

CHEN, J.

MANN, M.J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

ORIGINAL

ROXANNE PURCELL
ESTATE OF GARLAND TYBEE SR.
K.A.B SR.

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

CITY OF NEW YORK

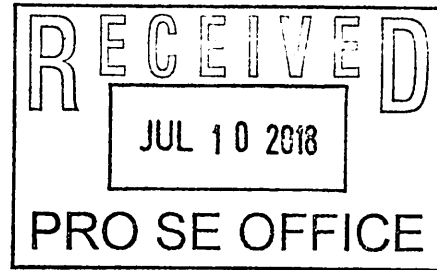
(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Complaint for Violation of Civil Rights
(Non-Prisoner Complaint)

Case No. **CV 18-3979**

(to be filled in by the Clerk's Office)

Jury Trial: Yes No
(check one)



NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *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.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in *forma pauperis*.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Roxanne Parcell § K.A.B. 5B.
Street Address 24 Heron Ct
City and County Newark New Castle
State and Zip Code Delaware 19702
Telephone Number 302-595-3625
E-mail Address _____

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name UNKNOWN
Job or Title New York Police Department
(if known)
Street Address 78 Richmond
City and County STATEN ISLAND
State and Zip Code NEW YORK CITY 10314
Telephone Number 718-697-8700
E-mail Address _____
(if known)

Defendant No. 2

Name Colleen Kavanagh
Job or Title Assistant United State Attorney
(if known)
Street Address 225 Cadman Plaza East
City and County Brooklyn New York City
State and Zip Code New York 11201
Telephone Number _____
E-mail Address _____
(if known)

Defendant No. 3

Name Unknown
Job or Title Bureau of Alcohol, Tobacco, Firearm exposure
(if known)
Street Address 300 Coffey Street
City and County Brooklyn Kings County
State and Zip Code New York 11231
Telephone Number _____
E-mail Address _____
(if known)

Defendant No. 4

Name James Hayes
Job or Title Lt Fire Department of N.Y. Engine 158
(if known)
Street Address 65 Harbor Road
City and County STATEN ISLAND N.Y.
State and Zip Code New York City 10303
Telephone Number _____
E-mail Address _____
(if known)

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- State or local officials (a § 1983 claim)
- Federal officials (a *Bivens* claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

N.Y. Gen. Mun. Law § 50-e(1)(a), i(2), Article III Section 2 of the United State Constitution, Police, Federal misconduct, Fourth Amendments Prohibition any illegal search & seizure, violation of the first Amendment & The Due Process & equal protection fifth & Fourteenth Amendment

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Article III, Section 2 of the U.S. Constitution... provide cause of action for the deprivation of any rights, privileges or immunity secured by the Constitution & Law by any person acting under color of any statute, ordinance, regulation, custom, or usage of any State or Territory.

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

NYPD 1800 Crime stopper anonymous call, Search Warrant lead the false arrest, later conviction & sentence of Earl and Tyree Sr. in USDC only. Federal Prosecutors used C.T. and Federal Supersede Law To recharge

COMPLAINT FOR VIOLATION OF CIVIL RIGHT

I. BASIS FOR JURISDICTION

D.

Pressure guilty plead for a fist fight incident transpired with Garland Tyree Sr and said C.I. • US marshal and supervision release officer violated supervision order, after Garland Tyree Sr. had denounced harassment, intimidation tactics implement to compel co-operation as a C.I. against the NYC blood gangs, "1994 as an adolescence in Bikers Island H.D.M. Adult building he was 'initiated.' • US marshal, NYPD and FDNY, months before Garland Tyree Sr. completed his autho-biography, non-fiction books and supervision order, kick in his apartment door, detonate smoke bomb, firing shot, after exit apartment he was fatal shot on door steps, illegal pictures taken of body, uploaded on social media, unknown persons and body move to the morgue. • US marshal and NYPD negotiation teams flew Roxanne Purcell to NYC from Delaware, assist the negotiation with her son, before exiting his apartment her, family, friends and crowd was order down the block, shot was later heard her and grandson were left stranded in NYC without receiving the search warrant or information pertain to the circumstance surround the fatal shooting of her son.

III. STATEMENT OF CLAIM

C.

• Garland Tyree Sr., months before the completion of supervision order, autho-biography, non-fiction books, US marshal, NYPD and FDNY kick in his apartment door, detonate smoke bomb, firing shots, as exiting apartment fatal shot, illegal movie after picture of lifeless body taken, upload on social media and unknown persons. • Roxanne Purcell was flew from Delaware to NYC by NYPD and US marshal negotiation teams, her, family, friends and crowd was order to move down the block before her son exiting his apartment. shot was then heard, he was fatal shot. on request the search warrant or information was not disclosed. Her and grandson was left stranded in NYC.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

~~Boxanne Purcell, 81 Green Lane, Staten Island NY • Enver Mehmeti, 693 Henderson Avenue, Staten Island NY • Federal Metropolitan Detention Centre Brooklyn NY and • Garland Tyree Sr., Destiny Court, Staten Island NY.~~

- B. What date and approximate time did the events giving rise to your claim(s) occur?

~~About 9:30pm June 24, 2002 • About 6:30pm June 27, 2002 • About 12:30pm February 10, 2005 • About 5:am to 12:05pm August 14, 2015.~~

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

~~Pro-Se Plaintiff Boxanne Purcell anonymous called to 1800CrimeStopper informing them that her sons friends brought guns in her house, which was retrieved • Garland Tyree Sr. was at a friend house when NYPD executed a search warrant, all occupants were arrested, he alone was later charge, convicted and sentence for possess of such gun in USMC • Garland Tyree Sr. while at BMD C NY, Federal C.I. was placed in his locations, entrapment, fist fight occur, under Federal Superseding Law he was later charge and pressure to plead guilty on such offence • Garland Tyree Sr. while on supervision release, us marshal, supervision officer, NYPD violated his supervision released order after he denounce their's harassment and intimidation tactics to compel his cooperation as a C.I. against N.Y.C Blood gangs.~~

ADDITIONAL INFORMATION

(a) Plaintiff Roxanne Purcell had comply with N.Y. Gen. Mun. Law. requirement. The initial claims was filed on or about November 10, 2015 on behalf of her son Garland Tyree Sr. estate in the NYCA within 90 day of son's death on August 14, 2015. Attorney Ronald Gregg was given authority to handle her son's estate and affair on February 19, 2016. "Att. contacted Garland Tyree Sr. to assist with the negotiation teams on August 14, 2015" he later referred attorney Sohnather Golding to handle the claim and 58% arbitrary in the city hearing, "he was paid \$300,000. dollar with agreement, if claim successful received percentage" such hearing was postpone twice. Att. R. Gregg later handle the 58% arbitrary in the city hearing and to no avail he referred another attorney Fred Ledman to handle the claim.

(b) Pro-se plaintiff Roxanne Purcell request to proceed (IFP) was filed on May 4, 2017 ostensible on behalf of her son: Garland Tyree Sr. estate in USDCEDNY, 1 month after the statutory time limitation expired. The court granted (IFP) request and dismissed complaint with prejudice on August 25, 2017. Pro-se Roxanne Purcell filed further complaint on September 27, 2017 against the New York Police City Department ("NYPD"). The court granted (IFP) request, dismissed complaint and granted 30 days to file an amended complaint on October 23, 2017. The Hon. Pamela K. Chen, USDS finally dismissed plaintiff's complaint filed against the city of New York sua sponte, dismissed claims, attempt to seek documents pertain to her son's death under (FOIA) and terminated the case on November 21, 2017.

(c) Pro-se plaintiff/Applicant notice of appeal filed in the USCASC was denied and appeal dismissed, which lacks an arguable basis either in law or in fact on March 26, 2018. Pro-se plaintiff Roxanne Purcell request to proceed (IFP) in the USDCEDNY arising from the city of New York infringement of Garland Tyree Sr. civil right survives his death, injuries of her and grandson on August 14, 2017, asserted by personal representative Roxanne Purcell on June 14, 2018, 2 month before the statutory time limitation expired on August 14, 2018.

Respectfully Submitted

Roxanne Purcell

ROXANNE PURCELL

Dated 07/05/2018

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Gasland Tyree Sr. Fatal shot • Roxanne Parcell suffer from mental anguish, deterioration of vision due to stress, ongoing depression, crying, seeing her son's lifeless body on social media, regular psychiatric sessions & medication. K.A.B. Sr. suffers from ongoing depression, hyper active, behavior medication & regular psychiatric session. Delaware State does not provide regular mental health session to her or grandson.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Pro-se Plaintiff Roxanne Parcell request to proceed in forma pauperis, Sovereign immunity waiver, disclosed documents or information be granted, appointed personal representative of her son's estate, "sole beneficiary, no creditors" grandson or her behalf, to bring a Complaint for violation of Civil right against the City of New York, base on the violation of Constitutional rights, injuries, wrongful death or damage to real or personal property, sustain by negligence or wrong full act by the state, monetary damage of 20 million dollar, son's real estate business ventures was her main source of incomes

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing 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 Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. 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.

Date of signing: 7-05, 2018

Signature of Plaintiff _____



Printed Name of Plaintiff ROXANN PURCELL