

Jeremy Estep #1233526

Name

NNCC

PO Box 7000

Carson City, NV. 89702

Prison Number

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

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Jeremy Estep

Plaintiff

vs.

Elko County Sheriff Office,

Deputy John Doe (leahy)

Defendant(s).

Case No. 3:20-cv-00635-GMN-WGC

(Supplied by Clerk of Court)

(First Amended)

**CIVIL RIGHTS COMPLAINT**

**PURSUANT TO**

**42 U.S.C. § 1983**

**A. JURISDICTION**

1) This complaint alleges that the civil rights of Plaintiff, Jeremy Estep,  
(print plaintiff's name)

who presently resides at Northern NV Corr. Center, were violated by

the actions of the below-named individuals that were directed against Plaintiff at

Elko Co, Jail Elko NV

(institution/city where violation occurred)

on the following dates:

11-17-2018, 11-17-2018, and 11-17-2018.

(Claim 1)

(Claim 2)

(Claim 3)

*Part C: Cause of Action*

- This is where you identify what rights you claim the defendant(s) violated. The form provides three pages for alleging three claims. If you are alleging more than three claims, then attach an additional page for each additional claim (so that there is only one claim per page). Number the additional pages "6-A," "6-B," etc. and insert the pages immediately behind page 6.
- You must identify which civil rights you claim have been violated.
- You must state facts supporting the violation. You should be as specific as possible and describe what each individual defendant did to violate your rights. You should name the individual defendants and include dates when possible.
- You must follow the Federal Rules of Civil Procedure when drafting your claims and allegations. Your complaint must contain "a short and plain statement of the claim showing that [you are] entitled to relief." Fed. R. Civ. P. 8(a)(2). "Each allegation must be simple, concise, and direct." Fed. R. Civ. P. 8(d)(1). "A party must state its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances." Fed. R. Civ. P. 10(b). Each claim founded on a separate transaction or occurrence must be stated in a separate count. *Id.* You may add multiple claims to a lawsuit when those claims are against the same defendant. Fed. R. Civ. P. 18(a). You may add multiple parties to a lawsuit where the right to relief arises out of the "same transaction, occurrence, or series of transactions or occurrences." Fed. R. Civ. P. 20(a)(2)(A). Unrelated claims that involve different defendants must be brought in separate lawsuits.

*Part D: Previous Lawsuits*

- You must identify any other lawsuit you have filed in either state or federal court that relates to the same or similar claims that you have alleged in this civil rights complaint.

*Part E: Request for Relief*

- Print the relief you are seeking in the space provided.

*Signature*

- You must sign your name and print the date you signed the complaint. Failure to sign the complaint will delay the processing of your action. If someone wrote this civil rights complaint for you (such as an inmate law clerk), that person must write their name on the line next to your signature.

**D. Amended Complaints**

If you need to change any information in the initial complaint, you must file an amended complaint. The amended complaint must be written on a new, blank copy of the attached civil rights complaint form. The amended complaint must be complete in itself and may not incorporate by reference any part of your prior complaint. Any allegations or defendants not included in the amended complaint are considered abandoned. Please refer to LR 15-1 and Fed. R. Civ. P. 15 for how and when a party may move the court to file an amended complaint.

**Make a copy of this page to provide the below information if you are naming more than five (5) defendants**

2) Defendant Elko Co. Sheriff resides at Elko NV, and is  
(full name of first defendant) (address of first defendant)  
employed as Sheriff. This defendant is sued in his/her  
(defendant's position and title, if any)  
\_\_\_ individual \_\_\_ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: Cruel & unusual punishment, Deliberate  
Indifference, Serious medical needs

3) Defendant Deputy John Doe resides at Elko NV, and is  
employed as Deputy. This defendant is sued in his/her  
\_\_\_ individual \_\_\_ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: \_\_\_\_\_

4) Defendant N/A resides at \_\_\_\_\_, and is  
employed as \_\_\_\_\_. This defendant is sued in his/her  
\_\_\_ individual \_\_\_ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: \_\_\_\_\_

5) Defendant N/A resides at \_\_\_\_\_, and is employed as \_\_\_\_\_. This defendant is sued in his/her \_\_\_ individual \_\_\_ official capacity. (Check one or both.) Explain how this defendant was acting under color of law: \_\_\_\_\_

6) Defendant N/A resides at \_\_\_\_\_, and is employed as \_\_\_\_\_. This defendant is sued in his/her \_\_\_ individual \_\_\_ official capacity. (Check one or both.) Explain how this defendant was acting under color of law: \_\_\_\_\_

7) 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 statutes, list them below.

N/A

**B. NATURE OF THE CASE**

8) Briefly state the background of your case.

Plaintiff was Attacked, Beaten, Tazed by Deputy John Doe  
on 11-17-18 while he was housed in a Mental health Cell.  
Plaintiff was Naked and showed no threat to Deputy.  
After incident plaintiff was denied Medical treatment,  
Plaintiff was denied grievance and access to pen & paper.

**C. CAUSE(S) OF ACTION**

**CLAIM 1**

The following civil rights have been violated: 8<sup>th</sup> Amendment

Cruel & unusual punishment, Excessive use of force.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Plaintiff was housed in a mental health cell in the Elko County Jail on 11-17-18. While sleeping, plaintiff heard his cell door open and a deputy John Doe came running in and immediately started hitting & kicking plaintiff. Plaintiff was housed naked and with no possessions of any kind. After plaintiff struggled to get away from the abuse Deputy John Doe Tazed plaintiff. Plaintiff at no time was a threat to Deputy. The Deputy & the Sheriff are responsible for the unnecessary & wanton infliction of pain. By being beaten & housed with no possessions while being housed naked The Sheriff & Deputy are in violation of the 8<sup>th</sup> amendment. The deputy's last name is Leahy. He no longer works for Elko County Sheriff's office. I was arrested on 11-16-18.

**CLAIM 2**

The following civil rights have been violated: 8<sup>th</sup> Amendment  
deliberat Indifference, Denied medical treatment

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Plaintiff was injured by Deputy Leahy on 11-17-18 & had blood coming out of his mouth. Elko County Sgt. Oldham asked plaintiff if he was hurt, & plaintiff told Oldham his Jaw hurt & left arm was swollen. Deputy Sgt. Oldham told plaintiff "you will be fine" To this day plaintiff has problems with his jaw. Every time he eats this brings him pain. The <sup>JAE</sup> Deputy Sgt Oldham was deliberate indifferent by not getting plaintiff treatment for his injuries.

**CLAIM 3**

The following civil rights have been violated: 1<sup>st</sup> - Fifth & 14<sup>th</sup> amendment,  
right of access to the courts.

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Plaintiff was denied access to the courts by Sheriff's Deputies or Sheriff himself denying him, a grievance to be able to exhaust his remedies. Since being in prison Plaintiff has also wrote several letters to the Elko CO, Sheriff's office trying to get grievances. While in custody of the Elko Co Sheriff, Plaintiff requested grievances for pain he was in for the incident he was in with Deputy Leahy on 11-17-18. And for not being allowed pen & paper, and not being seen by doctor.

9) Have you filed other actions in state or federal courts involving the **same or similar facts** as involved in this action? Circle one: Yes or **No**. If your answer is "Yes," describe each lawsuit. (If more than one, describe the others on an additional page answering the following questions.)

a) Defendants: \_\_\_\_\_

b) Name of court and docket number: \_\_\_\_\_

c) Disposition (for example, was the case dismissed, appealed or is it still pending?):

\_\_\_\_\_

d) Issues raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

e) Approximate date it was filed: \_\_\_\_\_

f) Approximate date of disposition: \_\_\_\_\_

10) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted? Circle one: Yes or **No**. If your answer is "Yes," describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page answering the following questions.)

**Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:**

a) Defendants: \_\_\_\_\_

b) Name of court and case number: \_\_\_\_\_

c) The case was dismissed because it was found to be (circle one): (1) frivolous; (2) malicious; or (3) failed to state a claim upon which relief could be granted.

d) Issues raised: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

e) Approximate date it was filed: \_\_\_\_\_

f) Approximate date of disposition: \_\_\_\_\_



**Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:**

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (circle one): (1) frivolous;  
(2) malicious; or (3) failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

**Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:**

- a) Defendants: \_\_\_\_\_
- b) Name of court and case number: \_\_\_\_\_
- c) The case was dismissed because it was found to be (circle one): (1) frivolous;  
(2) malicious; or (3) failed to state a claim upon which relief could be granted.
- d) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- e) Approximate date it was filed: \_\_\_\_\_
- f) Approximate date of disposition: \_\_\_\_\_

**D. REQUEST FOR RELIEF**

I believe I am entitled to the following relief: \$25,000.00, Compensatory  
damages, punitive damages \$25,000.00

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I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Robert Clark #78910  
(name of person who prepared or helped  
prepare this complaint if not the plaintiff)

Jenny Estep  
(signature of plaintiff)  
7-5-21  
(date)