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James J. Mayfield
4401 Burr Court
Tracy, CA 95377

(408) 802-8712

In Pro Per

FILED

DEC 03 2013

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES J. MAYFIELD,

Plaintiff,

v.

IVAN OROZCO and the COUNTY OF
SACRAMENTO,

Defendants.

NO.: **2:13 - CV - 2499 JAM AC PS**

**COMPLAINT FOR CIVIL
RIGHTS VIOLATION;
DEMAND FOR JURY TRIAL**

- 1. 42 U.S.C. § 1983
- 2. Assault
- 3. Battery
- 4. Negligence
- 5. Civil Code §52.1

Plaintiff alleges as follows:

1. This is an action for damages brought pursuant to 42 U.S.C §1983, the 4th and 14th Amendments to the U.S. Constitution, and the laws of California. This action is against Sacramento County Sheriff's Deputy IVAN OROZCO and his employer the COUNTY OF SACRAMENTO. Deputy OROZCO unlawfully struck plaintiff JAMES J. MAYFIELD in the face, head, and about the body while MAYFIELD was in the custody of the Sacramento County Sheriff's Dept. at the Sacramento County Jail.

2. **JURISDICTION:** This Court has jurisdiction over this action pursuant to Title 28 U.S.C. §§1331 and 1343(3) in that the controversy arises under the United States Constitution and under Title 42 U.S.C. §1983 and Title 28 U.S.C.

1 §2201. This Court has authority to award attorney's fees pursuant to Title 42 U.S.C.
2 §1988. Plaintiff further invokes the supplemental jurisdiction of this Court under 28
3 U.S.C. §1367(a) to hear and adjudicate state law claims.

4 **PARTIES**

5 3. Plaintiff JAMES J. MAYFIELD is a natural person.

6 4. The COUNTY OF SACRAMENTO (hereinafter "County") is a municipal
7 corporation which has, as one of its constituent parts, a department commonly
8 known as the "Sacramento Sheriff's Department". All persons who injured plaintiff
9 in the incident described in this complaint were employed by the County and thus
10 the County is liable for plaintiff's injuries on a *respondeat superior* theory.

11 5. Defendant IVAN OROZCO (hereinafter "Orozco") is at all times
12 mentioned a natural person who worked for the Sacramento Sheriff's Department as
13 a deputy sheriff and, in addition to acting on behalf of the Department, acted as an
14 agent for other officers of the department.

15 6. **CALIFORNIA GOVT. TORT CLAIMS ACT:** Plaintiff is informed and
16 believes and thereon alleges that a timely claim was filed on his behalf with the
17 County of Sacramento pursuant to Cal. Govt. Code §§910 et seq. and that said claim
18 was rejected by the County.

19 7. On or about Oct. 22, 2012, plaintiff was incarcerated at the County jail
20 which is overseen by the Sacramento Sheriff's Department.

21 8. At approximately 6:30 p.m. defendant Orozco entered plaintiff's cell.

22 9. After entering the cell, defendant Orozco through threw plaintiff to the
23 ground. Orozco then kicked Mayfield in the face and, using his (Orozco's) own
24 knee, forcefully struck Mayfield in the head and shoulders.

25 10. As a result of this incident Mayfield suffered injuries to his body,
26 including, without limitation, numerous scrapes, severe bruising, and a laceration on
27 his lip which required stitches.

28

CAUSES OF ACTION

First Cause of Action

(42 U.S.C. §1983)

(Against all defendants)

11. Plaintiff incorporates paragraphs 1-10 as if fully set forth herein.

12. The acts of defendants deprived plaintiff of his rights under the 4th and 14th Amendments of the Constitution, including, without limitation, the right to be free of unreasonable searches and seizures, the right to be free of excessive force, the right to equal protection, and the right to be free from interference within the zone of privacy.

13. The force used by defendant Orozco against plaintiff was unjustified and excessive.

14. All of the acts of defendants and the persons involved were done under color and pretense of the statutes, ordinances, regulations, customs, official policies, official procedures, and usages of the County of Sacramento.

15. Various deputies, directly or indirectly, participated in the affirmative acts of the others, with the result that plaintiff was injured.

16. On information and belief, plaintiff alleges that the County of Sacramento has an inadequate policy of supervising police officers and has not adequately trained its police officers so as to prevent unlawful arrests such as that described above.

17. As a direct and proximate result of defendants' actions, plaintiff suffered humiliation, embarrassment, discomfort, mental anguish, fear, anxiety, loss of reputation, emotional distress, and loss of his liberty and freedom.

18. The conduct of defendants was performed with malice and oppression and a conscious disregard of plaintiff's rights, so as to justify an award of exemplary damages.

1 *Second Cause of Action*

2 *(Assault)*

3 *(Against all defendants)*

4 19. Plaintiff incorporates paragraphs 1-18 as if fully set forth herein.

5 20. Defendants' above-described actions constituted intent to place plaintiff
6 in immediate fear of an offense contact upon plaintiff's person. Defendants'
7 conduct also constituted intent to cause a harmful offensive contact upon plaintiff's
8 person. Defendants did not have consent, authority, or necessity to justify their
9 conduct.

10 21. Plaintiff was placed in fear of an offense contact upon plaintiff's person
11 when defendants offensively touched him in the manner described above and also
12 when they caused him his injuries.

13 22. The conduct of defendants was performed with malice and oppression
14 and a conscious disregard of plaintiff's rights, so as to justify an award of exemplary
15 damages.

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18 *Third Cause of Action*

19 *(Battery)*

20 *(Against all defendants)*

21 23. Plaintiff incorporates paragraphs 1-22 as if fully set forth herein.

22 24. Defendants, without cause or justification, touched plaintiff with the
23 intent to harm or offend him.

24 25. Plaintiff did not consent to the touching,

25 26. Plaintiff was harmed by the touching.

1 27. The conduct of defendants was performed with malice and oppression
2 and a conscious disregard of plaintiff's rights, so as to justify an award of exemplary
3 damages.

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6 *Fourth Cause of Action*

7 *(Civil Code §52.1)*

8 *(Against all defendants)*

9 28. Plaintiff incorporates paragraphs 1-27 as if fully set forth herein.

10 29. Defendants, without cause or justification, acted intimidatingly,
11 coercively, and violently against plaintiff and interfered with his civil rights.

12 30. Plaintiff was harmed by these acts.

13 31. The conduct of defendants was performed with malice and oppression
14 and a conscious disregard of plaintiff's rights, so as to justify an award of exemplary
15 damages.

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17 *Fifth Cause of Action*

18 *(Negligence)*

19 *(Against all defendants)*

20 32. Plaintiff incorporates paragraphs 1-10 as if fully set forth herein.

21 33. Defendants owed a duty to plaintiff to treat him reasonably, humanely,
22 and carefully while he was in their care.

23 34. Defendants breached this duty by doing the harmful acts mentioned
24 above.

25 35. Plaintiff was harmed by these acts.

26 36. The conduct of defendants was performed with a conscious disregard of
27 plaintiff's rights so as to justify an award of exemplary damages.

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WHEREFORE, PLAINTIFF PRAYS FOR JUDGMENT AGAINST
DEFENDANTS AS FOLLOWS:

ON THE FIRST CAUSE OF ACTION:

1. General damages;
2. Special damages and exemplary damages according to proof;
3. Costs, interest and attorneys' fees pursuant to plaintiffs to 42 U.S.C. §1988 and other pertinent federal law; and
4. Such other and further relief as the court deems just and proper.

ON THE SECOND AND THIRD CAUSES OF ACTION:

1. General damages;
2. Special damages and exemplary damages according to proof;
3. Costs; and
4. Grant such other and further relief as the court deems just and proper.

ON THE FOURTH CAUSE OF ACTION:

1. General damages;
2. Special damages and exemplary damages according to proof;
3. Award statutory penalties to plaintiff pursuant to California Civil Code §52, et seq.
4. Costs, interest and attorneys' fees to plaintiffs pursuant to California Civil Code §52, §52.1 and other pertinent California law; and
5. Such other and further relief as the court deems just and proper.

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ON THE FIFTH CAUSE OF ACTION:

1. General damages;
2. Special damages and exemplary damages according to proof;
3. Costs; and
4. Grant such other and further relief as the court deems just and proper.

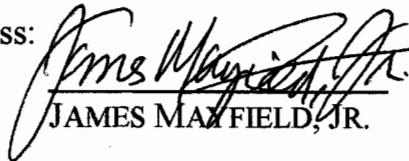
Dated: 12/3/13

His mark:



JAMES J. MAYFIELD
PLAINTIFF IN PRO PER

Witness:



JAMES MAYFIELD, JR.

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JURY DEMAND

Plaintiffs hereby requests a jury trial in this matter.

Dated: 12/3/13

His mark:



JAMES J. MAYFIELD
PLAINTIFF IN PRO PER

Witness:



JAMES MAYFIELD, JR.