

Eric Shane Silveira
MA-206
L.P.C.C.
5501 N. La Palma Rd.
Eloy, AZ 85131

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JAN 18 2018	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY: <u>MM</u>	DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

① Eric Shane Silveira,
and Plaintiff(s)

C.A. no. CV-18-00188-PHX-GMS-DKD

① Core Civic,
and defendant(s)

CLASS ACTION CIVIL RIGHTS COMPLAINT
BY A PRISONER(S)

Jury Trial Demanded

A. Jurisdiction

1.) This court has jurisdiction over this action pursuant to:

(a) 28 U.S.C. § 1343 (a)

(b) 42 U.S.C. § 1983

(c) 42 U.S.C. § 1985

(d) Religious Land Use and Institutionalized Persons Act (RLUIPA)

(e) 42 U.S.C. § 1986

(f) The following complaints arose out of a private entity performing a public function due to overcrowding in California Department of Corrections and Rehabilitation, California prisons.

2.)

These violations occurred at La Palma Correctional Center in Eloy Arizona, and all named Plaintiff(s) were housed on facility three (3) of this CoreCivic Correctional Center at the time of said violations and the filing of this complaint.

Plaintiff(s)
continued

- ② Jerry Bonhomme
- ③ Rudy Esquibel
- ④ Rey Murillo
- ⑤ Miguel Ochoa

Defendants
continued

- ① Trinity Service Group Inc.
- ③ Warden Keeton
- ④ Assistant Warden Mr. Winn
- ⑤ Assistant Warden Mr. Young
- ⑥ Trinity CEO Jim Long
- ⑦ CoreCivic CEO Eamon T. Hininger
- ⑧ Trinity Supervisor B. Felipe (ms.)
- ⑨ Trinity Supervisor Ms. C. Glass
- ⑩ Trinity Ms. Rizzo
- ⑪ Unit Manager Ms. Sawyer
- ⑫ Case Manager Mr. Morgan
- ⑬ CC. Mr. Castillo
- ⑭ CC. Mr. Dumke
- ⑮ C.B.U. Chief Joseph Moss

B. Defendants

1. CoreCivic. This first Defendant is employed by California Department of Corrections and Rehabilitation (CDCR), to house inmates sentenced to California State time because all applicable CDCR institutions are overcrowded and not fit to house the excessive inmate population and meet Government as well as federal statutes for housing inmates responsibly.
2. Trinity Service Group Inc., This second Defendant is employed by CoreCivic to feed the CDCR inmate population at its La Palma Correctional Center in Eloy Arizona, via a combination of Trinity staff, CoreCivic correctional staff and a significant number of CDCR inmates.
3. Mr. Keeton. This third Defendant is employed as Warden at La Palma Correctional Center in Eloy Arizona.
4. Mr. Winn. This fourth Defendant is employed as Assistant Warden on Facility 1, specifically over food services at La Palma Correctional Center in Eloy Arizona.
5. Mr. Young. This fifth Defendant is employed as Assistant Warden on Facility 3, specifically over programs which includes feeding at La Palma Correctional Center in Eloy Arizona.
6. Jim Long. This sixth Defendant is employed as C.E.O. of Trinity Service Group Inc. which is the food service provider at La Palma Correctional Center in Eloy Arizona.
7. Eamon T. Hininger. This seventh Defendant is employed as C.E.O. of CoreCivic, the corporation that owns, operates and facilitates all operating policy at La Palma Correctional Center in Eloy Arizona.

8. Ms. B. Felipe. This eighth Defendant is employed by Trinity Service Group Inc. as a Food Service Supervisor at La Palma Correctional Center in Eloy Arizona.
9. Ms. C. Glass. This ninth Defendant is employed by Trinity Service Group Inc. as a Food Service Supervisor at La Palma Correctional Center in Eloy Arizona.
10. Ms. Rizzo. This tenth Defendant is employed by Trinity Services Group Inc. as a Food Services Supervisor at La Palma Correctional Center in Eloy Arizona.
11. Ms. Sawyer. This eleventh Defendant is employed by CoreCivic as a Unit Manager over Mohave Unit on facility 3 at La Palma Correctional Center in Eloy Arizona.
12. Mr. Morgan. This twelfth Defendant is employed by CoreCivic as a Case Manager in Mohave Unit on facility 3 at La Palma Correctional Center in Eloy Arizona.
13. Mr. Castillo. This thirteenth Defendant is employed by CoreCivic as a Correctional Counselor in Mohave Unit on facility 3 at La Palma Correctional Center in Eloy Arizona.
14. Mr. Dornke. This fourteenth Defendant is employed by CoreCivic as a Correctional Counselor in Mohave Unit on facility 3 at La Palma Correctional Center in Eloy Arizona.
15. Joseph Moss. This fifteenth Defendant is employed by Central Beds Unit, a entity of CDCR which is officed in Sacramento California but assigned specifically over La Palma Correctional Center as Chief of C.B.U.

C. Previous Lawsuits

1. In 2015 I filed a civilrights lawsuit while housed at Florence Correctional Center, in Florence Arizona owned and operated by Correction Corporations of America, now known as Core Civic.
2. Case number 2:15-cv-01452-PHX-GMS(DKD) is the only case I have filed at the moment, which is a active case before the United States District Court, District of Arizona, Phoenix Division. In it I am the sole Plaintiff. The complaint outlines 8 counts against five (5) defendants, 3 - C. C. A. employees and 2 - Trinity Dietitians.

a. First prior lawsuit:

1. Eric Shane Silveira v. Jerry Brown et. al.,
2. 2:15-cv-01452-PHX-GMS(DKD)
3. Result: Still pending.

D. Plaintiffs

1. Eric Shane Silveira. This first Plaintiff is a CDCR inmate, dependant on the KOSTER Religious diet facilitated by Trinity Service Group Inc. and served by CoreCivic correctional staff at La Palma Correctional Center in Eloy Arizona.
2. Jerry Bonhomme. This second Plaintiff is a CDCR inmate, dependant on the KOSTER Religious diet facilitated by Trinity Service Group Inc. and served by CoreCivic correctional staff at La Palma Correctional Center in Eloy Arizona.
3. Rudy Esquibel. This third Plaintiff is a CDCR inmate, dependant on the KOSTER Religious diet facilitated by Trinity Service Group Inc. and served by CoreCivic Correctional staff at La Palma Correctional Center in

D. Plaintiff(s) Continued

Eloy Arizona

4. Rey Murillo. This fourth Plaintiff is a CDCR inmate, dependant on the KOSHER religious diet facilitated by Trinity Service Group Inc. and served by CoreCivic correctional staff at La Palma Correctional center in Eloy Arizona.

5. Miguel Ochoa. This fifth Plaintiff is a CDCR inmate, dependant on the KOSHER religious diet facilitated by Trinity Service Group Inc. and served by CoreCivic correctional staff at La Palma Correctional Center in Eloy Arizona.

E. Cause of Action

Count 1

1. Eighth Amendment
2. Failure to train staff resulting in retaliation, denial of basic necessities (food) and interruption of our exercise of religion.
3. Coreivic nor Trinity service Group Inc. properly trained their administration resulting in corporate policy not being upheld and KOSTER participants being under served their diets and at times not served at all which interfere with our exercise of religion, caused staff to retaliate upon KOSTER participants requesting policy be followed and staffs refusing to or not knowing policy resulted in meals being under served and at times not served at all.
4. Compromise to our religious dietary restrictions, abnormal weight loss of 169 lbs to 156 lbs., over 120 days, verbal threats by administration to serve disciplinarys because of reported policy violations, physical suffering, interference with attempts at administrative remedies, severe depression and anxiety, interruption of worship on our shabbath.
5. There are administrative remedies available which I did attempt to exhaust to the highest level.

Count 2

1. Furtherance of conspiracy to deprive
2. Basic necessity (namely food)
3. Despite repeated verbal, formal and administrative attempts, including but not limited to meetings between KOSTER participants and A/w Winn as well as Ms. Felipe, meetings with Ms. Glass, family members making formal complaints with CoreCivic, COCR Ombudsman, E-mails and telephone calls exchanged between family members of ours and Chief Mr. Moss, multiple administrative remedies filed including a group appeal filed November 7, 2017, personal letters wrote by KOSTER participant to CEOs of both CoreCivic and Trinity as well as to Warden Mr. Keeton, meetings between A/w Mr. Young and Unit Manager Ms. Sawyer, repeated complaints to Ms. Felipe, Ms. Glass, A/w Mr. Winn, Ms. Sawyer, Case Manager Mr. Morgan, CC Mr. Donke and CC Mr. Castillo of repeated short portions served to KOSTER participants as well as Dr. Crane issuing a prescription for additional food to be served to one KOSTER participant December 21, 2017 to June 2018, our reports by both our loved ones and ourselves were merely met by lip service. Different methods of serving KOSTER meals would be implemented, including smaller trays to make it seem as though the portions were larger than before, but all administration helped the other in serving us insufficient portions but going to great lengths at telling us they were adequate and proper per the Global menu and certified serving utensils.
4. Urin in KOSTER meal; Tabaco in KOSTER meal; spit in KOSTER meal, Administrative remedies lost or not allowed to be reviewed, Administration threatening KOSTER participants with disciplinaries for reporting short portions; interference with worship and KOSTER dietary standards; physical & mental suffering.
5. Administrative Remedies are available and we did exhaust them as far as possible.

Count 3

1. Equal protection
2. Basic necessities
3. Trinity Services Group Inc. developed their Global policy for the KOSTER menu to feed a 2 week cycle of 42 meals. All other diets, including other religious diets are served on a 5 week cycle of 105 meals, even medical therapeutic diets follow the 5 week cycle. Diets on this 5 week cycle get a variety of breakfast meals while KOSTER participants are subject to the same 12 of 14 breakfast meals and the other 2 are duplicates of themselves. Often, Trinity varies from what minute variety we do have and serves us the same main and side course for lunch and dinner and or dinner and then lunch the following day. KOSTER participants are not granted the same access to nutrients through their diet as other religious participants, nor are those nutrients available to the regular diet participants made available to us. Trinity's and Coreivic prejudice against KOSTER religious participants does not afford us the same dietary rights as other religious and general population diet participants.
4. Lower standard of life; Abnormal weight loss; fatigue; greater amount of underserved portions; mental and physical suffering.
5. There are administrative remedies available and I am exhausting them to the highest levels.

Count 4

1. Eighth Amendment
2. Basic necessity
3. Trinity Service Group Inc. supervisors Ms. Felipe, Ms. Glass and Ms. Rizzo have conspired with each other to serve reduced portions of Regional dietitians Ms. Quintas certified KOSHER Menu, resulting in a nutritionally deficient diet which is not adequate to maintain a base standard of life. Despite repeated attempts to communicate the short served meals, they continue to serve them at the same reduced portions. When one of the KOSHER participants requested additional food per Dr. Crane, they refused to accommodate the doctors prescription; rather, they required the KOSHER inmate to drop his KOSHER religious practices and eat non KOSHER food because of their induced deficiency due to their under serving of the diet. When Alw Mr. Young insisted they accommodate Dr. Cranes order, they retaliated against all KOSHER participants and took out sweetener out of our breakfast meals, while they left the KOSHER approved sweetener in all other diets.
4. Abnormal weight loss; interference with shabbath, not given the same rights as other religious and regular diets; mental and physical suffering.
5. Administrative Remedies are available and they have been sought to the highest level.

Count 5

1. Eighth Amendment
2. Neglect to prevent conspiracy
3. September 19, 2017 warden Keeton was informed by Administrative Remedy, of Ms. Sawyers directing KOSTER participants to accept or refuse meals thought to be underserved or not served at all. Later Ms. Sawyer threatens KOSTER participants with disciplinary's if they attempt to notify correctional staff delivering meal of missing portions or/and believed short portions. September 27, 2017 we wrote Warden Keeton informing him of the severity of the KOSTER diet being under served as well as its negative implications on the populations health. September 12, 2017 we wrote Trinity CEO Jim Long informing him of the adverse implications on the KOSTER participants, due to his Global KOSTER menu not being served as Ms. Grunta certified it to. October 10, 2017 we wrote CoreCivic CEO Eamon T. Hininger informing him of our being under fed, CoreCivic administration unwillingness to uphold policy 11-1 and not just address the matter but resolve it and eliminate his contractor Trinity's misconduct (Reckless behavior). These letters went out, administrative remedies filed, complaints made on corporate web sites, doctors confirmed the adverse effects on our health, yet Warden Keeton, CoreCivic CEO Mr. Hininger nor Trinity CEO Mr. Long have stepped up to assure us our religious dietary standard assuring us not just the ability to worship but providing us the proper base amount of nutrients.
4. Abnormal weight loss; interference with shabbath; mental and physical suffering; less educated or literately qualified participants being treated worse than other more astute participants; KOSTER participants not given equal access to the nutrients other religious diets and regular diets are assured.
5. Administrative Remedies are available and they have been sought to the highest level.

Count 6

1. Fourteenth Amendment and Fifth Amendment
2. Overcrowding
3. Kosher participants housed under CoreCivic policy and fed in accordance to Trinity Service Group Inc. Global Kosher meal plan are not afforded the same dietary and worship standards as they would be under the California Code of Regulations. We are not allowed meat in our Kosher diet, nor are we given dairy other than our milk. Rather, our Kosher diet is made up of vegetable protein and its caloric content largely depends on bread and butter, approx. 8-10 slices of bread per day and 9-11 pats of butter per day. When Tuna is suppose to be served, once or twice a week, it is either substituted or served at $\frac{1}{3}$ to $\frac{1}{2}$ of its certified amount. Rather than our being allowed specific meal supplements for fasts throughout the year and approx 7 scheduled feast, we are only allowed 3 feast and no fasting days. We are not served a equal amount of food either.
4. Interference with worship; Abnormal weight loss; lower standard of life; Emotional and physical distress.
5. There are administrative remedies available and they have been exhausted to their highest level

F. Request for Relief

1. Declaratory, injunctive and punitive damages are sought.
2. Upon the court accepting our entitled complaint, we request this court immediately issue a interlocutory injunction assuring CoreCivic provide us equal opportunity to celebrate the same feast / festivals, fast and worship days allowed under the California Code of Regulations, which can be further clarified through the Department Operating Manual for CDCR. Further, we request a affirmative injunction be enforced on Trinity Service Group Inc. implementing the same or higher standards for all KOSHER diet participants housed at La Palma Correctional Center, to include but not be limited to KOSHER meat and dairy products served regularly throughout the week and meal cycle.

I declare under penalty of perjury that the foregoing is true and correct.

January 12, 2018

Executed on

 01/10/18

Signature of Plaintiff

Eric Shane Silveira F. 99247
MA-206
La Palma Correctional Center
5501 N La Palma Rd.
Eloy, AZ 85131

Eric Shane Silveira P. #17077
MA - 206
La Palma Correctional Center
5501 N La Palma Rd.
Eliz. AZ 85131

Certificate of Service

I, Eric Shane Silveira, hereby certify that on this 12 day of January 2018, I served a true and accurate copy of the foregoing Motion for Certification as a class (2 pgs) and Class action civilrights complaint (9 pgs) on the following, via united states first class mail, postage pre paid:

Clerk, United States District Court
Sandra Day O'Connor U.S. Courthouse, Suite 130
401 W. Washington St. Spc-1
Phoenix, AZ 85003-2118

 01/12/18

Eric Shane Silveira
January 12, 2018

Eric Shane Silver
MA-206

La Palma Correctional Center
5501 N La Palma Rd.
Elroy, AZ 85131



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JAN 18 2018

CLERK OF THE COURT
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Clerk, United States District Court
Sandra Day O'Connor U.S. Courthouse, Suite 130
401 W. Washington St. Spc-1
Phoenix, AZ 85003-2118

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Lawsuit Claims CoreCivic, Others Discriminated Against Inmates on Kosher Diets](#)
