

To: INSVNJ <INSVNJ@pnat.com>
 From: "Sheerin, Terry" <TSheerin@pnat.com>
 Date: Tue, 26 May 2015 17:26:14 -0400
 Subject: FW: Boyd v. Sylvester, et als (U.S. District Court - Docket No. 15-2210(SRC))

Account #285

NEW LOSS

From: Peggy Page-brown [mailto:peggy.page-brown@plainfieldnj.gov]
Sent: Tuesday, May 26, 2015 4:54 PM
To: Sheerin, Terry
Cc: Wendy Wiebalk; Stephen Daveggia (sdaveggia@nipgroup.com); Vernita Sias-Hill
Subject: Boyd v. Sylvester, et als (U.S. District Court - Docket No. 15-2210(SRC))
Importance: High
Sensitivity: Confidential

Good afternoon Ms. Sheerin:

Attached is a Complaint filed in the US District Court for the District of New Jersey on or about April 30, 2015, and served upon the defendants on or about May 26, 2015. The incident being complained of is alleged to have occurred on or about June 6, 2012; and alleges various civil rights violations and/or police misconduct. Based upon the date of the alleged incident, this matter needs to be reported to the appropriate party(ies) at the City's former excess carrier (MEL). Please be guided accordingly, as defense counsel needs to be assigned for the defendants.

Thank you and kindest,

Peggy Page-Brown, Confidential Assistant
On behalf of Vernita E. Sias-Hill, Corporation Counsel

City of Plainfield - Office of Corporation Counsel
515 Watchung Avenue
Plainfield, New Jersey 07061
Phone: 908-226-4901
Fax: 908-226-4903
Email: peggy.page-brown@plainfieldnj.gov
Website: www.plainfieldnj.gov

WARNING: Email received by or sent to City Officials are subject to the Open Public Records Act [OPRA]. If you are in any way concerned about the contents of your e-mail being read by someone other than the person(s) you are contacting, you should consider alternate ways of contacting them.

Disclaimer: This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the City of Plainfield. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

WARNING: Email received by or sent to City Officials are subject to the Open Public Records Act

[OPRA].If you are in any way concerned about the contents of your e-mail being read by someone other than the person(s) you are contacting, you should consider alternate ways of contacting them.

Disclaimer: This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the City of Plainfield. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

UNITED STATES DISTRICT COURT

for the
District of New Jersey

MARKEYE BOYD

Plaintiff

v.

SGT. SVESTER, OFF. GREEN, SGT. OBRIEN,
SGT. DET. TROY ALSTON, CAPT. BRIAN NEWMAN

Defendant

Civil Action No. 15-2210(SRC)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* ABOVE NAMED DEFENDANTS

2015 JUN 30 AM 11:59
RECEIVED USDC
DISTRICT OF NEW JERSEY

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 officer 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:

MARKEYE BOYD
#286453C
168 FRONTAGE RD.
NEWARK, NJ 07114

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 OF COURT

Date: 04/08/2015

Shirley Raine
Signature of Clerk or Deputy Clerk

Civil Action No. 15-2210(SRC)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: _____

UNITED STATES DISTRICT COURT

for the

District of New Jersey

MARKEYE BOYD

Plaintiff

v.

SGT. SVESTER, OFF. GREEN, SGT. OBRIEN,
SGT. DET. TROY ALSTON, CAPT. BRIAN NEWMAN

Defendant

Civil Action No. 15-2210(SRC)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* ABOVE NAMED DEFENDANTS

A lawsuit has been filed against you.

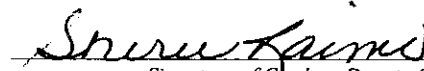
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the 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:

MARKEYE BOYD
#286453C
168 FRONTAGE RD.
NEWARK, NJ 07114

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 OF COURT

Date: 04/08/2015


Signature of Clerk or Deputy Clerk

RECEIVED
U.S. DISTRICT COURT
NEWARK, NJ
APR 8 2015 PM 12:24

Civil Action No. 15-2210(SRC)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

District of New Jersey

MARKEYE BOYD

Plaintiff

v.

SGT. SVESTER, OFF. GREEN, SGT. OBRIEN,
SGT. DET. TROY ALSTON, CAPT. BRIAN NEWMAN

Defendant

Civil Action No. 15-2210(SRC)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* ABOVE NAMED DEFENDANTS

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 officer 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:

MARKEYE BOYD
#286453C
168 FRONTAGE RD.
NEWARK, NJ 07114

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 OF COURT

Date: 04/08/2015

Shirley Kaim
Signature of Clerk or Deputy Clerk

RECEIVED
U.S. DISTRICT COURT
NEWARK, NJ
2015 APR 30 PM 12:25

Civil Action No. 15-2210(SRC)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the
District of New Jersey

MARKEYE BOYD

Plaintiff

v.

SGT. SVESTER, OFF. GREEN, SGT. OBRIEN,
SGT. DET. TROY ALSTON, CAPT. BRIAN NEWMAN

Defendant

Civil Action No. 15-2210(SRC)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* ABOVE NAMED DEFENDANTS

2015 JUN 30 11:11:59
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK, NJ 07102

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 officer 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:

MARKEYE BOYD
#286453C
168 FRONTAGE RD.
NEWARK, NJ 07114

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 OF COURT

Date: 04/08/2015

Shirley Kaim
Signature of Clerk or Deputy Clerk

Civil Action No. 15-2210(SRC)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

District of New Jersey

MARKEYE BOYD

Plaintiff

v.

SGT. SVESTER, OFF. GREEN, SGT. OBRIEN,
SGT. DET. TROY ALSTON, CAPT. BRIAN NEWMAN

Defendant

Civil Action No. 15-2210(SRC)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* ABOVE NAMED DEFENDANTS

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 officer 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:

MARKEYE BOYD
#286453C
168 FRONTAGE RD.
NEWARK, NJ 07114

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 OF COURT

Date: 04/08/2015

Shirley Kaim
Signature of Clerk or Deputy Clerk

Civil Action No. 15-2210(SRC)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

District of New Jersey

MARKEYE BOYD

Plaintiff

v.

SGT. SVESTER, OFF. GREEN, SGT. OBRIEN,
SGT. DET. TROY ALSTON, CAPT. BRIAN NEWMAN

Defendant

Civil Action No. 15-2210(SRC)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* ABOVE NAMED DEFENDANTS

2015 JUN 30 AM 11:59
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
CLERK'S OFFICE

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 officer 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:

MARKEYE BOYD
#286453C
168 FRONTAGE RD.
NEWARK, NJ 07114

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 OF COURT

Date: 04/08/2015

Shirley Raimo
Signature of Clerk or Deputy Clerk

Civil Action No. 15-2210(SRC)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

District of New Jersey

MARKEYE BOYD

Plaintiff

v.

SGT. SVESTER, OFF. GREEN, SGT. OBRIEN,
SGT. DET. TROY ALSTON, CAPT. BRIAN NEWMAN

Defendant

Civil Action No. 15-2210(SRC)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* ABOVE NAMED DEFENDANTS

A lawsuit has been filed against you.

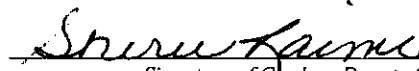
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the 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:

MARKEYE BOYD
#286453C
168 FRONTAGE RD.
NEWARK, NJ 07114

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 OF COURT

Date: 04/08/2015


Signature of Clerk or Deputy Clerk

RECEIVED
U.S. DISTRICT COURT
NEWARK, NJ
2015 APR 30 PM 12:25

Civil Action No. 15-2210(SRC)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

District of New Jersey

MARKEYE BOYD

Plaintiff

v.

SGT. SVESTER, OFF. GREEN, SGT. OBRIEN,
SGT. DET. TROY ALSTON, CAPT. BRIAN NEWMAN

Defendant

Civil Action No. 15-2210(SRC)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* ABOVE NAMED DEFENDANTS

2015 JUN 30 11:11:59
U.S. DISTRICT COURT
NEWARK, NJ 07102

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 officer 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:

MARKEYE BOYD
#286453C
168 FRONTAGE RD.
NEWARK, NJ 07114

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 OF COURT

Date: 04/08/2015

Shirley Kaim
Signature of Clerk or Deputy Clerk

Civil Action No. 15-2210(SRC)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

District of New Jersey

MARKEYE BOYD

Plaintiff

v.

SGT. SVESTER, OFF. GREEN, SGT. OBRIEN,
SGT. DET. TROY ALSTON, CAPT. BRIAN NEWMAN

Defendant

Civil Action No. 15-2210(SRC)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* ABOVE NAMED DEFENDANTS

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 officer 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:

MARKEYE BOYD
#286453C
168 FRONTAGE RD.
NEWARK, NJ 07114

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 OF COURT

Date: 04/08/2015

Shirley Kaim
Signature of Clerk or Deputy Clerk

Civil Action No. 15-2210(SRC)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

District of New Jersey

MARKEYE BOYD

Plaintiff

v.

SGT. SVESTER, OFF. GREEN, SGT. OBRIEN,
SGT. DET. TROY ALSTON, CAPT. BRIAN NEWMAN

Defendant

Civil Action No. 15-2210(SRC)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* ABOVE NAMED DEFENDANTS

2015 JUN 30 AM 11:59
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
CLERK'S OFFICE

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 officer 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:

MARKEYE BOYD
#286453C
168 FRONTAGE RD.
NEWARK, NJ 07114

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 OF COURT

Date: 04/08/2015

Shirley Raimo
Signature of Clerk or Deputy Clerk

Civil Action No. 15-2210(SRC)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

District of New Jersey

MARKEYE BOYD

Plaintiff

v.

SGT. SVESTER, OFF. GREEN, SGT. OBRIEN,
SGT. DET. TROY ALSTON, CAPT. BRIAN NEWMAN

Defendant

Civil Action No. 15-2210(SRC)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* ABOVE NAMED DEFENDANTS

2015 JUN 30 AM 11:59
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
CLERK'S OFFICE
NEWARK, NJ 07102

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 officer 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:

MARKEYE BOYD
#286453C
168 FRONTAGE RD.
NEWARK, NJ 07114

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 OF COURT

Date: 04/08/2015

Shirley Raimo
Signature of Clerk or Deputy Clerk

Civil Action No. 15-2210(SRC)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

District of New Jersey

MARKEYE BOYD

Plaintiff

v.

SGT. SVESTER, OFF. GREEN, SGT. OBRIEN,
SGT. DET. TROY ALSTON, CAPT. BRIAN NEWMAN

Defendant

Civil Action No. 15-2210(SRC)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* ABOVE NAMED DEFENDANTS

2015 JUN 30 4:11:59
U.S. DISTRICT COURT
NEWARK, NJ 07102

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 officer 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:

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#286453C
168 FRONTAGE RD.
NEWARK, NJ 07114

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WILLIAM T. WALSH

CLERK OF COURT

Date: 04/08/2015

Shirley Raimo
Signature of Clerk or Deputy Clerk

Civil Action No. 15-2210(SRC)

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was received by me on *(date)* _____.

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_____ on *(date)* _____; or

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_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

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designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

Markeye Boyd,

Plaintiff,

v.

Plainfield Police
Dep't et al.

Defendants.

Civil Action No. 15-2210(SRC)

MEMORANDUM AND ORDER

2015 APR 30 AM 11:51

CHESLER, District Judge:

Plaintiff is an inmate presently confined at Northern State Prison. (Compl., ECF No. 1.) On March 23, 2015, the Clerk received Plaintiff's civil rights complaint and a completed application to proceed without prepayment of fees (*in forma pauperis* or "IFP application"), under 28 U.S.C. § 1915. (Doc. No. 1.) Plaintiff has established his inability to pay the filing fee, and his IFP application will be granted. (Doc. No. 1-3.) Prison officials will begin to deduct partial payments of the filing fee from Plaintiff's prison trust account, in accordance with 28 U.S.C. § 1915(b)(1) and (2), regardless of the outcome of this proceeding.

At this time, the Court must review the complaint pursuant to 28 U.S.C. § 1915A and § 1915(e)(2)(b), to determine whether it should be dismissed as frivolous or malicious, for failure to state a claim upon which relief may be granted or because it seeks monetary relief against a defendant who is immune. In his complaint, Plaintiff alleged that on June 6, 2012, he was taken to the Plainfield Police Department, and four officers held him down while Sergeant Troy Austen pulled down his pants and "went in his colon," causing it to rupture. (Compl., ECF No. 1 at 4.)

Plaintiff alleged the following. Captain Brian Newman authorized the assault because when Plaintiff called to him for help, he turned his head and did nothing. (Id.) Although it is not entirely clear from the complaint, it appears that the officers who held Plaintiff down while Austen assaulted him were Officers Sylvester, O'Brien and Green, the other named defendants. (Id. at 5 and caption of Complaint.) The officers also fractured his hand by stomping on it, and punched his legs. (Id. at 4.) There were others, who are not named as defendants, who helped the officers cover up their misconduct. (Id. at 6.) Internal affairs is still investigating Plaintiff's charges after almost three years. (Id. at 5.)

To state a claim for relief under § 1983, a plaintiff must allege a violation of a right secured by the Constitution or laws of the United States and allege that the deprivation was

committed by a person acting under color of state law. Morse v. Lower Marion School Dist., 132 F.3d 902, 907 (3d Cir. 1997). Plaintiff alleged an unspecified constitutional violation by state actors. Similar § 1983 claims by pretrial detainees are analyzed as excessive force claims in violation of the Fourteenth Amendment of the Constitution. See Mays v. Truppo, Civ. No. 09-4772(JAG), 2010 WL 715362 (D.N.J. Feb. 22, 2010.)

The Due Process Clause of the Fourteenth Amendment protects a detainee from punishment prior to adjudication of guilt. Bell v. Wolfish, 441 U.S. 520, 535 (1979). The government may, however, "employ devices that are calculated to effectuate" detention. Id. at 537. "If a restriction or condition [of detention] is not reasonably related to a legitimate goal-if it is arbitrary or purposeless-a court permissibly may infer that the purpose of the governmental action is punishment that may not constitutionally be inflicted upon detainees." Id. at 539.

If Plaintiff had not yet been charged at the time of the alleged assault, his excessive force claim would be analyzed instead under the Fourth Amendment standard for unreasonable search and seizure. See Hill v. Algor, 85 F.Supp.2d 391, 403 (D.N.J. 2000) ("a person continues to be an arrestee subject to Fourth Amendment protection through the period of post-arrest but pre-arraignment detention.") If the excessive force claim

arises under the Fourth Amendment the following two-step test applies:

the first step of the analysis addresses whether the force used by the officer was excessive, and therefore violative of the plaintiff's constitutional rights, or whether it was reasonable in light of the facts and circumstances available to the officer at the time. This is not a question of immunity at all, but is instead the underlying question of whether there is even a wrong to be addressed in an analysis of immunity. The second step is the immunity analysis and addresses whether, if there was a wrong, such as the use of excessive force, the officer made a reasonable mistake about the legal constraints on his actions and should therefore be protected against suit.

Curley v. Klem, 499 F.3d 199, 207 (3d Cir. 2007).

Whether Petitioner's claim ultimately arises under the Fourth or Fourteenth Amendments, taking his allegations as true and liberally construing the complaint,¹ Plaintiff has alleged excessive force claims against the four named individual defendants. Plaintiff's claim against Defendant Austen obviously sets forth an excessive use of force, upon which no reasonable mistake about the legal constraints of his actions would support qualified immunity. The conduct also constitutes punishment under the Fourteenth Amendment analysis.

¹ See Erickson v. Pardus, 551 U.S. 89, 94 (2007) ("a document filed pro se is 'to be liberally construed'") (quoting Estelle v. Gamble, 429 U.S. 97, 99, 106 (1976) ("Because the complaint was dismissed for failure to state a claim, we must take as true, its handwritten, pro se allegations."))

Plaintiff's claims against Defendants Sylvester, O'Brien and Green, as this Court construes the Complaint, are sufficient because the officers allegedly held Plaintiff down while Defendant Austen assaulted Plaintiff, and they allegedly participated in stomping on Plaintiff's hand and punching his legs, without provocation. This conduct similarly constitutes excessive force upon which qualified immunity would not apply or, alternatively, constitutes punishment under the Fourteenth Amendment.

Plaintiff's claim against Defendant Newman, who allegedly was in a position to interrupt the assault but chose to ignore it, is also sufficient to state a claim, either as punishment under the Due Process Clause or as unreasonable seizure under the Fourth Amendment. See Smith v. Mensinger, 293 F.3d 641, 651 (3d Cir. 2002) ("[t]he approving silence emanating from the officer who stands by and watches as others unleash an unjustified assault contributes to the actual use of excessive force.")

Plaintiff also named as defendants Plainfield Police Department and City of Plainfield. (Compl., ECF No. 1). Plaintiff did not make specific allegations against these defendants, although he identified the Plainfield Police Department as the employer of the officers involved in the alleged assault. (Id.) Employers are not vicariously liable

under § 1983 for the constitutional torts committed by their employees. Collins v. City of Harker Heights, Texas, 503 U.S. 115, 122 (1992).

Furthermore, municipal entities are liable under § 1983 only "when execution of a government's policy or custom, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy, inflicts the injury that the government as an entity is responsible for under § 1983." Monell v. Dept. of Social Services, 436 U.S. 658, 694 (1978). Petitioner has not alleged any policy or custom that was responsible for the alleged assault on him in the Plainfield police station. Therefore, the claims against the Plainfield Police Department and City of Plainfield will be dismissed without prejudice.

Having completed this ~~screening~~,

IT IS on this 7 day of April, 2015,

ORDERED that, pursuant to 28 U.S.C. § 1915A and § 1915(e)(2)(b), the application to proceed IFP submitted by Plaintiff (ECF No. 1-3) is hereby GRANTED; it is further

ORDERED that the Clerk of the Court is directed to file the complaint without prepayment of the filing fee; it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk shall serve a copy of this Order by regular mail on the Attorney General for the State of New Jersey and on the Administrator at

Northern State Prison, where Plaintiff is presently confined; it is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00 which shall be deducted from Plaintiff's prison account pursuant to 28 U.S.C. § 1915(b)(2) in the manner set forth below, regardless of the outcome of the litigation, in the event Plaintiff is still confined and has not been released from prison; it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$350.00 fee is paid, each month that the amount in Plaintiff's prison account exceeds \$10.00, the agency having custody of Plaintiff, to the extent that Plaintiff is still confined, shall assess, by deducting from his account and forwarding to the Clerk, payments equal to 20% of the preceding month's income credited to Plaintiff's prison account, with each payment referencing the civil docket number of this action; it is further

ORDERED that the claims against Defendants Plainfield Police Department and City of Plainfield are dismissed without prejudice for failure to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915A and § 1915(e)(2)(b); it is further

ORDERED that the remainder of Plaintiff's complaint is permitted to proceed past 28 U.S.C. § 1915A and § 1915(e)(2)(b) screening; it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(d), the Clerk shall issue summons and the United States Marshal shall serve summons, the Complaint and this Order upon the individual defendants, with all costs of service advanced by the United States; it is further

ORDERED that, pursuant to 42 U.S.C. § 1997e(g)(2), Defendants shall file and serve an answer, see Fed. R. Civ. P. 12(a)(1)(A); it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(e)(1) and § 4(a) of Appendix H of the Local Civil Rules, the Clerk shall notify Plaintiff of the opportunity to apply in writing to the assigned judge for the appointment of pro bono counsel; and it is further

ORDERED that, if at any time prior to the filing of a notice of appearance by Defendants, Plaintiff seeks the appointment of pro bono counsel or other relief, pursuant to Fed. R. Civ. P. 5(a) and (d), Plaintiff shall (1) serve a copy of the application by regular mail upon each party at his last known address and (2) file a Certificate of Service.


STANLEY R. CHESLER
UNITED STATES DISTRICT JUDGE

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

Markeye Boyd,

Plaintiff,

v.

Plainfield Police
Dep't et al.

Defendants.

Civil Action No. 15-2210(SRC)

MEMORANDUM AND ORDER

2015 APR 30 AM 11:51

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At this time, the Court must review the complaint pursuant to 28 U.S.C. § 1915A and § 1915(e)(2)(b), to determine whether it should be dismissed as frivolous or malicious, for failure to state a claim upon which relief may be granted or because it seeks monetary relief against a defendant who is immune. In his complaint, Plaintiff alleged that on June 6, 2012, he was taken to the Plainfield Police Department, and four officers held him down while Sergeant Troy Austen pulled down his pants and "went in his colon," causing it to rupture. (Compl., ECF No. 1 at 4.)

Plaintiff alleged the following. Captain Brian Newman authorized the assault because when Plaintiff called to him for help, he turned his head and did nothing. (Id.) Although it is not entirely clear from the complaint, it appears that the officers who held Plaintiff down while Austen assaulted him were Officers Sylvester, O'Brien and Green, the other named defendants. (Id. at 5 and caption of Complaint.) The officers also fractured his hand by stomping on it, and punched his legs. (Id. at 4.) There were others, who are not named as defendants, who helped the officers cover up their misconduct. (Id. at 6.) Internal affairs is still investigating Plaintiff's charges after almost three years. (Id. at 5.)

To state a claim for relief under § 1983, a plaintiff must allege a violation of a right secured by the Constitution or laws of the United States and allege that the deprivation was

committed by a person acting under color of state law. Morse v. Lower Marion School Dist., 132 F.3d 902, 907 (3d Cir. 1997). Plaintiff alleged an unspecified constitutional violation by state actors. Similar § 1983 claims by pretrial detainees are analyzed as excessive force claims in violation of the Fourteenth Amendment of the Constitution. See Mays v. Truppo, Civ. No. 09-4772(JAG), 2010 WL 715362 (D.N.J. Feb. 22, 2010.)

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If Plaintiff had not yet been charged at the time of the alleged assault, his excessive force claim would be analyzed instead under the Fourth Amendment standard for unreasonable search and seizure. See Hill v. Algor, 85 F.Supp.2d 391, 403 (D.N.J. 2000) ("a person continues to be an arrestee subject to Fourth Amendment protection through the period of post-arrest but pre-arraignment detention.") If the excessive force claim

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Curley v. Klem, 499 F.3d 199, 207 (3d Cir. 2007).

Whether Petitioner's claim ultimately arises under the Fourth or Fourteenth Amendments, taking his allegations as true and liberally construing the complaint,¹ Plaintiff has alleged excessive force claims against the four named individual defendants. Plaintiff's claim against Defendant Austen obviously sets forth an excessive use of force, upon which no reasonable mistake about the legal constraints of his actions would support qualified immunity. The conduct also constitutes punishment under the Fourteenth Amendment analysis.

¹ See Erickson v. Pardus, 551 U.S. 89, 94 (2007) ("a document filed pro se is 'to be liberally construed'") (quoting Estelle v. Gamble, 429 U.S. 97, 99, 106 (1976) ("Because the complaint was dismissed for failure to state a claim, we must take as true, its handwritten, pro se allegations."))

Plaintiff's claims against Defendants Sylvester, O'Brien and Green, as this Court construes the Complaint, are sufficient because the officers allegedly held Plaintiff down while Defendant Austen assaulted Plaintiff, and they allegedly participated in stomping on Plaintiff's hand and punching his legs, without provocation. This conduct similarly constitutes excessive force upon which qualified immunity would not apply or, alternatively, constitutes punishment under the Fourteenth Amendment.

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Plaintiff also named as defendants Plainfield Police Department and City of Plainfield. (Compl., ECF No. 1). Plaintiff did not make specific allegations against these defendants, although he identified the Plainfield Police Department as the employer of the officers involved in the alleged assault. (Id.) Employers are not vicariously liable

under § 1983 for the constitutional torts committed by their employees. Collins v. City of Harker Heights, Texas, 503 U.S. 115, 122 (1992).

Furthermore, municipal entities are liable under § 1983 only "when execution of a government's policy or custom, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy, inflicts the injury that the government as an entity is responsible for under § 1983." Monell v. Dept. of Social Services, 436 U.S. 658, 694 (1978). Petitioner has not alleged any policy or custom that was responsible for the alleged assault on him in the Plainfield police station. Therefore, the claims against the Plainfield Police Department and City of Plainfield will be dismissed without prejudice.

Having completed this ~~screening~~,

IT IS on this 7 day of April, 2015,

ORDERED that, pursuant to 28 U.S.C. § 1915A and § 1915(e)(2)(b), the application to proceed IFP submitted by Plaintiff (ECF No. 1-3) is hereby GRANTED; it is further

ORDERED that the Clerk of the Court is directed to file the complaint without prepayment of the filing fee; it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk shall serve a copy of this Order by regular mail on the Attorney General for the State of New Jersey and on the Administrator at

Northern State Prison, where Plaintiff is presently confined; it is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00 which shall be deducted from Plaintiff's prison account pursuant to 28 U.S.C. § 1915(b)(2) in the manner set forth below, regardless of the outcome of the litigation, in the event Plaintiff is still confined and has not been released from prison; it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$350.00 fee is paid, each month that the amount in Plaintiff's prison account exceeds \$10.00, the agency having custody of Plaintiff, to the extent that Plaintiff is still confined, shall assess, by deducting from his account and forwarding to the Clerk, payments equal to 20% of the preceding month's income credited to Plaintiff's prison account, with each payment referencing the civil docket number of this action; it is further

ORDERED that the claims against Defendants Plainfield Police Department and City of Plainfield are dismissed without prejudice for failure to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915A and § 1915(e)(2)(b); it is further

ORDERED that the remainder of Plaintiff's complaint is permitted to proceed past 28 U.S.C. § 1915A and § 1915(e)(2)(b) screening; it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(d), the Clerk shall issue summons and the United States Marshal shall serve summons, the Complaint and this Order upon the individual defendants, with all costs of service advanced by the United States; it is further

ORDERED that, pursuant to 42 U.S.C. § 1997e(g)(2), Defendants shall file and serve an answer, see Fed. R. Civ. P. 12(a)(1)(A); it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(e)(1) and § 4(a) of Appendix H of the Local Civil Rules, the Clerk shall notify Plaintiff of the opportunity to apply in writing to the assigned judge for the appointment of pro bono counsel; and it is further

ORDERED that, if at any time prior to the filing of a notice of appearance by Defendants, Plaintiff seeks the appointment of pro bono counsel or other relief, pursuant to Fed. R. Civ. P. 5(a) and (d), Plaintiff shall (1) serve a copy of the application by regular mail upon each party at his last known address and (2) file a Certificate of Service.


STANLEY R. CHESLER
UNITED STATES DISTRICT JUDGE

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Markeze Boyd

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

v. (Narcotics)

Plainfield Police Department
City of Plainfield

COMPLAINT

Civil Action No. 15-2210 (SRC)

(To be supplied by the Clerk of the Court)

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

Lt Newman) Sgt Svester) Officer Green) Sgt O'Brien) Officer Austin

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.
5. Upon receipt of a fee of \$400.00 (a filing fee of \$350.00, and an administrative fee of \$50.00), 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.

6. If you cannot prepay the \$400.00 fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth in the application to proceed in forma pauperis. See 28 U.S.C. §1915. (If there is more than one plaintiff, each plaintiff must separately request permission to proceed in forma pauperis.)

7. If you are given permission to proceed in forma pauperis, the \$50.00 Administrative Fee will not be assessed. 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 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

1a. 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:

1b. Indicate whether you are a prisoner or other confined person as follows:

☒ Pretrial detainee

☐ Civilly-committed detainee

☐ Immigration detainee

☒ ~~Convicted and sentenced state prisoner~~ ^{yes}

☐ Convicted and sentenced federal prisoner

☐ Other: (please explain) I Suppose To be going To Trial.

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: _____

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? Northern State Prison

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: MARKETE BOYB #286453C

Address: ~~Troy Alston~~ 168 Frontage Road Newark NJ 07114
Inmate #: 286753C

b. First defendant:

Name: Troy Alston

Official position: Sgt detective

Place of employment: Plainfield 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?)

WHY I WAS HELD DOWN BY FOUR (4) OTHER
POLICE, SGT TROY ALSTON WENT IN MY COLON
RUPTURING MY COLON, ALSO PUNCHING ME LEGS
ALSO STOMPING MY HAND FRACTURING FRACTURING IT

c. Second defendant:

Name: Captain Brian Newman

Official position: Captain

Place of employment: Plainfield Police Station

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?)

I CALLED OUT FOR HIM TO HELP ME HE
JUST TURNED HIS HEAD AND KEPT SMOKING
HIS PIPE. HE AUTHORIZED WHAT WAS
DONE TO ME

- 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.

5. 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.

I went to (IA) Located in Plainfield
Sgt Gay- They tried to cover up what
was done to me also- Telling me that I
was pass time if He wanted to help me.

If your answer is "No," briefly explain why administrative remedies were not exhausted.

They (Internal Affairs) have been trying to
Push me past my Limitation, also Telling me
that it was under investigation, which been
2 Years now, about to be 3 YRS-

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.)

Took me in the Back of Police
Station on the date of (6-6-12) and Held
me down and pulled down my pants in
went in my colon- Sending me to
Hospital. I have Hospital Records- Officer
Troy Austin, Sgt- Sylvester, Lt. Newman
Sgt. O'Brien- also officer green.

Then Putting Me in a cell while my hand was swollen also Blood was on the back of my pants. Union County Sheriffs wouldnt take me No where They said To Plainfield Police until I was Took To Hospital. Totalling 5 million dollars-

I was Done wrong By Top Officials Of The Law To Hide what was Done To Me.

Judge Moynihan, IA From Plainfield Sgt Gray out of Union County IA Judge Nephew Triarsi also Edward Conner. also PIED Police department. They all worked together

7. Relief

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

3 Million Dollars
3 million dollars Hospital FEES, (Pain and suffering)
Cause I can not pay doctor Bills. and until
This Day in Juries Still Hurts-- I am Locked up
so it's hard To get proper medical Help I need.

If possible cops Be charged Every one
In my case.

But I am suing For 4 million dollars -

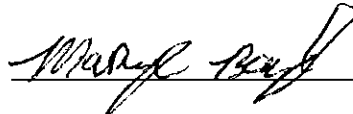
What was done To me was wrong also
Judge moynihan also Edward Conck also
From union county I A also Judge Triarsi
Nephew From union county I Mr Triarsi

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.

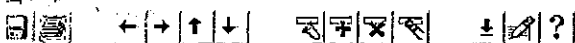
Signed this 19 day of November, 2014



Signature of plaintiff*

(*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).

Help Window



DBF: COCKARC

CENTRAL RECEPTION & ASSIGNMENT FACILITY

Date: 02/26/2015

SBI# : J0006453C INM# : 925618 Name : BOYD, MARKEYE

Trust Summary

Date	Locn	Type	Transaction Description	Account Balances		
				Amount	Current	Hold
02/23/2015	CRAF	REG	CLOSE ACCOUNT - CASH	0.00	0.00	0.00
02/10/2015	CRAF	WRS	TRANSFER OUT REGULAR	0.00	0.00	0.00
02/10/2015	CRAF	REL	TRANSFER OUT REGULAR	0.00	0.00	0.00
02/10/2015	CRAF	REG	TRANSFER OUT REGULAR	<15.96	0.00	0.00
02/10/2015	CRAF	REG	Union Cty-Check#314218 ✓	15.96	15.96	0.00
01/30/2015	CRAF	REG	CASH ON ARRIVAL	0.00	0.00	0.00
01/29/2015	CRAF	REG	CASH ON ARRIVAL	0.00	0.00	0.00

OTIDTACC

This is my Account Account From ombudsman
"Computer"

Enter value for Transaction Description
Record: 5/7

"This was sent to prison"
To me - Markeye Boyd
286453C

I was sent to prison on the date of (1-30-15)
From Union County
I was indigent all the way in Somerset
also -
I live off state pay Tier sand