

1 THALEN CURTIS FLUCKES
3458 20th St.
2 Highland, CA 92346
(909) 495- 5207

3 THALEN CURTIS FLUCKES Plaintiff in Pro Se;

4 ORIGINAL

5 UNITED STATES DISTRICT COURT

6 CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION

CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

2010 JUN 18 PM 2:59

FILED

9 THALEN CURTIS FLUCKES

) CASE NO.

10 **ED**
11 Plaintiff

CV

10 - 00868 CAS
ORIGINAL
COMPLAINT FOR DAMAGES

FEDERAL CIVIL RIGHTS
VIOLATIONS;

1. Excessive Force
2. False Arrest
3. Racial Bias, Equal Protection

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15 Officer CARLOS LARIZ #50793
16 individually and as a City of San
17 Bernardino Police Officer; Officer
18 AHMED #50828, individually and as
19 a City of San Bernardino Police
20 Officer; DOES 1 through 10,
inclusive, each individually and as
law enforcement officers.

Defendants

21 1. INTRODUCTION.

22 This complaint is based upon the Federal Civil Rights Act of 1871, 42
23 United States Code, sections 1983 and 1988, and the Fourth and Fourteenth
24 Amendments to the United States Constitution.

25 2. Plaintiff THALEN CURTIS FLUCKES (FLUCKES) herein complains of
26 acts and omissions which occurred during an investigation and arrest by City of
27 San Bernardino police officers after a call for help from an mentally impaired
28 woman stating that her husband (Plaintiff FLUCKES) was non violent but

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IFP

1 verbally causing her distress. Police Officers arrived and were asked by the
2 reporting party to take her to a mental ward, there were no reports or evidence of
3 violence. Police officers disregarded all available information and attacked and
4 beat Plaintiff FLUCKES, and charged him with violation of California Penal Code
5 section 148. 3. ALLEGATIONS

6 Plaintiff THALEN CURTIS FLUCKES, alleges as follows:

7 Jurisdiction is conferred upon this Court by 28 United States Code section
8 1331 (federal question) and 28 United States Code section 1343, subdivision 3
9 (civil rights), and on the pendent jurisdiction of this Court to hear claims arising
10 under state law. Venue lies in the Central District of California, the judicial
11 district in which the claim arose, pursuant to 28 United States Code section 1391,
12 subdivision b.

13 4. PARTIES.

14 Plaintiff THALEN CURTIS FLUCKES is an African American male
15 resident of Highland, California.

16 5. At all times material herein Defendants CARLOS LARIZ and AHMED
17 were duly appointed, qualified and acting City of San Bernardino Police Officers,
18 and at all times herein mentioned each Defendant was acting within the course and
19 scope of such employment and under color of law.

20 FACTS.

21 6. The acts, omissions, and events herein described and complained of
22 occurred on or about March 27, 2009, at approximately 7:00 p.m at 3458 20th St.
23 Highland, CA 92346.

24 7. On or about the date, time, and place aforementioned, FLUCKES was at his
25 home with his wife Lisa Fields, and their daughter Emily Fluckes.

26 8. Lisa Fields is bi polar and requires regular treatment for that condition, and
27 she requires hospitalization from time to time. City of San Bernardino police
28 officers have been called upon in the past to transport her for medical treatment for

1 her mental condition.

2 9. On or about the date, time, and place aforementioned, Lisa Fields called
3 911 for emergency assistance. She reported to the 911 Operator that her husband
4 (Plaintiff FLUCKES), was "putting her down". She emphasized repeatedly that
5 there was no violence, no hitting.

6 10. In response to questions by the 911 Operator, Lisa Fields reported that her
7 husband FLUCKES was a Black Male.

8 11. The 911 Operator advised that she would send officers to "talk to
9 everybody".

10 12. Defendant LARIZ arrived at 3458 20th St. in response to the 911 call of
11 Lisa Fields, followed shortly thereafter by Defendant AHMED. Both Officers
12 noted that the occupants of the home were African American.

13 13. Lisa Fields reported to LARIZ that she was not the victim of violence, and
14 she stated that she needed help for her mental condition.

15 14. Lisa Fields asked LARIZ to arrange for her to be taken to a hospital for her
16 mental condition. LARIZ refused her request.

17 15. Defendant LARIZ contacted Plaintiff FLUCKES inside the home, and noted
18 that he met the description given by the 911 Operator, a "Black Male".

19 16. Plaintiff FLUCKES asked defendant LARIZ for assistance in providing
20 mental health care to Lisa Fields. LARIZ refused his request.

21 17. Defendant LARIZ ignored statements by Lisa Fields and Plaintiff
22 FLUCKES that there was no violence, and he noted that there was no physical
23 evidence whatsoever of violent behavior, and he noted that Lisa Fields and
24 FLUCKES were African American.

25 18. Defendant LARIZ asked FLUCKES to exit the home and FLUCKES
26 complied.

27 19. Shortly after FLUCKES exited the home, defendant AHMED arrived.

28 20. Defendant AHMED noted that FLUCKES was African American.

1 21. Plaintiff FLUCKES requested that Lisa Fields be taken to a hospital for
2 treatment of her mental condition, and Defendants LARIZ and AHMED refused to
3 take any action whatsoever on this request, but responded with the statement that
4 they were "not a fucking taxi service".

5 22. On or about the date, time, and place aforementioned Plaintiff FLUCKES
6 was carrying no weapons on his person and there were no weapons in his home.

7 23. On or about the date, time, and place aforementioned Plaintiff FLUCKES
8 had committed no crime.

9 24. On or about the date, time, and place aforementioned no crime was reported
10 to have been committed .

11 25. Defendants LARIZ and AHMED threw plaintiff FLUCKES to the ground,
12 and beat him with closed fists about the head, face, chest, back, and applied
13 pressure by knees to elbow, legs, and back.

14 26. Plaintiff FLUCKES attempted to protect himself from the unprovoked and
15 unlawful beating, and he never attacked his assailants.

16 27. Defendants LARIZ and AHMED falsely accused and cited FLUCKES for
17 violation of California Penal Code section 148 when they knew that no crime had
18 been committed by FLUCKES.

19 28. Plaintiff FLUCKES was charged with violation of California Penal Code
20 section 148, San Bernardino Superior Court Case #MSB902136.

21 29. San Bernardino Superior Court Case #MSB902136. was dismissed by the
22 Court on August 17, 2009.

23 PLAINTIFFS' FIRST CAUSE OF ACTION

24 FEDERAL CIVIL RIGHTS VIOLATION

25 FOURTH AMENDMENT, EXCESSIVE FORCE

26 Plaintiff refers to and incorporates herein by reference the allegations
27 contained in paragraphs 1 through 29 herein as if set forth in full.

28 30. On or about the date, time, and place aforementioned, Defendants LARIZ

1 and AHMED, ans DOES 1 through 10 deprived Plaintiff FLUCKES of the right to
2 security of the person from unreasonable search and seizure and unjustified force
3 in violation of the Fourth Amendment to the United States Constitution, and of
4 substantive due process of law in violation of the Fourteenth Amendment to the
5 United States Constitution, in that at or about said date, time and place, said
6 defendants knowingly and wilfully acted as herein described.

7 PLAINTIFF'S SECOND CAUSE OF ACTION

8 FEDERAL CIVIL RIGHTS VIOLATION

9 FOURTH AMENDMENT, FALSE ARREST

10 31. Plaintiff refers to and repleads each and every allegation contained in
11 paragraphs 1 through 29 of this complaint and by this reference incorporates the
12 same herein and makes each a part hereof.

13 32. Defendants LARIZ and AHMED and DOES 1 through 10 detained and
14 arrested Plaintiff FLUCKES without probable cause, and thereby unlawfully
15 exercised their authority to seize, restrain, detain and confine Plaintiff.

16 PLAINTIFF'S THIRD CAUSE OF ACTION

17 FEDERAL CIVIL RIGHTS VIOLATION

18 FOURTEENTH AMENDMENT,

19 RACIALLY MOTIVATED POLICE MISCONDUCT

20 33. Defendants LARIZ and AHMED and DOES 1 through 10 observed that the
21 reporting party was African American and treated her differently than a similarly
22 situated white female and displayed racial animus by ignoring her request for
23 medical care.

24 34. Defendants LARIZ and AHMED and DOES 1 through 10 observed that
25 Plaintiff FLUCKES was African American and treated him differently than a
26 similarly situated white male and displayed racial animus by ignoring his request
27 for medical care for the reporting party Lisa Fields, by ordering Plaintiff to exit his
28 home, and by their unprovoked and unlawful attack on him.

1 35. Such acts show an assumption by Defendants LARIZ and AHMED and
2 DOES 1 through 10 that Plaintiff FLUCKES, an African American male, had
3 committed a crime without any basis in fact, but based only on racial bias.

4 DAMAGES

5 36. By reason of the aforescribed acts and omissions of Defendants LARIZ
6 and AHMED, and DOES 1 through 10, Plaintiff FLUCKES did and will in the
7 future require medical, psychological, and psychiatric care and treatment; and by
8 reason thereof, Plaintiff FLUCKES will in the future incur hospital, doctor, x-ray,
9 medical, pharmaceutical and incidental expenses in an amount as provided at trial.

10 PUNITIVE DAMAGES

11 37. The aforescribed intentional acts and omissions of each Defendant was
12 done by each Defendant knowingly, intentionally and maliciously for the purpose
13 of harassment, oppression, and inflicting injury upon Plaintiff, in wanton and
14 callous disregard of Plaintiff's safety, security, and civil rights; and by reason
15 thereof, Plaintiff claims exemplary and punitive damages from each Defendant.

16 WHEREFORE, Plaintiff THALEN CURTIS FLUCKES prays for damages
17 against Defendants and each of them, as follows:

- 18 1. General damages in an amount to be proven at trial ;
- 19 2. Medical, hospital, doctor, psychiatric, psychological, pharmacy, x-
20 ray, and incidental expenses in an amount proved at trial;
- 21 3. Loss of future income as proved at trial;
- 22 4. Punitive and exemplary damages from each defendant, in the sum of
23 \$50,000;
- 24 5. Such other and further relief as the Court deems appropriate and just.

25 DATED: June 3, 2010

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27 THALEN CURTIS FLUCKES
28 Plaintiff in Pro Se