

**ORIGINAL**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
MICHAEL ROGERS,

Plaintiff,

-against-

POLICE OFFICER JAMAAL MILLER;  
POLICE OFFICER MICHAEL IOVINE;  
THE CITY OF NEW YORK,

Defendants,  
-----X

AMENDED COMPLAINT  
UNDER  
Civil Rights Act  
42 U.S.C.A § 1983  
Pursuant to  
FRCP Rule 15(c)

16 CV 3610 (AMD) (VMS)

Jury Trial Demanded

I. Parties in this complaint:

Plaintiff, Michael C. Rogers  
ID # 15A3486

Current institution: Otisville Correctional Facility  
P.O. Box 8  
Otisville, New York 10963

Defendant No. 1: Jamaal Miller Shield # 18339  
Police Officer, 79th Precinct, NYPD  
Brooklyn, New York 11216

Defendant NO. 2: Michael Iovine Shield # 11215  
Police Officer, 79th Precinct, NYPD  
Brooklyn, New York 11216

Defendant No. 3: The City of New York  
City Hall/ 100 Church Street  
New York, New York 10007

II Statement of Claim:

2. Police Officer Miller and Police Officer Michael Iovine acting in their official capacity as Police Officers of the NYPD used their position as such to fulfil Police Officer Miller's Personal vendetta against the complainant, by knowingly, willingly and intentionally arresting the complainant in the presence of gang members that were at the time known to have been under investigation by Police Officer Miller, Police Officer Iovine, The 79th Precinct, The New York Police Department and the District Attorney as well.

**FILED**  
IN CLERK'S OFFICE  
US DISTRICT COURT E.D.N.Y  
★ JAN 12 2018 ★

**BROOKLYN OFFICE**

3. Police Officer Miller and Police Officer Iovine used derogatory and derogatory language audibly while the complainant was placed under arrest. Statements of such a nature as to place the life, safety, repose and quiet enjoyment of the plaintiff at grave risk and danger.
4. Police Officer Michael Iovine acting in his official capacity as a Police Officer, used his position as such to aid Police Officer Miller in action that resulted in the false arrest of the complainant and his girlfriend Katherine Pfol.
5. Police Officer Michael Iovine in his official capacity as a Police Officer submitted forms, documents and affidavits with false information with the malicious intent of supporting an erroneous arrest.
6. Police Officer Michael Iovine in his official capacity as a Police Officer, was fully aware that a wrong was occurring yet failed to prevent or correct that wrong, although he had an opportunity and the means to do so.
7. The City of New York, in a supervisory role, promoted and encouraged unconstitutional customs and policies, failed to properly train, supervise and discipline Police Officer Jamaal Miller and Police Officer Michael Iovine, allowing them to harass the complainant uninhibitedly without fear of consequence, even though the complainant made several complaints to the Internal Affairs Bureau of the New York Police Department and subsequently the Civilian Complaint Review Board.

### III Facts:

8. August 2, 2013 Police Officer Jamaal Miller made derogatory statement, from the passenger seat of an unmarked vehicle driven by Police Officer Iovine. The Statements were directed at the complainant while kissing his girlfriend, standing on the corner of Gates Ave. and Throop Ave. Police Officer Miller Stated to the Complainants girlfriend "you can do better Ma'am". Police Officer Miller also shined a spotlight into the complainants face while delivering a tirade of obscenities. The complainant immediately filed a complaint with the Internal Affairs Bureau of the New York Police Department.

9. August 5, 2013 Police Officer Jamaal Miller and Police Officer Michael Iovine stopped and frisked the complainant without Provocation, expressing distaste in regards to the complaint that was filed by the complainant. The complainant proceeded to the 79th Precinct

whereupon the complainant requested to speak to a supervisor. The Seargent at the desk was summoned and the complainant explained that Police Officer Miller and Police Officer Iovine, his "PARTNER" was harassing the complainant and that a complaint was recently submitted to the IAB. The Desk Seargent reassured the complainant that Police Officer Miller would be addressed regarding the issue.

10. August 16, 2013 Police Officer Jamaal Miller and Police Officer Michael Iovine did falsely arrest the complainant in front of his residence of 349 Monroe Street, Brooklyn, New York without warrant suspicion or provocation. Police Officer Michael Iovine kicked the driver side door of the complainants girlfriend's Toyota Prius while Police Officer Miller Pointed his service weapon directly at the complainant. Police Officer Miller rear cuffed the complainant and began to parade the complainant back and forth while shouting obscenities and making statements to the onlooking Neighbors, Pedestrians and onlookers that the complainant was "Drug dealing Scum" and "a drug dealing piece of EXPLICIT".

11. The complainant was taken to the 79th Precinct at which time the complainant was strip searched and finger printed. The Complainant was processed and transported to 120 Schemerhorn St. at which time he was eventually arraigned on the single count of "open container".

12. The Complainant was released from custody on August 17, 2013 and upon arrival at the complainants residence he was confronted by members of a local street gang regarding drugs and territory.

13. The Complainant contacted the IAB and the Civilian Complaint review board(CCRB) and filed a complaint.

14. On August 25, 2013 Police Officer Jamaal Miller and Police Officer Iovine encountered the complainant within the vicinity of Lexington Ave and Throop Ave. Police Officer Miller and Police Officer Iovine began to frisk and search the complainant while using obscenities and expressing distaste towards the complainant for filing a complaint.

15. September 12, 2013 the complainant gave a sworn deposition to Investigator Raquel Velasquez of the Civilian Complaint review Board.

16. September 13, 2013 the complainant was robbed at gunpoint in his home, by members of the local street gang, known by Police Officer Miller and Police Officer Miller to be under investigation by the District Attorney Kenneth Thompson, The NYPD and the 79th Precinct as a command.

#### IV INJURIES:

17. The conduct and actions of Police Officer Jamaal Miller and Police Officer Michael Iovine resulted in Constitutional Violations under 42 U.S.C.A 1983 and U.S.C.A Const. Amend. 4, 8 & 14 namely; Illegal Search and Seizure, Cruel and Unusual Punishment, Deprivation of Due Process of law and Deprivation of Equal Protection of the Law and Detention without legal process.

The Complainant also asserts State claims of Deprivation of Liberty, slander, defamation of character, intentional infliction of emotional distress, false arrest, false imprisonment, battery and malicious prosecution.

The livelihood of the complainant was disrupted, whereas the complainant worked from home via the world wide web as a computer technician DBA www.rotteccusa.com which was owned and operated by the complainant.

#### V EXHAUSTION OF ADMINISTRATIVE REMEDIES:

18. The complainant filed complaints with the Internal Affairs Bureau of the New York Police Department regarding the behavior of Police Officer Miller and Police Officer Iovine his "partner", regarding encounters that occurred August 2nd and 16th of 2013.

19. The complainant filed a complaint with the (CCRB) Civilian Complaint Review Board regarding the behavior and language of Police Officer Michael Iovine and Police Officer Jamaal Miller.

20. The complainant gave a sworn deposition regarding the conduct and behavior of Police Officer Jamaal Miller and his "Partner" Police Officer Michael Iovine, to Investigator Velasquez of the Civilian Complaint Review Board on September 12, 2013.

#### VI RELIEF:

21. The Claimant seeks relief for compensatory and punitive damages in the amount of \$100,000,000 USD Cash, for the irreversible damage incurred as a result of the misconduct of Police Officer Jamaal Miller his "Partner" Police Officer Michael Iovine and the lack of proper supervision rendered by the City of New York and the promotion and encouragement of an unconstitutional policy and custom.

VII PREVIOUS LAWSUITS:

22. No other lawsuits have been filed in the State or Federal Court dealing with the facts involved in this action.

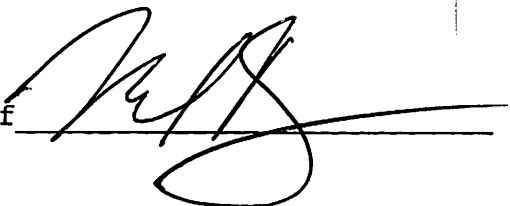
Signed this 8<sup>th</sup> day of January 2018, I declare under penalty of Perjury that the forgoing is true and correct.



Michael Rogers 15A3486  
Otisville Correctional Facility  
Box 8  
Otisville, New York 10963

I declare under penalty of perjury that on this 8<sup>th</sup> day of January 2018 I will deliver this amended complaint to Prison authorities to be mailed to the Pro-Se Office of the UNITED STATES DISTRICT COURT for the EASTERN DISTRICT OF NEW YORK.

Signature of Plaintiff



Sworn hereto before me  
this 8 day of January, 2018.



KARRIE TORRES  
Notary Public, State of New York  
No. 01T06312627  
Qualified in Orange County  
Commission Expires October 6, 20 18

