

FILED
JUN 23 2014
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY CLERK

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

Antonio Ramirez JR, 2048305
(Name of Plaintiff)
7695 Industrial Farm rd.,
(Address of Plaintiff)
Bakersfield, CA 93308

1:14-CV-00978--JLT
(Case Number)

vs.

COMPLAINT
Civil Rights Act 42 U.S.C. 1983

Bakersfield Police Department
BPD
Officer Randy Petris #1155
BPD
Officer Scott Roberts #1169
(Names of Defendants)

I. Previous Lawsuits:

A. Have you brought any other lawsuits while a prisoner: ☐ Yes ☒ No

B. If your answer to A is yes, how many?: N/A Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff N/A

Defendants N/A

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

RECEIVED
JUN 23 2014
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY CLERK

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

N/A

3. Docket Number N/A

4. Name of judge to whom case was assigned N/A

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

N/A

6. Approximate date of filing lawsuit N/A

7. Approximate date of disposition N/A

II. Exhaustion of Administrative Remedies

A. Is there a grievance procedure available at your institution? ☒ Yes ☐ No

B. Have you filed a grievance concerning the facts relating to this complaint?

☒ Yes ☐ No

If your answer is no, explain why not _____

C. Is the grievance process completed?

☒ Yes ☐ No

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 Bakersfield Police Department is employed as City Police department at _____

B. Additional defendants Officer Randy Petris #1155 employed at Bakersfield Police Department, Officer Scott Roberts #1169 employed at Bakersfield Police department

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.)

On or around September 29, 2013 I was arrested by the Bakersfield Police Department. Before I was handcuffed and technically arrested, 2 BPD officers exercised and used deadly excessive, and unnecessary force with deliberate indifference and malice thus my rights under the 5th and 14th amendments. On or around 9-29-2013 While I was riding my bike, 2 BPD officers attempted a routine stop of my person. I fled. A few streets down the 2 BPD officers, who followed me with their vehicle when I fled, caught up with me. Immediately BPD Officer Scott Roberts #1169 willingly, with malice and deliberate indifference, struck me with the BPD's Police Cruiser while knowing the serious risks to my health, safety and life that a reasonable person would know about.

V. Relief.

(ATTACHMENTS 1-3 attached on back)

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

I am asking for a jury trial, an appointment of counsel due to the complexity of my complaint, and monetary compensation for damages and all other damages which the court finds to be fair and appropriate. As well I want the court to make the defendants responsible for all my medical bills, past, present and future, which are for the medical care necessary for injuries inflicted upon me in the incident of my complaint, if the court finds it to be fair and appropriate.

Signed this 17 day of June, 2014.

Antonio Ramirez Jr
(Signature of Plaintiff)

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

6-17-14
(Date)

Antonio Ramirez Jr
(Signature of Plaintiff)

that action, especially a trained police officer. I was knocked off my bicycle, and I flew or was thrown, by the force of the strike, forward a couple of yards and I struck what appeared to be a mailbox. Seconds after I got up, and I attempted to run across the street, but as soon as I started to move, I felt the extreme pain from being struck by the BPD's police cruiser, which flung me forward off my bicycle, and striking what appeared to be a mailbox on a post. The pain was so severe that it rendered me completely weak and made me decide and choose to lie down on the street and wait for my inevitable arrest. I completely surrendered. When both of the BPD officers got to me, (BPD officer Randy Petris #1155 and BPD officer Scott Roberts #1169) BPD officer Randy Petris #1155 began to strike and assault me with his baton while I was on the floor. I was struck about 7 to 10 times. He struck me with such force that I was hospitalized, and went unconscious due to shock of the pain. There were witnesses, there are investigative reports reporting the assault, as I have, and medical records from Kern Medical center exists which prove the extent of my injuries which are those consistent with an assault with excessive, unnecessary and deadly force with malice and deliberate indifference to my health, safety and life. After all settled I was left with serious injuries. Due to my attempts to block baton strikes, which would be fair to state that the strikes were aimed at my upper body, neck and head, I was left with a fractured left ulna forearm bone, wrist dislocation (left bone), wrist bone fractures. DR's/specialists informed me my injuries will take 3 years or more to heal, and that I will have to choose between a bone of my hand being removed or a bone fusion in order to repair some of the damage. DR's/specialists informed me my hand will never function the same and I'll be technically disabled due to the damage and limited use of my left hand after the procedure I choose is done. My due process rights of deprivation of life, liberty and property were violated. I had surrendered, even if I fled, I was not in a vehicle or going fast enough to outrun the BPD officers, I would have fatigued and inevitably arrested, thus there was no need to strike me with the police cruiser by BPD officer Scott Roberts #1169 when he got near me, and since I was on a bicycle, with trained police officers, and reasonable people, know it is dangerous to one's life if struck by a moving vehicle, it is fair to state that I was struck with deliberate indifference to my safety, health and life, since the risks were known, and I was struck with malicious intent. As well, when I was already weak and on the floor from the vehicle striking me and launching me into a mailbox on top of a pole, which the officers did see, when the officers ran to where I was lying, since I

IV. Statement of Claim(continued)

P.92

Case 1:14-cv-00978---JLT Document 1 Filed 06/23/14 Page 5 of 6

was just lying on the ground without movement, it was not necessary, since there was no reason to, for BPD Officer Randy Petris #1155 to pull out his baton and begin to beat me with such force as to hospitalize me, rendering me unconscious from shock of the pain and leave me with the aforementioned injuries which have and still will require several surgeries. 2 witnesses gave their statements to Private Investigators which verified the assault from BPD Officer Randy Petris #1155. Since I was just lying flat and surrendered before the officers got to me, there is no excuse and thus it was an assault, when BPD Officer Randy Petris #1155 struck me with his baton 7 to 10 times. As a trained Police Officer, BPD Officer Randy Petris knew and was well aware of the strength he was using while he was striking me with his baton, and he as well was well aware and knew of the risks to my safety, health and life from striking me with his baton as many times as he did with the strength he used. It was a malicious assault, criminally reckless, due to deliberate indifference by both, BPD Officer Scott Roberts #1169 when he struck me with his Police cruiser and from BPD Officer Randy Petris #1155 when he struck me with his baton in the manner he did, and my hospitalization, injuries and medical records are proof of it. My rights under the 5th amendment of due process in the process of depriving one of his or her life and freedom were violated, because, in the process due in an inevitable arrest, when one is not resisting, as in my case, beating someone with a baton, after striking the person with a vehicle, hospitalizing the person and cause life altering injuries as the damage to my hand which has now technically left me disabled, are not in any way shape or form in the inalienable rights I have of due process under the 5th amendment. If anything, those actions taken upon me with deliberate indifference to my life, safety and health, and carried out as a malicious assault, by 2 BPD officers, in a criminally reckless fashion, taking the actions under color of law, blatantly violate my due process rights. My liberty was taken in a manner which is criminal, by 2 BPD officers acting under color of law, and in no way part of the due process of depriving one of his or her liberty, by, at the same time, brutal and criminally reckless force with deliberate indifference causing me unnecessary pain and suffering and knowingly plus willingly putting my life at risk while being very aware of their actions. Putting my life at risk, nearly depriving me of life along with my freedom in a manner which, as trained Police officers, they knew is unconstitutional. My 14th amendment rights of equal protection under the law and due process were violated as well. By being deprived of my

IV. Statement of Claim(Continued)

P.9:

Case 1:14-cv-00978---JLT Document 1 Filed 06/23/14 Page 6 of 6

5th amendment rights, by BPD Officers Scott Roberts #1169 and Randy Petris #1155, of due Process, in the deprivation of life and liberty, as well deprived me of equal protection under the law which is an inalienable right of mine under the 14th amendment of the U.S. Constitution. Laws derived from the laws of the Constitution which are to protect everyone from Police brutality and the use of excessive, unnecessary and deadly force were violated by both listed BPD officers, and the protection they grant me, as they have granted to many individuals arrested before me, was denied to me by the brutal and criminal actions of both BPD officers. In violating my due process rights under the Fifth amendment, my due process rights under the 14th amendment were violated as well, by denying me and depriving me of the due process in depriving one of life and liberty and as well depriving me of equal protection under the law by depriving me of my due process under the 5th and being discriminated against by receiving the brutal treatment someone in a low income area overrun by gangs, such as where I was, and having what they identified as the look of a gang member, being profiled, stereotyped, aside from the treatment a Caucasian male with fitting clothes, parted hair and glasses in a high income prosperous part of the city, as statistics from the A.C.L.U and other civil rights groups in conjunction with prominent universities, show from many, many years of research. I endured unnecessary pain and suffering, mental anguish and was left aside from the life altering injuries, with post traumatic stress, and all due to being maliciously, recklessly and criminally assaulted by BPD officers Scott Roberts #1169 and Randy Petris #1155, willingly, with deliberate indifference to my health, safety and life while willingly and knowingly, significantly putting my safety and life at risk, knowing every negative risk of their actions, since they are trained Police officers, and all was done under color of law. I was deprived of my constitutional rights under the 5th and 14th amendments knowingly and willingly with deliberate indifference under color of law. It is due to all the aforementioned that I am asking for a jury trial to be granted relief.