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13 Attorneys for Plaintiff

14 UNITED STATES DISTRICT COURT
 15 SOUTHERN DISTRICT OF CALIFORNIA

16 MARCO A. REYES,

17 Plaintiff,

18 v.

19 UNITED STATES OF AMERICA;
 20 DOE CBP OFFICERS 1-30,
 21 INDIVIDUALLY AND IN THEIR
 22 OFFICIAL CAPACITIES, inclusive,

23 Defendants.

Civil No. 20-cv-1752-WQH

24 **FIRST AMENDED COMPLAINT**
 25 **FOR:**

1. **Bivens: Excessive Force;**
2. **Bivens: Illegal Arrest;**
3. **Bivens: Falsification of Evidence;**
4. **Violations of Rehabilitation Act;**
5. **FTCA: False Imprisonment;**
6. **FTCA: Assault;**
7. **FTCA: Battery;**
8. **FTCA: Negligence;**
9. **FTCA: Bane Act;**
10. **FTCA: Intentional Infliction of Emotional Distress.**

**DEMAND FOR JURY TRIAL ON
 NON-FTCA CLAIMS**

1 **I. INTRODUCTION.**

2 1. Without reason or justification, U.S. Customs and Border Protection
3 Officers at the Otay Mesa Port of Entry severely beat, injured, and arrested
4 Plaintiff Marco Reyes, a disabled veteran. After throwing Plaintiff to the ground,
5 officers forced Plaintiff's arms behind his back beyond their range of motion,
6 despite his pleas that he had a disability that prevented him from placing his hands
7 in that position. Plaintiff suffered severe arm and shoulder injury as a result. The
8 officers also beat Plaintiff until they fractured his ribs and caused other serious
9 injuries throughout his body. Following the beating, the officers arrested Plaintiff
10 and took him into custody, falsified documents about the nature of the encounter
11 with him, and held him in custody until shortly before what would have been his
12 arraignment. No charges were ever filed. This lawsuit follows.

13 **II. JURISDICTION AND VENUE.**

14 2. This is a civil action where jurisdiction is founded on a federal question
15 under 28 U.S.C. § 1331.

16 3. Plaintiff's claims arise in this judicial district where the events or
17 omissions giving rise to this complaint occurred, namely the Otay Mesa Port of
18 Entry, which is situated in the Southern District of California.

19 4. Venue is proper in the United States District Court for the Southern
20 District of California under 28 U.S.C. § 1391.

21 5. Plaintiff filed timely administrative claims against the federal
22 defendants under 28 U.S.C. §§ 1346, and 2671-2680 (the Federal Tort Claims
23 Act), on or about September 4, 2019. The United States denied the claims on or
24 about March 24, 2020.
25

1 **III. PARTIES.**

2 6. Plaintiff Marco A. Reyes is and was, at all times relevant to this
3 lawsuit, a resident of the State of California, County of San Diego, and a citizen of
4 the United States. He was traveling into the United States through the Otay Mesa
5 Port of Entry on August 2, 2018.

6 7. At all times relevant herein, Customs and Border Protection (“CBP”)
7 was a sub-agency of the Department of Homeland Security, which in turn is an
8 agency of defendant United States of America.

9 8. Defendants Doe CBP Officers 1-30, at all times relevant herein, were
10 officers and/or agents of the CBP. The true names of these officers are currently
11 unknown. These defendants were on duty at the Otay Mesa Port of Entry on
12 August 2, 2018 and participated in the unlawful beating and arrest of Plaintiff that
13 gave rise to this Complaint. These defendants include, but are not limited to, the
14 CBP officer that falsely accused Plaintiff of assaulting him, the officers that pushed
15 Plaintiff to the ground and severely beat him, the officers that forced Plaintiff’s
16 hands behind his back and injured his arm, and the officers that took Plaintiff into
17 custody. At all times relevant herein, these defendants were acting in an official
18 capacity and under color of law.

19 **IV. FACTS SUPPORTING CAUSES OF ACTION.**

20 9. On August 2, 2018, at approximately 4:00 p.m., Plaintiff was in his car
21 in one of the vehicle lanes at the Otay Mesa Port of Entry, waiting to cross into the
22 United States.

23 10. The Otay Mesa Port of Entry is located at 9777 Via De La Amistad,
24 San Diego, CA 92154.

25 11. Due to an incident in a nearby vehicle lane, an unknown CBP officer
 (“Doe 1”) asked Plaintiff to step out of his car.

1 12. Plaintiff is a veteran of the United States Armed Forces.

2 13. Plaintiff has significant hearing loss from his days of military service
3 and did not hear the command.

4 14. As a result of significant hearing loss, plaintiff experiences tinnitus.

5 15. Plaintiff's tinnitus and hearing loss substantially limits his ability to
6 hear speech, especially in environments with other ambient noises.

7 16. As a result of his hearing loss, plaintiff did not hear Doe 1's initial
8 instructions to step out of his car.

9 17. Agitated, Doe 1 proceeded to knock on Plaintiff's driver's side window
10 and vaguely told him to stand "over there."

11 18. Plaintiff immediately complied, stepping out of his car and standing
12 behind his vehicle.

13 19. Doe 1 continued to agitatedly command plaintiff to move elsewhere
14 and plaintiff complied as best he could.

15 20. Another officer ("Doe 2") approached and began yelling profanities at
16 Plaintiff, accusing him of not following directions.

17 21. Plaintiff replied that there was no reason to treat him disrespectfully and
18 stated that he was following directions.

19 22. Insofar as Doe 1 and Doe 2 escalated the encounter and/or resolved to
20 arrest Plaintiff for disobedience of commands, it was because they misperceived
21 the effects of Plaintiff's hearing loss as willful disobedience.

22 23. Doe 2 continued to use profanities against Plaintiff while Doe 1
23 observed and listened.

24 24. Doe 2 approached Plaintiff and aggressively bumped into Plaintiff with
25 his chest while continuing to yell profanities at Plaintiff.

1 25. Plaintiff had not said or done anything to warrant being touched by the
2 officer.

3 26. Believing Doe 2 intended to hit him, plaintiff attempted to deescalate
4 and informed Doe 2 that he had a bad shoulder.

5 27. Plaintiff has a physical disability in his left hand, arm, and shoulder
6 from a previous injury which limits the functioning of those joints, including the
7 range of motion.

8 28. The disability substantially limits Plaintiff's use of that arm. Plaintiff
9 cannot perform many manual tasks with the arm and has trouble reaching, bending,
10 and moving the hand, arm, and shoulder.

11 29. As Plaintiff raised his hand to gesture Doe 2 to stop bumping into him,
12 Doe 2 bumped Plaintiff's hand.

13 30. Doe 2 immediately accused Plaintiff of assaulting him, despite knowing
14 that Plaintiff had done no such thing and that the accusation was false.

15 31. Doe 2 falsely accused Plaintiff of assault because he intended to
16 unjustly use violence against Plaintiff, falsely arrest plaintiff, and incite other CBP
17 officers to assist him in doing so.

18 32. On information and belief, Doe 1 or Doe 2 called for backup.

19 33. A group of unknown CBP officers ("Does 3-30") soon arrived at the
20 area where Plaintiff and Doe 2 were located.

21 34. Does 3 through 30 observed and heard Doe 2 falsely accuse Plaintiff of
22 assault.

23 35. Does 1 through 30 all understood that Doe 2 was the aggressor and that
24 Plaintiff had done nothing to warrant being beaten or arrested.

25 36. On information and belief, Does 1 and 3 through 30 understood that
Doe 2 had falsely accused Plaintiff of assault.

1 37. After falsely accusing Plaintiff of assaulting him, Doe 2 tackled
2 plaintiff to the ground.

3 38. An uncertain number of the gathered CBP officers, Does 1 and 3
4 through 30, joined Doe 2 in physically grabbing Plaintiff, kneeling him, and putting
5 weight on top of him during the melee.

6 39. Plaintiff informed Does 1 through 30 again about his shoulder disability
7 and explained that he could not move his hands behind his back due to the
8 impairment.

9 40. Ignoring Plaintiff's pleas, Doe 2 repeatedly wrenched Plaintiff's bad
10 arm behind his back towards his head.

11 41. Plaintiff's disability motivated Doe 2 to target Plaintiff's bad arm
12 because he was agitated and intended to cause Plaintiff pain far in excess of what
13 was necessary to execute the arrest.

14 42. Understanding plaintiff's disability, Doe 2 knowingly, intentionally and
15 repeatedly wrenched Plaintiff's arm behind his back in a deliberate attempt to
16 exploit Plaintiff's disability as a means of causing injury, pain, and humiliation.

17 43. Does 1 and 3 through 30 similarly ignored Plaintiff's pleas and instead
18 beat him as he lay defenseless on the ground.

19 44. Plaintiff had not said or done anything to warrant being beaten by the
20 group of officers.

21 45. Does 1 to 30 severely beat Plaintiff until they managed to force his
22 hands behind his back, causing a severe injury to his left arm and shoulder.

23 46. Plaintiff also suffered broken ribs and other serious injuries to his body
24 from the officers' beating.

25

1 47. After beating Plaintiff and forcing his hands behind his back, Does 1
2 through 30 attempted to lift Plaintiff off of the ground by his arms, causing
3 Plaintiff additional, unnecessary pain and humiliation.

4 48. An unidentified Doe defendant handcuffed Plaintiff's arms behind his
5 back and took him into custody at the Port of Entry.

6 49. On information and belief, the incident between Plaintiff and Doe CBP
7 officers was captured by video cameras at the Port of Entry.

8 50. Inside the Port of Entry, Plaintiff's arms remained handcuffed behind
9 his back for several hours.

10 51. Does 21 through 30 were aware of Plaintiff's disability, his shoulder
11 injury, and his other injuries.

12 52. Does 21 through 30 were also aware that Plaintiff's shoulder injury and
13 the manner in which Plaintiff was handcuffed behind his back caused him to
14 remain in enormous pain.

15 53. Nonetheless Does 21 through 30 left Plaintiff handcuffed for several
16 hours behind his back.

17 54. After the incident, other federal law-enforcement officials responded to
18 interview Plaintiff, and the involved CBP officials, about this use-of-force incident
19 at the border.

20 55. As a regular part of an investigation of that kind, investigating federal
21 law enforcement agents obtained and retained a copy of the video camera footage
22 involving Plaintiff and CBP officials from the Port of Entry that day.

23 56. On information and belief, at least Doe 1 and Doe 2 and perhaps other
24 Doe defendants who used force against Plaintiff made oral statements to
25 investigating agents about the use-of-force incident involving Plaintiff.

1 57. On information and belief, some of the oral statements given to
2 investigating agents by Does 1 through 30 were belied by the videotaped evidence
3 and the accounts of other witnesses.

4 58. On information and belief, Doe 1 and Doe 2 and perhaps other officers
5 who used force against Plaintiff also created written reports alleging that Plaintiff
6 had committed a federal offense in assaulting or resisting CBP officers.

7 59. Any written report claiming that Plaintiff assaulted a CBP official or
8 unlawfully resisted arrest is false, and constitutes falsification of evidence.

9 60. On information and belief, after Plaintiff was taken into custody, the
10 United States Attorney's Office for the Southern District of California received a
11 prosecution referral for Plaintiff, seeking to charge him with assault on a federal
12 officer.

13 61. On information and belief, that prosecution referral included false
14 statements by Doe 1 and Doe 2 and perhaps others about Plaintiff and his actions at
15 the border.

16 62. Plaintiff was ultimately released from custody without explanation.

17 63. Plaintiff was not charged with assaulting an officer or any other crime.

18 64. Does 1 through 30, knew that any prosecution referral for Plaintiff was
19 likely to lead to litigation about their violent mishandling and false arrest of
20 Plaintiff.

21 65. On information and belief, when charges against Plaintiff were rejected,
22 Does 1 through 30 understood that their misconduct against Plaintiff was likely to
23 become the subject of an administrative tort claim or civil litigation.

24 66. Customs and Border Protection investigates administrative tort claims
25 that are submitted against its officers.

1 67. The Department of Homeland Security, Office for Civil Rights and
2 Civil Liberties receives allegations of wrongdoing from the Department's
3 components and also investigates those allegations.

4 68. On information and belief, the Department of Homeland Security or the
5 Department of Justice investigated the misconduct alleged here.

6 69. On information and belief, those investigations involved notifying Does
7 1 through 30 of the misconduct alleged here by Plaintiff as well as notifying Does
8 1 through 30 that Plaintiff was seeking relief through the administrative tort claims
9 process.

10 70. On information and belief, at an unidentified date before February 14,
11 2020, Does 1 through 30 understood plaintiff was seeking relief for their
12 misconduct and that their misconduct was likely to be the subject of civil litigation.

13 71. Plaintiff's injuries, particularly to his left shoulder, have required and
14 continue to require repeated medical attention and surgical intervention.

15 72. Plaintiff has been in constant pain and suffering since the beating, and
16 his treatment remains ongoing at the Veteran's Administration.

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18 **V. CAUSES OF ACTION.**

19 **FIRST CAUSE OF ACTION:**

20 ***Bivens* action: Excessive Force**
21 **(Unknown CBP Officer Does 1-30)**

22 73. Plaintiff reasserts, re-alleges, and incorporates herein by reference each
23 and every allegation contained in the preceding paragraphs.

24 74. This cause of action is based upon *Bivens v. Six Unknown Federal*
25 *Narcotics Agents*, 403 U.S. 388 (1971).

1 75. Plaintiff had a Fourth Amendment right to be free from unreasonable
2 searches and seizures, including the use of excessive force.

3 76. Defendants violated that right by pushing Plaintiff to the ground,
4 severely beating him, and forcing Plaintiff's hands behind his back beyond his
5 range of motion, causing a severe injury to his arm and shoulder.

6 77. These defendants were not acting in good faith, were acting under color
7 of law, and violated Plaintiff's Fourth Amendment rights.

8 78. These defendants are sued in their individual capacities for the purposes
9 of this cause of action.

10 79. Defendants' actions were the legal, foreseeable, and proximate cause of
11 Plaintiff's injuries, and caused damages to him in an amount to be proven at trial.

12 **SECOND CAUSE OF ACTION:**

13 ***Bivens* action: Illegal Arrest**

14 **(Unknown CBP Officer Does 1-30)**

15 80. Plaintiff reasserts, re-alleges, and incorporates herein by reference each
16 and every allegation contained in the preceding paragraphs.

17 81. This cause of action is based upon *Bivens v. Six Unknown Federal*
18 *Narcotics Agents*, 403 U.S. 388 (1971).

19 82. Plaintiff had a Fourth Amendment right to be free from unreasonable
20 searches and seizures, including unlawful arrests.

21 83. Defendants violated that right by detaining, arresting, and placing
22 Plaintiff in custody, despite Plaintiff having done nothing illegal at any time and
23 Defendants having no reasonable suspicion or probable cause that any crime had
24 been committed.

25 84. These defendants were not acting in good faith, were acting under color
of law, and violated Plaintiff's Fourth Amendment rights.

1 85. These defendants are sued in their individual capacities for the purposes
2 of this cause of action.

3 86. Defendants' actions were the legal, foreseeable, and proximate cause of
4 Plaintiff's injuries, and caused damages to him in an amount to be proven at trial.

5 **THIRD CAUSE OF ACTION:**

6 ***Bivens* action: Falsification of Evidence**

7 **(Unknown CBP Officer Does 1-30)**

8 87. Plaintiff reasserts, re-alleges, and incorporates herein by reference each
9 and every allegation contained in the preceding paragraphs.

10 88. This cause of action is based upon *Bivens v. Six Unknown Federal*
11 *Narcotics Agents*, 403 U.S. 388 (1971).

12 89. Plaintiff had a Fifth Amendment right to Due Process, and to be free
13 from the fabrication of evidence by officers acting under color of law.

14 90. Defendants violated that right by falsifying written reports about
15 Plaintiff, by claiming that Plaintiff assaulted and/or resisted officers unlawfully,
16 and making similar claims to federal law enforcement agents investigating this
17 incident.

18 91. These defendants were not acting in good faith, were acting under color
19 of law, and violated Plaintiff's Fourth Amendment rights.

20 92. These defendants are sued in their individual capacities for the purposes
21 of this cause of action.

22 93. Defendants' actions were the legal, foreseeable, and proximate cause of
23 Plaintiff's injuries, and caused damages to him in an amount to be proven at trial.

24 **FOURTH CAUSE OF ACTION:**

25 **Rehabilitation Act (29 U.S.C. § 701 et seq.)**

(United States of America)

1 94. Plaintiff reasserts, re-alleges, and incorporates herein by reference each
2 and every allegation contained in the preceding paragraphs.

3 95. Plaintiff is an individual with a disability. Specifically, Plaintiff is
4 disabled within the meaning of the Rehabilitation Act in his left hand, arm, and
5 shoulder. Plaintiff is also disabled as a result of significant hearing loss.

6 96. Plaintiff has a right under the Rehabilitation Act to be free from
7 discrimination by reason of his disability.

8 97. The CBP, as an agency of the United States, had a duty under the
9 Rehabilitation Act to refrain from arresting Plaintiff for reasons related to his
10 disability.

11 98. The CBP, as an agency of the United States, also had a duty under the
12 Rehabilitation Act to provide Plaintiff a reasonable accommodation upon learning
13 of Plaintiff's disabilities.

14 99. The CBP violated these duties by arresting Plaintiff for reasons related
15 to his disability.

16 100. CBP violated these duties by wrenching Plaintiff's hands behind his
17 back despite knowing that Plaintiff could not perform that movement due to his
18 disability.

19 101. Defendants could have deescalated the situation and attempted to
20 understand whether there was a lawful basis for any arrest.

21 102. Defendants could have relied on alternate or less severe means to
22 restrain Plaintiff during the arrest instead of violently forcing his hands behind his
23 back and severely injuring his left arm and shoulder.

24 103. Defendants could have relied on alternate or less severe means of
25 confining Plaintiff than keeping his hands cuffed behind his back.

1 104. Defendants' actions caused Plaintiff greater injury and indignity during
2 the process as compared to other arrestees.

3 105. Defendants' actions violated the Rehabilitation Act and foreseeably and
4 proximately caused damages to Plaintiff in an amount to be proven at trial.

5 **FIFTH CAUSE OF ACTION:**

6 **FTCA: False Imprisonment**

7 **(United States of America)**

8 106. Plaintiff reasserts, re-alleges, and incorporates herein by reference each
9 and every allegation contained in the preceding paragraphs.

10 107. Defendants intentionally deprived Plaintiff's freedom of movement by
11 force, threats of force, menace, and duress.

12 108. Defendants arrested Plaintiff, or contributed to his arrest, in their
13 official capacity and in the scope of their employment as CBP Officers of the
14 United States of America.

15 109. Plaintiff was not allowed to leave for an appreciable time.

16 110. Plaintiff did not consent to be imprisoned.

17 111. Defendants' actions were a substantial factor in causing harm to
18 Plaintiff, and he suffered damages in an amount to be proven at trial.

19 **SIXTH CAUSE OF ACTION:**

20 **FTCA: Assault**

21 **(United States of America)**

22 84. Plaintiff reasserts, re-alleges, and incorporates herein by reference each
23 and every allegation contained in the preceding paragraphs.

24 85. Defendants created a reasonable apprehension in Plaintiff of immediate
25 harmful or offensive contact. Specifically, Defendants bumped into Plaintiff,

1 pushed him to the ground, severely beat him while he lay on the ground, and
2 forced his arms beyond their range of movement.

3 86. Plaintiff reasonably believed that he was about to be touched by
4 Defendants in a harmful or offensive manner.

5 87. Defendants acted without privilege or Plaintiff’s consent.

6 88. Defendants acted in their official capacity and in the scope of their
7 employment as CBP officers of the United States of America.

8 89. Defendants’ actions were a substantial factor in causing harm to
9 Plaintiff, and he suffered damages in an amount to be proven at trial.

10 **SEVENTH CAUSE OF ACTION:**

11 **FTCA: Battery**

12 **(United States of America)**

13 90. Plaintiff reasserts, re-alleges, and incorporates herein by reference each
14 and every allegation contained in the preceding paragraphs.

15 91. Defendants acted with an intent to cause harmful or offensive contact
16 with the person of Plaintiff and the intended harmful or offensive contact did in
17 fact occur. Specifically, Defendants bumped into Plaintiff, pushed him to the
18 ground, severely beat him while he lay on the ground, and forced his arms beyond
19 their range of movement.

20 92. Defendants acted without privilege or Plaintiff’s consent.

21 93. Defendants acted in their official capacity and in the scope of their
22 employment as CBP officers of the United States of America.

23 94. Defendants’ actions were a substantial factor in causing harm to
24 Plaintiff, and he suffered damages in an amount to be proven at trial.

25 **EIGHTH CAUSE OF ACTION:**

FTCA: Negligence

1 **(United States of America)**

2 95. Plaintiff reasserts, re-alleges, and incorporates herein by reference each
3 and every allegation contained in the preceding paragraphs.

4 96. Defendants had a duty to use reasonable care in interacting with a
5 citizen. Defendants had a duty to use reasonable care in performing an arrest, and
6 only using such force as was required by the circumstances. Defendants had a duty
7 to avoid needlessly and negligently harming Plaintiff during an arrest. Defendants
8 had a duty to provide accurate and true information in reports about incidents at the
9 Port of Entry.

10 97. Defendants breached all these duties by bumping into Plaintiff, pushing
11 him to ground, forcing his arms beyond their range of movement, recklessly
12 harming him, arresting him without reasonable suspicion or probable cause, and
13 presenting false information in reports about the incident with Plaintiff.

14 98. Defendants acted in their official capacity and in the scope of their
15 employment as CBP Officers of the United States of America.

16 99. Defendants' actions were a substantial factor in causing harm to
17 Plaintiff, and he suffered damages in an amount to be proven at trial.

18 **NINTH CAUSE OF ACTION:**

19 **FTCA: Bane Act (California Civil Code § 52.1)**

20 **(United States of America)**

21 100. Plaintiff reasserts, re-alleges, and incorporates herein by reference each
22 and every allegation contained in the preceding paragraphs.

23 101. Defendants, by their violent conduct, interfered by threats, intimidation,
24 or coercion, or attempted to interfere by threats, intimidation, or coercion, with the
25 exercise or enjoyment of Plaintiffs' rights as secured by Article I, Section 13 of the
California Constitution.

1 102. Defendants intended to deprive Plaintiff of his enjoyment of the rights
2 and interests protected by the California Constitutions.

3 103. Defendants acted in their official capacity and in the scope of their
4 employment as CBP Officers of the United States of America.

5 104. Defendants' actions were a substantial factor in causing harm to
6 Plaintiff, and he suffered damages in an amount to be proven at trial.

7 **TENTH CAUSE OF ACTION:**

8 **FTCA: Intentional Infliction of Emotional Distress**

9 **(United States of America)**

10 105. Plaintiff reasserts, re-alleges, and incorporates herein by reference each
11 and every allegation contained in the preceding paragraphs.

12 106. Defendants Unknown CBP Officer Does 1-30 engaged in extreme and
13 outrageous conduct that transcended the bounds of human decency. Specifically,
14 Defendants pushed Plaintiff to ground, severely beat him, injured his arm and
15 shoulder after forcing them beyond their range of motion, and arrested him without
16 reasonable suspicion or probable cause.

17 107. Defendants intended to cause, and did cause, Plaintiff to experience
18 severe physical injury and emotional distress and each acted with a reckless
19 disregard of the probability that Plaintiff would suffer injuries.

20 108. Defendants acted in their official capacity and in the scope of their
21 employment as CBP Officers of the United States of America.

22 109. Plaintiffs suffered severe distress, and Defendants' conduct was a
23 substantial factor in causing Plaintiff's severe distress.

24 110. As a result, Plaintiff suffered damages in an amount to be proven at
25 trial.

PUNITIVE DAMAGES:

1 **(Unknown CBP Officer Does 1-30)**

2 111. Plaintiff reasserts, re-alleges, and incorporates herein by reference each
3 and every allegation contained in the preceding paragraphs.

4 112. In pushing Plaintiff to the ground, severely beating him, forcing
5 Plaintiff's hands behind his back beyond his range of motion, which caused a
6 severe injury to his arm and shoulder, arresting him without reasonable suspicion
7 or probable cause, and falsifying evidence against him, Defendants Unknown CBP
8 Officer Does 1-30 acted with malice and oppression and with a willful and
9 conscious disregard of Plaintiff's rights and safety.

10 113. Defendants' conduct was despicable and subjected Plaintiff to cruel and
11 unjust hardship in conscious disregard of his rights.

12 114. Defendants' despicable conduct resulted in excruciating pain, suffering,
13 distress, emotional distress, and humiliation to Plaintiff, in violation of his
14 constitutional rights. Defendants are liable for punitive damages accordingly.

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17 **VI. RELIEF REQUESTED.**

18 115. For general damages and compensatory damages in an amount
19 according to proof;

20 116. For punitive damages against the individual defendants;

21 117. Civil penalties as provided by law;

22 118. Monetary damages as provided by law;

23 119. Attorneys' fees under the Rehabilitation Act (29 U.S.C. § 701 et seq.)
24 and Cal. Civ. Code § 52.1;

25 120. Legal interest on all damages awards from the date of judicial demand
until paid;

1 121. Costs of suit;

2 122. And for such other and further relief as the Court may deem proper.

3 **VII. JURY DEMAND.**

4 Plaintiff hereby respectfully demands that a trial by jury be conducted with
5 respect to all non-FTCA issues presented herein.

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7 Respectfully submitted,

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9 Dated: April 26, 2021

10 /s/ Timothy A. Scott
11 SINGLETON SCHREIBER
12 MCKENZIE & SCOTT LLP
13 Attorneys for Plaintiff
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