

06 CV 65-92 (JSP)

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Revised 03/06 WDN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

AMENDED

FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT
(Non-Prisoner Context)

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1. CAPTION OF ACTION

A. Full Name of Plaintiff: NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.

BRIAN D. BARLOW 2ND AMMENDMENT

-vs-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.

1. MALE GENEVA POLICE OFFICER WHO
2. ARRESTED ME ON JANUARY 2005
3. _____
4. BRAD FALKNEY OF
5. ONTARIO COUNTY DEPUTY
6. JOHN STORM - ONTARIO
COUNTY DEPUTY

FILED
DISTRICT COURT
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2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT

All of these sections MUST be answered

Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.

A. Basis of Jurisdiction in Federal Court: COULD NOT FIND LAWYER TO PROSECUTE POLICE DEPARTMENT

State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.

B. Reason for Venue in the Western District: RESIDE IN ONTARIO COUNTY

Identify the nature of this action, such as that it is a civil rights claim; a personal injury or personal property (tort) claim; a property rights claim, or whatever it is.

C. Nature of Suit: VIOLATION OF 8TH AMMENDMENT - CANCEL PUNISHMENT
VIOLATION OF HUMAN RIGHTS, THE GENEVA POLICE OFFICER WHO ARRESTED ME JANUARY 2005, REBROKE LEFT WRIST AND NEUROLOGICAL NERVE DAMAGE TO LEFT ARM.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name of First Plaintiff: BRIAN D. BARLOW

Present Address: 44 HIGH ST.

SHORTSVILLE, NY 14548

Name of Second Plaintiff: _____

Present Address: _____

DEFENDANT'S INFORMATION NOTE: To list additional defendants, use this format on another sheet of paper.

Name of First Defendant: CITY OF GENEVA POLICE OFFICER WHO ARRESTED ME

Official Position of Defendant (if relevant): POLICE OFFICER JANUARY 2005

Address of Defendant: GENEVA, N.Y.

Name of Second Defendant: BRAD FALKNEY

Official Position of Defendant (if relevant): DEPUTY

Address of Defendant: ONTARIO COUNTY SHERIFF'S DEPARTMENT

Name of Third Defendant: JOHN STORM

Official Position of Defendant (if relevant): DEPUTY

Address of Defendant: ONTARIO COUNTY SHERIFF'S DEPARTMENT

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes _____ No

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court (if federal court, name the district; if state court, name the county): _____

3. Docket or Index Number: _____

4. Name of Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes ___ No ___

If not, give the approximate date it was resolved. _____

Disposition (check those statements which apply):

___ Dismissed (check the statement which indicates why it was dismissed):

___ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

___ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

___ By court due to your voluntary withdrawal of claim;

___ Judgment upon motion or after trial entered for

___ plaintiff

___ defendant.

5. STATEMENT OF CLAIM

Please note that it is not enough to just list the ground(s) for your action. You must include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

A. FIRST CLAIM: On (date of the incident) JANUARY 2005, I WAS WORKING
defendant (give the name and (if relevant) the position held of each defendant involved in this incident) WEYH
BRAD FALKNEY AND JOHN STORM AS A "CI". I WOULD
EITHER SET UP Buys FOR MYSELF USING CAMERA OR
A LISTENING DEVICE FOR THE PURPOSE OF BUYING DRUGS.

did the following to me (briefly state what each defendant named above did): DURING THE ARREST OF ROY HOBAN (WHICH I HAD SET UP A "BUY" FOR JOHN STORM. A CITY OF GENEVA POLICE OFFICER VIOLATED MY RIGHTS BY PLACING MY LEFT WRIST, TWISTED, UP THE MIDDLE OF MY BACK AND HOLDING IT THERE, EVEN AS I HAD WARNED HIM I AM STILL UNDER THERAPY FOR A BROKEN LEFT WRIST PREVIOUSLY, HE STAYED SHIP UP AND TWISTED MY ARM AND WRIST,

The federal basis for this claim is: CAUSING IT TO REBROKEN. RESULTANT EN 2 YEARS PAIN.

8TH AMMENDMENT, CRUEL PUNISHMENT,

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

PAY FOR TRANSPORTATION COSTS, DAMAGES FOR PERSONAL INJURY.

B. SECOND CLAIM: On (date of the incident) JANUARY 2005,

defendant (give the name and (if relevant) position held of each defendant involved in this incident) BRAD FALKNEY AND JOHN STORM (DEPUTIES)

did the following to me (briefly state what each defendant named above did): EITHER FORGOT OR DID TELL ALL OFFICERS PRESENT TO LEAVE MY LEFT WRIST FROM HARM. BRAD TRIED TO GET TO ME FIRST BUT COULD NOT, AFTER I TOLD BRAD THAT MY LEFT WRIST WAS REBROKEN, HE JUST INFORMED ME TO KEEP IN TOUCH WITH HIM. I TOLD BRAD EVERY TIME I HAD A DOCTORS VISIT FROM 2005-2006.

The federal basis for this claim is: MISINFORMATION OF ALL ARRESTING OFFICERS.

State briefly exactly what you want the Court to do for you. Make no legal arguments and cite no cases or statutes:

FOR BRAD FALKNEY AND JOHN STORM, I WOULD LIKE TO SETTLE THIS OUT OF COURT WITH ONTARIO COUNTY ATTORNEY, ONTARIO COUNTY TO PROVIDE BIGGER BUDGET FOR THE DRUG TASK FORCE, PLUS 2 ADDITIONAL DEPUTIES,

If you have additional claims, use the above format to set them out on additional sheets of paper.

6. SUMMARY OF RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

FOR THE CITY OF GENEVA POLICE OFFICER WHO
ARRESTED ME JANUARY 2005. I WOULD TRANSPORTATION
COST (MILEAGE) FOR DOCTORS VESTS AND PERSONAL ENTRY
FOR BRAD AND JONV, ONTARIO COUNTY TO PROVIDE
2 MORE DEPUTIES TO DRUG TASK FORCE, PLUS BIGGER BUDGET
FOR DRUG TASK FORCE.

Do you want a jury trial? Yes No

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

Executed on JANUARY 8TH 2007
(date)

NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.

Brin D. Baker

Signature(s) of Plaintiff(s)