

STARK, U.S. District Judge:

## I. INTRODUCTION

Plaintiff Kalief Heath (“Plaintiff”), an inmate at the Howard R. Young Correctional Institution in Wilmington, Delaware, filed this action pursuant to 42 U.S.C. § 1983.<sup>1</sup> (D.I. 3) Plaintiff appears *pro se* and has been granted leave to proceed *in forma pauperis*. (D.I. 5) The Court proceeds to review and screen the Complaint pursuant to 28 U.S.C. § 1915(e)(2)(b) and § 1915A(a).

## II. BACKGROUND

Plaintiff alleges violations of his rights under the Eighth and Fourteenth Amendments of the United States Constitution. On March 3, 2015, Plaintiff was advised by Officer Chuck (“Chuck”) that he was moving from Z pod to Y pod. Plaintiff informed the officer that he could not be moved to Y pod because of a no-contact order with another inmate housed there. Officer Chuck called Defendant Unknown Lieutenant (“Lieutenant”)<sup>2</sup> and told him about the issue but the Lieutenant told Chuck that Plaintiff still had to be moved to Y pod.<sup>3</sup> Plaintiff alleges that he was placed in “harm’s way.” Plaintiff was moved and assaulted that night. Plaintiff was treated by medical for his injuries. Plaintiff alleges that if Lieutenant had checked the books he would have seen the no-contact order. Plaintiff alleges that Defendant Ms. Hoston (“Hoston”), who is

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<sup>1</sup> Pursuant to 42 U.S.C. § 1983, a plaintiff must allege that some person has deprived him of a federal right, and that the person who caused the deprivation acted under color of state law. *See West v. Atkins*, 487 U.S. 42, 48 (1988).

<sup>2</sup> Identified on the Court docket as “unknown Lieutenant’s department,” but referred to in the body of the Complaint as unknown Lieutenant.

<sup>3</sup> Two months earlier, an attempt to transfer Plaintiff to Y pod did not take place -- after it was discovered there was a no-contact order.

responsible for inmate movement, should have been aware of the no-contact order. Plaintiff seeks compensatory damages.

### III. LEGAL STANDARDS

A federal court may properly dismiss an action *sua sponte* under the screening provisions of 28 U.S.C. § 1915(e)(2)(B) and § 1915A(b) if “the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief.” *Ball v. Famiglio*, 726 F.3d 448, 452 (3d Cir. 2013); *see also* 28 U.S.C. § 1915(e)(2) (*in forma pauperis* actions); 28 U.S.C. § 1915A (actions in which prisoner seeks redress from governmental defendant); 42 U.S.C. § 1997e (prisoner actions brought with respect to prison conditions). The Court must accept all factual allegations in a complaint as true and take them in the light most favorable to a pro se plaintiff. *See Phillips v. County of Allegheny*, 515 F.3d 224, 229 (3d Cir. 2008); *Erickson v. Pardus*, 551 U.S. 89, 93 (2007). Because Plaintiff proceeds *pro se*, his pleading is liberally construed and his Complaint, “however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. at 94 (citations omitted).

An action is frivolous if it “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Under 28 U.S.C. § 1915(e)(2)(B)(i) and § 1915A(b)(1), a court may dismiss a complaint as frivolous if it is “based on an indisputably meritless legal theory” or a “clearly baseless” or “fantastic or delusional” factual scenario. *Neitzke*, 490 at 327-28; *see also Wilson v. Rackmill*, 878 F.2d 772, 774 (3d Cir. 1989); *see, e.g., Deutsch v. United States*, 67 F.3d 1080, 1091-92 (3d Cir. 1995) (holding frivolous a suit alleging that prison officials took an inmate’s pen and refused to give it back).

The legal standard for dismissing a complaint for failure to state a claim pursuant to § 1915(e)(2)(B)(ii) and § 1915A(b)(1) is identical to the legal standard used when ruling on Rule

12(b)(6) motions. See *Tourscher v. McCullough*, 184 F.3d 236, 240 (3d Cir. 1999) (applying Fed. R. Civ. P. 12(b)(6) standard to dismissal for failure to state claim under § 1915(e)(2)(B)). However, before dismissing a complaint or claims for failure to state a claim upon which relief may be granted pursuant to the screening provisions of 28 U.S.C. §§ 1915 and 1915A, the Court must grant Plaintiff leave to amend his complaint unless amendment would be inequitable or futile. See *Grayson v. Mayview State Hosp.*, 293 F.3d 103, 114 (3d Cir. 2002).

A complaint may be dismissed only if, accepting the well-pleaded allegations in the complaint as true and viewing them in the light most favorable to the plaintiff, a court concludes that those allegations “could not raise a claim of entitlement to relief.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 558 (2007). Though “detailed factual allegations” are not required, a complaint must do more than simply provide “labels and conclusions” or “a formulaic recitation of the elements of a cause of action.” *Davis v. Abington Mem’l Hosp.*, 765 F.3d 236, 241 (3d Cir. 2014) (quoting *Twombly*, 550 U.S. at 555). In addition, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face. See *Williams v. BASF Catalysts LLC*, 765 F.3d 306, 315 (3d Cir. 2014) (citing *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) and *Twombly*, 550 U.S. at 570).

To determine whether a complaint meets the pleading standard as set forth in *Twombly* and *Iqbal*, the Court must: (1) outline the elements a plaintiff must plead to state a claim for relief; (2) peel away those allegations that are no more than conclusions and thus not entitled to the assumption of truth; and (3) look for well-pled factual allegations, assume their veracity, and then “determine whether they plausibly give rise to an entitlement to relief.” *Bistran v. Levi*, 696 F.3d 352, 365 (3d Cir. 2012) (internal citations omitted) (citing *Iqbal*, 556 U.S. at 679; *Argueta v. United States Immigration and Customs Enforcement*, 643 F.3d 60, 73 (3d Cir. 2011)). The last step is “a context-

specific task that requires the reviewing court to draw on its judicial experience and common sense.”  
*Iqbal*, 556 U.S. at 679.

#### IV. DISCUSSION

A defendant in a § 1983 action “must have personal involvement in the alleged wrongs,” which can be shown by “allegations of personal direction.” *Rode v. Dellarciprete*, 845 F.2d 1195, 1207 (3d Cir. 1988). Plaintiff’s allegations against Warden Westly is that he “is above every staff member in the institution and inmate’s lives and his staff put [Plaintiff’s] life at risk.” (D.I. 3 at 7) The allegations against Defendant unknown Sergeant (“Sergeant”), the shift leader, is that he should be held responsible for the actions of Chuck and Lieutenant.

As the Complaint now stands, the allegations fail to suggest that these two Defendants were personally involved in the alleged wrongdoing. In addition, it appears that Plaintiff relies on the supervisory role of Defendants, but liability under § 1983 cannot be based solely on a theory of respondeat superior. *See Wright v. Warden, Forest SCI*, 582 F. App’x 136, 137 (3d Cir. Nov. 17, 2014) (citing *Rode*, 845 F.2d at 1207).

Therefore, Westly and Sergeant will be dismissed as defendants pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i) and 1915A(b)(1) as legally frivolous.

#### V. CONCLUSION

For the above reasons, the Court will dismiss the claims against Westly and Sergeant pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i) and 1915A(b)(1). Plaintiff will be allowed to proceed against Defendants Unknown Primary and Secondary Control, Ms. Hoston, and Unknown Lieutenant.

An appropriate order will be entered.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

KALIEF HEATH,	:	
	:	
Plaintiff,	:	
	:	
	:	
v.	:	Civ. No. 15-245-LPS
	:	
WARDEN WESTLY, et al.,	:	
	:	
	:	
Defendants.	:	

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**ORDER**

At Wilmington this 10<sup>th</sup> day of August, 2015, consistent with the Memorandum Opinion issued this date, IT IS HEREBY ORDERED that:

1. The Clerk of Court is directed to correct the Court Docket from Defendant “Unknow Lieutenant’s department” to “Unknown Lieutenant.”
2. The claims against Defendants Warden Westly and Unknown Sergeant are DISMISSED as legally frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and § 1915A(b)(1).
3. The Court has identified at this time what appear to be non-frivolous and cognizable failure to protect claims against Unknown Primary and Secondary Control, Ms. Hoston, and Unknown Lieutenant. Plaintiff may proceed with these claims.
4. Plaintiff has named Unknown Defendants. When Plaintiff learns the identity of the Unknown Defendants, he shall immediately move the court for an order directing amendment of the caption and service of the complaint on them.

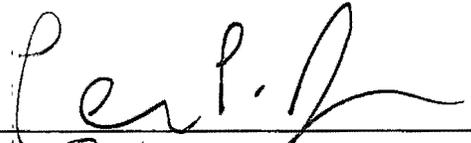
IT IS FURTHER ORDERED that:

1. The Clerk of Court shall notify the Delaware Department of Correction (“DDOC”) and the Delaware Department of Justice (“DDOJ”) of this service order. As an attachment to this

order, the Clerk of Court shall serve an electronic copy of the complaint (D.I. 3) upon the DOC and the DDOJ. The court requests that Defendant Ms. Hoston waive service of summons.

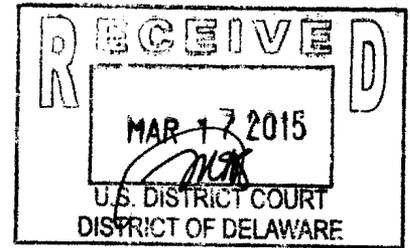
2. The DDOC and/or the DDOJ shall have ninety (90) days from entry of this service order to file a waiver of service executed and/or a waiver of service unexecuted. Upon the electronic filing of service executed, the defendant shall have sixty (60) days to answer or otherwise respond to the pro se complaint.

3. In those cases where a waiver of service unexecuted is filed, the DDOC and/or DDOJ shall have ten (10) days from the filing of the waiver of service unexecuted, to supply the Clerk of Court with the last known forwarding addresses for former employees, said addresses to be placed under seal and used only for the purpose of attempting to effect service in the traditional manner.

  
UNITED STATES DISTRICT JUDGE

(Del. Rev. 11/14) Pro Se Prisoner Civil Rights Complaint

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE



THAMES HEATH

3-16-91

00230441

(In the space above enter the full name(s) of the plaintiff(s).)

15 - 245

Civ. Action No. \_\_\_\_\_  
(To be assigned by Clerk's  
Office)

-against-

WALTER WESTLEY - Shift leader unknown

MS. HESTON - LT unknown

Primary and secondary contact

**COMPLAINT**

(Pro Se Prisoner)

Jury Demand?

Yes

No

(In the space above enter the full name(s) of the defendant(s).

If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

**NOTICE**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

(Del. Rev. 11/14) Pro Se Prisoner Civil Rights Complaint

**I. COMPLAINT**

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Check one:

- 42 U.S.C. § 1983 (state, county, or municipal defendants)
- Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)

**II. PLAINTIFF INFORMATION**

HEATH KOHLEF  
Name (Last, First, MI) Aliases

00630441  
Prisoner ID #

Howard M Young  
Place of Detention

Howard M Young  
Institutional Address

Wilmington DE 19509  
County, City State Zip Code

**III. PRISONER STATUS**

Indicate whether you are a prisoner or other confined person as follows:

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner

(Del. Rev. 11/14) Pro Se Prisoner Civil Rights Complaint

**IV. DEFENDANT(S) INFORMATION**

*Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.*

Defendant 1: WESTLY  
 Name (Last, First)

WARDEN  
 Current Job Title

Howard R Young  
 Current Work Address

<u>Wilmington</u>	<u>DE</u>	<u>19809</u>
County, City	State	Zip Code

Defendant 2: UNKNOWN  
 Name (Last, First)

primary and second duty control  
 Current Job Title

Howard R Young  
 Current Work Address

<u>Wilmington</u>	<u>DE</u>	<u>19809</u>
County, City	State	Zip Code

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**Defendant(s) Continued**

Defendant 3: unknow  
 Name (Last, First)

Lieutenant's DEPARTMENT  
 Current Job Title

Howard B Young  
 Current Work Address

Wilmington                      DE                      19809  
 County, City                      State                      Zip Code

Defendant 4: Ms. Weston  
 Name (Last, First)

Inmate movement  
 Current Job Title

Howard B Young  
 Current Work Address

Wilmington                      DE                      19809  
 County, City                      State                      Zip Code



(Del. Rev. 11/14) Pro Se Prisoner Civil Rights Complaint

**Defendant(s) Continued**

Defendant 3:

\_\_\_\_\_  
Name (Last, First)

\_\_\_\_\_  
Current Job Title

\_\_\_\_\_  
Current Work Address

\_\_\_\_\_  
County, City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

Defendant 4:

\_\_\_\_\_  
Name (Last, First)

\_\_\_\_\_  
Current Job Title

\_\_\_\_\_  
Current Work Address

\_\_\_\_\_  
County, City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

(Del. Rev. 11/14) Pro Se Prisoner Civil Rights Complaint

V. STATEMENT OF CLAIM

Place(s) of occurrence:

Howard M Young

Date(s) of occurrence:

3-3-15

State which of your federal constitutional or federal statutory rights have been violated:

Eight Amendment

Fourteenth Amendment

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

on 3rd of March 2015 I came from my visit and my pod officer check on 2 pod told me that I was moving to 4 pod that morning I informed officer check that I had a nocontact order with another inmate on 4 pod and I cannot move even there. I told him 4 months paper they tried to move me over there but they found the nocontact order in dock's so I stayed on 2 pod so that's when officer check called a LT and told the LT the situation is the LT would be did his job and looked in dock's he would of seen the nocontact order but he didn't and he told officer check I still had to move to 4 pod and put my life in harm's way I did receive medical attention for my face and the next day my ribs my back my neck my jaw was in pain

What happened to you?

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Who did what?

I told an officer chuck my so on Z pod that I had a no contact order with a mother inmate on Y pod at that time Officer chuck called a LT at that time told the LT that I had a no contact order with a mother inmate on Y pod and that I can not move over there still the LT told my pod officer I still had to move to Y pod after I informed him about my safety my freedom and my job and I informed him that 4 months ago they was trying to move me over to Y pod but they found it in Deck's that me and the other inmate had a no contact order so they keep me on Z pod if the LT would of checked Deck's He would of seen the no contact order what I will like to know since this happend 2013 why on the other inmate's face card it say's keep use away from one and other but on my face card it say's nothing that shows lack of job function

(Del. Rev. 11/14) Pro Se Prisoner Civil Rights Complaint

I will say the warden because he is above every staff member in the institution and inmates lives and his staff put my life at risk.

Was anyone else involved?

I will say ms. Weston because she is one who is responsible for all inmate movement and for that alone she should of seen in back system that we was not allowed to be around one and other and would of seen the nocontact order

I will blame primary and second duty control because if ms. Weston did not do the move ment then they are responsible because they are responsible for inmate move ment to and they should of seen in the back system my nocontact order

I will say the shift leader because after I notified officer church and he called a LT about my safety and no body come and see about my safety the shift leader should be held responsible

(Del. Rev. 11/14) Pro Se Prisoner Civil Rights Complaint

**VI. ADMINISTRATIVE PROCEDURES**

*WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.*

Is there a grievance procedure available at your institution?  Yes  No

Have you filed a grievance concerning the facts relating to this complaint?  Yes  No

If no, explain why not:

I filed a grievance after the fact because this is not something I could stop from happening because I informed staff and they still put my life in ~~the~~ harms way

Is the grievance process completed?  Yes  No

If no, explain why not:

I havent seen any one yet

**VII. RELIEF**

*State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.*

I will like to receive 100,000 dollars

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**VIII. PRISONER'S LITIGATION HISTORY**

*The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).*

Have you brought any other lawsuits in state or federal court while a prisoner?  Yes  No

If yes, how many? \_\_\_\_\_

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

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(Del. Rev. 11/14) Pro Se Prisoner Civil Rights Complaint

**IX. PLAINTIFF'S DECLARATION AND WARNING**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best knowledge, information, and belief that this complaint: (1) is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; and (3) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

*Plaintiff must sign and date the complaint and provide prison identification number and prison address.*

3-18-15  
Dated

*Heath Kalief*  
Plaintiff's Signature

HEATH KALIEF  
Printed Name (Last, First, MI)

00630491  
Prison Identification #

Howard M Young                      Wilmington                      DE                      19809  
Prison Address                                      City                                      State                      Zip Code

**Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.**



MEDICAL USE ONLY (RECEIVED STAMP)  
RECEIVED FEB 04 2015  
ES/UN  
0330

STATE OF DELAWARE  
DEPARTMENT OF CORRECTION  
BUREAU OF CORRECTIONAL HEALTHCARE SERVICES

SICK CALL FORM

(CIRCLE ONE) MEDICAL MENTAL HEALTH DENTAL

PRINT NAME: KAIGT Heath DATE OF REQUEST: 3/4/15

SBI No.: 630441 DATE OF BIRTH: 8-16-91 HOUSING LOCATION: 2c

PROBLEM OR REQUEST: I am having major headaches on the left side of my face my neck is so sore my left and right arms are sore and my back is sore it's hard for me to lay down and my jaw falls swollen and it's hard for me to chew solid foods

I AGREE TO BE TREATED BY HEALTH STAFF FOR THE PROBLEM ABOVE.

SIGNATURE: [Signature]

DO NOT WRITE BELOW THIS AREA - MEDICAL USE ONLY

Triaged by: (Initial & Date) UD 3/5/15 TIME: 0120  
Triaged to (circle): NSC Mid-level/Physician SC MH Dental Administrative  
 ROUTINE  URGENT

HEALTH CARE DOCUMENTATION

SUBJECTIVE: \_\_\_\_\_

OBJECTIVE: BP \_\_\_\_\_ T \_\_\_\_\_ P \_\_\_\_\_ R \_\_\_\_\_ Wt. \_\_\_\_\_

PHYSICAL ASSESSMENT: \_\_\_\_\_

ASSESSMENT (NURSING DIAGNOSIS): Resolved

PLAN: \_\_\_\_\_

Inmate education handout reviewed with and given to the patient.

REFER TO (circle): Mid-level/Physician MH Dental Other: \_\_\_\_\_

SIGNATURE & TITLE: Felicia Sallento DATE: 3/10/15 TIME: 1500



# Inmate/Inmate Assault

FORM #584

## GRIEVANCE FORM

FACILITY: Howard M Young

DATE: 3-5-15

GRIEVANT'S NAME: KALIEB HEATH

SBI #: 00630441

CASE #: 302472

TIME OF INCIDENT: 7:45 p.m on 3-3-15

HOUSING UNIT: 24

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

I am grieving the Lead Corporal that was running the shift on the above date and morning because I was assaulted by another inmate that I was not suppose to have been around because we have a nocontact order and I informed security personnel but the shift moved me to 4 pod which I was assaulted

ACTION REQUESTED:

I will like to know why there was no concern for my life

GRIEVANT'S SIGNATURE: Graef Heath

DATE: 3-5-15

WAS AN INFORMAL RESOLUTION ACCEPTED? \_\_\_\_\_ (YES) \_\_\_\_\_ (NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANTS'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE OR SUBJECT MATTER EXPERT PANEL.

cc: INSTITUTION FILE  
GRIEVANT

RECEIVED  
MAR 10 A 9 55

FORM #584

GRIEVANCE FORM

FACILITY: Howard M Young

DATE: 3-5-15

GRIEVANT'S NAME: Kal'et Heath

SBI #: 00630441

CASE #: 302472

TIME OF INCIDENT: 7:45 pm on 3-3-15

HOUSING UNIT: 24

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

I AM grieved the head of the Sargent's Department because  
on the aboveed DATE, I was assaulted by a inmate the other inmate  
and I have a no contact order and I informed security personal about  
the situation and I was still moved to 4 pod with the other inmate  
I am suppose to not have contact with and I was assaulted after  
work because of lack of job functions

ACTION REQUESTED:

I will like to know why when I let my housing officer  
know my situation I was still moved

GRIEVANT'S SIGNATURE: Shuley Heath

DATE: 3-5-15

WAS AN INFORMAL RESOLUTION ACCEPTED? \_\_\_\_\_ (YES) \_\_\_\_\_ (NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANTS'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE OR SUBJECT MATTER EXPERT PANEL.

cc: INSTITUTION FILE  
GRIEVANT

RECEIVED  
MAR 10 9 55 AM '15

FORM #584

GRIEVANCE FORM

FACILITY: Howard M Young

DATE: 3-5-15

GRIEVANT'S NAME: Kelief Heath

SBI #: 00630441

CASE #: 302472

TIME OF INCIDENT: 7:45 pm on 3-3-15

HOUSING UNIT: 24

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

I am grievencing C.O officer chubb because I informed him before I moved to Y pod that he and another inmate had a no contact order and that I can not move to y pod because he was over there. I feel as though it was a lack of job function on all security persons otherwise all the had to do was look in books and it would of popped up by them not doing so I was assaulted

ACTION REQUESTED:

I will like to know why he still put my life in jeopardy after I informed him

GRIEVANT'S SIGNATURE: Ghalef Heath

DATE: 3-5-15

WAS AN INFORMAL RESOLUTION ACCEPTED? \_\_\_\_\_ (YES) \_\_\_\_\_ (NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANT'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE OR SUBJECT MATTER EXPERT PANEL.

cc: INSTITUTION FILE  
GRIEVANT

RECEIVED  
MAR 10 A 9 56

FORM #584

GRIEVANCE FORM

FACILITY: ~~Watts~~ W.E. Howard B. Youngs

DATE: 3-5-15

GRIEVANT'S NAME: Valief Heath

SBI #: 00630441

CASE #: 302472

TIME OF INCIDENT: 7:45 p.m on 3-3-15

HOUSING UNIT: 24

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

I am GRIEVAN the LT department because on 3-3-15 I inform C.O officer Chuck that me and a worker inmate from Y pod had a nocontact order with he say's he contacted a LT and in formed the LT on what was going on and he said the LT said I still had to move over there so I followed my last and that night I was assulted after work what ever LT it was put my life in jepardy and violated my rights

ACTION REQUESTED:

I will like to know how put my life in jepardy and why such a lack of job function

GRIEVANT'S SIGNATURE: Valief Heath

DATE: 3-5-15

WAS AN INFORMAL RESOLUTION ACCEPTED? \_\_\_\_\_ (YES) \_\_\_\_\_ (NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANTS'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE OR SUBJECT MATTER EXPERT PANEL.

cc: INSTITUTION FILE  
GRIEVANT

MAR 10 A 9 27

RECEIVED

FORM #584

GRIEVANCE FORM

FACILITY: Howard A Young

DATE: 3-5-15

GRIEVANT'S NAME: KALISH HEATH

SBI #: 00630441

CASE #: 302472

TIME OF INCIDENT: 7:45 p.m on 3-3-15

HOUSING UNIT: 24

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

I Am GRIEVANCEING the Deputy warden because what happend to me he is responsible because his security personale failed to protect me you as know I informed a officer that me and another inmate had a no contact order and they still moved me on the same post with him witch turned out me getting asulted witch fall backs on him

ACTION REQUESTED:

I will like to know why

GRIEVANT'S SIGNATURE: *Kalish Heath*

DATE: 3-5-15

WAS AN INFORMAL RESOLUTION ACCEPTED? \_\_\_\_\_ (YES) \_\_\_\_\_ (NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANTS'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE OR SUBJECT MATTER EXPERT PANEL.

cc: INSTITUTION FILE  
GRIEVANT

RECEIVED

FORM #584

GRIEVANCE FORM

FACILITY: Howard B Young

DATE: 3-5-15

GRIEVANT'S NAME: Kalief Heath

SBI #: 00630441

CASE #: 302472

TIME OF INCIDENT: 7:45 p.m on 3-3-15

HOUSING UNIT: 24

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

I am Grievancing the warden because he is responsible for every inmate in this facility on the 3 day of march 2015 I was ~~assaulted~~ assaulted by a mother inmate I told his security personle that me and the other inmate had a no contact order and they still put me and his life in sepeerty by putting us both on the same pod which led me into being assaulted

ACTION REQUESTED:

I will like to know why

GRIEVANT'S SIGNATURE: [Signature]

DATE: 3-5-15

WAS AN INFORMAL RESOLUTION ACCEPTED? \_\_\_\_\_ (YES) \_\_\_\_\_ (NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANTS'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE OR SUBJECT MATTER EXPERT PANEL.

cc: INSTITUTION FILE  
GRIEVANT

RECEIVED  
MAR 10 A 9 59  
2015

FORM #584

GRIEVANCE FORM

FACILITY: Howard A Young

DATE: 3-5-15

GRIEVANT'S NAME: Kalies Heath

SBI #: 00630441

CASE #: 302472

TIME OF INCIDENT: 7:45 pm on 3-3-15

HOUSING UNIT: 2 Y

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

I am grievancing the captain's of the facility because they are responsible for there security personnel because when they mess up it falls back on them a LT put my life in harms way I explain I c.o check that me and a mother inmate had a nocord order and so check called a Lt and told him the situation but the Lt still moved me and the other inmate on the same pod to gether with h put me and his life in jeopardy and the out come was I was assulted

ACTION REQUESTED:

I will like to know why

GRIEVANT'S SIGNATURE: [Signature]

DATE: 3-5-15

WAS AN INFORMAL RESOLUTION ACCEPTED? \_\_\_\_\_ (YES) \_\_\_\_\_ (NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANTS'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE OR SUBJECT MATTER EXPERT PANEL.

cc: INSTITUTION FILE  
GRIEVANT

RECEIVED  
2015 MAR 10 A 9 59

FORM #584

GRIEVANCE FORM

FACILITY: Howard B young

DATE: ~~3-5-15~~ 3-5-15

GRIEVANT'S NAME: KALIEF HEATH

SBI #: 00630941

CASE #: 302472

TIME OF INCIDENT: 7:45 p.m on 3-3-15

HOUSING UNIT: 24

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

I am grievencing MS HOSTEN BECAUSE SHE IS RESPONSIBLE  
for all inmate movement in the facility me and a nother  
inmate was not suppose to be on the same pod together and  
I am wondering why you put my life and his in jeopardy

ACTION REQUESTED:

I will like to know why

GRIEVANT'S SIGNATURE: [Signature]

DATE: 3-5-15

WAS AN INFORMAL RESOLUTION ACCEPTED? \_\_\_\_\_ (YES) \_\_\_\_\_ (NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANTS'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE OR SUBJECT MATTER EXPERT PANEL.

cc: INSTITUTION FILE  
GRIEVANT

RECEIVED  
MAR 10 4 59 PM '15

**Delaware Department of Correction**

**Return of Unprocessed Grievance**

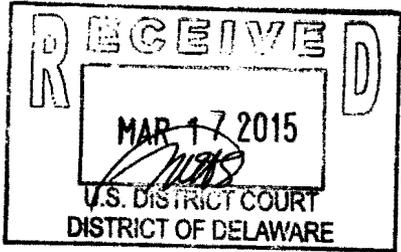
Offender Name: HEATH KALIEF T	Incident Date: 03/03/2015
SBI #: 00630441	Incident Time:
Grievance #: 302472	IGC Recd Date: 03/10/2015
Facility: HRYCI	Category: Individual
Grievance Type: Assault Inmate on Inmate	Grievance
Location: MPCJF0030	Return Date: 03/05/2015

- Vulgar/Abusive or Threatening Language.** The Language that is unacceptable has been highlighted. The grievance may be resubmitted omitting this language.
- Disciplinary Action.** Appeals of disciplinary actions shall be sent to the Hearing Officer within 15 days of the offender's receipt of the hearing's written record. Refer to BOP Policy 4.2 "Rules of Conduct" on how to appeal. Disciplinary #
- Parole Decision.** Decisions of the Parole Board should be directed to the Board of Parole by writing their offices at:  
Carvel State Office Building - Fifth Floor  
820 North French Street  
Wilmington, DE 19801
- Classification Action.** Written appeals must be submitted within 10-days of receipt of the decision of the committee/board. IBCC decisions shall be directed to the facility Warden/designee, CICB decisions shall be directed to the Classification Administrator. Refer to BOP Policy 3.3 "Classification" on how to appeal.
- Prohibited Mail.** Written appeals on prohibited mail shall be directed to the facility Warden. Refer to BOP Policy 8.92 "Mailroom Operations" on how to appeal.
- Request.** Requests are not processed through the grievance procedure. Please correspond with the appropriate office to secure the information that is requested.
- Duplicate Grievance(s).** This issue has been addressed previously in Grievance #
- Original Grievances must be submitted to the Inmate Grievance Chairperson. Photocopies are not accepted.**
- Inquiry on behalf of other Inmates.** Inmate cannot submit grievances for other Inmates.
- Expired Filing period.** Grievance exceeds seven (7) days from date of occurrence.
- Staff Investigation:** To request that the actions of staff personnel be investigated write to your Unit Commander with that request. If you receive no response or are dissatisfied with the response of your Unit Commander you may appeal that decision to the Operations Superintendent and ultimately to the War
- Others:**  
Investigation in progress,.

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I was in special education so please work with my hand writing and spelling please I am trying to get a copy of the report but the staff is keep on saying me can you send me a letter stating that you need a copy of the report for my file please and how long do you think it will take to get in court

PLEASE write back  
Shirley Heath



KALIEF HEATH  
00630441  
Hwy 1  
PO box 9551  
wil, DE, ~~19809~~ 19809



Bank Swallow

FOREVER USA

U.S.M.S.  
1 X-RAY

US District court  
844 King Street  
Room 4209  
Unit 18  
Wilmington, DE, 19801

1701 E Heath  
00630491  
Hwy 27  
P.O. box 9561  
Wilmington, DE, 19809

RECEIVED  
MAR 17 2015  
U.S. DISTRICT COURT  
DISTRICT OF DELAWARE