

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RECEIVED
SDNY PRO SEC OFFICE

ANDRE YOUNGBLOOD

2016 AUG -1 AM 11:20

~~REDACTED~~ 1499883

(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-

**Detective Louis Pena(886273)
C.O. T.I.#19297, and Jesus Sanchez
(5644), all being sued in their
official and personal capacity**

Jury Trial: Yes No
(check one)

16CV6100

(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 **Andre Youngblood**
ID # ~~REDACTED~~ 1499883
Current Institution ~~REDACTED~~ 384 Lead Ave
Address ~~REDACTED~~ North Charleston, S.C.

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 **Detective Louis Pena** Shield # **886273**
Where Currently Employed **42nd Precinct**
Address **830 Washington ave**
Bronx N.Y.

Defendant No. 2 Name CO T.J. Shield # 19297
Where Currently Employed V.C.B.C.
Address ONE HALLECK STREET
BRONX N.Y. 10474

Defendant No. 3 Name P.O. JESUS SANCHEZ Shield # 5644
Where Currently Employed 42nd Precinct
Address 830 Washington ave.
Bronx N.Y.

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 Do not cite any cases or statutes.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?
The incident occurred while the plaintiff was incarcerated
at VCBC

B. Where in the institution did the events giving rise to your claim(s) occur?
The incident occurred at St Barnabas Hospital

C. What date and approximate time did the events giving rise to your claim(s) occur?
The event occurred on the 10th day of March 2015, in the
early morning.

D. Facts: Detective Louis Pena and PO Sanchez arrived at St. Barnabas Hospital to pick up the plaintiff. The plaintiff had walking pneumonia and he was scheduled for surgery on his right hand, which at the time was numb. The doctor informed these officers that he could not leave, However, they refused to listen, they kept insisting that the plaintiff had a Court appointment. Which lead to the plaintiff being forced to be released from the Hospital with pneumonia and a numb right hand. after he arrived at Court the plaintiff explained his situation to the Judge, However, the Judge only gave the officers a discretiona decision and not a ministerial duty to take the plaintiff back to the hospital. As a result the plaintiff was sent back to VCBC while he was still sick.

What happened to you?

Who did what?

Was anyone else involved?

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. The plaintiff still suffers with numbness to his right hand, furthermore, the plaintiff was found to be left for five days with walking pneumonia.

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).

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)? Lack of medical treatment

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?

The plaintiff filed his grievance in the facility of VCBC

1. Which claim(s) in this complaint did you grieve? being subjected to cruel and unusual punishment, due to the lack of medical treatment.

2. What was the result, if any? The results were: The plaintiff was subjected to walking pneumonia for five days days and he was not abl

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. The plaintiff appealed to the Warden and the Commissioner

F. If you did not file a grievance:

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

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: _____

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

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). The plaintiff is requesting punitive and compensatory damages in the amount of \$50,000 for each defendant who knowingly deprived the plaintiff medical care, and compensatory damages in the amount of \$5,000,000.00 United States Dollars for their intentional violation under the Color of State Law and the State and Federal Constution under the 5th, 8th, and 14th Amend.

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 ___

On these claims

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

Signed this 25 day of July, 2016

25 July

Signature of Plaintiff

Andre Youngblood

Inmate Number

[REDACTED]

Institution Address

[REDACTED]

BRONX, NY 10474

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 25 day of July, 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:

Andre Youngblood

on the

ABove Date March 10th ~~Date~~ ^{Detective} ~~Detective~~ Louis Penz (886273)

Of Present 42 Came to St ^{Barnabas} ~~Barnabas~~ Hospital the Doctor told Him I was going to have hand ~~surgery~~ ~~surgery~~ surgery

March 10th ^{Detective} ~~Officer~~ Penz said he does not care and

Made me discharge from the Hospital and also

I had walking pneumonia and Detective Penz

said he still don't care He's got to get

me to the Court House so the Hospital discharge

with medical instructions, Then the took my

Paper work and all my Belongings

to the ^{42th} Present then took me to Court

I requested for medical attention they refuse

to give it to me and continue taking me

to Court and once I got to Court I

requested medical attention again and ~~but~~ but

instead of sending me to the Hospital the

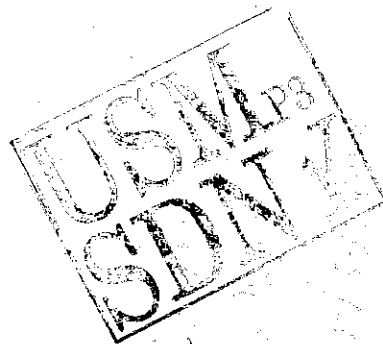
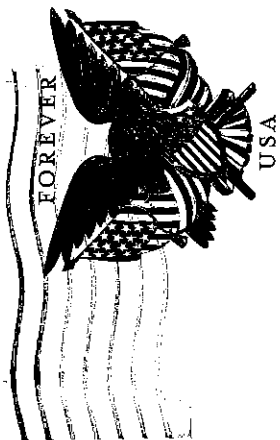
Judge

~~SA~~ sent me to U.C.B.C and put on

my paper work to send me to Hospital if needed

So when I got ~~here~~ I requested medical Attention
 again and C.O. 19297 refuse to give me the
 medical Attention I asked for said he had Due
 Process to do first which in hand ~~took~~ take's
 Five hours then when they finally took me
 to the Clinic they still did not treat me
 for my Pneumonia but they treated me
 for my finger and seizure medication

Pain and Suffering Negligent plus
 unSafety ~~in~~ environment
 with violence and unable to
 defend for my self do to
 my ~~hand~~ dead hand also
 still have pneumonia.



POSTNET barcode consisting of vertical bars of varying heights.

Handwritten address:
Mr. & Mrs. [unclear]
[unclear]
[unclear]

Handwritten text:
Tel: [unclear]

Handwritten text:
2016 AUG - 1 AM 11:20

RECEIVED
SONY ELECTRONICS CORP

6565820001

Handwritten text:
10/10/16