

(Name) Junior Tejada

(Address) 9500 Etiwanda ave

(City, State, Zip) Pancho Cucamonga, CA 91739

(CDC Inmate No.) 1D11342612

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY MAD

United States District Court Southern District of California

Junior Tejada
BY

(Enter full name of plaintiff in this action.)

Plaintiff,

v.

deputy J. Brenes
deputy T. Caballero
deputy BAILEY of
San Bernardino Sheriff's

(Enter full name of each defendant in this action.)

Defendant(s).

550

Civil Case No. 5:11-CV-1140
(To be supplied by Court Clerk)

(SP)

Complaint Under the
Civil Rights Act
42 U.S.C. § 1983

A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, Junior Tejada
(print Plaintiff's name)
, who presently resides at 9500 Etiwanda ave
(mailing address or place of confinement)
Pancho Cucamonga, California, were violated by the actions
of the below named individuals. The actions were directed against Plaintiff at West Valley
detention center on (dates) 05.23.11, and
(institution/place where violation occurred) (Count 1) (Count 2) (Count 3)

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§ 1983 SD Form
(Rev. 1/98)
JUL - 6 2011
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

2. **Defendants:** (Attach same information on additional pages if you are naming more than 4 defendants.)

Defendant J. Brenes resides in San Bernardino
(name) (County of residence)
and is employed as a Deputy (sheriff). This defendant is sued in
(defendant's position/title (if any))
 his/her individual official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: crude and unusual punishment, excessive force,
and police brutality.

Defendant F. Caballero resides in San Bernardino
(name) (County of residence)
and is employed as a Sheriff's deputy. This defendant is sued in
(defendant's position/title (if any))
his/her individual official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: crude and unusual punishment, excessive
force and police brutality.

Defendant Bailey resides in San Bernardino
(name) (County of residence)
and is employed as a Sheriff deputy. This defendant is sued in
(defendant's position/title (if any))
his/her individual official capacity. (Check one or both.) Explain how this defendant was acting
under color of law: crude and unusual punishment, excessive
force and police brutality.

Defendant _____ resides in _____
(name) (County of residence)
and is employed as a _____. This defendant is sued in
(defendant's position/title (if any))
his/her individual official capacity. (Check one or both.) Explain how this defendant was acting
under color of law:

C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: Freedom from Cruel
(E.g., right to medical care, access to courts,
and unusual punishment, excessive force, police brutality
due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

On May 23RD 2011, while housed
at West Valley detention Center, Unit 5. I was advised
that I had an officer interview in South Control, I
asked what officer (which agency) and for what purpose
to which I was not told. hence, I than exercised my
5th Amendment not wishing to interview w/ the unknown
officer. this prompt deputy D. Garcia to come to my
cell door and try to get me to cuff up to be
escorted, again I voiced my wish to exercise my
5th Amendment right. this prompt deputy D. Garcia
to call and bring Sergeant Cefalu and Zeigler to my
cell. I was asked to cuff up, I than expressed once
more my wish to exercise my 5th Amendment right,
this prompt Sgt. Cefalu to tell me to cuff up so
they could search my cell, I voiced my concern
that was harassment and they were just going to
take and force me to the interview. this only prompt
the personnel to call E.P.T, Sgt. Cefalu and deputy
Shasser than kept repeating "Dont pussy up". Numerous
deputies in black suits, w/ helmets, shields and
other equipment rushed into my cell while I was
sitting on my bunk calmly, I was hit in my
face w/ the shield knocking me face down on
my bunk, I was than held by members of the

Continued on yellow lined, legal paper

Continued, Page 3, Supporting facts.

E.P.T, and hit repeatedly in my face w/ a closed fist, ultimately causing my eye to bruise severely and causing my eye ball to bleed, the entire white part was red from bleeding. I had an enormous bump on my forehead that was also bleeding. The E.P.T staff kept yelling "STOP resisting" yet I was knocked out and disorientated, coming to I yelled "stop hitting me", deputy Bailey on June 3RD 2011 at approximately 9:30pm spoke w/ me in unit 6 ad-seg, stating "I was there" w/ a smile. and that he thought I would've at least fought back, and then asked "what'd you say, stop hitting me?" w/ a smile.

On May 29th 2011 at approximately 3:00pm I was escorted by deputy J. Brenes from the hospital, he told me "I beat the shit out of you man, why didn't you fight back, I kept hitting you".

On May 23RD 2011 I was seen by a facility nurse, he gave me triple Antibiotic Ointment for my cut forehead and ice on my head, he noted my obvious concussion and bumps and bruises. I was beat to a pulp. literally.

Supposedly the incident was tape recorded, and photos taken of me, I can't recall clearly as I was literally dazed and out of it, I could not walk, I was dragged into the nurse station by deputy's.

this was the most, the worst physical beat down I received in my life, and what makes it so horrible is that it happen at the hands of the deputy's that are here to protect me.

this has left me physically, emotionally, shattered I lose sleep, and I had to be hospitalized ultimately because of this, due to the severe pain I was suffering, I took too many Tylenol's w/out food and that ultimately caused my liver to fail, I stayed in the hospital for days and I'm still in pain.

deputy F. Caballero told me on May 30th 2011 that he was there, a member of E.P.T as well, all other member's were withheld from me, hence why I can not name them in this suit, or I would.

I seen my face afterward and... Man it was the most horrible site in my life.

D. Previous Lawsuits and Administrative Relief

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case? Yes No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: Junior Tejada

Defendants: Sheriff deputy J. Enriquez

(b) Name of the court and docket number: US District Court Central District Western Division, EDCV11-759 CJC (SP)

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] dismissed, Pending 1st Amended Complaint, filed, pending

(d) Issues raised:

freedom from cruel and unusual punishment.
right to medical care.

(e) Approximate date case was filed: May 19th 2011

(f) Approximate date of disposition: June 1st 2011

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.]? Yes No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

grievance was not immediately understood, I then filed an appeal which is pending, even though my grievance was clearly written, stating issue at hand, of unnecessary harassment, excessive force and outright police brutality. the grievances are really taken lightly and down played.

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s): from continually abusing me, and retaliating against me, due to it seems this incident occurred due to my civil complaint against deputy J. Enriquez (emp # 06900) case # EDCV11-759 CSC(E)
2. Damages in the sum of \$ 100,000⁰⁰
3. Punitive damages in the sum of \$ 500,000⁰⁰
4. Other: _____

F. Demand for Jury Trial

Plaintiff demands a trial by Jury Court. (Choose one.)

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

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

06.30.11
Date

[Handwritten Signature]
Signature of Plaintiff

Short Title:

Civil Complaint, Civil Suit

Court Case No:

FSB1004918

Proof of Service By Mail

I am over the age of 18 and ~~a party~~ / not-a-party (mark one out) to the cause.

I am a resident of or employed in the county where the mailing occurred. My residence or business address is (specify):

9500 Etiwanda ave
Rancho Cucamonga, CA
91739

I served the attached:

By enclosing true copies in a sealed envelope addressed to each person whose name and address is given below and depositing the envelopes in the United States mail with the postage fully prepaid.

1) Date of deposit: JUNE 130 2011 2) Place of deposit (city and state): Rancho Cucamonga, CALIFORNIA

NAME AND ADDRESS OF EACH PERSON TO WHOM NOTICE WAS MAILED:

U.S. DISTRICT COURT
Central
Western Division
312 N SPRING ST
Los Angeles, CA 90012

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

Date: JUNE 30, 2011

▶ Junior Tejada
(TYPE OR PRINT NAME)

▶ [Signature]
(SIGNATURE OF DECLARANT)