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Attorneys for the United States
of America

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.

STATE OF CALIFORNIA; HONORABLE GEORGE
DEUKMEJIAN, Governor of the State of
California; JAMES ROWLAND, Director,
California Department of Corrections;
DR. NADIM KHOURY, Assistant Deputy
Director for Health Services,
California Department of Corrections;
EDDIE YLST, Superintendent, California
Medical Facility; and DR. KENNETH
SHEPARD, Medical Director, California
Medical Facility,
Defendants.

~~CNS~~ 89-1233 EIG-JFM
Civil Action No.

COMPLAINT

The UNITED STATES OF AMERICA, by and through its Attorney

SEP 12 12 20 PM '89

COURT CLERK
EASTERN DISTRICT OF CALIF.
BY _____
DEPUTY

1 General, Dick Thornburgh, brings this action pursuant to the
2 Civil Rights of Institutionalized Persons Act of 1980, 42 U.S.C.
3 §1997, to enjoin the named defendants from depriving persons
4 imprisoned at the California Medical Facility-Main (CMF) of
5 rights, privileges or immunities secured or protected by the
6 United States Constitution. Attached hereto, and incorporated
7 herein by reference, is the Certificate of the Attorney General
8 required by 42 U.S.C. §1997b. In support of its Complaint in
9 this action, the United States alleges the following:

10 JURISDICTION, STANDING, AND VENUE

11 1. This Court has jurisdiction over this action under 28
12 U.S.C. §1345.

13 2. The United States has standing to initiate this action
14 pursuant to 42 U.S.C. §1997a.

15 3. Venue in the Eastern District of California is proper
16 pursuant to 28 U.S.C. §1391. The claims set forth in this
17 Complaint all arose in said District.

18 4. CMF is an "institution" within the meaning of 42 U.S.C.
19 §1997(1).

20 PARTIES

21 5. Defendant STATE OF CALIFORNIA is a "state" within the
22 meaning of 42 U.S.C. §1997. The State of California owns and
23 operates CMF which is an adult prison facility.

24 6. Defendant GEORGE DEUKMEJIAN is the Governor of
25 California and, in this capacity, heads the executive branch of
26

1 the state government. He appoints the Director of the Department
2 of Corrections.

3 7. Defendant JAMES ROWLAND is the Director of the
4 California Department of Corrections and, in this capacity, has
5 responsibility for the operation of CMF. He appoints and
6 supervises the Superintendent of CMF.

7 8. Defendant EDDIE YLST is the Superintendent of CMF and,
8 in this capacity, is the chief administrator of CMF and has
9 responsibility for supervising operations of CMF.

10 9. Defendant DR. KENNETH SHEPARD is the Medical Director
11 of CMF and, in this capacity is the chief medical administrator
12 of CMF and has responsibility for supervising medical care at
13 CMF.

14 10. The individual Defendants identified in paragraphs 5
15 through 9, above, are officers of the executive branch of
16 California and are sued in their official capacities.

17 FACTUAL ALLEGATIONS

18 11. Defendants are legally responsible, in whole or in
19 part, for the operation of and the conditions at CMF and for the
20 safety of persons imprisoned at that institution.

21 12. At all relevant times, the Defendants or their
22 predecessors in office have acted or failed to act, as alleged
23 herein, under color of state law.

24 13. Defendants are failing to provide persons imprisoned at
25 CMF with constitutionally required medical care for their serious
26 medical needs.

1 14. Defendants are failing to provide persons imprisoned at
2 CMF with constitutionally required dental care for their serious
3 dental needs.

4 15. Defendants are failing to provide persons imprisoned at
5 CMF with constitutionally required psychiatric care for their
6 serious psychiatric needs.

7 VIOLATIONS ALLEGED

8 16. The acts and omissions of Defendants alleged in each of
9 paragraphs 11 through 15 constitute patterns or practices of
10 resistance to the full enjoyment of rights, privileges, and
11 immunities secured or protected by the Constitution of the United
12 States and deprive persons confined at CMF of such rights,
13 privileges, and immunities.

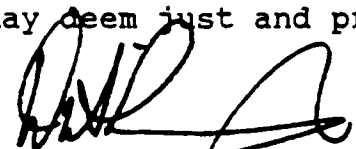
14 17. Unless restrained by this Court, Defendants will
15 continue to engage in the conduct and practices set forth in
16 paragraphs 11-15 above that deprive persons confined at CMF of
17 rights, privileges, or immunities secured or protected by the
18 Constitution of the United States, and cause grievous harm to CMF
19 inmates.

20 PRAYER FOR RELIEF

21 18. The Attorney General is authorized under 42 U.S.C.
22 §1997 to seek only equitable relief.

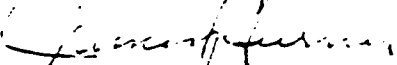
23 WHEREFORE, the United States prays that this Court enter an
24 order permanently enjoining Defendants, their officers, agents,
25 employees, subordinates, successors in office, and all those
26 acting in concert or participation with them from continuing the

1 acts, omissions and practices at CMF set forth in each of
2 paragraphs 11-15 above and to take such actions as will provide
3 constitutional conditions of confinement to inmates at CMF. The
4 United States further prays that this Court grant such other and
5 further equitable relief as it may deem just and proper.

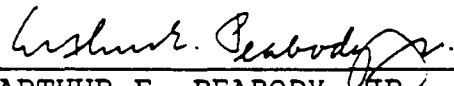


DICK THORNBURGH
Attorney General
of the United States

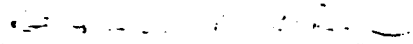
10 DAVID F. LEVI
11 United States Attorney
12 Eastern District of California



JAMES P. TURNER
Acting Assistant Attorney General
Civil Rights Division



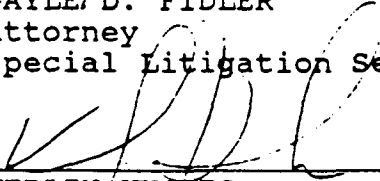
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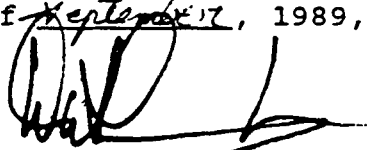
CERTIFICATE OF THE ATTORNEY GENERAL

I, Dick Thornburgh, Attorney General of the United States, certify that with regard to the foregoing Complaint, I have complied with the provisions of 42 U.S.C. §1997b(a)(1). I certify as well that I have complied with all subsections of 42 U.S.C. §1997b(a)(2). I further certify pursuant to 42 U.S.C. §1997b(a)(3) my belief that this action by the United States regarding conditions of confinement at the California Medical Facility, Vacaville, California, is of general public importance and will materially further the vindication of rights, privileges, or immunities secured or protected by the Constitution of the United States.

I further certify that I have the "reasonable cause to believe" set forth in 42 U.S.C. §1997a(a) to initiate this action. I finally certify that all prerequisites to the initiation of suit under 42 U.S.C. §1997 have been met.

Pursuant to 42 U.S.C. §1997a(c), I have personally signed the foregoing Complaint. Pursuant to 42 U.S.C. §1997b(b), I am personally signing this Certificate.

Signed this 8th day of September, 1989, at
Washington, D.C.


DICK THORNBURGH
Attorney General of
the United States