

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Sollog Immanuel Adonai-Adoni  
V.  
City of Philadelphia, et al

CIVIL ACTION  
No. 07-5484

SEALED

EX PARTE MOTION FOR TRO (Temporary Restraining Order);

To Appoint Special Prosecutor;

To Amend Complaint ;

To Order Law Library Access ;

To Order Medications ;

To Order STAY AWAY ORDERS.

Comes now the Plaintiff, Pro Se, in a SEALED Ex Parte Motion for TRO (Temporary Restraining Order), to Appoint Special Prosecutor, to Amend Complaint, to Order Law Library Access, to Order Medications, to Order STAY AWAY ORDERS, pursuant to Fed.R.Civ.P. Rule 65 (b) (1)

The Plaintiff states as Ground :

1. Due to FEAR of retaliation by defendants upon the Plaintiff as well as FEAR by fellow inmates as to retaliation upon them for making AFFIDAVITS .

Filed in support of this EXZTRAORDINARY Ex Parte Motion for T. R. O. (Temporary Restraining Order) pursuant to Fed.R.Civ.P. Rule 65(b)(1), the Plaintiff requests this Court SEAL this Motion and all exhibits and affidavits in Support of it, until the threat of retaliation by the defendants upon the Plaintiff and witnesses giving affidavits is alleviated.

2. There are copious SERIOUS allegations against defendants Lt. Howard and Dr. Caulk made in this SEALED Ex Parte Motion that substantiates via AFFIDAVITS and EXHIBITS the extraordinary use of a special prosecutor be ORDERED to investigate these serious ALLEGATIONS that are tantamount to ATTEMPTED MURDER upon the Plaintiff by Lt. Howard and Dr. Caulk. These SERIOUS ALLEGATIONS are supported in exhibits and affidavits satisfying provisions of Fed.R.Civ.P. Rule 65 (b) (1), that allows the court to issue the Extraordinary EX PARTE TRO relief sought within.

4. Dr. Caulk and Lt. Howard are both in supervisory positions of power over the Plaintiff where they can cause serious injury and even DEATH to the Plaintiff as well as similar DAMAGES to fellow inmates who have given affidavits to the Plaintiff to substantiate these serious ALLEGATIONS that warrant the use of a "special prosecutor" to investigate these allegations!

5. Also filed in support of this SEALED EX PARTE motion is an exhibit concerning the medical opinion of RETIRED U.S.A.F. MAJOR Dr. William Wyttenbach M.D., in which he unequivocally states the action of Dr. Caulk INTENTIONALLY withholding "NITRO PILLS" from the Plaintiff. Who suffers from Ischemia (Heart Disease) which has been verified by a recent FAILED NUCLEAR STRESS TEST, is tantamount to ATTEMPTED MURDER! This statement is made in SEALED Exhibit SE-001.

It is a copy of a letter sent to defendant Leon King as well as the PA Attorney General.

6. SEALED Exhibit SE - 002 is a response sent to Dr. Wyttenbach M.D expressing how the PA-AGO declines to investigate his allegation of CRIMINAL MEDICAL ABUSE by Dr. Caulk, as to being so severe it is tantamount to ATTEMPTED MURDER!

7. To date, the Plaintiff is still not given NITRO Pills ORDERED by NUMEROUS CARDIOLOGISTS and Dr. Wyttenbach M.D. for the Plaintiff. The withholding of CARDIOLOGIST ORDERED Nitro Pills for a HEART PATIENT is such a heinous act, Dr. Wyttenbach M.D. states it's tantamount to ATTEMPTED MURDER! The letter of Dr. Wyttenbach M.D. satisfies provisions of Fed.R.Civ.P. Rule 65(b)(1) as to irreparable injury may result to the Plaintiff vis-à-vis him not having his Nitro Pills, if he has a serious Angina Pectoris event (Chest Pain).

It is grounds to ORDER PHS to supply all medications prescribed by physicians for the Plaintiff EX PARTE!

8. Filed is a SEALED AFFIDAVIT SA -001 by inmate Stephen Pich who has a Bovine Valve Implant in his heart. He too is DENIED his Nitro Pills by Dr. Caulk. Such gross CRIMINAL MEDICAL ABUSE (withholding Nitro) is done by Dr. Caulk to try to KILL inmates with serious heart conditions who file grievances on her for not giving inmates medications PRESCRIBED by outside cardiologists !

9. Filed is SEALED AFFIDAVIT SA-002 an affidavit by inmate Charles Paladino. He has an implanted pace maker. He too is being CRIMINALLY ABUSED by Dr, Caulk who refuses to allow him to see outside cardiologists to perform routine check-ups on his pace maker! Dr. Caulk also REFUSES to treat him when he complains of Chest Pains due to his filing of grievances on her as well !

10. Dr. Caulk is the C.M.O. (Chief Medical Officer) of C. F. C, F. If these serious allegations of CRIMINAL MEDICAL ABUSE had been made in the original complaint, she is in a position of power to retaliate upon the Plaintiff and the inmates who made these serious allegations, by even further endangering their lives by canceling other heart medications the Plaintiff and fellow inmates do currently receive for their serious heart conditions!

11. These serious allegations warrant the appointment of a "special prosecutor" to investigate the ALLEGED MEDICAL ABUSE of Dr. Caulk, which is the key issue alleged upon her in this action.

12. Due to not fully revealing in the original complaint in this action, the TRUE MAGNITUDE of the SERIOUS CRIMINAL MEDICAL ABUSE upon the Plaintiff and his fellow inmates who are witnesses, due to FEAR OF RETALIATION by

Dr Caulk, the Plaintiff needs to amend the Complaint upon Dr. Caulk to reflect these SERIOUS ALLEGATIONS. However, due to fear of retaliation by Dr. Caulk upon the Plaintiff and fellow inmates, this court needs to issue a STAY AWAY ORDER against Dr. Caulk to protect the Plaintiff and the witnesses from continued MEDICAL ABUSE by Dr. Caulk that could KILL them!

13. The Plaintiff is COURT ORDERED to serve his sentence in P.P.S. His MAX-OUT date is 12/25/2008.

14. PHS executives and doctors, higher than Dr. Caulk, have ORDERED the Plaintiff be only housed at C.F.C.F. due to his handicaps and chronic illnesses that only C.F.C.F. has cells to accommodate such physical problems within P.P.S. facilities.

<7>

15. Due to the Plaintiff being severely beaten by P.P.S. Guards (see Adonai-Adoni V, King\_USDC-EDPA 07- 3689) and being a witness for O.P.C. against P.P.S. guards, he is in PC (Protected Custody) at C.F.C.F. The only handicap POD with Protective Custody in the P.P.S. system is Pod D- 1 at C.F.C.F.

16. The Plaintiff has serious allegations of CRIMINAL ABUSE committed upon him by Lt. Howard to file in an amended complaint.

17. Due to Lt. Howard being the immediate supervisor of his Pod for almost 2 YEARS, he did not fully disclose all the serious allegations of CRIMINAL ABUSE committed upon him by Lt. Howard in the original complaint out of FEAR OF RETALIATION! The Plaintiff needs to AMEND the Complaint in this action to incorporate the SERIOUS

ALLEGATIONS he will now put forth with SEALED AFFIDAVITS against Lt. Howard alleging SERIOUS CRIMINAL ABUSE!

19. The SERIOUS ALLEGATIONS in Affidavits supporting this Motion warrant the appointment of a SPECIAL PROSECUTOR by this Court to investigate the CRIMINAL ABUSE by Lt. Howard upon the Plaintiff supported by SEALED AFFIDAVITS that also satisfy provisions of Fed.R.Civ.P. Rule 65 (b) (1) that allow the court to issue an EX PARTE TRO for a STAY AWAY ORDER against Lt. Howard upon the Plaintiff.

20. As previously explained, the plaintiff due to his medical condition and "PC" status, is trapped on Pod D-1-4 under the direct supervision of Lt. Howard, who has literally TORTURED the Plaintiff creating a cardiac event so severe he was hospitalized for almost a

week, due to the DIRECT ACTIONS of Lt. Howard VIOLATING A COURT ORDER as to how the Plaintiff MUST BE TREATED, to avoid potential CARDIAC EVENTS due to his serious health conditions!

21. Filed with this Motion is SEALED AFFIDAVIT SA-003, in which inmate Charles Paladino witnessed Lt. Howard ORDER the Plaintiff be REAR-CUFFED, despite the Plaintiff telling her JUDGE ROSS ORDERED the Plaintiff ONLY be hand-cuffed in the front due to his health conditions, stating REAR-CUFFING could KILL HIM!

22. In March 2005, the plaintiff suffered a serious cardiac event leading to a stay in I.C.U. due to being REAR-CUFFED. Severe arthritic health conditions of the Plaintiff makes "rear-cuffing" for even short lengths of time, a horrific PAIN EXPERIENCE, creating PAIN so

severe he can have a major cardiac event from it!

23. The March 2005 rear-cuffing event leading to a stay in I.C.U., resulted in JUDGE ROSS ORDERING the Plaintiff NEVER be rear-cuffed to avoid such CARDIAC EVENTS!

24. On February 22nd 2007, the Plaintiff told Lt. Howard about Judge Ross' ORDER prohibiting rear-cuffing, when she told a C.O. to REAR-CUFF the Plaintiff. This was witnessed by block rep. Charles Paladino, as sworn to in SEALED AFFIDAVIT SA - 003. The Plaintiff clearly warned Lt. Howard he could DIE if rear-cuffed! The Plaintiff also unequivocally told Lt. Howard JUDGE ROSS ORDERED NO ONE is to rear-cuff him!

26. That rear-cuffing event on February 22nd 2007, ORDERED by Lt. Howard in violation of JUDGE ROSS' ORDER was torture by Lt. Howard! Due to it, the Plaintiff suffered a MAJOR CARDIAC EVENT

that led to a stay of almost a week in a CARDIAC UNIT!

27. The CRIMINAL ACTION of Lt. Howard VIOLATING Judge Ross' ORDER, is tantamount to ATTEMPTED MURDER upon the Plaintiff by Lt. Howard! It warrants the extraordinary action of this Court ORDERING a "Special Prosecutor" be appointed to investigate this allegation of SERIOUS CRIMINAL ABUSE!

28. On February 22<sup>nd</sup> 2007, Lt. Howard spoke to block rep. Charles Paladino before the rear- cuffing event occurred. She informed him the Plaintiff was a "government snitch" and to tell other inmates to KILL HIM (take care of him)! SEALED AFFIDAVIT SA-004 is a sworn affidavit by inmate Charles Paladino that Lt. Howard tried to have inmates KILL the Plaintiff! This extraordinary allegation also warrants the appointing of a "Special Prosecutor" by this Court to investigate such a serious allegation.

29. Lt. Howard controls the Plaintiff's access to Law Library. The Plaintiff sometimes gets NO LAW LIBRARY for weeks and even months!

30. The Plaintiff needs this Court to ORDER the Plaintiff receive DAILY ACCESS to Law Library so he can properly maintain this action and other actions he has pending in the Court!

31. This Court handles two (2) ""1983" actions involving the Plaintiff and they have approximately 20 (Twenty) defendants that he needs to be able to prepare interrogatories, etc. for. The Plaintiff also needs Law Library to officially AMEND the Complaint in this matter and properly respond to future "Answers". The Plaintiff has numerous other actions in this District that he needs daily Law Library access for to properly maintain them. The Plaintiff is HANDICAPPED and needs DAILY ACCESS to a word processor in Law Library so he can truly have MEANINGFUL ACCESS to the Courts.

## SUMMARY

The plaintiff has presented sworn affidavits and exhibits that warrant the extraordinary use of Fed.R.Civ.P. Rule 65 (b) (1), an EX PARTE TRO.

Due to SERIOUS ALLEGATIONS OF CRIMINAL ABUSE against defendants in positions of power over the Plaintiff and also over other inmates who gave affidavits to substantiate these serious allegations, it was necessary to " SEAL" this Motion to protect the Plaintiff and other inmates from retaliation by the defendants, until these defendants are ORDERED to STAY AWAY from the Plaintiff and witnesses making the sworn affidavits.

This Court has in SEALED EXHIBIT SE-001 an ORDER from Dr. Wyttenbach M.D. for Nitro Pills for the Plaintiff. Numerous CARDIOLOGISTS have ORDERED this for the Plaintiffs for YEARS, yet Dr. Caulk now REFUSES to allow him to have it! SEALED EXHIBIT SE-003 is a copy of a package label showing how

Dr. Caulk prescribed NITRO PILLS originally for the Plaintiff, In 50 COUNT PILL BOTTLES! (see SEALED EXHIBIT SE-003 ). After the Plaintiff filed grievances on Dr. Caulk she INTENTIONALLY CANCELED the Plaintiffs access to Nitro Pills to KILL HIM!

This Court needs to ORDER PHS to IMMEDIATELY supply the Plaintiff with ALL MEDICATIONS prescribed for him by Dr. William Wyttenbach M.D. and all other CARDIOLOGISTS he has seen over the years, to prevent DAMAGE and POSSIBLE DEATH to the Plaintiff !

The Plaintiff needs the Court to ORDER DAILY ACCESS to Law Library so he can properly maintain all his legal actions.

The Plaintiff needs to be able to AMEND his Complaint to include these SERIOUS ALLEGATIONS put forth in this Motion.

The Plaintiff needs the Court to ORDER a Protective Stay Away ORDER against Dr. Caulk and Lt. Howard, so Dr. Caulk and Lt. Howard are transferred away from C. F.C.F.

The Court needs to ORDER a "Special Prosecutor" be immediately appointed to, investigate these SERIOUS ALLEGATIONS OF CRIMINAL CIVIL RIGHTS ABUSES by defendant's Dr. Caulk and Lt. Howard upon the Plaintiff forthwith.

THEREFORE, for the reasons put forth within, the Plaintiff humbly prays this honorable Court ORDER a Special Prosecutor be appointed to investigate the allegations of CRIMINAL ABUSE within, the Court ORDER PHS forthwith supply the Plaintiff ALL MEDICATIONS Prescribed by his physicians, the Court ORDER P.P.S. supply the Plaintiff DAILY ACCESS to Law Library until further notice , the Court ORDER a Protective Stay Away ORDER for the Plaintiff

ORDERING Dr. Caulk and Lt. Howard be transferred away from C.F.C.F forthwith, and further ORDER the Plaintiff be allowed to AMEND the Complaint in this action.

WHEREFORE, this Court ORDERS a Special Prosecutor be appointed to investigate the allegations of ABUSE in this Motion, it ORDERS PHS forthwith supply the Plaintiff ALL MEDICATIONS prescribed by physicians for the Plaintiff, it ORDERS P.P.S. to provide DAILY ACCESS to Law Library for the Plaintiff until further notice, it ORDERS a Protective Stay Away ORDER against Dr. Caulk and Lt. Howard for the Plaintiff specifically requiring they be transferred away from the Plaintiff who must be housed at C.F.C.F. and it further ORDERS the Plaintiff be allowed to AMEND his complaint.

Respectfully submitted this 24th day of January 2008.

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SOLLOG  
Plaintiff, Pro Se  
Sollog Immanuel Adonai- Adoni  
684439

<17>

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY, true copies herein were sent via FIRST CLASS  
MAIL this 24th day of January 2008 to the following:

Clerk of the Court - 1 Original

USDC - EDPA

601 Market St - Phila. PA 19106

Hon. John Padova - 1 copy

USDC - EDPA

601 Market St. - Phila. PA 19106

**THIS IS A SEALED FILING, SO IT WILL NOT be BE SENT  
TO OTHER PARTIES UNTIL AND IF THIS COURT ORDERS  
IT BE UNSEALED AND SERVED ON OTHER PARTIES.**

## **SEALED EXHIBITS**

SE-001 - Letter of Dr. Wyttenback M.D.

SE-002 - Letter of PA-AGO

SE-003 - Nitro Pill Label

## **SEALED AFFIDAVITS**

SA-001 - Stephen Pich Affidavit

SA-002 - Charles Paladino Affidavit

SA-003 - Charles Palidino Affidavit

SA-004 - Charles Paladino Affidavit