

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

RECEIVED-CLERK
U.S. DISTRICT COURT
2006 JUN 23 A 10:05

Terique Jones
(Enter above the full name of the plaintiff in this action)

COMPLAINT

v.

Civil Action No. 06-2461 (DMC)
(To be supplied by the Clerk of the Court)

Morris County Correctional
Facility, Sheriff Edward Vi
Rochford, Chief Ralph McGrane,
Warden Frank Corrente, John
Does and Jane Roes 1-10, X42,
(Enter above the full name of the defendant or defendants
in this action)

INSTRUCTIONS – READ CAREFULLY

1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
5. Upon receipt of a fee of ^{\$350.00} \$150.00, your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

**FORM TO BE USED BY A PRISONER IN FILING A
CIVIL RIGHTS COMPLAINT**

6. If you cannot prepay the ^{\$350.00} ~~\$150.00~~ filing fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth below. (If there is more than one plaintiff, each plaintiff must separately request permission to proceed in forma pauperis.)

The Prison Litigation Reform Act of 1996 ("PLRA"), effective April 26, 1996, has made significant changes to the in forma pauperis statute, 28 U.S.C. § 1915. The statute no longer provides for waiver of court filing fees for prisoners who are granted leave to proceed in forma pauperis. A prisoner who is granted leave to proceed in forma pauperis is not required to pay the filing fees in advance, but the prisoner is obligated to pay the entire filing fee in installment payments regardless of the outcome of the proceeding. This obligation to pay the filing fee continues even if the prisoner is transferred to another prison. Therefore, before submitting this application to the Clerk of the Court, a prisoner should consider carefully whether he or she wishes to go forward with the action.

The PLRA obligates prisoners who are granted in forma pauperis status to pay the entire filing fee in the following manner, regardless of the outcome of the litigation. 28 U.S.C. § 1915(b)(1) and (2). The agency having custody over the prisoner shall deduct from the prisoner's institutional account and forward to the Clerk of the Court (1) an initial partial filing fee equal to 20% of the greater of the average monthly deposits to the prisoner's account or the average monthly balance in the prisoner's account for the six-month period immediately preceding the filing of the complaint, and (2) payments equal to 20% of the preceding month's income credited to the prisoner's institutional account each month the amount in the account exceeds \$10.00, until the ^{\$350.00} ~~\$150.00~~ filing fee is paid. 28 U.S.C. § 1915(b)(1) and (2). However, a prisoner who has ^(250.00) no assets and no means by which to pay the initial partial filing fee will not be prohibited from bringing a civil action. 28 U.S.C. § 1915(b)(4).

Each prisoner plaintiff who desires to proceed in forma pauperis must submit the following to the Clerk of the Court:

- a. a completed, signed, and dated application to proceed in forma pauperis (attached hereto); and
 - b. a certified copy of your prison account statement for the 6-month period immediately preceding submission of this application, listing the account balance and all deposits into the account. A prison account statement must be obtained from the appropriate official of each prison at which you are or were confined during the preceding 6 months.
7. If your application to proceed in forma pauperis does not conform to these instructions, you will be notified by letter of the nature of the deficiencies. If these deficiencies are not cured within 120 days of the date of the letter, the complaint will be deemed withdrawn, the Clerk's file will be closed, and no fees will be assessed against you.
8. If you are given permission to proceed in forma pauperis, the Clerk will prepare and issue a copy of the summons for each defendant. The copies of summonses and the copies of the

complaint which you have submitted will be forwarded by the Clerk to the United States Marshal, who is responsible for service. The Marshal has USM-285 forms you must complete so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

QUESTIONS TO BE ANSWERED

1. Jurisdiction is asserted pursuant to (CHECK ONE)

- J 42 U.S.C. § 1983 (applies to state prisoners) *pre-trial detainee*
 Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics,
403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

2. Previously Dismissed Federal Civil Actions or Appeals

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more prior occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

a. Parties to previous lawsuit:

Plaintiff(s): N/A

Defendant(s): _____

b. Court and docket number: _____

c. Grounds for dismissal: () frivolous () malicious () failure to state a claim upon

CIVIL RIGHTS COMPLAINT

which relief may be granted

d. Approximate date of filing lawsuit: _____

e. Approximate date of disposition: _____

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets.

3. Place of Present Confinement? Morris County Correctional Facility
("MCCF")

4. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

a. Name of plaintiff: Terique Jones

Address: MCCF, 43 John Street, Morristown, NJ 07960-
4237

Inmate #: 23923

b. First defendant -- name: Edward V. Rachford

Official position: Sheriff

Place of employment: Morris County Sheriff's Office, 43 John St.,
Morristown, NJ, 07960-4237

How is this person involved in the case?
(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

For operating and/or facilitating and/or maintaining
and/or allowing the MCCF staff to engage in the
violative acts claimed herein.

c. Second defendant - name: Chief Ralph McGrane

Official position: Undersheriff

Place of employment: MCCF, 43 John Street, Morristown, NJ

How is this person involved in the case? 07960-4230
(i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

For operating and/or facilitating and/or maintaining and/or allowing the MCCF staff to engage in the violative acts claimed herein.

d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

Attached as page 6b

5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page 6.

Yes No in part

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

Through grievances, Inmate Request Forms, and verbally.

If your answer is "No," briefly explain why administrative remedies were not exhausted.

d. Third defendant -- name: Frank Corrente
Official position: Warden
Place of employment: MCCF, 43 John Street, Morristown,
New Jersey 07960-4237

How is this person involved in this case?

For operating and/or facilitating and/or
maintaining and/or allowing the MCCF staff
to engage in the violative acts claimed herein.

e. Fourth thru thirteenth defendants: John Does and
Jane Roes 1-10

For engaging in the violative acts
claimed herein.

6. Statement of Claims

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including 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 a separate sheet if necessary.)

1. Jail policy for all inmates in Prehearing Detention and Disciplinary Detention is that each and every inmate's solitary cell be thoroughly searched on a daily basis, and each individual inmate be stripped searched in the presence of several officers, including female officers, on recorded camera, on a daily basis, as punishment/discipline, making the inmate remove all of his clothing and then forcing the inmate to assume an unpleasant position, causing embarrassment and humiliation to the inmate.

a) On August 30, 2005, I was placed in Prehearing Detention pending institutional charges/infractions.

b) Upon entry into Prehearing Detention, I was subject to a strip search in accordance with facility rules.

c) From August 30, 2005, through September 8, 2005, I was the subject of strip searches and cell searches every morning without given reason or Probable Cause.

d) On March 14, 2006, I was again placed into the jail's "lock-up" unit.

e) From March 14, 2006, through March 19, 2006, I was the subject of strip searches and a cell search every morning without given reason or Probable Cause.

f) On March 20, 2006, I was again placed into the jail's "lock-up" unit.

g) From March 20, 2006, through March 25, 2006, I was the subject of a strip search and a cell search every morning without given reason or Probable Cause.

h) On or about March 23, 2006, while in the jail's "lock-up" unit, I was forced to be stripped searched in the presence of Officer Walls, a female officer, without given reason or Probable Cause, and for no emergent reason.

- l) On March 24, 2006, while in the jail's "lock-up" unit, I was forced to be stripped searched in the presence of female officer Offc. Walls and another female officer, without given reason or Probable Cause, and for no "emergency" reasons.
- j) The daily strip searches were conducted everyday because I was "in lock-up" and for no other reason.
- k) Inmates in Prehearing Detention / Disciplinary Detention are not provided with any recreation and, therefore, do not leave their cell area.
- l) Prehearing Detention and Disciplinary Detention inmates are served their meals through slots in their cell doors and, therefore, do not leave their cell area.
- m) The only reason these strip searches are conducted are to humiliate and embarrass inmates that are placed in Prehearing Detention and Disciplinary Detention as punishment / discipline, causing pain and suffering, and violating personal constitutional rights against unreasonable searches and seizures (Amendment IV) and cruel and unusual punishment (Amendment VIII),

2. MCCF denies inmates access to legal phone calls.

- a) The Inmate Manual states that legal telephone calls may be made through the Social Services Unit.
- b) Social Services will not provide legal phone calls.
- c) On May 29, 2006, I requested to make an important legal telephone call.
- d) On May 30, 2006, my request was denied.
- e) On May 30, 2006, I once again requested to make an important legal telephone call.
- f) On May 31, 2006, I was again denied.
- g) On May 31, 2006, I filed a Grievance regarding the matter with legal telephone calls. No response.
- h) On May 31, 2006, I questioned the Social Services Unit, through a Request Form, as to why such access is denied, and how to get such access.
- i) On June 1, 2006, the Social Services Unit responded informing me that I am supposed to request legal telephone calls through the Social Services Unit; however, all requests will be denied.
- j) MCCF violates inmates' access to courts (Amendment I) and due process (Amendment XIV) by denying access to important legal telephone calls.

3. Incoming / Outgoing Mail Delivery is delayed.

- a) MCCF policy, in accordance with State policy, is to deliver mail to inmates within (24) hours it was received.
- b) Mail delivery to the jail on Fridays is not distributed to inmates until at least Monday.
- c) General, Legal, and Express Mail delivery is delayed.
- d) During the week of December 18, 2005, mail was held from inmates in excess of (5) days -- (120) ~~days~~ ^{hours}.
- e) Mail delivered to the jail on April 13, 2006, was not distributed to inmates until April 17, 2006, or later.
- f) Important Legal Mail I intended to send out the evening of April 13, 2006, was not picked-up for outgoing delivery until after delivery hours on April 17, 2006.
- g) Delays in mail delivery is an ongoing problem at MCCF -- mail delivered on Fridays is intentionally held until at least Mondays, including Legal Mail and Express Mail.

4. Legal Mail is searched without inmates present.

- a) New jail policy is that Legal Mail is to be searched for contraband in the same manner as general correspondence, not in the presence of the person receiving the mail.
- b) Searching of Legal Mail without the inmate being present raises issues and questions of whether any confidential material is being scanned or reviewed, and whether all material and documents remain enclosed.
- c) Legal Mail should be searched in the presence of the person receiving such mail to assure that person that the legal correspondence and other documents and materials remain intact, and so that privileged material, such as that protected by the attorney-client privilege, remains confidential.
- d) Search of an accused criminal defendant's Legal Mail can violate many rights such as the right against self-incrimination (Amendments V and VI).

5. Upon admission at MCCF, detainees are provided with used footwear that is old and not cleaned or sanitized before reissue.

6. Mattresses are not cleaned or sterilized upon reissue.

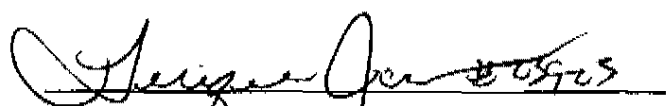
7. Relief

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

- 1. Declare that the conduct of the defendants is unlawful as mentioned herein.
- 2. Enjoin the defendants from continuing to engage in these unlawful acts.
- 3. Provide injunctive relief for claims (1) thru (6) requiring the Morris County Correctional Facility to refrain from doing or continuing such acts.
- 4. Enter an award against defendants and in favor of Plaintiff for compensatory damages for claim (1).
- 5. Award punitive damages against defendants.
- 6. Award Plaintiff costs of suit. Total Amount Sought: \$ 1.0 million
- 8. Do you request a jury or non-jury trial? (Check only one)
 - Jury Trial
 - Non-Jury Trial


I declare under penalty of perjury that the foregoing is true and correct.

Signed this 15th day of JUNE, 2006.


Teriq Jones # 23923

CIVIL RIGHTS COMPLAINT


Signature of plaintiff


Terique Jones, #23923

Date: JUNE 15th 2006

³ EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF. REMEMBER, EACH PLAINTIFF MUST SIGN THE COMPLAINT.

Response to Inmate Request Form

Inmate Name	Terique Jones		Inmate ID#	23923	
Date	5/30/2006	Request Received Date	5/30/2006	Housing Unit	3B
You have access to the phones on the block so you can use them or you can write to whomever you need to. Legal addresses are available in the Law Library.					
Completed by	Social Services-Margaret 			Date	5/30/2006



MORRIS COUNTY CORRECTIONAL FACILITY

INMATE REQUEST FORM

Inmate Name:	Terique Jones		Housing Location:	3-B	Date:	5/30/06
Inmate Commitment #:	23923	Inmate ID #:	23923	Property #:	11	
Request:	Legal phone call (10A:31-15.5)			<input type="checkbox"/> PW Unit (Unit #) / Sec. (Cred. #)		
				<input checked="" type="checkbox"/> Social Work		
				<input type="checkbox"/> Classification Unit		
				<input type="checkbox"/> Records Mgt / Intake Unit		
				<input type="checkbox"/> Substance Abuse Counselor		
				<input type="checkbox"/> Clergy		
				<input type="checkbox"/> Educator		
				<input type="checkbox"/> Law Library		
				<input type="checkbox"/> Para-Legal		
				<input type="checkbox"/> Medical Unit		
				<input type="checkbox"/> Job Request		

I am in the middle of my criminal trial, I need to make an important legal telephone call. I have a constitutional right to access to the courts (U.S.C.A. Const. Amend. 14), and this right includes legal telephone calls (N.J.A.C. 10A:31-15.5). A violation of this right can and will result in a civil action (42 U.S.C.A. § 1983). This is my 2nd request, first one was denied.

Response to Inmate Request Form

Inmates Name	Terique Jones		Inmate ID#:	23923	
Date:	5/31/2006	Request Received Date:	5/31/2006	Housing Unit:	3B
<p>You have access to the phones on your housing unit to place all the legal calls you desire. It is up to the individual on the other end of the line, however, to choose to accept the call. If the call is not being accepted, it is the person on the other end who is denying you access, not the correctional facility. Your first request was denied for this reason; your second request is also denied. Please do not submit any further requests of this nature, as they will also be denied. If you disagree with the disposition of your request, you have a legal right to file a grievance. You may see your housing unit officer or the housing unit sergeant for the grievance form.</p>					
Completed by:	Melissa - Social Services Supervisor <i>h.f.</i>			Date:	5/31/2006



MORRIS COUNTY CORRECTIONAL FACILITY

INMATE REQUEST FORM

Inmate Name:	Terique Jones		Housing Location:	3-B	Date:	5/31/06
Inmate Commitment #:	23923	Inmate ID#:	23923	Program:	11	
Request:	legal telephone call (10A:31-15.5)			I Would Like to See (Check One)		
				<input checked="" type="checkbox"/>	Social Worker	
If I am not supposed to submit a request form to you in regards to a legal call, please advise to me why the Inmate Handbook says otherwise. It seems that if inmates here dont follow rules, we suffer consequences, if we do follow rules, we still suffer consequences. What am I doing wrong? It is the facility, in particular the Social Services Staff, that is violating rules. Please see Inmate Manual and 10A.				<input type="checkbox"/>	Classification Unit	
				<input type="checkbox"/>	Records Unit / Intake Unit	
				<input type="checkbox"/>	Substance Abuse Counselor	
				<input type="checkbox"/>	Clerk	
				<input type="checkbox"/>	Educator	
				<input type="checkbox"/>	Law Library	
				<input type="checkbox"/>	Para-Legal	
				<input type="checkbox"/>	Medical Unit	
<input type="checkbox"/>	Job Request					

Response to Inmate Request Form

Inmates Name		Terique Jones		Inmate ID#:		23923
Date:	6/1/2006	Request Received Date:	6/1/2006	Housing Unit:	3B	
<p>I attempted to see you today on your housing unit, and I was told you were out at court. In response to your inquiry:</p> <p>You are, in fact, supposed to submit your request for phone use to Social Services. You did exactly what you were supposed to do. However, your request was denied. Actually, it was denied twice, I believe. As such, I felt it was necessary to ask you to please stop making the same request. The answer will not change regardless of how many times you ask. You did everything right, you followed procedure, but the request is still denied. What you can do, since it appears that you disagree, is file a grievance against Social Services. My supervisor will examine the situation and determine whether or not Social Services acted appropriately.</p> <p>As far as Social Services is concerned, this matter is closed. Your request has been answered. You may not agree with the answer, but it was addressed, and as such, further requests for this particular matter are not necessary. If you need other types of assistance, feel free to reach out to us and we will attempt to assist you to the best of our ability and in accordance with facility policy and procedure.</p>						
Completed by:		Social Services		Date:		6/1/2006



MORRIS COUNTY CORRECTIONAL FACILITY

Inmate Grievance Form

Inmate Name: Terique Jones I.D. # 23923 Date: 5/31/06
 Housing Unit: 3-B 1 page of 2

Nature of Grievance: Legal Phone Calls.

On May 29, 2006, I filled out an Inmate Request Form so that I may make a legal phone call through the Social Services Staff. The next day (May 30, 2006), I received a written response from Social Services (Margaret) telling me that I need to either use the payphones on the block or write "to whomever you need to." I dropped another request slip on May 30, 2006 explaining that I am in the middle of a trial and it is important I be able to make legal calls. Upon speaking to a facility officer, I was informed that

Referred by: _____ Date: _____

Received by: RM/RS 127 Date: 31 May 06

Recorded by: _____ Date: _____

Referred to: _____ Date: _____

Answer to grievance:

Answered by: _____ Date: _____



MORRIS COUNTY CORRECTIONAL FACILITY

Inmate Grievance Continuation

Inmate Name: Terique Jones I.D. # 23923 Date: 5/31/06

Housing Unit: 3-B 2 page of 2

the Social Services Department is manipulating the words as written in the handbook, "Emergency, legal or special assistance calls may be made through the Social Services Staff." Inmate Manual (revised June 2005) at page 25. The staff is manipulating the plain language of this rule by emphasizing "may", and saying that "may" can be "may" or "may not." Nothing in the handbook would give reason to interpret "may" as "may not." Through my own diligence, researching the New Jersey Administrative Code for Department of Corrections (N.J.A.C. 10A), under chapter 31 (10A:31 Adult County Correctional Facilities), like State prisoners, pretrial detainees housed in an adult county correctional facility, such as MCLF, have a Constitutional Right to Access ~~to~~ the Courts (U.S.C.A. Const. Amend. 14; N.J.A.C. 10A:31-15 et seq.). Such access includes the right to telephone access for legal phone calls. N.J.A.C. 10A:31-15.5 states in its totality:

10A:31-15.5 Legal telephone calls

Telephone access to attorneys, courts, probation officers, and parole officers shall be provided for all inmates who so request.

Unlike the language in the Inmate Manual, which has been manipulated, N.J.A.C. 10A:31-15.5 does not state "may", it states "shall be provided". I am expecting a swift and expedited remedy to the problem/violation of Rights mentioned herein.

Respectfully,

T. Jones #23923



MORRIS COUNTY CORRECTIONAL FACILITY

Inmate Grievance Form

Inmate Name: Terique Jones I.D. # 23923 Date: 4/17/06
Housing Unit: 3-B 1 page of 1

Nature of Grievance: Outgoing Legal Mail

I have a **very important** motion that **needs** to be mailed out to several parties. I have already been delayed because Friday April 14 was a Holiday, and Saturdays this facility refuses to deliver outgoing mail. Today is now Monday, and is not a Holiday, but outgoing mail was not picked up until 2nd shift. My important legal work now has to wait even another day before being properly delivered to all necessary parties (including a Superior Court Presiding Judge and Attorney General Zulima Farber, Esq.)

Referred by: [Signature] Date: 4/17/06 [Signature] 23923

Received by: _____ Date: _____

Recorded by: _____ Date: _____

Referred to: _____ Date: _____

Answer to grievance:

Answered by: _____ Date: _____