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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

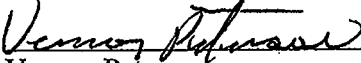
MARLIN RIGGS, et al,)	Case No. 1:09-cv-00010-BLW
)	
Plaintiffs,)	
)	
vs.)	DECLARATION OF
)	
PHILIP VALDEZ, et al,)	VERNON PETERSON
)	
Defendants.)	

I, Vernon Peterson, hereby declare under penalty of perjury pursuant to 28 U.S.C. §
1746 as follows:

1. I am over the age of 18 and am competent to testify.

2. I was attacked by my cell mate and badly injured. Three days before the attack, I told two members of the ICC staff, Ms. Moore and a detention officer, that I felt threatened by my cellmate and was afraid he would assault me. I asked them to separate us.
3. Staff ignored my requests for protection. On June 10, 2007, my cellmate assaulted me. He obviously planned the attack because he had a heavy metal padlock in his hand. He kept hitting me on the head with the lock until there was blood everywhere. He continued to hit me in the eyes and ears. One of my ears was split in two places.
4. I tried to defend myself, as I thought he was trying to kill me. I couldn't see very well because of how dizzy I was and because of all the blood on my face but I did swing my arms in an effort to move him back.
5. I was issued a Disciplinary Offense Report (DOR), accusing me of fighting. This was ridiculous. I was attacked with a weapon and was seriously injured. Witnesses would confirm that I was just acting in self-defense when I tried to get my cellmate to stop hitting me.
6. I explained what happened to the Hearing Officer. Yet, I was found guilty of fighting. This makes no sense to me.
7. After I was found guilty of the DOR, I wanted to complain about the fact that staff had failed to protect me. The assault would not have occurred had staff removed me from that dangerous situation, as I had requested them to do. In my opinion, they were responsible for what happened because they refused to protect me.
8. I wasn't sure if I needed to raise my failure to protect issue through the DOR process or through the Grievance process. I chose the Grievance process. Attached as "Peterson Exhibit 1" is the Grievance Form that I submitted in August 2007. As noted on the form, I sought to grieve the fact that I was punished "for protecting my life." I expressly raised the failure to protect issue in my Grievance when I stated: "Security failed to protect me so I had no choice."
9. Attached as "Peterson Exhibit 2" is the response I received. My Grievance was denied. I was informed that my failure to protect issue could only be raised through the DOR process and not through the Grievance process.
10. As I understand the response I received, simply because I was issued a DOR, I was required to raise *all* issues stemming from that incident through the DOR process, even a failure to protect issue. Thus, I was not permitted to raise my failure to protect issue through the Grievance process.

Dated this 23 of ^{July}~~August~~, 2010.


Vernon Peterson