

LEGISTAR NO.

160129

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

FIRST AMENDED
CIVIL RIGHTS COMPLAINT FORM
TO BE USED BY PRO SE (NON-PRISONER) LITIGANTS IN ACTIONS
UNDER 28 U.S.C. § 1331 or § 1346 OR 42 U.S.C. § 1983

PRESTON L JACKSON, III

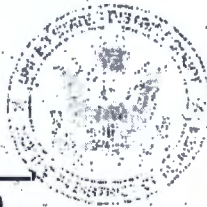
FIRST AMENDED

(Enter full name of Plaintiff(s))

vs.

CASE NO: 1:16-cv-00166-MW-GRJ
(To be assigned by Clerk)

ONANE DIEHL
Gainesville Police Officer
Official Capacity
Gainesville Police Dept.



(Enter name and title of each Defendant.
If additional space is required, use the
blank area below and directly to the right.)

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ANSWER ALL QUESTIONS ON THE FOLLOWING PAGES:

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I. PLAINTIFF:

State your full name and full mailing address in the lines below.

Name of Plaintiff: PRESTON LOPEZ JACKSON III

Mailing address: 47 WOODHURF LANE
Palm Coast
FLORIDA 32164

II. DEFENDANT(S):

State the name of the Defendant in the first line, official position in the second line, place of employment in the third line, and mailing address. Do the same for every Defendant:

(1) Defendant's name: DVANE DIEHL #294
Official position: POLICE OFFICER
Employed at: GAINESVILLE POLICE DEPT
Mailing address: 413 NW 8th Ave
GAINESVILLE FL 32601

(2) Defendant's name: GAINESVILLE POLICE DEPT
Official position: CITY POLICE DEPT
Employed at: _____
Mailing address: 545 N.W. 8th Ave
GAINESVILLE FLA. 32601

(3) Defendant's name: _____
Official position: _____
Employed at: _____
Mailing address: _____

(4) Defendant's name: _____
Official position: _____
Employed at: _____
Mailing address: _____

ATTACH ADDITIONAL PAGES HERE TO NAME ADDITIONAL DEFENDANTS

III. STATEMENT OF FACTS:

State briefly the FACTS of this case. Describe how each Defendant was involved and what each person did or did not do which gives rise to your claim. In describing what happened, state the names of persons involved, dates, and places. Do not make any legal arguments or cite to any cases or statutes. You must set forth separate factual allegations in separately numbered paragraphs. You may make copies of this page if necessary to supply all the facts. Barring extraordinary circumstances, no more than five (5) additional pages should be attached. (If there are facts which are not related to this same basic incident or issue, they must be addressed in a separate civil rights complaint.)

ON July 14 2014 I WAS AT Pinkys - SMS Food store at 404 Main St I WAS ASKED to make a purchase for a friend cause the employee thought my friend wasn't old enough to make the purchase I made the purchase a pack of cigarettes I also bought one for myself. I went outside to smoke. While outside the store there were other people hanging around I stood off by myself to smoke. After a while officer Duane Diehl and the cashier from the store came around the corner of the store and said someone out here is trespassing from the store. I had been in the store a few times I knew it wasn't me. So I said I know it wasn't me and that I was leaving as soon as I made another purchase.

So I walked away there was a lease ten people hang around and went back into store when I got to the counter to check out I placed my money on the counter. I was assaulted from behind maliciously by officer Duane Diehl Shoveled me out the door of the store. Not knowing why I was assaulted I attempted to at least retrieve my money I place on the counter. When I touched the door to go back in the store officer Duane Diehl was standing in the door way with his TASER in hand then fired without provocation. I've never been Tasered so my instincts pulled the probes out. cont. on next page

STATEMENT OF FACTS CONT. Pg. 2

OFFICER DIEHL, was very surprised. At that time he deployed his night stick, and began attempting to strike me in the head, and face, at no time was I attempting to be the aggressor, my only concern, was to protect my self from his attack.

While protecting my head I was blocking strikes and blows from his assault. At no time did I hit or strike OFFICER DIEHL.

Finally OFFICER DIEHL called for assistance, I layed on the ground; he continue to hit me, until other officer's arrived. I was taking into custody. I was seen by the EMT's.

I asked OFFICER DIEHL, why did he assault me and that's the last I remember.

I learned weeks later, that OFFICER DIEHL, attempted to admitt me into ALACHUA County Jail, but was refused because of my injuries.

I was then taking to Shands Hospital, where I was diagnose with a broken hand, head injuries, and heart problems.

All my assault was capture on the store surveillance camera's.

IV. STATEMENT OF CLAIMS:

State what rights under the Constitution, laws, or treaties of the United States you claim have been violated. Be specific. Number each separate claim and relate it to the facts alleged in Section III. If claims are not related to the same basic incident or issue, they must be addressed in a separate civil rights complaint.

Excessive use of force

V. RELIEF REQUESTED:

State briefly what relief you seek from the Court. Do not make legal arguments or cite to cases/ statutes.

I'm seeking damages of \$250,000

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENTS OF FACT, INCLUDING ALL CONTINUATION PAGES, ARE TRUE AND CORRECT.

5-13-16
(Date)

Robert L. Jones
(Signature of Plaintiff)

Revised 07/02

[Signature]
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