

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JONATHAN STEWART RODEN,
Plaintiff,

V.

DON PLONT AND TRINITY FOOD
SERVICE GROUPS, IN INDIVIDUAL
CAPACITY, JOINTLY, AND SEVERELY.
Defendants.

Case No. : _____

Judge: _____

JURY DEMAND ENDORSED

_____ /

EXHIBIT B

1. Grievance KCF 1709 0772 27A
2. Grievance KCF 1709 0731 9E
3. Grievance KCF 1709 0754 27A

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE FORM

4835-4247 10/94
CSJ-247A

Date Received at Step I 9-18-17 Grievance Identifier: KICF117091 0772 27A

Be brief and concise in describing your grievance issue. If you have any questions concerning the grievance procedure, refer to PD 03.02.130 and OP 03.02.130 available in the prison Law Library.

Name (print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
Jonathan Rodan	319782	KCF	G-1 46	8 30 17	9-14-17


What attempt did you make to resolve this issue prior to writing this grievance? On what date? 9-13-17

If none, explain why.
I was issued a false misconduct. After investigations pursuant to PD 03.03.105 I was found Not Guilty. I then spoke to food service supervisor Jones on 9-13-17. Issue not resolved.

State problem clearly. Use separate grievance form for each issue. Additional pages, using plain paper, may be used. Four copies of each page and supporting documents must be submitted with this form. The grievance must be submitted to the Grievance Coordinator in accordance with the time limits of OP 03.02.130.


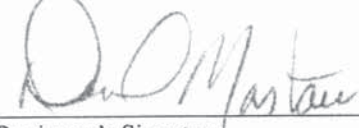
This grievance is on Trinity Food Service and Food Steward Plant for violation of my First, Eighth, and Fourteenth Amendment rights of the U.S. Constitution, clearly established law, and MDOC Policy Directives PD 03.02.130(k); PD 03.03.130(1)(6)(E); PD 04.07.100, for retaliating against, impeding and suppressing my legitimate complaint/grievance about maggots in my food.

SEE ATTACHED

1 of 3  319782
Grievant's Signature

RESPONSE (Grievant Interviewed?) Yes No If No, give explanation. If resolved, explain resolution.)

Evidence rejected See Attachment

	<u>9-18-17</u>		<u>9/18/17</u>
Respondent's Signature	Date	Reviewer's Signature	Date
<u>(J. Anderson)</u>	<u>EC</u>	<u>D. MASIAW</u>	<u>Admin ASST</u>
Respondent's Name (Print)	Working Title	Reviewer's Name (Print)	Working Title

Date Returned to Grievant: 9-19-17 If resolved at Step I, Grievant sign here. Resolution must be described above. _____ Grievant's Signature _____ Date _____

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER DISCIPLINE STATEMENT PD 03.03.105

Jonathan S. Roden #319782
Kinross Correctional Facility
Unit: G, Lock 1-46
Date of Incident: August 30, 2017

FACTS:

On August 30, 2017, I discovered maggots crawling out of the banana that was served to me. This was between 1715 and 1730.

I immediately notified Chow Hall Sergeant Beauliu by taking my tray to the desk and showing him the maggots and larva.

The sergeant instructed me to get a new one. I replied, "Shouldn't they stop the line?" The sergeant stated, "Go tell him," and pointed to Food Steward Plont.

I approached Food Steward Plont and Line Officer Templeton and stated there are maggots or worms crawling out of my banana. Plont took the banana, gave a cursory inspection, and stated, "No there's not." Plont put the banana back on my tray. I picked the banana back up and pointed directly to the larva and stated, "Get a supervisor." Plont took the banana, rubbed his fingers in the larva, and then stated, "That's just goo." Plont again gave me the banana back and threatened to write me a creating a disturbance misconduct. I took my ID card out of my pocket and placed it on the counter. I then turned the banana around for Officer Templeton to see the worms. Officer Templeton grunted, "Eww." I then pointed directly to a specific crawling maggot.

Plont took the banana out of my hand and stated, "Oh yeah, I see. I must have looked at the wrong spot. You can get a new tray."

Plont then instructed the workers to "Pull all the bananas from the line and serve apples."

I put my ID card back in my pocket and got back in the serving line.

While in line I was speaking to the line workers when I asked for Plont's name (he was not wearing a name tag). Plont stated, "Why? You just need to leave it alone." I replied, "I don't need to leave it alone. I'm writing you up."

Plont then stated, "That's it. You're getting a ticket. Give me your ID." I complied with his order.

I was never loud nor disruptive. The chow lines stopped because Plont instructed them to stop.

Plont wrote this misconduct in response to me asking for his name and

telling him I wasn't letting it go. I was writing him up. Plont's first threat to write a misconduct was an attempt to deter me from persisting with my complaint. His actually writing a misconduct was in retaliation for me stating I wasn't letting it go. I was writing him up. Both these actions violate due process and the First Amendment of the United States Constitution.

I respectfully request that the chow hall cameras for August 30, 2017, between 1715 and 1740 be preserved for litigation.

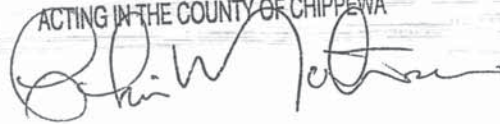
Respectfully submitted,



Jonathan S. Roden
Kinross Correctional Facility
4533 West Industrial Park Dr.
Kincheloe, MI 49788

Date: September 5, 2017

CHRIS MORTENSEN, NOTARY PUBLIC
MACKINAC COUNTY, STATE OF MICHIGAN
COMMISSION EXPIRES JULY 13, 2020
ACTING IN THE COUNTY OF CHIPPEWA



Michigan Department of Corrections
GRIEVANCE REJECTION LETTER

DATE: 9-18-17

TO: Prisoner RODEN 319782, KCF G-1-46

FROM: Grievance Coordinator: C. Anderson

SUBJECT: Receipt/Rejection for Step I grievance.

Your Step I grievance is rejected for the following reason. Decisions made in or associated around Administrative Hearings conducted by hearing officers of LARA, including property disposition, and issues directly related to the hearings process (e.g./ sufficiency of witness statements/evidence; timeliness of misconduct review; timeliness of hearing), or decisions made in minor misconduct hearings, including property dispositions) are non-grievable issues. If you have any questions, consult PD 03.02.130 "Prisoner/Parolee Grievances" which is available in the institutional library.

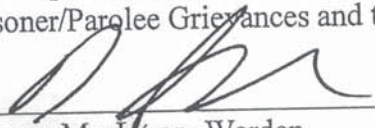
Any future references to this grievance should utilize this identifier: KCF/17/09/0772/27A

STEP II GRIEVANCE RESPONSE FOR PRISONER: Roden 319782 G-146 (KCF)

Grievance KCF 1709 0772 27A, has been reviewed.

Grievant suggests that Trinity Food Service Steward, Plont violated Grievant's rights by retaliating against Grievant by impeding and suppressing Grievant's legitimate complaint. The Step I respondent Grievance Coordinator Anderson indicates that this grievance is being rejected as decisions made in or associated around Administrative Hearings conducted by a hearings officer, or decisions made in misconduct hearings are non-grievable per PD 03.02.130 Prisoner/Parolee Grievances.

The Step I rejection has been reviewed by the Warden's Office in accordance with PD 03.02.130 Prisoner/Parolee Grievances and the rejection is upheld at Step II.



Duncan MacLaren, Warden

9-25-17
Date

D. David Alwardon
DM/dpm

~~CONFIDENTIAL~~

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE APPEAL FORM

Date Received by Grievance Coordinator
at Step II: **REC'D SEP 21 2017**

Grievance Identifier: **KCF117091 07721 27A**

INSTRUCTIONS: THIS FORM IS ONLY TO BE USED TO APPEAL A STEP I GRIEVANCE
The white copy of the Prisoner/Parolee Grievance Form CSJ-247A (or the goldenrod copy if you have not been provided with a Step I response in a timely manner) **MUST** be attached to the white copy of this form if you appeal it at both Step II and Step III.

RECEIVED INDOOR
OCT 05 2017
Office of Legal Affairs

If you should decide to appeal the Step I grievance response to Step II, your appeal should be directed to: Wardens Office by 10-11-17. If it is not submitted by this date, it will be considered terminated.

If you should decide to appeal the response you receive at Step II, you should send your Step III Appeal to the Director's Office, P.O. Box 30003, Lansing, Michigan, 48909.

Name (Print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
<u>Jonathan Roden</u>	<u>319782</u>	<u>KCF</u>	<u>G-146</u>	<u>8-30-17</u>	<u>9-20-17</u>

STEP II - Reason for Appeal This Grievance was improperly denied/rejected. The response claims the issue is non-grievable. This is incorrect. This grievance is not on any decision made in association with a minor misconduct. This Grievance is on Food Service Steward Plant and Trinity for retaliation and cruel/unusual punishment.

STEP II - Response

Date Received by
Step II Respondent:
REC'D SEP 21 2017

[Signature]
Respondent's Name (Print)

[Signature]
Respondent's Signature

9-15-17
Date

Date Returned to
Grievant:

STEP III - Reason for Appeal ISSUE NOT RESOLVED. This Grievance is on Trinity Food Service and Food Steward Plant for retaliation. This grievance rejection was improper and was wholly to avoid preserving evidence (camera & log book). Please suspend regular retention and disposal schedule and preserve all video and logs from the Chow Hall Aug 30, 2017, 1710 through 1800. See attached letter.

NOTE: Only a copy of this appeal and the response will be returned to you.

9-25-17
[Signature]

STEP III - Director's Response is attached as a separate sheet.

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE FORM

4835-4247 10/94
CSJ-247A

Date Received at Step I 9-6-17 Grievance Identifier: KICF|17|C91|107311|11E1

Be brief and concise in describing your grievance issue. If you have any questions concerning the grievance procedure, refer to PD 03.02.130 and OP 03.02.130 available in the prison Law Library.

Name (print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
JONATHAN RODEN	319782	KCF	C-144	AUG 30, 2017	Sept 5, 2017

What attempt did you make to resolve this issue prior to writing this grievance? On what date? Sept 4, 2017
If none, explain why. Kited warden assistant
Mastan

State problem clearly. Use separate grievance form for each issue. Additional pages, using plain paper, may be used. Four copies of each page and supporting documents must be submitted with this form. The grievance must be submitted to the Grievance Coordinator in accordance with the time limits of OP 03.02.130.

ON AUGUST 30, 2017, BETWEEN 1715 AND 1730 I WAS SERVED A food tray with maggots in my BANANA. I took the TRAY to Sgt BEAULIEU. HE INSTRUCTED ME TO TAKE THE TRAY UP TO Food Steward Plant. I showed Plant and CP Tempelton. The serving line WAS STOPPED AND CLEARED OF ALL BANANAS. HOWEVER THE LINE WAS NOT CLEANED NOR WAS A picture taken OF MY SPECIFIC BANANA.

This violates the Food Service / Prisoner Meals Policy and Trinity Sanitation Policy

*The incident was NOT properly documented/Reported Jonathan Roden 319782
Grievant's Signature

RESPONSE (Grievant Interviewed?) Yes No If No, give explanation. If resolved, explain resolution.)

inmate states this grievance is because there was no picture taken. Refuse to sign. There is no policy in regards to a picture being taken.

S. Jones 9/13/17 [Signature] 9/13/17
Respondent's Signature Date Reviewer's Signature Date
S. Jones AFSD [Signature] [Signature]
Respondent's Name (Print) Working Title Reviewer's Name (Print) Working Title

Date Returned to Grievant: 9-19-17 If resolved at Step I, Grievant sign here. Resolution must be described above. [Signature] [Signature]
Grievant's Signature Date

Step I Grievance Response

Grievance Number:	KCF 1709 731 9E
Prisoner Name:	Roden
Prisoner Number:	319782

Prisoner was was NOT interviewed. GIVE REASON:

SUMMARY OF COMPLAINT:

bad banana

INVESTIGATION INFORMATION

APPLICABLE POLICY, PROCEDURE, ETC.

SUMMARY

The inmates banana was substituted with a proper substitution. After speaking to supervisor the bananas were removed and they substituted it with apples. The proper sanitation methods were taken after speaking with the supervisors on at this time.

RESPONDENT NAME:	S.JONES	TITLE:	AFSD TRINITY
RESPONDENT SIGNATURE:	<i>S. Jones</i>	DATE:	09/13/2017
REVIEWER NAME:	<i>K Dumbard</i>	TITLE:	<i>Bus Mng</i>
REVIEWER SIGNATURE:	<i>K Dumbard</i>	DATE:	9/15/17

DOCUMENT TYPE POLICY DIRECTIVE	EFFECTIVE DATE 08/15/1994	NUMBER 04.07.102	PAGE 2 OF 3
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- I. The preservice quality checks shall be made at least 30 minutes before the meal is served. Quality checks in institutions shall be made by one of the following:
1. Food production supervisor.
 2. Inmate lead worker working area that produces food to be evaluated.
 3. Non-food service prisoner representative.
 4. Custodial staff member.
 5. Food Service Director when available.
 6. Other(s) as designated by the warden.
- J. Quality checks in the camps shall be made by one of the following:
1. Custodial staff member.
 2. First cook.
- K. The food production supervisor or the first cook in the Camp Program shall coordinate the preservice quality checks and prepare written reports. Records of food evaluations shall be maintained for a period of 45 days to allow the Food Service Director to implement suggested changes when appropriate and to evaluate the results of corrective action taken.
- L. Menu items identified during the quality control evaluation as needing additional seasonings or other adjustments shall be modified before the meal is served. Menu items that are unacceptable for service shall not be served unless corrected. The Food Service Director or designee shall make the final decision as to whether an item must be removed from the menu. Alternative menu items shall be established so that substitutions can be made with minimum delays in meal time. Those substitutions must be of comparable nutritional value and noted on the menu and on the Report of Menu Change form (CAH-108).
- M. if a prisoner has a concern with a food item once service of a meal has started and s/he brings that problem to the attention of a food service employee, that employee shall immediately assess the concern if necessary and, if the prisoner's concern is valid, immediately bring that concern to the attention of the ranking food service employee. The ranking food service employee shall make the determination if the item needs to be pulled from the line and an immediate substitution made.

MEAL DISTRIBUTION

- N. Transportation and service of meals shall be consistent with public health requirements regarding thermal and bacterial protection.
- O. All meals shall be served under the direct supervision of staff to ensure that favoritism, careless serving and waste are avoided.
- P. Food items shall be preplated, portioned or served according to instruction listed on the recipe card or production sheet.
- Q. Appropriate serving ware shall be provided based on the security level.

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE APPEAL FORM

4835-4248 5/09
 CSJ-247B

Date Received by Grievance Coordinator at Step II: _____

Grievance Identifier: KCF1171091073119E

INSTRUCTIONS: THIS FORM IS ONLY TO BE USED TO APPEAL A STEP I GRIEVANCE. The white copy of the Prisoner/Parolee Grievance Form CSJ-247A (or the goldenrod copy if you have not been provided with a Step I response in a timely manner) **MUST** be attached to the white copy of this form if you appeal it at both Step II and Step III.

If you should decide to appeal the Step I grievance response to Step II, your appeal should be directed to: _____
Wanda's Office by 10-11-17. If it is not submitted by this date, it will be considered terminated.

If you should decide to appeal the response you receive at Step II, you should send your Step III Appeal to the Director's Office, P.O. Box 30003, Lansing, Michigan, 48909.

Name (Print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
<u>Jonathan Boden</u>	<u>319782</u>	<u>KCF</u>	<u>G-146</u>	<u>Aug 30²⁰¹⁷</u>	<u>9-20-17</u>

STEP II - Reason for Appeal This grievance has not been resolved. Sgt. Beaulieu failed/refused to properly document the fact that maggots were in my food. AFSJ Jones stated at the interview "Taking a picture is not on LIS. That's on the Sgt." I replied: "Then write that, and send this grievance back to him because this issue is not resolved."
*PLEASE PRESERVE CAMERAS AND LOGBOOK FOR LITIGATION JK

STEP II - Response Date Received by Step II Respondent:

[Signature] Date Returned to Grievant:
 Respondent's Name (Print) [Signature] Respondent's Signature 10-3-17 Date

STEP III - Reason for Appeal ISSUE NOT RESOLVED. THE MAGGOT WAS NOT PROPERLY DOCUMENTED. THE SERVING LINE WAS NEVER SANITIZED. THE VIDEO SHOWS THIS. PLEASE PRESERVE VIDEO FROM DATE AND TIME OF INCIDENT.
JK 319782 10-5-17

NOTE: Only a copy of this appeal and the response will be returned to you.
STEP III - Director's Response is attached as a separate sheet.

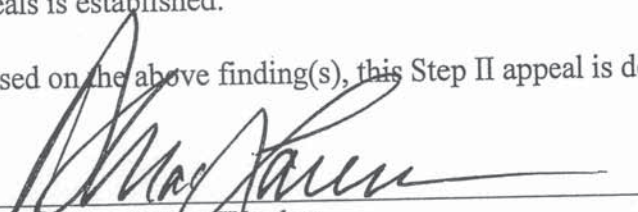
STEP II GRIEVANCE RESPONSE FOR PRISONER: Roden 319782 G-146 (KCF)

Grievance KCF 1709 0731 09E, has been reviewed

Grievant claims that he was serving a food tray with a maggot in the banana. Grievant states that he reported this to staff. Grievant indicates that the lines were not stopped and a picture was not taken. The Step I respondent, S. Jones Trinity Food Services indicates that policy does not require that a picture be taking in this situation. The item was substituted with a proper substitution. All bananas were removed and the fruit was switch to apples. Ms. Jones reports that proper sanitation methods were taken.

In the Step II appeal, Grievant suggests that the Sgt. did not document that a maggot was found in the food. Grievant suggests that the Sgt. should have taken a picture. This Step II respondent finds that Step I response appropriate. An investigation into the incident revealed that it was an isolated event and staff conducted themselves professionally. All substitutions and cleaning processes were enacted. No violation of 04.07.100 Offender Meals is established.

Based on the above finding(s), this Step II appeal is denied.



Duncan MacLaren, Warden

10-3-17
Date

DM/dpm

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE FORM

4835-4247 10/94
 CSJ-247A

Date Received at Step I 9-13-17 Grievance Identifier: KCF1171091 107541 27A

Be brief and concise in describing your grievance issue. If you have any questions concerning the grievance procedure, refer to PD 03.02.130 and OP 03.02.130 available in the prison Law Library.

Name (print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
Jonathan Roden	319782	KCF	G1-46	9-6-17	9-13-17

What attempt did you make to resolve this issue prior to writing this grievance? On what date? 9-12-17

If none, explain why. I waited for RUM Menard to finish Conducting the class II Misconduct Hearing. I spoke to my counselor who E-mailed Menard several times. As of 9-12-17 Menard failed Refused to finish the Hearing.


State problem clearly. Use separate grievance form for each issue. Additional pages, using plain paper, may be used. Four copies of each page and supporting documents must be submitted with this form. The grievance must be submitted to the Grievance Coordinator in accordance with the time limits of OP 03.02.130.

On August 30, 2017 I was issued a manufactured creating a Disturbance misconduct by Trinity Food steward Plont. On September 6, 2017 RUM Menard conducted the misconduct hearing. I presented my statement and two witness statements. I also requested the camera from the chow hall be present. RUM Menard adjourned the hearing to "view the camera and speak with Mr Mastaw." RUM Menard never finished the hearing. I kited his office twice, My ARUS E-Mailed his office twice, and My family called. RUM Menard has failed/refused to conduct the hearing pursuant to 03.03.105; US CONST. XIV.



 Grievant's Signature

RESPONSE (Grievant Interviewed?) Yes No If No, give explanation. If resolved, explain resolution.)

Grievance Rejected See Attachment


 Respondent's Signature
 Respondent's Name (Print)

9-13-17
 Date
G-C
 Working Title


 Reviewer's Signature
 Reviewer's Name (Print)

9/13/17
 Date
Admin Asst
 Working Title

Date Returned to Grievant: 9-13-17 If resolved at Step I, Grievant sign here. Resolution must be described above. Grievant's Signature _____ Date _____

Menard
Hearing

Michigan Department of Corrections
GRIEVANCE REJECTION LETTER

DATE: 9-13-17

TO: Prisoner RODEN 319782, KCF G-1-46

FROM: Grievance Coordinator: C. Anderson

SUBJECT: Receipt/Rejection for Step I grievance.

Your Step I grievance is rejected for the following reason. Decisions made in or associated around Administrative Hearings conducted by hearing officers of LARA, including property disposition, and issues directly related to the hearings process (e.g./ sufficiency of witness statements/evidence; timeliness of misconduct review; timeliness of hearing), or decisions made in minor misconduct hearings, including property dispositions) are non-grievable issues. If you have any questions, consult PD 03.02.130 "Prisoner/Parolee Grievances" which is available in the institutional library.

Any future references to this grievance should utilize this identifier: KCF/17/09/0754/27A