18 73. PJM was deprived of constitutional rights – namely a.) due process
19 right to be free from violence from other inmates and b.) constitutional
20 right to be free from government employees affirmatively placing PJM in
21 a position of actual, particularized danger and/or not doing anything to
22 stop inmate-on-inmate violence when being in a position to stop it or
23 failing to intervene; DEFENDANTS deprived PJM of these constitutional
24 rights in this matter.
25
26
27
28

1 74. DCSB and its employees have a custom of allowing, facilitating,
2 encouraging, and failing to defend against inmate-on-inmate violence as
3 alleged in this Complaint and Paragraphs 7, subsections a-q and 8;
4 Each case cited involves placing inmates in a position of peril and/or
5 Defendants failing to protect inmates from other inmates and/or being
6 the in-fact cause of inmate-on-inmate violence. PJM alleges
7 DEFENDANTS allowed, facilitated, encouraged and/or failed to defend
8 or intervene against the attacks against PJM in this matter.
9
10
11

12 75. DCSB's policy/custom regarding inmate-on-inmate violence amounts
13 to deliberate indifference to the plaintiff's constitutional right by turning a
14 blind eye to inmate-on-inmate violence, facilitating it, encouraging it,
15 watching it and not stopping it from happening or slowly reacting to it on
16 a regular basis as alleged in this Complaint and Paragraphs 7,
17 subsections a-q and 8; DEFENDANTS showed deliberate indifference to
18 the PLAINTIFF constitutional rights by facilitating the attacks in this
19 matter as alleged.
20
21
22

23 76. DCSB's custom/policy regarding inmate-on-inmate violence, as
24 alleged in this Complaint and Paragraphs 7, subsections a-q and 8, was
25 the moving force behind the constitutional violation because PJM would
26 not have been injured or attacked but for the DCSB's continuing actions;
27
28

1 PJM was injured and attacked because of the actions of the
2 DEFENDANTS in allowing prisoners to free roam unsecured and
3 consistently allowing access for inmates to attack other inmates.
4

5 77. DCSB's current custom/policy regarding inmate-on-inmate violence is
6 untenable, unconstitutional, and illegal and represents the opposite of
7 the duty imposed on municipalities to reasonably protect those in its
8 custody.
9

10
11 78. DOES acted under color of state law.

12 79. DCSB's custom/policy regarding inmate-on-inmate violence as
13 alleged in this Complaint and Paragraphs 14, subsections a-p and 15
14 have been so consistent and widespread that it should be considered a
15 permanent and well-settled policy because the DCSB and their
16 employees keep repeating the pled actions and will not stop without
17 intervention.
18

19
20 80. DCSB's custom/practice/policy of pitting inmates against each other
21 and failing to protect inmates is of a sufficient duration, frequency, and
22 consistency that the conduct has become a traditional method of
23 carrying out policy.
24

25
26 81. DCSB has consistently failed to train its deputies on stopping inmate
27 violence before it happens and when they know or should know it is
28

1 going to occur. The training policies of the DCSB's were not adequate to
2 prevent violations of law by its employees as they have a duty to protect
3 inmates from violence nor was there adequate training to handle the
4 usual and recurring situations with which they must deal.

6
7 82. DCSB was deliberately indifferent to the substantial risk that its
8 policies were inadequate to prevent violations of the law by its
9 employees in protecting inmates.

10
11 83. DCSB was deliberately indifferent to the known or obvious
12 consequences of its failure to train its employees adequately.

13
14 84. DCSB's failure to prevent violations of law by its employees in not
15 protecting inmates from violence and the failure to provide adequate
16 training caused the deprivation of the plaintiff's rights by DOES.

17
18 85. DCSB's failure to prevent law violations and to train played a
19 substantial part in bringing about or causing the injury or damage to
20 PJM.

21
22 86. These policies, customs, practices and failure to train were the
23 moving force and the reason behind DOES's violations in PJM'
24 constitutional rights.

25
26 87. Considering the duties assigned to DOES, the need for more or
27 different training is so obvious, and the inadequacy so likely to result in
28

1 the violation of constitutional rights, that the policymakers of the DCSB
2 can reasonably be said to have been deliberately indifferent to the
3 constitutional rights of PJM.
4

5 88. In addition to the series of similar events, the conduct alleged within
6 this complaint falls within the narrow range of circumstances that makes
7 a particular showing of obviousness. Allowing inmates access to other
8 inmates for an unlawful purpose is against department policy.
9

10
11 89. PJM re-alleges and incorporates paragraphs 60-63 regarding
12 Plaintiff's request for damages and attorneys' fees as if set forth herein
13 this Court.
14

15
16 **COUNT 4 – Negligence**
17

18 90. The Plaintiff re-alleges and incorporates the foregoing paragraphs as
19 if set forth herein and further states that:
20

21 91. DEFENDANTS breached its duty of care to the Plaintiff by allowing
22 an inmate under the care and custody of the San Bernardino Sheriff's
23 Department to attack PJM and by failing to protect PJM by failing to
24 timely intervene.
25

26 92. DEFENDANTS breached its duty of care to the Plaintiffs by failing to
27 follow its established safety procedures resulting in PJM being attacked.
28

1 93. Due to the actions of a San Bernardino Sheriff's Deputy, doors were
2 not properly maintained, operated and/or secured;
3

4 94. DEFENDANTS' officials, management and employees violated
5 plaintiff's constitutional rights and were negligent by, without limiting
6 other acts and behaviors: breach of its duty of care to Plaintiffs by
7 negligently: (1) allowing prisoners access to weapons; (2) failing
8 properly to screen and segregate inmates known to have acted violently
9 in the past; (3) failing to follow its established safety procedures; (4)
10 failing to provide necessary and appropriate security measures by
11 negligently or purposefully leaving security doors unsecured; (5) failing
12 to develop and implement a classification system and corresponding
13 housing plan for inmates at the detention facility; (6) failing to either use
14 technology to observe attacks or choosing to not stop the attack.
15
16
17
18

19 95. Due to the doors being unsecured, PJM was attacked and sustained
20 preventable physical, psychological, and emotional damage.
21

22 96. The Plaintiff re-alleges and incorporates paragraphs 60-63 regarding
23 Plaintiff's request for damages and attorneys' fees as if set forth herein
24 this Count.
25

26 **COUNT 5- Emotional Distress**
27
28

1 97. The Plaintiffs re-alleges and incorporates the foregoing paragraphs
2 as if set forth herein and further states that:
3

4 98. DEFENDANTS engaged in outrageous conduct with an intent to or a
5 reckless disregard of the probability of causing PJM to suffer emotional
6 distress by facilitating an inmate-on-inmate attack by not securing doors
7 which allows inmates' access to attack.
8

9 99. As a direct, proximate, and foreseeable result, PJM suffered severe
10 emotional distress from physical and emotional trauma induced by
11 DEFENDANTS and the outrageous conduct was the cause of the
12 emotional distress suffered.
13
14

15 100. The actions of the DEFENDANTS that caused the injury did so either
16 purposefully or negligently.
17

18 The Plaintiff re-alleges and incorporates paragraphs 60-63 regarding
19 Plaintiff's request for damages and attorneys' fees as if set forth herein this
20 Count.
21

22 101. Attorney's Fees are requested on All Counts as the Prevailing Party.
23

24 //

25 WHEREFORE, the PLAINTIFF demands judgment against each and every
26 Defendant individually and jointly as DEFENDANTS and prays for relief as
27 follows as to each above Count or Charge:
28

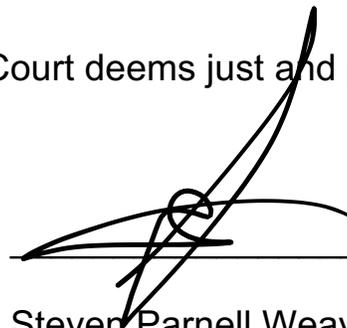
1 1.)Compensatory damages in an amount according to proof, which is
2 fair, just, and reasonable.

3
4 2.)Punitive and exemplary damages under federal and California law, in
5 an amount according to proof and in an amount which is fair, just, and
6 reasonable against DOES as allowable by law.

7
8 3.)All other damages, penalties, costs, interest, and attorneys' fees as
9 allowed by 42 U.S.C 1983 and 1988.

10
11 4.)For such other and further relief as the Court deems just and proper.

12 Dated: March 6, 2024

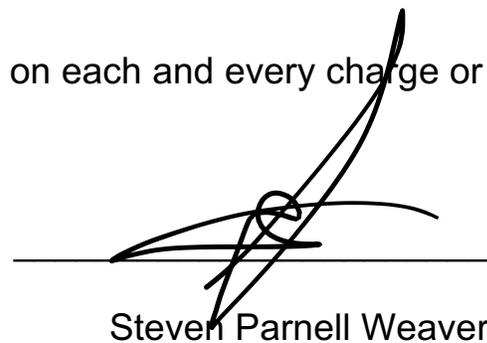
13
14 
15 Steven Parnell Weaver

16 Attorney for PLAINTIFF
17

18
19
20
21 DEMAND FOR JURY TRIAL

22 The Plaintiff hereby demands a jury trial on each and every charge or
23 count.

24
25 Dated: March 6, 2024

26 
27 Steven Parnell Weaver

28 Attorney for PLAINTIFF