

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HOPETON Francis

Write the full name of each plaintiff.

No. 18-cv-6468 (GBD)
(To be filled out by Clerk's Office) (RWL)

AMENDED
COMPLAINT

(Prisoner)

Do you want a jury trial?

☒ Yes ☐ No

-against-

City of New York,
P.O. Evelyn OROPEZA Zuniga, 4070
Sergeant Luis Rodriguez

Write the full name of each defendant. 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 above must be identical to those contained in Section IV.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

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I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other:

Human civil Rights / False Arrest

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

Hopeton

First Name

K

Middle Initial

Francis

Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

3001900036

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

RNDc

Current Place of Detention

11-11 HAZEN STREET

Institutional Address

Queens

County, City

NY.

State

11370

Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☒ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☐ Convicted and sentenced prisoner

☐ Other:

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

City of New York
 First Name Last Name Shield #

Current Job Title (or other identifying information)

Current Work Address

Defendant 2:

County, City State Zip Code
 Evelyn OROPEZAZUNIGA 4070
 First Name Last Name Shield #

Police officer
 Current Job Title (or other identifying information)

1 Central PARK west
 Current Work Address

NY NY 10023
 County, City State Zip Code
 Luis Rodriguez ?
 First Name Last Name Shield #

Sergeant
 Current Job Title (or other identifying information)

1 Central Park west
 Current Work Address

NY NY 10023
 County, City State Zip Code

Defendant 4:

First Name Last Name Shield #

Current Job Title (or other identifying information)

Current Work Address

County, City State Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: 50th St Subway station (Downtown AREA)

Date(s) of occurrence: On or about April 6, 2018

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

On or about April 6, 2018 on the Downtown area 2 officers approach me and told me I am being arrested for "you know what you did." I said I wasn't doing anything. They wrestled me to ground and started spraying me when I asked again what I did. The lady officer was telling the sergeant that this "asshole won't stop moving" whereby the sergeant also started spraying me saying "Damn this shit doesn't seem to bother him" as he continue to spray me in mouth and eyes. He also was banding my fingers and they had their knees on my back and arms. Case was dismissed ~~on or about June 28, 2018~~ on or about June 28, 2018. They rough me up until I got to precinct

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

My fingers and back are messed up and I am mentally messed up behind this action. My eyes were really bad for a while and I have chest pains sometimes maybe from being sprayed in mouth and eyes.

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

I am asking for 2 million dollars in punitive damages. And if I was not arrested I would have been able to better help my wife and 2 twin boys 7 years old I am severely depressed more so now. Thank you for your attention to this matter.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

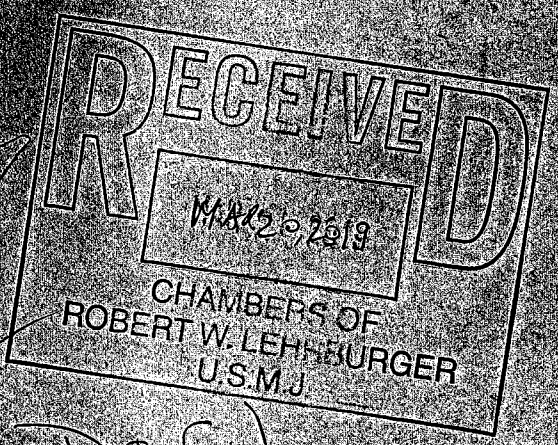
March 6, 2019
 Dated
 HAZEN K
 First Name Middle Initial
 Plaintiff's Signature
 FRANCIS
 Last Name
 11-11 HAZEN Street
 Prison Address
 QNS New York 11370
 County, City State Zip Code

Date on which I am delivering this complaint to prison authorities for mailing:

March 6, 2019



United States District Court
Southern District of New York
Chambers of
ROBERT W. LEHRBURGER
United States Magistrate Judge
500 Pearl Street
New York, N.Y. 10007



D & F