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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL MONROE 241-12-05507

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2015 AUG 21 P 3:16

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

-against-

THE CITY OF NEW YORK, et al.,

DETECTIVE-PAUL VANEYKEN, #3975

**DETECTIVE- CONSTANTIN PAPADOULAS-
BADGE# UNKNOWN- 42ND PRECINCT**

COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

Jury Trial: Yes No
(check one)

**BOTH POLICE OFFICERS WORKED FOR THE
42ND PRECINCT. BRONX.**

(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.)

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 Name **MICHAEL MONROE 241-12-05507**
ID # _____
Current Institution **MANHATTAN DETENTION COMPLEX**
Address **125 WHITE STREET, NEW YORK 10013**

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 **THE CITY OF NEW YORK** Shield # _____
Where Currently Employed _____
Address _____

Defendant No. 2 Name DETECTIVE- PAUL VANEYKEN, Shield # 3975
Where Currently Employed 42nd PRECINCT BRONX
Address _____

Defendant No. 3 Name DETECTIVE- CONSTANTIN PAPADOPOULOS, Shield # UNKNOWN.
Where Currently Employed 42nd PRECINCT BRONX
Address _____

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?

None

B. Where in the institution did the events giving rise to your claim(s) occur?

N/A

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

JUNE 15, 2012 at 4:00 AM

D. Facts: PLAINTIFF WRONGFULLY ARRESTED ON JUNE 15, 2012 IN THE COUNTY OF THE BRONX WITHOUT PROBABLE CAUSE ALLEGES THAT THE NATURE OF THE CLAIM IS EMOTIONAL AND PSYCHOLOGICAL INJURIES AND MONETARY DAMAGES, SUSTAINED BY THE PLAINTIFF MICHAEL MONROE, AS WELL AS, CIVIL RIGHTS VIOLATIONS, INCLUDING THOSE UNDER THE FIRST, FOURTH, FIFTH, EIGHTH, AND FOURTEETH AMENDMENT OF THE UNITED STATES CONSTITUTION, AS WELL AS, THE RIGHTS, PRIVILEGES AND IMMUNITIES SECURED UNDER 42 U.S.C. SECTION 1983, THE EQUAL PROTECTION CLAUSE OF THE UNITED STATES CONSTITUTION AND THE CONSTITUTION OF THE STATE OF NEW YORK ALONG WITH ALL OTHER APPLICABLE LAWS, STATUTES AND REGULATIONS.

What happened to you?

Who did what?

Was anyone else involved?

CAUSE OF ACTION(S)

Who else saw what happened?

)1)(1) NEGLIGENCE- STEMMING FROM THE CARELESS, NEGLIGENT, RECKLESS AND INTENTIONAL MISCONDUCT OF THE CITY OF NEW YORK, ITS AGENTS, servants, EMPLOYEES AND THOSE ACTING UNDER ITS DIRECTION, BEHEST, PERMISSION AND CONTROL IN PROCESS OF PROVIDING POLICE SERVICES, MORE SPECIFICALLY POLICE OFFICERS PAUL VANEYKEN-#3975 AND ALSO POLICE OFFICER CONSTANTIN PAPADOULOS- BADGE NUMBER UNKNOWN OF THE 42ND PRECINCT BRONX NEW YORK IN THEIR INDIVIDUAL AND OFFICIAL CAPACITY AS NEW YORK CITY POLICE OFFICERS.

III. Injuries: "SEE ATTACHED CONTINUATION OF "STATEMENT OF FACTS".

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

SEE ATTACHED STATEMENT OF FACTS.

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

2012

1. That the claim arose on or about June 15th at approximately 4:00am in the hotel parking lot located at: Tuckahoe Road in Yonkers, New York, County of Westchester.
2. That the plaintiff Michael Monroe, after exiting his motor vehicle was lawfully walking to the hotel entrance when approached by the defendant(s) police officers in plain clothes and without any display of badges was ordered with guns drawn to "put his hands up" while looking down the barrel of guns and simultaneously thrown to the ground and physically assaulted and placed in tight restraints (Handcuffs) after "excessive force".
3. The plaintiff attempted several times to understand why he was being physically assaulted and excessively restrained while hollering for help but was told instead "Not to worry about it" since the plaintiff saw no marked police vehicles and thought that he was being robbed.
4. The plaintiff was then taken to the 42nd precinct in the Bronx, and handcuffed to a wall bar in a holding cell from 4:00am, 3:00pm the very next day.
5. The plaintiff Michael Monroe, was falsely arrested, unlawfully searched and unlawfully detained. Thereafter, he has been maliciously prosecuted despite evidence of his innocence. *Excessive force.*
6. The plaintiff has been falsely accused of a crime he did not commit. At no time did the plaintiff resist arrest or disobey the arresting officers commands and he was never charged with any such crimes.
7. The plaintiff Michael Monroe, has been incarcerated for over thirty seven (37) months awaiting trial despite evidence of his innocence.
8. The plaintiff Michael Monroe, was and continues to be denied his due process rights since the false arrest, unjustified and unlawful arrest, unlawful imprisonment, and malicious prosecution violated and continues to violate the civil rights of the plaintiff Michael Monroe.

9. That said occurrence and the injuries sustained by the plaintiff Michael Monroe, were due to the misconduct of the City of New York, its agents, servants and/or employees in the course of their duties as police officers and in failing to adequately supervise and instruct said arresting officer(s) as to the proper practices and procedures in the discharge of their duties; in violating plaintiff Michael Monroe's civil rights; In having negligent hiring practices; in failing to properly investigate employes; and The City of New York, its agents, servants, and/or employees were otherwise very Careless, Reckless and negligent.

Upon information and belief, The City of New York is identified as Police Officer Paul Vaneyken-3975 and Constantin Papadoulos-badge number unknown in their official and individual capacities as New York City Police Officers.

10. That the plaintiff Michael Monroe, has sustained severe and permanent physical, emotional and psychological injuries, as well as, monetary damages, the full extent of which the plaintiff seeks twenty million dollars for (\$25,000,000.00 not limited to anxiety, emotional distress and upset, flashbacks and mental anguish.

11. That during the time of the plaintiff's custody to date 38 months, Plaintiff Michael Monroe, was repeatedly caused to feel helpless, disgraced, intimidated harassed, shamed and ridiculed. He was malnourished and forced into many unsanitary conditions. additionally, the plaintiff Michael Monroe, was caused to suffer battery, assault, false and illegal arrest, malicious prosecution and defamation of character, attorney fees. That said plaintiff has been criminal charged in the Bronx supreme Court under Docket/Indictment number 2012BX035083; Indictment # 2100/2012- 1241/2014-0886/2014.

Said claim is for personal injuries and violations of the plaintiff's Civil rights, pain and suffering, loss of quality of life and the other damages to which the plaintiff Michael Monroe is entitled to by law.

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).

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 ___

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 ___

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 ___

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

1. Which claim(s) in this complaint did you grieve? _____

2. What was the result, if any? _____

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. _____

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: _____

N/A

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

N/A

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).

**AS A RESULT OF THE CAUSES OF ACTION TO WIT:
NEGLIGENCE, WRONGFUL ARREST WITHOUT PROBABLE CAUSE IN VIOLATION OF THE
4TH AMENDMENT, WRONGFUL CONFINEMENT, UNLAWFUL SEARCH AND SEIZURE, VIOLATION
OF THE ~~XXX~~ FIRST, FOURTH, FIFTH, SIXTH, EIGHTH AND FOURTEETH AMENDMENTS
PLAINTIFF SEEKS MONETARY COMPENSATION FOR DAMAGES IN THE AMOUNT OF
FIFTY MILLION DOLLARS (\$50,000,000,00 AND FOR SUCH OTHER AND FURTHER
RELIEF THE COURT DEEMS JUST AND PROPER.**

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 _____ N/A _____

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?) _____

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

Yes ___ No

On other claims

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 _____ N/A _____

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?) _____

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

Signed this 13 day of AUGUST, 2015

Signature of Plaintiff Michael Monroe
Inmate Number 241-12-05507
Institution Address MANHATTAN DETENTION CENTER.
125 WHITE STREET. N.Y. 10013

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 13 day of AUGUST, 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: Michael Monroe

AO 85 (Rev. 01/09) Notice, Consent, and Reference of a Civil Action to a Magistrate Judge

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Michael Monroe

Plaintiff

City of New York, et al.

Defendant

Civil Action No.

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

<i>Parties' printed names</i>	<i>Signatures of parties or attorneys</i>	<i>Dates</i>
<u>City of New York</u> <u>et al.</u>	_____	_____
vs.	_____	_____
<u>Michael Monroe</u>	_____	<u>Aug. 13, 2015</u>

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: _____

District Judge's signature

Printed name and title

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.

Michael Monroe
241-12-05507
Manhattan Detention
Complex, 125 White Street,
New York 10013

RECEIVED
SDNY PRO SE OFFICE
2015 AUG 21 P 3: 16

To: The Southern District
Federal Court Pro-SE Clerk
Office Room 230
500 Pearl Street,
New York 10007#

