

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the

District of NEW JERSEY

CIVIL Division

Case No. _____

(to be filled in by the Clerk's Office)

KEVIN LEWIS

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

LINDENWOLD POLICE DEPT., LINDENWOLD BOROUGH,
CHEIF OF POLICE THOMAS J. BRENNAN, POLICE
OFFICER EDWARD SLIMM

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: (check one) ☒ Yes ☐ No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	KEVIN LEWIS		
Address	10 HANOVER ROAD		
	MARLTON	NJ	08053
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	BURLINGTON		
Telephone Number			
E-Mail Address			

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	LINDENWOLD POLICE DEPARTMENT		
Job or Title <i>(if known)</i>			
Address	2001 EGG HARBOR ROAD		
	LINDENWOLD	NJ	08021
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	CAMDEN		
Telephone Number	856-784-7566		
E-Mail Address <i>(if known)</i>			

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name	LINDENWOLD BOROUGH		
Job or Title <i>(if known)</i>			
Address	15 N WHITE HORSE PIKE		
	LINDENWOLD	NJ	08021
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	CAMDEN		
Telephone Number	856-783-2121		
E-Mail Address <i>(if known)</i>			

☐ Individual capacity ☒ Official capacity

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

Defendant No. 3

Name CHIEF OF POLICE, THOMAS J. BRENNAN

Job or Title (if known)

Address

2001 EGG HARBOR ROAD

LINDENWOLD

NJ

08021

City

State

Zip Code

County

CAMDEN

Telephone Number

856-784-7566

E-Mail Address (if known)

☐ Individual capacity ☒ Official capacity

Defendant No. 4

Name POLICE OFFICER EDWARD SLIMM

Job or Title (if known)

PATROLMAN

Address

2001 EGG HARBOR ROAD

LINDENWOLD

NJ

08021

City

State

Zip Code

County

CAMDEN

Telephone Number

856-784-7566

E-Mail Address (if known)

☐ Individual capacity ☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

FALSE ARREST IN VIOLATION OF PLAINTIFF'S FOURTH AMENDMENT RIGHTS;
MALICIOUS PROSECUTION IN VIOLATION OF PLAINTIFF'S FOURTEENTH AMENDMENT RIGHTS.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

N/A

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

THE INCIDENT INVOLVED IN PLAINTIFF'S CLAIMS OCCURRED DURING AND PROCEEDING HIS ARREST BY THE DEFENDANT WHILE ON DUTY AND HIS SUPERVISORS ON CHARGES THAT WERE DISMISSED BY COURT. THESE ACTIONS BY DEFEDANTS WERE RACIAL MOTIVATED

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

LINDENWOLD BOROUGH, SPECIFICALLY THE LINDENWOLD POLICE DEPARTMENT, 511 E. GIBBSBORO RD (1700 BUILDING) (ARREST LOCATION), LINDENWOLD MUNICIPAL COURT

- B. What date and approximate time did the events giving rise to your claim(s) occur?

DATE OF INCIDENT WAS APRIL 5, 2018 (FALSE ARREST) AT APPROXIMATELY 10:35 PM, MALICIOUS PROSECUTION CONTINUED UNTIL CASE WAS DISMISSED SEPTEMBER 10, 2018 (ORDER TO DISMISS INDICTMENT)

- C. What are the facts underlying your claim(s)? (*For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*) Plaintiff was pulled over while driving in Lindenwold by Officer Slimm, apparently for alleged tinted windows violation. Plaintiff identified himself as a contractor for US Marshal Service (carries weapon), retired federal ranger, in addition to being a current school police officer. This was done not to gain favor but instead to put Officer Slimm at ease during the traffic stop. Plaintiff was arrested for impersonating a police officer with the intent to influence. Plaintiff provided proof he was who he said he was, but Plaintiff was indicted anyway, with no evidence of claims made by the defendants. Counsel for Plaintiff filed a motion to set aside indictment which was granted by the Court with no objection from the State or defendants. Incident lasted approximately 5 months during which Plaintiff's aforementioned rights were violated.
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IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Financial hardship with missed work and attorney fees to defend criminal matter.

Name and reputation in both his personal and professional life.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Plaintiff respectfully requests money damages in an amount in excess of \$50,000.00. This amount includes actually damages of approximately \$10,000 and punitive damages in an amount that would prevent similiar future actions by the defendants. Because the Plaintiff was African American the Defendant Slimm did not belive him and the violations started at that point and continued each time a defendant took the opportunity to continue the action until the Court dismissed.

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VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff _____

Printed Name of Plaintiff _____

B. For Attorneys

Date of signing: Oct 1, 2018

Signature of Attorney

Printed Name of Attorney

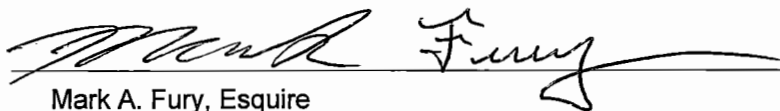
Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address


 Mark A. Fury, Esquire
 011601986
 Law Offices of Mark A. Fury, PC
 22 Washington Street
 Mount Holly NJ 08060
City State Zip Code
 609-518-8980
 furylaw@hotmail.com

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Kevin Lewis

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

Burlington

(c) Attorneys (Firm Name, Address, and Telephone Number)

Mark A. Fung 609-518-8960
22 Washington St Mount Holly, NJ 08060

DEFENDANTS

2018 OCT -2 P 3:06

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

CAMDEN

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☒ 1 | ☒ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☒ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title 42 Section 1983

Brief description of cause:

False arrest and malicious prosecution

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/1/18

SIGNATURE OF ATTORNEY OF RECORD

Mark A. Fung

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Court Name: USDC, District of New Jersey

Division: 1

Receipt Number: CAM009987

Cashier ID: cwright

Transaction Date: 10/02/2018

Payer Name: SANDHER AND LEHMAN

CIVIL FILING FEE

For: SANDHER AND LEHMAN

Amount: \$400.00

Paper Check Conversion

Check/Money Order Num: 1263

Ant Tendered: \$400.00

Total Due: \$400.00

Total Tendered: \$400.00

Change Amt: \$0.00

KEVIN LEWIS V LINDENWOLD POLICE
DEPT

"Only when bank clears the check,
money order, or verifies credit of
funds is the fee or debt officially
paid or discharged. A \$53 fee will
be charged for any payment which is
returned or denied for insufficient
funds."