

EXHIBIT 4

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**UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO**

MARLIN RIGGS, individually, and JOSE PIÑA, JOE
ROCHA, ANDREW IBARRA, JOSHUA
KELLY, RAY BARRIOS, and RANDY
ENZMINGER, individually and on behalf of a class of
all other persons similarly situated,

Plaintiff,

v.

PHILLIP VALDEZ, NORMA RODRIGUEZ,
CHRISTOPHER ROSE, STEVEN DANFORTH,
and WILLIAM DEAN, individually and in their
official capacities; and CORRECTIONS
CORPORATION OF AMERICA, Inc.

Defendants.

Case No. 1:09-cv-00010-S-BLW

**AFFIDAVIT OF JENNIFER
GARDNER IN SUPPORT OF
MOTION TO DISMISS SECOND
AMENDED COMPLAINT**

I, JENNIFER GARDNER, having been duly sworn do hereby depose and say as follows:

**AFFIDAVIT OF JENNIFER GARDNER IN SUPPORT OF MOTION TO DISMISS
SECOND AMENDED COMPLAINT - 1**

1. I am over the age of eighteen (18) and competent to testify to the matters herein. I make this affidavit based upon personal knowledge.

2. I am employed at the Idaho Correctional Center ("ICC"). I currently hold the position of Case Manager. In May and June 2009, I was the Grievance Coordinator at ICC. Based upon my employment at ICC in general, and formerly as Grievance Coordinator, I am personally familiar with the Idaho Department of Correction ("IDOC") and ICC's grievance procedure.

3. On May 27, 2009, I received a grievance form from inmate Randy Enzminger, IDOC #45159, regarding his broken nose. The grievance was #IC090000250. Upon reviewing the grievance form, I noticed that a concern form was not attached, as is required under ICC's grievance procedure. Under the assumption that a concern form had already been filed, I allowed Enzminger additional time to resubmit his grievance form with the attached corresponding concern form.

4. On June 22, 2009, Enzminger resubmitted the grievance form with a concern form attached. That concern form, however, was dated June 4, 2009. Because Enzminger had not filed a concern form prior to his May 26 grievance form, and instead initiated it after filing that grievance, I returned the grievance to Enzminger without action because he did not comply with ICC's grievance procedure, specifically the 30-day time limit to file a concern form *and* grievance form.

FURTHER AFFIANT SAYETH NAUGHT.


JENNIFER GARDNER

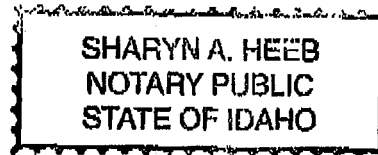
SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, on this 14th day of July, 2010, by JENNIFER GARDNER.

**AFFIDAVIT OF JENNIFER GARDNER IN SUPPORT OF MOTION TO DISMISS
SECOND AMENDED COMPLAINT - 2**

Sharyn A. Heeb
Notary Public

My commission expires:

4/24/2015



**AFFIDAVIT OF JENNIFER GARDNER IN SUPPORT OF MOTION TO DISMISS
SECOND AMENDED COMPLAINT - 3**

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