

1 Peter B. Schlueter – SBN 155880  
2 SCHLUETER LAW FIRM, PC  
3 454 N Arrowhead Avenue, 2<sup>nd</sup> Floor  
4 San Bernardino, California 92401  
5 FAX: (909) 381-9238  
6 PHONE: (909) 381-4888  
7 EMAIL: schlueterlawoffice@yahoo.com

8 Attorney for Plaintiff Felix Tellez

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 **Felix Tellez** , an individual,

12 **Plaintiffs,**

13 **v.**

14 **County of Riverside; Deputy**  
15 **Stratton, 4592; Deputy Garcia 5849;**  
16 **Deputy Prajin 5758; Traviz Mountz;**  
17 **and DOES 1 through 10, inclusive,**

18 **Defendants.**

Case No.: 5:23-cv-755

19 **COMPLAINT FOR DAMAGES**

- 20 1. Deprivation of Civil Rights - Individual Liability (42 U.S.C. § 1983)
- 21 2. Retaliation for Exercising First Rights of free speech.
- 22 3. Bane Civil Rights Act (Cal. Civil Code 52.1)
- 23 4. False Imprisonment and False Arrest
- 24 5. Deprivation of Civil Rights - Municipal and Supervisory Liability (42 U.S.C. § 1983)

25 **DEMAND FOR JURY TRIAL**

26 **COMPLAINT**

27 The plaintiff, FELIX TELLEZ, by and through his counsel, sues the  
28 The County of Riverside, Deputy Stratton, 4592; Deputy Garcia 5849; Deputy  
Prajin 5758; Traviz Mountz and DOES 1 through 10, and for his complaint states:

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**JURISDICTIONAL ALLEGATIONS**

1. As this action is brought under 42 U.S.C. § 1983, this court has jurisdiction over this case under its federal question jurisdiction pursuant to 28 U.S.C. § 1331.

2. As the incidents complained of in this action occurred in the County of Riverside, State of California, within the territorial jurisdiction of this court, venue properly lies in this court pursuant to 28 U.S.C. § 1391(b)(2).

3. As plaintiff's claims brought under California state law arise out of the same transactions and occurrences and out of a common nucleus of operative facts as the plaintiff's federal questions claims, this court has jurisdiction over the plaintiff's California state law claims under its Supplemental Jurisdiction pursuant to 28 U.S.C. § 1367, and otherwise pursuant to *United Mine Workers of America v. Gibbs*, 383 U.S. 715 (1966).

4. Plaintiff FELIX TELLEZ timely filed his Claim For Damages against the County of Riverside or about September 30, 2022, pursuant to the California Tort Claims Act, Cal. Gov't. Code § 900 et seq. Said claim was been denied by defendant County of Riverside on or about October 27, 2022, less than six months prior to the filing of this instant action.

**GENERAL ALLEGATIONS**

5. Plaintiff Felix Tellez, hereinafter referred to as "Tellez" and/or "plaintiff" and/or is a natural person, who, at all times complained of in this action, resided in the State of California, County of Riverside. He is 61-years-old.

6. Defendant County of Riverside, hereinafter also referred to as "County", is a political subdivision of the State of California and is a municipal entity, located within the territorial jurisdiction of this Honorable Court.

7. Defendant Deputy Straton (First Name Unknown), hereinafter referred to as "Straton", is a sworn peace officer and deputy sheriff with the County of Riverside Sheriff's Department, who, at all times complained of in this

1 action was acting as an individual person under the color of state law, and was  
2 acting in the course of and within the scope of his employment with the Riverside  
3 County Sheriff's Department and defendant County of Riverside.

4 8. Defendant Deputy Garcia (First Name Unknown), hereinafter referred  
5 to as "Garcia", is a sworn peace officer and deputy sheriff with the County of  
6 Riverside Sheriff's Department, who, at all times complained of in this action was  
7 acting as an individual person under the color of state law, and was acting in the  
8 course of and within the scope of his employment with the Riverside County  
9 Sheriff's Department and defendant County of Riverside.

10 9. Defendant Deputy Prajin (First Name Unknown), hereinafter referred  
11 to as "Prajin", is a sworn peace officer and deputy sheriff with the County of  
12 Riverside Sheriff's Department, who, at all times complained of in this action was  
13 acting as an individual person under the color of state law, and was acting in the  
14 course of and within the scope of his employment with the Riverside County  
15 Sheriff's Department and defendant County of Riverside.

16 10. Defendant Sergeant Traviz Mountz, hereinafter referred to as  
17 "Mountz" or "Sgt. Mountz," is a sworn peace officer and deputy sheriff with the  
18 rank of sergeant with the County of Riverside Sheriff's Department, who, at all  
19 times complained of in this action was acting as an individual person under the  
20 color of state law, and was acting in the course of and within the scope of his  
21 employment with the Riverside County Sheriff's Department and defendant  
22 County of Riverside.

23 11. Defendants DOES 1 through 6, and 8-9 inclusive, are sworn peace  
24 officers and/or deputy sheriffs and/or supervisors and/or investigators and/ Special  
25 Officers and/or a dispatchers and/or some other public officer, public official or  
26 employee of defendant County of Riverside and/or some other public entity, who  
27 in some way committed some or all of the tortious actions (and constitutional  
28 violations) complained of in this action, and/or are otherwise responsible for and

1 liable to plaintiffs for the acts complained of in this action, whose identities are,  
2 and remain unknown to plaintiff, who will amend his complaint to add and to  
3 show the actual names of said DOE defendants when ascertained by plaintiff.

4 12. At all times complained of herein, DOES 1 through 6, inclusive, were  
5 acting as individual persons acting under the color of state law, pursuant to their  
6 authority as sworn peace officers and/or deputy sheriffs and/or Special Officers  
7 and/or Supervisors (i.e. Sergeants, Lieutenants, Captains, Commanders, etc.)  
8 and/or dispatchers and/or public officers, employed by defendant County of  
9 Riverside and/or some other public entity, and were acting in the course of and  
10 within the scope of their employment with defendant County of Riverside.

11 13. Defendants DOES 7-8, and 10 inclusive, are sworn peace officers  
12 and/or Supervisors and/or Commanders and/or Captains and/or Lieutenants and/or  
13 Sergeants and/or Detectives and/or other Supervisory personnel (such as) and/or  
14 policy making and/or final policy making officials, such as the elected Sheriff of  
15 Riverside County, the Undersheriff of Riverside County, the Assistant Sheriff for  
16 Riverside County, and other top-level policy making personnel, employed by the  
17 County of Riverside, who are in some substantial way liable and responsible for,  
18 or otherwise proximately caused and/or contributed to the occurrences complained  
19 of by plaintiffs in this action, such as via supervisory liability (i.e. failure to  
20 properly supervise, improperly directing subordinate officers, approving actions of  
21 subordinate officers), via bystander liability (failing to intervene in and stop  
22 unlawful actions of their subordinates and/or other officers), and such as by  
23 creating and/or causing the creation of and/or contributing to the creation of the  
24 policies and/or practices and/or customs and/or usages of the County of Riverside  
25 for: 1) for wrongfully arresting persons; 2) for using excessive/ unreasonable force  
26 on persons; 3) for unlawfully seizing and searching persons; 4) for unlawful  
27 searching and seizing persons and their personalty/property; 5) for falsely  
28 detaining and falsely arresting persons; 6) for interfering with persons' and/or

1 otherwise violating persons' constitutionally protected right to free speech; 7) for  
2 covering-up unlawful and tortious conduct by County of Riverside personnel, and  
3 were a proximate cause of the very same federal constitutional violations  
4 complained above, and complained of by the plaintiff in this action 8) for  
5 fabricating / destroying / concealing / altering / withholding evidence in criminal  
6 and civil actions, and for otherwise "framing" persons in criminal actions, in order  
7 to falsely and maliciously, oppressively justify the arrests or conviction of  
8 innocent persons, to protect them and other deputy sheriffs, public officers and  
9 supervisory personnel from civil, administrative and criminal liability; .

10 14. Plaintiff is presently unaware of the identities of DOES 1 through 10,  
11 inclusive, and will amend his complaint to add and to show the actual names of  
12 said DOE defendants, when ascertained by plaintiff.

13 15. At all times complained of herein, DOES 7 through 8, inclusive, were  
14 acting were acting as individual persons acting under the color of state law,  
15 pursuant to their authority as Deputy Sheriffs and/or Supervisory Officers,  
16 Commanders and/or Captains and/or Lieutenants and/or Sergeants and/or other  
17 Supervisory personnel and/or policy making and/or final policy making officials,  
18 employed by the County of Riverside and/or some other public entity, and/ or  
19 some other public official( s) with the County of Riverside, and were acting in the  
20 course of and within the scope of their employment with defendant the County of  
21 Riverside.

22 16. At all times complained of herein, defendants DOES 7 through 9,  
23 inclusive, were acting as individual persons under the color of state law; under and  
24 pursuant to their status and authority as peace officers and/or Supervisory peace  
25 officers (as described herein, above and below), and/or policy making peace  
26 officers, with defendant County of Riverside.

27 17. Moreover, at all times complained of herein, defendants DOES 1  
28 through 10, inclusive, were acting pursuant to, or otherwise contributed to the

1 creation and maintenance of, the customs, policies, usages and practices of the  
2 County of Riverside, for, inter alia: 1) for wrongfully arresting persons; 2) for  
3 using excessive/ unreasonable force on persons; 3) order persons to produce  
4 identification without a warrant, probable cause, or reasonable suspicion of  
5 criminality afoot; 3) for unlawfully seizing persons; 4) for unlawful searching and  
6 seizing persons and their personalty/ property; 5) for falsely detaining and falsely  
7 arresting persons; 6) for fabricating/ destroying/ concealing/ altering/ withholding  
8 evidence in criminal and civil actions, and for otherwise "framing" persons in  
9 criminal actions, in order to falsely and maliciously, oppressively arrest or convict  
10 innocent persons, to protect them and other deputy sheriffs and supervisory  
11 personnel from civil, administrative and criminal liability; 7) for interfering with  
12 persons' and/or otherwise violating persons' constitutionally protected right to free  
13 speech; 8) for covering-up unlawful and tortious conduct by the County of  
14 Riverside personnel, and were a proximate cause of the very same federal  
15 constitutional violations complained above, and complained of by the plaintiffs in  
16 this action.

17 18. In addition to the above and foregoing, defendants DOES 1 through  
18 9, inclusive, acted pursuant to a conspiracy, agreement and understanding and  
19 common plan and scheme to deprive the plaintiff Felix Tellez of his federal  
20 Constitutional and statutory rights, as complained of in this action, and acted in  
21 joint and concerted action to so deprive plaintiff of those rights as complained of  
22 herein; all in violation of 42 U.S.C. § 1983, and otherwise in violation of United  
23 States (Constitutional and statutory) law.

24 19. Said conspiracy/ agreement/ understanding/ plan/ scheme/ joint  
25 action/ concerted action, above-referenced, was a proximate cause of the violation  
26 of the plaintiff Felix Tellez ' federal and state constitutional and statutory rights, as  
27 complained of herein.

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**FACTS COMMON TO ALL CLAIMS**

20. Plaintiff repeats and re-allege each and every allegation in paragraphs 1 through 19 of this Complaint with the same force and effect as if fully set forth herein.

21. Plaintiff Felix Tellez is a veteran having served in the marine corp, navy reserve, and California army national guard with combat deployment to the Iraq theater.

22. Plaintiff has no felony of misdemeanor convictions.

23. On or about **June 22, 2022**, Felix Tellez called 911 because an unknown person was pounding on his bedroom window in the early morning, at or after 1:15 am.

24. No law enforcement arrived. After 10-15 minutes Tellez called 911 again. He was told by 911 that officers were on the way.

25. No law enforcement arrived. Tellez called again after approximately 10 minutes. At that time he asked for a supervisor.

26. He had armed himself, but did not want to use his firearm.

27. Tellez informed the 911 operator that he was armed, and informed them he was prepared to shoot any intruder who came up against him. He did not want to use self-help, however.

28. Tellez spoke to the 911 operator and supervisor and complained about the lack of law enforcement response and its timeliness. The 911 supervisor became increasingly condescending.

29. The 911 operator asked if he would shoot officers. He emphasized that he did not mean officers. The question seemed offensive to Tellez, and he began to realize that the 911 operator and supervisor was being condescending or dismissive, when the 911 supervisor told Tellez that they were “kinda busy that night.”

30. Tellez called approximately three to four times after his initial call.

1 He had in mind that the unknown person at or near his home would see the police  
2 arrival and understand that police would respond; Tellez, though trained in the  
3 military, did not want to defend himself.

4 31. Sheriff's personnel did not arrive to his home for at least 40 minutes.  
5 Deputy Stratton, 4592; Deputy Garcia 5849; Deputy Prajin 5758; Deputy Sgt.  
6 Traviz Mountz (who later identified themselves) responded.

7 32. Tellez was outside when Officers arrived. He had started his truck to  
8 use its headlights to light the house from outside. Once he saw the police arrive,  
9 he got on the ground, with hands out near his garage door and trashcans. Police  
10 did not order him to get on the ground. He thought it prudent.

11 33. Tellez was wearing a loose pair of gym shorts, a tank top, and shower  
12 shoes.

13 34. The four Sheriff Deputies, Deputy Stratton, 4592; Deputy Garcia  
14 5849; Deputy Prajin 5758 and Sgt. Traviz Mountz, set up 35 yards away, across  
15 a vacant lot, and armed themselves with a shotgun, a long gun and other weapons.

16 35. Tellez was within the bright lights of his house and headlights of his  
17 truck when the deputies arrived.

18 36. When the deputies arrived they used their patrol vehicle's spotlights  
19 to further light where he lay.

20 37. The Sheriff's personnel ordered Tellez via a PA speaker, to walk to  
21 the street outside his home, hands up, and then walk backward 25 or more yards.

22 38. Tellez informed the police that he was the complaining party, that he  
23 was the homeowner.

24 39. The Deputy Stratton, 4592; Deputy Garcia 5849; Deputy Prajin 5758  
25 or Sgt. Traviz Mountz did not ask Tellez for his name, nor ask for his driver's or  
26 identification card, nor did they frisk him, nor they ask him where his weapon or  
27 weapons were.

28 40. Once in handcuffs, Tellez became more irritated since he was the



1 person calling the police and irritated because they had been pointing guns at him,  
2 including a shotgun and a long gun. He criticized them crudely for their actions  
3 and lack of professionalism.

4 41. Immediately after being handcuffed Tellez told the Sheriff's  
5 personnel that he would not talk to them. While Tellez did cuss, while calling  
6 them out, Tellez did not voice any threats against the Sheriff's personnel.

7 42. There was no negative history associated with Tellez's home.

8 43. Tellez was complaining about the officers and their late response, and  
9 their his detention, and defacto arrest and handcuffing.

10 44. Tellez complained that if his wife had been alone anything could have  
11 happen to her as they had been so late.

12 45. The officers then asked where his wife was, and he reiterated that he  
13 was not talking to them in handcuffs.

14 46. Sgt. Traviz Mountz , ordered several deputies, either Deputy  
15 Stratton, 4592; Deputy Garcia 5849; or Deputy Prajin 5758 to enter and search  
16 Tellez's residential home.

17 47. Tellez did not give the police permission to enter his home. He  
18 affirmatively told Sgt. Traviz Mountz that the deputies did not have permission  
19 to enter his home.

20 48. Yet the police went to the door, briefly knocked on the closed door,  
21 and then, at the direction of Sgt. Traviz Mountz , two deputies, either Deputy  
22 Stratton, 4592; or Deputy Garcia 5849; or Deputy Prajin 5758 entered his home.

23 49. The Deputies searched his three bedroom home for approximately 30  
24 minutes. Then searched his trashcans and the deputy with the shotgun took control  
25 over Tellez's cellphone which he had left laying next to the trashcans when he laid  
26 down. The deputies also searched his mailbox and then his truck.

27 50. During this time, Sgt. Traviz Mountz and another deputy aided that  
28 entry, by keeping Tellez handcuffed, his movement restrained by color of his

1 authority and implied use of deadly force.

2 51. Neither Sgt. Traviz Mountz or Deputy Stratton, 4592; Deputy  
3 Garcia 5849; or Deputy Prajin 5758 and DOES 1-10 searched for the suspect who  
4 had pounded on Tellez's window earlier than night. That is, they did not search for  
5 the person, or investigate whether the intruder had been at Tellez's home. The Sgt  
6 and Deputies (and DOES 1-10) asked no question about the incident.

7 52. One deputy left guarding Tellez asked if a friend of Tellez's could  
8 have been the person knocking on the Tellez's window.

9 53. Tellez continued to complain about the detention, because, he was the  
10 homeowner who had called the police and was now being treated like a criminal.

11 54. The trashcan the deputies searched was too small for a person to fit,  
12 as was the mailbox.

13 55. The Officers were wearing body-cameras. Tellez was told that the  
14 event was recorded.

15 56. Tellez continued to complain and repeated he would not speak with  
16 the officers until he was taken out of the handcuffs.

17 57. After the search was completed, Sgt. Traviz Mountz approached  
18 Tellez, telling Tellez, 'I wont take you out of the cuffs until you start talking.'

19 58. Tellez continue to refuse to speak with the officers.

20 59. No charges filed. There was no probable cause or reasonable  
21 suspicion that Tellez had committed a crime.

22 60. When he was finally let out of the handcuffs, about an hour later, he  
23 asked for name and badge numbers. The Sgt came up to Tellez menacingly.

24 61. A preservation of evidence letter regarding preserving all audio and  
25 video of the event was sent to the Sheriff's department on or about July 11, 2022,  
26 within a month of the June 22, 2022 event.

27 62. Tellez was scared during the event.

28 63. The Deputies actions made little to no sense. They did not seem to be

1 driving at a legitimate legal goal, such as investigating a crime. It did not seem to  
2 be an appropriate response.

3 **FIRST CLAIM FOR RELIEF**

4 **Deprivation of Civil Rights – Individual Liability (42 U.S.C. § 1983)**  
5 **(Against Deputy Stratton, 4592; Deputy Garcia 5849; Deputy Prajin 5758;**  
6 **Deputy Traviz Mountz , and DOES 1through 10)**

7 **[Unlawful Detention or arrest, excessive force, and the unlawful and**  
8 **unconstitutional search of Tellez’s home, truck, mail box and trash.]**

9 64. Plaintiff hereby realleges and incorporates by reference the  
10 allegations set forth the previous paragraphs, above, paragraphs 1-63, as if set  
11 forth in full herein including those in the factual statement in common.

12 65. Defendants, Deputy Stratton, 4592; Deputy Garcia 5849; Deputy  
13 Prajin 5758; Sgt. Traviz Mountz , and each of them, while acting under color of  
14 law, deprived Tellez of rights under the Fourth and Fourteenth Amendments to be  
15 secure in his person, be free from excessive force (pointing firearms), an unlawful  
16 or prolonged detention, false arrest, and the search of his home, truck, and  
17 belongings. The other individual defendants present at the scene authorized or  
18 failed to intervene to prevent or minimize the wrongful acts. They also subjected  
19 Tellez to excessive force by pointing firearms at him without legal justification.

20 66. The above acts and omissions, while carried out under color of law,  
21 have no justification or excuse in law, and instead constitute a gross abuse of  
22 governmental authority and power, shocks the conscience, are fundamentally  
23 unfair, arbitrary and oppressive, and unrelated to any activity in which  
24 governmental officers may appropriately and legally undertake in the course of  
25 protecting persons or property, or ensuring civil order. The above acts and  
26 omissions were consciously chosen from among various alternatives and violated  
27 clearly established law, which is not subject to reasonable debate.

28 67. As a direct and proximate result of the aforesaid acts and omissions of

1 the aforementioned defendants, Tellez was injured in his health and person. He  
2 suffered and will continue to suffer mental anguish, fright, nervousness, anxiety,  
3 shock, humiliation, indignity, embarrassment, harm to reputation, and  
4 apprehension, which have caused Plaintiff to sustain damages in a sum to be  
5 determined at trial.

6 68. The above mentioned individually named and DOE defendants, acted  
7 under color of law, and both separately and in concert. Each could have intervened  
8 to stop the other from committing or continuing the constitutional violation. The  
9 aforementioned acts of those defendants, and each of them, were willful, wanton,  
10 malicious and oppressive, with reckless disregard for, with deliberate indifference  
11 to, and with the intent to deprive Tellez of his constitutional rights and privileges,  
12 and did in fact violate the aforementioned rights and privileges, entitling Tellez to  
13 exemplary and punitive damages in an amount to be proven at trial.

14 **SECOND CLAIM FOR RELIEF**  
15 **VIOLATION OF RIGHT TO FREE SPEECH/ RETALIATION CLAIM,**  
16 **PETITION TO REDRESS**  
17 **UNDER THE FIRST AMENDMENT TO THE UNITED STATES**  
18 **CONSTITUTION**  
19 **[42 u.s.c. § 1983]**

20 (By Plaintiff Felix Tellez Against Defendants Deputy Stratton, 4592; Deputy  
21 Garcia 5849; Deputy Prajin 5758; Deputy Traviz Mountz ; and DOES 1 through  
22 DOES 1 through 9, inclusive)

23 69. Plaintiff hereby realleges and incorporates by reference the  
24 allegations set forth the previous paragraphs, above, as if set forth in full herein  
25 including those in the factual statement in common.

26 70. As shown above, defendants Defendants Deputy Stratton, 4592;  
27 Deputy Garcia 5849; Deputy Prajin 5758; Sgt. Traviz Mountz and/or DOES 1 -5,  
28 unlawfully detained or arrested, and used unlawful force by pointing firearms at

1 Tellez, and then unlawfully searched his home, truck, mailbox, and trash.

2 71. As discussed above, Plaintiff complained about the officers to 911  
3 and complained about the officers failing to arrive I a reasonable period of time.  
4 When defendants Deputies Stratton, Garcia, Prajin, Sgt Traviz Mountz and/or  
5 DOES 1 -5 and arrived they treated him with disdain for no apparent reason other  
6 than he had complained, Then after he either complained about the officers  
7 tardiness, or complained about the officers pointing firearms, or holding him in  
8 handcuffs, or refusing to speak with him, or refusing to give consent to search the  
9 home, and/or complaining about the search they conducted at his home, Deputies  
10 Stratton, Garcia, Prajin, Sgt Traviz Mountz and and/or DOES 1 -5 and DOES 8-9  
11 retaliated against plaintiff Tellez for engaging in constitutionally protected free  
12 speech, speech protected under the First Amendment to the United States  
13 Constitution. Furthermore, defendants Deputies Stratton, Garcia, Prajin, Sgt  
14 Traviz Mountz and and/or DOES 1 through DOE 5 and DOES 8-9, knew that the  
15 plaintiff Tellez had not committed a crime, yet held him without reasonable  
16 suspicion, or arrested him without the benefit of probable cause, and otherwise  
17 unlawfully searched his home, truck, mailbox and garbage without his consent and  
18 against his express wishes because of his outspoken criticism of the officers.

19 72. Moreover, defendants Deputies Stratton, Garcia, Prajin, Sgt Traviz  
20 Mountz and and/or DOE 1-5 and 8-9,'s actions against the plaintiff Tellez would  
21 chill a person of ordinary firmness from continuing to engage in that protected  
22 activity.

23 73. Plaintiff Felix Tellez' protected activity was a substantial or  
24 motivating factor in the defendants Deputies Stratton, Garcia, Prajin, Sgt Traviz  
25 Mountz and's and/or DOE 1 - 5 and DOES 8-9, decision to subject Tellez to  
26 unlawful and unjustified deprivations of his US Constitutional Rights.

27 74. Said retaliation by said defendants was committed by holding Telez at  
28 gunpoint, handcuffing and holding him for almost or more than an hour, searching

1 his home, trucks and mailbox.

2 75. As a direct and proximate result of the actions of defendants Deputies  
3 Stratton, Garcia, Prajin, Sgt Traviz Mountz and and/or DOE 1 - 5and DOE 8-9  
4 inclusive, plaintiff Felix Tellez was: 1) substantially mentally and emotionally  
5 injured, 2) incurred attorney's fees and expenses, and 3) incurred other special and  
6 general damages and expenses associated costs, including lost wages / profits; all  
7 in an amount to be proven at trial but in excess of \$632,185.95, plus punitive  
8 damages that equal that sum.

9 **THIRD CLAIM FOR RELIEF**

10 **(Cal. Civ. Code § 52.1; Bane Act)**

11 (All Named Defendants and DOES 1 through 9)

12 76. Plaintiff hereby realleges and incorporates by reference the  
13 allegations set forth the previous paragraphs, above, paragraphs 1-75, as if set  
14 forth in full herein including those in the factual statement in common.

15 77. In committing the acts alleged above, Riverside Sheriff Department /  
16 County employees, Sgt. Traviz Mountz or Deputy Stratton, 4592, Deputy  
17 Garcia 5849, or Deputy Prajin 5758, and DOES 1 through 9, used, threats,  
18 intimidation and/or coercion that denied Plaintiff his rights as protected under Cal.  
19 Civ. Code § 43 to protection from bodily restraint or harm, threats of gratuitous  
20 use of force, and the search of his property, when Plaintiff should have been  
21 protected from such acts and gratuitous seizures as protected by the Fourth  
22 Amendment to the United States Constitution, Fourteenth, and Art. I §13 of the  
23 California constitution, and for his false imprisonment, unlawful restraint,  
24 excessive force, assault and battery and unlawful threat, thus giving Plaintiff  
25 remedies under Cal. Civ. Code §§ 52 and 52(b), 52.1(b).

26 78. As a direct and proximate result of the aforesaid acts and omissions of  
27 the aforementioned defendants, Tellez was injured in his mind and person. He  
28 suffered mental anguish, fright, worry, nervousness, anxiety, shock, humiliation,

1 indignity, embarrassment, harm to reputation, and apprehension, which have  
2 caused Plaintiff to sustain damages in a sum to be determined at trial.

3 79. The entity defendants are vicariously liable for the Bane Act  
4 violations of their employees pursuant to Cal. Gov't Code § 815.2(a).

5 80. The above mentioned individually named defendants and DOE  
6 defendants, acted under color of law, and both separately and in concert, directly  
7 and knowingly aiding one another. Each could have intervened to stop the other  
8 from committing or continuing the constitutional violation. The aforementioned  
9 acts of those defendants, and each of them, were willful, wanton, malicious and  
10 oppressive, with reckless disregard for, with deliberate indifference to, and with  
11 the intent to deprive Tellez of his constitutional and statutory rights and privileges,  
12 and did in fact violate the aforementioned rights and privileges, entitling Tellez to  
13 exemplary and punitive damages in an amount to be proven at trial.

14 **FOURTH CLAIM FOR RELIEF**

15 **FALSE IMPRISONMENT / DETENTION AND FALSE ARREST**

16 **(State CAUSE OF ACTION)**

17 **(AGAINST The County of Riverside as employer to All Named Defendants**  
18 **and DOES 1 through 10)**

19 81. Plaintiff hereby realleges and incorporates by reference the  
20 allegations set forth the previous paragraphs, above, paragraphs 1-80 as if set  
21 forth in full herein including those in the factual statement in common.

22 82. In committing the acts alleged above, Riverside Sheriff Department /  
23 County employees, Sgt. Traviz Mountz or Deputy Stratton, 4592; Deputy  
24 Garcia 5849; or Deputy Prajin 5758, and DOES 1 through 9, used, threats,  
25 intimidation and/or coercion to detain, arrest and otherwise falsely imprisoned  
26 Tellez as stated elsewhere herein, without legal justification and in violation of his  
27 rights as enumerated in the Fourth Amendment to the United States Constitution,  
28 Fourteenth, and Art. I §13 of the California constitution.

1 83. These acts included the threat to use, and the use of force (pointing a  
2 firearm at Plaintiff) and handcuffing Tellez, and then keeping Tellez in handcuffs  
3 for an hour or more under the threat of force.

4 84. Tellez was injured in his mind and and person. He suffered mental  
5 anguish, fright, nervousness, anxiety, shock, humiliation, indignity,  
6 embarrassment, harm to reputation, and apprehension, which have caused Plaintiff  
7 to sustain damages in a sum to be determined at trial.

8 85. The entity defendants are vicariously liable for these acts pursuant to  
9 Cal. Gov't Code § 815.2(a).

10 86. The above mentioned individually named defendants and Doe  
11 defendants, acted under color of law, and both separately and in concert. Each  
12 could have intervened to stop the other from committing or continuing the  
13 constitutional violation. The aforementioned acts of those defendants, and each of  
14 them, were willful, wanton, malicious and oppressive, with reckless disregard for,  
15 with deliberate indifference to, and with the intent to deprive Tellez of his  
16 constitutional rights and privileges, and did in fact violate the aforementioned  
17 rights and privileges, entitling Tellez to exemplary and punitive damages in an  
18 amount to be proven at trial.

19 **FIFTH CLAIM FOR RELIEF**  
20 **VIOLATION OF 42 U.S.C. § 1983**  
21 **Monell<sup>1</sup> Liability / Supervisory Liability**  
22 **(By Plaintiff against Defendants COUNTY**  
23 **and DOES 1 through 10, inclusive)**

24 87. Plaintiff hereby realleges and incorporates by reference the  
25 allegations set forth the previous paragraphs, above, paragraphs 1-80 as if set  
26 forth in full herein including those in the factual statement in common.

27 \_\_\_\_\_  
28 <sup>1</sup> *Monell v. Department of Soc. Svcs.*, 436 U.S. 658 (1978).



1           88. The actions of the defendant peace officers complained of above were  
2 done pursuant to the policies and/or practices and/or customs and/or usages of the  
3 County of Riverside for: 1) wrongfully and unconstitutionally killing persons; 2)  
4 using excessive / unreasonable force on persons; 3) unlawfully searching and  
5 seizing persons; 4) unlawful searching and seizing persons' homes and effects /  
6 personal property; 5) falsely arresting and falsely imprisoning persons; 6)  
7 fabricating / destroying / concealing / altering / withholding evidence in criminal  
8 and civil actions; 7) "framing" / attempting to "frame" innocent persons in  
9 criminal actions<sup>2</sup>, 8) violating and interfering with persons' constitutionally  
10 protected right to free speech and right to petition the government for redress of  
11 grievances; 9) violating, interfering and depriving persons of their of  
12 constitutionally protected parent child relationships; 10) covering-up unlawful and  
13 tortious conduct by the County of Riverside sheriff deputies/officers and other  
14 County personnel, and were a proximate cause of the same California state law,  
15 and federal constitutional violations complained of by the plaintiff in this action.

16           89. Ultimately, acts such as those discussed herein can be avoided with  
17 proper training and the supervision. Respect for individual rights, professionalism  
18 and ethical conduct are key. Behavior of those at the bottom of a chain of  
19 command come from the top through leadership and example.

20           90. As a direct and proximate result of the actions of defendants County  
21 of Riverside that encouraged or allowed the acts of its employees and supervisors  
22 and DOES 1 through 10 inclusive, plaintiff Felix Tellez: 1) was substantially  
23 suffered mental and emotional injury, humiliation, fright, worry, distress, and  
24 incurred other special or general damages and expenses, in an amount to be proven  
25 at trial, or in excess of \$632,185.95

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<sup>2</sup>To protect themselves and other deputy sheriffs and supervisory personnel from civil, administrative and criminal liability.

