

In The United States District Court
For The District of Nebraska

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

09 DEC 10 PM 1:46

OFFICE OF THE CLERK

Shannon Williams
Plaintiff,

C/A No. 8:09 CV 282

vs.

"Plaintiff's Amended
Complaint; and
Objections to Memorandum
and Order"

[Sgt. Stebbins];
Sgt. Black;
Sgt. Colbert;
Sgt. Korbet;
Mark Foxhall [Asst. Jail Dir.];
Jeffrey Newton [Jail Dir.];
et. al., and all their agency
attorneys and/or affiliate's

Defendants

Now comes the prose plaintiff in the
above "Cause of Action" which is a 42
U.S.C. § 1983 wherein the plaintiff has clearly
alleged the infringement of his United
States Constitutional Rights that have been
violated by "all of the state" defendants
and/or their (DCDC) = Douglas County [J]ail
Officials.

On the date of December 1, 2009 the Honorable Judge Joseph F. Battillon (Chief United States District Judge) issued a [Memorandum and Order] in the above captioned case.

'Amended Complaint'

The Plaintiff was advised by Judge Battillon to file an (Amended Complaint) consolidating his Retaliation claims and naming [defendant] Sgt. Stebbins as a [Defendant], and such has been done here and Filed before December 30, 2009

(Defendants) [REDACTED] Sgt. Stebbins violations of Plaintiff's constitutional rights while confined at the [DCDC] = Douglas County [J]ail facility Reads as follows:

Complaint Against Defendant
Sgt. Stebbins

That in July AND August of 2009, the plaintiff filed a grievance against Sgt Stebbins claiming the Sgt Stebbins was violating the rights of jail inmates by serving as the disciplinary hearing officer AND the correctional officers elected legal representative in any actions jail inmates filed against correctional officers.

Complaint Against Defendant Sgt. Stebbins

On September 7th 2009 As Sgt. Stebbins was visiting plaintiff's assigned housing unit, He told the plaintiff that he had a big mouth.

On October 31st 2009 At approx 9:00 am. As the plaintiff was complying with an order to go back into his assigned cell, while handcuffed to a belt and leg shackled. Sgt Stebbins grabbed plaintiff by the shoulder, removed his hand and hit petitioner in the same left shoulder, placed both hands in plaintiff's back and violently assaulted plaintiff by shoving the petitioner into a concrete desk injuring the plaintiff's shoulder, hip and back. At the same time Sgt. Stebbins yelled "file a lawsuit on this!"

This was witnessed by 5 other correctional officers, Sgt. Parker, Ofc. Auck, Ofc. Robles that petitioner can identify. At no time did said officers attempt to restrain Sgt Stebbins from assaulting the plaintiff.

Plaintiff has been intimidated from filing grievances and is mentally anguished, suffering from sleep deprivation, and anxiety attacks while in this facility, because the plaintiff knows he ~~will~~ will not be protected from attacks if he exercises plaintiff's constitutional rights to file grievances or lawsuits against the defendants.

"Plaintiff's Objections to
Memorandum and Order"

The plaintiff fully opposes the [Memorandum and Order] filed by Judge Bataillon on Dec. 7, 2009 to the extent "that it appears Judge Bataillon has fully misunderstood plaintiff's complaint and not liberally construed plaintiff's allegations.

The plaintiff alleged that his Eighth Amendment rights were violated by D.C.C. officials not only because he was placed on administrative confinement without a write-up. But most importantly because he has not been allowed to exercise the entire time and that he has not been allowed to shower without restraints.

Plaintiff alleged that it was not atypical to not be allowed to exercise for several months. In fact plaintiff alleged that this was a 'medegele' style segregation. Not one case cited by Judge Bataillon alleged total deprivation of exercise for months at a time.

Judge Bataillon's [Memorandum and Order] completely ignores and never addresses the legality and unconstitutionality of not allowing exercise for months at a time, nor not allowing a shower for months at a time.

Furthermore the plaintiff objects that a magistrate did not file a [report & recommendations] on all claims RAISED in his civil action.

As to all other allegations stated inside of the plaintiffs 'cause of Action' he contends that such are true and can be supported by way of a [trial by Jury] in this case here where a visible dispute and infringement of U.S. Constitution Rights Exist.

Jail Not a Prison

Additionally, the plaintiff [Alerts] this court "that D.C.C. is a County Jail Facility not a state/Government entity Department of Correction's facility, therefore, the Rules due to be followed by Department of Corrections Prisons [differ greatly] from the Rules and Regulations to be followed by [DCCC] Douglas County Jail Facility.

CONCLUSION

BASED ON ALL OF THE ABOVE AND AFORE-

mentioned facts and matters in accord with applicable law, the plaintiff hereby request:

1. For this case to be either [V]enued to another tribunal to assure proper Exhaustion and due-process to be gave by this court from [both]
1) A U.S. Magistrate Judge, and then
2) A U.S. District Court Judge; and

2. Request for Defendant Sgt. Stebbins to be "Amended" to the above Civil Action; and

3. For A trial by Jury to be gave as requested here

4. Subsequently, Plaintiff Request any other Relief deemed needed to be granted to him in this case.

Plaintiff Sayeth Not.

Sworn before me

this day of Jan. 20

(L.L.S.)

Comm. Ex:

Respectfully Submitted:

X Shannon Williams

MR. Shannon Williams

710 S. 17th St.

OMAHA, NE. 68102

Shirley Williams

Printed Name

(0436916) ()

Data # Module #

Douglas County

DEPARTMENT OF CORRECTIONS

710 SOUTH 17TH STREET

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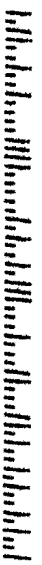
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