

KARIM TAMBOUSIE KIDD
 (Name)
P.O. BOX 8103; C.M.C. - WEST
 (Address)
SAN LUIS OBISPO, CA. 93403
 (City, State, Zip)
T-23055
 (CDC Inmate No.)

2254	1983
FILING FEE PAID	
Yes	No <input checked="" type="checkbox"/>
IFP MOTION FILED	
Yes	No <input checked="" type="checkbox"/>
COPIES SENT TO	
Court	ProSe

FILED

AUG 29 2011

CLERK US DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 BY gvs DEPUTY

**United States District Court
 Southern District of California**

KARIM TAMBOUSIE KIDD,
 (Enter full name of plaintiff in this action.)

Plaintiff,

v.

MARSHALLS OF CALIFORNIA, LLC,
(REAL PARTIES OF INTEREST):
MIGUEL MUNOZ, JULIO GARCIA,
HUGO RAMIREZ, ISABEL FRANCO
 (Enter full name of each defendant in this action.)

Defendant(s).

'11 CV 2001 MMA WVG

Civil Case No. _____
 (To be supplied by Court Clerk)

**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, KARIM TAMBOUSIE KIDD,
 (print Plaintiff's name)
T-23055, who presently resides at CALIFORNIA MEN'S COLONY-
 (mailing address or place of confinement)
WEST, P.O. BOX 8103, SAN LUIS OBISPO, CA. 93403-8103, were violated by the actions
 of the below named individuals. The actions were directed against Plaintiff at MARSHALLS DEPARTMENT STORE, IRVINE, CA.
 on (dates) 08/15/08, _____, and _____.
 (Institution/place where violation occurred) (Count 1) (Count 2) (Count 3)

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

Defendant MIGUEL MUNOZ resides in N/A
(name) (County of residence)
and is employed as a ASSISTANT STORE MANAGER. 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: ACTING WITH DELIBERATE INDIFFERENCE TO COMPANY POLICY, ENGAGED
IN A PHYSICAL ALTERCATION WITH PLAINTIFF, CAUSING NUMEROUS AND IRREPARABLE
INJURIES TO PLAINTIFF INSIDE OF MARSHALLS DEPARTMENT STORE.

Defendant JULIO GARCIA resides in N/A
(name) (County of residence)
and is employed as a SALES ASSOCIATE. 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: ASSISTED DEFENDANT MUNOZ IN THE PHYSICAL ALTERCATION AND RE-
STRAINT OF PLAINTIFF INSIDE OF MARSHALLS DEPARTMENT STORE.

Defendant HUGO RAMIREZ resides in N/A
(name) (County of residence)
and is employed as a SALES ASSOCIATE. 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: ASSISTED DEFENDANTS MUNOZ AND GARCIA IN THE PHYSICAL ALTER-
CATION AND RESTRAINT OF PLAINTIFF INSIDE OF MARSHALLS DEPARTMENT STORE.

Defendant ISABEL FRANCO resides in N/A
(name) (County of residence)
and is employed as a SALES ASSOCIATE. 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: ASSISTED DEFENDANTS MUNOZ, GARCIA, AND RAMIREZ IN THE PHY-
SICAL RESTRAINT OF PLAINTIFF INSIDE OF MARSHALLS DEPARTMENT STORE.

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: UNLAWFUL DETENTION AND PHYSICAL RESTRAINT WITH EXCESSIVE FORCE (VIOLATION OF 4TH AND 14 AMENDMENT RIGHTS).
(E.g., right to medical care, access to courts, 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 AUGUST 15, 2008, AT APPROXIMATELY 9:20PM, WHILE INSIDE OF MARSHALLS DEPARTMENT STORE IN THE CITY OF IRVINE, CALIFORNIA, I WAS SHOPPING FOR VARIOUS ITEMS FOR PURCHASE. I INITIALLY WENT TO THE LUGGAGE ISLE AND ACQUIRED A "ROLLER SUITCASE IN WHICH I USED TO PLACE ADDITIONAL ITEMS IN; THUS MAKING IT EASIER TO NAVIGATE THROUGH THE ISLES OF THE STORE. AFTER I ACQUIRED ALL THE ITEMS THAT I WANTED TO PURCHASE, I THEN MOVED TOWARD THE CHECK-OUT AREA WHERE THE CASH REGISTERS WERE LOCATED, ASSISTANT STORE MANGER MIGUEL MUNOZ, WITHOUT IDENTIFYING HIMSELF AS A STORE EMPLOYEE OR ANY VERBAL WARNING, PLACED HIS HANDS ON THE VERTICAL HANDLES OF THE ROLLER SUITCASE IN AN ATTEMPT TO TAKE THE SUITCASE FROM ME. IN A NATURAL REACTION, I PULLED THE CARRIER CLOSER TO ME. NOT KNOWING WHO MR. MUNOZ WAS AT THE TIME, I QUICKLY PROCEEDED TOWARD THE CASH REGISTERS IN FEAR OF AN A ATTACK BY PERSON(S) UNKNOWN. AS I PROCEEDED, I NOTICED ANOTHER MAN, LATER IDENTIFIED AS SALES ASSOCIATED HUGO RAMIREZ WAS STANDING AT THE EXIT AS IF TO BLOCK MY PASSAGE THROUGH THE DOOR. AT THE SAME MOMENT, MR. MUNOZ WRAPPED HIS ARMS AROUND MY CHEST FROM BEHIND AND I FELL TO THE GROUND FACE FIRST WITH MR. MUNOZ ON TOP OF ME. MR. RAMIREZ AND A THIRD EMPLOYEE LATER IDENTIFIED AS JULIO GARCIA WERE NOW ASSISTING MR. MUNOZ AND WERE ON TOP OF ME PLACED EXTREME PRESSURE ON MY MID AND LOWER BACK AS WELL AS MY LEGS, WHILE TWISTING AND CONTORTING MY BODY IN UNNATURAL POSITIONS, THUS CAUSING INJURIES(REFER TO EXHIBIT 'A'). A FOURTH EMPLOYEE, LATER IDENTIFIED AS ISABEL FRANCO APPROACHED THIS SCENE WITH WHAT APPEARED TO BE PACKING TAPE AND PROCEEDED TO CROSS AND BEND MY LEGS TOWARD MY BUTTOCKS AND WRAP MY LEGS WITH THE TAPE, IN A 'HOG-TYING' MANUEVER. SEVER-MINUTES PASSED UNTIL THE IRVINE POLICE ARRIVED AND PLACED ME IN CUSTODY. THIS ENTIRE SEQUENCE OF EVENTS OCCURRED WHILE INSIDE OF MARSHALLS DEPARTMENT STORE.

(PLEASE REFER TO CONTINUATION)

SUPPORTING FACTS, CONTINUED

I NEVER CROSSED THE "THRESHOLD" OF THE EXIT. ON AUGUST 05, 2008, A SIMILAR INCIDENT OCCUR- AT THE SAME MARSHALLS DEPARTMENT STORE IN WHICH I WAS ACCUSED BY ANOTHER STORE ASSOCIATE, ERICA EDWARDS. MS. EDWARDS ALLEGES THAT I ENTERED MARSHALLS DEPARTMENT STORE AND WITH A ROLLER SUITCASE I PLACED ITEMS IN THE SUITCASE AND WALKED OUT THE STORE WITHOUT PAYING FOR THEM. MS. EDWARDS THEN STATES THAT THE AUDIBE ALARM WAS ACTIVATED, BUT DUE TO COMPANY PO- LICY, SHE DID NOT PURSUE THE ALLEGED SHOPLIFTER NOR DID SHE ATTEMPT TO PHYSICALLY RESTRAIN THE ALLEGED SHOPLIFTER. MS. EDWARDS STATED THIS POLICY AND PROCEDURE TO THE IRVINE POLICE DEPARTMENT IN AN INTERVIEW WITH OFFICER D. SMITH. -----END OF STATEMENT-----/

ENCLOSURES

EXHIBIT 'A'

EMERGENCY ROOM REPORT, DATED 08/15/08

EXHIBIT 'B'

TRANSCRIPT FROM PRELIMINARY HEARING,
CASE NUMBER 08HF1560. PAGES 12-28.

EXHIBIT 'C'

"CONTINUATION" PORTION FROM IRVINE
POLICE OFFICER D. SMITH'S REPORT,
LOG NUMBER 08-12525, DATED 08/18/08.

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: _____

Defendants: _____

(b) Name of the court and docket number: _____

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] _____

(d) Issues raised: _____

(e) Approximate date case was filed: _____

(f) Approximate date of disposition: _____

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.

PERSONAL INJURY "TORT" CLAIM AGAINST DEFENDANTS (UNLIMITED CIVIL CLAIM) WAS
FILED ON AUGUST 16, 2010 (CASE# 30-2010-00404896) IN SUPERIOR COURT, COUNTY
OF ORANGE. ON MARCH 10, 2011, DEFENDANT'S MOTION TO DISMISS ENTIRE ACTION DUE X
TO FACT THAT PLAINTIFF ERRONEOUSLY SUED MARSHALLS OF CALIFORNIA AS "MARSHALLS
DEPARTMENT STORE"

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

- 1. An injunction preventing defendant(s): FROM CLAIMING ANY FORM OF HARDSHIP IN REGARD TO AWARD AMOUNT FROM THIS ACTION.
- 2. Damages in the sum of \$ UNDETERMINED
- 3. Punitive damages in the sum of \$ UNDETERMINED
- 4. Other: PLAINTIFF ALSO SEEKS COMPENSATORY DAMAGES TO BE CONSIDERED DUE TO INJURIES CLASSIFIED AS 'IRREPARABLE'.

F. Demand for Jury Trial

Plaintiff demands a trial by Jury ~~X~~ 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.

8/24/11
Date

Karin Hood
Signature of Plaintiff

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of filing the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

FILED
AUG 29 2011
Marshall's of CA, LLC, et al.
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

I (a) PLAINTIFFS

Karim Tambousie Kidd

DEFENDANTS

Marshall's of CA, LLC, et al.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF: San Luis Obispo (EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Karim Tambousie Kidd
PO Box 8103
San Luis Obispo, CA 93403
T-23055

ATTORNEYS (IF KNOWN)

11 CV 2001 MMA WVG

FILING FEE PAID
IFP MOTION FILED
COPIES SENT TO COURT

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- U.S. Government Plaintiff
U.S. Government Defendant
Federal Question (U.S. Government Not a Party)
Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business in This State
Incorporated and Principal Place of Business in Another State
Foreign Nation

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, BANKRUPTCY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Property, Labor, etc.

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- Original Proceeding
Removal from State Court
Remanded from Appellate Court
Reinstated or Reopened
Transferred from another district (specify)
Multidistrict Litigation
Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: YES X NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE 8/29/11

SIGNATURE OF ATTORNEY OF RECORD

SK Hoestubach