

Plaintiff's Name Alex Aguilar
Inmate No. AC 6067
Address CMC West
Po box 8103
San Luis Obispo Ca 93403-8103

FILED

FEB 22 2011

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BY [Signature]
DEPUTY CLERK

ALEX Aguilar
(Name of Plaintiff)

1:09-CV-01849-AWI-SMS
(Case Number)

vs.

AMENDED COMPLAINT

Civil Rights Act, 42 U.S.C. § 1983

Officer Jason Hoover
And Fresno County
Police Department,
et al

(Names of all Defendants)

I. Previous Lawsuits (list all other previous or pending lawsuits on back of this form):

A. Have you brought any other lawsuits while a prisoner? Yes ___ No

B. If your answer to A is yes, how many? _____
Describe previous or pending lawsuits in the space below.
(If more than one, use back of paper to continue outlining all lawsuits.)

1. Parties to previous lawsuit:

Plaintiff _____

Defendants _____

2. Court (if Federal Court, give name of District; if State Court, give name of County) _____

3. Docket Number _____ 4. Assigned Judge _____

5. Disposition (For example: Was the case dismissed? Was it appealed? Is it still pending?) _____

6. Filing date (approx.) _____ 7. Disposition date (approx.) _____

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II. Exhaustion of Administrative Remedies

A. Is there an inmate appeal or administrative remedy process available at your institution?

Yes No

B. Have you filed an appeal or grievance concerning ALL of the facts contained in this complaint?

Yes No

If your answer is no, explain why not I Don't Know to much of the process of filing of grievance or law suit

C. Is the process completed?

Yes If your answer is yes, briefly explain what happened at each level.

im attaching

No If your answer is no, explain why not.

I still gonna file a complaint to internal affairs

NOTICE: Pursuant to the Prison Litigation Reform Act of 1995, “[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.” 42 U.S.C. § 1997e(a). If there is an inmate appeal or administrative remedy process available at your institution, you may not file an action under Section 1983, or any other federal law, until you have first completed (exhausted) the process available at your institution. You are required to complete (exhaust) the inmate appeal or administrative remedy process before filing suit, regardless of the relief offered by the process. Booth v. Churner, 532 U.S. 731, 741 (2001); McKinney v. Carey, 311 F.3d 1198, 1999 (9th Cir. 2002). **Even if you are seeking only money damages and the inmate appeal or administrative remedy process does not provide money, you must exhaust the process before filing suit.** Booth, 532 U.S. at 734.

III. Defendants

(In Item A below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item B for the names, positions and places of employment of any additional defendants.)

A. Defendant officer Jason Hoover is employed as at fresno police dept
as K-9 unit at fresno county

IV. statement of claim

on Thursday Evening, July 30, 09 Around 9:30pm my family and I were at a taco bell restaurant on the corner of Shields and first st in Fresno, Ca. We were inside the restaurant and were the last to leave, since the restaurant was in the process of closing. When we got into my wife's car, with her driving we observed a black and white police car from the Fresno police Dept. there was no other traffic movement, and there were two police cars. one got behind our car and turned on its emergency ^{traffic} lights. The driver of one police car got out of his car and ask my wife ~~got behind~~ for her driver lic. or id my wife showed him her driver lic I also gave him full name and date of birth. Since I had a warrant for my arrest and had been bitten by a police dog before, I panicked so I got out of my wife's car and ran away. About 3 1/2 Hrs. Later, around 1:30 Am of 7-31-09 I returned to the scene, the taco bell rest was close to turn myself in before I reached the restaurant

I observed A.K-9 police car parked in the alley with no lights there were six police officers did not ID them selfs And a dog was running loose got on the ground And ID myself the dog, A big K-9 German Sheperd, passed me and then it got a signal from the K-9 uniform officer the officer got upset at the K-9 cause the dog ignored me the animal then tried to bite me so I turn my face for the other way put hands on my face in order to prevent it from biting my left cheek. the dog then bit me on the top of my left shoulder, then on the back shoulder and finally under my arm pit. I kept yelling at the p. officers, asking why they were violating my rights when I had follow all of their instructions And procedures.

An Ambulance finally Arrived and the atten placed me on a roller bed, they took me to the Community Hospital. I received approxima

16 stitches, 10 in the under ^{my arm} and the rest on my back shoulder now im scared for life, this is the second time that police officers have ordered their K-9 dogs to bite me, even though I followed all of their instructions.

since this occurred, my wounds are still open and believe that they are infected. finally I wish that to state that I am all scarred for life from top to bottom I can't no longer where shorts cause my legs all scarred for life from the previous and the present dog bites.

Thank you!

B. Additional defendants _____

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach extra sheets if necessary.)

please see attach sheet

V. Relief.

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

Compensation \$1,000,000 pain and suffering

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

Date _____

Signature of Plaintiff *Alex Aguilera*