

IN THE UNITED STATES DISTRICT COURT - DELAWARE.

811

Kenneth R. Abraham (Hereinafter "P")  
v.  
Carl Dauberg, Commissioner Del. Correctional "Center" (Hereinafter CD),  
and Warden Phelps, D.C.C., (Hereinafter W.P.),  
and Del. Dept. of "Corrections" (Hereinafter D.O.C.),  
and Michael Bryan, D.O.C. employee (Hereinafter "B"),  
and Patrick Smith, D.O.C. employee (Hereinafter "S")  
"B.S." How appropriate?

Lawsuit for violations of rights secured by the 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 8<sup>th</sup> and 14<sup>th</sup> Amendments of the U.S. Constitution (Ever heard of it, defendants?) and False imprisonment, libel, intentional infliction of emotional distress, negligent " " " " interference with contract, theft, "Hatecrime" per 11 Del.C. §1304(D), and Exhibits A through ~~5~~ <sup>10</sup>, included. In Forma Pauperis status sought Compensatory and PUNITIVE damages sought Injunctive relief sought, JUSTICE sought, appointment of Counsel requested. Trial by Jury requested. All attachments incorporated by this reference.

Comes Now Kenneth Abraham (Hereinafter "P") ~~Exhibits A through 5~~ pro se, and states that all of this 2<sup>nd</sup> day of April, 2008, and states that all of the following statements are true and correct and does this Court follows:

FILED  
MAY 23 2008  
U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

1. P has been incarcerated by D.O.C. since Jan 3<sup>d</sup> 2007, and still is.  
2. On or about Sept. 19, '07, P was sentenced to 5 years at level 5, suspended upon completion of "freentree Program." Sentencing Judge and Public Defender told P "Greentree Program" was 6 months. Exhibit S  
3. Many, if not most, of the inmates in "Greentree Program" have part of their level 5 sentence suspended upon completion, and this is common knowledge among D.O.C. guards.

4. B is called a "sergeant." S is called a "lieutenant." Both are a disgrace to law enforcement.

5. On Sept. 28, 2007, P entered "Greentree Program" housed in Victor Bldg, D.C.C.

6. P was physically attacked without cause or provocation by guards at D.C.C.'s S.U.O.P. Center on May 10, 2007. See "Letter to FBI" of 11/7/07, incorporated by

7. P did file suit against those guards on Sept. 18, 2007; case 07-593.

8. Later in 2007 P was taken (finally!) to outside medical for a colonoscopy, his property was packed and stored by D.C.C. guards. Upon receipt of his property the only item missing was P's copy of the Complaint in the action mentioned, <sup>1st Amend.</sup> ~~it~~ <sup>for</sup> ~~above~~. This was theft and <sup>1st Amend.</sup> ~~1st Amend.~~ violation.

9. On 11/7/07 P did have access to Law Library, where he typed "Letter to FBI" seeking to have guards arrested for their crimes. Hereinafter "FBI letter."

10. On 11/7 through 11/10/07 P did write a letter to David Ledford, Executive Editor of the News Journal containing a copy of the "FBI letter" and P's observations (unflattering) of other significant problems within D.C.C. For further details see "Letter to Danberg" of 11/28/07 hereby incorporated by this reference. P wrote to at least 8 others during this time.

11. Also on 11/7 through 11/10/07 P did write to the U.S. Department of Justice, several attorneys, Delaware Attorney General, Delaware State Police, the FBI, Superior Court of Delaware (filing a Rule 35 Motion), and others.

12. Most of this flurry of correspondence had to pass through the hands of guards in Victor Building, as they had "pay to" forms attached.

13. B had said to P "leave the letters open and just slip the "pay to" in the envelope sticking out." P did not do this - P sealed his mail, as usual.

14. On 11/8 or 11/9 of 07 an inmate in a position to know said to P: "I seen the guards fucking with your mail."

15. On 11/10/07 P did see in the waste basket of the CO's office in Victor Bldg the empty envelope which P had addressed to David Ledford of the News Journal! This too was theft. Violating <sup>1st</sup> 1st, <sup>5th</sup> 5th, and <sup>4th</sup> 4th Amendment (Seizure) and 1st Amendment.

5/18 Amendment for

Exhibit A

12 Defendant "B"

13 his unusual

reference to 1st and 5th Amendment.



- 16. Between 11/7 and 11/12/07 letters P had sent out to FBI, U.S. Dept. of Justice and Del. Attorney General with "pay to" forms attached, were returned to P marked "NOT legal/rail."
- 17. On 11/12/07 B and another guard entered P's cell as part of an ostensible "shake down" of several cells on B tier.
- 18. What happened during 17 above is described truthfully in P's "Statement" of 11/12/07, hereby also incorporated by reference. Exhibit D
- 19. Later in the night time, when no inmates were present in the Day Room or Co's office (all were locked in tiers so they could not witness the events) on 11/12/07, P was called into the Co's office in Victor Bldg, wherein sat S and B.
- 20. Again, what happened is described in "Statement" of 11/12/07.
- 21. When it was apparent to P that B and S were maliciously deliberately lying (in their "Disciplinary Report"), P did say to B "You are quite a liar." P did also say to B and S "You are a DISGRACE to law enforcement." "You won't get away with this nonsense," and "I'll be introducing you to a Federal Jury, and this is why God made Federal Judges" (I hope).
- 22. At this point B+S began to lead P out of the Co's office and both exploded with anger.
- 23. At no time on 11/12/07 did P utter any "curse words" or "swear words", as falsely described in reports by B+S.
- 24. At no time on 11/12/07 did P attempt to strike anyone with anything, as FALSELY reported by B+S.
- 25. The entire incident is described in P's "Statement" of 11/12 and "Letter to Danberg" of 11/28/07, hereby made a part of this suit.

and "Danberg Letter" of 11/28/07. Exhibit C and D

28. On 11/12/07 S took P's pen out of P's pocket while P's hands were cuffed behind his back, and the fool said: "Off look! You tried to stab me with your pen!" at which B chuckled. B called Code 1 for "reinforcement" <sup>of personnel</sup>.  
29. P stated "This is laughable," "I'll see you in Federal Court." "You won't get away with this."

30. S ~~said~~ <sup>do.</sup> said "Ain't no little cocksucker in a robe gonna <sup>tell</sup> ~~do~~ <sup>anything</sup>" and B said that Federal judges are "Fuckheads" (Again, see "Letter to Danberg" of 11/28/07. B also said "FBI huh, You don't Fuck with us, we stick together.")

31. At this point several large guards rushed into the building, (having been summoned by B). P said "Good evening." and they said "Fuck you," "Shut the fuck up" etc. To which P replied "No, I don't think I will shut up!" P was removed and taken to "The Hole." On the way guards threatened to beat P senseless.

32. Prior to entering the Hole P was taken to the infirmary, which was odd inasmuch as no "spraying" (pepperspray) or physical confrontation had occurred.

33. P was placed in the Hole, where a sign was attached to the cell door saying "Assault on Staff" <sup>Another Libel.</sup>

34. While P was in the Hole he wrote a statement - The original of which was lost or destroyed by OCC, but which is duplicated <sup>practically verbatim</sup> in the attached "Statement" of 11/12/07. P has requested the original (a copy) several times, been FALSELY told that he had been given a copy, other grievances and requests ignored.

35. When P was removed from Victor Bldg and taken to "The Hole" P's property was again packed for storage by the guards (BAs) <sup>there</sup> of P's other US outgoing mail, all of P's writing instruments were stolen,

Exhibit D



(36) At the first opportunity to do so after being in "The Hole," P wrote the "Danberg letter" of 11/28/07, Exhibit c

not 1/10/08  
and 1/16/08  
Exhibits  
J, J, K

36. When P later received his personal property, missing were all of P's writing instruments, 2 pens 1 pencil, all of P's envelopes, several months of P's daily notes. More than that,

37. While in the ~~the~~ Hole on 11/12 or early 11/13/07 P was visited by Lt. Porter who read to P some "Disciplinary Reports" prepared by Bard S. and then said "I've read your statement, but you know I've got to go by the write ups." Pagara said "they'll never get away with this OUTRAGEOUS conduct." It was readily apparent to P that Lt Porter knew S+B were lying, though he would not say so, I said to Porter "why don't you do the right thing and contact the FBI."

38. P was in "The Hole" for 15 days.

39. P's cell was an "isolation cell", with P clad only in underwear, given one sheet and a mattress, P was allowed out 3 times a week to shower and brush teeth, for 10 to 15 minutes.

40. While in the Hole, guards entered the cell approximately every 4 to 6 hours for "shakedown", stripping sheet off mattress etc. Purely harrassment as these cells are the most secure on the property!!

41. All of the facts and statements in P's "Statement" of 11/12 and "Letter to Danberg" of 11/28/07 are incorporated and made a part of this lawsuit.

42. Bard S did prepare two more FALSE "Disciplinary Reports" to supplement the original one of 11/12/07, accusing P of all sorts of things which did not occur, including "Assault on Staff," attached

43. It is apparent at a glance to any one checking the O.O.C. computer system (i.e. Bard S) that P was sentenced to 5 years, suspended upon completion of Green Tree. See "offender status sheet."

44. Furthermore, all guards working in Victor Bldg know that most

Exhibits  
J, J, K

attached  
information

Inmates in Greentree are to be released early (times suspended) upon completion.

45. Band S did concoct all of The FALSE "Disciplinary Reports" of 11/12/07 maliciously, intentionally, willfully and unlawfully as REVENGE for P's filing the suit of 9/18/07, attempting to contact The News Journal and attempting to have guards arrested and prosecuted for their crimes at S.U.O.P.

46. P is charged in one "DR" with "Disrespect," "Disrespect?" You bet. I plead guilty. These guys in D.O.C. uniforms are no more than an organized pack of lying thugs, and a complete DISGRACE to law enforcement and to the hundreds of D.O.C. guards who come to work and do their job properly!

47. The actions of B+S (The FALSE charges, theft of writing materials, interference - theft of - U.S. Mail, etc) all were calculated to: Prevent guards' arrest for incident of 5/10/07.

Trigger the 5 year sentence, as P was removed from Greentree and prevented from completing it by B+S's unlawful actions.

Place P in The Hole for 15 days and The SHU for two years (D.O.C. policy for "assault on staff," as B+S well knew).

Attempt to shut P up, keep him from communicating with the Press and law enforcement.

Punish P for what the guards saw in the letter to Mr. Hedford and the lawsuit of 9/18/07.

Intimidate, threaten and punish P in an effort to protect the guards engaging in criminal conduct at S.U.O.P. (See "FBI letter.")

Paint P as a violent trouble maker within the institution.

48. In Victor Bldg, P was wearing white D.O.C. apparel, allowed to go to the law library twice weekly (Boy, they had to stop THAT!), go to library twice weekly, go to "yard" outside - grass, sky and earth - twice daily, 3 times in the Summer, make frequent phone calls, see visitors frequently (any day), order commissary in the amount of \$30<sup>00</sup> weekly, and had other benefits not extant in the SHUs, attend church, etc.



49. As a result of R + S's actions on 11/12/07:  
P is wearing orange - a signal to all that he is "dangerous."  
P is housed in SHU single isolation cell, for at least  
2 years,

P was taken  
off property, into  
public, wearing orange  
3 times

P is removed from "Green tree program"  
P is handcuffed behind back and shackled at ankles  
every time he leaves the cell (re sick call, "yard + shower")  
P is characterized by the FALSE, OUTRAGEOUS,  
grossly misleading "Disciplinary Reports" entered into D.O.C.  
computer system, characterized as lying to staff, spreading  
profanities and insults to staff, physically attacking staff,  
ALL FALSE. Given a polygraph?

P must communicate with SHU Law Library with  
written questions. Answers may or may not be on point.  
Answers take from 3 or 5 days to over a month. P is  
allowed to see copies of only 5 cases at a time. Such  
research is extremely cumbersome and difficult and time consuming.

P is (was allowed no commissary) allowed commissary only of  
only \$5<sup>00</sup>, compared to the \$20<sup>00</sup> and only twice monthly.

P is allowed out of cell for ± 45 minutes three times per  
week into enclosed concrete ± 20' x 40' "yard area."

P's visits also are greatly reduced. P cannot have any "Honor visit."

P's allowed phone calls also reduced.

P is not permitted to attend church <sup>at all</sup> each week, as he did  
in Victor Bldg. P can take no prison offered courses.

P is not permitted to visit - has no access to - the library  
for books or magazines, or newspapers.

P was without a t.v. in isolation cell for 2 months, is  
still now (for the past 10 days (today being 4/13/08) without

SH still  
not in.

a Y.U. although he is permitted one 5/10 <sup>PM</sup> 5/10 Got P.U.

P is never allowed outdoors - grass, earth, sky.

P is in single cell, not permitted to communicate with other inmates at all.

P is Subject to imprisonment for five years, not the 6 to 18 months contemplated by the judge's sentence (Green tree Program)

P is Fearful of more fictitious, FALSE allegations or even physical attack by B+S or their agents (other inmates)

P is not allowed a job within the institution, which was permitted in Victor Bldg. 11, 14, 4, 4, 2, 2-1, 14

P's total time per week allowed out of cell is reduced from approx. 46 hours to approx 3 hours.

P was never advised of consequences of 11/12/07, just thrown in SHU wearing Orange. See letter to Kramer, Counselor, attached Exhibit R

49. The usual duration of "Green tree" is 6 to 18 months, 18 months maximum.

50. The judge and the PD told P "Green tree" would be 6 months.

51. P was placed in "Green tree" by "counselor" Thompson for 18 months, although at the same time P was told by "counselor" Spence and the Head Facilitator or B.Tier that he would complete the "Green tree program" in 12 months, assured by all. Exhibit L

See "Counselor" Thompson's report dated 9/20/07 attached hereto, and her report dated 10/17/07, also attached. Both, with P's notes, are incorporated herein, alleged as true, by this reference.

52. P knows other inmates who have been retaliated against by AAs for exercising 1st Amendment rights.

53. The conduct of B and S on 11/12 and their false reports of same date, and the consequences thereof, caused and continue to cause P great emotional distress, and probably physical harm in the form of stress and coronary factors; they are the ~~same~~ source of anxiety, acute embarrassment, and stress, humiliation and concern.



54. The Conduct (or lack thereof) of CD and WP also caused and continue to cause P great emotional distress, namely the refusal to seek or acknowledge the truth, the tacit complicity with the OUTRAGEDOUS conduct of Band 5, the sad, pathetic "management mantra" which seems to be - "Do whatever you want, lawless guards, we like hell, and we'll cover your ass."

55. At the "Hearing" of my complaint about the actions of Band 5 and their false reports of 11/2/07, held on or about 9/12/07 in THE SHU, the "hearing officer", one Lt. Savage, actually said, and I quote: "He is "not really" interested in the truth. and" "You know I got to go by these write ups"!!! The man actually admitted the ~~proceeding~~ was a farce!! violates 5th and 14th Amendments

proceeding

56. P has been in DCC long enough (a week or 2 would do) to see that (1) there is NO interest in the truth (indeed, most, nearly all, "Disciplinary Reports" are replete with lies) (2) the entire mentality is a culture of cover-up, (3) the attitude and belief of D.C.C. personnel is that the law does not apply within these walls, and (4) the "grievance" process is a huge pointless fraud, a meaningless sham, pretect of due process, D.C.C. will NOT admit wrongdoing (They "stick together"!!!)

57. The problems mentioned in 56 above are so widespread, prevalent and pervasive, entrenched, that CD and WP could not fail to be aware of them. This is an entrenched malady.

58. P's plea bargain and P's Sentence were a contract. P agreed to do the "Greentree Program", consideration from

The Court is suspension of balance of love/s sentence. Band 5 knew of this contract and their retaliatory, unlawful removal of P from Vicks, Bldg, 02/12/07 was intentional interference with this contract. It prevented P from "completing" Breentree. See Memorandum attached.

59. At all times on 11/12/07 Band 5 acted, intentionally, maliciously, willingly, with wrongful motive, or at least wantonly with gross negligence, and in bad faith.

60. The retaliatory removal of P from "Breentree" constitutes false imprisonment because (as Band 5 knew it would) it triggers the 5 year sentence. In effect, they (B+S) seek to keep P imprisoned for five years instead of the 12 to 18 month duration of "Breentree." ~~this~~ violates 5<sup>th</sup> + 8<sup>th</sup> Amendments.

61. This conduct of B+S on 1/12 also constitutes cruel and unusual punishment, violating 8<sup>th</sup> Amendment of U.S. Constitution.

62. This conduct of B+S also constitute violations of P's 1<sup>st</sup> Amendment right to free speech. (Theft of letter to News Journal, theft of Complaint of 9/18/07, theft of writing materials and the attempted intimidation inherent in all this OUTRAGEOUS behavior.) and violates 5<sup>th</sup> Amendment, Due Process.

63. The 1<sup>st</sup> Amendment violations constitute a "Hate crime", per 11 Del. C. § 1304(1). See statute, attached. (Crawley library refuses to allow copy of statute)

64. The many falsehoods in the reports of Band 5, typed on 11/12 and entered into the DOC computer system constitute libel, in that they characterize P as profane, violent, disrespectful to law enforcement, lying to law enforcement, and dangerous, all of which are so wildly out of character for P that this is libel, as witnesses who know P will testify! Unbeknownst to B and S, P was not (is not) the semi-literate, wild, profanity-



spewing disruptive inmate as ~~some~~<sup>many</sup> of their other victims care!

65. Aware of this Court's proclivity for dismissing claims by pro se, indigent prisoners, P attaches hereto and incorporates by reference, a "Memorandum in Support of Complaint."

66. It is nothing short of sickening that the Department of Justice represents Bands. See "Letter to D.A.G." assigned to this case, dated 4/13/08, attached and incorporated by this reference!! Exhibit A

67. P has sought, still seeks, and will continue to seek to have those guards arrested and prosecuted for their actions. See "Letter to AG, Biden and Affidavit," dated 4/2/08 and hereby incorporated by this reference.

68. P has not practiced law since 1983. See resume attached and incorporated by reference. Exhibit F

69. P is seeking substantial compensatory and punitive damages. However, P will stipulate, and hereby states, that he will not keep any amount of any award for his own personal use, although P is BRUCE (having devoted time to young son and irresponsibly squandered a fortune on cocaine). P will stipulate that any and all sums awarded be paid to the victims as restitution (the victims of P's wrongful, criminal, irresponsible theft of funds to buy more cocaine) or donated to charity.

70. The conduct of Bands violated 42 USC §1983 in numerous ways, violating 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendments.

Exhibit A  
6-14

71. Fourth Amendment violations include: 14<sup>th</sup> Amendment "property" taking.

The taking of P's letter to The Editor of The News Journal - an unlawful seizure.

The taking of P's writing instruments, envelopes and notes - an unlawful seizure.

The taking of P's outgoing Mail of 11/10/07 to this court requesting in the form of a Motion, a copy of the complaint in case 07-593 - an unlawful seizure (4<sup>th</sup> Amendment), depriving of property (5<sup>th</sup>) and violates 1<sup>st</sup> Amend.

The taking of P's only copy of his complaint, in case 07-593 by unknown D.C.C. guards while he was in the infirmary - The property was at all times in their control - an unlawful seizure.

72. P has reason to believe guards Band 8 also stole other outgoing US Mail, including to P's son and cousin, all mailed on or about 11/10/07

73. Each and every instance in 71-72 above is also a violation of P's right of free speech, 1<sup>st</sup> Amendment violations

74. The entire fabricated incident of 11/12/07 (most grievously the charge of "assault on staff" which put P in the SHU) is a denial of Due Process clause, as it inevitably affects the duration of P's sentence, and is a 8<sup>th</sup> Amendment violation. See Memorandum

75. The "hearing officer" saying he "has to go by these write-ups" and admitting not interested in the truth (see #55) is a denial of Due Process.

76. The entire fabricated incident of 11/12/07 (most grievously the charge of "assault on staff" which put P in SHU) is a violation of P's 1<sup>st</sup> Amendment rights, as it is punishment for writing to The News Journal and law enforcement officials, and for filing suit against criminal guards in SVOP.

Unlawful seizure "papers and effects" and "taking (deprivation) of property"

and never received!!



Exhibits  
Land M

77. The false reports prepared by B+S on 11/17/07 are also libelous (see paragraph 64 hereinabove) in that they are in the jail's computer system, do and will affect how other D.O.C. personnel think of P and behave toward P. See, for example, the attached note to P from "counselor" Thompson, dated 10/17/07, in which she refers to, and relies on other FALSE "write-ups. These libelous malicious reports also may affect any Judge of the Superior Court of Delaware who may review P's Rule 35 Motion for Sentence Modification, dated 12/10/07 and P's Rule 61 Motion for post conviction relief which will be filed contemporaneous with this Complaint. They are a serious, wilfully malicious attempted stain and continually punish P.

78. P has exhausted internal D.O.C. "grievances" and appeals, which, as related in paragraphs 21, 37, 55, 56, 57 are a farce and protest. Many grievances and appeals have been completely ignored. P cannot show proof of their being sent because SHU Law Library will not copy grievances or notes to staff. CP tried unsuccessfully to change this policy with a request for an injunction in the Court of Chancery and in Case 07593. As stated there is no interest in D.O.C. in the TRUTH.

79. Some grievances did receive a response.

See, for example "Memorandum" dated 12/14/07, attached.

See, for example, P's letter to WF of 2/15/08 and the reply of Capt McCleanor" dated 3/31/08, attached.

Exhibits  
MOP and P

- See also "Disciplinary Hearing Decision" dated 11/27/07, also attached.  
 Many other grievances and appeals totally ignored.
80. Compounding P's anxiety, emotional distress, etc. is the fact that so far Band S have "gotten away with it!!"  
 Grievances ignored, D.O.C. has turned its head from the truth at every opportunity (as P says, it's a culture of cover-up).  
 So far law enforcement refuses to act. "Grievance" process = total charade.  
 What else might B+S get away with, given their utter contempt for the law (See Deberg letter of 11/28/07).
81. When P has related the truth of the situation to several guards with whom he has a good relationship, None is surprised!! Why? Because this sort of lawlessness occurs far too frequently. One guard even said "Did you expect anything less? Trying to contact the newspaper!"
82. The Libelous statements of B+S are so damaging to P's reputation that they also constitute a denial of due process. P has experienced a "governmentally imposed burden that significantly alters his status" as a matter of law: the longer sentence of 5 years instead of "Great Wall Program." The false charges have stigmatizing consequences.
83. All defendants are sued individually and in their official capacity.
84. The FALSE misconduct charges against P ~~is~~ leveled as retaliation for P's suit against guards at S.M.I.P. constitute a violation of P's 1<sup>st</sup> Amendment right of access to the courts.
85. The clearly sham hearing on 11/27/07 (see paragraphs 55) was a violation of P's right to Due Process. It was a "hearing" in name only, hollow, with the outcome predetermined, obviously.
86. At any hearing or trial where law and rules of evidence apply, and P can subpoena 4 witnesses, P will prove that B+S are lying on 11/27/07.
87. The stealing of P's 9/1/07 Complaint violates 1<sup>st</sup> Amendment right of court access.



88. Most in the SHU have committed murder, other homicide, or violent crime, and are in the SHU for fighting with other inmates or DOC staff. P is in the SHU for writing a letter to the editor of The News Journal and to FBI.

89. Any sovereign immunity, which otherwise would shield defendants from civil liability, is stripped away from every named defendant by its conduct toward P, its conduct toward P's other witnesses who will testify at trial, and 10 Del. C. § 4001(3), and indeed, 10 Del. C. § 4001(2) requiring "good faith." The acts and omissions referred to hereinabove, from Danberg on down, any jury might reasonably conclude are not in "good faith." Since when is massive cover-up and denial an endeavor of "good faith" !! == ==

90. Today is 4/22 (4:15 pm) The toilet has been clogged up since prior of 4/17/08, despite P submitting a written notice of this to every working 8 hr. shift since then, and being told at least 4 times: "A work order is in." P alleges this too is retaliation. P noticed defendant B and defendant S controlling this building during the past several days and weeks. They know perfectly well what they have done, they must see all my communication with SHU law library, they know I had to sue Maria Costello, and they know I promised to "introduce them to a Federal jury." It stinks in here, must defecate on top of defecation and, to worsen "stirring up the stench," urinate in sink. Charming. Although the court will say this is an "isolated incident," P contends (a) it is not "isolated"

when considered with all of the other acts and omissions against P, (b) due to the malice behind it (difficult to prove - P cannot state he has proof of their involvement), B7S, or (c) due to it being at least deliberate, indifference, thus rises to constitutional violation.

This condition also is causing P to refuse certain prescribed medicines (as they increase bowel movement) in order not to exacerbate the problem. note: P's mattress is 4-4 1/2 feet from toilet bowl. the cell is approx. 6 1/2 x 13' = Pee-U-D Phewew & Yuck? (Odorific smell).

91. Each and every act <sup>and</sup> or omission described herein may constitute more than one, distinct constitutional violation, crime, and/or tort. Each one actionable and compensable.

92. It's like being a "Bubble Boy", with the oxygen in the Bubble having been replaced by whatever gaseous and particulate matter constitute the components of a FART. [toilet repaired on 4/23 pm]

93. Oh my! P had some pills "not" in their containers, which guards had seen on many ~~cases~~ consecutive previous days. Regarding this (see paragraph <sup>page</sup> <sub>a 11</sub>) P was never given any copy of "jail rules" despite several requests and at least 3 written "grievances" all completely ignored. It is not punishment for violating "rules" of which one is never made aware a violation of Due Process. Rule which is peculiar, not normal in the real world. P had the medicine as he had placed it on the "table" for several days, to remember to take it. Equitable estoppel prevents sudden enforcement of "rule" long ignored.

94. P has recurring most unpleasant dreams about guards' unlawful actions described hereinabove.

95. Still not U. on 5/1/08, though "classified" for one. 5/7/08 still not U.

boxed up by 4/22 through 5/11/08



96

Someone needs to crack their "we stick together" ness!  
You, jurors! Since the AG refuses to act.

The guards' (at Del. DOC.) pattern or practice, the policy, the repeated, frequent, routine procedure or habit of making up FALSE charges against inmates, printing them on "official" looking "reports," leading to Courts and Juries, coupled with MANAGEMENT'S complete acquiescence, failure to investigate, "cover up" policy, refusal to ~~admit~~ acknowledge or expose the truth, and the punishments flowing from these false charges) are completely unnecessary. There are ample measures to punish inmates for what they actually do; the situation which exists does nothing but increase inmates' cynicism, disrespect, contempt for and disgust with "law enforcement." This entrenched, ignored, long-extant situation is criminal, foolish and unconscionable. It is a thoroughly disgusting abuse of power, a rampant rogue attitude, accomplishing nothing positive. Indeed, it gives rise to the many inmate suits clogging this Court system, which no doubt represent "the tip of the iceberg." How many other abused inmates are unaware of possible recourse? Significant PUNITIVE damages have seldom been more warranted, P has described this problem in capital letters as OUTRAGEOUS, when in fact it should best be described as:

OUTRAGEOUS!

Just ask these lying guards (Cher, Smith & Bryan) to take a polygraph! It's that simple!

97 The "Disciplinary Reports" (Exhibits I, J and K) contain no fewer than 48 outright lies, calculated to subvert justice and displaying contemptuous disregard for the law!

98 Each of these (I, J, K) reports is a clear violation of 11 Del. C. § 1245 (3)(a) which provides in pertinent part: "A person is guilty of falsely reporting an incident when, knowing the information reported, conveyed or circulated is false or baseless, the person: reports to a law enforcement office or agency (here, D.O.C.), the alleged occurrence of an offense or incident which did not in fact occur."  
This is a class A misdemeanor, a crime.

99. Speaking of these very "official" looking "reports," pretty much anything D.O.C. says is serious competition for Oscar Mayer, ~~It's~~ Baloney, Baloney, and MORE Baloney. Balogna sp? & have no dictshunaires.

100. The deliberate deterioration of prisoners' psyches is cruel and unusual punishment. Described in part in #96 above. Deliberate or recklessly indifferent.

101. Defendants Band 5 are part of an organized pack of lying thugs, contemptuous of the law, just like too many on the other side of the bars.

102. Pissill, on 5/21/08 waiting for information requested from law library on 4/19/08. What has taken 6 months could have been accomplished in 1 week with access to law library.



Wherefore, P asks this Honorable Court to:

- (A) Award compensatory and PUNITIVE damages.
- (B) Appoint counsel to represent P.
- (C) Order D.O.C. to correct (eliminate) any and all falsehoods in the "Disciplinary Reports" mentioned in this case, including any notes, records, files, memos, records, written or recorded in the computer system.
- (D) P is seeking damages for each violation of a Constitutional right and for the consequences or damage thereby done, <sup>And for</sup> costs,
- (E) Order that Band 5 be immediately terminated from employment w/ D.O.C. Fired.
- (F) ~~Issue~~ Issue an injunction correcting the problem (i.e. Order that P be placed back into "Greentree Program" on accelerated 6 month basis, so he may comply with the sentence of Superior Court).
- (G) P is at a loss as to what to suggest to correct the serious problem of D.O.C.'s refusal to acknowledge truth, investigate wrongdoing by guards, and effect a cover-up, "cover your ass" posture. The breadth, depth and severity of this problem is nearly unbelievable, so P requests whatever relief here the Court might implement.
- (H) Order that the other 2 guards involved in the incident in Victor Building on 11/12/08 be disciplined or Fired by D.O.C. for aiding and abetting Band 5 and not speaking out with the TRUTH.
- (I) Award P costs, fees, and attorney's fees.
- (J) Award, order or provide any other relief which this Honorable Court may deem necessary, right, fair and just.
- (K) Immediately order D.O.C. to keep, and B+S to remain, 100 feet from Pat at times. Issue Restraining Order to B, S and D.O.C.

JA

Over

#20 (D) While I know it may take years to get there, I respectfully request that this case be moved toward trial as rapidly as possible. The facts are straightforward and I expect to be able to show the defendants' anticipated perjury, and I've thought of parts of opening statement and closing arguments for months, I find the law which I find quite complicated - civil rights law.

(17) P stipulates that any and all sums awarded P go directly to the victims of P's crime, as restitution, to the Court to pay fines + costs, and any ~~remainder~~ remainder to charity, (Hospice of Delaware, United Way of Delaware?)

Respectfully Submitted,  
N. J. A. H.

Certificate of Service

I, Kenneth Abraham, do certify that on this \_\_\_\_\_ day of May, 2008 I have mailed a copy of this Complaint, all 85 pages, including Memorandum and Exhibits, to The Attorney General of Delaware, who represents all defendants, at:

Attorney General  
Dept. of Justice  
Carver State Office Bldg.  
820 N. French St.  
Wilmington, DE 19801

Respectfully,  
N. J. A. H. ~~W. J. A. H.~~