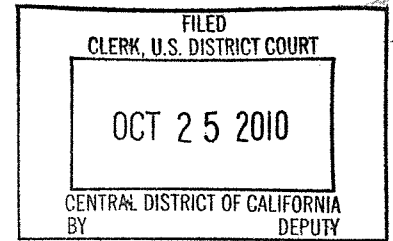


Dan Stormer (S.B. #101967)
Virginia Keeny (S.B. #139568)
HADSELL STORMER KEENY
RICHARDSON & RENICK, LLP
128 North Fair Oaks Avenue, Ste. 204
Pasadena, CA 91103-3645
Tel: (626) 585-9600
Fax: (626) 577-7079

Attorneys for Plaintiff
Michael Holguin



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

MICHAEL HOLGUIN,
Plaintiff,

vs.

COUNTY OF LOS ANGELES, LOS
ANGELES COUNTY SHERIFF'S
DEPARTMENT, SHERIFF LEE BACA,
DEPUTY RICO, DEPUTY FERNANDO
LUVIANO, DEPUTY LASCANO,
AND DOES 1-20,
Defendants.

Case No. **CV10-8011** ^{GW}
(PLA) **COMPLAINT FOR DAMAGES**

1. VIOLATIONS OF CIVIL RIGHTS
– 42 U.S.C. § 1983 – Excessive
Force
2. Cal. Civ Code § 52.1
3. Battery
4. Intentional Infliction of Emotional
Distress
5. Negligence

DEMAND FOR JURY TRIAL

JURISDICTION AND VENUE

1
2 1. This is a police misconduct action filed pursuant to 42 U.S.C. § 1983. The
3 Court has jurisdiction under 28 U.S.C. § 1331 (federal question) and 28 U.S.C. §
4 1343(3) (civil rights). Venue lies in the Central District of California, the judicial district
5 in which the claim arose, pursuant to 28 U.S.C. § 1391(b). Plaintiff's state law claims for
6 relief are within the supplemental jurisdiction of the Court, as authorized by 28 U.S.C. §
7 1367.

PARTIES

8
9 2. Plaintiff Michael Holguin is a competent adult, residing in the County of
10 Los Angeles. He is not currently in the custody of any correctional facility.

11 3. Defendant County of Los Angeles was and is a legal political entity
12 established under the laws of the State of California, with all the powers specified and
13 necessarily implied by the Constitution and the laws of the State of California and
14 exercised by a duly elected Board of Supervisors and/or their agents and officers.

15 4. Defendant Los Angeles County Sheriff's Department is a public agency
16 subject to suit herein.

17 5. Defendant Lee Baca is the Sheriff of Los Angeles County.

18 6. Defendant Deputy Rico is an employee of the Los Angeles County Sheriff's
19 Department.

20 7. Defendant Deputy Fernando Luviano is an employee of the Los Angeles
21 County Sheriff's Department.

22 8. Defendant Deputy Lascano is an employee of the Los Angeles County
23 Sheriff's Department.

24 9. The true names of Defendant Does 1 through 20, inclusive, are presently
25 unknown to Plaintiff, who therefore sues each of these Defendants by such fictitious
26 names. Upon ascertaining the true identity of Doe Defendants, Plaintiff will amend this
27 complaint, or seek leave to do so, by inserting the true name in lieu of the fictitious
28 name. Plaintiff is informed and believes, and on the basis of such information and belief

1 alleges, that each Doe Defendant is in some manner responsible for the injuries and
2 damages herein alleged.

3 10. Plaintiff exhausted his administrative remedies before filing suit by filing
4 the appropriate claim pursuant to California Government Code § 910. He also exhausted
5 any existing grievance procedure available at the Men's Central Jail within the time
6 period provided by jail rules and procedures.

7 **FACTUAL ALLEGATIONS**

8 **A. General Allegations re Policy and Practice**

9 11. Plaintiff is informed and believes, and on the basis of such information and
10 belief alleges, that defendants County of Los Angeles, Los Angeles County Sheriff's
11 Department, and Sheriff Lee Baca, with deliberate indifference, gross negligence, and
12 reckless disregard for the safety, security, and constitutional and statutory rights of
13 plaintiff and all persons similarly situated, maintained, enforced, tolerated, permitted,
14 acquiesced in, and applied policies, practices, or customs of, among other things:

15 a. Subjecting persons to violations of their rights to be free from
16 excessive force and denial of due process;

17 b. Selecting, retaining, and assigning officers with demonstrable
18 propensities for excessive force, violence, dishonesty, and other misconduct;

19 c. Failing to adequately train, supervise, and control officers in the
20 practice of law enforcement;

21 d. Failing to adequately discipline officers involved in misconduct;

22 e. Permitting officers to have extended contact with inmates in areas of
23 the jail which are not monitored with video surveillance or visible
24 from areas staffed by supervisory personnel, thereby creating zones
25 where officers believe they have free rein to engage in excessive
26 force against inmates;

27 f. Allowing seriously overcrowded conditions in the Men's Central Jail
28 which causes officers to engage in excessive force so as to control the

1 inmate population;

2 and

3 g. Condoning and encouraging officers in the belief that they can violate
4 the rights of persons such as plaintiff with impunity, and that such conduct will not
5 adversely affect their opportunities for promotion and other employment benefits.

6 12. Plaintiff is informed and believes and thereupon alleges that the official
7 policymakers for the County of Los Angeles and the Los Angeles County Sheriff's
8 Department knew or reasonably should have known that their deputies have used
9 excessive force on, and violated the due process rights of various individuals, and that
10 they have been deliberately indifferent in the training and supervision of their police
11 officers. Despite this knowledge, defendants failed to take any steps to remedy these
12 violations of constitutional and statutory authority, as well as of the Los Angeles County
13 Sheriff's Department's own written policies, through adequate hiring, training,
14 supervision and/or monitoring. In so doing, defendants exhibited deliberate indifference
15 to plaintiff's constitutional rights.

16 13. Plaintiff is informed and believes, and on the basis of such information and
17 belief alleges, that defendants County of Los Angeles and the Los Angeles County
18 Sheriff's Department ordered, authorized, acquiesced in, tolerated, or permitted other
19 defendants herein to engage in the unlawful and unconstitutional actions, policies,
20 practices, and customs set forth in the preceding paragraphs. Defendants' conduct as
21 alleged herein constitutes a pattern of constitutional violations based either on a
22 deliberate plan by defendants or on defendants' deliberate indifference, gross negligence,
23 or reckless disregard for plaintiff's safety, security, and constitutional and statutory
24 rights.

25 **B. The Incident**

26 14. Plaintiff Michael Holguin was detained in the Los Angeles County Jail,
27 Men's Central Jail, commencing on or about October 6, 2009. During his first three
28 weeks in the jail, he was housed in a one-man cell in unit 3500. As with other inmates in

1 3500 during that period, he was not given a shower for approximately two weeks. On
2 October 18, 2009, he was finally let out of his cell for a shower. After being moved
3 towards the shower area, Mr. Holguin was told he would not be allowed to take a
4 shower. When he asked why he could not shower, one of the deputies, who plaintiff
5 believes to be named Deputy Luviano or Deputy Lascano, stated that he would not be
6 getting a shower. The same guard stated, "turn around and I'll tell you why." Mr.
7 Holguin obeyed by turning around whereupon he was handcuffed by Deputy
8 Luviano/Lascano behind his back. This same deputy then moved Mr. Holguin to a
9 nearby area where he shoved him face first into the bars.

10 15. After slamming Holguin into the bars, Deputy Luviano/Lascano began to
11 beat him on his rib cage. Deputy Luviano/Lascano then struck Mr. Holguin in the head
12 with a hard object and Mr. Holguin fell to the floor. Deputy Luviano/Lascano continued
13 to hit him with the hard object after he had fallen to the floor. Mr. Holguin curled up to
14 protect himself from the blows, but Luviano/Lascano continued to hit or kick him. He
15 was struck repeatedly on his legs, ankle and his head. Deputy Luviano/Lascano kept
16 stating, "stop resisting," though Mr. Holguin was not resisting and was already
17 handcuffed behind his back.

18 16. Another deputy, who plaintiff believes was named Deputy Rico, joined in
19 the beating at this time. Deputy Luviano/Lascano leaned over him and sprayed pepper
20 spray in his face and then proceeded to take his thumb and rub the pepper spray into his
21 eyes to make sure he felt effect of the caustic spray. Deputy Rico began to pull at Mr.
22 Holguin and to drag him around the floor. Although Mr. Holguin could no longer see as
23 a result of the pepper spray and searing pain in his eyes, he continued to receive blows to
24 his body and legs. At some point during the unprovoked beating, other deputies arrived.
25 None of those deputies said anything to enquire what had happened or to restrain Rico or
26 Luviano/Lascano from continuing to hit Mr. Holguin and roughly shove him about the
27 floor.

28 17. During this unprovoked attack, Deputies Luviano/Lascano and Rico used

1 excessive and unreasonable force against Mr. Holguin, including hitting him with a
2 flashlight, kicking and beating him in the ribs, head, torso, and legs. At no point during
3 this assault did Mr. Holguin resist. He was handcuffed at all times and posed no threat to
4 any of the deputies.

5 18. As a result of this beating, Mr. Holguin suffered severe injuries, including
6 but not limited to several deep wounds and lacerations on his head, his right ankle was
7 broken in two places, and his left knee was opened to the bone, among other injuries.
8 These injuries were sufficiently severe to require extended hospital care, staples and
9 stitches for the several wounds to his head and eyes, and orthoscopic surgery for his left
10 knee. He was also required to wear a cast for the two breaks to his ankle for an extended
11 period of time.

12 19. Sometime later in the day on October 18, 2009, Mr. Holguin was taken to
13 the medical ward in the jail and then to the infirmary at the Twin Towers facility where
14 he received preliminary treatment. He received eight suture staples in the center of his
15 head, and four stitches to the right eyebrow. When it was revealed that he had a broken
16 tibia, he was transferred to LA County - USC Medical Center. Deputy Rico
17 accompanied him in the ambulance which transferred him to LA-USC Medical Center.
18 During that trip, Deputy Rico threatened Mr. Holguin, taunting him on several occasions,
19 "Bet you won't ask 'why' anymore, will you?" Over the following days, he was fitted
20 with a cast and required to undergo orthoscopic surgery for the injuries to his left knee.

21 20. After receiving medical care at the hospital, Mr. Holguin was returned to the
22 MCJ, and placed on a 29 day loss of privileges, further punishing him and isolating him.
23 During this period of time, he was confined to a cell which had no grab bars or other
24 assistive equipment and routinely was denied the use of crutches or a wheelchair.
25 Because his leg was in a cast, he either had to drag himself around his cell or place
26 weight on his cast, causing him pain. When he was required to leave his cell for a
27 shower or other inmate movement, on most occasions he was not given any assistive
28 devices, causing him considerable pain and discomfort. His requests for a crutch or cane

1 to assist him as he moved around his cell and in the hallways were ignored by all but one
2 of the guards. These additional injuries were a foreseeable consequence of the severe
3 beating he was administered by the guards.

4 **DAMAGES**

5 21. By reason of the aforementioned acts of defendants, plaintiff was injured in
6 his health, strength and activity and has sustained and in the future will continue to
7 sustain great mental pain and shock to his nervous system, as well as anxiety, anguish,
8 humiliation, and emotional distress, all to his damage in an amount according to proof.

9 22. By reason of the aforementioned acts of defendants, and each of them,
10 plaintiff was or will be required to receive medical care and treatment, and by reason
11 thereof, will incur expenses related thereto in an amount to be proven at trial.

12 23. By reason of the aforementioned acts of defendants, and each of them,
13 plaintiff did or will lose future income, wages and other financial benefits in an amount
14 to be proven at trial.

15 24. Defendants' acts were done and committed by each defendant knowingly,
16 deliberately, and maliciously, with the intent to oppress, injure, and harass plaintiff, and
17 with reckless indifference to the civil rights, personal security and safety of plaintiff, and
18 by reason thereof, plaintiff prays for punitive and exemplary damages from and against
19 the individual defendants, and each of them, in an amount to be proven at trial.

20 **FIRST CLAIM FOR RELIEF – Excessive Force**

21 **(Fourth Amendment, 42 U.S.C. § 1983)**

22 **(Plaintiff v. All Defendants)**

23 25. The conduct complained of herein was undertaken pursuant to the policies,
24 practices and customs of the Los Angeles County Sheriff's Department, an agency of the
25 County of Los Angeles, and was sanctioned and approved by each of the individual
26 named defendants, including the Doe defendants.

27 26. Defendants, acting under color of state law and through their policies,
28 practices and customs, deprived plaintiff of rights, privileges, and immunities secured by

1 the Constitution and laws of the United States under the Fourth Amendment, by
2 subjecting him, or through their deliberate indifference allowing others to subject him, to
3 excessive force.

4 27. As a direct and proximate cause of the aforementioned acts of defendants,
5 plaintiff was injured as set forth above.

6 28. Plaintiff's injuries entitle him to compensatory and punitive damages
7 according to proof as to the individual defendants and compensatory damages alone as to
8 the County defendants.

9 **SECOND CLAIM FOR RELIEF**

10 **(Cal. Civ. Code § 52.1)**

11 **(Plaintiff v. All Defendants)**

12 29. The United States Constitution, Amendment IV, and the California
13 Constitution, Article I, guarantee the right of persons to be free from excessive force.
14 Defendants, by engaging in the wrongful conduct alleged herein, denied this right to
15 plaintiff, thus giving rise to a claim for damages pursuant to California Civil Code §
16 52.1.

17 30. As a direct and proximate cause of the aforementioned acts of defendants,
18 plaintiff was injured as set forth above and is entitled to statutory damages under
19 California Civil Code § 52, compensatory and punitive damages according to proof as to
20 the individual defendants and compensatory damages alone as to the County defendants.

21 **THIRD CLAIM FOR RELIEF**

22 **(Battery)**

23 **(Plaintiff v. All Defendants)**

24 31. Defendants battered plaintiff, causing his injuries as hereinabove alleged
25 and entitling him to compensatory and punitive damages according to proof as to the
26 individual defendants and compensatory damages alone as to the County defendants.

27 32. As a direct and proximate cause of the aforementioned acts of defendants,
28 plaintiff was injured as set forth above.

1 **FOURTH CLAIM FOR RELIEF**

2 **(Intentional Infliction of Emotional Distress)**

3 **(Plaintiff v. All Defendants)**

4 33. Defendants' conduct was extreme and outrageous, and caused plaintiff to
5 sustain severe emotional distress, all to plaintiff's damage as hereinabove alleged.

6 34. As a direct and proximate cause of the aforementioned acts of defendants,
7 plaintiff was injured as set forth above.

8 35. Plaintiff's injuries entitle him to compensatory and punitive damages
9 according to proof as to the individual defendants and compensatory damages alone as to
10 the County defendants.

11 **FIFTH CLAIM FOR RELIEF**

12 **(Negligence)**

13 **(Plaintiff v. All Defendants)**

14 36. The individual defendants did not exercise ordinary care to ensure that
15 plaintiff would not suffer excessive force while in their custody, thus negligently
16 breaching a duty owed to him and proximately causing his injuries as hereinabove
17 alleged.

18 37. Defendants County of Los Angeles and Los Angeles County Sheriff's
19 Department negligently hired and supervised the individual defendants. As a proximate
20 result thereof, plaintiff has been damaged as hereinabove alleged, and is entitled to
21 compensatory and punitive damages according to proof as to the individual defendants
22 and compensatory damages alone as to the County defendants.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, plaintiff seeks judgment as follows:

- 25 1. Compensatory general and special damages in an amount in accordance
26 with proof;
- 27 2. Punitive damages against each of the individual defendants in an amount
28 sufficient to punish and to make an example of said defendants, and to deter others from

1 engaging in similar conduct;

2 3. Reasonable attorney's fees, expenses, and costs; and

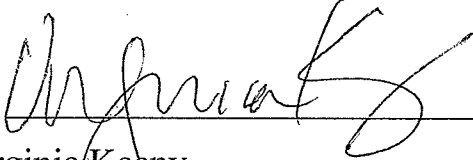
3 4. Such other and further relief as the Court deems proper.

4 **DEMAND FOR JURY TRIAL**

5 Plaintiff hereby demands a jury trial on all issues so triable.

6
7
8 DATED: October 25, 2010

9 Respectfully submitted,
10 HADSELL STORMER KEENY
11 RICHARDSON & RENICK, LLP

12
13 By 
14 Virginia Keeny
15 Attorneys for Plaintiff
16 Michael Holguin

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge George H. Wu and the assigned discovery Magistrate Judge is Paul Abrams.

The case number on all documents filed with the Court should read as follows:

CV10- 8011 GW (PLAx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

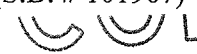
Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address: Dan Stormer, Esq. (S.B. # 101967)
 Virginia Keeny, Esq. (S.B. # 139568) 
 Hadsell Stormer Keeny Richardson & Renick, LLP
 128 N. Fair Oaks Avenue
 Pasadena, California 91103
 Tel: (626) 585-9600

U

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

MICHAEL HOLGUIN

CASE NUMBER

PLAINTIFF(S)

CV10-8011 *GW (PLA x)*

v.

COUNTY OF LOS ANGELES, et al.,
 (See Attachment A)

SUMMONS

DEFENDANT(S).

TO: DEFENDANT(S): COUNTY OF LOS ANGELES, et al., see attachment A

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Virginia Keeny/Dan Stormer, whose address is HadsellStormerKeenyRichardsonRenick 128 N. Fair Oaks Ave., PasadenaCA 91103. If you fail to do so, 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.

Clerk, U.S. District Court

TANYA DURANT

By: _____
 Deputy Clerk

(Seal of the Court)



1188

Dated: 10/25/10

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

ATTACHMENT A

to Summons in MICHAEL HOLGUIN v. County of Los Angeles, et al.

Total Named defendants:

COUNTY OF LOS ANGELES, LOS ANGELES COUNTY SHERIFF'S
DEPARTMENT, SHERIFF LEE BACA, DEPUTY RICO, DEPUTY
FERNANDO LUVIANO, DEPUTY LASCANO, AND DOES 1-20,

ORIGINAL

<p>I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) MICHAEL HOLGUIN</p>	<p>DEFENDANTS COUNTY OF LOS ANGELES, LOS ANGELES COUNTY SHERIFF'S DEPARTMENT, SHERIFF LEE BACA, DEPUTY RICO, DEPUTY FERNANDO LUVIANO, DEPUTY LASCANO, AND DOES 1-20,</p>
<p>(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Hadsell Stormer Keeny Richardson & Renick, LLP 128 N. Fair Oaks Avenue, Pasadena, California 91103 Tel: (626) 585-9600</p>	<p>Attorneys (If Known) Virginia Keeny, Esq. (S.B. # 139568), Dan Stormer, Esq. (S.B. # 101967)</p>

<p>II. BASIS OF JURISDICTION (Place an X in one box only.)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:30%;"></th> <th style="width:10%; text-align: center;">PTF</th> <th style="width:10%; text-align: center;">DEF</th> <th style="width:40%;"></th> <th style="width:10%; text-align: center;">PTF</th> <th style="width:10%; text-align: center;">DEF</th> </tr> </thead> <tbody> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </tbody> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

1 Original 2 Removed from Proceeding 3 Remanded from State Court 4 Reinstated or Appellate Court 5 Reopened 6 Transferred from another district (specify): 7 Multi-District Litigation 8 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT:** \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 U.S.U. § 1983 - Violation of 4th Amendment rights of detainee.

VII. NATURE OF SUIT (Place an X in one box only.)

<p>OTHER STATUTES</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc.</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Act</p> <p><input type="checkbox"/> 892 Economic Stabilization Act</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 894 Energy Allocation Act</p> <p><input type="checkbox"/> 895 Freedom of Info. Act</p> <p><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>	<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p> <p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Fed. Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury-Med Malpractice</p> <p><input type="checkbox"/> 365 Personal Injury-Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 463 Habeas Corpus-Alien Detainee</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p>TORTS</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p> <p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>CIVIL RIGHTS</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 444 Welfare</p> <p><input type="checkbox"/> 445 American with Disabilities - Employment</p> <p><input type="checkbox"/> 446 American with Disabilities - Other</p> <p><input checked="" type="checkbox"/> 440 Other Civil Rights</p>	<p>PRISONER PETITIONS</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus/Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p> <p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food & Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 R.R. & Truck</p> <p><input type="checkbox"/> 650 Airline Regs</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p>	<p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Mgmt. Relations</p> <p><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p>
--	---	---	---	--	--

FOR OFFICE USE ONLY: Case Number: CV10-8011

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
 If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Sheriff Baca, LA County Los Angeles Co, LA County RICO and Luviano - Unknown	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): M. J. [Signature] Date 10/25/10

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))