

LEGISTAR NO.

120196

UNITED STATES DISTRICT COURT

for the Northern District of Florida

RECEIVED JUL 16 2012 BY:

ANTHONY L NORWOOD

Plaintiff(s)

v.

CITY OF GAINESVILLE, ANDY J ZAWADZKI

Defendant(s)

Civil Action No. 1:11-cv-00176-MP-GRJ

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) CRAIG LOWE, MAYOR CITY OF GAINESVILLE CITY HALL 200 E UNIVESITY AVENUE GAINESVILLE FL 32601

RECEIVED USMS GAINESVILLE, FL 2012 JUN 26 A 10:20

RECEIVED UNITED STATES MARSHAL 2012 JUN 29 A 10:04 NORTHERN DISTRICT OF FLORIDA PANAMA CITY OFFICE

A lawsuit has been filed against you.

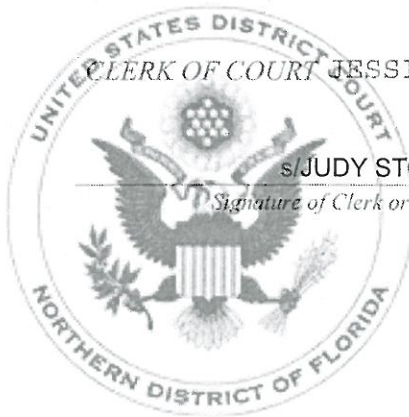
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

ANTHONY L NORWOOD 545692 GULF CORRECTIONAL INSTITUTION ANNEX N2-109-U 699 IKE STEELE ROAD WEWAHITCHKA, FL 32465

RECEIVED USMS GAINESVILLE, FL 2012 JUN 10 P 2:14

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 06/26/2012



CLERK OF COURT JESSICA J LYUBLANOVITS

s/JUDY STONE

Signature of Clerk or Deputy Clerk

Civil Action No. 1:11-cv-00176-MP-GRJ

CITY OF GAINESVILLE

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

RECEIVED
USMS GAINESVILLE, FL

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

2012 APR 13 A 9:37

ANTHONY L. NORWOOD,

Plaintiff,

v.

CASE NO. 1:11-cv-176-MP-GRJ

JEREMY YORK,

Defendant.

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2012 JUL 10 P 2:14

ORDER

Plaintiff, proceeding pro se and in forma pauperis, has filed his Third Amended Complaint. (Doc. 27.) In his Third Amended Complaint, Plaintiff listed Officer Jeremy York as the Defendant and stated Officer York is employed by the Gainesville Police Department. The Court previously ordered service upon Defendant York at the Gainesville Police Department, but the summons was returned unexecuted with a notation Defendant York has never been employed by the Gainesville Police Department. (Doc. 21.) As an attachment to his Third Amended Complaint, Plaintiff attached a copy of the arrest report related to the excessive force claim against Defendant York raised in the Third Amended Complaint. (Doc. 27 Exh. A.) The arrest report shows Plaintiff was arrested by Defendant York. The arrest report also reflects, however, that Officer York is an employee of the

ALACHUA COUNTY SHERIFF'S OFFICE
NORTHERN DISTRICT

Alachua County Sheriff's Office, not the Gainesville Police Department. Accordingly,

2012 APR 19 P 3:01

RECEIVED
UNITED STATES
MARSHAL

CERTIFIED A TRUE COPY
Jessica J. Lyublanovits

By: 
Deputy Clerk

service of the Third Amended Complaint on Defendant Jeremy York shall now be ordered at the Alachua County Sheriff's Office instead of the Gainesville Police Department, and Defendant York shall be required to respond.

Accordingly, it is hereby **ORDERED** that:

1. The docket shall reflect that there is only one Defendant in this action: Officer Jeremy York, **employed at the Alachua County Sheriff's Office, 2621 SE Hawthorne Road, Gainesville, FL 32641.**

2. The clerk shall print a copy of the Third Amended Complaint and shall complete the USM-285 form and AO-398 and AO-399 forms for the Defendant.

3. The clerk shall issue a summons, indicating that Defendant has sixty (60) days in which to file a response to the complaint, and refer the summons, a copy of this order, the service copy of the Third Amended Complaint, the completed USM-285 form and the completed AO-398 and AO-399 forms, to the United States Marshals Service (USMS). Pursuant to Fed. R. Civ. P. 4(c)(2), all costs of service shall be advanced by the United States.

3. Pursuant to Rule 4(d) of the Federal Rules of Civil Procedure, the USMS shall send a copy of the Third Amended Complaint, a copy of this order, a completed AO-398 form and a copy thereof, a AO-399 form, and a prepaid means of compliance to the Defendant through first class mail. The USMS shall mail the forms to Defendant as soon as possible so that service or waiver of service can be completed within 120 days from the date of entry of this order on the docket.

4. If after thirty (30) days from the mailing of the waiver of service forms and the complaint the Defendant has not returned the waiver of service form (AO-399 form), the USMS shall personally serve the Defendant pursuant to Rule 4(e) of the Federal Rules of Civil Procedure. Upon completion of service, the USMS shall file with the clerk the return and a written statement of all costs incurred of making such personal service.

5. The clerk shall refer this file to the undersigned if the waiver form is returned for insufficient address or for similar reason, if service on the Defendant is returned unexecuted, or if the USMS has filed a statement of costs incurred for making personal service.

6. Defendant shall have sixty (60) days in which to file a response to the Third Amended Complaint.

7. No motion for summary judgment shall be filed by any party prior to entry of an initial scheduling order without permission of the court.

8. Counsel for Defendant shall file a notice of appearance within twenty (20) days of the date of service of the Third Amended Complaint.

9. Once a response to the Third Amended Complaint is filed, no amendments to the Third Amended Complaint shall be permitted by the court unless, as required by Rule 15 of the Federal Rules, Plaintiff files a separate motion for leave to so amend and provides a copy of the proposed amended complaint.

10. After a response to the complaint has been filed by Defendant, Plaintiff shall be required to mail to the attorney for Defendant a copy of every pleading or other paper, including letters, submitted for consideration by the court. Plaintiff shall include with the

original paper to be filed with the clerk of court a certificate of service stating the date a correct copy of the paper was mailed to Defendant or to the attorney representing Defendant. **Any paper submitted for filing after a response to the complaint has been filed by Defendant which does not contain a certificate of service shall be returned by the clerk and disregarded by the court.**

11. In accordance with 28 U.S.C. § 636(c)(2), the clerk shall forward to Plaintiff a form for consenting to trial by the magistrate judge, with the case number written on it. If Plaintiff wishes to consent he should sign the form and forward it to counsel for Defendant, who, if Defendant consents, shall return it to the clerk only if Defendant also consents.

12. Plaintiff is reminded to keep the clerk of court advised of any change in his mailing address should he be transferred, released from prison, or otherwise be relocated. Failure to do so may result in the dismissal of Plaintiff's action for failure to prosecute if court orders are not able to reach Plaintiff.

13. **In any event, the Clerk shall refer this file to the undersigned no later than June 29, 2012.**

DONE AND ORDERED this 11th day of April 2012.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge

PROVIDED TO GULF CI
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FOR MAILING
INMATES JURY

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION
Second Amended
CIVIL RIGHTS COMPLAINT FORM
TO BE USED BY PRISONERS IN ACTIONS UNDER 42 U.S.C. § 1983

Anthony Lamar Norwood

Inmate # 545692
(Enter full name of Plaintiff)

vs.

CASE NO: 1:11-cv-176-mp-grj
(To be assigned by Clerk)

Officer Jeremy York
OF 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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USMS GAINESVILLE, FL
2011 DEC -7 A 9:27
RECEIVED
USMS GAINESVILLE, FL
2011 JUL 10 P 2:14

ANSWER ALL QUESTIONS ON THE FOLLOWING PAGES:

Filed 12/02/11 U.S. District Court in 11 PM 0107 

I. PLAINTIFF:

State your full name, inmate number (if applicable), and full mailing address in the lines below.

Name of Plaintiff: Anthony Lamar Norwood
Inmate Number: *545692
Prison or Jail: Gulf Corrections Inst, Annex
Mailing address: 500 IKE Steele Road
Wewahitchka Florida
32645

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: Jeremy York
Official position: Police Officer
Employed at: Gainesville Police Dept
Mailing address: P.O. Box 1250
Gainesville Florida
32602-1250
- (2) Defendant's name: _____
Official position: _____
Employed at: _____
Mailing address: _____

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

ATTACH ADDITIONAL PAGES HERE TO NAME ADDITIONAL DEFENDANTS

III. EXHAUSTION OF ADMINISTRATIVE REMEDIES

Exhaustion of administrative remedies is required prior to pursuing a civil rights action regarding conditions or events in any prison, jail, or detention center. 42 U.S.C. § 1997e(a). Plaintiff is warned that any claims for which the administrative grievance process was not completed prior to filing this lawsuit may be subject to dismissal.

IV. PREVIOUS LAWSUITS

NOTE: FAILURE TO DISCLOSE ALL PRIOR CIVIL CASES MAY RESULT IN THE DISMISSAL OF THIS CASE. IF YOU ARE UNSURE OF ANY PRIOR CASES YOU HAVE FILED, THAT FACT MUST BE DISCLOSED AS WELL.

- A. Have you initiated other actions in **state court** dealing with the same or similar facts/issues involved in this action?
Yes() No()

1. Parties to previous action:
 (a) Plaintiff(s): _____
 (b) Defendant(s): _____
2. Name of judge: _____ Case #: _____
3. County and judicial circuit: _____
4. Approximate filing date: _____
5. If not still pending, date of dismissal: _____
6. Reason for dismissal: _____
7. Facts and claims of case: _____

(Attach additional pages as necessary to list state court cases.)

- B. Have you initiated other actions in **federal court** dealing with the same or similar facts/issues involved in this action?

Yes() No()

1. Parties to previous action:
 a. Plaintiff(s): _____
 b. Defendant(s): _____
2. District and judicial division: _____
3. Name of judge: _____ Case #: _____
4. Approximate filing date: _____
5. If not still pending, date of dismissal: _____
6. Reason for dismissal: _____

7. Facts and claims of case: _____

(Attach additional pages as necessary to list other federal court cases.)

C. Have you initiated other actions (besides those listed above in Questions (A) and (B)) in either state or federal court that relate to the fact or manner of your incarceration (including habeas corpus petitions) or the conditions of your confinement (including civil rights complaints about any aspect of prison life, whether it be general circumstances or a particular episode, and whether it involved excessive force or some other wrong)?

Yes()

No(✓)

If YES, describe each action in the space provided below. If more than one action, describe all additional cases on a separate piece of paper, using the same format as below.

1. Parties to previous action:
 - a. Plaintiff(s): _____
 - b. Defendant(s): _____
2. District and judicial division: _____
3. Name of judge: _____ Case #: _____
4. Approximate filing date: _____
5. If not still pending, date of dismissal: _____
6. Reason for dismissal: _____
7. Facts and claims of case: _____

(Attach additional pages as necessary to list cases.)

D. Have you ever had any actions in federal court dismissed as frivolous, malicious, failing to state a claim, or prior to service? If so, identify each and every case so dismissed:

Yes()

No(✓)

1. Parties to previous action:
 - a. Plaintiff(s): _____
 - b. Defendant(s): _____
2. District and judicial division: _____
3. Name of judge: _____ Case Docket # _____
4. Approximate filing date: _____ Dismissal date: _____
5. Reason for dismissal: _____

6. Facts and claims of case: _____

(Attach additional pages as necessary to list cases.)

V. 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.)

- ① On March, 8 2011 while exiting Wal-Mart Supercenter 1800 N.E. 12th Avenue at or around 6:00 pm. From the Exit that leads to the pharmacy Department.
- ② I was grabbed and physically detained by four Wal-Mart Employees.
- ③ I initially started to struggle until they identified themselves. And I ceased to struggle. They told me that the police had been called and they physically held me by my arms for approximately ten minutes until officer Jeremy York arrived.
- ④ Officer York proceeded to ask me did I have anything in my pockets as he physically patted me down. I told him that I didn't have anything on me. And I turned and assumed the position as they call it. Of putting my back to the officer with my hands behind my back in order to be placed in handcuffs.
- ⑤ Instead of officer York placing me in handcuffs he proceeded to kick my legs from under me while pushing my upper body down toward →

The Concrete, resulting in me falling face first to the ground, knocking out one tooth and chipping two others. At this time I think that one of the chipped teeth is damaged to the point, that it will never heal properly. Because after eight months after the incident it is still loose and very tender.

⑥ After the incident the paramedics were called, when they arrived, due to the fact that ~~my~~ my teeth hit directly on the pavement and I barely cut my lip there was not much blood. I was also still in shock that officer York did this for no reason, because I didn't resist him. I told the paramedics that I didn't need to go to the hospital, that I would get something for pain from the jail which I did, I received medication for five days.

⑦ The only witnesses that were there is the four Walmart employees who physically restrained me and the door camera from Walmart and maybe the camera from the police cruiser if it was turned on at the time.

VI. 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 V. If claims are not related to the same basic incident or issue, they must be addressed in a separate civil rights complaint.

① 4th Amendment - The Right NOT to have my person violated or Damaged.

BATTERY - (OFFICER York Committed battery with bodily injury by causing my teeth to be broken AND chipped. When he threw me to the pavement.)

VII. RELIEF REQUESTED:

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

PUNITIVE DAMAGES
MEDICAL DAMAGES For Reconstructive Surgery
PAIN AND Suffering

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

11-30-11
(Date)

Anthony Norwood
(Signature of Plaintiff)

IF MAILED BY PRISONER:

I declare (or certify, verify, or affirm) under penalty of perjury that this complaint was (check one):
 delivered to prison officials for mailing or deposited in the prison's internal mail system on:
the 30th day of November, 2011.

151 Anthony Norwood 545692
(Signature of Plaintiff)
Anthony Norwood