

ORIGINAL

CIVIL RIGHTS COMPLAINT
42 U.S.C. § 1983

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Elawame Wahid. X

441-12-04533.

Full name of plaintiff/prisoner ID#

CV 15

2869

RECEIVED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

LONG ISLAND OFFICE

Plaintiff,

JURY TRIAL DEMAND

YES ☒ NO ☐

-against-

**VITALIANO, J.
POLLAK, M.J.**

THE CITY OF NEW YORK,
NEW YORK CITY POLICE DEPARTMENT
114th Precinct 34-16 Astoria Boulevard.
DENNIS MOGELNICKI, SHIELD NO #812. P.O 114th precinct.
HUMBERTO MANTUANO, SHIELD NO.#UNKNOWN, P.O 114th Precinct.
ADAM ABDULLA, SHIELD NO #2424647. P.O 114th Precinct.
DENIS BRODERICK, SHIELD NO #6968 QHS. DETECTIVE. 114th Precinct.
DAVID BEUTEL, SHIELD NO #1847. DETECTIVE SQUAD. 114th Precinct.
FAIVUS JOSEPH, (DT3). INVESTIGATION OFFICER.
SWENSON EDWARD, (SGT). DETECTIVE SQUAD SUPERVISOR.
PYRON DAVIS, (DT3). RESPONDING INVESTIGATION.
ANTHONY SEGNOT, (DT3). CSU/ECT PROCESSING OFFICER.
TYRONE GRANNUM, (POM). INVOICING OFFICER-SAFE GUARDING.
EDWARD KEOUGH. REVIEWING SUPERVISOR.
MORGAN CASEY, (SGT). SUPERVISOR APPROVING.
COSGROVE, (SGT). SIGNOFF SUPERVISOR.
MARK DITORO, (SDS). CSU SUPERVISOR.
WILLIAM EISNER, (SGT). DETECTIVE SUPERVISOR.
STEPHN GLOSSZA, (LT). CSU SUPERVISOR.

MARTIN GOLDMAN. ATTORNEY AT LAW.
STEVEN CIEGEL. ATTORNEY AT LAW.
STEPHAN G. SIEGEL. ATTORNEY AT LAW.

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUL 13 2015 ★

BROOKLYN OFFICE

RICHARD A. BROWN. DISTRICT ATTORNEY, QUEENS COUNTY.
KRISTIN PAPADOPOULOS. ASSISTANT DISTRICT ATTORNEY.
KAREN ROSS. ASSISTANT DISTRICT ATTORNEY.
JACK WARSAWSKY. ASSISTANT DISTRICT ATTORNEY.
JOHN M. CASTELLANO. ASSISTANT DISTRICT ATTORNEY.

JUDGE J. GRIFFIN. (J.C.C).
RICHARD L. BUCHTER. (J.S.C).
JOSEPH A. ZAYAS. (A.J.S.C).

FAISAL KHOSALI. ARABIC INTERPRETER.
JOHN DOE. ARABIC INTERPRETER.
JOHN DOE. ARABIC INTERPRETER.
JOHN DOE. ARABIC INTERPRETER.

ELIZABETH OWEN. Ph.D.
MICHAEL FULLAR. M.D.
AIAN PERRY. Ph.D.
STEVEN RUBEI. M.D.

Individually and in their official capacities as
employees of the State of New York and the City of New York.

Defendants.

-----x

I. Previous Lawsuits:

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No (✓)
- B. If your answer to A is yes, describe each lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs:

N/A

Defendants:

N/A

if state court, name the county)

N/A

3. Docket Number: N/A

4. Name of the Judge to whom case was assigned: N/A

5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

6. Approximate date of filing lawsuit: N/A

7. Approximate date of disposition: N/A

II. Place of Present Confinement: Riker's Island, A.M.K.C (C-95) 18-18
Hazen Street, East Elmhurst, N.Y 11370.

A. Is there a prisoner grievance procedure in this institution? Yes () No (✓)

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes () No (✓)

C. If your answer is YES,

1. What steps did you take? N/A

2. What was the result? N/A

D. If your answer is NO, explain why not Because this suit does
not in any way relate to my confinement.

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes () No (✓)

F. If your answer is YES,

1. What steps did you take? N/A

2. What was the result? N/A

III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff Elawame Wahid.

Address Riker's Island, A.M.K.C. (C-95) 18-18 Hazen Street
East Elmhurst, N.Y 11370.

(In item B below, place the full name and address of each defendant)

B. List all defendants' names and the addresses at which each defendant may be served. Plaintiff must provide the address for each defendant named.

Defendant No. 1

DENNIS MOGELNICKI, SHIELD NO # 812.
114th Precinct 34-16 Astoria. 11103.
Boulevard. (POLICE OFFICER).

Defendant No. 2

HUMBERTO MANTUANO, SHIELD NO# UNKOWN.
114th Precinct 34-16 Astoria. 11103.
Boulevard. (POLICE OFFICER).

Defendant No. 3

ADAM ABDULLA, SHIELD NO# 24246¢ 47.
114th Precinct 34-16 Astoria. 11103
Boulevard. (POLICE OFFICER).

Defendant No. 4

DENIS BRODERICK, SHIELD NO #6968 QHS.
114th Precinct 34-16 Astoria. 11103
Boulevard. (DETECTIVE).

Defendant No. 5

DAVID BEUTEL, SHIELD NO #1847.
114th Precinct, 34-16 Astoria. 11103.
Boulevard. (DETECTIVE SQUAD).

[Make sure that the defendants listed above are identical to those listed in the caption on page 1].

Defendant No. 6

FAIVUS JOSEPH. 114th Precinct.
34-16 Astoria Boulevard. 11103.
(INVESTIGATION OFFICER).

Defendant No. 7

SWENSON EDWARD. 114th Precinct.
34-16 Astoria Boulevard. 11103.
(DETECTIVE SQUAD SUPERVISOR).

Defendant No. 8

PYRON DAVIS. 114th Precinct.
34-16 Astoria Boulevard. 11103.
(RESPONDING INVESTIGATION).

Defendant No. 9

ANTHONY SEGINOT. 114th Precinct.
34-16 Astoria Boulevard. 11103
(CSU/ECT PROCESSING OFFICER)(DT3).

Defendant No. 10

TYRONE GRANNUM. 114th Precinct.
34-16 Astoria Boulevard. 11103.
(INVOICING OFFICER-SAFE GUARDING).

Defendant No. 11

EDWARD KEOUGH. 114th Precinct.
34-16 Astoria Boulevard. 11103.
(REVIEWING SUPERVISOR).

Defendant No. 12

MORGAN CASEY. 114th Precinct.
34-16 Astoria Boulevard. 11103.
(SUPERVISOR APPROVING).

Defendant No. 13

COSGROVE DONE. 114th Precinct.
34-16 Astoria boulevard. 11103.
(SIGNOFF SUPERVISOR).

Defendant No. 14

MARK DITORO. 114th Precinct.

34-16 Astoria Boulevard. 11103.

(CSU SUPERVISOR).

Defendant No. 15

WILLIAM EISNER. 114th Precinct.

34-16 Astoria Boulevard. 11103.

(DETECTIVE SUPERVISOR).

Defendant No. 16

STEPHN GLOSSZA. 114th Precinct.

34-16 Astoria Boulevard. 11103.

(CSU SUPERVISOR).

Defendant No. 17

MARTIN GOLDMAN. ATTORNEY AT LAW.

140-04 69 Avenue

FLUSHING, N.Y 11367.

Defendant No. 18

STEVEN CIEGEL. ATTORNEY AT LAW.

123-12 82 Avenue

Kew Gardens, N.Y 11415

Defendant No. 19

STEPHAN J. SIEGEL. ATTORNEY AT LAW.

109-01 72nd Road- Suite 1A

Forest Hills, N.Y 11375

Defendant No. 20

RICHARD A. BROWN. DISTRICT ATTORNEY.

125-01 Queens Boulevard

Kew Gardens, N.Y 11415-1568

Defendant No. 21

KRISTIN PAPADOPOULOS. A.D.A.

125-01 Queens Boulevard.

Kew Gardens, N.Y 11415.

Defendant No. 22

KAREN ROSS. ASSISTANT DISTRICT ATTORNEY.
125-01 Queens Boulevard.
Kew Gardens, N.Y 11415.

Defendant No. 23

JACK WARSAWSKY. ASSISTANT DISTRICT ATTORNEY.
125-01 Queens Boulevard.
Kew Gardens, N.Y 11415

Defendant No. 24

JOHN M. CASTELLANO. ASSISTANT DISTRICT ATTORNEY.
125-01 Queens Boulevard.
Kew Gardens, N.Y 11415

Defendant No. 25

JUDGE J. GRIFFIN. J.C.C
125-01 Queens Boulevard.
Kew Gardens, N.Y. 11415

Defendant No. 26

RICHARD L. BUCHTER. J.S.C. PART TAP-B
125-01 Queens Boulevard.
Kew Gardens, N.Y 11415

Defendant No. 27

JOSEPH A. ZAYAS. A.J.S.C. TERM K-11
125-01 Queens Boulevard.
Kew Gardens, N.Y 11415

Defendant No. 28

FAISAL KHOSALI. ARABIC INTERPRETER.
125-01 Queens Boulevard
Kew Gardens, N.Y 11415

Defendant No. 29

ELIZABETH OWEN. Ph.D, KINGS COUNTY
HOSPITAL CENTER. 451 Clarkson Avenue,
Brooklyn, N.Y 11203

Defendant No. 30

MICHAEL FULLAR, M.D. KINGS COUNTY
HOSPITAL CENTER, 451 Clarkson Avenue,
Brooklyn, N.Y 11203

Defendant No. 31

AIAN PERRY, Ph.D. KINGS COUNTY
HOSPITAL CENTER, 451 Clarkson Avenue,
Brooklyn, N.Y 11203

Defendant No. 32

STEVEN RUBEL, M.D. KINGS COUNTY
HOSPITAL CENTER, 451 Clarkson Avenue,
Brooklyn, N.Y 11203

Defendant No. 33

JOHN DOE, ARABIC INTERPRETER.
125-01 Queens Boulevard.
Kew Gardens, N.Y 11415.

Defendant No. 34

JOHN DOE, ARABIC INTERPRETER.
125-01 Queens Boulevard.
Kew Gardens, N.Y 11415.

Defendant No. 35

JOHN DOE, ARABIC INTERPRETER.
125-01 Queens Boulevard.
Kew Gardens, N.Y.11415.

Defendant No. 36

Defendant No. 37

IV. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 ½ by 11 sheets of paper as necessary.)

SEE ATTACHMENT

NO # 1

x

x

IV. A If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

SEE ATTACHMENT

NO # 2

x

x

ATTACHMENT NO # 1

x _____ x

COME NOW AND PLEASE TAKE NOTICE, That I Elawame Wahid, a citizen of Libya, Political Asylum Seeker in United States of America, Case No: 200-185-368, as a Refugee within the meaning of 1951 Geneva Convention on Refugees. The Refugee in International Law Protection, and in Human Rights Law.

The 1951 Convention endorses a single definition of the term "Refugee" in Article I. The emphasis of this definition is on the protection of persons from political or other form of persecution.

The Convention prohibited penalties might include being charged with immigration or criminal offences relating to the seeking of asylum.

I escaped from Libya on the 27th of May 2011, under threat of death, I left my homeland just as civil war starting, I left my wife and two small children, and family and friends, because I don't want to fight for either side, this was the best way to keep both my family and myself safe.

I arrived in the United States on the 29th of May 2011, I applying for political asylum because the Libyan government has detained and persecuted me, and I fear future persecution on the basis of political opinion in opposition to the current government, and my religious beliefs as an atheist. I was told to come back in two years to the immigration court.

I was not allowed to sign up for any Government Assistance in United States, i.e.(shelter - refuge), protection, food stamps, social security, et cetera. Which make me indigent and disabled alien unable to live where I could not obtain necessary public assistance, I am here totally dependent on myself, without any assistance to permit me to work, to support myself in a number importance respects.

On May 4th 2012, my room where I was staying 25-60 Steinway, Astoria, was broken into, by three Libyan students, and assault me. Two escape out the window, and third one fall unto a knife when he try to escape out the window. He took the knife from the kitchen counter front the door of my room, and subsequently died in the hospital.

During this home invasion I was assaulted and robbed, whereby, no criminal charges was lodged against the home invaders ?

When the police officers "DENNIS MOGELNICKI #812, and HUMBERTO MANTUANO #UNKNOWN", came, they asked me "WHAT HAPPEN", I told them, three people broke the door, and attacked me, two escaped out the window, and the thrid one lied on the floor. Police dragged me tightly cuffed to the point, I could no longer feel my hands, and taken to the precinct, without appropriate clothing.

The police knowing I have no family here in United States, and I have immigration issues, they took all of my money (over 6370 \$), and any contact I had with loved once via phone, tablet wallet, passport. They give me receipt without any of my personal property, and they writ (NO MONEY) ?

For twelve hours I was tightly cuffed, deprived of clothes, sleep, phone, a lawyer, and basic ammenities. The police afforded me a yemen police officer, his name (P.O. ADAM ABDULLA #24246 #47) a Translator, who didnot even understand me, he and Detective (DENIS BRODERICK #6968 QHS), was forced me to write what happened in arabic, and after that they forced me to sign in some paper, the police officer P.O. ADAM ABDULLA(Translator) told me, ~~he translator what I was wrote~~ in arabic, and they arrest the criminals, and they will release me from the court, after that I was taken to central, Booking and charged with murder in the second degree twice, kidnapping, weapon possesion.....?

HOW I CAN DO THAT? I WAS IN MY ROOM ON MY BAD, HOW I KIDNAPP THREE PEOPLE? WHAT WEAPON I HAD? FOR WHAT REASON I DO ALL THAT? BY MYSELF? I never committed no murder, I am the vict@m, HOW I become the criminal? and HOW the criminals become victims? and the police make them witnesses against me? This is fabrication this case, WHY?

I was afforded a lawyer in the court, Mr. MARTIN GOLDMAN. I told him my story, he told my "I am not lawyer for murder cases, the court will give you other lawyer", after that the court appointed Mr. STEPHAN J. SIEGEL, or STEVEN SIEGEL (he had to different names and addresses on the paper), a lawyer, I explaine my story to him, he rejected it, and asked me for

money before telling me I could take a plea of eighteen years, or I face twenty five to life in prison, and I ask him to help me to get the numbers from my phone, he told me he can't do that for me, and after that he say I told him, it was self defense, but I never saed that, Why he lying?

I try explained my story to the JUDGE Mr. RICHARD L. BUCHTER (J.S.C), he told me "Don't tell me your story, speak to your lawyer", after all that I made decision to represent myself in my own person, I told to the judge that, and he was sent me for first psychiatric evaluation to prove my fitness, after that the judge asked me for a motion, and I submitted a affidavit of information, challenged the subject matter jurisdiction, and personal jurisdiction, and demand for jurisdiction hearing.

But the persecutor Mr. RICHARD A. BROWN by his Assistants, KRISTIN PAPADOPOULOS, KARE ROSS, JACK WARSAWSKY, opposing and asked the judge to denied my affidavit, and the judge Mr. RICHARD L. BUCHTER, denied it, and order to proceed for Huntley hearing, and ignore my request for jurisdiction hearing, and still enforce me to accept Mr. STEPHAN J. SIEGEL a lawyer, and denying me the right to get a interpreter who speak my dialect, and denying me the right to know what jurisdiction the court try me under, and on 3-14-2013, I was sent by force to Bellevue Hospital Prison, for second psychiatric evaluation, when I refuse to accept Mr. STEPHAN J. SIEGEL a lawyer.

In Bellevue Hospital, on 3-18-2013, Mr. ALAN M. PERRY, Ph.D, and Mr. STEVEN RUBEL, M.D, came to interview me, and first question they asked me, "YOU NEED INTERPRETER? I SAID, YES, BECAUSE MY ENGLISH IS NOT VERY GOOD" and they said "WHEN YOU DON'T UNDERSTAND WE REPEAT TNE QUESTION AGAIN, I SAID, IF I DON'T UNDERSTAND THE QUESTION, NO MATTER IF YOU REPEAT THE QUESTION MILLION OF TIMES", But they said in the report, I able to speak and understand English well, and I never asked or appeared to need the services of an interpreter, When I didn't understand English very will at that time. Why they lied?

After that Mr. JOSEPH A. ZAYAS (A.J.S.C) tried the case, he told me "GO TO TRIAL, IF THEY SAY NOT GUILTY, YOU GO HOME, I DON'T CARE", I asked him, before that I want jurisdiction hearing, I need to know the nature

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and cause of the accusation, the cause of action, I need to know what jurisdiction the court try me under, before I prove my innocence or the persecutor prove me guilty. I told him, if the court prove the subject matter jurisdiction, and personal jurisdiction, we go proceed the case, and if the court can't prove jurisdiction lawfully dismiss the case, or remove it to an Article 3 Federal Court, He started yelling and say "You want me dismiss the case, You want me remove the case to federal court, let the lawyer do his job", and when I refuse to accept the lawyer, he sent me to Bellevue Hospital Prison for thrid psychiatric evaluation on 3-6-2014 to 3-14-2014. That will conspir with the court to try me under a secret jurisdiction, known only to the judges and lawyer (Licensed Attorney).

But for 33 months, the court has yet to prove subject matter jurisdiction, and personal jurisdiction over me, under the insidious 14th Amendment, and the judges ignore my request for jurisdiction hearing, and still anforce me to accept Mr.STEPHAN J. SIEGEL a lawyer, denying me the right to represent myself in my own person, and denying me the right to freedom of speech in courtroom, and denying my the right to get a interpreter who speak my dialect, and denying me the right to know the nature and cause of the charges against me, the right to know what jurisdiction the court try me under, and I was sent for psychiatric evaluation several times when I refuse to accept the lawyer.

The prosecutor has used code of Federal Regulation Chapter 27, Section 72.11, which states "All crimes are commercial and revenue law". This statute is a civil process and clearly states it for money. What their doing is all about Bonds, Bid Bond, Performance Bond, Payment Bond.

18 U.S.C.S. § 495 prohibits the making, alteration, forgery or counterfeit= ing of any deed, power of attorney, order, certificate, receipt, contract, or other writing for the purpose of obtaining money from the United States and the publishing, or uttering of any such writing with intent to defraud the United States, knowing the false or forged nature of the paper. An endorsement is a "writing", and a forged endorsement on an obligation such as a government savings bond, if made "for the purpose of obtaining a sum of money from the Treasury of the United States", constitutes a violation of § 495.

The law must be complete in all its terms and definite and certain enough to enable every person, by reading it, to know what his rights and obligations are and how the law will operate when put into execution.

The United States System is an accusatorial and not an inquisitorial system, and, accordingly, tactics for eliciting inculpatory statements must fall within the broad constitutional boundaries imposed by the U.S. Const. amend.XIV's guarantee of fundamental fairness.

A state is free to regulate the procedure of its courts in accordance with its own conceptions of policy, unless in so doing it offends some principle of justice so rooted in the traditions and conscience of the people as to ranked as fundamental. The state may abolish trial by jury. It may dispense with indictment by a grand jury and substitute complaint or information. But the freedom of a state in establishing its policy is the freedom of constitutional government and is limited by the requirement of due process of law.

Due Process of Law, means to give such proceedings any validity, there must be a tribunal competent by its constitution - that is, by the law of its creation - to pass upon the subject-matter of the suit; and, if that involves merely a determination of the personal liability of the defendant, he must be brought within its jurisdiction by service of process within the state, or his voluntary appearance.

The due process clause of U.S.Const. amend.XIV require the state action, whether through one agency or another, shall be consistent with the fundamental principles of liberty and justice which lie at the base of all the civil and political institutions.

The jurisdiction is the power of courts to affect legal interests. Obtaining jurisdiction is essential, since any court action taken in its absence is subject to nullification - directly in the action on the court's own motion or, collaterally. Moreover, an order or judgment of a court that lacked subject matter jurisdiction is void ab initio.

A court cannot exercise judicial power unless it has: (1) subject matter jurisdiction; and (2) jurisdiction over the person or property of the defendant. The latter requires that the state has a proper basis on which to base jurisdiction and that the defendant be properly notified of the commencement of the action. Even if these requirements are met, a court can decline to exercise jurisdiction if "in the interest of substantial justice, the action should be heard in another forum".

(1) Jurisdiction over subject matter.

"subject matter jurisdiction" denotes the power or "competence" of a particular court to hear a certain kind of case. It embraces the types of causes of action a particular court is empowered to adjudicate, and types or remedies that court is authorized to grant. If a court is not competent to hear a particular claim or to grant the type of relief sought, it has no power to adjudicate the case.

The cause of action means, Fact, or a state of facts, to which law sought to be enforced against a person or things applies. Fact which give rise to one or more relations of right - duty between two or more persons. Failure to perform legal obligation to do, or refrain from performance of, some act. Matter for which action may be maintained. Unlawful violation or invasion of right. The right which a party has to institute a judicial proceeding.

(2) Jurisdiction over the person or property of the defendant.

It is the power which a court has over the defendant himself in contract to the court's power over the defendant's interest in property (quasi in rem) or power over the property it self (in rem). A court which lack's personal jurisdiction is without power to issue an personam judgment.

A court has a proper jurisdictional basis to hear an action only if it is authorized by statute, and applying the statute in the case at hand is constitutional. The constitutional requirements are subtle and have been the subject of a series of opinion by the Supreme Court. In summary, the Due Process Clause of the Fourteen Amendment allows jurisdiction to be asserted over the defendant only if "the relationship among the defendant, the forum and the litigation ", makes it fair to do so. This broad

broad standard is applied whether the plaintiff seeks an "in personam" judgment against the defendant or a judgment limited to specific property of the defendant (in rem or quasi-in-rem).

Jurisdiction means that the court has the power to hear the case. If a court hold a trial without jurisdiction, it violates the Due Process Clause of the 5th and 14th Amendment.

I, Elawame Wahid, My status is a Refugee, Seeking Political Asylum in United States of America, NOT a U.S. Citizen, NOT 14th Amendment Person, NOT Resident Alien, has no relationship or minimum contacts with territorial forum state. That alien loses his or her status as refugee when s/he receives permanent resident status, Asylum applicants reside in United States (under color of law) but not permantly. Therefore, outside the jurisdiction of the United States. What is the basis of the Queens Supreme Court's Jurisdiction ?

A "WARRANT" issued without an affidavit of liability is not a warrant at all. The best that can be said of it, is that it is an order to kidnapp. To be a real warrant it must be issued upon probable cause supported by OATH or affirmation (affidavit of liability sworn to by a competent witness). This gives the court "SUBJECT MATTER and PERSONAM JURISDICTION" without the swearing to liability by a competent witness, no court or tribunal can have jurisdiction. It is only the swearing to the liability, whether it is contractual, statutory or anything else that can support a CHARGE of a violation of any kind.

If I have no contractual liability, then I can not violate or breach any contract. If Im not engaged in an activity that renders me liable and therefore subjected to a statute, then I have no liability to that statute and therefore lack the requisite intent [mens rea is no longer required, i.e did I or did I not do those act(s)?] or capacity to violate it.

Liability is the only thing that can form the basis for, or give rise to, any charge. The liability of the defendant must be DISCOVERED by him and presented, for him to be correctly informed of the nature and cause of any charge or accusations he must face. The failure and refusal to present my liability is a severe tort that must be redressed. Without the swearing to liability an "ARREST" is actually a kidnapping.

Without the swearing to liability any "trial" in any court or tribunal is a mockery. The refusal(s) to verify the liability and resulting kidnapp prevents any lawful process. Justice is disregarded, perverted and parodied, the court or tribunal is characterized by unauthorized or irregular procedures, so as to render a fair or impartial [meaningful] proceeding impossible.

I, Elawame Wahid, never knowingly or willingly entered into any contract or obligation with the United States, or any of its principals agents or assings. There existed no contract, consent or assent of any constitutional or congressional authority used "ELAWAME WAHID", that compel plaintiff's performance to their statute. That I, Elawame Wahid, is not bound to perform in any way be the defendant.

I, Elawame Wahid, a Refugee under International Law, Internationally Protection Person, I'm only here in United States by Special Visitation, and not by General Appearance, should not hurt me more which seem to be the case.

I was treated unfairly, I escaped from my country because my life was in danger, and my life as still in danger, I was attacked and assaulted and robbed in my room, because my political opinion and my religious beliefs as an atheist, and now detained in jail (danger place), with different types of gang members, they want fight for any reason, chair, food, TV, phone, etc. This hapened to me several times.

I, Elawame Wahid, a Refugee, Seeking Political Asylum, I'm an Internationally Protected Person, I was kidnapped, arrested and detained without legal authority, and this is assault, false arrest, injury to property, false imprisonment, malicious prosecution, abuse of process, fraud, conspiracy, and RICO.

New York State, Supreme Court Queens County, by Judges, J. GRIFFIN(J.C.C), Mr.RICHARD L. BUCHTER (J.S.C), Mr.JOSEPH A. ZAYAS (A.J.S.C), DISTRICT ATTORNEY QUEENS COUNTY Mr.RICHARD A. BROWN, ASSISTANTS DISTRICT ATTORNEY, Mrs.KARE ROSS, Mrs.KRISTIN PAPADOPOULOS, Mr.JACK WARSAWSKY, DEFENSE ATTORNEYS, Mr. MARTIN GOLMAN, Mr. STEVEN SIEGEL, Mr. STEPHAN J. SIEGEL.

violated my human rights to denying me the right to freedom of speech in courtroom to represent myself in my own person, and this is violation the International Covenant on Civil and Political Rights, Article 14 (3) (d), and violation the United States Constitution, and New York State Constitution, 1th, 6th, and 14th Amendments.

New York State, Supreme Court Queens County, violated my human rights to denying me the right to know the nature and cause of the accusation, and this violation the International Covenant on Civil and Political Rights, Article 14 (3)(a), and violation the United States Constitution, and New York State Constitution, 6th Amendment.

New York State, Supreme Court Queens County, violated my human rights to denying me the right to Interpreter who speak my dialect, and this violation the International Covenant on Civil and Political Rights, Article 14 (3)(f), and this violation The Court Interpreters Act, 28 U.S.C. §§ 1827-1828 (2006).

New York State, Supreme Court Queens County, violated my human rights to denying me the right to challenge the jurisdiction of the court, That would be deprived me of Due Process Rights in an adversary proceeding, and this violation due process of law. What is mean unfair procedure, and violation 14th Amendment of United States Constitution, and New York State Constitution.

New York State, Supreme Court Queens County, violated my human rights by kidnapped me from my room, and slaved me, by putting me in jail, slave was person wholly subject to will of another, had no freedom of action and whose person and services were wholly under control of another, and this violation the International Covenant on Civil and Political Rights, Article 8 (1), and violation the Universal Declaration of Human Rights, Article 4 (1), and violation United States Constitution, and New York State Constitution, 13th Amendment, and violation the American Convention on Human Rights, Article 6 (1).

New York State, Supreme Court Queens County, violated My human rights, by sending me for psychiatric evaluation several times, when I refuse to accept the lawyer, and this violation the International Covenant on Civil and Political Rights, Article 7.

New York State, Supreme Court Queens County, violated my human rights, by kidnapped me (arrested) from my room by police officers, 114th Precinct, SUPERVISOR, SWENSON EDWARD, DETECTIVE SQUAD. DAVID BEUTEL #1847, DETECTIVE. DENIS BRODERICK #6968 QHS, P.O. ADAM ABDULLA #24246 # 47, ARRESTING OFFICER. JOSEPH FAIVUS #2919, P.O. DENNIS MOGELNICKI # 812, P.O. HUMBERTO MANTUANO #UNKNOWN. They took all of my money (over 6370\$), and all my personal property, and they give me receipt without any of my property, and they write (ZERO MONEY), and detained me for more 33 months, without legal authority, and where the court supposed try me without undue delay. This violation the International Covenant on Civil and Political Rights, Articles, 9 (1)(2)(3)(4), and 14 (3)(c)., and this violation the United States Constitution, and New York State Constitution, 4th and 6th Amendments.

New York State, Supreme Court Queens County, violated my human rights, by ignoring me as a person before the law, as an Refugee, Seeking Political Asylum, and this violation the International Covenant on Civil and Political Rights, Article 16.

With the law in mind, did the acting agents of the agency commit fraud, practice deceit, use coercion, or demonstrate a willful intent to injure me, committing malicious acts, RICO activity, and conspire against me ?

Plaintiff repeats and realleges each and every allegation contained this Complaint.

Defendants made representations of material "fact" which were false, and known to be false by Defendants, for the purpose of inducing other parties, including Plaintiff, to rely upon such false representations, and the other parties did so rely, in ignorance of the falsity of such representations, thereby causing Plaintiff's injuries.

The aforementioned statement, made by the Defendants personally and/or at their direction, were known by them to be false or misleading or were made with deliberate indifference to their truth or falsity or to their misleading nature.

Plaintiff was entitled to rely, and foreseeably did rely, upon defendants to faithfully carry out their aforementioned duties and on defendants' factual representations.

Theaforesaid conduct, which Defendants committed in concert with and in aid of each other, and/or in concert or conspiracy with others named and unnamed, operated to deprive Plaintiff of his human rights, and civil rights under the International Law and the Law of the United States; Not to be arrested, indicted, prosecuted, detained, convicted, or imprisoned based upon false, fabricated, manufactured, misleading, or inherently unreliable "evidence," and without legal authority.

Defendants committed the foregoing violations of Plaintiff's legal rights knowingly, intentionally, willfully, recklessly, and/or with deliberate indifference to Plaintiff's human rights and civil rights or to the effect of such misconduct upon Plaintiff's human rights and civil rights.

Defendants had a duty, as a result of Oath of Office and of Federal Constitution Obligation NOT to introduce testimony or evidence, or to make argument, that they know, or should have know, was false or misleading, and to promptly any false or misleading evidence or argument that the prosecution or defense counsel presenterd to the court. The duty to refrain from abusing court process or otherwise coercing or manufacturing false.

By reason of the foregoing, the Defendants are liable to Plaintiff, pursuant to 42 U.S.C. § 1983 for compensatory and for punitive damages.

ATTACHMENT NO # 2

x _____ x

IV.A If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

Plaintiff's Damages and injuries:

Plaintiff's injuries and damages include, but are not limited to:

- (a) His false imprisonment and malicious prosecution and accused for murder in the second degree twice, kidnapping in the second degree, attempted assault in the second degree, criminal possession of weapon in the fourth degree;
- (b) The wrongful denial and ignored of his affidavits to challenge subject matter jurisdiction and personal jurisdiction, and the right to know the nature and cause of the accusation;
- (c) His loss of his liberty for about (3) three years, by kidnapping him from his room, and arrested him unlawfully;
- (d) Physical injuries he suffered during his home invasion and assaults by home invaders and police officers, and by other inmates, and the mental and emotional effects of such assaults and of the gruesome, terrifying homicidal and disfiguring assaults on other inmates he witnessed;
- (e) Past and future physical illnesses and injuries as a result of his wrongful accusation and his experiences in jail;
- (f) Past and future mental and emotional injuries and suffering;
- (g) The loss all of his property, and all of his money;

- (h) The loss of the services, society, companionship, and consortium of his two children, wife and fiancée, mother, grandmothers, father, grandfathers, brothers and sisters, and other family members and friends;
- (i) Shame and humiliation as a result of the strip frisk searches;
- (j) Negligent infliction of emotional distress, or intentional infliction of emotional distress; and

V. Relief:

State what relief you are seeking if you prevail on your complaint.

WHEREFORE, Plaintiff demands judgment against the Defendants as follows:

- a. For compensatory damages of not less than \$200.000 per day;
- b. For punitive damages against the individual Defendants of \$100 million;
- c. For the costs and disbursements of this action.
- d. For pre-judgment interest as allowed by law; and
- e. For such other and further relief as this court may deem just and proper.

I declare under penalty of perjury that on April-25-2015, I delivered this
(Date)
complaint to prison authorities to be mailed to the United States District Court for the Eastern
District of New York.

Signed this 25 day of APRIL, 2015. I declare under penalty of
perjury that the foregoing is true and correct.

Elawame Wahid

Without Prejudice

Signature of Plaintiff

Anna M. Kross Center(A.M.K.C)

Name of Prison Facility

Riker's Island, (A.M.K.C)(C-95)

18-18 Hazen Street. East Elmhurst

New York 11370.

Address

441-12-04533.

Prisoner ID#

Sworn to before me this
07th day of July, 2015.

[Signature]
NOTARY PUBLIC

NKECHI IGBO

NOTARY PUBLIC-STATE OF NEW YORK

No. 011G6163948

Qualified in Queens County

My Commission Expires April 09, 2019

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

SS:

COUNTY OF Bronx)

Elawame Wahid, being duly sworn, deposes and says:

That I have on this 25TH day of APRIL. 2015, placed and submitted in the postal receptacle in the New York City Correctional Facility known as (A.M.K.C)(C-95) Anna M. Kross Center, 18-18 Hazen St. East Elmhurst, N.Y. 11370 a Notice of CIVIL RIGHTS COMPLAINT 42 U.S.C. § 1983. to be duly mailed via the United States Postal Service to the following parties in the above action:

Clerk of United States District Court, EDNY.
100 Federal Plaza; Central Islip, NY 11722-4438
Attention: Pro Se Office.

CV 15 2869
VITALIANO, J.
POLLAK, M.J.

Respectfully submitted,

Without Prejudice

*Elawame Wahid

Sworn to before me this
25th day of APRIL, 2015

[Signature]

NOTARY PUBLIC

NKECHI IGBO

NOTARY PUBLIC-STATE OF NEW YORK

No. 011G6163948

Qualified in Queens County

My Commission Expires April 09, 2019

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, N.Y.
★ JUL 13 2015 ★

BROOKLYN OFFICE