

Stanley L. Niblack#923038A/769213
S.S.C.F. (Unit 6R)
4295 Rte. 47
Delmont, New Jersey 08314

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
VICINAGE OF TRENTON

CLERK U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
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STANLEY L. NIBLACK,	:	
Plaintiff,	:	Civil Action No.:
	:	
v.	:	
	:	
DETECTIVE ANTHONY MURRAY,	:	
S.O. JUSTIN POBLETE,	:	
BOROUGH OF BRADLEY BEACH,	:	
MAYOR JULIE SCRECK,	:	
CHIEF LEONARD GUIDA,	:	
DETECTIVE TERRY BROWNING,	:	
S.O. KYLE EARLY,	:	
LIEUTENANT STEPHEN FAHNHOLTZ,	:	<u>CIVIL ACTION</u>
SERGEANT MICHAEL RICCIARDI,	:	
PTLM. KEVIN GALE,	:	COMPLAINT
BRADLEY BEACH FIRST AID,	:	
MAUREEN McCALTRY, AND	:	
JANE DOE,	:	
Defendant's,	:	

PARTIES

Plaintiff: Stanley L. Niblack, SBI No.: 923038A; State No.: 769213;
Southern State Correctional Facility, (Unit 6R), 4295
Route 47, Delmont, New Jersey 08314.

Defendants: Detective Anthony Murray, 701 Main St., Bradley Beach,
New Jersey 07720;

Special Officer Justin Poblete, 701 Main St., Bradley
Beach, New Jersey 07720;

Borough of Bradley Beach, Municipal Bldg., 701 Main St.,
Bradley Beach, New Jersey 07720;

Mayor Julie Schreck, Municipal Bldg., 701 Main St.,
Bradley Beach, New Jersey 07720;

Chief Leonard Guida, 701 Main St., Bradley Beach, New
Jersey 07720;

Detective Terry Browning, 701 Main St., Bradley Beach,
New Jersey 07720;

Lieutenant Stephen Fahnholtz, 701 Main St., Bradley Beach,
New Jersey 07720

Sergeant Michael Ricciardi, 701 Main St., Bradley Beach,
New Jersey 07720;

Patrolman Kevin Gale, 701 Main St., Bradley Beach, New
Jersey 07720;

Bradley Beach First Aid, 725 Main St., Bradley Beach, New
Jersey 07720:

Maureen McCaltry, 725 Main St., Bradley Beach, New Jersey
07720; and

Jane Doe, 725 Main St., Bradley Beach, New Jersey 07720.

JURISDICTION

Plaintiff asserts jurisdiction pursuant to 42 U.S.C. § 1983,
28 U.S.C.A. § 1331 and 28 U.S.C.A. § 1343.

CAUSE OF ACTION

1. That on or about the 8th day of March, 2012, I was entering the municipal court complex in the Borough of Bradley Beach, New Jersey. When I went to retain some items out of a bin so that I could retrieve my court papers that I had left in my truck. As I was exiting the building Special Officer Justin Poblete and Detective Anthony Murray grabbed me from behind slamming me down head first into the concrete. In which caused an injury to the left side of my face, swollen jaw area and over my left eye where I could not see out of it.

2. While on the ground I was punched and kicked by Detective Murray, S.O. Poblete, Detective Terry Browning and S.O. Kyle Early. Other officers, Sergeant Michael Ricciardi and Lieutenant Stephen Fahnholtz joined these officers striking this plaintiff in the chest, abdomen, arms and legs repeatedly. While on the ground my face was being repeatedly smashed and mushed into the concrete. This continued even while I was handcuffed. None of these officers stopped any other officer from using excessive force on the plaintiff. They directed as persons in charge, had

knowledge of and acquiesced in their subordinates use of excessive force and police brutality upon this plaintiff.

3. While being escorted into the police station by Detective Anthony Murray, Sergeant Ricciardi, Lieutenant Fahnholtz and Patrolman Kevin Gale. I informed them that the handcuffs were hurting and cutting into my wrists. They told me to shut the fuck up then proceeded to yanking and pulling up on the cuffs up my back exerting even more excruciating pain that causes this plaintiff to cry out in agony and anguish. Through excruciating pain in my face, body and mainly right wrist. As I was bleeding in my face and I was unable to see along with enormous abdominal pain.

4. I requested medical attention and the first aid arrived. As they were attending to my injuries I requested to be taken to the hospital. Detective Murray and Sergeant Ricciardi, along with defendant's Maureen McCaltry and Jane Doe told me to sign a release for medical attention form. As I started to sign I could not see clearly, but my right faintly caught refusal on the form so I didn't complete signing it. When I questioned these defendants about their attempts to trick me into signing a refusal of medical attention form. These officers told me to shut the fuck up and sign the goddamn form I was not being taken to no fucking hospital. That maybe I'll get some treatment when my ass get to the County Jail. The nurses then reluctantly gave me an ice pack for my swollen, cut, bruised and painfully sore wrist. They left me injured, left eye swollen, bruised and unable to see out of it and in excruciating pain I was thrown back into a jail cell without medical treatment.

5. The defendants, Borough of Bradley Beach, Mayor Julie Schreck and Chief Leonard Guida, fails to train, supervise or discipline the police officers under their command. Their actions and/or inactions causes or creates an atmosphere of acceptance of Constitutional Deprivations to be levied upon the inhabitants, citizens and members of the City's/Borough's general public population.

6. The inadequacy of these defendants, Borough of Bradley Beach, Mayor Julie Schreck and Chief Leonard Guida, training of their police officers on Constitutional Mandates exhibits a deliberate indifference to rights of persons their officers come into contact with. Where the extremely faulty training program of the Borough of Bradley Beach Police Officers is a direct and/or indirect result of their use of excessive force, police brutality and deliberate indifference to detainees medical needs. That further leads to Constitutional Infringements on it in-

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habitants or citizens to be free from such blatant abuses. The action(s)
stated herein to be unconstitutional implements or excutes a policy
statement, ordinance, regulation or decision officially adopted and pro-
mulgated by this body/s officers within the Borough of Bradley beach.

7. The Borough of Bradley Beach, Mayor Julie Schreck, and Chief Leonard Guida, has made a deliberate and conscious choice in failing to train its police officers on constitutional mandates in the context of use of force or medical treatment for detainees in their custody and care. Failing to even discipline their police officers although other instances of excessive force, police brutality and deliberate indifference to detainees medical needs are known to them. These defendants condone, tolerate and acquiesce in these constitutional deprivations.

8. The Borough of Bradley Beach has a history of widespread abuse imputed to supervisory and personnel prior misbehavior. These Borough Policy Makers has implemented practices, procedures, policies, rules, regulations, standards, ordinances, customs and/or usages. That violate its inhabitants constitutional rights which are so permanent and well settled in the Borough of Bradley Beach as to constitute a "custom or usage" with force of law. Where their deliberate indifference to constitutional mandates and to properly or adequately train their police officers, is the moving force behind the constitutional violations or torts.

9. The Bradley Beach First Aid, Maurren McGalterry, and Jane Doe would not give and/or seek medical treatment for the plaintiff. Although, they were aware that emergency treatment for plaintiff's injuries were necessary these defendants acted deliberately indifferent to plaintiff's medical needs. Where they even conspired and/or acquiesced with defendants, Anthony Murray and Sergeant Michael Ricciardi. Seeking to obtain a false refusal for medical care signature and denial of transfer to a local hospital for the proper care and treatment.

10. Although, all of the herein defendants either alleged, was informed or thought in some capacity that the plaintiff had or may have had consumed a controlled dangerous substance orally. No defendant, its agents, representatives or subordinates in any manner sought a dry cell, plaintiff's stomach pumped or the acquisition of a warrant to conduct a body cavity search. Which would not have only obscured defendants false allegations of plaintiff having swallowed a controlled dangerous substance. But, may have sustained a recourse in obtaining adequate medical care for plaintiff (detainee) who's life allegedly may have been in

jeopardy. Which could have entailed from an drug overdose if plaintiff had actually consumed a controlled dangerous substance and died in police custody as alleged. Aside from defendants not seeking medical attention for the plaintiff (detainee) for his other obvious medical injuries and relief from the excruciating pain that a hospital could have provided.

DEMAND

Defendants: Det. Anthony Murray; S.O. Justin Poblete; Mayor Julie Schreck; Chief Leonard Guida; Det. Terry Browning; S.O. Kyle Early; Lt. Stephen Fahnoltz; Sgt. Michael Ricciardi; Ptlm. Kevin Gale; Maureen McCaltery; and Jane Doe, are each sued in their individual and official capacities for the sum of One Million Dollars in United States Currency (\$1,000,000) as to each defendant for a total sum of Eleven Million Dollars in United States currency (\$11,000,000). Borough of Bradley Beach is sued for the sum of Seven Million Dollars in United States Currency (\$7,000,000). Bradley Beach First Aid is sued for the sum of Two Million Dollars in United States Currency (\$2,000,000).

With a total sum of Twenty Million Dollars in United States Currency (\$20,000,000), for compensatory, punitive/exemplary and special damages as to all the herein named defendant's in this matter.

DECLATORY RELIEF

That the Borough of Bradley Beach implement and promulgate adequate training program for their police officers on constitutional mandates of legal use of force and medical treatment of detainees in such obvious needs. With rules, regulations and standards set forth in a manual that all officers on this force must follow when dealing with members of the public or persons they come in contact with.

That the Borough of Bradley Beach implement guidelines for disciplinary actions to be taken when members of its police violate constitutional infirmities of citizens. Along with a meaningful procedure for its inhabitants complaints adhered to in a reasonable and fair manner. That is taken serious by this police department for the public to have a meaningful and adequate forum for redress of their grievances. With the Bradley Beach First Aid implementing the same such procedure when they are called to render treatment to detainees, providing proper and professional medical to those that need it.

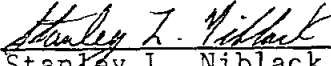
Plaintiff seeks to enter a "Consent Decree" on a three year moratorium on use of force and medical treatment accessed by the borough of Bradley Beach Police Department and Borough of Bradley Beach First Aid. With the collection on comprehensive data on the race and ethnicity of individuals that the Borough of Bradley beach police use force upon and the injuries they sustain the medical treatment they are provided. As well as the properly and professionally treatment accorded individuals in relation to the police departments use of force on detainees rendered by the Borough of bradley Beach First Aid. So that it would be possible to determine whether discriminatory practices are continuing in this Borough/Municipality.

JURY DEMAND

The plaintiff demands trial by a jury on all of the triable issues of this complaint, pursuant to F.R.C.P. 38(b) and Loc. Civ. Rule 38.1 "and Demand for Jury Trial".

SLN/stsc

Respectfully Submitted,


Stanley L. Niblack

Dated: October 22, 2012

Stanley L. Niblack#923038A/769213
S.S.C.F. (Unit 6R)
4295 Rte. 47
Delmont, New Jersey 08314

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
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TO: United States District Court
District of New Jersey
Clarkson S. Fisher Federal Bldg. & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

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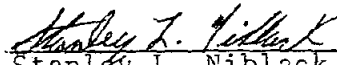
RE: Stanley L. Niblack v. Detective Anthony Murray, et al.
Complaint

Dear Sir/Madame,

Please find enclosed my complaint to be filed in regards to the above referenced matter. Would you kindly mark as recieved and filed as in your normal course. I have enclosed a signed certification in regards to my inmate account statement which is also enclosed. Along with my application to proceed in forma pauperis. I believe that this is the vicinage that I would like to proceed in.

SLN/stsc

Respectfully Submitted,


Stanley L. Niblack

Dated: October 23; 2012