

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:06CV154-MU-02

THEODORE J. WILLIAMS,)
Plaintiff,)
)
v.)
)
(FNU) STEWART, Captain)
with the Union County)
Sheriff's Department;)
B. MOSELY, Deputy with)
the Union County)
Sheriff's Department;)
M. CRENSHAW, Deputy with)
the Union County)
Sheriff's Department;)
(FNU) TIMSON, Deputy with) O R D E R
the Union County)
Sheriff's Department;)
and)
(FNU) COOKE, Deputy with)
the Union County)
Sheriff's Department,)
Defendants.)
_____)

THIS MATTER comes before the Court on the plaintiff's civil rights Complaint under 42 U.S.C. §1983, filed April 4, 2006.

By his Complaint, the plaintiff sets forth a series of allegations against the foregoing defendants. In sum, such Complaint alleges that defendant Stewart conspired with Jeffrey Brafford, a Captain with the Stanly County Sheriff's Department to violate the plaintiff's constitutional rights in retaliation

for the plaintiff's having filed civil rights Complaints and other grievances against various Stanly County officials.

As a result of that alleged conspiracy, the plaintiff alleges that in April 2004, defendants Mosely, Crenshaw, Cooke and Timson--all guards at the Union County Jail--while acting on Stewart's orders--illegally detained him at the Union County Jail without proper authorization to do so; that Mosely and Crenshaw sprayed mace into his face; that all four guards came to his holding cell and physically assaulted him; that three of the four guards restrained him while Mosely twisted his arm until it was fractured; and that the four guards then dragged him to the booking area, where they left him shackled to a chair for three to four hours.

The plaintiff further alleges that his four attackers ignored his requests for medical attention. In any event, the plaintiff reports that later on the day of his attack, he was transferred to the Stanly County Detention Center where he remained, presumably, until he was convicted on the charges for which he now remains incarcerated.

While it is far from clear to this Court whether the plaintiff will be able to prove his claims, it does appear that he has alleged matters which are sufficient to withstand the Court's initial review for frivolity. Consequently, the defendants will be required to respond to these allegations as provided under the

Federal Rules of Civil Procedure.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Clerk shall prepare and issue process in this matter, and shall deliver the same to the U.S. Marshal.
2. The U.S. Marshal shall serve the defendants with process.
3. The defendants shall respond to the plaintiff's allegations as set forth in his Complaint in accordance with the Federal Rules of Civil Procedure.

SO ORDERED.

Signed: April 11, 2006



Graham C. Mullen
United States District Judge

