

**FILED**

**JUN 01 2017**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY [Signature] DEPUTY CLERK

Derwin Butler, sr.

FULL NAME

COMMITTED NAME (if different)

California state Prison - Los Angeles County

FULL ADDRESS INCLUDING NAME OF INSTITUTION

P.O. Box # 4670, Lancaster, ca 93539-4670

F-10671

PRISON NUMBER (if applicable)

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Derwin Butler, sr.

PLAINTIFF,

Escamilla, H. Luna v.

DEFENDANT(S).

CASE NUMBER

1:17-cv-00623-MJS (PC)

To be supplied by the Clerk

**CIVIL RIGHTS COMPLAINT**

PURSUANT TO (Check one)

42 U.S.C. § 1983

Bivens v. Six Unknown Agents 403 U.S. 388 (1971)

**A. PREVIOUS LAWSUITS**

1. Have you brought any other lawsuits in a federal court while a prisoner:  Yes  No
2. If your answer to "1." is yes, how many? three

Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on an attached piece of paper using the same outline.)

prison conditioned each time.

**RECEIVED**

**JUN 01 2017**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_ DEPUTY CLERK

- a. Parties to this previous lawsuit:  
 Plaintiff: Derwin Butler, sr.  
 Defendants: Escamilla, H. Luna
- b. Court: united states District Court Eastern District of California
- c. Docket or case number: 1:17-cv-00623-MJS (PC)
- d. Name of judge to whom case was assigned: magistrate Judge - Michael J. Seng
- e. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it appealed? Is it still pending?): Is still pending.
- f. Issues raised: Personal Injury chin split open, chin laceration Battery to Body part's, Back of Head, and chin.
- g. Approximate date of filing lawsuit: May 3, 2017
- h. Approximate date of disposition: \_\_\_\_\_

**B. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

- 1. Is there a grievance procedure available at the institution where the events relating to your current complaint occurred?  Yes  No
- 2. Have you filed a grievance concerning the facts relating to your current complaint?  Yes  No  
 If your answer is no, explain why not \_\_\_\_\_

- 3. Is the grievance procedure completed?  Yes  No  
 If your answer is no, explain why not send to sacramento to chief Appeal's coordinator, Date of month April, 2017 and corcoran state prison,
- 4. Please attach copies of papers related to the grievance procedure.

**C. JURISDICTION**

This complaint alleges that the civil rights of plaintiff Derwin Butler, sr.  
(print plaintiff's name) PO Box # 4670  
 who presently resides at California state Prison, Los Angeles County Lancaster, ca 93539  
(mailing address or place of confinement)  
 were violated by the actions of the defendant(s) named below, which actions were directed against plaintiff at  
California state Prison - corcoran (8800) P.O. Box 8800 corcoran, ca 93212  
(institution/city where violation occurred)

on (date or dates) May 3, 2017 (Claim I) \_\_\_\_\_ (Claim II) \_\_\_\_\_ (Claim III)

NOTE: You need not name more than one defendant or allege more than one claim. If you are naming more than five (5) defendants, make a copy of this page to provide the information for additional defendants.

1. Defendant Escamilla \_\_\_\_\_ resides or works at  
(full name of first defendant) california state prison - corcoran  
P.O. Box # 8800 corcoran, california 93212-8809  
(full address of first defendant)  
correctional officer's  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both):  individual  official capacity.

Explain how this defendant was acting under color of law:

Excessive or inappropriate use of Force.

2. Defendant H. Luna \_\_\_\_\_ resides or works at  
(full name of first defendant) california state prison - corcoran  
P.O. Box # 8800 corcoran, california 93212-8809  
(full address of first defendant)  
correctional officer's  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both):  individual  official capacity.

Explain how this defendant was acting under color of law:

Excessive or inappropriate use of Force.

3. Defendant \_\_\_\_\_ resides or works at  
(full name of first defendant)  
\_\_\_\_\_  
(full address of first defendant)  
\_\_\_\_\_  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both):  individual  official capacity.

Explain how this defendant was acting under color of law:

\_\_\_\_\_  
\_\_\_\_\_

4. Defendant \_\_\_\_\_ resides or works at

(full name of first defendant)

\_\_\_\_\_  
(full address of first defendant)

\_\_\_\_\_  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both):  individual  official capacity.

Explain how this defendant was acting under color of law:

\_\_\_\_\_  
\_\_\_\_\_

5. Defendant \_\_\_\_\_ resides or works at

(full name of first defendant)

\_\_\_\_\_  
(full address of first defendant)

\_\_\_\_\_  
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both):  individual  official capacity.

Explain how this defendant was acting under color of law:

\_\_\_\_\_  
\_\_\_\_\_

D. CLAIMS\*

CLAIM I

The following civil right has been violated:

Personal Injury chin split open, chin laceration  
Battery to Body Part's, Back of Head, and chin.

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.

correctional officer's Escamilla use excessive or inappropriate use of Force,

H. Luna correctional officer's use excessive or inappropriate use of Force.

*\*If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.*

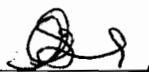
E. REQUEST FOR RELIEF

I believe that I am entitled to the following specific relief:

I believe I am entitled Jurisdiction  
action Amount demanded Doe's not exceed  
\$ 10,000, action is an unlimited civil  
case exceed's \$ 25,000.

complaint alleging excessive or  
inappropriate use OF Force.

May, 19, 2017  
(Date)

Derwin Butler   
(Signature of Plaintiff)