

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TITUS Mc Bride

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 6/24/15

(In the space above enter the full name(s) of the plaintiff(s).)

**AMENDED
COMPLAINT**

under the Civil Rights Act,
42 U.S.C. § 1983

-against-

Detective Albert Velez
Detective David Mischa
New York City Police Department

Jury Trial: Yes No
(check one)

15 Civ. 3203 ()

(In the space above enter the full name(s) of the defendant(s). 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 in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

RECEIVED
SDNY PRO SE OFFICE
2015 JUN 24 A 9:13

I. Parties in this complaint:

A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff's Name TITUS McBride
ID# 3491405784
Current Institution BNDC
Address 11-11 Hazen Street
East Elmhurst, New York 11370

B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name Albert Velez Shield # 04287
Where Currently Employed Midtown North Precinct, of the
Address New York City Police Department
52nd Street 8th Avenue, NY, N.Y.

Defendant No. 2 Name David Mischa Shield # 517
 Where Currently Employed New York City Police department
 Address Warrant Squad
100th Street 3rd Avenue, New York, N.Y

Defendant No. 3 Name New York City police department Shield # —
 Where Currently Employed _____
 Address One police plaza
New York, N.Y. 10038

Who did what?

Defendant No. 4 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

Defendant No. 5 Name _____ Shield # _____
 Where Currently Employed _____
 Address _____

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this 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 you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?
My Home at 900 Grand Concourse, Bronx New York 10451
Apartment 7EN

B. Where in the institution did the events giving rise to your claim(s) occur?
The front door by force into my home

C. What date and approximate time did the events giving rise to your claim(s) occur?
April 21, 2015 at 4:45 A.M. at 900 Grand Concourse
Bronx, New York
Apartment 7EN

What happened to you?

D. Facts: I Woke up to some very loud banging on my door, when I answer the door A detective said that they wanted to ask me some Question's I partly open the door and the officers force their way into my home, and detained me When I ask the officers did they have a Warrant

I was told NO! we do not, but someone down town want to talk to you. I then responded with the question where is your Arrest Warrant and again we do not have one. at the same time my roommate Raul James started having panic attacks because besides of the officers making Raul James go back into his room he has a nervous disorder and stated having problem breathing he is a 73 year old man. detective David Mischa I believe force the door open with the help of the other detective. I was detained by the officers until 6:40 am when three more detective enter my home. Without a Warrant I was taken out by force of my home to a address in the Bronx Westchester Sward those same officers broke into someones home and it was the wrong address then the officers took me from 100th St. 3rd Ave then Middtown North

Was anyone else involved?

yes! my Room mate Raul James

Who else saw what happened?

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

My injuries are a violation of my civil right under civil rights laws 40-d United States Constitution of the 4th, 14th, 5th Amendment were violated N.Y.C.P.L.R 203(f), 3211(a)(5) were violated, my room mate and I had to sustained cruelty and mental anguish. the way my home was violated left my room mate Raul James that has a nervous disorder that is 73 years old paranoid and unable to sleep because of being schizophrenia, emotional distress

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ___ No

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

N/A

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ___ No ___ Do Not Know N/A

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ___ No ___ Do Not Know N/A

If YES, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ___ No N/A

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ___ No N/A

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance?

Civil Complaint Review Board

1. Which claim(s) in this complaint did you grieve? Civil Rights Law Violation § 40-d, 4th, 14th, 8th amendment U.S Constitution N.Y.S Constitution Violation Article (1) section (11), (12), Hale v Henkel 201 US 1

2. What was the result, if any?

Pending

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

Civil Complaint Review Board CCRB I filed a Notice of Claim With the City of New York office of the Comptroller Claims and Adjudication, 1 Centre St. N.Y

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but informed any officials of your claim, state who you informed, when and how, and their response, if any:

Civilian Complaint Review Board

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

Notice of Claim With the City of New York
Office of the Comptroller
1 Centre Street, N.Y N.Y 10007-2341

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). To be compensated for violating my Civil Rights, Constitutional Right the Supreme Court in Monroe v Pape (365 US 167). In Monroe, the Court held that a plaintiff whose Constitutional rights have been infringed by one acting under color of State law can bring a federal action under Section 1983 even where the state provides an adequate remedy at common law. See, Whitman, Constitutional Torts the Statute was intended to create a species of tort liability in favor of person deprived of their Constitutional rights See Carey v Phipps, 435 US 247, 253 Imbler v. Pachtman 424 US 409, 417 Court of Claims Act subdivision (2) of Section (9) 89 N.Y. 2d. 180 the monetary compensation in the amount of \$250,000

VI. Previous lawsuits:

On these claims

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ___ No

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff _____
Defendants _____

2. Court (if federal court, name the district; if state court, name the county) _____

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

6. Is the case still pending? Yes ___ No ___
If NO, give the approximate date of disposition _____

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

On other claims

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes No ___

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff Titus Mebride
Defendants N.Y.C. Correction Dept Warden Lemon
N.Y.C. District Attorney's office

2. Court (if federal court, name the district; if state court, name the county) New York
Civil Court WRIT of Habeas Corpus 60 Centre St. N.Y. N.Y.

3. Docket or Index number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____

- 6. Is the case still pending? Yes No
If NO, give the approximate date of disposition _____
- 7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

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

Signed this 2 day of June, 2015

Signature of Plaintiff

Arlene McBride

Inmate Number

3491405785

Institution Address

RNDC

11-11 Hazen Street

East Elmhurst, N.Y 11370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 2 day of June, 2015, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Arlene McBride

TITUS MCBRIDE#3491405784
RNDC 11-11 Hazen Street
East Elmhurst, New York 11370

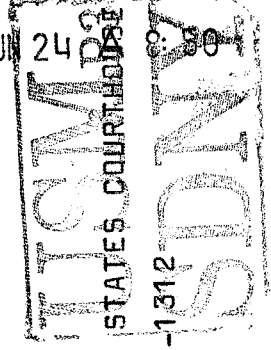
ms02N

NEW YORK NY 100
18 JUN 2015 PM 12 L



Pro-se Job 6/23/15

RECEIVED
PRO SE OFFICE



CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
THE DANIEL PATRICK MOYNIHAN UNITED
500 PEARL STREET-NEW YORK, NY 10007-1312

