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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BRANDON SIMPSON)

Plaintiff,)

v.)

CITY AND COUNTY OF SAN)
FRANCISCO, a municipal corporation;)
JOHN FERGUS, individually and in his)
capacity as a City of San Francisco Police)
Officer; THOMAS BUCKLEY, individually)
and in his capacity as a City of San Francisco)
Police Officer; ELIZABETH MORSE,)
individually and in her capacity as a City of)
San Francisco Police Officer; ANDREW)
CLIFFORD, individually and in his capacity)
as a City of San Francisco Police Officer;)
DOES 1-50, inclusive.)

Defendants.)

Case No.: 3:17-cv-133

COMPLAINT FOR DAMAGES

(42 U.S.C §§ 1983)

(Cal. Civ. Code §52.1)

(Cal. Penal Code §242)

JURY TRIAL DEMANDED

INTRODUCTION

1
2 1. This action arises out of the unlawful arrest and beating of Brandon Simpson by
3 City of San Francisco Police Officers John Fergus, Thomas Buckley, Elizabeth Morse and
4 Andrew Clifford in the Tenderloin district of San Francisco.

5 2. At approximately 11 p.m. on December 1st, 2015, Mr. Simpson was peacefully
6 gathered with a group of people on the corner of Taylor and Eddy in the Tenderloin District.
7 There were no reports or complaints regarding the group when Officers Fergus and Buckley
8 brought their patrol car to a sliding stop in front of the group. In response, the group, including
9 Mr. Simpson, began to disperse. To that end, Mr. Simpson began casually walking up the street
10 while holding nothing but a water bottle in his hand.

11 3. Without warning, Officer Buckley grabbed Mr. Simpson from behind. Then
12 Officers Buckley, Fergus, Clifford and Morse tackled him to the ground. Next the Officers
13 began to punch and knee Mr. Simpson. Video footage of the incident shows the four officers on
14 top of Mr. Simpson punching and kneeling him without remorse while he was lying flat on the
15 ground.

16 4. In an effort to justify the Officers' excessive use of force, the Defendant Officers
17 concocted a completely fabricated story about their encounter with Mr. Simpson. The Officers
18 claimed he ran, fought and actively resisted being brought into custody. The Officers repeated
19 their false accounts in their police reports and on the witness stand during the course of the
20 Federal prosecution against Mr. Simpson. Fortunately, the Officers' lies were exposed when a
21 videotape surfaced that contradicted the Officers' claims. After reviewing the videotape, United
22 States District Court Judge Breyer dismissed the bogus criminal charges and recommended
23 Officer Buckley be disciplined for his misconduct.

JURISDICTION

24 5. This action arises under Title 42 of the United States Code, Section 1983. The
25 unlawful acts and practices alleged herein occurred in the City and County of San Francisco,
California, which is within this judicial district. Title 28 United State Code Section 1391 (b)

1 confers venue upon this Court.

2
3 **PARTIES**

4 10. Plaintiff BRANDON SIMPSON (“Simpson”) is a competent adult, a resident of
5 OAKLAND, CALIFORNIA, readily recognizable as an AFRICAN-AMERICAN male, and is a
6 United States Citizen.

7 11. Defendant CITY AND COUNTY OF SAN FRANCISCO (“hereinafter
8 Defendant”) is and at all times herein mentioned is a municipal entity duly organized and
9 existing under the laws of the State of California that manages and operates the CITY OF SAN
10 FRANCISCO POLICE DEPARTMENT.

11 13. Defendant JOHN FERGUS (Badge No. 1943), was and at all times mentioned
12 herein is a police officer for the City of San Francisco, and is sued in his individual and official
13 capacity.

14 14. Defendant NICHOLAS BUCKLEY (Badge No. 528), was and at all times
15 mentioned herein is a police officer for the City of San Francisco, and is sued in his individual
16 and official capacity.

17 15. Defendant ELIZABETH MORSE (Badge No. 1268), was and at all times
18 mentioned herein is a police officer for the City of San Francisco, and is sued in her individual
19 and official capacity.

20 16. Defendant ANDREW CLIFFORD (Badge No. 2388), was and at all times
21 mentioned herein is a police officer for the City of San Francisco, and is sued in his individual
22 and official capacity.

23 17. Plaintiff is ignorant of the true names and/or capacities of defendants sued herein
24 as DOES 1 through 50, inclusive, and therefore sue said defendants by such fictitious names.
25 Plaintiff will amend this complaint to allege his true names and capacities when ascertained.
Plaintiff believes and alleges that each of the DOE defendants is legally responsible and liable
for the incident, injuries and damages hereinafter set forth. Each defendant proximately caused
injuries and damages because of their negligence, breach of duty, negligent supervision,

1 management or control, violation of public policy, and false arrests. Each defendant is liable for
2 his/her personal conduct, vicarious or imputed negligence, fault, or breach of duty, whether
3 severally or jointly, or whether based upon agency, employment, ownership, entrustment,
4 custody, care or control or upon any other act or omission. Plaintiff will ask leave to amend this
5 complaint subject to further discovery.

6 18. In doing the acts alleged herein, Defendants, and each of them acted within the
7 course and scope of their employment for the City and County of San Francisco.

8 19. In doing the acts and/or omissions alleged herein, Defendants, and each of them,
9 acted under color of authority and/or under color of law.

10 20. Due to the acts and/or omissions alleged herein, Defendants, and each of them,
11 acted as the agent, servant, and employee and/or in concert with each of said other Defendants
12 herein.

13 21. Plaintiff filed a state claim of action for their state causes of action and received a
14 letter of rejection from the Defendant City and County of San Francisco on July 11, 2016.

15 **STATEMENT OF FACTS**

16 22. At approximately 11 p.m. on December 1st, 2015, Mr. Simpson was peacefully
17 gathered with a group of people on the corner of Taylor and Eddy in the Tenderloin District.

18 23. Nevertheless, without receiving any reports or complaints about the group, San
19 Francisco Police Officers decided to detain and/or arrest the group in order to investigate their
20 hunch the young men were engaged in playing craps. To that end, Officers kept the group under
21 surveillance until they abruptly brought their patrol cars to a sliding and screeching stop in front
22 of the group. The group dispersed with some of the young men running while others walked
23 away.

24 25. Officers Buckley and Fergus jumped out of their patrol car and began running
25 toward the group. Mr. Simpson was casually walking up the street when he overheard Officer
Buckley said something to the effect of "What's going on, guys" to the dispersing group.

1 26. Mr. Simpson continued to casually walk away and was holding nothing but a
2 water bottle in his hand when Officer Buckley seized him from behind. Next, Officers Buckley,
3 Fergus, Morse and Clifford tackled Mr. Simpson to the ground where they began to beat, punch
4 and knee him as he lay on the ground.

5 27. Once Mr. Simpson was placed in handcuffs, he immediately began to complain
6 about the injuries he suffered to his head and upper body. It was only after the Defendant
7 Officers began to panic about the consequences of the beating they administered did they claim
8 to have found a gun that was supposedly concealed in a sock that was reportedly in the general
9 vicinity where Mr. Simpson was beaten. Mr. Simpson vociferously denied that the gun belonged
10 to him and made a point of reminding the Officers there were several other people besides him
11 who were also in close proximity to gun based upon where they claim they found it.

12 28. Officer Buckley wrote a sworn, detailed report that fabricated his encounter with
13 Mr. Simpson in order to justify the officers' unlawful arrest and use of excessive force. Officer
14 Buckley claimed in his perjured version of events: he ran in front of Mr. Simpson; that he made
15 contact with Mr. Simpson three times and that each time Mr. Simpson evaded the officer by
16 moving up and down the street; that he asked Mr. Simpson multiple questions; that Mr. Simpson
17 kept his hands near his waistband and refused to show his hands to Officer Buckley; that Mr.
18 Simpson attempted to run away; and that Mr. Simpson was walking with a limp as if he was
19 trying to conceal a gun.

20 29. Officer Buckley reaffirmed each and every point of this perjured story a second
21 time when the officer testified in federal court before Federal Judge Breyer during an evidentiary
22 hearing. Officer Buckley went so far as to describe the incident using an aerial map of the street
23 corner and marker to denote each and every detail of his false narrative during his court
24 testimony.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

(Fourth Amendment – Detention and Arrest under 42 U.S.C. Section 1983)
(Against Defendants John Fergus, Thomas Buckley, Elizabeth Morse, Andrew Clifford and DOES 1-25)

34. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 33 of this complaint.

35. At the time Defendant Officers seized Plaintiff, officers did not have reasonable suspicion to justify the detention nor did they have probable cause to make an arrest. Officers simply seized Plaintiff from behind, forced him to the ground, beat Plaintiff into submission, arrested and imprisoned him, which violated Plaintiff's right to be secure in his person against unreasonable searches and seizures as guaranteed to Plaintiff under the Fourth Amendment to the United States Constitution.

36. The Defendant Officers detained Plaintiff without reasonable suspicion and arrested him without probable cause, in violation of their training and the law. As a result of their misconduct, all these Defendant Officers are liable for Plaintiff's injuries, either because they were integral participants in the wrongful detention and arrest, or because they failed to intervene to prevent these violations.

WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

SECOND CAUSE OF ACTION

(Fourth Amendment – Excessive Force under 42 U.S.C. Section 1983)
(Against Defendants John Fergus, Thomas Buckley, Elizabeth Morse, Andrew Clifford and DOES 1-25)

37. Plaintiff hereby re-alleges and incorporates by reference paragraphs 1 through 36 of this Complaint.

38. When the Defendant Officers beat Plaintiff during an unlawful detention and arrest, they deprived Plaintiff of his right to be secure in his person against unreasonable searches and seizures as guaranteed to Plaintiff under the Fourth Amendment to the United States Constitution. The Defendant Officers' actions were excessive and unreasonable,

1 especially because officers did not have a lawful basis to detain Plaintiff when the four
2 Defendant Officers piled on top of Plaintiff, kneed and punched Plaintiff without cause, which
3 violated their training and Plaintiff's constitutional rights under the Fourth Amendment.

4 39. As a result of their misconduct, each of the Defendant Officers is liable for
5 Plaintiff's injuries, either because they were an integral participant in, or failed to intervene in,
6 the conduct described above;

7 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

8 **THIRD CAUSE OF ACTION**
9 **(Municipal Liability for Unconstitutional Custom or Policy (Monell)—42 U.S.C. section**
10 **1983)**

11 *(Against Defendant CITY AND COUNTY OF SAN FRANCISCO and DOES 26-50)*

12 40. Plaintiff hereby re-alleges and incorporates by reference herein paragraphs 1-39
13 of this complaint.

14 41. Plaintiff is informed and believes and thereon alleges that high ranking
15 CITY AND COUNTY OF SAN FRANCISCO officials, including Defendants, and DOES 26-
16 50, and/or each of them, knew and/or reasonably should have known about acts of misconduct
17 by Defendants, and DOES 1-25, and/or each of them.

18 42. Despite having such notice, Plaintiff is informed and believes and thereon alleges
19 that Defendants, and DOES 1-50, and/or each of them, approved, ratified, condoned, encouraged
20 and/or tacitly authorized the continuing pattern and practice of misconduct and/or civil rights
21 violations by said officers.

22 43. Plaintiff is further informed and believes and thereon alleges that as a result of the
23 deliberate indifference, reckless and/or conscious disregard of the misconduct by Defendants,
24 and DOES 1-50, and/or each of them, encouraged these officers to continue their course of
25 misconduct, resulting in the violation of Plaintiff's rights as alleged herein.

44. As against Defendant CITY AND COUNTY OF SAN FRANCISCO,
Defendants and/or DOES 1-50 in his/their capacity as police officer(s) for the CITY AND
COUNTY OF SAN FRANCISCO, Plaintiff further alleges that the acts and/or omissions
alleged in the Complaint herein are indicative and representative of a repeated course of

1 conduct by members of the CITY OF SAN FRANCISCO POLICE DEPARTMENT
2 tantamount to a custom, policy or repeated practice of condoning and tacitly encouraging the
3 abuse of police authority, and disregard for the constitutional rights of citizens.

4 45. Plaintiff is informed and believes and thereon alleges that the acts and omissions
5 alleged herein are the direct and proximate result of the deliberate indifference of Defendants
6 and/or DOES 1-50 in his/their capacity as police officer(s) for the CITY AND COUNTY OF
7 SAN FRANCISCO, and each of them, to repeated acts of misconduct, which were tacitly
8 authorized, encouraged or condoned by the Defendants and/or DOES 1-50 in his/their capacity
9 as police officer(s) for the CITY AND COUNTY OF SAN FRANCISCO, and each of them.

10 46. The injuries and damages to Plaintiff as alleged herein were the foreseeable and
11 proximate result of said customs, policies, patterns and/or practices of Defendants and/or
12 DOES 1-50 in his/their capacity as police officer(s) for the CITY AND COUNTY OF SAN
13 FRANCISCO, and each of them.

14 47. Plaintiff is informed and believes and thereon alleges that the damages sustained
15 as alleged herein were the direct and proximate result of municipal customs and/or policies of
16 deliberate indifference in the training, supervision and/or discipline of members of the
17 Defendants and/or DOES 1-50 in his/their capacity as police officer(s) for the CITY AND
18 COUNTY OF SAN FRANCISCO.

19 48. Plaintiff is further informed and believes and upon such information and belief
20 alleges that Plaintiff's damages and injuries were caused by customs, policies, patterns or
21 practices of Defendants and/or DOES 1-50 in his/their capacity as police officer(s) for the
22 CITY AND COUNTY OF SAN FRANCISCO, and each of them, of deliberate indifference in
23 the training, supervision and/or discipline of Defendants, and DOES 1-50, and/or each of them.

24 49. The aforementioned customs, policies or practices of Defendants and/or DOES 1-
25 50 in his/their capacity as police officer(s) for the CITY AND COUNTY OF SAN
26 FRANCISCO, and each of them, resulted in the deprivation of Plaintiff's constitutional rights.

27 50. The aforementioned acts and/or omissions and/or deliberate indifference by high
28 ranking CITY AND COUNTY OF SAN FRANCISCO officials, including high ranking SAN

1 FRANCISCO POLICE DEPARTMENT supervisors, Defendants, and DOES 1-50, and each of
2 them, and the aforementioned customs, policies or practices of Defendants and/or DOES 1-50 in
3 his/their capacity as police officer(s) for the CITY AND COUNTY OF SAN FRANCISCO
4 resulted in the deprivation of Plaintiff's constitutional rights including, but not limited to, the
5 following:

- 6 a. The right to be free from unreasonable searches and seizures, as guaranteed
- 7 by the Fourth Amendment to the United States Constitution;
- 8 b. The right not to be deprived of life or liberty without due process of law, as
- 9 guaranteed by the Fourteenth Amendment to the United States Constitution;
- 10 c. The right to equal protection of the laws, as guaranteed by the Fourteenth
- 11 Amendment to the United States Constitution; and/or,

12 51. Said rights are substantive guarantees under the Fourth and/or Fourteenth
13 Amendments to the United States Constitution.

14 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

15 **FOURTH CAUSE OF ACTION**
 16 **(False Arrest/Imprisonment in violation**
of CALIFORNIA CIVIL CODE § 52.1 "The Bane Act")
(Against Defendants John Fergus, Thomas Buckley, Elizabeth Morse, Andrew Clifford and
DOES 1-50)

17 52. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 51 of this
18 complaint.

19 53. Defendants' above-described conduct constituted interference, and attempted
20 interference, by threats, intimidation and coercion, with the Plaintiff's peaceable exercise and
21 enjoyment of rights, including but not limited to his right to be free from unreasonable search
22 and seizure, to due process, to equal protection of the laws, to be free from state actions that
23 shocks the conscience, and to life, liberty, and property, secured by the Constitution and laws
24 of the United States and the State of California, in violation of California Civil Code §52.1.

25 WHEREFORE, Plaintiff prays for relief as hereinafter set forth.

FIFTH CAUSE OF ACTION

(Assault and Battery – Violation of CALIFORNIA PENAL CODE § 242)
(Against Defendants John Fergus, Thomas Buckley, Elizabeth Morse, Andrew Clifford and DOES 1-25)

54. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 53 of this complaint.

55. Defendants, while working as police officers for the CITY OF SAN FRANCISCO, and acting within the course an scope of their duties, intentionally struck, grabbed, punched and kneed Plaintiff as well as forced him into handcuffs and imprisoned him without a lawful basis.

56. As a result of the actions of these Defendants, Plaintiff suffered physical injuries. The Defendant Officers did not have legal justification for using force against Plaintiff, and these Defendants’ use of force while carrying out their police officer duties was an unreasonable use of force.

WHEREFORE, Plaintiff prays for relief as hereinafter set forth

JURY DEMAND

57. Plaintiff hereby demands a jury trial in this action.

PRAYER

WHEREFORE, Plaintiff prays for relief, as follows:

1. For general damages in a sum to be proven at trial;
2. For special damages, including but not limited to, past, present and/or future wage loss, income and support, medical expenses and other special damages in a sum to be determined according to proof;
3. For punitive damages in a sum according to proof;
4. For reasonable attorney’s fees pursuant to 42 U.S.C. Section 1988;
5. For reasonable attorney’s fees pursuant to California Civil Code Section 52.1;
6. For cost of suit herein incurred; and

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7. For such other and further relief as the Court deems just and proper.

Dated: January _____, 2017

Law Offices of John L. Burris

 /s/ John L. Burris
John L. Burris
Attorneys for Plaintiff

CIVIL COVER SHEET

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

<p>I. (a) PLAINTIFFS Brandon Simpson, an individual</p> <p>(b) County of Residence of First Listed Plaintiff <input type="text"/> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) John L. Burris, Esq.; Adante D. Pointer, Esq.; LAW OFFICES OF JOHN L. BURRIS 7677 Oakport Street, Suite 1120, Oakland, CA 94621 (510) 839-5200</p>	<p>DEFENDANTS CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation; JOHN FERGUS, THOMAS BUCKLEY, ELIZABETH MORSE, and ANDREW CLIFFORD, as individuals and in their official capacity as Police Officers for SF</p> <p>County of Residence of First Listed Defendant <input type="text" value="San Francisco"/> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th>PTF</th> <th>DEF</th> </tr> </thead> <tbody> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </tbody> </table>		PTF	DEF	PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
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IV. NATURE OF SUIT (Place an "X" in One Box Only)

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

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 42 U.S.C., Section 1983

Brief description of cause:
 Assault, battery, and civil rights violations

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ _____ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S), IF ANY (See instructions): _____ JUDGE _____ DOCKET NUMBER _____

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)
 (Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

DATE: 01/11/2017 SIGNATURE OF ATTORNEY OF RECORD: /s/ John L. Burris