

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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2017 FEB -8 PM 3:16

Eric Keaton

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

-against-

**AMENDED
COMPLAINT**

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

UNITED STATES ET AL.

Jury Trial: ☒ Yes ☐ No
(check one)

16 Civ. 2313 NEO
Tort 28 USCS 2679
28 USCS 1346

(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's Name Eric Keaton
ID# 3601600027
Current Institution _____
Address _____

- 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 UNITED STATES Shield # _____
Where Currently Employed _____
Address _____

Defendant No. 2 Name William Bratton Shield # _____
 Where Currently Employed Commissioner N.Y.C.
 Address ONE Police Plaza
New York N.Y. 10007

Defendant No. 3 Name Ricardo Mantilla Shield # 00523
 Where Currently Employed Special Narcotics
 Address Midtown South Precinct 357 West 35 St.
New York N.Y. 10018

Defendant No. 4 Name Bridget G. Brennan Shield # _____
 Where Currently Employed Special Narcotics
 Address 80 Centre Street Six Floor
New York N.Y. 10013

Defendant No. 5 Name Frederick Hartwell Shield # _____
 Where Currently Employed Special Narcotics
 Address 80 Centre Street Six Floor
New York N.Y. 10013

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 Do not cite any cases or statutes.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?

N/A

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?

On April 17, 2014 5:58 P.M. Officer Ricardo
Mantilla Filed A Fraudulent Complaint

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

D. Facts: While Plaintiff, Prose Casually Strooled down 43 RD Street, Out of nowhere I was accosted by defendants of the midtown South Precinct Special Narcotics Officers without warrant and or probable Cause, 28 U.S.C. 132, not supported by oath or affirmation arrested falsely and charged with a sale and possession of a controlled substance P.L. 220.39 21 U.S.C.S. 841 Schedule II(a) 41 Both felonies for a crime I never committed, and unlawfully detained stripe search, detained for approximately five to six days before my family posted bail. The matter was subsequently dismissed on 11-24-15, Plaintiff pleaded his innocence at all times via court appearances being malicious arrests and imprisonment and malicious prosecution by defendants ADA in Manhattan Supreme Court and Supreme Court Judge per 21 Somborn, Frederick Hartwell, Bridget G. Brennan, the defendants Special Narcotics in rem, has an extensive history of making these unlawful Narcotics arrest without probable Cause these acts are Tort Claims Act 28 U.S.C. 1346(b) Confers exclusive jurisdiction on United States District Court to hear claims against the United States, for money damages accruing on and after January 1, 1945 for injury or loss of property or personal injury or death, Cause by the negligent or wrongful act or omission of any employee of the government while

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. As the exact result of this tortious act, unlawful arrest and imprisonment Plaintiff, severely suffers from insomnia, paranoia, nightmares, cold sweats, and fear of the New York City Special Narcotics Division, Plaintiff, continues to under go episodes of migraine headaches auditory hallucination, as well as visual, Plaintiff, has to rebuild and strengthen his relationship and trust with his love ones as the exact result of these tortious acts.

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 ☒

1 of 14

acting within the scope of his office or employment.
 Defendant Ricardo Mantilla, know or should have know
 that arrest are base on probable Cause in Court upon
 an Oath or Affirmation 267 U.S. 132 affidavit. Violating
 Plaintiff, Federal and State Constitution Rights and Civil
 Rights Fourth, Fifth, Six, Eighth and Fourteenth Amend-
 ments, in that they are essentially carried out without
 probable Cause, illegal Search and Seizure, deliberate in-
 difference rising to the level of cruel and unusual punish-
 ment that severs Plaintiff due process rights that -
 cause the scale of justice to be unbalance. It involves
 a liberty interest that rises to a depraved in difference
 carried out for the sole purpose of causing serious emot-
 ional and irreparable harm to Plaintiff, and his family a
 like. The general misconception is that any statute pass-
 ed by legislators bear the appearance of law constitut-
 es the law of the land. The U.S. Constitution is the
 supreme law of the land, and any statute, to be va-
 lid, must be in agreement with the Constitution. Def-
 endant made false statements 220.39 is violated if its 1 gram See
 Schedule II(a)(10) Coca leaves, except Coca leaves and ex-
 tracts of Coca leaves from which cocaine, ecgonine
 and derivatives of ecgonine or their salts have been
 removed. No such Compendium exist. Furthermore
 Cocaine is a stimulant the said stimulant should weigh
 1000 mg or more Penal Code 220.39 21 U.S.C.S. 841

20th

No such test was perform. Stating any facts as to what was possess or sold and what test was perform the Compendium is lacking in the document. Such determination as to strength, quality, or purity shall be made in accordance with the tests or methods of assay set forth in such Compendium, except that whenever tests or methods of assay have not been prescribed in such Compendium, or such tests or methods of assay as are prescribed are, in the judgement of the Secretary, insufficient for the making of such determination. Plaintiff was also discriminated via by unlawful arrest, and imprisonment by defendants. Note: D.R. 1200.34, Plaintiff have a right to be arrested upon probable cause supported by an oath or affirmation in Court. If the charge is not supported by probable cause, the ADA must act appropriately to dismiss or reduce the charge regardless of how or who cause the charge to be instituted. The charge was instituted by a felony Complaint (indictment order reduce) not supported by affidavit in Court, the affiant (Jurat) is lacking in the Complaint (fraudulent conveyance). The Court never had jurisdiction to hear or trial such charge. A principal is the actor of an offense the one aiding and abetting one is principal in the act of aid and abetting one in the act of committing crime. By reason of their illegal and unconstitutional acts UNITED STATES, is liable to Plaintiff (under FTCA 28 U.S.C.S. 2679d, 28 U.S.C.S. 1346) for all damages and injuries Plaintiff has suffered as result of these unconstitutional acts.

3 of 11

Upon information and belief defendant United State Treasury is Contractually obligated to pay these sums on behalf of United States defendants or is obligated to indemnify these sums. Plaintiff, brings direct action against defendant Treasury Department to cover any and all sums they are obligated to pay Plaintiff, on behalf of theft debt or to indemnify their debt. The acts of defendant jointly and severally, constitute tort of malicious prosecution and intentional infliction of emotion distress. The acts of defendants jointly and severally, constitute a Civil Rights Tort Acts under Fourth, Fifth, Fourteenth Amendments of the UNITED STATES CONSTITUTION, as a direct and proximate result of defendants acts Plaintiff suffered damages and injuries for which he is entitled to compensation damages in an amount to be determined at trial. Defendants acts were intentional, malicious reckless, wanton, and cruel such as to justify an award of punitive damages to Plaintiff.

4 of 11

The Constitution was created for all citizen to be protected in their individual persons at all times to be free from illegal searches that lead to arrest without probable cause unsupported in court upon oath or affirmation. These unlawful arrest are made in predatory nature base on acts that have nothing in common with the Constitution the law of the land Plaintiff via Court appearance, protested and set forth the truth of the matter that rested upon deaf ears of defendants ADA, Manhattan Supreme Court County Judge part 21, continue to maliciously prosecute Plaintiff, and prolong his liberty interest, absolute immunity Amendment only safeguard defendants that act within the scope of their duties, not outside the lines of the majority of the Constitution, New York City Government body is liable in fact that they failed in the interest of public safety, as how to instructing public office, public servants to investigate crimes prior to making arrest that does not amount to racial profiling, stop and frisk, without probable cause, they didn't force instructing the directive, and or rules that would not be the essence of a due process violation. Under the Federal Trade Commission, Magnuson-Moss Warranty Act, Federal Tort Claims Act, and Unfair Competition, Federal Bill of Rights, Civil Rights Act.

541b

(a) Willful violations; false and misleading statements.

Any person who willfully violates any provision of this title [15 USCS §§ 78a et seq.] (other than section 30A [15 USCS § 78dd-1]), or any rule or regulation thereunder the violation of which is made unlawful or the observance of which is required under the terms of this title [15 USCS §§ 78a et seq.], or any person who willfully and knowingly makes, or causes to be made, any statement in any application, report, or document required to be filed under this title [15 USCS §§ 78a et seq.] or any rule or regulation thereunder or any undertaking contained in a registration statement as provided in subsection (d) of section 15 of this title [15 USCS § 78o(d)], or by any self-regulatory organization in connection with an application for membership or participation therein or to become associated with a member thereof, which statement was false or misleading with respect to any material fact, shall upon conviction be fined not more than \$5,000,000, or imprisoned not more than 20 years, or both, except that when such person is a person other than a natural person, a fine not exceeding \$25,000,000 may be imposed; but no person shall be subject to imprisonment under this section for the violation of any rule or regulation if he proves that he had no knowledge of such rule or regulation.

(b) Failure to file information, documents, or reports.

Any issuer which fails to file information, documents, or reports required to be filed under subsection (d) of section 15 of this title [15 USCS § 78o(d)] or any rule or regulation thereunder shall forfeit to the United States the sum of \$100 for each and every day such failure to file shall continue. Such forfeiture, which shall be in lieu of any criminal penalty for such failure to file which might be deemed to arise under subsection (a) of this section, shall be payable to the Treasury of the United States and shall be recoverable in a civil suit in the name of the United States.

(c) Violations by issuers, officers, directors, stockholders, employees, or agents of issuers.

(1) (A) Any issuer that violates subsection (a) or (g) of section 30A [15 USCS § 78dd-1] shall be fined not more than \$2,000,000.

(B) Any issuer that violates subsection (a) or (g) of section 30A [15 USCS § 78dd-1] shall be subject to a civil penalty of not more than \$10,000 imposed in an action brought by the Commission.

(2) (A) Any officer, director, employee, or agent of an issuer, or stockholder acting on behalf of such issuer, who willfully violates subsection (a) or (g) of section 30A of this title [15 USCS § 78dd-1] shall be fined not more than \$100,000, or imprisoned not more than 5 years, or both.

(B) Any officer, director, employee, or agent of an issuer, or stockholder acting on behalf of such issuer, who violates subsection (a) or (g) of section 30A of this title [15 USCS § 78dd-1] shall be subject to a civil penalty of not more than \$10,000 imposed in an action brought by the Commission.

(3) Whenever a fine is imposed under paragraph (2) upon any officer, director, employee, agent, or stockholder of an issuer, such fine may not be paid, directly or indirectly, by such issuer.

6 of 11

The following definitions are applicable to this article:

1. "Oath" includes an affirmation and every other mode authorized by law of attesting to the truth of that which is stated.

2. "Swear" means to state under oath.

3. "Testimony" means an oral statement made under oath in a proceeding before any court, body, agency, public servant or other person authorized by law to conduct such proceeding and to administer the oath or cause it to be administered.

4. "Oath required by law." An affidavit, deposition or other subscribed written instrument is one for which an "oath is required by law" when, absent an oath or swearing thereto, it does not or would not, according to statute or appropriate regulatory provisions, have legal efficacy in a court of law or before any public or governmental body, agency or public servant to whom it is or might be submitted.

5. "Swear falsely." A person "swears falsely" when he intentionally makes a false statement which he does not believe to be true (a) while giving testimony, or (b) under oath in a subscribed written instrument. A false swearing in a subscribed written instrument shall not be deemed complete until the instrument is delivered by its subscriber, or by someone acting in his behalf, to another person with intent that it be uttered or published as true.

6. "Attesting officer" means any notary public or other person authorized by law to administer oaths in connection with affidavits, depositions and other subscribed written instruments, and to certify that the subscriber of such an instrument has appeared before him and has sworn to the truth of the contents thereof.

7. "Jurat" means a clause wherein an attesting officer certifies, among other matters, that the subscriber has appeared before him and sworn to the truth of the contents thereof.

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Eric Keaton (M 41),

78-1

FELONY

ADA Frederick Hartwell
212-815-0447

Defendant.

2-12
RHS

Detective Ricardo Mantilla, Shield 523 of the Narcotics Borough Manhattan South, states as follows:

The defendant is charged with:

1 PL 220.16(1)

B

Criminal Possession of a Controlled Substance in the Third Degree

(defendant #1: 1 count)

2 PL 220.39(1)

B

Criminal Sale of a Controlled Substance in the Third Degree

(defendant #1: 1 count)

On or about April 17, 2014 at about 5:58 P.M., f/o 211 West 43 St in the County and State of New York, the defendant knowingly and unlawfully possessed a narcotic drug with intent to sell it, the defendant knowingly and unlawfully sold a narcotic drug.

The factual basis for these charges are as follows:

I saw the defendant give an an object to an apprehended other, Michael Ratnetz, after the defendant recieved US currency from him. I recovered ziplocks of crack cocaine from the buyer, Ratnetz, and matching ziplocks of crack cocaine from the defendant.

I believe the substance is what it is alleged to be based upon: my professional training as a police officer in the identification of drugs, my prior experience as a police officer making drug arrests, an observation of the packaging, which is characteristic of this type of drug and a field test of the substance which confirmed that the substance is in fact what it is alleged to be.

Z

2592444

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Eric Keaton (M 41),

Defendant.

FELONY

ADA Frederick Harwell
212-815-0447

False statements made in this written instrument are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law, and as other crimes.


Detective Ricardo Manilla

04/18/14
Date

1150 Hours
Time

2592444

SECOND COUNT

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant of the crime of CRIMINAL POSSESSION OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE, P.L. §220.16 (1), committed as follows:

Said defendant, in the County of New York, City of New York, on or about April 17, 2014, knowingly and unlawfully possessed a narcotic drug, to wit, crack cocaine, with intent to sell the same.

BRIDGET G. BRENNAN
Special Assistant District Attorney

10811
SUPREME COURT OF THE STATE OF NEW YORK
CITY OF NEW YORK
COUNTY OF NEW YORK
CRIMINAL TERM: SPECIAL NARCOTICS PARTS
THE PEOPLE OF THE STATE OF NEW YORK

-Against-

Eric Keaton,

Defendant.

THE GRAND JURY OF THE SPECIAL NARCOTICS COURTS OF THE CITY OF NEW YORK, by this indictment, accuses the defendant of the crime of CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN THE THIRD DEGREE, P.L. §220.39(1), committed as follows:

The defendant, in the County of New York, City of New York, on or about April 17, 2014, knowingly and unlawfully sold to another individual known to the Grand Jury, a narcotic drug, to wit, crack cocaine.

11/9/11

Counsel

IN #5
No. 2014NY030872

Filed day of , 2014

Pleads

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Eric Keaton,

Bail

Defendant.

INDICTMENT

CRIMINAL SALE OF A CONTROLLED SUBSTANCE IN
THE THIRD DEGREE
CRIMINAL POSSESSION OF A CONTROLLED
SUBSTANCE IN THE THIRD DEGREE

ADA YOUNG/PART 23

P.L. §220.39(1), P.L. §220.16(1)

BRIDGET G. BRENNAN
Special Assistant District Attorney

Ph 19 007

A TRUE BILL

Foreperson

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 ____

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?

N/A

2. What was the result, if any?

N/A

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.

N/A

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,

- 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

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 2 day of Feb, 2017.

Signature of Plaintiff

Eric Keaton

Inmate Number

3601600027

Institution Address

C7KVC 0909 Hazen St,
East Elmhurst NY, 11370

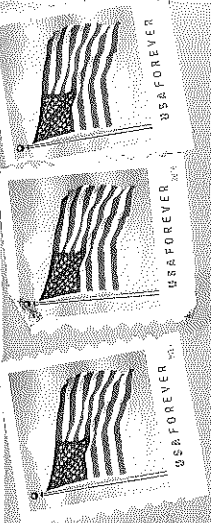
Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 2 day of Feb, 2017, 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.

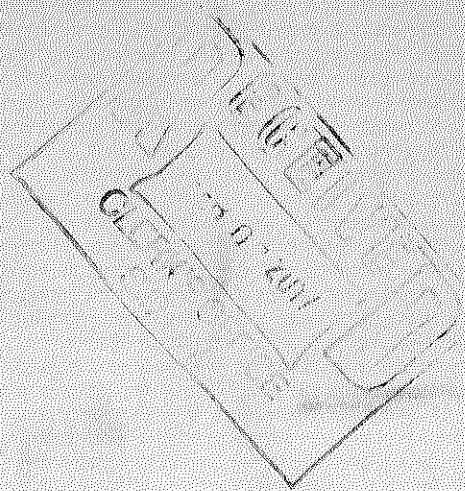
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Signature of Plaintiff:

Eric Keaton



Eric Keaton 3601600027
Ct. R. V. C
0909 Hazen St
Eastelmhurst
New York 11370



TJSM^{RP3}
SDNY

[Handwritten signature]
2/7/17

United States District Court
Southern District of New York
U.S. Court House - 500 Pearl St,
New York N.Y. 10007 Clerk

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