

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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

COMPLAINT

v.

Civil Action No. _____

(To be supplied by the Clerk of the Court)

JEFF TIERNEY

THEODORE E. HAMER

FRANK VARELA

EDISON POLICE DEPARTMENT, et. al.,
(Enter above the full name of the defendant or defendants
in this action)

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 \$350.00, your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

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6. If you cannot prepay the \$350.00 filing fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth 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 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



Convicted and sentenced federal prisoner



Other: (please explain) _____

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).

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a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

b. Court and docket number: _____

a. 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? MIDDLESEX COUNTY ADULT CORRECTION CENTER
P.O. BOX 266, NEW BRUNSWICK, NEW JERSEY 08903
UNITED STATES HIGHWAY, #138, 1 APPLE ORCHARD LN,

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: TYREESE STEWART

Address: 915 OAK STREET

ROSELLE, NEW JERSEY 07203

Inmate #: 127993

b. First defendant - name: JEFF TIERNEY

Official position: DETECTIVE
100 MUNICIPAL BOULEVARD, EDISON, N.J. 08817

Place of employment: EDISON TOWNSHIP POLICE DEPARTMENT

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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?)

JEFF TIERNEY CAUSED PLAINTIFF PHYSICAL HARM BY POLICE ABUSE
AND BRUTALITY BY EXCESSIVE FORCE WITH UNNECESSARY
HITTING WHILE PLAINTIFF/CLAIMANT WAS ALREADY RESTRAINED
BY EDISON DETECTIVE THEODORE E. HAMER, AND PLAINTIFF
RIGHT SIDE OF HIS HEAD AND FACE WAS DAMAGED BY
THE DELIBERATE ONSLAUGHT AT HIS HANDS WHILE
CLAIMANT PROVIDED NO RESISTING DURING DETAINMENT
ON JUNE 13TH, 2013, THURSDAY, AT APPROXIMATELY 6 P.M.

c. Second defendant - name: THEODORE E. HAMER

Official position: DETECTIVE

100 ONE MUNICIPAL BOULEVARD, EDISON, N.J. 08817

Place of employment: EDISON TOWNSHIP 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?)

"UNMARK"

ABOVE DECIDED TO CUT MY MOTOR VEHICLE WITH POLICE CAR CAUS-
ING PLAINTIFF TO SEE DESTRUCTION AT THEIR HANDS WITH 5-
POLICE GUNS AT MY HEAD, AND THIS DETECTIVE FLUNG CLAIM-
ANT FROM CAR WITH UNLAWFUL, EXCESSIVE, AND UN-
REASONABLE FORCE CAUSING OTHERS TO RESPOND AS WELL,
AND DID NOT ORDER OTHER POLICE OFFICERS TO HALT AND STOP ASSAULT.

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.

X 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.

"MUNICIPAL COURT OF NEW BRUNSWICK" ...
ADDRESSED EDISON MUNICIPAL COURT ADMINISTRATOR, AND
PRELIMINARY COMPLAINT FORM AS EXHIBIT IS HERE
ATTACHED FOR PROOF OF CAUSE OF CLAIM AND
FEDERAL ACTION AS ASSERTED FOR RELIEF IN
THIS HUMAN ABUSE, POLICE BRUTALITY COMPLAINT.

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MIDDLESEX COUNTY ADULT CORRECTION CENTER
POST OFFICE BOX 266
NEW BRUNSWICK, NEW JERSEY 08903
A CIVIL RIGHTS COMPLAINT . . .

THIRD DEFENDANT-- NAME: FRANK VARGA

OFFICIAL POSITION: DETECTIVE

PLACE OF EMPLOYMENT: EDISON TOWNSHIP POLICE DEPARTMENT
100 MUNICIPAL BOULEVARD
EDISON, NEW JERSEY 08817

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?)

* ON JUNE 13TH, 2013, THURSDAY, AT APPROXIMATELY 6¹⁵ P.M.,
WHILE DRIVING ON 71 WINTER-GREEN STREET AND GROVE
AVENUE, EDISON, NEW JERSEY, EDISON DETECTIVE'S WITH GUNS
DRAWN ABRUPTLY STOPPED MOTOR VEHICLE CAUSING THE
PLAINTIFF TO HALT BE THEIR RECKLESS MISDEEDS IN
CUTTING PLAINTIFF OFF. PLAINTIFF ASSERT THAT "5"
OFFICER'S ATTACKED WITH EXCESSIVE FORCE CAUSING
FACE INJURIES AS FRANK VARGA WAS DELIBERATELY
COMPELLING WITH UNLAWFUL LAW AND ALLOWING
OTHER POLICE TO ABUSE AT TIME OF OCCURRENCE,
THIS DETECTIVE HELD PLAINTIFF AND ALLOWED THE OTHER
OFFICER'S TO BEAT, PUNCH, KNEE PLAINTIFF IN THE
FACE AND HEAD, CAUSING THIS LITIGATION FOR A
CAUSE OF CLAIM AND ACTION FOR CIVIL RIGHTS
VIOLATION ON DATE PENDENT JURISDICTION
AGAINST FRANK VARGA AS CABAL OFFICIAL IN HIS
DUTIES TO CAUSE PLAINTIFF/CLAIMANT INJURIES.

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

N/A

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.)

ON APPROXIMATELY 6:15 P.M., ON JUNE 13TH, 2013, PLAINTIFF WAS RIDING IN HIS CAR ON WINTER-GREEN AND GROVE AVENUE IN EDISON, NEW JERSEY, WHEN FIVE OFFICER'S ALMOST CAUSED CAR ACCIDENT BY CUTTING IN FRONT OF THE CLAIMANT MOTOR-VEHICLE WHICH WESLEY PIERCE WAS IN THE PASSENGER SIDE AS THE PLAINTIFF WAS IN CONTROL OF VEHICLE. THE DETECTIVE'S HAPPEN TO GIVE ORDERS FOR PLAINTIFF AND WESLEY PIERCE TO GET OUT OF THE CAR WITH EXCESSIVE UNNECESSARY FORCE, WHILE TED HAMER REMOVED, AND JEFF TIERNEY AND FRANK VARGA HELD PLAINTIFF DOWN WHILE BEATING & KNEEING, PLAINTIFF AND OFFICER'S WAS SAYING STOP RESISTING, WHILE USING EXCESSIVE - UNNECESSARY FORCE, AND PLAINTIFF KEPT ASKING THIS OFFICER'S, WHAT "I'M NOT RESISTING" CAUSING THEM TO FURTHER ABUSE PLAINTIFF IN THEIR ILL WILL TO CAUSE PHYSICAL HARM AS DETECTIVE'S FOR NO APPARENT REASON. PLAINTIFF SUFFERED, SINCE GUNS WERE DRAWN BY THESE DETECTIVE'S.

PLAINTIFF ASSENT THAT FRANK VARGA, HELD HIM DOWN, AND THEODORE E. HAMER, AND JEFFREY TIERNEY DID DELIBERATELY CAUSE BODILY DAMAGES IN PLAINTIFF'S FACE BODY, HEAD, BACK, FOR THIS CAUSE OF ACTION, AND CLAIM FOR DAMAGES IN THEIR INDIVIDUAL AND/OR OFFICIAL CAPACITIES AS OVER ZEALOUS DETECTIVE'S WHICH DEED ORDER OF PROTECTION IN NEAR FUTURE.

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7. Relief

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

ISSUE TEMPORARY INJUNCTIVE RELIEF, ORDER SAME
AGAINST PATTERN OF ABUSE, SINCE JEFF TIERNEY, IS
CURRENTLY UNDER INVESTIGATION FOR MISCONDUCT AND
PRESENT DEPARTMENTAL INTERNAL AFFAIRS RELATED VIOLATIONS
ORDER COMPENSATORY DAMAGES, PCOS, PUNITIVE AWARDS
TO PUNISH AGAINST ANY FURTHER REPRISAL IN THEIR INDIVID-
UAL CAPACITIES AT \$2.5 MILLION DOLLARS FOR AWARD OF SAME

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 8th day of August 8th 2013, 2013.

51 Tyrese Stewart
Signature of plaintiff
TYRESE STEWART, MC# 127993

² 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.