

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SDNY PRO SE OFFICE
2020 FEB 26 AM 9:59

Randy Swinson
#3491903405

20 CV 1684

Write the full name of each plaintiff.

No. (To be filled out by Clerk's Office)

-against-

City of New York
Sergeant Daniel Fitzpatrick
P.O. Michael Farewell #13582
P.O. Vincent Candela #12682

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.

COMPLAINT
(Prisoner)

Do you want a jury trial?
☒ Yes ☐ No

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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. 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:

Assault + Falsified a Report + theft

II. PLAINTIFF INFORMATION

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

<u>Randy</u>	<u>E</u>	<u>SWINSON</u>
First Name	Middle Initial	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.

349 19 03405

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)

Manhattan Detention Complex

Current Place of Detention

125 White Street, 9 North

Institutional Address

<u>New York</u>	<u>NY</u>	<u>10013</u>
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: _____

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:

Daniel Fitzpatrick # 04753
 First Name Last Name Shield #
Sergeant at the 10th precinct
 Current Job Title (or other identifying information)
10th precinct 20th Street
 Current Work Address
New York NY 10011
 County, City State Zip Code

Defendant 2:

Michael Forewell # 13582
 First Name Last Name Shield #
Police Officer at the 10th precinct
 Current Job Title (or other identifying information)
10th precinct 20th Street
 Current Work Address
New York NY 10011
 County, City State Zip Code

Defendant 3:

Vincent Candela # 12682
 First Name Last Name Shield #
Police Officer at the 10th precinct
 Current Job Title (or other identifying information)
10th precinct, 20th Street
 Current Work Address
New York NY 10011
 County, City State Zip Code

Defendant 4:

Robert Humann # 10077
 First Name Last Name Shield #
10th precinct, (Police Officer
 Current Job Title (or other identifying information)
10th precinct, 20th Street
 Current Work Address
New York NY 10011
 County, City State Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: 184 7th Avenue, 21 Street

Date(s) of occurrence: 6/2/2019

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.

(Randy Swinson #3491903405) is the Plaintiff, Herein this Complaint, [claim # 2019 P10173012]. On June/2/2019, at or around 12:30 This Plaintiff and his wife Page Pollard Swinson was Assaulted, Falsely arrested, and Personal Property was removed and taken and not vouchered by N.Y.P.D officers from the 10th precinct. Po Farewell Falsely "Falsified Statements along w/ Po. Candela and Po. Humann pretending to have interviewed "Criminal Victim Witness" after assaulting the Victim & this Plaintiff (Swinson) causing Physical injuries to this plaintiff. Po Humann, Po Farewell & Po Candela began to Beat on this plaintiff using handcuff to "Slash and Cut", plaintiff's wrists & hands, while other 10th precinct police used Chokeholds, Knees to injure this plaintiff's (Knees, hips Shoulders) plus Dislocating this

Plaintiff's Finger + thumbs; Emt was called and this Plaintiff was Denied Medical assistance or limited to "no ~~to~~ Care" at Bellvue, cause actions of the same "Defendants" was accompanying this plaintiff, This plaintiff is still suffering do to Defendants all acting under a Color of law + Abuse of power.

INJURIES:

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

Fracture and Dislocated Fingers, Fractures on wrist, tendon and Ligament muscle damage Loss use of right thumb, Left and right Knee + (L+B) hip damage and Back + Joint pain
Property stolen and misplaced

VI. RELIEF

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

Plaintiff seeks Punitive, Declaratory, injunctive relief for Damages in the amount of OF 3.8 Million dollars.

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.

12/16/19
 Dated
 Randy E. Swinson
 Plaintiff's Signature
 First Name Middle Initial Last Name
 (MDC) 125 White Street
 Prison Address
 New York NY 10013
 County, City State Zip Code

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

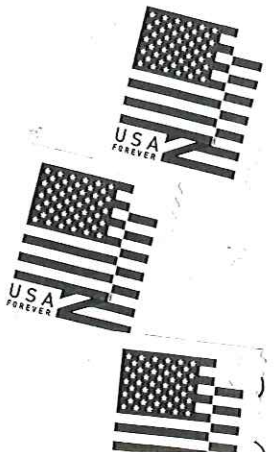
12/16/19

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Randy Swinson
349.19.03405
Manhattan Detention Complex
125 White St.
New York, NY 10013
North - Cell #9

SLIVER

United States District Court
Southern District of New York
Pro Se Intake Unit
500 Pearl Street
New York, NY 10007



0001 Mail

Attn: / 0001 Mail