

1 BILL LOCKYER, Attorney General
of the State of California
2 ROBERT R. ANDERSON
Chief Assistant Attorney General
3 FRANCES T. GRUNDER
Senior Assistant Attorney General
4 JAMES E. FLYNN
Supervising Deputy Attorney General
5 JOHN W. RICHES II, State Bar No. 206223
Deputy Attorney General
6 1300 I Street, Suite 125
P.O. Box 944255
7 Sacramento, CA 94244-2550
Telephone: (916) 323-5915
8 Fax: (916) 324-5205
Attorneys for Defendants California Department of Corrections,
9 Woodford and Adams
SA2005101560

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12

13 JESUS CHRIST PRISON MINISTRY,
14 et al. ,

Plaintiff,

15 v.
16

17 CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,
18 .
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No. 2:05-CV-00440-FCD-DAD

**ANSWER OF DEFENDANTS AND
DEMAND FOR JURY TRIAL**

20 DEFENDANTS, for their answer to the first amended complaint filed
21 March 3, 2005, deny, admit, and allege as follows:

22 I.

23 Except for those allegations that are expressly admitted herein, defendants
24 deny each and every allegation of the complaint and any attachments thereto.

25 II.

26 Defendants Woodford and Adams expressly admit that they were
27 employees of the California Department of Corrections at all relevant times.

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III.

Defendants expressly deny that they have denied the inmate plaintiffs their rights under the Religious Land Use and Institutionalized Persons Act of 2000.

IV.

Defendants expressly deny that they have violated plaintiffs' right of free exercise of religion under the First and Fourteenth Amendments.

V.

Defendants expressly deny that they have violated plaintiffs' right of free speech under the First and Fourteenth Amendments.

VI.

Defendants are presently without sufficient information to admit or deny the remaining allegations of plaintiff's complaint, and on that basis, deny each and every other allegation therein.

VII.

AFFIRMATIVE DEFENSES

1. The inmate plaintiffs have failed to exhaust available administrative remedies relating to this complaint before bringing this action, as required under 42 U.S.C. § 1997e(a), as amended by the Prison Litigation Reform Act of 1996.

2. Plaintiffs' claims are barred to the extent that they were not timely filed as required by applicable statutes of limitations.

3. Defendants are immune from suit for damages.

4. Plaintiffs' own conduct has contributed to their damages.

5. Plaintiffs have failed to mitigate their damages.

6. Plaintiffs are not entitled to punitive damages because defendants did not act with malicious intent to deprive them of any constitutional right or to cause any other injury.

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1 7. Because the complaint is couched in conclusory terms, defendants
2 cannot fully anticipate all affirmative defenses that may be applicable to this matter.
3 Accordingly, the right to assert additional affirmative defenses, if and to the extent such
4 affirmative defenses are applicable, is hereby reserved.

5 **DEMAND FOR JURY TRIAL**

6 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, defendants
7 demand that this action be tried by and before a jury to the extent provided by law.

8 **PRAYER FOR RELIEF**

9 Defendants pray that the court provide the following relief:

- 10 1. Dismissal of the complaint;
11 2. Entry of judgment for defendants;
12 3. An award of costs of suit and attorneys' fees; and
13 4. Such other relief as the court deems proper.

14 DATED: April 29, 2005

15 Respectfully submitted,
16 BILL LOCKYER, Attorney General
17 of the State of California
18 ROBERT R. ANDERSON
19 Chief Assistant Attorney General
20 FRANCES T. GRUNDER
21 Senior Assistant Attorney General
22 JAMES E. FLYNN
23 Supervising Deputy Attorney General

24 /s/ John W. Riches II
25 JOHN W. RICHES II
26 Deputy Attorney General

27 Attorneys for Defendants California Department
28 of Corrections, Woodford and Adams

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