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

ANDREW LANCASTER, JEFFERY  
MILLS, DEXTER WILLIAMS, WILLIAM  
DENNIS, STEVE LIVADITIS, JIMMY  
VAN PELT, H. LEE HEISHMAN III and  
JOHNATON GEORGE,

No. C 79-01630 WHA

Plaintiffs,

v.

**ORDER RE SECOND LETTER  
FROM THEODORE SHOVE**

MATTHEW CATE, Acting Secretary,  
California Department of Corrections and  
Rehabilitation, and ROBERT K. WONG,  
Acting Warden, San Quentin State Prison,

Defendants.

In a letter dated May 27, 2014, Theodore Shove, a *pro se* prisoner at San Quentin State Prison, submitted "Legal Notice of Intent to Reopen the Thompson/Lancaster Decree," providing "Formal Legal Notice" to "the Warden of San Quentin State Prison." In essence, his letter concerns how "Basically All of the Terms and Agreements relating to the Conditions of Confinement of San Quentin's Condemned Prisoners have all but deteriorated completely since the U.S. District Court Terminated the Thompson/Lancaster Decree" in this class action.

This action was closed more than five years ago. No proper grounds have been given by Mr. Shove to reopen this action (even assuming that he was a class member). Accordingly, his request to reopen this action is **DENIED**. Mr. Shove, however, is free to begin a new lawsuit (assuming that he is not already a litigant in another proceeding concerning this matter).

**IT IS SO ORDERED.**

Dated: June 2, 2014.



WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

ANDREW THOMPSON,  
Plaintiff,

Case Number: CV79-01630 WHA  
**CERTIFICATE OF SERVICE**

v.

MATTHEW CATE,  
Defendant.

---

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 2, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Theodore Shove  
#G-11092  
San Quentin State Prison  
San Quentin, CA 94974

Dated: June 2, 2014

Richard W. Wieking, Clerk  
By: D. Toland, Deputy Clerk

Theodore Shove (G-11092)  
San Quentin State Prison  
San Quentin, CA. 94974

dated: May 27<sup>th</sup> 2014.

**FILED**

JUN 2 2014

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

To: Warden Kevin Chappell  
San Quentin State Prison  
San Quentin, CA. 94964

In re: Legal Notice of Intent to reopen the Thompson/Lancaster Decree.  
Due to San Quentin's Actions and Inactions relating to the Treatment, Conditions of Confinement of the Condemned Population. Amounting to Eighth Amendment Violations, Cruel and Unusual Punishments.  
Page 1 of 3.

Dear Mr. Chappell,

Please be advised, This is My Formal Legal Notice to You as the Warden of San Quentin State Prison. Who Is and Has been solely responsible for the Custody and Conditions of Confinement of California's Condemned Population.

The Condemned Population as a Class, Challenged the conditions of Their Confinement as being Unconstitutional, Amounting to Cruel and Unusual Punishments. The United States District Court found the Class Plaintiffs' Claims raised a prima facie case, and issued Orders for the Parties to Meet and Confer, and Stipulate to Agreements, settlements to create the necessary resolutions to Correct the Unconstitutional Conditions of Confinement.

The Prison by and through the State of California's Attorney General entered into Settlement Agreements with the Class Plaintiffs. Clarifying the Terms and Agreements relating to the Conditions of Confinement, which would correct the Violations of Constitutionally Guaranteed Rights, and Create requirements to meet the Constitutional Needs of the Class, and Create a physically and mentally Healthy environment.

The Thompson/Lancaster Decree was Terminated due to Both the Plaintiffs and Defendants Agreeing before the Court that All the Terms and Agreements relating to the Conditions of Confinement Agreed to by the Parties, "Were Corrected and in practice". The Thompson/Lancaster Decree was NOT TERMINATED to Nullify and or Terminate all the prior Settlements and Agreements, And or to Allow the Conditions of Confinement to return to the Unconstitutionally Cruel and Unusual Treatment of United States Citizens.

Theodore Shove (G-11092)

Legal Notice to Warden Kevin Chappell.

in re: Intent to reopen Thompson/Lancaster Decree.

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However, At this Time. Basically All of the Terms and Agreements relating to the Conditions of Confinement of San Quentin's Condemned Prisoners have all but deteriorated completely since the U.S. District Court Terminated the Thompson/Lancaster Decree as being fully satisfied.

To give You a few examples: Condemned Prisoners are Confined to Quarters for "20 to 24 hours a day", "EVERYDAY". Out of Cell/Exercise Yard Time is Limited to a maximum of "3 to 4 Hours" 4 to 5 times A Week. More Often, even Less than that. ALL Movement is in Mechanical Restraints, (Handcuffs, Behind the Back), going up and down stairs, going to the exercise yards, to and from Showers, including Prisoners "Confined to Wheelchairs". Prisoners are even placed in Waist-Restraints for Medical Evaluations and Procedures. Food: Is always just Luke Warm (at best), The Diet issued falls way below the Recommended Daily Allowance. East Blocks Supervisors Instruct Staff "IT IS FORBIDDEN" to Pass Any Items, or Allow Passing of Items between Inmates. This is to include Legal Documents between Plaintiffs in the Same Cases before the Courts, or being prepared for the Courts. Access to the S.H.U. Law Library IS LIMITED to the Condemned Population to approximately "90 minutes per. week". The S.H.U. Law Library's Books and Materials are Old and Out-dated. Prisoners are confined to a 4' x 4' Cage and cannot Shepordize. Custody Staff assigned to the Law Library are charged with the Duty to take control of and photocopy all Prisoners Confidential Legal Pleadings, Which is Prohibited by Law. These Same Correctional Staff, Loose and or misplace Law Library Materials/Appliances and the Prisoners suffer for Their incompetence by the Prison's discontinuance of whatever items it was the Staff Lost (eg. Staplers). East Block's Desk Officers are continuously "hollering" into the Units Intercom System, to announce Anything and Everything. The Staff being assigned to East Block's Condemned Unit are NOT TRAINED, or provided with any Training, Instructions relating to the Condemned Program(s). Prior to being assigned to this "allegedly" High Security and Dangerous Unit and Prisoners.

Even in Normal Conditions of Confinement for Prisoners sentenced to Death can be highly stressful, Amounting to Cruel and Unusual Punishment, Causing a High Rate of physical and mental deterioration and suicide. In this present case, The State's Criminal Intent IS CLEAR by San Quentin's Acknowledgement of

Theodore Shove (G-11092)

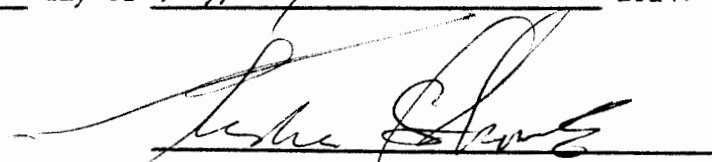
Legal Notice to Warden Kevin Chappell.

in re: Intent to reopen Thompson/Lancaster Decree.

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Conditions of Confinement as Being Unconstitutional, by Agreements to Correct. And then a Complete Abandonment of settlement Agreements, to Violate Constitutionally Guaranteed Rights of United States Citizens to Inflict physical and mental pain and tortuous stress and anguish, and Induce Suicide. These Acts Are Chargable by Criminal Prosecution, as well as Civil Injunctions.

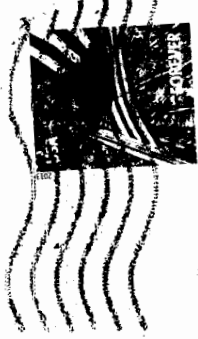
Respectfully Served this 27<sup>th</sup> day of May 2014.

  
Theodore Shove.

cc. Service to:

The Honorable William H. Alsup  
U.S. District Court  
Northern District of Calif.  
450 Golden Gate Ave.  
San Francisco, CA. 94102-3483

California Attorney General  
Kamala Harris  
P.O. Box 944255  
Sacramento, CA. 95244



T. SHOVE 6110902  
SAN QUENTIN PRISON  
SAN QUENTIN, Ca. 94974

United States District Court  
Honorable William H. Alsup  
Northern District of Calif.  
450 Golden Gate Ave.

Logn' Service

San Francisco, Calif. 94102-3323  
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