

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
CLERK

2017 MAY 19 PM 3: 18

MARLENE DENISE ARGILAGOS,

PLAINTIFF

U.S. DISTRICT COURT
EASTERN DISTRICT
OF NEW YORK
AMENDED COMPLAINT
16-CV-6255 (MKB) (LB)

-against-

JURY TRIAL DEMANDED

STATE OF NEW YORK, OSWALDO RIVERA, JANE DOE
DEFENDANT(S)

Parties:

Plaintiff: MARLENE DENISE ARGILAGOS, resides 212-29 Hillside Avenue, Apt # 7D, East, Queens Village New York 11427 .

Defendant: OSWALDO RIVERA: Individual capacity, 167-02 Baisley Blvd, Jamaica, NY 11434.

Defendant: State of New York, 99 Washington Ave, # 1750, Albany NY 12210.

Defendant: Jane Doe: Individual capacity, 167-02 Baisley Blvd, Jamaica NY 11434.

The Jurisdiction of the Court is invoked pursuant to:

42 U.S. Code § 1983 - Civil action for deprivation of rights.

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

18 U.S. Code § 242 - Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such

person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 U.S. Code § 241 - Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

STATEMENT OF CLAIM

I, Marlene Denise Argilagos, Plaintiff, before this court seeking a remedy in Admiralty as is provided by “The Saving to the Suitors Clause” at USC 28 -1333(1). I am standing in my unlimited commercial liability as a Sentient and request that the Defendant(s) do the same, and waive all of their immunities. I respectfully request the indulgence of this court as I am not schooled in law. This is provided by the precedent set by Haines vs. Kerner at 404 U.S. 519.

That I, Marlene Denise Argilagos, have personal knowledge on this matter, Defendant Oswaldo Rivera, and Jane Doe, failure to honor there oath of office, they used excessive force and caused me to suffer four (4) broken ribs, I was hospitalized for ten (10) days, due to there gross negligence:

“This law makes it unlawful for State or local law enforcement officers to engage in a pattern or practice of conduct that deprives persons of rights protected by the Constitution or laws of the United States. (42 U.S.C. § 14141). The types of conduct covered by this law can include, among other things, excessive force, discriminatory harassment, false arrests, coercive sexual conduct, and unlawful stops, searches or arrests”.

RELIEF

The Defendants has caused me, Intentional Infliction of Emotional Distress, this is an Intentional Tort, with no right to use excessive force, their gross negligence has caused me four (4) broken ribs, it has been a very stressful and painful situation for me, they showed no remorse whatsoever, I'm asking for a monetary relief in the amount Seven Million dollars (\$7,000,000.00).

Plain Statement about the fact

For resolving a matter it must be expressed; (b) In Commerce Truth is Sovereign; (c) Truth is expressed in the Affidavit form; (d) An un rebutted Affidavit stands as Truth in Commerce; (e) An Unrebutted Affidavit after thirty (30) days becomes the judgment in Commerce; (f) A Truth Affidavit can only be satisfied by a Truth Affidavit rebuttal, by payment, by agreement, by resolution, by jury according by the rules for Common Law.

L.S. *Marlene Denise Argilagos*
Marlene Denise Argilagos

Date: 5/15/2017

IURAT

State of New York)
County of Queens) ss.

The above named Libelant, Marlene Denise Argilagos, appeared before me, a Notary, subscribed, sworn to the truth of this contractual **COMMERCIAL AFFIDAVIT**.

Under oath this 15th day of May, A.D.2017.

FRANTZ PIERRE-LOUIS
Notary name PRINTED

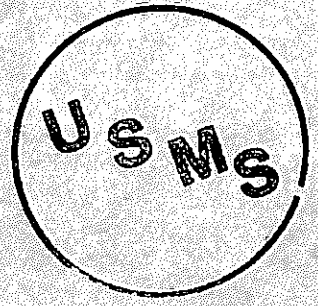
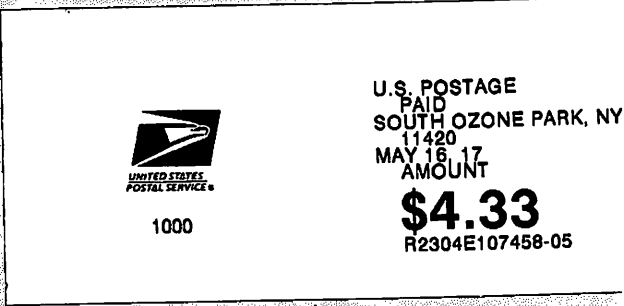
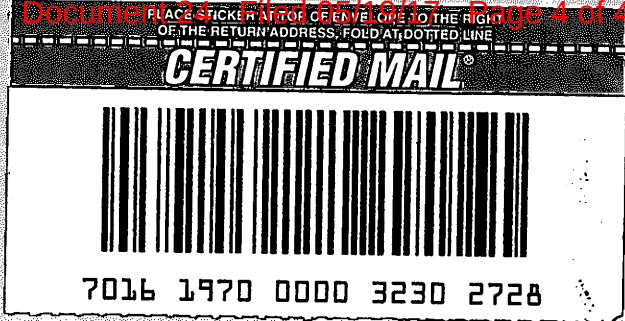
Queens Village NY

Notary City and State

[Signature]
Notary Signature Seal/Stamp

FRANTZ PIERRE-LOUIS
NOTARY PUBLIC, State of New York
No. 01PI6101228
Qualified in Queens County
Commission Expires: Nov 10, 2019

M. Argyrakis
212-29 Hillside Ave
APT # 7D, East
Queens Village, NY 11427



FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAY 19 2017 ★
BROOKLYN OFFICE

US District Court of New York
Eastern District
Clerk's Office
225 Cadman Plaza E,
Brooklyn, NY 11201

