

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SHAKHZOD SHOKIRJONIY,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

THE CITY OF CLINTON TOWNSHIP, ET
AL.,
Defendant

CASE
NUMBER: 3:18-CV-08904-BRM-DEA

TO: (Name and address of Defendant)
SGT Andy McCluskey
Clinton Township Police Dept.
1370 Rt. 31/4, 3RD #
Annadale NO. 08801

RECEIVED

AUG 01 2018

AT 8:30
WILLIAM T. WALSH
CLERK

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) -- or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) -- you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH
CLERK

Melissa M. Haneke
(by) DEPUTY CLERK



ISSUED ON 2018-06-06 12:54:01, Clerk
USDC NJD

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

OR.

Shakhzod Shokirjoniy
In Propria Persona,
Plaintiff,
Vs

THE CITY OF CLINTON TOWNSHIP,

CLINTON TOWNSHIP POLICE OFFICERS ✓
SGT Andy McCluskey, from the Clinton
Township Police Department
1370 Rt 31N. 3RD# Annandale NJ. 08801, and

Peter Schlesier, from the Clinton ✓
Township Police Department from the Clinton
Township Police Department 1370 Rt
31N. 3RD# Annandale NJ. 08801, and

Joe Sangiovanni from the Clinton
Township Police Department 1370
Rt 31N. 3RD# Annandale NJ. 08801, and

PTL Danberry from the High Bridge
police Department 99 W Main St,
High Bridge, NJ 08829, and

Katherine Errickson's City Prosecutor
56 Main St. Suit 2A
Flemington NJ. 08822, and

Eric Perkins Clinton Municipal Court Judge
1370 Rt 31N. 3RD# Annandale NJ. 08801
Defendants etal.

COMPLAINT TO RECOVER DAMAGES FOR
DEPRIVATION OF CIVIL RIGHTS AND PERSONAL INJURY

JURISDICTION AND VENUE

Plaintiff brings this complaint under 42 U.S.C. Section 1983, the New Jersey Tort Claims Act, the New Jersey legal Malpractice Act, and the New Jersey Unfair Practices Act for damages resulting from the Deprivation of Civil Rights, Legal Malpractice and Unfair Practices inflicted upon Plaintiff by Police and Defendant Clerks and Court Personal.

The court has jurisdiction of this action (28 U.S.C. Sec. 1343) and of the parties.

Venue is proper in this judicial district as the incident complained of occurred in this district.

Plaintiff alleges as follows:

PARTIES

1. Plaintiff Shakhzod Shokirjoniy is an individual who is a resident of the City of Miamisburg Montgomery County, State of Ohio.
2. Defendant City of Clinton Township is a municipality in the State of New Jersey.
3. Defendant SGT Andy McCluskey from the Clinton Township Police Department and is a law enforcement officer for the City of Clinton. Defendant was acting under color of state law and in the course and scope of his employment as a law enforcement officer with the City of Clinton Township at all times material.
4. Defendant Joe Sangiovanni, from the Clinton Township Police Department is a law enforcement officer for the City of City of Clinton. Defendant was acting under color of state law and in the course and scope of his employment as a law enforcement officer with the City of Clinton at all times material.
5. Peter Schlesier, from the Clinton Township Police Department is a law enforcement officer for the City of City of Clinton. Defendant was acting under color of state law and in the course and scope of his employment as a law enforcement officer with the City of Clinton at all times material.
6. PTL Danberry from the High Bridge police Department is a law enforcement officer for the City High Bridge, NJ 08829. Defendant is a law enforcement officer for the High Bridge Police Department. Defendant was acting under color of state law and in the course and scope of his employment as a law enforcement officer with the City of Deming at all times material.
7. Katherine Errickson's is a prosecutor for the City of Clinton Township Municipal Court Defendant was acting under color of state law and in the course and scope of her employment as a law enforcement officer with the City of Clinton at all times material.

8. Eric Perkins Clinton Township Municipal Court Defendant was acting under color of state law and in the course and scope of his employment as a City Judge with the City of Clinton at all times material.

FACTUAL BACKGROUND

9. On or about July 21 2017 at approximately 2:18am, Plaintiff's vehicle was stopped by Defendant SGT Andy McCluskey cited the Plaintiff for an alleged lane change violation. See City and State ordinance statute number (39:4-88B) is also known as an unsafe lane change.
10. Defendant McCluskey and several other defendants listed here were sitting Rout 31 as the Plaintiff passed them.
11. The Officers were sitting directly in front of a Speed Way gas station blocking the Plaintiff from entering therefore he kept going and was making a U turn to go around them when he was suddenly pulled over by McCluskey.
12. Prior to the stop the Plaintiff noticed that McCluskey and the other defendants had another vehicle pulled over at the time he passed them.
13. The time was about 2:18 am at the time the defendants engaged the Plaintiff.
14. PTL Danberry and a second Officer Peter Schlesier approached the vehicle they asked where the Plaintiff was coming from, he answered from across seas, they asked where you are going, the Plaintiff replied home to Ohio, the Officers asked for the Plaintiff driver's license at that point.
15. One of the Officers stated that one of the Plaintiff brake lights was out.
16. The Officers then took the Plaintiff license back to their cruiser.
17. The Officers informed the Plaintiff that his New York license had expired.
18. The Plaintiff informed the Officers that his fines had been paid in New York.
19. The Officers then asked was there any illegal substances in his vehicle.
20. Peter Schlesier, stated that there was drugs in the vehicle.
21. The Plaintiff stated he had some Marijuana and proceed to search the vehicle.
22. The Plaintiff did not consent to a search.
23. The Plaintiff eventually did consent to the search.
24. Defendant McCluskey had the Plaintiff to sign a waiver for the search.

25. After 30-40 minutes the Defendants took the Plaintiff to the station and placed him in a camera room while hand cuffed.

26. The cuffs remained on the Plaintiff for an additional 20-30 minutes.

27. The Plaintiff was finger printed and had his photo taken and was given three tickets lane change, middle tail light, possession of marijuana.

TICKET FIXING

28. At the conclusion of booking the defendants gave the Plaintiff a lane change violation but the ticket never given at the initial stop constituting racketeering and ticket fixing scheme.

29. The first matter was over and the Plaintiff was taken back to his automobile, the Officers refused to allow him to see what break light was out because they knew you don't need a middle stop light to operate an automobile.

SECOND ENCOUNTER WITH SAME DEFENDANTS

30. The Plaintiff had made it back to New Jersey Clinton Township for trial on his first set of ticket as explained to the Court.

31. The Plaintiff was sitting peacefully in his vehicle in a private parking lot not far from the Courthouse in Clinton County Township so that he could appear that next day as scheduled on the previously filed tickets.

32. On or about 4:30 am on January 19 2018 the plaintiff was sleeping in his automobile when defendant McCluskey saw the defendant sleeping and began beating on his window ordering the Plaintiff to open his door and come out.

33. The Plaintiff replied that he was not armed and meant no harm he was just resting until Court opened.

34. The officers stated that the Plaintiff had to leave the premises.

35. At this point defendant McCluskey attempted to enter the vehicle by force because the Plaintiff refused to leave as ordered.

36. Defendant Joe Sangiovanni, attempted to pry open the door with a long metal device.

37. Defendant McCluskey hit the driver side rear window and busted it out.

38. After defendant McCluskey busted the window the Plaintiff told the Officers that he was on his way out.

39. When the Plaintiff began to exit the vehicle defendant McCluskey hit him with a large dose of pepper spray causing the Plaintiff to fall to the ground.

40. The team of Officers cuffed the Plaintiff and knocked him back to the ground injuring his right lower extremity and knee.
41. The Officers then sat the Plaintiff on the ground next to his vehicle.
42. The Plaintiff could not see and an ambulance was called to treat him for his injuries.
43. The Officers then proceeded to bring a K-9 to sniff for drugs.
44. The Officers conducted a search for drugs and found no drugs or controlled substances.
45. The Officers then placed the Plaintiff in a marked cruiser then he was taken to the City jail.
46. The Officers held the Plaintiff in cuffs for several hours while they tested the marijuana found in his vehicle.
47. The Plaintiff begged the Officers at this point to remove the cuffs because his wrist was in great pain and his skin was burning from the cuffs.
48. The officers removed the cuffs at one point and allowed the Plaintiff to clean his wounds and injuries.
49. A field test was conducted on the Marijuana then the Plaintiff was ticked then taken back to his vehicle.
50. The Plaintiff then went to the Court building as scheduled so that he could file his documents to contest the tickets concerning the first stop.
51. Defendant McCluskey witnessed the Plaintiff in the clerk's office in the Court building and informed him not to waste the Court's time filing motions concerning the traffic stop, assault search and seizure attempting to intimidate the Plaintiff and told him he had to hurry up and leave the premises.

COUNT I -- UNREASONABLE SEARCH AND SEIZURE

(July 21, 2017 Traffic Stop) (Against defendant McCluskey)

52. Plaintiff incorporates the preceding paragraphs 51 by reference herein defendant McCluskey and several other Police stopped Plaintiff for an alleged routine traffic violation.
53. Defendant McCluskey and the other Officers lacked probable cause to order Plaintiff to exit his vehicle on July 21, 2017.
54. Defendant Peter Schlesier and the other Officers lacked probable cause to detain Plaintiff during the traffic stop, or in the alternative, Defendant McCluskey and the other Officers detained Plaintiff for an unreasonable amount of time.

55. Defendant McCluskey and the other Officers lacked probable cause to interrogate Plaintiff.

56. Defendant McCluskey and the other Officers lacked probable cause to seize and search Plaintiff's vehicle.

57. Defendant McCluskey and the other Officers acts were objectively unreasonable.

58. Defendant McCluskey and the other Officers acts violated Plaintiff's Fourth Amendment rights to be secure in his person from unreasonable search and seizures.

59. Defendant McCluskey and the other Officers deprivation of Plaintiff's rights caused Plaintiff damages.

60. Defendant McCluskey and the other Officers acted willfully, knowingly and purposefully and/or with deliberate indifference to deprive Plaintiff of his Constitutional Rights. As a result of the nature of Defendant's conduct, Plaintiff is entitled to recover punitive damages against the Individual Defendants.

COUNT II – FIRST AMENDMENT RETALIATION

(JANUARY 19, 2018 ASSAULT)

(Against McCluskey and the other Officers and Defendant Clinton Township)

Plaintiff incorporates the preceding paragraphs 60 by reference herein.

61. Plaintiff believes, and therefore avers, that Plaintiff's question about whether he had to leave private premises caused Defendant McCluskey and the other Officers to retaliate against Plaintiff by further detaining Plaintiff assaulting him and destroying his vehicle.

62. Plaintiff's statement asserting his right to be free from unlawful detentions was protected first amendment activity.

63. Defendant McCluskey and the other Officers retaliation was unlawful and would chill an ordinary person in the exercise of first amendment rights to redress government, namely verbally asserting their rights to peace officers.

64. As a result of Defendant McCluskey and the other Officers conduct, Plaintiff suffered damages.

65. Defendant McCluskey and the other Officers acted willfully, knowingly and purposefully and/or with deliberate indifference to deprive Plaintiff of his Constitutional Rights. As a result of the nature of Defendant's conduct, Plaintiff is entitled to recover punitive damages against the individual Defendants.

COUNT III – UNREASONABLE SEARCH AND SEIZURE

(JANUARY 19, 2018 TRAFFIC STOP RE: ARREST)

(Against Defendant Peter Schlesier and Defendant City of Clinton Township Police and the Corresponding Police Officers)

Plaintiff incorporates the preceding paragraphs 65 by reference herein.

66. As a result of the "routine" traffic stop, Defendant officers held Plaintiff in custody from about 2:30 am. until 5:00 a.m. on July 21 2017.

67. Defendant officers detained Plaintiff for such an unreasonable amount of time that Defendant officers constructively placed Plaintiff under arrest.

68. During this arrest, Plaintiff was handcuffed, and driven around Clinton Township Police making stops to the police department.

69. Defendant officers lacked probable cause to arrest Plaintiff.

70. Defendant officers did not obtain a warrant to arrest Plaintiff.

71. Defendant officers deprived Plaintiff of his Fourth Amendment rights to be secure in his person by arresting him.

72. The arrest of Plaintiff was wrongful, without probable cause and deprived Plaintiff of his Fourth Amendment right to be free of unreasonable seizures.

73. The actions of Defendant officers proximately caused damages to Plaintiff in loss of liberty, embarrassment, humiliation, pain and suffering and mental and emotional distress.

74. Defendant officers acted willfully, knowingly and purposefully and/or with deliberate indifference to deprive the Plaintiff of his Constitutional Rights. As a result of the nature of Defendants' conduct, Plaintiff is entitled to recover punitive damages against the individual Defendants.

75. The actions of the Defendant officers were the result of wither a lack of training and supervision or a de facto policy of failing to comply with Fourth Amendment Standards on the part of Hidalgo County.

**COUNT IV – UNREASONABLE USE OF FORCE SEARCH AND SEIZURE
(JANUARY 19, 2018 TRAFFIC STOP RE: WARRANT)**

(Defendants City of Clinton Township Police Defendant McCluskey and the other Officers lacked probable cause to order Plaintiff to exit his vehicle on July 21, 2017.

Plaintiff incorporates the preceding paragraphs 75 by reference herein.

76. Defendant McCluskey and the other Officers lacked probable cause to order Plaintiff to exit his vehicle on July 21, 2017. Defendant

77. As a result of the false imprisonment, and Use of force on JANUARY 19, 2018 Plaintiff suffered damages.

78. Implementing §14141 "Pattern or Practice" Reform:

Evidence from the two Police Departments Pattern of Practice sustains pattern of practice of assault, use of force, false imprisonment, false arrest, illegal detention, racial indifference, malice, spite and ill will.

JURY DEMAND

78. Plaintiff hereby demands trial by jury.

REQUEST FOR RELIEF

Plaintiff incorporates the preceding paragraphs by reference herein. WHEREFORE, Plaintiff seeks the following relief:

- I. Actual and compensatory damages sufficient to 12.5 MILLION make him whole.
- II. Punitive damages against Defendants sufficient to punish them and to deter further wrongdoing;
- III. Treble damages;
- IV. Injunctive relief sufficient to protect Plaintiff and his family from ongoing harassment and intimidation of Defendants.
- V. Attorney and other' fees, litigation expenses, costs, pre- and post-judgment interest as provided by law; and
- VI. Such other and further relief as the Court deems just and proper.

Respectfully submitted,

SHAKIROD SHOKIRJONOV
 UCC 1-308 5-4-18

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SHAKHZOD SHOKIRJONIY,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

THE CITY OF CLINTON TOWNSHIP, ET
AL.,
Defendant

CASE
NUMBER: 3:18-CV-08904-BRM-DEA

TO: (Name and address of Defendant):

Joe Sangiovanni
Clinton Township Police Dept.
1370 Rt N. 3RD #
Annandale NJ 08801

RECEIVED

AUG 01 2018

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH
CLERK

Melissa M. Haneke
(By) DEPUTY CLERK



ISSUED ON 2018-06-06 12:54:01, Clerk
USDC NJD

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

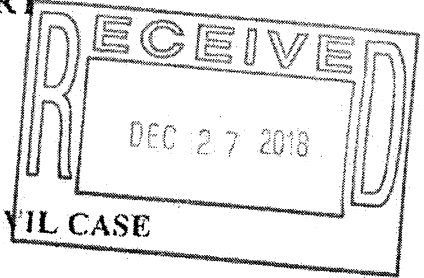
SHAKHZOD SHOKIRJONIY,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

THE CITY OF CLINTON TOWNSHIP, ET
AL.,
Defendant

CASE
NUMBER: 3:18-CV-08904-BRM-DEA



TO: (Name and address of Defendant):

Peter Schesier
Clinton Township Police Dept.
1370 Mt. 31N, 3RD #
Annandale NJ 08801

RECEIVED

AUG 01 2018

A lawsuit has been filed against you.

AT 8:30
WILLIAM T. WALSH
CLERK

Within 21 days after service of this summons on you (not counting the day you received it) or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH
CLERK

Melissa M. Haneke
BUDGETARY CLERK



ISSUED ON 2018-06-06 12:54:01, Clerk
USDC NJD