CASREF, PAW

U.S. District Court
Southern District of Florida (Ft. Pierce)
CIVIL DOCKET FOR CASE #: 2:11-cv-14112-KMM

Paris v. Herione et al
Assigned to: Judge K. Michael Moore
Referred to: Magistrate Judge Patrick A. White
Cause: 42:1983 State Prisoner Civil Rights

Date Filed: 03/21/2011
Jury Demand: Defendant
Nature of Suit: 550 Prisoner: Civil Rights
Jurisdiction: Federal Question

Plaintiff

Erold Paris

represented by **Erold Paris**
DC #M48426
South Florida Reception Center
14000 N.W. 41 Street
Doral, FL 33178
PRO SE

V.

Defendant

Herione
South Florida Reception Center, Captain

represented by **John Bajger**
Attorney General Office
1515 N Flagler Drive
9th Floor
West Palm Beach, FL 33401-3432
Email: John.Bajger@myfloridalegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Brown
South Florida Reception Center, Sergeant

Date Filed	#	Docket Text
03/21/2011	1	COMPLAINT against Brown, Herione. Filing fee $ 350.00. IFP Filed, filed by Erold Paris. (Attachments: # 1 Exhibit)(ar2) (Entered: 03/22/2011)
03/21/2011	2	Judge Assignment to Judge K. Michael Moore (ar2) (Entered: 03/22/2011)
03/21/2011	3	Clerks Notice of Magistrate Judge Assignment to Magistrate Judge Patrick A. White. Pursuant to Administrative Order 2003-19 for a ruling on all pre-trial, non-dispositive matters and for a Report and Recommendation on any

		dispositive matters. (ar2) (Entered: 03/22/2011)
03/21/2011	4	MOTION for Leave to Proceed in forma pauperis by Erold Paris. (ar2) (Entered: 03/22/2011)
03/28/2011	5	ORDER PERMITTING PLAINTIFF TO PROCEED WITHOUT PREPAYMENT OF FILING FEE BUT ESTABLISHING DEBT TO CLERK OF $350.00 and Granting 4 Motion for Leave to Proceed in forma pauperis. Signed by Magistrate Judge Patrick A. White on 3/25/2011. (tw) (Entered: 03/28/2011)
03/28/2011	6	ORDER OF INSTRUCTIONS TO PRO SE CIVIL RIGHTS LITIGANTS. Signed by Magistrate Judge Patrick A. White on 3/25/2011. (tw) (Entered: 03/28/2011)
04/06/2011	7	NOTICE of Change of Address by Erold Paris. Note: System updated. (ral) (Entered: 04/07/2011)
04/18/2011	8	Clerk's Notice of Undeliverable Mail re 6 Order of Instructions to Pro Se Litigant, 5 Order on Motion for Leave to Proceed in forma pauperis. US Mail returned for: return to sender not deliverable as addressed unable to follow. *Updated address found and document resent to new address.* US Mail retruned for Erold Paris.First return/attempt(rb) (Entered: 04/18/2011)
04/26/2011	9	REPORT AND RECOMMENDATIONS on 42 USC 1983 case re 1 Complaint filed by Erold Paris. Recommending 1. The claim of use of excessive force against Officers Herione and Brown shall proceed at this preliminary stage. 2. The plaintiff must provide the names and addresses of the two unnamed officers who allegedly used unlawful force against him, or risk their dismissal. 3. All claims raised under the American Disabilities Act shall be dismissed. Objections to R&R due by 5/13/2011. Signed by Magistrate Judge Patrick A. White on 4/26/2011. (tw) (Entered: 04/26/2011)
05/04/2011	10	MOTION/MOVES this Court for an Extension of Time to File Response/Reply as to 9 REPORT AND RECOMMENDATIONS on 42 USC 1983 case re 1 Complaint filed by Erold Paris Recommending 1. The claim of use of excessive force against Officers Herione and Brown shall proceed at this preliminary stage.2. The plaintiff must provide the names aREPORT AND RECOMMENDATIONS on 42 USC 1983 case re 1 Complaint filed by Erold Paris Recommending 1. The claim of use of excessive force against Officers Herione and Brown shall proceed at this preliminary stage.2. The plaintiff must provide the names aREPORT AND RECOMMENDATIONS on 42 USC 1983 case re 1 Complaint filed by Erold Paris Recommending 1. The claim of use of excessive force against OfficersHerione and Brown shall proceed at this preliminary stage.2. The plaintiff must provide the names a by Erold Paris. (jua) (Entered: 05/05/2011)
05/06/2011	11	NOTICE of Change of Address by Erold Paris (Address updated in the system) (jua) (Entered: 05/06/2011)
05/12/2011	12	ORDER RE SERVICE OF PROCESS REQUIRING PERSONAL SERVICE UPON AND INDIVIDUAL. The United States Marshal shallserve a copy of the complaint and appropriate summons upon:Captain Herione, South Florida

		Reception Center, 14000 N.W. 41st Street, Doral, FL 33178-3003 and Sergeant Brown, South Florida Reception Center, 14000 N.W. 41st Street, Doral, FL 33178-3003. Signed by Magistrate Judge Patrick A. White on 5/11/2011. (tw) (Entered: 05/12/2011)
05/17/2011	15	Summons Issued as to Brown. (br) (Entered: 05/19/2011)
05/17/2011	16	Summons Issued as to Herione. (br) (Entered: 05/19/2011)
05/18/2011	13	OBJECTIONS/Response to 9 Report and Recommendations on 42 USC 1983 case re 1 Complaint by Erold Paris. (ar2) (Entered: 05/18/2011)
05/18/2011	14	MOTION for Extension of Time to Obtain unknown Parties by Erold Paris. Responses due by 6/6/2011 (ar2). (Entered: 05/18/2011)
05/19/2011	17	ORDER granting 14 Motion for Extension of Time of sixty days to discover unnamed defendants. The plaintiff must provide an amended complaint detailing the actions of defendant Taylor, with additional identifying information to enable to the Court to order service.. Signed by Magistrate Judge Patrick A. White on 5/19/2011. (cz) (Entered: 05/19/2011)
05/23/2011	18	RESPONSE to 9 REPORT AND RECOMMENDATIONS on 42 USC 1983 case re 1 Complaint filed by Erold Paris. (ar2) (Entered: 05/24/2011)
06/08/2011	19	RESPONSE to 9 REPORT AND RECOMMENDATIONS by Erold Paris. (ar2) (Entered: 06/08/2011)
06/09/2011	20	PAPERLESS ORDER. THIS CAUSE came before the Court upon Plaintiff's Request for an Extension of Time to Answer Defendant's Motion 10 . This Court will construe this Motion 10 as a request for an extension of time to respond to the Report and Recommendation 9 . Since filing this Motion 10 , Paris has filed an Objection 13 and two Responses [18, 19] to the Report and Recommendation 9 . UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is ORDERED AND ADJUDGED that Motion 10 is DENIED. Signed by Judge K. Michael Moore on 6/9/2011. (rg1) (Entered: 06/09/2011)
06/09/2011	21	PAPERLESS ORDER ADOPTING REPORT AND RECOMMENDATION 9 . THIS CAUSE came before the Court upon Plaintiff Erold Paris Complaint 1 alleging numerous violations of his constitutional rights under 42 U.S.C. § 1983 and violations of the Americans with Disabilities Act (ADA). THIS MATTER was referred to the Honorable Patrick A. White, United States Magistrate Judge, who issued a Report 9 recommending that the claim of excessive force against Captain Herione and Sergeant Brown shall proceed but the ADA claims shall be dismissed. Paris filed an Objection 13 and Responses [18, 19] to the Report. Upon consideration of the Complaint, Report, Objection, and Responses and after a de novo review of the record, it is hereby ORDERED AND ADJUDGED that Magistrate Judge White's Report and Recommendation 9 is ADOPTED. Signed by Judge K. Michael Moore on 6/9/2011. (rg1) (Entered: 06/09/2011)
06/13/2011	22	SUMMONS (Affidavit) Returned Executed on 1 Complaint as to Captain Herione served on 6/9/2011, answer due 6/30/2011. (ar2) (Entered:

		06/13/2011)
06/28/2011	23	MOTION for Extension of Time to File Answer RE: Complaints re 1 Complaint by Herione. (Attachments: # 1 Text of Proposed Order)(Bajger, John) (Entered: 06/28/2011)
06/28/2011		Case Reopened **Case Closed in Error** (ra) (Entered: 06/28/2011)
06/29/2011	24	ORDER granting 23 Motion for Extension of Time to Answer RE: Complaints Herione answer due 7/28/2011.. Signed by Magistrate Judge Patrick A. White on 6/29/2011. (cz) (Entered: 06/29/2011)
07/28/2011	25	ANSWER and Affirmative Defenses to Complaint with Jury Demand by Herione.(Bajger, John) (Entered: 07/28/2011)
08/09/2011	26	SCHEDULING ORDER: Amended Pleadings due by 12/22/2011. Discovery due by 12/8/2011. Joinder of Parties due by 12/22/2011. Motions due by 1/12/2012.. Signed by Magistrate Judge Patrick A. White on 8/9/2011. (tw) (Entered: 08/09/2011)
08/09/2011	27	NOTICE of Change of Address by Erold Paris (System updated) (jua) (Entered: 08/09/2011)
08/09/2011	28	Defendant's MOTION to Take Deposition from Erold Paris by Herione. (Attachments: # 1 Text of Proposed Order)(Bajger, John) (Entered: 08/09/2011)
08/10/2011	29	ORDER granting 28 Motion to Take Deposition from Plaintiff Erold Paris. This is a pro se plaintiff and the defendants shall govern themselves accordingly.. Signed by Magistrate Judge Patrick A. White on 8/10/2011. (cz) (Entered: 08/10/2011)
08/11/2011	30	MOTION/Request for Production of Documents by Erold Paris. (ar2) (Entered: 08/11/2011)
08/11/2011	31	MOTION for Extension of Time to Answer Defendants Motion by Erold Paris. (ar2) (Entered: 08/11/2011)
08/11/2011	32	INDEX OF APPENDIX by Erold Paris (ar2) (Entered: 08/11/2011)
08/11/2011	33	INDEX OF APPENDIX(ES) by Erold Paris (ar2) (Entered: 08/11/2011)
08/15/2011	34	ORDER denying 30 Motion to Produce, this is a discovery request and should be sent directly to the defendants; denying 31 Motion for Extension of Time to File Response/Reply, the scheduling order provides sufficient time to file the required filings.. Signed by Magistrate Judge Patrick A. White on 8/15/2011. (cz) (Entered: 08/15/2011)
08/18/2011	35	MOTION for Additional Discovery by Erold Paris. Responses due by 9/6/2011 (jua) (Entered: 08/18/2011)

PACER Service Center
Transaction Receipt

08/19/2011 12:51:45			
PACER Login:	vl0006	**Client Code:**	
Description:	Docket Report	**Search Criteria:**	2:11-cv-14112-KMM
Billable Pages:	3	**Cost:**	0.24

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 11-14112-Civ-MOORE/WHITE

The attached hand-written document has been scanned and is also available in the SUPPLEMENTAL PAPER FILE

Docket Clerk: _____

cat/div 550/1983/PLT
Case #
Judge Mag White
Motn Ifp Yes Fee pd $
Receipt. #

(Rev. 09/2007) Complaint Under The Civil Rights Act, 42 U.S.C. § 1983

UNITED STATES DISTRICT COURT
Southern District of Florida

11-14112-Civ-MOORE/WHITE
Case Number:

FILED by [illegible] D.C.
MAR 21 2011
STEVEN M. LARIMORE
CLERK U. S. DIST. CT.
S. D. of FLA. – MIAMI

ENOLD PARIS
(Enter the full name of the plaintiff in this action)

v.

(CAPTAIN) MR. HERZONE / (SGT) MR. BROWN
AND TWO MORE OFFICER'S THAT UNKNOWED
BUT ARE UNDER THE INVESTIGATION AT
SOUTH FLORIDA RECEPTION CENTER
("THE NUMBER "(305)592-9565)
(Above, enter the full name of the defendant(s) in this action)

A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

Instructions for Filing:

This packet includes four copies of the complaint form and two copies of the Application to Proceed without Prepayment of Fees and Affidavit. To start an action you must file an original and one copy of your complaint for the court and one copy for each defendant you name. For example, if you name two defendants, you must file the original and three copies of the complaint (a total of four) with the court. You should also keep an additional copy of the complaint for your own records. All copies of the complaint must be identical to the original.

Your complaint must be legibly handwritten or typewritten. Please do not use pencil to complete these forms. The plaintiff must sign and swear to the complaint. If you need additional space to answer a question, use an additional blank page.

Your complaint can be brought in this court only if one or more of the named defendants is located within this district. Further, it is necessary for you to file a separate complaint for each claim that you have unless they are all related to the same incident or issue.

There is a filing fee of $350.00 for this complaint to be filed. If you are unable to pay the filing fee and service costs for this action, you may petition the court to proceed in forma pauperis.

Two blank Applications to Proceed without Prepayment of Fees and Affidavit for this purpose are included in this packet. Both should be completed and filed with your complaint.

You will note that you are required to give facts. THIS COMPLAINT SHOULD NOT CONTAIN LEGAL ARGUMENTS OR CITATIONS.

When these forms are completed, mail the original and the copies to the Clerk's Office of the United States District Court, Southern District of Florida, 301 North Miami Avenue, Miami, Florida 33128-7788.

I. Parties

In Item A below, place your name in the first blank and place your present address in the third blank.

A. Name of plaintiff: ENOLD PARIS

Inmate #: M48426

Address: MARTIN CORRECTIONAL INSTITUTION

1250 S.W. ALLAPATTAH ROAD INDIANTOWN, FL 34956

In Item B below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use Item C for the names, positions, and places of employment for any additional defendants.

B. Defendant (CAPTAIN) MR. HENDONE

is employed as CORRECTIONAL OFFICER

at SOUTH FLORIDA RECEPTION CENTER

C. Additional Defendants: (SGT) MR. BROWN AND TWO MORE OFFICER'S THAT ONKNOWED BUT ARE UNDER THE INVESTIGATION AT SOUTH FLORIDA RECEPTION CENTER

II. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places.

Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach an additional blank page if necessary.

I AM A INMATE IN MARTIN CORRECTIONS INSTITUTION AND MY REASON'S WHY I WRITE-UP THIS MOTION TO YOU I NEED YOUR HELP. THE INSTITUTION CIVIL DENIED ME MY MEDICAL AND MENTAL HEALTH FILE'S INFORMATION COPY'S BECAUSE I DO NOT HAVE NO-MONEY IN MY INMATE ACCOUNT.

I WAS AT SOUTH FLORIDA RECEPTION CENTER ON 11/2/10 AROUND 6:00 TO 8:00 A.M GETTING TRASPORT BACK TO MARTIN C.I WHEN I (GERALD PARIS) DECLARE A PSYC. EMERGENCE TO (CAPTAIN) MR. HERZONE AND SO AS CAPTAIN HERZONE HAND-CUFFS ME FROM THE BACK AND TOLD ME TO GAB MY PROPERTY AND GO IN ONE OF THE PSYC. CELL IN THE T3 R BUILDING BUT (CAPTAIN) HERZONE DID NOT CLOSE THE DOOR OR TAILE THE HAND-CUFFS OFF ME.

NEXT PAGE →

HE JUST STARED ASKING ME QUESTION'S. BUT BY THE WAY HE WAS ACTING AND SHOWIN-OUT WHILE ASKING ME THESE QUESTION'S, HE WAS GETTING "MAD" AT ME BECAUSE I WANTED TO DECLASH PSYC. EMERGENCE ON HIS SHAFT. AND SO I GOT "MAD" AT THE SAME TIME" TOO".
WE STARED A BIG-ARGUMENT AND HE JUST HIT ME IN THE UPER LEFT FACE-EYE WHILE(SGT)MR. BROWN GABS MY TWO FEETS TO FLIP AND DOPE-ME ON THE FLOOR WITH TWO-OTHER OFFICER'S THAT STARED JUMPING ON ME AT THE SAME TIME. BEATING ME DOWN ALMOST TO DEFFY WHILE I WAS STILL IN HAND-CUFFY FROM THE BACK. I WAS ASSUALTED AND BRUSE TO THE POINT THAT I WANTED TO KILL MYSELF FOR WHAT THEY DID TO ME.
SO MY PSYC. DOCTORS AND THE TEAM AT MARTIN C.I PUT'S ME IN A (ICE-SO-CELL) FOR 24-HOURS TO GET MY MIND CLEARD, SO THAT I WON'T BE THINKING OF WAYS TO KILL MYSELF.
MR. OR MRS. HONORABLY COURT JUDGE THESE ALL MY WITNESS
AS ONE OF THE COPYS I'M SENDING TO YOU, YOU WILL SEE THAT MY WITNESS SEED EVERY-BET THAT WENT DOWN AND ALL OF THEM CAME WITH ME ON THE BUS FROM SOUTH FLORIDA RECEPTION CENTER TO MARTIN C.I THAT DAY THE WARDEN, THE INSEPTOR OF MARTIN C.I TALK AND RECODE ME ABOUT THE PROBLEM (CAPTAIN) A.C FROM MARTIN C.I TOOK STATEMENTS OF ALL MY WITNESS AND TOOK PICTURE'S OF ALL THE BRUSES THAT I HAVE ON MY HEAD AND BODY. THE NURSE'S AND DOCTOR'S TOOK REPORTS AND X-RAYS OF MY HEAD AND BODY AT MARTIN C.I.
MR. OR MRS. HONORABLY COURT JUDGE I WANT A HUNDERD AND FIFTY-NINE THOSANDTH DOLLAR'S TAX-FREE-MONEY TO ME, I WANT THEM TO [redacted] PAY [redacted] THE WHOLE LAWYER-BILL AND MEDICAL-BILL "TOO", I WANT THEM TO PAY ANYTHING THAT HAVE TO DO WITH MONEY IN THE COURT-HOUSE OF THIS CASE GOING TO TRIAL.

NEXT PAGE

MY LEFT AREA ON MY FACE AROUND LEFT EYE WAS KICKED AND PUNCHED SHOT THAT I THOUGHT I WAS GOING BLIND IN THAT EYE AND WHEN EVERY TIME I WENT TO SLEEP I COULD'NT SLEEP ON MY LEFT-SIDE OF THE FACE. MY LEFT JAW WAS SO SWOLLEN I COULD'NT EAT ON THE LEFT-SIDE OF THE JAW FOR SOME FEW-DAY SWEET DESSERTS WE HAVE ON ANE TRAY'S IT MAKES HURTING AT ANGLY FEELING LIKE BUMPING YOUR ELBOW ON SOMETHING "HARD" IT HARD TO EAT JUDGE MY LEFT SIDE-RIBS WERE PURPLE, "THEY WAS JUMPING AND STEPPING ON ME LIKE A CARPET-RUG. I COULDNT EVEN MOVE MY HIP-AREA FROM SIDE TO SIDE, MY NOSE FELT BROKEN AND WAS LOOKING PURPLISH THAT I COULDN'T MOVE IF I LIKE IT TO. MY LOWER SPINE FELT LIKE I COULDN'T WALK ANY MORE, I LITERALLY AND PHYSICALLY, AND MENTALLY WANTED TO GO INSANE AND KILL MYSELF.

THESE ARE MY RELATED CLAIMS, NUMBER AND SET FORTH EACH CLAIMS.

1) ASSULT BY OFFICER AT SOUTH FLORIDA RECEPTION CENTER ON 11/2/10 WAS A COMPLETE VIOLATION OF THE AMERICAN WITH DISABILITIES ACT (A.D.A) ANYONE WHO CAUSE OR DOES HARM TO A HANDICAPPED OR DISABLED PERSON OF ANY TYPE. IS IN VIOLATION OF A.D.A AFEDERAL OFFENSE.
2) CRUEL AND UNUSALL PUNISHMENT, CAUSING PAIN OR SUFFERING PSYCHOLOGICAL RATHER THAN PHYSIOLOGICAL TEMPORARILY LACKING CONSCIOUSNESS.
3) AGGRAVATED ASSULT AND BATTERY, TO ANNOY A VIOLENT PHYSICAL OR VERBAL ATTACK AN UNLAWFUL BEATING AN ARRAY ESP. OF ARTILLERY OF PLAYING A ACT TO KILL.

4) PAIN AND SUFFERING
5) PSYCHOLOGICAL DAMAGES SUFFERING
6) PUNITIVE DAMAGES
7) DISCRIMATION
8) HATE CRIME
9) DEFAMATION CHARACTER
10) ATTEMPTED MURDER
11) DENIAL DUE PROCESS

* THESE ARE THE PEOPLE NAMES THAT ON MY INVESTIGATION *
(1) (THE WARDEN: (MR. RELLY) (2) THE CAPTAIN: (MR. A.C) THAT TOOK MY PICTURES OF THE BRUSE FROM MEDICAL (3) NURSE (MS. PARKS) THAT DID THE REPORT PAPER OF THE BRUSES FROM MEDICAL.

(4) DOCTOR: (MS. PATTEN) THE ONE THAT PUT ME ON THE X-RAYS LIST FOR MY HEAD (5) PSYC DOCTOR: (MR. LAZARRE) THAT PUT ME IN THE ("ICE-SO-CELL") FOR THE WHOLE 24-HOUR'S CAUSE I WANTED TO KILL MYSELF (6) INSEPTOR (MR. WELSH) THATS OVER THE WHOLE INVESTIGATION.

THIS IS THE CONTACT NUMBER TO EVERYBODY YOU NEED TO TALK TO (772) [redacted] 597-3705 AT MARTIN C.I

III. Relief

State briefly exactly what you want the court do to do for you. Make no legal arguments. Cite no cases or statutes.

(1) I WANT THIS CASE IN COURT
(2) I WANT A LAWYER
(3) I WANT A JURY TRIAL
(4) A TAXPAYER
(5) FINANCIAL ACCOUNT NUMBERS
(6) VIA PACER
(7) SEE THE CM/ECF ADMINISTRATIVE PROCEDURES LOCATED ON THE COURT WEDSITE WWW.FLSP.USCOURTS.GOV.
(8) I NEED CAPYS OF MY MEDICAL AND MENTAL HEALH FILE
(9) I NEED A NATIONAL CLEMENCY PROJECT LAWYER

VII. Jury Demand

Do you demand a jury trial? [✓] Yes [ ] No

Signed this [signature] day of 2/2/11, 20 11

[signature]
(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct. *(optional)*

Executed on: _____

[signature]
(Signature of Plaintiff)

ENOLD PARTS DC# M48426 CELL (B) 92000

Martin Correctional Institution
Law Library
1150 SW Allapattah Road
Indiantown, FL 34956
LEGAL MAIL

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

Copy

RECEIVED
OCT 05 2010
LAKE CI
ASST. WARDEN'S OFFICE

FDC108L

REQUEST FOR ADMINISTRATIVE REMEDY OR APPEAL

TO: ☐ Warden ☐ Assistant Warden ☑ Secretary, Florida Department of Corrections

From:	PARIS, EDGLO	M48426	LAKE C.I
	Last First Middle Initial	Number	Institution

Part A – Inmate Grievance

DC 1-303 REQUESTS ADMINISTRATIVE REMEDY OR APPEAL, COMPLETING THE FORM, PROVIDING ATTACHMENTS AS REQUIRED BY CH. 33-103.007 FORWARDING MY COMPLAINT TO THE BUREAU OF INMATE GRIEVANCE APPEALS, 2601 BLAIRSTONE ROAD, TALLAHASSEE, FL 32399-2500.

MY REQUEST FOR ADMINISTRATIVE REMEDY HAS REVIEWED AND RESEARCHED.

FACTS

A REVIEW OF DISCIPLINARY REPORT LOG# 322-101046 REVEALED THAT THE TEAM'S FINDINGS WERE IN COMPLIANCE WITH FAC 33-601. A REVIEW OF DOCUMENTARY OR PHYSICAL EVIDENCE DISPOSITION FORM (DC6-151) REVEALED THAT YOU REQUESTED THE VIDEO STATING THAT IT WILL SHOW YOU "WERE NOT BANGING." HOWEVER" THE INVESTIGATING OFFICER REPORTED THAT THE VIDEO DOES NOT HAVE AUDIO AND SHE WAS NOT ABLE TO DETERMINE IF [redacted] WERE BANGING OR KICKING THE DOOR. IT IS HEARING TEAM RESPONSIBILITY TO WEIGH THE EVIDENCE, REVIEW ALL THE WITNESS STATEMENTS AND DETERMINE THE CREDIBILITY OF ANY WITNESS. IN THIS CASE, THE TEAM ACCEPTED THE REPORTING OFFICER STATEMENT AS CREDIBLE AND A DECISION WAS RENDERED OF UPHOLD THE REQUIREMENTS SET FORTH IN CHAPTER 33-601.

CONTINUAT ON PAGE 2

9/3/10
DATE

Evold Paris M48426
SIGNATURE OF GRIEVANT AND D.C. #

*BY SIGNATURE, INMATE AGREES TO THE FOLLOWING # OF 30-DAY EXTENSIONS: ____ / ____
Signature

INSTRUCTIONS

UP-TOP (T.B.R) CALL MY WIZZSSH THE DATE AND TIME

(SGT) MR BROWN 11/2/10 AROUND 8 TO 12 SEFF.

(CHT) MR. HERZONE 6:54

AND TWO OTHER OFFICERS THAT WAS THERE ON 8 TO 12 SATFF A.M

Hernandez, Reinaldo 081341

TRAVIS MOORE - X42583

Roderick Lee - M64146

Donta'e Maddox - B08274

Antwan Sackson DC-D15678

Nathan Gotch # B03211

DETAVIOUN INGRAM - K-64437

Joseph Thermidien - B01078

Senat Naoul # K06958

CURTIS FREEMAN - J00067

Anthony Freeman - 971820

Sebastian Ravetsky B08461

HERNANDEZ, ABELINO - B123956

OLSON, RONALD A-11128

COURTNEY, KENNETH D-T-70566

GAINES, ANTHONY 089538

EVERY BODY THAT SEEN THE OFFICERS

NEXT →

WE DO NOT HAVE INMATE REQUEST TO I HAD TO USE THIS

FOR CONFINEMENT INMATES ONLY

INMATE [redacted] REQUEST

TO: [redacted] INSPECTOR

FROM:	Inmate Name	DC Number	Housing	Date
	PARIS, EROLD (B4104 DC)	M48426	(D) 3228	11/4/10

~~THIS LEGAL REQUEST IS ONLY TO BE USED FOR:~~

~~Asking Legal Questions, Requesting Copies Of Case Law, or Requesting Legal Supplies.~~

REQUEST:

DEAR MR. INSPECTOR I WILL LIKE TO CALL MY FAMILY AND LAWERY ABOUT THE THINGS WE TALK ABOUT ON 11/3/10 BUT I ~~[illegible]~~ CAN'T DO THAT WITH-OUT MY PROPERT AND IT TAKES ABOUT 3 TO 4 WEEKS TO GET THAT FROM MS.- RELLY BUT I WOULD LIKE TO SEE IF YOU CAN HELP ME GET ~~[illegible]~~ MY PROPERTY MORE FASTER THEN THAT.

2) AFTER I GET IT I WILL LIKE TO USE THE BLUE-PHONE TO CALL MY FAMILY AND LAWERY ~~[illegible]~~ CAUSE I'M IN CONFINEMENT.

~~Legal Supply Description~~	~~Quantity Requested~~	~~Quantity Approved~~	~~Legal Supply Description~~	~~Quantity Requested~~	~~Quantity Approved~~
~~Typing Paper, 8½ x 11~~			~~Envelope, Manila 9 x 12~~		
~~Envelope, White 5½ x 11~~			~~Envelope, Manila 10 x 15~~		

DO NOT WRITE BELOW THIS LINE

RESPONSE: Refer to Property 11/9/10 [illegible]

DATE RECEIVED: RECEIVED NOV 04 2010

Prop — 11-10-10

Rec'd on 11-5-10

RSReed, COS 11/18/10

ORIGINAL REQUEST RETURNED TO INMATE WHEN ANSWERED

COPY OF REQUEST RETAINED BY OFFICIAL RESPONDING

OFFICIAL (SIGNATURE): DATE:

(9)

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

INMATE REQUEST

Mail Number:
Team Number:
Institution: MARTIN C.I.

TO: (Check One)
☐ Warden ☐ Asst. Warden ☐ Classification ☐ Security ☑ Medical ☑ Mental Health ☐ Dental ☑ Other RECORDS LIBRARY

FROM:	Inmate Name	DC Number	Quarters	Job Assignment	Date
	PARIS, ERROLD	M18426	(B)4104	—	11/10/10

REQUEST TO: MRS BEVIS

Check here if this is an informal grievance ☑

MRS. BEVIS I WOULD LIKE TO SEE IF I CAN HAVE THE COPYS OF THE RECORDS FROM MEDICAL AND MENTAL HEALTH WITH ALL THE X-RAYS OF WHAT HAPPEND ON THIS DAY 11/1/10

THANK YOU & GOD BLESS

All requests will be handled in one of the following ways: 1) Written Information or 2) Personal Interview. All informal grievances will be responded to in writing.

DO NOT WRITE BELOW THIS LINE

RESPONSE 10-11-60-MCR DATE RECEIVED: Health Services

AS of 11/2/10 your inmate account does not have sufficient funds to cover the cost for copies. When you have available funds you can write a new request

[The following pertains to informal grievances only:

Based on the above information, your grievance is _____. (Returned, Denied, or Approved). If your informal grievance is denied, you have the right to submit a formal grievance in accordance with Chapter 33-103.006, F.A.C.]

Official (Signature): D. Bevis, HIS D. Bevis, HIS Date: 11/22/10
Martin C.I.

This form is also used to file informal grievances in accordance with Rule 33-103.006, Florida Administrative Code.

Informal Grievances and Inmate Requests will be responded to within 10 days, following receipt by the appropriate person.

DC6-236 (Effective 10/19/09) (Technical Change 1/6/10)
Incorporated by Reference in Rule 33-103.019, F.A.C.

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

INMATE REQUEST

Mail Number: _____
Team Number: _____
Institution: MARTIN C.I

TO: (Check One)
☐ Warden ☐ Asst. Warden ☐ Classification ☐ Security ☐ Medical ☐ Mental Health ☐ Dental ☑ Other INSEPTOR

FROM:	Inmate Name	DC Number	Quarters	Job Assignment	Date
	PARIS, ENGLO	M48426	(B) 4204	—	11/16/10

REQUEST TO: MR. WELSH HELP Check here if this is an informal grievance ☑

I LIKE TO ASK IF YOU CAN [redacted] ME OUT WITH THESE PROBLEMS? I SENT A SICK-CALL AND TWO INMATE REQUEST TO MRS. BEVIS THE RECORDS CARY FOR MEDICAL AND MENTAL HEALTH TWO WEEKS AGO FOR TWO COPYS EACH OF THE BRUSE'S REPORTS AND X-RAYS INVESTIGATION THAT HAPPEND ON 11/1/10. AND TWO COPYS EACH FROM MENTAL HEALTH AS WAY I HAD TO STAY IN THE (S.O.S CELL) FOR 24-HOURS THAT DAY WHEN I CAME FROM SOUTH FLORIDA? BUT I NEVER GOT THE INMATE REQUEST BACK OR THE SICK-OUT I WORTE OUT TO FOR THESE INFORMENTIONS ON THIS DATE 11/1/10. IT BEEN GOING ON THREE-WEEKS NOW MR. I NEED THEM MR. PLEASE HELP ME. (ONE) MORE LAST THING WHEN I CAME TO MARTIN C.I THAT DAY ON 11/1/10 THEY TOOK MY PICTURE FOR MY I.D THE SAME PAPER-PICTURE THAT'S ON MY DOOR IN CONFINEMENT AS RIGHT NOW." I NEED [redacted] TWO COPYS OF THE PAPER PICTURE'S ON MY DOOR OF CONFINEMENT

All requests will be handled in one of the following ways: 1) Written Information or 2) Personal Interview. All informal grievances will be responded to in writing.

THANK YOU AND GOD BLESS! (+) I NEED A PHONE CALL TOO"

DO NOT WRITE BELOW THIS LINE

RESPONSE DATE RECEIVED: 11/18/10

This is not a issue for the Inspectors Office

- Medical Dept
- Housing Sgt.

[The following pertains to informal grievances only:

Based on the above information, your grievance is _____. (Returned, Denied, or Approved). If your informal grievance is denied, you have the right to submit a formal grievance in accordance with Chapter 33-103.006, F.A.C.)

Official (Signature): [signature], Inspector Date: 11/18/10

Original: Inmate (plus one copy)
CC: Retained by official responding or if the response is to an informal grievance then forward to be placed in inmate's file

This form is also used to file informal grievances in accordance with Rule 33-103.005, Florida Administrative Code.

Informal Grievances and Inmate Requests will be responded to within 10 days, following receipt by the appropriate person.

DC6-236 (Effective 10/19/09) (Technical Change 1/6/10)

(X)

INMATE REQUEST

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

Mail Number: 11-10-215
Team Number:
Institution: MARTIN C.I.

TO: (Check One)
- [x] Warden
- [ ] Asst. Warden
- [ ] Classification
- [ ] Security
- [ ] Medical
- [ ] Mental Health
- [ ] Dental
- [ ] Other

FROM: Inmate Name	DC Number	Quarters	Job Assignment	Date
PARIS, ENOLD	M48426	(B) 4204		11/20/10

REQUEST HELP

Check here if this is an informal grievance [x]

I LIKE TO ASK IF YOU CAN [redacted] ME OUT WITH THESE PROBLEMS? I SENT A REQUEST TO INSEPTOR MR. WELSH OF MY INVESTIGATION THAT HAPPEND AT SOUTH FLORIDA IN ONE OF HIS CASE'S THAT I NEED TWO-COPYS EACH OF THE BRUSES REPORTS AND X-RAYS, AND MENTAL HEALTH REPORTS INVESTIGATION THAT HAPPEND ON 11/1/10. BUT HE REFUSE TO HELP ME ON THESE GROUNDS. BUT BEFOR I SENT HIM A REQUEST I SENT A SICK-CALL AND TWO INMATE REQUEST TO MRS. BEIJS THE RECORDS LADY FOR MEDICAL AND MENTAL-HEALTH [redacted] GOING ON THREE WEEKS AGO FOR TWO COPYS EACH OF THE BRUSES REPORTS AND X-RAYS INVESTIGATION THAT HAPPEND ON 11/1/10. AND TWO COPYS EACH FROM MENTAL HEALTH AS WHY I HAD TO STAY IN THE (SOS CELL) FOR 24-HOURS THAT DAY WHEN I CAME FROM SOUTH FLORIDA? BUT I NEVER GOT THE INMATE REQUEST BACK OR THE SICK-OUT I WORTE OUT [redacted] FOR THESE INFORMENTIONS ON THE DATE 11/1/10. IT BEN GOING ON ~~THREE~~ FOUR WEEK

All requests will be handled in one of the following ways: 1) Written Information or 2) Personal Interview. All informal grievances will be responded to in writing.

NOW MR I NEED THEM MR. PLEASE HELP ME.

NEXT PAGE

DO NOT WRITE BELOW THIS LINE

RESPONSE

DATE RECEIVED: NOV 22 2010 Health Services

Your record has been reviewed. According to 33-102.101(2) Payment Must be Received before Copies will be provided. Please see request answered by Health Information Specialist — Request # 10-11-50 MRC 3 15-11-51.

The following pertains to informal grievances only:

Based on the above information, your grievance is: Denied (Returned, Denied, or Approved). If your informal grievance is denied, you have the right to submit a formal grievance in accordance with Chapter 33-103.006, F.A.C.]

Official (Signature): [signature] Date: 11/30/10

Original: Inmate (plus one copy)
Retained by official responding or if the response is to an informal grievance then forward to be placed in inmate's file

This form is also used to file informal grievances in accordance with Rule 33-103.005, Florida Administrative Code.

Informal Grievances and Inmate Requests will be responded to within 10 days, following receipt by the appropriate person.

DC6-236 (Effective 10/19/09) (Technical Change 1/6/10)

FOR CONFINEMENT INMATES ONLY

B242 **LEGAL REQUEST**

TO: LIBRARY

FROM:	Inmate Name	DC Number	Housing	Date
	PARIS, EROLD	M48426	B3204V	12/3/10

THIS LEGAL REQUEST IS **ONLY** TO BE USED FOR:

Asking Legal Questions, Requesting Copies Of Case Law, or Requesting Legal Supplies

REQUEST:

1) I NEED THIS MOTION FDOC IS AN ADMINISTRATIVE AGENCY. ADMINISTRATIVE AGENCIES ARE EXECUTIVE BRANCH ENTITIES. THEIR FUNCTION IN GOVERNMENT IS TO "ADMINISTRATE" THE PUBLIC POLICY WHICH IS MORE COMMONLY KNOWN AS STATUTORY LAW. OR IF IS NOT NO MOTION LIKE THAT I NEED THE ADDRESS

2) I NEED MOTION OR ADDRESS TO QUASI-JUDICIAL. PRISON DISCIPLINARY PROCEEDINGS, ~~[illegible]~~ THE REASONS I KNOW IT FOR ME IS QUASI-JUDICIAL IN NATURE, HAVE MARKED DIFFERENCES FROM THE ADJUDICATORY ACTIONS TAKEN BY THE OTHER AGENCIES IN FLORIDA. CHAPTER 20.315 FLORIDA STATUTES CREATES THE FLORIDA DEPARTMENT OF CORRECTIONS AND SECTION (2) ESTABLISHES IT'S PURPOSE.

Legal Supply Description	Quantity Requested	Quantity Approved	Legal Supply Description	Quantity Requested	Quantity Approved
Typing Paper, 8½ x 11			Envelope, Manila 9 x 12		
Envelope, White 5½ x 11	2		Envelope, Manila 10 x 15		

DO NOT WRITE BELOW THIS LINE

RESPONSE: **DATE RECEIVED:** RECEIVED DEC 08 2010

A Law Clerk will speak with you when visiting Confinement, on what exactly is your need.

FDOC
2601 Blairstone Road
Tallahassee, FL 32399-2500

ORIGINAL REQUEST RETURNED TO INMATE WHEN ANSWERED
COPY OF REQUEST RETAINED BY OFFICIAL RESPONDING
OFFICIAL (SIGNATURE): [signature] DATE: 12/9/10

DEPARTMENT OF CORRECTIONS
OFFICE OF HEALTH SERVICES

INMATE SICK-CALL REQUEST

Date: 12/9/10 Time: 9:00 A.M

Inmate Name: DAVIS, ERROL DC#: M48126

Housing assignment: (B) 3205

Job assignment: CONFINEMENT

Problem:

12-10-10 0751

12-10-10 1140

12-10-10 1450

☐ Pass/pass renewal

☐ Medication renewal

☐ Need information (explain):

☐ Mental Health

☐ Dental

☑ Medical (explain): I BEEN TAKING [redacted] PAIN-PILLS FOR ABOUT A MONTH NOW CAUSE OF MY LEFT SIDE RIBS BUT IT GOES AWAY FOR ABOUT 2 HOURS AND COME RIGHT BACK I NEED SOME THING MORE POWERFUL FOR MY LEFT SIDE OF RIBS (IT'S REALLY PAINFUL BACK) I NEED YOU TO CALL ME IN. THANK AND GOD BLESS.

When did problem/symptoms start? ABOUT A MONTH BACK!

Inmate Name DAVIS, ERROL
DC# M48126 Race/Sex M
Date of Birth 2/17/86
Institution MIAMI-DADE C.I.

Distribution: Original—Nursing Supervisor
Pink—Inmate (**special housing only**-otherwise destroy copy)
This form is not to be amended, revised, or altered without approval by the Office Health Services-Administration

DEPARTMENT OF CORRECTIONS
OFFICE OF HEALTH SERVICES

INMATE SICK-CALL REQUEST

Date: 12/9/10 Time: 8:00 P.M

Inmate Name: PARIS, EMOND DC#: M18426

Housing assignment: (B) 3205

Job assignment: CONFINEMENT

Problem:

☐ Pass/pass renewal

☐ Medication renewal

☐ Need information (explain): _____

☐ Mental Health

☐ Dental

☑ Medical (explain): I BEEN TAKING [redacted] PAIN-PILLS FOR ABOUT A MONTH NOW CAUSE OF MY LEFT SIDE RIBS BUT I LOSE MIND FOR ABOUT 2 HOURS AND COME RIGHT BACK I NEED SOME THING MORE POWERFUL FOR MY LEFT SIDE OF RIBS (IT'S REALLY HURTING BACK) I NEED YOU TO CALL ME IN. THANK AND GOD BLESS.

When did problem/symptoms start? ABOUT A MONTH BACK!

Inmate Name PARIS, EMOND
DC# M18426 **Race/Sex** M
Date of Birth 3/17/66
Institution MARTIN C.I.

Distribution: Original—Nursing Supervisor
Pink—Inmate (**special housing only**-otherwise destroy copy)
This form is not to be amended, revised, or altered without approval by the Office Health Services-Administration

FOR CONFINEMENT INMATES ONLY

B285

LEGAL REQUEST

TO: LIBRARY

FROM:	Inmate Name	DC Number	Housing	Date
	EROLD, PARIS	M48426	(B)3205	12/9/10

THIS LEGAL REQUEST IS **ONLY** TO BE USED FOR:
Asking Legal Questions, Requesting Copies Of Case Law, or Requesting Legal Supplies

REQUEST:
I WOULD LIKE TO KNOW IF THESE ARE MOTION'S I NEED TO FILE OR "IF NOT" I WOULD LIKE YOU TO SHOWE ME THE PROCEEDINGS, HOW TO FILE THEM. (I JUST NEED HELP TO KNOW HOW TO DO IT)

(1) PURSUANT TO 9.100(C)(4), FLA. R. APP. P.(2008), A PETITION OF WRIT OF MANDAMUS CHALLENGING AN ORDER OF D.O.C ENTERED IN A PRISONER DISCIPLINARY PROCEEDING MUST BE FILED WITHIN 30 DAYS OF RENDITION OF THAT DOC ORDER. (SEE ALSO CHAPTER 95.11-(8), FLORIDA STATUTES (2007); ORTIZ V. MOORE, 741 SO. 2D 1153, 1154-55 (FLA. 1ST DCA 1999). [redacted]

(2) A PETITION FOR WRIT OF CERTIORANI MUST BE FILED WITHIN 30 DAYS OF THE CIRCUIT COURTS FINAL ORDER ON THE MERITS OF THE MANDAMUS PETITION. RULE 9.100(C)(1), FLA. R. APP. P.(2007) GREEN V. MOORE, 777 SO. 2D 425, 426 (FLA. 1ST DCA 2000), AND IN THE CASE OF AN APPEAL BY FILING A NOTICE OF APPEAL TO THE CIRCUIT COURT WITHIN 30 DAYS OF RENDITION OF THE ORDER TO BE REVIEWED. RULE 9.110(B), FLA R. APP. P(2008).

Legal Supply Description	Quantity Requested	Quantity Approved	Legal Supply Description	Quantity Requested	Quantity Approved
Typing Paper, 8½ x 11			Envelope, Manila 9 x 12		
Envelope, White 5½ x 11	2		Envelope, Manila 10 x 15		

DO NOT WRITE BELOW THIS LINE

RESPONSE:

DATE RECEIVED:

RECEIVED
DEC 15 2010
Martin Law Library

Case law attached from prior request

DR packet provided 12-17-10

Released from Cort.
12-23-10

ORIGINAL REQUEST RETURNED TO INMATE WHEN ANSWERED
COPY OF REQUEST RETAINED BY OFFICIAL RESPONDING
OFFICIAL (SIGNATURE): DATE:

FOR CONFINEMENT INMATES ONLY

B280 **LEGAL REQUEST**

TO: LIBRARY

FROM:	Inmate Name	DC Number	Housing	Date
	PARIS, ERROL	M48426	B1 3205	12/10/10

THIS LEGAL REQUEST IS ONLY TO BE USED FOR:
Asking Legal Questions, Requesting Copies Of Case Law, or Requesting Legal Supplies

REQUEST:

I WOULD LIKE FOR YOU TO PULL THESE CASE'S OUT FOR ME AND IF THEY HAVE ANYING MOTIONS I CAN GET. I WOULD LIKE TO HAVE THEM.

1) AN AGENCY'S RULE MAKING POLICY IS GOVERNED BY CHAPTER 120.54 FLORIDA STATUTES. AN AGENCY RELIES ON TO PROMULGATE A RULE MUST PROVIDE ADEQUATE GUIDELINES THAT WILL ESTABLISH THE EXTENT TO WHICH AN AGENCY MAY EXERCISE THOSE POWERS. 12-17-10

2) CHAPTER 20.315 FLORIDA STATUTES CREATES THE FLORIDA DEPARTMENT OF CORRECTIONS AND SECTION (2) ESTABLISHES ITS PURPOSE. P.O. 12-17-10

3) CHAPTER 944.09 FLORIDA STATE GIVES FDOC THE AUTHORITY TO ADOPT RULES PURSUANT TO §§ 120.536(1) AND 120.54 FLORIDA STATUTES TO IMPLEMENT STATUTORY. SECTION (1)(A)-(Q) ENCOMPASSES SEVERAL CATEGORIES INCLUDING THE RIGHT OF PRISONERS AND DISCIPLINARY PROCEDURES AND PUNISHMENT P.O. 12-17-10

NEXT BACK PAGE →

Legal Supply Description	Quantity Requested	Quantity Approved	Legal Supply Description	Quantity Requested	Quantity Approved
Typing Paper, 8½ x 11			Envelope, Manila 9 x 12		
Envelope, White 5½ x 11			Envelope, Manila 10 x 15		

DO NOT WRITE BELOW THIS LINE

RESPONSE:

DATE RECEIVED: RECEIVED DEC 15 2010

We cannot provide you books such as 'Seal House' Martin Law Library
Case law attached

your request can total up to '15' items per week limit

Released For Cert.
12-23-10

ORIGINAL REQUEST RETURNED TO INMATE WHEN ANSWERED
COPY OF REQUEST RETAINED BY OFFICIAL RESPONDING
OFFICIAL (SIGNATURE): [signature] DATE: 12/20/10

FOR CONFINEMENT MEANS ONLY

LEGAL REQUEST

DC156

TO: LIBRARY

FROM: Inmate Name	DC Number	Housing	Date
PARIS, ERROLD D	M48426	(D)3178	11/5/10

THIS LEGAL REQUEST IS ONLY TO BE USED FOR:
Asking Legal Questions, Requesting Copies Of Case Law, or Requesting Legal Supplies

REQUEST:

I WOULD LIKE TO HAVE THESE 4-LINE-PAPERS TYP UP AND I WOULD LIKE TO HAVE 3-COPY'S OF EACH PAPERS I GOT RIGHT HERE AND 2-ENVELOP MANILA 9X12, AND I WOULD A POWER OF ATTORNEY FORM "TOO" OF THEM (2)

ADDESS
1) N.A.A.C.P WASHINGTON BUREAU
1256 15H STREET N.W
WASHINGTON D.C. 20005

ADDESS
2) GARY, WILLIAMS, FINNEY LEWIS, WATSON & SPERANDO, P.L.
WATERSIDE PROFESSIONAL BUILDING
221 S.E. OSCEOLA STREET
STUART, FL. 34994

I NEED THE NUMBER OF THIS ADDESS PLEASE

THANK YOU & GOD BLESS!

Legal Supply Description	Quantity Requested	Quantity Approved	Legal Supply Description	Quantity Requested	Quantity Approved
Typing Paper, 8½ x 11	15 III		Envelope, Manila 9 x 12	2	
Envelope, White 5½ x 11			Envelope, Manila 10 x 15		

DO NOT WRITE BELOW THIS LINE

RESPONSE: DATE RECEIVED:

We cannot type Attorney Letters
Power of Atty. provided

We cannot provide these addresses

ORIGINAL REQUEST RETURNED TO INMATE WHEN ANSWERED
COPY OF REQUEST RETAINED BY OFFICIAL RESPONDING
OFFICIAL (SIGNATURE): DATE: 11/9/10

PAGE #2

280
B

4) CHAPTER 944.275(5) FLORIDA STATUTES ~~THAT WHEN A PRESS~~ Sent 12-7-10

5) CHAPTER 944.28 (2)(C) DESCRIBES THE METHOD OF DECLARING A FORFEITURE. Sent 12-7-10

6) THE COURT IN SANDIN V. CONNER, 115 S.CT 2293 (1995)

7) WILKINSON V. AUSTIN, 125 S.CT 2384 2393-94 (2005)

8) MALCHI V. THALER, 211 F.3D 953 AT 959 (5TH CIR. 2000)

9) COLUMBIA HUMAN RIGHTS LAW REVIEW, A JAILHOUSE LAWYER'S MANUAL, 622 (5TH ED 2000). Not permitted (book)

10) WOLFF, 94 S.CT. ID. AT 297-80

11) WOLFF V. MC DONNELL, 94.CT. 2963 (1974)

12) WOLF V. MCDONNELL, 418 U.S. 539, 94 S.CT. 2963, 41 L.ED. 2D 935 (1974)

RECEIVED
DEC 15 2010
Martin Law Library

FOR CONFINEMENT INMATES ONLY

B284

LEGAL REQUEST

TO: LIBRARY

FROM: Inmate Name	DC Number	Housing	Date
PARIS, ERIC (J)	M498426	(B) 3205	12/10/10

THIS LEGAL REQUEST IS **ONLY** TO BE USED FOR:

Asking Legal Questions, Requesting Copies Of Case Law, or Requesting Legal Supplies

REQUEST:

CAN I ASK WHAT IS A PETITION FOR EXTRAORDINARY RELIEF (MANDAMUS) IN THE CIRCUIT COURT (LEON COUNTY). HOLLAND V. SECRETARY, 698 SO. 2D 1364 (FLA. 1ST DCA 1997).

IF THIS A MOTION CAN I HAVE IT?

"IF NOT," I WOULD LIKE TO KNOW ABOUT IT AND GIVE ME HOW TO GET IT.

THANK YOU AND GOD BLESS!

Legal Supply Description	Quantity Requested	Quantity Approved	Legal Supply Description	Quantity Requested	Quantity Approved
Typing Paper, 8½ x 11			Envelope, Manila 9 x 12		
Envelope, White 5½ x 11	1		Envelope, Manila 10 x 15		

DO NOT WRITE BELOW THIS LINE

RESPONSE:

DATE RECEIVED:

RECEIVED
DEC 15 2010
Martin Law Library

Mandamus motion attached 12-17-10
Case law attached

ORIGINAL REQUEST RETURNED TO INMATE WHEN ANSWERED

COPY OF REQUEST RETAINED BY OFFICIAL RESPONDING

OFFICIAL (SIGNATURE): DATE:

FOR CONFINEMENT INMATES ONLY

B280

LEGAL REQUEST

TO: LIBRARY

FROM:	Inmate Name	DC Number	Housing	Date
	PARIS, ERROL	M48126	B/3205	12/10/10

THIS LEGAL REQUEST IS ONLY TO BE USED FOR:
Asking Legal Questions, Requesting Copies Of Case Law, or Requesting Legal Supplies

REQUEST:
I WOULD LIKE FOR YOU TO PULL THESE CASE'S OUT FOR ME AND IF THEY HAVE ANYING MOTIONS I CAN GET I WOULD LIKE TO HAVE THEM.

1) AN AGENCY'S RULE MAKING POLICY IS GOVERNED BY CHAPTER 120.54 FLORIDA STATUTES, AN AGENCY RELIES ON TO PROMULGATE A RULE MUST PROVIDE ADEQUATE GUIDELINES THAT WILL ESTABLISH THE EXTENT TO WHICH AN AGENCY MAY EXERCISE THOSE POWERS. 12.19-10

2) CHAPTER 20.315 FLORIDA STATUTES CREATES THE FLORIDA DEPARTMENT OF CORRECTIONS AND SECTION (2) ESTABLISHES ITS PURPOSE. P&P 12-17

3) CHAPTER 944.09 FLORIDA STATE GIVES FDOC THE AUTHORITY TO ADOPT RULES PURSUANT TO §§ 120.536(1) AND 120.54 FLORIDA STATUTES TO IMPLEMENT IT STATUTORY. SECTION (2)(A)-(Q) ENCOMPASSES SEVERAL CATEGORIES INCLUDING THE RIGHT OF PRISONERS AND DISCIPLINARY PROCEDURES AND PUNISHMENT

NEXT BACK PAGE →

Legal Supply Description	Quantity Requested	Quantity Approved	Legal Supply Description	Quantity Requested	Quantity Approved
Typing Paper, 8½ x 11			Envelope, Manila 9 x 12		
Envelope, White 5½ x 11			Envelope, Manila 10 x 15		

DO NOT WRITE BELOW THIS LINE

RESPONSE:

DATE RECEIVED: RECEIVED DEC 15 2010 Martin Law Library

We cannot provide you books such as Jail House Lawyer, Case law attached

your request can total up to '15' items per week limit

ORIGINAL REQUEST RETURNED TO INMATE WHEN ANSWERED
COPY OF REQUEST RETAINED BY OFFICIAL RESPONDING
OFFICIAL (SIGNATURE): L Campbell DATE: 12/20/10

4 of 14

FOR CONFINEMENT INMATES ONLY

B281 **LEGAL REQUEST**

TO: LIBRARY

FROM:	Inmate Name	DC Number	Housing	Date
	PARIS, EROLD	M484246	B)3205	12/10/10

THIS LEGAL REQUEST IS ONLY TO BE USED FOR:
Asking Legal Questions, Requesting Copies Of Case Law, or Requesting Legal Supplies

REQUEST:

[redacted]

I WOULD LIKE TO ASK WHATS A EXHAUST ADMINISTRATIVE REMEDIES?

AND IF THIS A MOTION CAN I HAVE IT?

"IF NOT" I WOULD LIKE TO KNOW ABOUT IT AND SHOWE ME HOW TO GET IT. (CASE LOG)

Legal Supply Description	Quantity Requested	Quantity Approved	Legal Supply Description	Quantity Requested	Quantity Approved
Typing Paper, 8½ x 11			Envelope, Manila 9 x 12		
Envelope, White 5½ x 11	1		Envelope, Manila 10 x 15		

DO NOT WRITE BELOW THIS LINE

RESPONSE:

DATE RECEIVED: RECEIVED DEC 15 2010 Martin Law Library

Following the Grievance procedure exhaust Administrative

DR Packet provided 12-17-10

'15' item per week limit

ORIGINAL REQUEST RETURNED TO INMATE WHEN ANSWERED

COPY OF REQUEST RETAINED BY OFFICIAL RESPONDING

OFFICIAL (SIGNATURE): DATE:

FOR CONFINEMENT INMATES ONLY

B282 **LEGAL REQUEST**

TO: LIBRARY

FROM:	Inmate Name	DC Number	Housing	Date
	PARETS, EROLD	M48426	(B) 8205	12/10/10

THIS LEGAL REQUEST IS ONLY TO BE USED FOR:

Asking Legal Questions, Requesting Copies Of Case Law, or Requesting Legal Supplies

REQUEST:

I WOULD LIKE TO ASK WHATS THE REMEDY IN THE APPEAL? COURT WOULD BE BY (DENIED) PLENARY APPEAL. COHEN V. MOORE, 777 SO. 2D 425 (FLA. 1ST DCA 2000).

AND IF THIS A MOTION CAN I HAVE IT?

"IF NOT" I WOULD LIKE TO KNOW ABOUT IT AND SHOWE ME HOW TO GET IT. (CASE LOG)

Legal Supply Description	Quantity Requested	Quantity Approved	Legal Supply Description	Quantity Requested	Quantity Approved
Typing Paper, 8½ x 11			Envelope, Manila 9 x 12		
Envelope, White 5½ x 11	1		Envelope, Manila 10 x 15		

DO NOT WRITE BELOW THIS LINE

RESPONSE:

DATE RECEIVED: RECEIVED
DEC 15 2010
Martin Law Library

Appeal Motion sent 12-17-10
Case law attached

ORIGINAL REQUEST RETURNED TO INMATE WHEN ANSWERED

COPY OF REQUEST RETAINED BY OFFICIAL RESPONDING

OFFICIAL (SIGNATURE): DATE:

FOR CONFINEMENT INMATES ONLY

B283

LEGAL REQUEST

TO: LIBRARY MAR126

FROM:	Inmate Name	DC Number	Housing	Date
	DAVIS, ERIC D	[redacted]	(B) 3205	12/10/10

THIS LEGAL REQUEST IS **ONLY** TO BE USED FOR:

Asking Legal Questions, Requesting Copies Of Case Law, or Requesting Legal Supplies

REQUEST:

I WOULD LIKE THE CASE LAW'S OF THESE ISSUE'S!

1. IT IS IMPORTANT TO KNOW THAT IF MANDAMUS IS USED TO INITIATE A NEW CIVIL ACTION IN THE CIRCUIT COURT, THE RESULTING FINAL ORDER IS SUBJECT TO REVIEW BY APPEAL. MANDAMUS IS AN ACTION AT LAW. SEE STATE EX REL MOTT V. SCOFIELD, 120 SO. 2D 92 (FLA. 2ND DCA 1960), AND AS IN ALL OTHER ACTIONS AT LAW, A FINAL JUDGMENT ON A COMPLAINT FOR WRIT OF MANDAMUS IS REVIEWABLE BY APPEAL. SEE e.g. WARREN V. STATE EX REL FOUR FORTY, INC., 76 SO. 2D 486 (FLA. 1954); CITY OF MIAMI BEACH V. STATE EX REL PACKEN CHILDREN OF LINCOLN ROAD, INC., 129 SO. 2D 696 (FLA. 3RD DCA 1961); CONNELL V. MID-FLORIDA GROWERS, INC., 541 SO. 2D 1252 (FLA. 2ND DCA 1989)

Legal Supply Description	Quantity Requested	Quantity Approved	Legal Supply Description	Quantity Requested	Quantity Approved
Typing Paper, 8½ x 11			Envelope, Manila 9 x 12		
Envelope, White 5½ x 11	1		Envelope, Manila 10 x 15		

DO NOT WRITE BELOW THIS LINE

RESPONSE:

DATE RECEIVED RECEIVED
DEC 15 2010
Martin Law Library

Mandamus motion Sent 12-17-10
Case law Attached

15 item per week limit

ORIGINAL REQUEST RETURNED TO INMATE WHEN ANSWERED

COPY OF REQUEST RETAINED BY OFFICIAL RESPONDING

OFFICIAL (SIGNATURE): DATE:

FOR CONFINEMENT INMATES ONLY

B284

LEGAL REQUEST

TO: LIBRARY

FROM:	Inmate Name	DC Number	Housing	Date
	PARIS, ENOLO	M48426	(B)320S	12/10/10

THIS LEGAL REQUEST IS ONLY TO BE USED FOR:
Asking Legal Questions, Requesting Copies Of Case Law, or Requesting Legal Supplies

REQUEST:

(1) I WOULD LIKE TO HAVE A MOTION THAT UNDER THE MANDAMUS WILL BE CONSIDERED AN ORIGINAL CIVIL ACTION WHEN FILED IN THE CIRCUIT COURT.

(2) I WOULD LIKE AN APPLICATION FOR INDIGENT STATUS WHEN FILING A MANDAMUS PETITION. SCHMIDT V. MCDONOUGH, 951 So.2D 797 (FLA. 2006).

Legal Supply Description	Quantity Requested	Quantity Approved	Legal Supply Description	Quantity Requested	Quantity Approved
Typing Paper, 8½ x 11			Envelope, Manila 9 x 12		
Envelope, White 5½ x 11	1		Envelope, Manila 10 x 15		

DO NOT WRITE BELOW THIS LINE

RESPONSE:

DATE RECEIVED:

RECEIVED
DEC 15 2010
Martin Law Library

Mandamus Motion Attached
951 So.2d 797 Attached

ORIGINAL REQUEST RETURNED TO INMATE WHEN ANSWERED
COPY OF REQUEST RETAINED BY OFFICIAL RESPONDING

OFFICIAL (SIGNATURE): DATE:

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

RECEIVED DEC 16 2010

REQUEST FOR ADMINISTRATIVE REMEDY OR APPEAL

TO: ☑ Warden ☐ Assistant Warden ☐ Secretary, Florida Department of Corrections

From: PARIS, ENOLD M98426 MARTIN C.I
Last First Middle Initial Number Institution

A FORMAL GRIEVANCE Part A – Inmate Grievance 1012-430-102

THIS IS A STAT OF COMPLAINT FILED AT THE INSTITUTIONAL OR FACILITY LEVEL WITH THE WARDEN, ASSISTANT WARDEN OR DEPUTY WARDEN, THROUGH THE USE OF THE REQUEST FOR ADMINISTRATIVE REMEDY OR APPEAL, FORM DC1-303, FORM DC1-303" INCORPORATED BY REFERENCE IN RULE 33-103, 019, F.A.C FORMAL GRIEVANCES ARE ADDRESSED IN RULE 33-103.006, F.A.C

PARIS TALKING: THE REASON I AM SENDING THIS FORMAL GRIVANCE IS THAT I SENT A INFORMAL GRIEVANCE COMPLAINT TO YOU AND MR. WARDEN YOU DENIED ME FOR GETTING MY MEDICAL AND MENTAL HEALTH INFORMENTIONS COPY FILE CAUSE I DO NOT HAVE NO MONEY IN MY INMATE ACCOUNT. UNDER STATE OF FLORIDA DEPARTMENT I ENOLD PARIS I NEVE HAD A MONEY ORDER, CHECK COMES IN MY ACCOUNT EVERY SINCE I BEEN DOWN. BUT IT GOT TO BE AWAY TO GET MY INFORMENTIONS OUT MY OWN FILE, IT MUST BE AND IT WILL BE DONE.

COMPLAINT: I LIKE TO ASK IF YOU CAN HELP ME OUT WITH THESE PROBLEMS? I SENT A REQUEST TO INSEPTOR MR. WELSH OF MY INVESTIGATION THAT HAPPEND AT SOUTH FLORIDA IN ONE OF HIS CASES THAT I NEED TWO-COPYS EACH OF THE BRUSES REPORTS AND X-RAYS, AND MENTAL HEALTH REPORTS INVESTIGATION THAT HAPPEND ON 11/1/10. BUT HE REFUSE TO HELP ME ON THESE GROUNDS. BUT BEFOR I SENT REQUEST'S, I SENT SICK-CALL'S TO MRS. BEVIS THE RECORDS LADY FOR MEDICAL AND MENTAL HEALTH GOING ON THREE WEEKS AGO FOR TWO COPYS EACH OF THE BRUSES REPORTS AND X-RAYS INVESTIGATION THAT HAPPEND ON 11/1/10. AND TWO COPY EACH FROM MENTAL HEALTH AS "WHY" I HAD TO STAY IN THE (S.O.S-CELL) FOR 24-HOURS → (NEXT PAGE) → → → →

12/15/10 Enold Paris M98426
DATE SIGNATURE OF GRIEVANT AND D.C. #

*BY SIGNATURE, INMATE AGREES TO THE FOLLOWING # OF 30-DAY EXTENSIONS: M98426 Enold Paris
Signature

INSTRUCTIONS

I AM A INMATE IN MARTIN CORRECTIONS INSTITUTION AND MY REASONS WHY I RIGHT THIS FORMAL CORRESPONDENCE TO YOU IS THAT I NEED YOUR HELP. BECAUSE I WAS AT SOUTH FLORIDA RECEPTION CENTER ON 11/2/10 AROUND 6:00 TO 8:00 AM GETTING TRASPORT BACK TO MARTIN C.I WHEN I (EROLD PARIS) DECLARE A PSYC. EMERGENCE TO CHAPTAIN MR. HERRIONE, SO CAPTAIN HERRIONE HAND-CUFF ME (EROLD PARIS) FROM THE BACK AND TOLD ME TO GRAB MY PROPERTY, AND GO IN ONE OF THE PSYC. CELL IN THE T3R BUILDING BUT CAPTAIN HERRIONE DID NOT CLOSE THE DOOR OR TAKE THE HAND-CUFF OFF ME. HE JUST STARED ASKING ME ?'S BUT BY THE WAY HE WAS ACTING AND SHOWING WHILE ASKING ME THESE ?'S HE WAS GETTIN "MAD" BECAUSE I WANTED TO DECLAIR PSYC. EMERGENCE ON HIS SHAFT; AND SO I GET MAD AT THE SAME TIME TOO. → NEXT PAGE →

WE STARED A BIG-ARGUMENT, HIT ME IN THE UPER LEFT FACE-EYE WHILE(SGT) MR. BROWN GABS MY FEETS TO FLIP AND DOPE ME ON THE FLOOR WITH TWO-OTHER OFFICERS THAT STARED JUMPING ON ME AT THE SAME TIME.
BETING ME DOWN ALMOST TO DEFF WHILE I WAS STILL IN HAND-CUFFS FROM THE BACK. I WAS ASSUALTED AND BRUSE TO THE POINT I WANTED TO KILL MYSELF FOR WHAT THEY DID TO ME.
SO MY PSYC. DOCTOR AND THE TEAM AT MARTIN C.I PUTS ME IN A (CELL-SO-CELL) FOR 24 HOURS TO GET MY MIND CLEARD AND SO THAT I WON'T BE THANKING OF WAYS TO KILL MYSELF.
MR. KELLY I SENT REQUEST TO INSEPTOR AND THE RECORDS LADY MS. BEVIS AND MEDICAL & MENTAL HEALTH BUT THEY DENIED ME TO GET "MY" REPORTS OF THE INVESTIGATION THAT HAPPEND ON 11/2/10.

THESE ALL MY WITNESS AND YOU WILL SEE THAT THEY "SEEN" EVERY-BET THAT WENT DOWN AND ALL OF THEM INMATES CAME WITH ME ON THE BUS FROM SOUTH FLORIDA RECEPTION CENTER TO MARTIN C.I THAT DAY.

1) HERNANDEZ, REINALDO DC#081341
2) TRAVIS MOORE DC#X12583
3) RODERICK LEE DC#M64116
4) DONTAE MADOX DC#B08274
5) ANTWAN SIMPSON DC#D25678
6) NATHAN OOTCH DC#B03212
7) DETAVION INGRAM DC#K64437
8) JOSEPH THERMIDIEN DC#B01078
9) SENAT NAUUL DC#K06958
10) CURTIS FREEMAN DC#100267
12) ANTUNU FREEMAN DC#972820
13) HERNANDEZ, ABELINO DC#B123950
14) OLSON, RONALD A DC#L12894
15) COURTNEY, KENNETH DC#T10606
16) GAINES, ANTHONY DC#E09538

NEXT PAGE

THESE THE PEOPLE NAMES THATS ON MY INVESTIGATION

1) THE CAPTAIN: MR. A.C
2) NURSE: MR. PARKS
3) DOCTOR: MS. PATTEN
4) PSYC. DOCTOR: MR. LAZARNE
5) INSEPTOR: MR. WELSH

MY LEFT AREA ON MY FACE, MY LEFT EYE WAS KICKED AND PUNCHED SHUT THAT I THOUGHT I WAS GOING BLIND AND WHEN EVERY TIME I WENT TO SLEEP I COULDN'T SLEEP ON MY LEFT SIDE OF THE FACE. MY LEFT [redacted] GEW SO SWOLLEN I COULDN'T EAT ON THE LEFT-SIDE [redacted] FOR SOME DAYS. ONE OF MY TOOTH WAS CHIPPED ON THE LEFT-SIDE OF MY GEW TIL THIS DAY, EVERY TIME I BITE ON ON SOMETHING TO "HOT" OR TO "COOL" EVEN SWEET DESSERTS ~~WAS~~ WHAT I WE HAD ON THE TRAYS, IT MAKES A TINGLY FEELING LIKE BUMPING YOU ELBOW ON SOMETHING HARD. ITS HARD TO EAT MIL. REILLY MY LEFT SIDE RIBS WERE PURPLE WHILE THEY WAS JUMPING AND STEPING ON ME LIKE A CARPET RUG I COULDN'T EVEN MOVE MY HIP-AREA FROM SIDE TO SIDE MY NOSE FELT BROKEN AND BLOOD [redacted] WAS RUNING OUT FOR ABOUT FIVE DAYS. MY LEFT ARM I FELT BROKEN AND WAS LOOKING PURPLISH THAT I COULD'NT MOVE IT UP OR DOWN OR TO GET MY FOOD-TRAYS A COUPLE DAYS. MY LOWER SPINE FELT LIKE I COULD'NT WALK ANY MORE I LITERALLY AND PHYSICALLY AND MENTHLLY WANTED TO GO INSANE AND KILL MYSELF "O" PLEASE HELP ME WITH THIS CASE

I EVEN PASSED OUT TWICE WHILE THEY WERE BEATING [redacted] ME TO DEATH.

END

FILED WITH AGENCY CLERK

JAN 06 2011

DEPT. OF CORRECTIONS
BUREAU OF INMATE
GRIEVANCE APPEALS

PART B - RESPONSE

PARIS, EROLD	M48426	11-6-00010	MARTIN C.I.	G4107L
INMATE	NUMBER	GRIEVANCE LOG NUMBER	CURRENT INMATE LOCATION	HOUSING LOCATION

Your request for administrative review has been received, reviewed, and evaluated.

The only way you can receive copies is by having the funds in your account and requesting what you want copies of, again. An attorney can get copies of anything needed through the courts.

Based on the foregoing information, your appeal is returned without action.

M. Solano

SIGNATURE AND TYPED OR PRINTED NAME OF EMPLOYEE RESPONDING	SIGNATURE OF WARDEN, ASST. WARDEN, OR SECRETARY'S REPRESENTATIVE	DATE
		1/4/2011

COPY DISTRIBUTION -INSTITUTION / FACILITY
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STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

REQUEST FOR ADMINISTRATIVE REMEDY OR APPEAL

JAN 03 2011
DEPARTMENT OF CORRECTIONS
INMATE GRIEVANCES

TO: ☐ Warden ☐ Assistant Warden ☑ Secretary, Florida Department of Corrections

From: PARIS, EROLD M48426 MARTIN C.I
Last First Middle Initial Number Institution

MAILED FILED 11-6-2010

Part A – Inmate Grievance

THIS IS A GRIEVANCE APPEALS AND DIRECT GRIEVANCES OF THE OFFICE OF THE SECRETARY SHALL BE RESPONDED TO WITHIN 30 DAYS FORM DATE OF RECEIPT. AND FORWARDING YOU MY COMPLAIN TO THE BUREAU OF INMATE GRIEVANCE APPEALS. THE RULES THAT SET FORTH TIME FRAMES FOR INMATES TO FILE GRIEVANCES (SEE CHAPTER 33-103.011 F.A.C.). ALSO SET FORTH TIME FRAMES IN WHICH PRISON OFFICIALS MUST RESPOND TO GRIEVANCES AND APPEALS. CHAPTER 33-103.011(3) F.A.C. PROVIDES: (3) RESPONDING TO GRIEVANCES.

COMPLAINT: I DID GO THROUGH EVERY STEP OF THE INSTITUTION LEVEL BUT THE RESPONDING'S DID NOT HELP ME AT ALL.
THIS IS WHY I SEND YOU THE DIRECT of GRIEVANCE APPEAL BECAUSE I BEEN INSTRUCTED THAT MY INMATE ACCOUNT HAS INSUFFICIENT FUNDS IN IT AND THE DOCUMENTS CAN NOT BE PROVIDED TO ME WITH-OUT THE FUNDS AVAILABLE. BUT IN THE ABOVE-ENTITLED PROCEEDING; THAT IN SUPPORT OF MY REQUEST TO PROCEED WITHOUT PREPAYMENT OF FEES OR COSTS UNDER 28 USC § 1915 I DECLARE THAT I AM UNABLE TO PAY THE COSTS OF THESE PROCEEDINGS AND THAT I AM ENTITLED TO THE RELIEF SOUGHT IN COMPLAIN/REQUEST/PETITION/MOTION.

"YOU WILL SEE MY OTHER COMPLAINTS BEHIND THIS 303 FORM."

12/27/10
DATE

Erold Paris M48426
SIGNATURE OF GRIEVANT AND D.C. #

*BY SIGNATURE, INMATE AGREES TO THE FOLLOWING # OF 30-DAY EXTENSIONS: M48426 / Erold Paris
Signature

INSTRUCTIONS

080

PART B - RESPONSE

PARIS, EROLD	M48426	1012-430-076	MARTIN C.I.	B3205L
INMATE	NUMBER	GRIEVANCE LOG NUMBER	CURRENT INMATE LOCATION	HOUSING LOCATION

Your request for administrative remedy has been received in non-compliance with Chapter 33-103, Inmate Grievance Procedure, as your grievance is so broad, general, and vague in nature that it cannot be clearly reviewed, evaluated and responded to; and/or your grievance is not written legibly and cannot be clearly understood. This is not an Emergency Grievance and the investigation is still going on at this time. Your grievance should present only the specific facts and circumstances related to your complaint. If you do not understand the grievance procedure, you should seek the assistance of another inmate or staff member.

Based on the above information, your grievance is returned without action.

D. Inman

SIGNATURE AND TYPED OR PRINTED NAME OF EMPLOYEE RESPONDING	SIGNATURE OF WARDEN, ASST. WARDEN, OR SECRETARY'S REPRESENTATIVE	12-14-10 DATE

COPY DISTRIBUTION -INSTITUTION / FACILITY
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(1 Copy) Inmate's File
(1 Copy) Retained by Official Responding

COPY DISTRIBUTION - CENTRAL OFFICE
(1 Copy) Inmate
(1 Copy) Inmate's File - Inst./Facility
(1 Copy) C.O. Inmate File
(1 Copy) Retained by Official Responding

FLORIDA
DEPARTMENT of
CORRECTIONS

Governor
CHARLIE CRIST

An Equal Opportunity Employer

Secretary
WALTER A. McNEIL

2601 Blair Stone Road • Tallahassee, FL 32399-2500

http://www.dc.state.fl.us

December 15, 2010

Erold Paris, DC# M48426
Martin Correctional Institution
1150 S.W. Allapattah Road
Indiantown, Florida 34956-4397

Inmate Paris:

Your letter has been received and reviewed. Allegations of this nature are taken various seriously and have been forwarded to the Office of the Inspector General for further investigation. Upon completion, appropriate action will be taken.

Sincerely,

Marta Villacorta

Marta Villacorta
Regional Director of Institutions

MV/jnh

C: Office file

Region IV – Institutions
Office of Marta Villacorta
20421 Sheridan Street, Ft. Lauderdale, FL. 33332*P.O. Box 297410, Pembroke Pines, FL. 33029-7410
Tel. (954) 252-6509/6510*Fax (954)252-6519

PROVIDED TO MARTIN CORRECTIONAL INSTITUTION ON 1-11-11 FOR MAILING

DEAR: F.P.L.P

I AM A INMATE IN MARTIN CORRECTIONS INSTITUTION AND MY REASONS WHY I RIGHT THIS LETTER TO YOU IS THAT I NEED YOUR HELP. THE ISTITION LIVIL DENIED ME FOR GET MY MEDICAL AND MENTAL HEALTH INFORMETIONS COPY'S FILE CAUSE I DO NOT HAVE NO MONEY IN MY INMATE ACCONT, I WAS AT SOUTH FLORIDA RECEPTION CENTER ON 11/2/10 AROUND 6:00 TO 8:00 A.M, GETTING TRASPORT BACK TO MARTIN C.I WHEN I EROLD PARIS DECLAIR A PSYC. EMERGENCE TO CAPTAIN MR. HERION E SO CAPTAIN HERIOUE HAND-CUFFY ME (EROLD PARIS) FROM THE BACK AND TOLD ME TO LOAD MY PROPERTY, AND GO IN ONE OF THE PSYC. CELL IN THE T ? R BUILDING BUT CAPTAIN HERIOUE DID NOT CLOSE THE DOOR OR TAKE THE HAND-CUFFY OFF ME. HE JUST STARED ASKING ME (?'S) BUT BY THE WAY HE WAS ACTION LEE AND SHOWING-OUT WHILE ASKING ME THESE ?'S HE WAS GETTIN "MAD" BECAUSE I WANTED TO DECLAIR PSYC. EMERGENCE ON HIS SHIFT; MN. SO I GET "MAD" AT THE SAME TIME TOO. WE STARED A BIG-ARGUMENT, HE HIT ME IN THE UPER LEFT FACE-BY WHILE (SGT) MR. BROWN GAB'S MY FEETS TO FLIP AND DOPE ME ON TH FLOOR WITH TWO-OTHER OFFICERS THAT STARED JUMPING ON ME AT THE SAME TIME.

BETING ME DOWN ALMOST TO DEFFY WHILE I WAS STILL IN HAND CUFFY FROM THE BACK, I WAS ASSUALTED AND BRUSE TO THE POIN THAT I WANTED TO KELL MYSELF FOR WHAT THEY DID TO ME. SO MY PSYC. DOCTOR'S AND THE TEAM AT MARTIN C.I PUTS ME IN A (CCC-SO-CELL) FOR 24-HOURS TO GET MY MIND CLEARD AND SO THAT I WON'T BE THINKING OF WAYS TO KILL MYSELF MR. AND MRS. F.P.L.P THESE ALL MY WITIESS, AS ONE OF THE COPYS I'M SENDING TO YOU AND YOU WILL SEE THAT

NEXT..

THEY SEEIN' EVERY-BET' THAT WENT DOWN AND ALL OF THEM CAME WITH ME ON THE BUS FROM SOUTH FLORIDA RECEPTION CENTER TO MARTIN C.I THAT DAY

THE WADEN, THE INSEPTOR-OF-MARTIN C.I TALK AND RECODE ME ABOUT THE PORBLEM. CAPTAIN A.C FROM MARTIN C.I TOOK STATEMENTS OF ALL MY WITIESS AND TOOK PICTURE'S OF ALL THE BRUSES THAT I HAVE ON MY HEAD AND BODY. THE NURSE'S AND DOCTOR'S TOOK REPORTS AND X-RAYS OF MY HEAD AT MARTIN C.I.

MR. AND MRS. F.L.P.P ("NOT") BUT F.P.L.P THANK YOU I GUESS PEOPLE DON'T FEEL ME IN THIS LETTER CAUSE I WOULD WANT ABOUT A HUNDER AND ONE 50TH THOUSANDTH DOLLAR'S TAX-FEER, I WON'T THEM TO PAY MY INMATE ACCOUNT, I WON'T THEM TO PAY THE WHOLE MY LAWYER TAX AND BIG-BILL FOR MY MOUTH PEACE, AND MEDIAL BILL TOO. THANK YOU AND GOD BLESS YOU! I WOULD LIKE FOR YOU TO TAKE MY CASE AND IF YOU CAN JUST VISIT ME AND PUT ME ON YOUR CALADER YOU'LL SEE THAT I HAVE A BIG-CASE AND THEY TRYING TO GET AWAY WITH IT.

D.O.C ALWAYS WINING AND WE INMATE LOSING EVERY [illegible] BUT NOT THIS TIME FOR GOD TAKE MY LAST BEATH I WI[illegible] NOT STOP FIGHTING THEM.

I GIVE YOU THIS BUT IT MORE TO IT AND I DON'T HAV[illegible] ANYING-MONEY TO GET A LAWYER BUT I KNOW IF YO[illegible] TAKE THIS CASE AND I "PROMIS" YOU THAT WE WILL EA[illegible] THEM ALIVE AND BET THESE PEOPLE IN COURT THAT ALM[illegible] ST KILL ME ON 11/1/10 AROUND 6:00 TO 8:00 AM GETTING TRAPPORT

("NEXT PAGE")

THESE ARE THE PEOPLE NAME'S THAT'S ON MY INVESTIGATION

1) THE WARDEN : Mr Reilly

2) THE CAPTAIN : Mr. A.C THAT TOOK MY PICTURE'S OF THE BRUSES FROM MEDICAL.

3) NURSE : MS. PARKS - THAT DID THE REPORT PAPER OF THE

4) DOCTOR : MS. PATTEN - THE ONE THAT PUT ME ON THE X-RAY LIST FOR MY HEAD.

5) PSYC. DOCTOR : MR. LAZARUS THAT PUT ME IN THE (ICE-SO-CEL FOR THE WHOLE 24 HOURS CAUSE I WANTED TO KILL MYSELF.

6) INSEPTOR : MR. WELSH - THATS OVER THE WHOLE INVESTIGATION

7) ALL MY WITNESS THAT SEEN THE ACT OF THE OFFICER'S THAT DAY ON THE OTHER SHEET OF THIS PAPER BEHIND

THIS IS THE CONTACT NUMBER TO EVERYBODY YOU NEED TO TALK TO (772) 597-3705 AT MARTIN C.I

NEXT PAGE

ALL MY WITNESS NAME AND DC# NUMBERS

1) HERNANDEZ, REINALDO DC# 081341
2) TYRVIS MOORE DC# X42583
3) RODERICK LEE DC# M64146
4) DONTAE MADOX DC# B08274
5) ANTWAN JACKSON DC# D15678
6) NATHAN GOTCH DC# B03211
7) DETANIOUN INGRAM DC# K64437
8) JOSEPH THERMIDIEN DC# B01078
9) SENAT NAOUL DC# K06958
10) CURTIS FREEMAN DC# J00267
11) ANTONU FREEMAN DC# 971820
12) SEBASTIAN RAVETSKY DC# B08402
13) HERNANDEZ, [redacted] ABELINO DC# B123950
14) OLSON, RONALD A DC# L11189
15) COURTNEY, KENNETH DC# T70566
16) GAINES, ANTHONY DC# 089538

LEGAL MAIL

LEGAL MAIL

LEGAL MAIL

NEXT PAGE

PAGE #(5)

THE REASON WHY I TOOK SO LONG TO SEND THIS LETTER IS BECAUSE IT'S TAKING D.O.C TO GIVE ME THE FACTION'S AND TRUTHS OF THE INVESTIGATION REPORTS OF BRUSE'S, X-RAYS AND, THE REPORT OF MENTAL HEACTH AS WHY MY PSYC.— DOCTOR AND THE TEAM AT MARTIN C.I PUTS ME IN IA (ICE-SO-CELL) IN MENTAL HEALTH BUILDING FOR 24 HOURS ? I CAN NOT GET ANYING DOCUMENTS FROM D.O.C of THIS INVESTIGATION [redacted] THAT HAPPENDON 12/2/11

THESE ARE THE ALLEGATIONS AND MOTIONS AREAS THAT I WANT TO GO TO COURT "ON"

1) CRUEL AND UNUSAL PUNISHMENT
2) AGGRAVATED ASSULT AND BATTERY
3) PAIN AND SUFFERING
4) PSYCHOLOGICAL DAMAGES SUFFERING
5) PUNITIVE DAMAGES
6) DISCRIMATION
7) HATE CRIME
8) DEFAMATION CHARACTER
9) ATTEMPTED MURDER
10) ASSULT WITH A DEADY WEAPON
11) A CONDUCT UNBECOMEING OF
12) DENIAL DUE PROCESS

PLEASE GET INCONTACT WITH ME

THANK YOU AND GOD BLESS!

NEXT PAGE

MY LEFT AREA ON MY FACE AROUND LEFT EYE WAS KICKED AND PUNCHED SHUT THAT I THOUGHT I WAS GOING BLIND AND WHEN EVERYTIME I WENT TO SLEEP I COULDN'T SLEEP ON MY LEFT-SIDE OF THE FACE. MY LEFT CHIN WAS SO SWOLLEN I COULDN'T EAT ON THE LEFT THAT STILL TIL THIS DAY EVEN SWEET DESSERTS WE HAVE ON ARE TRAYS. IT MAKES A JAGGLY FEELING LIKE BUMPING YOUR ELBOW ON SOMETHING HARD. IT HARD TO EAT MR. MY LEFT SIDE-RIB'S WERE PURPLE WHILE I THEY WAS JUMPING AND STEPING-ON-ME LIKE A CARPET RUG I COULDN'T EVEN MOVE MY HIP-ARED FROM SIDE TO SIDE. MY NOSE FELT BROKEN AND BLOOD WAS RUNING OUT FOR ABOUT FIVE DAY. MY LEFT ARM FELT BROKEN AND WAS LOOKING PURPLISH THAT I COULDN'T MOVE IT UP OR DOWN OR TO GET MY FOOD TRAYS FOR A COUPLE DAYS, MY LOWER SPINE FELF LIKE I COULDN'T WALK ANY MORE I LITERALLY AND PHYSICALLY AND MENTALLY WANTED TO GO INSANE AND KILL MYSELF" O" PLEASE HELP ME WITH THIS CASE.

I EVEN PASSED OUT TWICE WHILE THEY BEATING ME TO "DEATH"!

13) ASSULT BY OFFICER AT SOUTH FLORIDA RECEPTION CENTER ON 11/1/10 WAS A COMPLETE VIOLATION OF THE AMERICAN WITH DISABILITIES ACT (A.D.A) ANYONE WHO CAUSE OR DOES HARM TO A HANDICAPPED OR DISABLED PERSON OF VIOLATION OF A.D.A A FEDERAL OFFENSE.

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PAGE (7)

CONSENT FORM

I HERE BY EROLD PANZS DC# M498426 GIVE MY LAWYER F.P.L.P ALL AND EVERY RIGHT'S TO GO IN MY MENDICAL AND MENTAL HEALTH FAIL'S OF THIS INVESTIGATIONS OF ALL NEEDS AND RESPONSIBILITY TO WEIGH THE EVIDENCE, REVIEW THE WITNESS STATEMENTS AND DETERMINE THE CREDIBILITY OF ANY WITNESS IN THIS CASE OF THE INVESTIGATION

LAWYER SIGNATUR:

DATE:

BY SIGNATURE, INMATE AGREES TO THE FOLLOWING FORM OF THIS REQUEST:

Erold Panz

DC: M498426

DATE: 11/9/10

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-14112-CIV-MOORE
MAGISTRATE JUDGE P.A. WHITE

EROLD PARIS,

Plaintiff,

v.

CAPT. HERIONE, et al.,

Defendants.

REPORT OF
MAGISTRATE JUDGE

I. Introduction

The pro-se plaintiff, Erold Paris, currently confined at the Monroe County Jail, filed a civil rights complaint pursuant to 42 U.S.C. §1983 (DE#1), and is proceeding in forma pauperis (DE#5). He alleges excessive use of force by guards employed by the South Florida Reception Center, and is seeking monetary damages.

This civil action is before the Court for an initial screening pursuant to 28 U.S.C. §1915.

II. Analysis

A. Applicable Law for Screening

As amended, 28 U.S.C. §1915 reads in pertinent part as follows:

Sec. 1915 Proceedings in Forma Pauperis

* * *

(e)(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that -

* * *

(B) the action or appeal -

* * *

(i) is frivolous or malicious;

(ii) fails to state a claim on which relief may be granted; or

(iii) seeks monetary relief from a defendant who is immune from such relief.

This is a civil rights action. Such actions require the deprivation of a federally protected right by a person acting under color of state law. See 42 U.S.C. 1983; Polk County v Dodson, 454 U.S.312 (1981); Whitehorn v Harrelson, 758 F. 2d 1416, 1419 (11 Cir. 1985. The standard for determining whether a complaint states a claim upon which relief may be granted is the same whether under 28 U.S.C. §1915(e)(2)(B) or Fed.R.Civ.P. 12(b)(6) or (c). See Mitchell v. Farcass, 112 F.3d 1483, 1490 (11 Cir. 1997)("The language of section 1915(e)(2)(B)(ii) tracks the language of Federal Rule of Civil Procedure 12(b)(6)"). A complaint is "frivolous under section 1915(e) "where it lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989); Bilal v. Driver, 251 F.3d 1346, 1349 (11 Cir.), cert. denied, 534 U.S. 1044 (2001). Dismissals on this ground should only be ordered when the legal theories are "indisputably meritless," id., 490 U.S. at 327, or when the claims rely on factual allegations that are "clearly baseless." Denton v.

Hernandez, 504 U.S. 25, 31 (1992). Dismissals for failure to state a claim are governed by the same standard as Federal Rule of Civil Procedure 12(b)(6). Mitchell v. Farcass, 112 F.3d 1483, 1490 (11 Cir. 1997)("The language of section 1915(e)(2)(B)(ii) tracks the language of Federal Rule of Civil Procedure 12(b)(6)"). In order to state a claim, a plaintiff must show that conduct under color of state law, complained of in the civil rights suit, violated the plaintiff's rights, privileges, or immunities under the Constitution or laws of the United States. Arrington v. Cobb County, 139 F.3d 865, 872 (11 Cir. 1998).

To determine whether a complaint fails to state a claim upon which relief can be granted, the Court must engage in a two-step inquiry. First, the Court must identify the allegations in the complaint that are not entitled to the assumption of truth. Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007)). Twombly applies to §1983 prisoner actions. See Douglas v. Yates, 535 F.3d 1316, 1321 (11 Cir. 2008). These include "legal conclusions" and "[t]hreadbare recitals of the elements of a cause of action [that are] supported by mere conclusory statements." Second, the Court must determine whether the complaint states a plausible claim for relief. Id. This is a "context-specific task that requires the reviewing court to draw on its judicial experience and common sense." The plaintiff is required to plead facts that show more than the "mere possibility of misconduct." The Court must review the factual allegations in the complaint "to determine if they plausibly suggest an entitlement to relief." When faced with alternative explanations for the alleged misconduct, the Court may exercise its judgment in determining whether plaintiff's proffered

conclusion is the most plausible or whether it is more likely that no misconduct occurred.[1]

B. Factual Allegations

The plaintiff claims that in November of 2010, while being transferred from the South Florida Reception Center back to Martin Correctional Institution (MCI), he declared a "psych emergency". Captain Herione handcuffed him and told him to grab his property and go into one of the "psych cells". He did not close the door or remove the handcuffs. He admits entering into an argument with Herione and claims that during the argument Herione hit him in the upper left portion of his face, while Officer Brown grabbed his feet and flipped him onto the floor. He claims the left area of his face around his left eye was kicked and punched shut. Two unnamed officers jumped on him. He contends he became suicidal, and was put in an isolation cell. As a result of the incident, he was bruised on his head and body, and X-rays were taken at Martin CI. He seeks monetary damages.

C. Analysis

Claims of excessive force by guards are cognizable under 42 U.S.C. §1983, as a violation of the Eighth Amendment[2]. Booth v Chumer, et al, 206 F.3d 289 (3rd Cir. 2000), Perry v thompson, 786 F.2d 1093 (11 Cir. 1986). The plaintiff has stated a claim for use of excessive force by Herion and Brown, and the two unnamed officers at this preliminary stage.

---

[1] The application of the Twombly standard was clarified in Ashcroft v. Iqbal, 129 S.Ct. 1937 (2009).

[2] If the plaintiff was a pre-trial detainee at the time of the incident, his rights are secured by the Fourteenth Amendment. Hamm v DeKalb County, 774 F.2d 1567 (11 Cir. 1985)

The plaintiff attempts to bring these claims under the American Disabilities Act. The defendants cannot individually be held liable for damages under the ADA, as it does not provide for individual liability. Pritchard v. Southern Company Services, 102 F.3d 1118 (11 Cir. 1996); Mason v. Stallings, 82 F.3d 1007, 1009 (11 Cir. 1996); Fernandez v. Community Asphalt, Inc., 934 F.Supp. 418, 420-21 (S.D. Fla. 1996).

Because individual liability is precluded for violations of the ADA, claims against the defendants alleging violations of the ADA, who are neither public entities nor employers, should be dismissed on this basis. Mason v. Stallings, 82 F.3d 1007, 1009 (11 Cir. 1996); Shotz v. City of Plantation, Fla., 2003 WL 22071566, *17 (11 Cir. September 8, 2003).

III. Recommendation

1. The claim of use of excessive force against Officers Herione and Brown shall proceed at this preliminary stage.

2. The plaintiff must provide the names and addresses of the two unnamed officers who allegedly used unlawful force against him, or risk their dismissal.

3. All claims raised under the American Disabilities Act shall be dismissed.

Objections to this Report may be filed with the District Judge within fourteen days following receipt.

Dated at Miami, Florida, this 26th day of April, 2011.

UNITED STATES MAGISTRATE JUDGE

cc: Erold Paris, Pro Se
#M48426
Monroe County Jail
Address of record

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-14112-CIV-MOORE
MAGISTRATE JUDGE P.A. WHITE

FILED by PG D.C.
MAY 18 2011
STEVEN M. LARIMORE
CLERK U.S. DIST. CT.
S.D. OF FLA. – MIAMI

EROLD PARIS,
Plaintiff,

v.

RESPONSE TO REPORT AND RECOMENDATION OF MAGISTRATE JUDGE AND REQUEST FOR EXTENSION

CAPT. HERON, SGT. BROWN, OFC.. TAYLOR et al.,
Defendants.

The pro se plaintiff, Erold Paris, currently in the custody of the Florida Department of Corrections and housed at the South Florida Reception Center in Miami-Dade County submits this response to the recommendation of the Magistrate Judge.

1. It is this Court's recommendation, in III. Recommendation 2, that the names and addresses of the unnamed officers be provided.

2. The Plaintiff received this Court's recommendation/order on April 27, 2011 and foreseeing difficulties in obtaining the identification of the remaining two parties filed a Motion For Extension of Time on April 28, 2011.

3. To date the Plaintiff has received no response.

4. Since the filing of the Motion for Extension of Time the Plaintiff has been transferred back to South Florida Reception Center, this occurred on May 4, 2011.

5. The Plaintiff has submitted a change of address with the Clerk of this Court.

6. Since his arrival at the South Florida Reception Center the Plaintiff has been able to obtain only the identification of one of the unidentified parties, Officer Taylor. Plaintiff has also discovered that the correct spelling of Capt. Herione is in actuality Captian Heron.

7. The Plaintiff has filed an emergency grievance requesting the assistance of the Inspector General, already assigned to this case, in obtaining the identification of the unidentified Ofc./Sgt.

8. The Grievance was filed on May 5, 2011 and pursuant to Ch. 33-103.006 F.A.C. the Department of Corrections has until May 20, 2011 to respond, 8 days past this Court's standing order. (see attached grievance)

RELIEF SOUGHT

Plaintiff, as relief, would respectfully ask this Court to extend the deadline for a period of time it deems appropriate in order for him to obtain unknown parties.

Respectfully submitted,

Erold Paris

Erold Paris, pro se
South Florida Reception Center
14000 N.W. 41st Street
Miami, Florida 33178

Erold Paris M48426

Dade Co.

Gladys Millan

NOTARY PUBLIC-STATE OF FLORIDA
Gladys Millan
Commission # DD764099
Expires: MAR. 02, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing response to magistrates order and request for extension of time was placed in the hands of prison officials for mailing via U.S. mail on this 12 day of May, 2011 to the Respondent's listed below:

CAPTAIN HERON
South Florida Reception Center
14000 N.W. 41st Street
Miami, Fl. 33178

SARGEANT BROWN
South Florida Reception Center
14000 N.W. 41st Street
Miami, Fl. 33178

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS

REQUEST FOR ADMINISTRATIVE REMEDY OR APPEAL

TO: ☒ Warden ☐ Assistant Warden ☐ Secretary, Florida Department of Corrections

From: PARIS, ERROLD (Last, First, Middle Initial) M48426 (Number) S.F.R.C (Institution)

Part A – Inmate Grievance

EMEGENCY GRIEVANCE DUE TO MAY 12, 2011 DEADLINE FOR RESPONSE I HAVE OBTAINED 3 NAMES AND NEED ASSISTANCE IN GETTING 4TH FROM INSPEATOR, I HAVE ATTACTED ORDER FROM FEDERAL JUDGE.

I HAVE A CASE IN THE UNITED STATE DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA AGAINST CAPT. HERON, OFFICER BROWN ON A CIVIL CASE MY JUDGE MAGISTRATE RECOMMENDATION ME(1) THE CLAIM OF USE OF EXCESSIVE FORCE AGAINST OFFICERS HERON AND BROWN, AND TRYOR SHALL PROCEED AT THIS PRELIMINARY STAGE(2) THE PLAINTIFF MUST PROVIDE THE NAME AND ADDRESS OF THE LAST 4TH OFFICERS WHO ALLEGEDLY USED UNLAWFUL FORCE AGAINST HIM, OR RISK THEIR DISMISSAL.
THE REASON OF THIS EMEGENCY GRIEVANCE THAT I NEED YOU TO HELP ME ON THIS ISSUE ON 11/1/10 AROUND 6:00 TO 8:00 A.M GETTING TRASPORT BACK TO MARTIN C.I., YOUR 4 OFFICERS USE EXCESSIVE FORCE ON ME WHILE I WAS HAND-CUFFY TO THE BACK. BUT THE ONLY THREE OFFICER'S I KNOW IS CAPT. HERON, OFFICER MR. BROWN, AND OFFICER MR TRYOR IN THE PROPERTY ROOM BUT THE OTHER LAST OF 4 OF THEM ON THIS CASE I CAN NOT FIND HIM. I WOULD LIKE TO COME SEE YOU AND WE CAN GO UP TO (T3R) BUILDING AND I WILL POINT HIM OUT AND ASK FOR HIS NAME BECAUSE I NEED TO SEND THE RECOMMEND REPOSED TO MY JUDGE MAGISTRATE BEFOR THE 12TH OF THIS MONTH MAY, MY DEAD-LINE DATE IN THE COURTS.

THANK YOU AND GOD BLESS!

5/5/11 (DATE)

Errold Paris M48426 (SIGNATURE OF GRIEVANT AND D.C. #)

*BY SIGNATURE, INMATE AGREES TO THE FOLLOWING # OF 30-DAY EXTENSIONS: ____ / ____ (# / Signature)

INSTRUCTIONS

This form is used for filing a formal grievance at the institution or facility level as well as for filing appeals to the Office of the Secretary in accordance with Rule 33-103 Florida Administrative Code. When an appeal is made to the Secretary, a copy of the initial response to the grievance must be attached (except as stated below).

When the inmate feels that he may be adversely affected by the submission of a grievance at the institutional level because of the sensitive nature of the grievance, or is entitled by Chapter 33-103 to file a direct grievance he may address his grievance directly to the Secretary's Office. The grievance may be sealed in the envelope by the inmate and processed postage free through routine institutional channels. The inmate must indicate a valid reason for not initially bringing his grievance to the attention of the institution. If the inmate does not provide a valid reason or if the Secretary or his designated representative feels that the reason supplied is not adequate, the grievance will be returned to the inmate for processing at the institutional level.

Receipt for Appeals Being Forwarded to Central Office

Submitted by the inmate on: _____ (Date) Institutional Mailing Log #: _____ _____ (Received By)

DISTRIBUTION:
INSTITUTION/FACILITY
INMATE (2 Copies)
INMATE'S FILE
INSTITUTIONAL GRIEVANCE FILE
CENTRAL OFFICE
INMATE
INMATE'S FILE - INSTITUTION/FACILITY
CENTRAL OFFICE INMATE FILE
CENTRAL OFFICE GRIEVANCE FILE

DC1-303 (Revised 2/05)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 11CV14112 KMM.

The attached hand-written document has been scanned and is also available in the SUPPLEMENTAL PAPER FILE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-14112-CIV-MOORE
MAGISTRATE JUDGE P.A. WHITE

EROLD PARIS,
PLAINTIFF,

V

CAPT. HERON, SGT. BROWN, OFC. TAYLOR, OFC. PERRY ET.,
DEFENDANTS.

FILED by RRC D.C.
MAY 23 2011
STEVEN M. LARIMORE
CLERK U. S. DIST. CT
S. D. of FLA. – MIAMI

RESPONSE TO REPORT AND RECOMENDATION OF MAGISTRATE JUDGE

THE PRO SE PLAINTIFF, EROLD PARIS, CURRENTLY IN THE CUSTODY OF MARTIN CORRECTIONAL INSTITUTION, INDIANTOWN FLORIDA SUBMITS THIS RESPONSE TO THE RECOMMENDATION OF THE MAGISTRATE JUDGE.

1) IT IS THIS COURTS RECOMMENDATION, IN III. RECOMMENDATION 2, THAT THE NAMES AND ADDRESSES OF THE UNNAMED OFFICER BE PROVIDED.

2) AT THIS TIME THE PLAINTIFF DISCOVERED THE 4TH PARTIES, OFFICER MR. PERRY.

3) THE PLAINTIFF HAS BEEN TRANSFERRED BACK TO MARTIN CORRECTIONAL INSTITUTION 1150 S.W. ALLAPATTAH ROAD INDIANTOWN, FLORIDA 34956. THIS OCCURRED ON MAY 17. 2011.

RESPECTFULLY SUBMITTED,
Erold Paris
EROLD. PARIS PRO SE
MARTIN CORRECTIONAL INSTITUTION
1150 S.W. ALLAPATTAH ROAD
INDIANTOWN, FLORIDA 34956

PROVIDED TO MARTIN CORRECTIONAL INSTITUTION ON 5-18-11 FOR MAILING
E.P

4) THE PLAINTIFF HAS SUBMITTED A CHANGE OF ADDRESS WITH THE CLERK OF THIS COURT.

5) THE PLAINTIFF RESPONSE TO THE RECOMMENDATION OF THE MAGISTRATE JUDGE, OF [redacted] THE TWO UNNAMED OFFICERS WHO USED UNLAWFUL FORCE AGAINST HIM, OFFICER MR. TAYLOR THAT WORK IN THE PROPERTY ROOM, OFFICER MR. PERRY THAT DO TRANSPORT.

6) THE PLAINTIFF HAS FOUND OUT WHERE THE OTHER TWO OFFICERS WORK AT TOO, SARGEANT MR. BROWN IN THE PROPERTY ROOM CAPTAIN HERON GOT REMOVED FROM THE T3R BUILD TO THE COMPOUND.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING RESPONSE TO MAGISTRATES ORDER AND RESPONSE TO THE REPORT AND RECOMENDATION WAS PLACED IN THE HANDS OF PRISON OFFICIALS FOR MAILING VIA U.S. MAIL ON THE 18 DAY OF MAY, 2011 TO THE RESPONDENTS LISTED BELOW:

CAPTAIN HERON, SARGEANT BROWN, OFFICER TAYLOR, OFFICER PERRY.
SOUTH FLORIDA RECEPTION CENTER
14000 N.W. 41ST STREET
MIAMI, FL. 33178

PARIS, EROLD DC#M48426
MARTIN CORRECTIONAL INSTITUTION
1150 S.W. ALLAPATTAH ROAD
INDIANTOWN, FLORIDA 34956

LEGO MAIL

MAILED FROM MARTIN C.I.

$00.44
05-19-2011
Mailed From 34956
US POSTAGE

USMS INSPECTED

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
OFFICE OF THE - ROOM 8N09 CLERK
400 NORTH MIAMI AVENUE
MIAMI, FLORIDA 33128-7716

33128+7716

LEGO MAIL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO.: 11-14112-CIV-MOORE/WHITE

EROLD PARIS,

Plaintiff,

v.

CAPTAIN HERIONE; and
SERGEANT BROWN; et al.

Defendants.
_____/

DEFENDANT CAPTAIN HERON'S ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT

COMES NOW, Defendant CAPTAIN HERON[1] (hereinafter Defendant), by and through undersigned counsel, pursuant to Fed. R. Civ. P. 8(b) and (c) and hereby files this Answer and Affirmative Defenses to Plaintiff's Complaint and states:

STATEMENT OF CLAIM

Defendant admits that at the time Plaintiff filed his complaint he was an inmate at Martin Correctional Institution.

In all other respects, the allegations made in Section II of Plaintiff's Complaint are hereby denied.

RELIEF

Defendant denies that Plaintiff is entitled to any relief based on the allegations in his complaint. Furthermore, Plaintiff's specific requests for relief (1)–(7) listed in the complaint are not cognizable under Section 1983. Finally, Defendant denies that

[1] Plaintiff misspells the Defendant's name in the complaint. His proper name is Captain Heron, not Herione.

Plaintiff is entitled to attorney fees and costs.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Defendant acted reasonably within the discretion of his position and the course and scope of his employment and did not violate any clearly established statutory or constitutional right of the Plaintiff with which a reasonable person would have known, and therefore is entitled to qualified immunity from suit.

SECOND AFFIRMATIVE DEFENSE

Plaintiff has failed to state a claim upon which relief can be granted under 42 U.S.C. §1983.

THIRD AFFIRMATIVE DEFENSE

Defendant asserts that any and all injuries or damages suffered by Plaintiff were caused in whole or in part by Plaintiff's negligence or wrongful acts and/or misconduct.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff cannot establish as a subjective matter that the Defendant acted with a sufficiently culpable state of mind as required for liability under 42 U.S.C. §1983.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claim for damages is barred pursuant to the Prison Litigation Reform Act of 1995 (PLRA) based on failure to exhaust administrative remedies.

SIXTH AFFIRMATIVE DEFENSE

Defendant asserts that any force applied to the Plaintiff was applied in a good-faith effort to maintain or restore discipline, and therefore there can be no liability under 42 U.S.C. §1983.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff cannot establish an objective showing of deprivation or injury that is sufficiently serious to constitute a denial of the minimal civilized measure of life's necessities; and Plaintiff cannot make a subjective showing that Defendant had a sufficiently culpable state of mind. Therefore, Defendant is not liable for damages pursuant to Plaintiff's claim of excessive force.

EIGHTH AFFIRMATIVE DEFENSE

Pursuant to 42 U.S.C. § 1997(e)(3), Plaintiff is not entitled to damages for mental or emotional injury suffered because he is unable to show that he suffered a physical injury.

Defendant reserves the right to amend and supplement these affirmative defenses adding such additional affirmative defenses as are appropriate upon further discovery being conducted in this case.

WHEREFORE, having fully answered the Complaint, Defendant denies that the Plaintiff is entitled to the relief sought, or any relief whatsoever, and further demands trial by jury of all issues so triable as of right.

Respectfully submitted,

PAMELA JO BONDI
ATTORNEY GENERAL

/S/ John J. Bajger
JOHN J. BAJGER
Assistant Attorney General
Florida Bar Number 027459
Office of the Attorney General
1515 N. Flagler, Suite 900
West Palm Beach, Florida 33401
Tel. (561) 837-5000
Fax. (561) 837-5102

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically and served by U.S. mail on this 28th day of July, 2011 on all counsel or parties of record on the attached service list.

/s/John J. Bajger
John J. Bajger
Assistant Attorney General

SERVICE LIST

Erold Paris v. Captain Herione, et al..
11-14112-CIV-MOORE/WHITE

Erold Paris, DC# M48426;
Martin Correctional Institution,
1150 S.W. Allapattah Road,
Indiantown, FL 34956
[Via US Mail]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-14112-CIV-MOORE
MAGISTRATE JUDGE P. A. WHITE

EROLD PARIS, :

Plaintiff, :

v. : ORDER SCHEDULING PRETRIAL PROCEEDINGS WHEN PLAINTIFF IS PROCEEDING PRO SE

CAPTAIN HERIONE, et al., :

Defendant. :

The plaintiff in this case is incarcerated, without counsel, so that it would be difficult for either the plaintiff or the defendants to comply fully with the pretrial procedures required by Local Rule 16.1 of this Court. It is thereupon

ORDERED AND ADJUDGED as follows:

1. All discovery methods listed in Rule 26(a), Federal Rules of Civil Procedure, shall be completed by **December 8, 2011.** This shall include all motions relating to discovery.

2. All motions to join additional parties or amend the pleadings shall be filed by **December 22, 2011.**

3. All motions to dismiss and/or for summary judgment shall be filed by **January 12, 2012.**

4. On or before **January 26, 2012,** the plaintiff shall file with the Court and serve upon counsel for the defendants a document called "Pretrial Statement." The Pretrial Statement shall contain the following things:

(a) A brief general statement of what the case is about;

(b) A written statement of the facts that will be offered by oral or documentary evidence at trial; this means that the plaintiff must explain what he intends to prove at trial and how he intends to prove it;

(c) A list of all exhibits to be offered into evidence at the trial of the case;

(d) A list of the full names and addresses of places of employment for all the non-inmate witnesses that the plaintiff intends to call (the plaintiff must notify the Court of any changes in their addresses);

(e) A list of the full names, inmate numbers, and places of incarceration of all the inmate witness that plaintiff intends to call (the plaintiff must notify the Court of any changes in their places of incarceration); and

(f) A summary of the testimony that the plaintiff expects <u>each</u> of his witnesses to give.

5. On or before **February 8, 2012,** defendants shall file and serve upon plaintiff a "Pretrial Statement," which shall comply with paragraph 4(a)-(f).

6. Failure of the parties to disclose fully in the Pretrial Statement the substance of the evidence to be offered at trial may result in the exclusion of that evidence at the trial. Exceptions will be (1) matters which the Court determines were not discover-

able at the time of the pretrial conference, (2) privileged matters, and (3) matters to be used solely for impeachment purposes.

7. If the plaintiff fails to file a Pretrial Statement, as required by paragraph 4 of this order, paragraph 5 of this order shall be suspended and the defendants shall notify the Court of plaintiff's failure to comply. The plaintiff is cautioned that failure to file the Pretrial Statement may result in dismissal of this case for lack of prosecution.

8. The plaintiff shall serve upon defense counsel, at the address given for him/her in this order, a copy of every pleading, motion, memorandum, or other paper submitted for consideration by the Court and shall include on the original document filed with the Clerk of the Court a certificate stating the date that a true and correct copy of the pleading, motion, memorandum, or other paper was mailed to counsel. All pleadings, motions, memoranda, or other papers shall be filed with the Clerk and must include a certificate of service or they will be disregarded by the Court.

9. A pretrial conference may be set pursuant to Local Rule 16.1 of the United States District Court for the Southern District of Florida, after the pretrial statements have been filed. Prior to such a conference, the parties or their counsel shall meet in a good faith effort to:

(a) discuss the possibility of settlement;

(b) stipulate (agree) in writing to as many facts and issues as possible to avoid unnecessary evidence;

(c) examine all exhibits and documents proposed to be used at the trial, except

that impeachment documents need not be revealed;

(d) mark all exhibits and prepare an exhibit list;

(e) initial and date opposing party's exhibits;

(f) prepare a list of motions or other matters which require Court attention; and

(g) discuss any other matters that may help in concluding this case.

10. All motions filed by defense counsel must include a proposed order for the undersigned Magistrate Judge's signature.

DONE AND ORDERED at Miami, Florida, this 9th day of August, 2011.

s/Patrick A. White
UNITED STATES MAGISTRATE JUDGE

cc: Erold Paris, Pro Se
DC #M48426
Martin Correctional Institution
1150 SW Allapattah Road
Indiantown, FL 34956-5397

John Bajger, AAG
Office of the Attorney General
1515 North Flagler Drive, #900
West Palm Beach, FL 33401-3428

Hon. K. Michael Moore, United States District Judge