

RECEIVED
SDNY PRO SE OFFICE
UNITED STATES DISTRICT COURT
2019 APR 19 5 09 PM EDT
SOUTHERN DISTRICT OF NEW YORK

S.D. OF N.Y.
Robert J. Ortiz

19 CV 3522

No. 3218-2017

(To be filled out by Clerk's Office)

Write the full name of each plaintiff.

-against-

Police department of the
25th precinct.

120 E. 119st. Ny, Ny, 10035

COMPLAINT

(Prisoner)

Do you want a jury trial?

Yes No

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.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4-18-19

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: Sexual Harrassment, abuse of authority

II. PLAINTIFF INFORMATION

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

Robert J ortiz
First Name Middle Initial Last Name

Robert Antiocho
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.

18A3853
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)

Clinton Correctional
Current Place of Detention

Danamora Newyork
Institutional Address

Danamora Newyork 12929 P.O 2001
County, City State 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: _____

Home Address (218 east 115 st Apt. #5B)
(Ny. Ny 10029)

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: Raymond low 4743
 First Name Last Name Shield #
Police officer
 Current Job Title (or other identifying information)
25 Precinct 120 E 119 St
 Current Work Address
Newyork NY 10035
 County, City State Zip Code

Defendant 2: Xavier Reynosa 2586
 First Name Last Name Shield #
Police officer
 Current Job Title (or other identifying information)
25th Precinct 120 E 119 St
 Current Work Address
NY NY 10035
 County, City State Zip Code

Defendant 3: Manuel Cordova 00225
 First Name Last Name Shield #
Police officer
 Current Job Title (or other identifying information)
25th Precinct 120 E 119 St
 Current Work Address
NY NY 10035
 County, City State Zip Code

Defendant 4: Gregory Carty 2497
 First Name Last Name Shield #
Police officer (Re-tired)
 Current Job Title (or other identifying information)
25th Precinct 120 E 119 St
 Current Work Address
NY NY 10035
 County, City State Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: Area of 116 Street between 117 street

Date(s) of occurrence: August, 18, 2017

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.

officers of the 25th precinct Including detective low,
Detective Carty, Detective Reynosa, and detective
Cardova at 3:00 am Conducted an arrest to were
they put me defendant Robert ortiz in an illegal
choke Hold as I was Being Harrassed and assaulted
while thrown to the ground By kick's and Punche's
By these officer's once put in Handcuffs than
was picked up and pat frisked to were no paraphenalia
was found on my Person then detective low took the
investigation into his own hand going against
Procedure and Violate my Constitutional rights as well
as human rights as he Sexually harrassed me by putting
his unprotected hand in my private area's groin
and buttocks' in a Public area. To were Police
Used abusive authority to make an unlawful
arrest which I was Procecuted to the fullest
extent of the law which was illegal as I received
a 9yr sentence in prison. As I suffer through
mental problems as I receive mental health
Behind the incident.

(see Attached)
Next Page

INJURIES:

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

laceration to Rib cage, face and Bruises on ribcage, face and neck which cause mental illness, loss of memory for a short period of time, stress and invasion of privacy against 4th amendment Rights, also as there are Civilian complaint review board and legal papers that validate the misconduct by officers.

VI. RELIEF

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

asking for 14,000,000 million dollar for mental and physical abuse that I am suffering from being sexually harrassed, and assaulted by police by the 25th precinct, Detective, low, Detective, Carty, Detective, Reynosa, and Detective cardova,

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.

| | | | |
|-----------------------------|----------------|-----------------------|----------------------|
| <u>3/27/2019</u> | | <u>Robert Ortiz</u> | |
| Dated | | Plaintiff's Signature | |
| <u>Robert</u> | <u>Jamil</u> | <u>Ortiz</u> | |
| First Name | Middle Initial | Last Name | |
| <u>Clinton Correctional</u> | | | <u>P.O. Box 2001</u> |
| Prison Address | | | |
| <u>Danemora</u> | <u>Newyork</u> | <u>12929</u> | |
| County, City | State | Zip Code | |

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



BILL DE BLASIO
MAYOR

CIVILIAN COMPLAINT REVIEW BOARD
100 CHURCH STREET 10th FLOOR
NEW YORK, NEW YORK 10007 ♦ TELEPHONE (212) 912-7235
www.nyc.gov/ccrb



FREDERICK DAVIE
CHAIR

EXPLANATION OF BOARD FINDINGS

Substantiated – the officer(s) committed misconduct.*

Unfounded – the officer(s) did not commit the alleged action.

Unsubstantiated – it is unclear whether misconduct occurred.

Exonerated – the actions of the officer(s) were not found to be misconduct.

Miscellaneous – the officer has resigned, retired or has been terminated.

Officer(s) Unidentified - the subject officer(s) of the alleged action could not be identified.

Complainant/Victim Uncooperative – the complainant/victim did not respond to repeated attempts by the investigator to schedule an interview or failed to appear for scheduled interviews.

Complainant/Victim Unavailable – the investigator was unable to locate the complainant/victim with the contact information obtained.

Victim Unidentified – there is not enough information to locate the alleged victim.

Complaint Withdrawn – the complainant/victim no longer wishes to go forward and asked to withdraw the complaint. No case is closed for this reason until the person states that they are voluntarily withdrawing the complaint.

Closed Pending Litigation– the complainant/victim and/or the attorney representing the complainant/victim, does not want to proceed with the CCRB's investigation because of (potential) pending litigation.

If you have new evidence, not previously available to the CCRB, or a previously unavailable or uncooperative witness becomes available, the Board may be willing to reopen your case if such new evidence may reasonably lead to a different finding. To request that the Board reopen your case in such circumstances, please detail the new evidence and request in a letter addressed to: Executive Director, at the above address, as soon as possible.

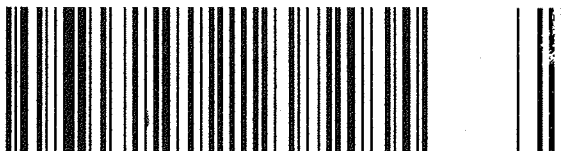
*The Board may, when it substantiates an allegation, make one of the following recommendations:
Formalized Training: The officer should receive training at the Police Academy in regard to the specific allegation(s).

Command Discipline A or B: The officer should receive discipline at the local, command level, which may range from instructions to the loss of up to ten days' pay.

Charges and Specifications: Charges should be filed against the officer, which may result in an Administrative hearing and a penalty more severe than a command discipline.

Robert Ortiz-18A 3853
Clinton Correctional Facility
P.O. 2001
Dannemora, NY 12929

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Southern District of New York
500 Pearl Street
New York NY 10007-1316

USM P3
SDNY

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