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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Ian Carlos Martinez, Pro Se

19 CV 9885

Write the full name of each plaintiff.

(Include case number if one has been assigned)

-against-

New York Police Department

Dawil Valdez, Shield 6573

Officer John Doe

COMPLAINT

Do you want a jury trial?

Yes No

Write the full name of each defendant. If you need more space, 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 II.

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.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

- Federal Question
- Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?
42 U.S.C. Sec. 1983

Fourth Amendment Search and Seizure

False Imprisonment (NY Penal Law § 135)

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of
(Plaintiff's name)

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or
subject of the foreign state of

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of
the State of _____

and has its principal place of business in the State of _____

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____.

If more than one defendant is named in the complaint, attach additional pages providing
information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional
pages if needed.

Ian-Carlos		Martinez
First Name	Middle Initial	Last Name
311 West 114th Street, 3B		
Street Address		
NY	NY	10026
County, City	State	Zip Code
917.520.9442	cjechevici@yahoo.com	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. 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 the same as those listed in the caption. Attach additional pages if needed.

Defendant 1: New York Police Department
 First Name Last Name

 Current Job Title (or other identifying information)

 Current Work Address (or other address where defendant may be served)

 County, City State Zip Code

Defendant 2: Dawil Valdez
 First Name Last Name
Officer, Shield No. 6573
 Current Job Title (or other identifying information)
24th Precinct
 Current Work Address (or other address where defendant may be served)

 County, City State Zip Code

Defendant 3: John Doe
 First Name Last Name
Officer, Shield No. TBD
 Current Job Title (or other identifying information)
24th Precinct
 Current Work Address (or other address where defendant may be served)

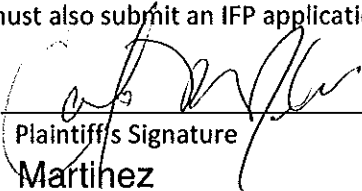
 County, City State Zip Code

V. 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 agree to notify the Clerk's Office in writing of any changes to my mailing 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.

_____		 Plaintiff's Signature Martinez
Dated		
Ian-Carlos		
First Name	Middle Initial	Last Name
311 West 114th Street, 3B		
Street Address		
New York	NY	10026
County, City	State	Zip Code
917.520.9442	cjechevici@yahoo.com	
Telephone Number	Email Address (if available)	

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

Yes No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

ATTACHMENT "A"

FACTS – Ian-Carlos MARTINEZ v. New York Police Department, et al.

On October 22, 2016, I stopped by JCP store at Manhattan Mall around 3:00PM. Shortly after arriving a young man approached and inquired about the flyers at counter advertising cash for client leads. I explained to him the process after he mentioned the hostess with who he was staying had been planning to order blinds for the apartment. I had no sales that week and given that the address was just a block away from subway station, I agreed to meet him at the address lobby once he confirmed with the tenant. I wanted to try and see if there was a real sale opportunity, as he heard from his hosts.

Not wanting to ride the train, or go to an apartment without an actual appointment, I let him go ahead and told him I'd meet him within 30 minutes, at the lobby of the building where he was staying.

I took the train right after he did and once I got to 103rd street station I waited a few minutes and then walked up to bldg. It was raining; as I got to front of building, a couple of ladies were chatting at the building's entrance, just holding the door; one asked in Spanglish what was I doing there getting wet and when I answered I was to meet a client she told me to wait inside since I had no umbrella. It was a small lobby, sort of dirty wet floor, poorly illuminated, grimy glazed blocks, a column to the side with a ceiling camera in front and two elevator doors, red frame; there was another door further back from where I saw a couple of people walk out, so I assumed it was another lobby. I stood a couple of feet to the side of door, inside checking my phone and iPad and waited. I looked at elevators occasionally, making notes of miscellaneous stuff and reading. After 15 minutes, I walked towards exit and a couple of people walked in as I was about to walk out. I figured I'd see elevator open one last time as I stood by exit doors...then two guys walk in and I stepped aside. The older man asked what I was doing there...I responded I was waiting for a person who was visiting, a potential client; the younger man asked in a more aggressive tone, where was he?

At this time, I became more alert and asked why they were asking. They open their jackets, mentioned they were undercover policemen, but I could not properly see the badges although the guns were quite visible. Unable to see the badges and since they had no uniform, I questioned, in my thoughts, if they were real policemen or if the 'client', the young man from the store, had set me up to be held-up. The senior officer's badge was blackened, very dirty; the younger officer's badge was flipped and only the back was visible, he just stared at me. At first, it was oddly as if they were trying to play good cop, bad cop, but since the camera was just behind the senior officer, I assumed I was safe...I figured at some point, someone would be watching the CCTV for the complex. They asked for I.D., saw my JCP badge and my license, then asked me to walk to the back of lobby; I noted, again, that my client should be coming down soon and asked why move, the senior officer in a 'mellow' tone said it'd be quieter for us to talk, I said I'd rather stay there since there was not anyone else. I asked if they had other I.D., the younger man said they need not show anything else and in an irritated voice asked if I wanted to be arrested, otherwise, to walk to the back.

A few minutes earlier, I had seen people walk in/out of the door in the back and assumed it was just another lobby, therefore, I agreed since I did not want this to escalate, knowing we had been on camera. As the senior officer walked in front of me, I pressed the voice-memo to record and followed. The senior officer opened the door and walked in front, I followed with the younger officer just behind; as I turned into the doorway, I realized it was an isolated stairwell. Valdez, the younger officer, let the door close behind him. I felt trapped between the two officers; I started to have thoughts of panic, assessed the space, remembered the guns, thought of running up but knowing how most egress stairs are set-up, I figured there was a chance the door upstairs may not open...I saw Valdez just staring, saw his gun and it put me on guard, because other than one blackened badge which I glanced at quickly, I saw no police identification. Valdez's badge was flipped backwards. I turned and pressed my back against one of the walls to get some visual of both men, Valdez guarding the door and the senior officer right next to me.

The senior officer asked for my bag; being so close, I smelled alcohol in his breath and thought, "these are not policemen", they are going to rob or kill me since I have no money. I pulled my hand with cellphone out of the tote bag and rendered the bag. He pulled out its contents, work iPad, some business cards, and the flyers for client leads. In the bag, he saw my melatonin and asked about it; I explained. Then, he asked that my arms be spread and proceeded to frisk and search me; as he was reaching around me, I felt his gun press against my abdomen a couple of times. As he was doing that, Valdez, started to question. He accused me of being there to buy drugs. He progressively got more aggressive, as I tried to not show my thoughts, hoping someone else would walk in or out again. I responded I have never done drugs, I told him, I've never had any kind of trouble or involvement with the police. I told them it was not right what they were doing. He seemed to get more annoyed by my being just calm. He got verbally aggressive. At the same time, I still had the other officer within a foot from me. I asked if they were policemen, Valdez smirked. Then, he asked me why I asked. I said because they searched me and failed to notice I had a tin of Altoids on my chest pocket. This annoyed Valdez further... the senior officer proceeded to go through my pockets again and pulled the Altoids; then started the same frisk and search yet again; Valdez started saying that my Altoids were drugs as the other officer frisked me; each time he'd reach around me, the gun rubbed me; I kept thinking it was going to go off and they'd say I had drugs or tried to escape. I thought, these guys are going to put drugs on me...my thoughts kept going back and forth whether they were cops or just robbers. The senior officer kept brushing/rubbing his stomach against me and the gun and still continued to miss things in my pockets. Also, he missed that I was wearing the back-support...how could a trained policeman not notice I had a thick, ribbed, foam vest underneath my Polo-shirt?

After the second search, the senior officer told me again he was letting me go. Tells me they're letting me go but I shouldn't be getting impatient. I was trapped, sequestered, isolated by people with guns and no photo I.d.; I didn't know their name, who they were and all I could see was Valdez with a hand on his waist, just off his gun, as he continued to accuse me, trying to get me to react, he seemed annoyed at not getting to me. They were being careless and he kept telling me how I must know about the drug deals in the

building and how I should tell them...then I realized, the senior officer was yet again, searching me, for a third time as if he'd not just done it twice within the last hour and half. He noted again that they letting me go as Valdez turned to look at lobby; he told me I shouldn't get an attitude, I noticed he had something against my appearance, my demeanor, the fact that I was not just submissive or visibly afraid. As he had turned back from looking outside, his badge finally turned, I could see it; I could read it, and he saw me looking at his badge...which had finally flipped.

Told him that no attitude but I felt like I was being harassed after they just kept repeating themselves. He said they just have to be sure I understood why they stopped me over as he (Valdez) noted my staring at his badge and reading his badge number. I noticed his face tighten, as I mentioned that they had repeated themselves and that they had me in there for about 2 hours; he said that it was not true and that I just had an attitude. I responded they had told me on 3 occasions that they'd let me go, that they searched and harassed me for about 2 hours and that I could play it for him because everything was being recorded, as I showed my phone had been in my hand all that time. He said he was gonna my to run me through...I told them, again, I have never been in any kind of problem and have never even been to a precinct. Then Officer Valdez looked at my phone, said fine then I had to go tell it to the judge.

Officer Valdez took my cell phone off my hands and pulled out his handcuffs. Officer Valdez kept my cell phone until I was released from the station. He muted an incoming call. When he took the phone, I had recorded the entirety of the episode, but when the NYPD returned my phone, the recording had been deleted.

At the time Officer Valdez took my phone from my person and arrested me, I protested saying that he just wanted to embarrass me and that he should put the handcuffs on me out in the lobby; that I did not want to be in such an enclosed space, as the egress stairs, with handcuffs...the Valdez glanced at his partner started ranting about me resisting arrest and that he was taking me down. As he put the cuffs he just kept saying that when cops make mistakes they can lose their lives...said it once and again until we were walking out the bldg...in front of a few teenagers standing outside...he did not speak to me again until we were in the car.