

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROMAN OCHOA

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2016 APR 15 PM 3:15

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

COMPLAINT

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

-against-

NEW YORK CITY POLICE COMM.

WILLIAM BRATTON; BRONX DRUG ENFORCEMENT

TASK FORCE; HOMELAND SECURITY INVESTIGATIONS;

DETECTIVE RICHARD TURK; AGENT KEITH

FERNANDO; bronx A.D.A. JORDAN RUBIN

Jury Trial: Yes No
(check one)

16CV2852

(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 ROMAN OCHOA
ID # _____
Current Institution G.R.V.C.
Address 09-09 HAZEN STREET
EAST ELMHURST, N.Y. 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 N.Y.C.N.Y.P.D. COMM. WILLIAM BRATTON Shield # _____
Where Currently Employed POLICE HEADQUARTERS
Address ONE POLICE PLAZA
NEW YORK, N.Y. 10007

Defendant No. 2 Name _____ Shield # _____
Where Currently Employed _____
Address _____

Defendant No. 3 Name _____ Shield # _____
Where Currently Employed _____
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 Do not cite any cases or statutes.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?

~~NOT APPLICABLE~~

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

~~NOT APPLICABLE~~

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

NOVEMBER 19, 2015 AT APPROXIMATELY 1:40 P.M.

D. Facts: ON NOVEMBER 19, 2015 AT APPROXIMATELY 1:40 P.M.

What happened to you?

PLAINTIFF WAS STOPPED WHILE DRIVING HIS TRUCK AND PULLED OVER BY DEFENDANTS BRONX DRUG ENFORCEMENT TASK FORCE WITHOUT PROBABLE CAUSE, AND ARRESTED. THESE SAME DEFENDANTS WENT TO PLAINTIFF'S HOTEL ROOM AND UNLAWFULLY CONFISCATED \$4,000.00 of plaintiff's PERSONAL MONEY ON A LOAN OF \$5,000.00 he received from e-Z LOAN TO PURCHASE HIS TRUCK AND OTHER PERSONAL FINANCIAL ARRANGEMENTS SURROUNDING HIS FAMILY. THIS MONEY WAS TAKEN BY THE BRONX ENFORCEMENT TASK FORCE DEFENDANTS, AND NEVER VOUCHERED AS DRUG RELATED MONEY, NOR WAS IT TURNED OVER TO THE DISTRICT ATTORNEY DEFENDANT A.D.A. JORDAN RUBIN, WHO MALICIOUSLY PROSECUTED PLAINTIFF WITH PERSONAL KNOWLEDGE THAT SAID FUNDS WAS CONFISCATED FROM PLAINTIFF'S HOTEL ROOM AND NOT ASSOCIATED WITH PLAINTIFF'S ARREST.

Who did what?

THE FUNDS WAS NEVER RETURNED TO PLAINTIFF, VOUCHERED and/OR GIVEN A RECEIPT WHICH CONSTITUTES THEFT, FRAUD, AND THE MIAAPPROPRIATION OF FUNDS BY THE DEFENDANTS DETECTIVE RICHARD TURK, KEITH FERNANDO, AND A.D.A. JORDAN RUBIN, AFTER CLEARLY VIOLATING PLAINTIFF'S FOURTH, FIFTH, AND SIXTH, EIGHTH,

Was anyone else involved?

AND FOURTEENTH AMENDMENT RIGHTS OF THE UNITED STATES CONSTITUTION THE NEW YORK CITY POLICE COMMISSIONER WILLIAM BRATTON IS LIABLE

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. PLAINTIFF CONTINUES ALONG WITH HIS FAMILY TO SUFFER A DEPRIVED HARDSHIP WITHOUT MONIES TO TAKE CARE OF HIS FAMILY HE NOW FEARS PEOPLE WHO ARE SUPPOSE TO SERVE AND PROTECT AND NOT ROB: HE SUFFERS FROM INSOMNIA, NIGHTMARES, MIGRAINE HEADACHES THAT AT TIMES ARE UNBEARABLE, PLAINTIFF NOW SEEKS MENTALK HEALTH TREATMENT AND PSYCHOTROPIC MEDICATIONS TO COPE WITH BEING FORCED TO TAKE A PLEA AND SENTENCE TO A CRIME THAE WAS CONDUCTED WITOUT PROBABLE CAUSE AND THE THEFT OF HIS PERSONAL FUNDS.

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 XX

FACTS PAGE (2)

UNDER THE MUNICIPAL LAW WHEREAS HE DID NOT IN HIS TRAINING DURING THE DEFENDANTS TIME SPENT IN THE ACADEMY HOW TO PERFORM THE PROPER TEACHING IN INVESTIGATING CRIMES OF A DRUG RELATED NATURE BEFORE MAKING ARRESTS THAT QUESTIONS PROBABLE CAUSE FOR THE DETAINMENT OF A PERSON OF THE UNITED STATES AND TO VOUCHER DRUG RELATED FUNDS WITH THE EXCEPTION OF PERSONAL FUNDS WITHIN THE GUIDELINES OF LAWS GOVERNING SUCH TACTICS. WHERE IS THIS MONEY, AND HOW MANY LAW OFFICIALS ARE INVOLVED AND/OR HAVE PERSONAL KNOWLEDGE HOW LONG THESE ROBBERIES OF DEFENDANTS PERSONAL MONEY HAVE BEEN GOING ON. PLAINTIFF NEEDED THIS MONEY FOR THE RETAINMENT OF PRIVATE COUNSEL , AND TO SUPPORT HIS WIFE AND CHILDREN WHILE HE IS INCARCERATED TO MAINTAIN HIS HOUSING, AND OTHER LIFE NECESSITIES. this an embarassment to the constittution and what the THE BALANCE OF JUSTICE ON THE SCALE REPRESENTS.

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)? N/A

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?

N/A

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. _____

NOT APPLICABLE

F. If you did not file a grievance:

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

UNRELATED TO JAIL/PRISON

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:

VIA COURT PROCEEDINGS

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

PLAINTIFF COULD NOT EXHAUST ADMINISTRATIVE REMEDIS BUT THROUGH THE COURT SYSTEM FOR THE THEFT OF HIS LOAN MONEW

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). PLAINTIFF SEEKS PAIN SUFFERIN DAMAGES FROM EACH DEFENDANT IN THEIR INDIVIDUAL AND AOFFICIAL CAPACITY IN THE AMOUNT OF \$5000,000.00 PLAINVIFF ALSO SEEKS EMOTIONAL STRESS AND MENTAL ANGUISH FROM ECH DEFENADNT IN T%HEIR INDIVIDUAL AND OFFICIAL CAOPACITY IN THE AMOUNT OF \$500,000.00 AND FINALLY PLAINTIFF SEEKS PUNTTIVE DAMAGES FROM EACH DEFENADANT IN THE SAME ORDER IN THE AMOUNT OF \$500,000.00 FOR A SUBTOTAL OF THIRTY(30) MILLION DOLLARS. PLUS PLAINVIFF SEEKS THE RETURN OF HIS \$4,000.00 LOAN FUNDS THAT UNLAWFULLY TAKEN BY THE TASK FORCE AND NEVER VOUCHERDE.

VI. Previous lawsuits:

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

Yes ___ No XX

On these claims

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 NOT APPLICABLE

Defendants " " " "

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

3. Docket or Index number N/A

4. Name of Judge assigned to your case N/A

5. Approximate date of filing lawsuit N/A

6. Is the case still pending? Yes No XX
If NO, give the approximate date of disposition N/A

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

On other claims

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?
Yes No XX

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 N/A

2. Court (if federal court, name the district; if state court, name the county) N/A

3. Docket or Index number N/A

4. Name of Judge assigned to your case N/A

5. Approximate date of filing lawsuit N/A

6. Is the case still pending? Yes No XX
If NO, give the approximate date of disposition N/A

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

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

Signed this 15 day of March, 2016.

Signature of Plaintiff

Roman Choo

Inmate Number

3491513287

Institution Address

09-09 HAZEN ST
GRVC
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 15 day of March, 2016, 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:

Roman Choo

MR ROMAN OCHOA # 2491513287
09-09 HAZEN ST, G.R.V.C.
EAST ELMHURST, N.Y. 11370



2016 APR 15 PM 3: 15



PRO SE INTAKE UNIT ROOM 200
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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NEW YORK, N.Y. 10007

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