

Samuel Fuller P810928

Name and Prisoner/Booking Number
Fourth Avenue Jail

Place of Confinement
201 S. 4th Avenue

Mailing Address
Phoenix, AZ 85003

City, State, Zip Code

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
JUN 28 2013	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Samuel Louis Fuller)
(Full Name of Plaintiff) Plaintiff,)

vs.)

(1) City of Phoenix Fire Dept et al.)
(Full Name of Defendant))

(2) Diego Rodriguez)

(3) _____)

(4) _____)

Defendant(s).)

Check if there are additional Defendants and attach page 1-A listing them.)

CV-13-01296-PHX-NVW--JFM

CASE NO. _____
(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

- Original Complaint
- First Amended Complaint
- Second Amended Complaint

"Jury Trial"

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

- 28 U.S.C. § 1343(a); 42 U.S.C. § 1983
- 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).
- Other: _____

2. Institution/city where violation occurred: City of Phoenix, SCS precinct

B. DEFENDANTS

1. Name of first Defendant: Captain Ketterer. The first Defendant is employed as:
City Employee PARAMEDIC at City of Phoenix Fire Dept.
(Position and Title) (Institution)
2. Name of second Defendant: Diego Rodriguez. The second Defendant is employed as:
Attorney at Criminal law at Maricopa's Defense attorney
(Position and Title) (Institution)
3. Name of third Defendant: _____ . The third Defendant is employed as:
_____ at _____
(Position and Title) (Institution)
4. Name of fourth Defendant: _____ . The fourth Defendant is employed as:
_____ at _____
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? Yes No
2. If yes, how many lawsuits have you filed? 8. Describe the previous lawsuits:

a. First prior lawsuit:

1. Parties: Samuel Louis Fuller v. City of Phoenix et al.
2. Court and case number: CV 12 01510 Phx. NVW (JFM)
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) pending

b. Second prior lawsuit:

1. Parties: Samuel Louis Fuller v. Officer Nichols et al.
2. Court and case number: CV 12 02033 - Phx. NVW (JFM)
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) pending

c. Third prior lawsuit:

1. Parties: Samuel Louis Fuller v. Jordyn Rose Reimondo, et al
2. Court and case number: CV 13 00874 - Phx. NVW (JFM)
3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) pending
First appealing

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION

COUNT I 1 of 3

1. State the constitutional or other federal civil right that was violated: Due Process Clause
Fourteenth Amendment

2. Count I. Identify the issue involved. Check only one. State additional issues in separate counts.

- Basic necessities
- Disciplinary proceedings
- Excessive force by an officer
- Mail
- Property
- Threat to safety
- Access to the court
- Exercise of religion
- Other: _____
- Medical care
- Retaliation

3. Supporting Facts. State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

On October 14, 2011 after medics were contacted and advised of serious injuries I had sustained caused by the use of force by multiple punches to head and temple and then directly following an choke by the "Carotid technique" which caused me to go "Unconscious". The paramedic "did not" perform any medical treatment nor was I given adequate medical attention to my injuries, the paramedic never came as close to me to sincerely evaluate my medical condition

As a result of the paramedic's indifference I sustained certain conditions which were never assessed, one (1) For an number of weeks I could not open my mouth and jaw's due to the soreness of my temple and head, my right hand wrist was and is today marked and my nerve was pinched that I could not properly was my right hand as normal even today exist.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

Because I was "not given" medical care, I suffer post trauma and Nightmare's caused by the negligence of the medics which should have taken me to the hospital I suffer psychological distress with an Gough on my right wrist because of no medical treatment for pinch nerves.

5. Administrative Remedies: Cause by the handcuff removal while unconscious.

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- b. Did you submit a request for administrative relief on Count I? Yes No
- c. Did you appeal your request for relief on Count I to the highest level? Yes No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. n/a

Count 1 2 of 3

On October 14, 2011 leading into October 15, 2011 City of Phoenix Police Employee's Used Restricted Force on me while I was handcuffed / Restrained... see Samuel/Louis Fuller vs. Sergeant of Peace Officer, et al CV 12-01510-PHX-NVW(JFM)

City of Phoenix Fire Department Ladder 22 c-shift Captain Ketterer, the summons paramedic was advised upon arrival that; "I was rendered Unconscious by the Use of closed and hammer fist strikes to the face and head including an use of the "Carotid control technique."

Captain Ketterer denied to provide me "any" medical care to serious injuries I'd sustained as a result of the police employee's use of force... captain ketterer acted deliberately indifferent to the assessment of my injuries and "did not" as its City of Phoenix Policy for detainee's whom has had the use of carotid technique applied; "when a suspect is rendered unconscious as a result of the application of this techniques; one (1) the paramedic's should roll the suspect onto their side and check for vitals signs."

Captain Ketterer took my need to be medically assess as nonchalant to the extent these primary task were never performed.

Count 1 3 of 3

Instead Ketterer would direct a number of questions to me from an distasteful Observational Stand point "outside" the proxiamaty of any injuries I had Sustained as a result of the punches and Choked which cause me unconisciousness.

Captain Ketterer asked me while flashing an medic's light into my face "Are you alright?" the paramedic "did not" enter the area were I was restrained, due to my emotional duress caused from city police use of force I could not stop crying.

Ketterer I believed denied to make any physical medical care such as First aid or to even check for vital's of blood pressure. Only from outside the actual place of my injuries did the paramedic "so called" assest my injured condition, deliberately indifferent because of my emotional state and intentional because he had been formally advised of all injuries I sustained. No first aid, No Vital's Sign Check, No medical care for which I should have been immediately transported to an hospital because of the going UnConscious and the multiply strike's to my head and temple... Because the medic would assist to surpress the documentation of those injuries by city of Phoenix Police.

COUNT II

1. State the constitutional or other federal civil right that was violated: Due Process Clause
Fourteenth Amendment, deliberate indifference

2. Count II. Identify the issue involved. Check only one. State additional issues in separate counts.

- Basic necessities
- Mail
- Access to the court
- Medical care
- Disciplinary proceedings
- Property
- Exercise of religion
- Retaliation
- Excessive force by an officer
- Threat to safety
- Other: _____

3. Supporting Facts. State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

On January 15, 2013 at a hearing the trial court assigned myself an attorney Mr. Diego Rodriguez however during that same appointment I waived him as Counsel. At the initial meet and greet in the court room he informed me of his appointment to my case, I stopped him and advised him I would not be allowing counsel to represent me and returned his attorney's card. I went on to waive him as Counsel and was granted. On April 26, 2013 the Court after the state motion to "Appoint Defendant Counsel" was granted that motion and Mr. Rodriguez was appointed as representing Counsel for defendant (cc Violated my right to have a speedie trial by delay's.))

Mr. Rodriguez has been presently involved with this case since January 15, 2013 and has stated to the Court at a May 14, 2013 hearing "Counsel has reviewed the defendants case, and yes Counsel is ready to proceed to trial on behalf of defendant, yet in the same advisement requested to EXCLUDE all my final disposition dates of this case, it was granted. This was done with the intention to create the presumption for the state that this cause was in good faith and active prosecution. Request Exclusion because his trial schedule was congested without regard for my request to be brought.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

Because Diego Rodriguez caused the Final Disposition of my crim. case to become "Excluded" I have been held in custody 596 days unconvicted by preaccusational delay's with anxiety from the accusation's against myself Frustration long delay's bring my right to be brought to trial after 10 day of writing request by prisoner.

5. Administrative Remedies.

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- b. Did you submit a request for administrative relief on Count II? Yes No
- c. Did you appeal your request for relief on Count II to the highest level? Yes No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. n/a

COUNT III

1. State the constitutional or other federal civil right that was violated: Due process Clause
Fourteenth Amendment against preindictment delay

2. Count III. Identify the issue involved. Check only one. State additional issues in separate counts.

- Basic necessities Mail Access to the court Medical care
 Disciplinary proceedings Property Exercise of religion Retaliation
 Excessive force by an officer Threat to safety Other: Cruel and Usual punishment.

3. Supporting Facts. State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

On May 7, 2013 after the court appointed Mr. Rodriguez as Counsel for defendant this attorney would began to reverse all my succeeded efforts; First he caused my expert to be vacated and told him Mr. Rodriguez told my expert witness "he will not use any of the reports that the expert prepared while as a result of his assignment to my case". Second Mr. Rodriguez without my consent waive all my final date's to have me brought to trial which was a number ^{of} Objective while I was self represented and the remaining time's left to have had me brought to trial from the January 15, 2013 initial date of notice until April 26, 2013 the date of his appointment as Counsel had elapse to 45 day's remainings, so then therefore Counsel has completely brought all my own efforts to mootness and has given the state an broad advantage to harass me by this delay intentionally.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

I am Oppressively incarcerated because Counsel has not made arrangement appropriately to have me brought to trial according to Sect. 24 rights of accused, Rule 9.7 Ariz. Crim Proc. I am beyond anxiety I am broken hearted and sick because of this reckless disregard of my rights.

5. Administrative Remedies.

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
 b. Did you submit a request for administrative relief on Count III? Yes No
 c. Did you appeal your request for relief on Count III to the highest level? Yes No
 d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. n/a

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.

E. REQUEST FOR RELIEF

State the relief you are seeking:

Respectfully I seek monetary damages in the said amount of \$1,000,000.00 and a award of apologie with injunction by interposition of the Federal Courts to render justice impartially and without preference to the extent of "justic and fairness" that their be re compensation for violation of rights. and Administrative Review until trial date and jury called in.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 6.9.2013 DATE

Samuel Fuller SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.

**MARICOPA COUNTY SHERIFF'S OFFICE
JOSEPH M. ARPAIO SHERIFF**

CERTIFICATION

I hereby certify that on this date 6/24/13

I mailed the original and one (1) copy to the Clerk of the United States District Court, District of Arizona.

I further certify that copies of the original have been forwarded to:

____ Hon _____ United States District Court, District of Arizona.

____ Hon _____ United States District Court, District of Arizona.

____ Attorney General, State of Arizona.

____ Judge, _____, Superior Court, Maricopa County, State of Arizona.

____ County Attorney _____, Maricopa County, State of Arizona,

____ Public Defender _____, Maricopa County, State of Arizona.

____ Attorney _____



INMATE LEGAL SERVICES
Maricopa County Sheriff's Office
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Phoenix, AZ 85003