

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Carlos Sebastian Woodley
(Enter above the full name of the plaintiff in this action)

COMPLAINT

Civil Action No. 09-1403 (KSH)
(To be supplied by the Clerk of the Court)

P.O. Joseph Al-ayoubi
P.O. J. Heermann
Hackensack Police
Department

(Enter above the full name of the defendant or defendants in this action)

RECEIVED - CLERK
U.S. DISTRICT COURT
2009 MAR 25 P 4:02

INSTRUCTIONS - READ CAREFULLY

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
6. Upon receipt of a fee of \$350.00, your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

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6. If you cannot prepay the \$350.00 filing fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth below. (If there is more than one plaintiff, each plaintiff must separately request permission to proceed in forma pauperis.)

The Prison Litigation Reform Act of 1996 ("PLRA"), effective April 26, 1996, has made significant changes to the in forma pauperis statute, 28 U.S.C. § 1915. The statute no longer provides for waiver of court filing fees for prisoners who are granted leave to proceed in forma pauperis. A prisoner who is granted leave to proceed in forma pauperis is not required to pay the filing fees in advance, but the prisoner is obligated to pay the entire filing fee in installment payments regardless of the outcome of the proceeding. This obligation to pay the filing fee continues even if the prisoner is transferred to another prison. Therefore, before submitting this application to the Clerk of the Court, a prisoner should consider carefully whether he or she wishes to go forward with the action.

The PLRA obligates prisoners who are granted in forma pauperis status to pay the entire filing fee in the following manner, regardless of the outcome of the litigation. 28 U.S.C. § 1915(b)(1) and (2). The agency having custody over the prisoner shall deduct from the prisoner's institutional account and forward to the Clerk of the Court (1) an initial partial filing fee equal to 20% of the greater of the average monthly deposits to the prisoner's account or the average monthly balance in the prisoner's account for the six-month period immediately preceding the filing of the complaint, and (2) payments equal to 20% of the preceding month's income credited to the prisoner's institutional account each month the amount in the account exceeds \$10.00, until the \$350.00 filing fee is paid. 28 U.S.C. § 1915(b)(1) and (2). However, a prisoner who has no assets and no means by which to pay the initial partial filing fee will not be prohibited from bringing a civil action. 28 U.S.C. § 1915(b)(4).

Each prisoner plaintiff who desires to proceed in forma pauperis must submit the following to the Clerk of the Court:

- a. a completed, signed, and dated application to proceed in forma pauperis (attached hereto); and
 - b. a certified copy of your prison account statement for the 6-month period immediately preceding submission of this application, listing the account balance and all deposits into the account. A prison account statement must be obtained from the appropriate official of each prison at which you are or were confined during the preceding 6 months.
7. If your application to proceed in forma pauperis does not conform to these instructions, you will be notified by letter of the nature of the deficiencies. If these deficiencies are not cured within 120 days of the date of the letter, the complaint will be deemed withdrawn, the Clerk's file will be closed, and no fees will be assessed against you.
8. If you are given permission to proceed in forma pauperis, the Clerk will prepare and issue a copy of the summons for each defendant. The copies of summonses and the copies of the complaint which you have submitted will be forwarded by the Clerk to the United States Marshal, who is responsible for service. The Marshal has USM-285 forms you must complete

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so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

QUESTIONS TO BE ANSWERED

1. Jurisdiction is asserted pursuant to (CHECK ONE)

~~42 U.S.C. § 1983 (applies to state prisoners)~~

Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics,
403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

2. Previously Dismissed Federal Civil Actions or Appeals

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more prior occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

b. Court and docket number: _____

c. Grounds for dismissal: () frivolous () malicious () failure to state a claim upon which relief may be granted

d. Approximate date of filing lawsuit: _____

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e. Approximate date of disposition: _____

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets.

3. Place of Present Confinement? Bergen County Jail
160 South River Street Hackensack N.J. 07601

4. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

a. Name of plaintiff: Curtis S. Woodley
Address: 160 South River Street Hackensack N.J.
07601
Inmate #: D-166045

b. First defendant - name: Joseph H. Al-Arabi
Official position: Police officer
Place of employment: Hackensack Police Department

How is this person involved in the case?
(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

He physically assaulted me! where upon I
had to receive stitches. He lied in the police report
and put fake charges on me. Furthermore he
had no probable cause to stop or detain me. It was
an illegal arrest. Racial profiling. He's the responding
Officer!!

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c. Second defendant - name: J. Herman

Official position: Police officer

Place of employment: Hackensack Police Department

How is this person involved in the case?
(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

He is the arresting officer. He had no probable cause to stop me. He put false charges on me and lied in the Police report as well as conspired with the responding officer.

d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

6. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page 6.

Yes No

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results. On 7/1/08 I filed a complaint with Capt. Walsh of the Internal Affairs Division at Hackensack Police Dept. Capt. Walsh informed me that an investigation would be conducted and I would be informed of the results of the investigation. As of this date no further response was received. However, the cause was closed against Police officer Al-Ayoubi (see Attached Letter). CSW

^{Initials:} If your answer is "No," briefly explain why administrative remedies were not exhausted.

CSW

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6. Statement of Claims

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach a separate sheet if necessary.)

The foundation of this case is flawed with falsehood and lies. It's all hearsay on behalf of the officer. The day of May 1st 2008 when I was arrested in Hackensack, NJ on Prospect and Broadway street on the sidewalk riding a bike. The original charge is possession and there's no drugs none exist. This incident was investigated by internal Affairs in Hackensack because the officer assaulted me in the police station while handcuffed on May 1st 2008. I had to receive stitches in my mouth to stop the bleeding. The officers lied in the police report saying I sustained my injuries resisting during the arrest when "in fact" it can't be true because my injuries are such that can't be caused by my falling on the concrete on my chin "as the officer says in the police report but I've no external chin injury. I've the medical records from Hackensack Union Medical Center as well as other paperwork to prove my case that the police had to cover up their misconduct. I had a probable cause hearing against the officer and it took "Judge Mcready" not even 10 minutes after hearing my sworn testimony ~~and~~ the officer's statement to charge the Al-Anabi officer with assault. ^{ENCLOSED} Here is a letter I sent to the Judge that explains everything and I've additional paperwork factual proof pertinent to this civil suit.

P.S. Thank you. Enclosed is Probable Cause Case # 09-01103-001-PROBABLE CAUSE Transcript filed by me plaintiff Hearing against the officer. All this took place on the day I was arrested 5/1/08

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7. Relief

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

I would like the court to compensate me for my pain and suffering, time spent in jail, medical expenses, emotional distress, and personal belongings lost. Mental anguish as well as slander!

8. Do you request a jury or non-jury trial? (Check only one)

() Jury Trial

() Non-Jury Trial

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

Signed this 25 day of March, 2009.


Signature of plaintiff¹

¹ EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF. REMEMBER, EACH PLAINTIFF MUST SIGN THE COMPLAINT.

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RELEASE

KNOW ALL MEN BY THESE PRESENTS, that I, CARLOS SEBASTIAN WOODLEY, for the sole consideration of SEVEN THOUSAND FIVE HUNDRED AND 00/100 (\$7,500.00) DOLLARS, in hand, paid to me, the receipt of which is hereby acknowledged, do, for myself, my heirs, executors, administrators, successors and assigns, hereby release and forever discharge, JOSEPH AL-AYOUBI, JOHN HERRMANN, CITY OF HACKENSACK, and the HACKENSACK POLICE DEPARTMENT, its agents, servants and employees, on account of injuries and damages, whether at this time known or unknown, resulting or to result from an incident that happened approximately on the 1st day of May, 2008, at Prospect Avenue and Berry Street, in the City of Hackensack, New Jersey, said incident being the basis for the claims as set forth in the complaint captioned *Carlos Sebastian Woodley v. P.O. Joseph Al-Ayoubi, P.O. John Herrmann, et al*, Civil Action No.: 2:09-cv-01403, filed in the United States District Court, District of New Jersey, this complaint incorporating any and all claims by me against the said defendants, as well as the City of Hackensack, Hackensack Police Department, their agents, servants, and employees, said complaint to be dismissed contemporaneously with the execution of this release and settlement.

IT IS FURTHER expressly agreed that this settlement is in the nature of a contractual compromise between the parties hereto and is not an admission of any legal liability whatsoever on the part of Joseph Al-Ayoubi, John Herrmann, the City of Hackensack, and the Hackensack Police Department, its agents, servants and employees, for injury or damages sustained by reason of said incident; that this release expresses the entire agreement between the parties hereto; and that the sum above mentioned is the sole consideration of this release. Further, it is expressly

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agreed that all parties to this lawsuit are responsible for their own costs and attorney's fees, if any.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2016.

CARLOS SEBASTIAN WOODLEY

STATE OF NEW JERSEY

COUNTY OF BERGEN **ss.:**

On this _____ day of _____, 2016, before me personally appeared **CARLOS SEBASTIAN WOODLEY**, to me known to be the person described herein and who executed the foregoing instrument and acknowledged that he voluntarily executed the same.

NOTARY PUBLIC

My Commission Expires:

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