

Boyle 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Brenden Lamothe

17CV7558

CV

2017 OCT -3 AM 10:48

Write the full name of each plaintiff.

(Include case number if one has been assigned)

-against-

NYC NYPD

COMPLAINT

(Prisoner)

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other: _____

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

Brenden M Lamothe
First Name Middle Initial Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

1131701036
Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Manhattan Detention Complex
Current Place of Detention

125 white st, NY, NY
Institutional Address

NY, NY New York 10013
County, City State Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☒ Convicted and sentenced prisoner
☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

John Doe 1
 First Name Last Name Shield #
 Sergeant NYPD (Plain clothes)
 Current Job Title (or other identifying information)
 75th pct bet. 4-5 am
 Current Work Address
 Kings NY
 County, City State Zip Code

Defendant 2:

John Doe 2
 First Name Last Name Shield #
 Police officer NYPD (Plain clothes)
 Current Job Title (or other identifying information)
 75th pct bet. 4-5 am
 Current Work Address
 Kings NY
 County, City State Zip Code

Defendant 3:

John Doe 3
 First Name Last Name Shield #
 Police officer NYPD (Plain clothes)
 Current Job Title (or other identifying information)
 75th pct bet. 4-5 am
 Current Work Address
 Kings NY
 County, City State Zip Code

Defendant 4:

First Name Last Name Shield #
 Current Job Title (or other identifying information)
 Current Work Address
 County, City State Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: Brooklyn, NY Stone ave C

Date(s) of occurrence: May 8, 2016

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

I was a passenger in a livery taxi ~~that~~ headed north bound toward my destination, when three nypd officers headed south bound decided to make a U-turn and followed the taxi I was in. The unmarked car and non-uniformed officers (Plain clothes) followed the taxi for a few blocks before pulling the taxi over. I exercised my rights to remain silent and did not consent to a search and seizure but was pulled out of the taxi for no reason and was subjected to an illegal search and seizure with no probable cause other than the fact that I'm African-American. At the supreme court hearing in Kings County, Judge Gary stated on record that the stop was racially motivated but still failed to suppress any evidence assumed to be found and dismiss the case. Two out of the three officers came to the grand jury (excluding the sergeant) which I didn't get to attend and only one testified

falsified information ~~that~~ at the hearing which did not corroborate the officers initial testimony at the grand jury. This put me in a mental state of deep depression, anxiety and emotional and mental abuse ~~do~~ to harassment and being subjected to a second class citizen in a country I was born in. My lawyer Mike Ciobella has personal ties to the NYPD and I felt coerced to take a plea

INJURIES:

because he didn't defend me to the best of his ability. See Attached Letter.
If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

Severe depression, emotionally unstable (Paranoid) and heavy anxiety. As well as PTSD.

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

Do to the fact that I just had a new born baby and will never get the time back that i'm missing and the mental depression, emotionally unstable (Paranoid) heavy anxiety and PTSD do to the on going harassment and the violation of my constitutional rights under color of law and being subjected to a second class citizen, I feel that \$100,000,000 dollars is a fair amount for my damages.

Throughout my life i've been harrassed and even wrongfully accused of crimes by the nypd which I was later acquitted of in 2007-2009. I feel targeted and now have lost trust in the United states justice system. I fear for my life.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

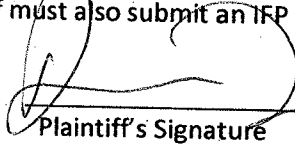
I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

09-23-17
Dated


Plaintiff's Signature

Brendan M Lamotte
First Name Middle Initial Last Name

125 white st
Prison Address

NY, NY NY 10013
County, City State Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: _____

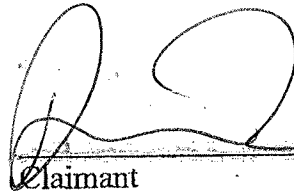
VERIFICATION

STATE OF NEW YORK)

COUNTY OF Kings) ^{ss}

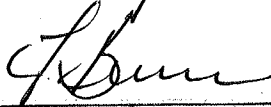
Brenden Lamothe, being duly sworn, deposes and says:

I am the claimant above named. I have read the foregoing Notice of Claim against the City of New York, and know its contents: the same is true to my own knowledge, except as to those matters I believe them to be true.


Claimant

Sworn to before me this

27th day of September, 2017



NOTARY PUBLIC

F. Burns

Commissioner of Deeds City of New York No. 3-10034

Certificate filed in New York County Term Expires 10/1/17

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

ss:

COUNTY OF Kings

Brenden Lamothe, being duly sworn, deposes and says:

That I have on this 27 day of September, 2017, placed and submitted in the postal receptacle the following documents:

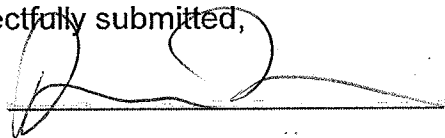
Affidavit of service in the New York City

Correctional Facility known as Manhattan Detention complex located at

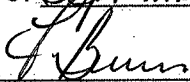
125 white st, NY, NY 10013 to be

duly mailed via the United States Postal Service to the following parties in the above action:

Respectfully submitted,



Sworn to before me this
27th day of September, 2017



NOTARY PUBLIC

F. Burns

Commissioner of Deeds City of New York No. 3-10034

Certificate filed in New York County Term Expires 10/1/17

NOTICE OF INTENT

Brenden Lamathe

Claimant

-Against-

CITY OF NEW YORK,

Defendant.

TO COMPTROLLER OF THE CITY OF NEW YORK:

PLEASE TAKE NOTICE that the claimant herein hereby makes and claims and demand against the City of New York as follow:

1. The name and address or P.O. Box of the claimant is as follow:

Brenden Lamathe

415 clubhouse ct, Coram, NY

2. The nature of the claim is as follow:

Violation of constitutional rights
under color of law deprivation of rights.

3. The time when, the place where, and the manner in which the claim arose:

4. The terms of damages or injuries claimed are:

Anxiety, PTSD, emotional and mental
distress. I also missed time away from my newborn
baby.

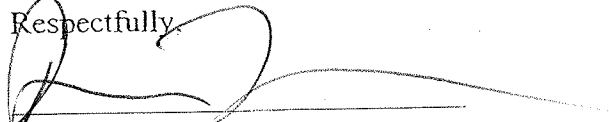
The claim and demand is hereby presented for adjustment and payments.

PLEASE TAKE FURHTER NOTICE, that by reason of the foregoing, in default of the City of New York to pay the claimant his claim within the time period for compliance with this demand by the City of New York, by the applicable statutes, claimant intends to commence an action against the City of New York, to recover his damages, with interest and cost.

Dated:

09-27-2017

Respectfully,


Claimant

3. Between 4:30 and 5:00 am, Brownsville section of Brooklyn, NY. I was racially profiled by the NYPD 75th pct and pulled out of a livery taxi and illegally searched and seized while having the right to remain silent.

125 white st,
NY, NY 10013
MDC-1131701036

UPDAY-EP3
SDNY



500 Pearl St,
New York, NY 10007
Pro Se Intake Unit

RECEIVED
SDNY DOCKET UNIT
2017 OCT -3 AM 10:48

RECEIVED
SDNY DOCKET UNIT
2017 OCT -3 AM 10:48