

**FILED**  
IN CLERKS OFFICE  
US DISTRICT COURT E.D.N.Y.

UNITED STATES DISTRICT COURT  
EASTERN\* DISTRICT OF NEW YORK-----X

★ JUL 08 2016 ★

DWAYNE HARVEY, Plaintiff

BROOKLYN OFFICE  
\*AMENDED COMPLAINT.\*

16 cv 00901-RRM-LB

-against-

THE CITY OF NEW YORK, et. al., and;  
THE NEW YORK CITY POLICE DEPARTMENT,  
(QUEENS COUNTY DIVISION); POLICE  
OFFICER, "MUNRO, SHIELD #13600,"113th  
In His Official Capacity; and,  
POLICE OFFICER, "KESSLER, SHIELD #  
27043, In His Official Capacity.

Defendant(s).

-----X

1. LEGAL BASIS FOR CLAIM: VIOLATION OF MY CONSTITUTIONAL RIGHTS.
2. PLAINTIFF INFORMATION: DWAYNE HARVEY (B & C # 441-15-06467)  
RNDC FACILITY 11-11 HAZEN STREET, EAST ELMHURST, NY 11370;  
rikers island complex\*
3. PRISONER STATUS: PRETRIAL DETAINEE.
4. DEFENDANT'S INFORMATION: Defendant # 1. The City of New York  
is located at, DEPT OF LAW : CORPORATION COUNSEL, 100 CHURCH  
STREET, NEW YORK, NY 10007. Defendant # 2. New York City  
Police Department is located at, One Police Plaza, Ny Ny 10037,  
Defendant # 3. P/O Munro Shield # 13600 is at the 113Th Pct,  
Queens Division, 167-02 Balsley Blvd, and Defendant # 4. P/O  
Kessler, Shield # 27043, is located at same Pct & Address as  
P/O Munro.
5. AMENDED STATEMENT OF CLAIM: On August 4th, 2015, at about 11:05 P.M.,  
At The Intersection of 111 Avenue and 146th Street, County of Queens, State  
of New York. The Plaintiff was Arrested For Drunk Driving, Inter-Alia, After  
failing a Series of field sobriety test, and was taken to the 112th and  
112th Pct(s). . . These were taken by, P.O. Kessler, at either Pct? Soon  
thereafter, P.O. Munro arrested the Plaintiff. The Plaintiff is physically  
disabled and could not take the walking test, also, could not properly blow,  
due to the illness of, (C.O.P.D.). Only one test result was listed, after  
(2 to 3) trys. It was claimed that a result of .082 of one percentum or  
more by weight of Alcohol was found in my blood. P.O. Kessler used a Machine  
known as an (INTOXILYZER 5000EN)("INTOXILYZER")(SEE: EXHIBIT (A): FELONY-

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
PAGE TWO: AMENDED COMPLAINT.

-COMPLAINT AND NUMEROUS CHARGES LISTED THEREIN. ALSO SEE: EXHIBIT (B):  
113TH INTOXILYZER/ALCOHOL ANALYZER-MODEL 5000EN (I.D.T.U. TEST #  
15Q1439.

EXHIBIT (C): ARRESTING OFFICERS REPORT (I.D.T.U.) EXHIBIT (D): TECT-  
NICIAN TEST REPORT. EXHIBIT (E): INTOXICATED EXAMINATION (2ND SHEET  
Instruction), AND EXHIBIT (F): INTOXICATION DRIVER EXAMINATION (2ND)  
AND, EXHIBIT (G): CRIMINAL TEST ANALYSIS.

[SEE: KIMBERLY McCain v. District of Columbia, et al., 2014 U.S.  
DIST. LEXIS 141734, CIVIL ACTION NO.: 13-1589(GK).]\*

6. INJURIES:

The Defendant has now been vindicated from the charges, (SEE:  
EXHIBIT (H): DESIGNATION OF AGENT FOR ACCESS TO SEALED RECORDS  
PURSUANT TO NYCPL 160.50 AND 160.55,

sent to the Plaintiff by the Corporation Counsel. Therefore,  
The Plaintiff is claiming, inter-alia, False Imprisonment and  
False Arrest, Including all resulting injuries thereto. As  
The Plaintiff was violated by his contract and program in Man-  
hattan Criminal Court and had to remain incarcerated as a  
result and ending. The defendant is collectively claiming,  
Negligence, Gross Negligence, Negligent Supervision, also  
Infliction of Emotional Distress, and for numerous Consti-  
tutional Violations and Causes of Actions Request Damages in  
the amount of: \$500.000.00 Dollars, Including Punitive and  
Compensatory Damages that this Court Deems sufficient, also  
Attorney';s Fees (PLRA) & Costs Expenses at 150% Interest for  
Pro-se Work.

7. No Other Relief has been requested other than whats repeated  
and Amended.

I, Dwayne Harvey, declare under Penalty of  
perjury that the foregoing is true and correct.

Dwayne Harvey  
Signature

I Declare Under Penalty of Perjury that on this \_\_\_\_ day of  
June, 2016, I delivered this complaint/Amended to prison  
authorities to be mailed to the Pro-se Office of the U.S.  
District Court, Eastern District of New York. 225 Cadman  
Plaza East, Brooklyn, Ny 11201.  
EXECUTED THIS 30<sup>th</sup> DAY OF JUNE, 2016 [28 USC § 1746]

Dwayne Harvey + \_\_\_\_\_



CERTIFICATE OF SERVICE

STATE OF NEW YORK)  
  )SS.:  
COUNTY OF BRONX )

I, Dwayne Harvey, declare under penalty of perjury that the foregoing is true and correct.

1. I am the Plaintiff Pro-se and i'm located at, 11-11 Hazen Street, East Elmhurst, Ny 11370, On Rikers Island. I have Placed the Following: AMENDED COMPLAINT With Exhibits On The Below Listed Parties: By Placing Same Inside of A Facility Mail Box.

U.S. DISTRICT COURT CLERKS OFFICE  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, Ny 11201

New York City Corporation Counsel  
Department of Law  
100 Church Street  
New York, Ny 10007  
Zachary W. Carter, Esq.

DATED: JUNE 30, 2016

Signature

Dwayne Harvey

I, Dwayne Harvey, declare under the penalty of perjury that the foregoing is true and correct. [28 USC 1746]

EXECUTED THIS 30<sup>th</sup> DAY OF JUNE, 2016

Signature

Dwayne Harvey