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LUTHER D. THOMAS, Clerk
Deputy Clerk

CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

CLERK'S OFFICE

MAY 19 2004

LUTHER D. THOMAS, Clerk
Deputy Clerk

1 0 4 C V 1 4 1 6

Frederick V. Harper

(Enter above the full name and prisoner
identification number of the plaintiff.)

-MHS

-vs-

Deputy T. Bennet #2460
Fulton County Jail

(Enter above the full name of the defendant(s).)

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with (1) the same facts involved in this action, or (2) otherwise relating to your imprisonment?

Yes () No (✓)

- B. If your answer to A (1) or (2) is yes, describe each lawsuit in the space below and tell us whether the "old" case involves the same facts or other issues. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court (if federal court, name the district; if state court, name the county):

3. Docket Number:

(1)

I. Previous Lawsuits (Cont'd)

4. Name of judge to whom case was assigned: _____
5. Did the previous case involve the same facts?
Yes () No ()
6. Disposition (Was the case dismissed? Was it appealed? Is it still pending?):

7. Approximate date of filing lawsuit: _____
8. Approximate date of disposition: _____

II. Exhaustion of Administrative Remedies

- A. Place of Present Confinement: Fulton County Jail
- B. Is there a prisoner grievance procedure in this institution?
Yes (☒) No ()
- C. Did you present the facts relating to your complaint in the state prisoner grievance procedure?
Yes (☒) No ()
- D. If your answer is YES:
 1. What steps did you take and what were the results?
Yes I filed a grievance on the date of 4-25-04
with the grievance office here at the
Fulton County Jail.
 2. If your answer is NO, explain why not: _____

III. 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(s): Frederick V Harper
2017 Cox Court College Park, Ga 30337.

III. Parties (Cont'd)

Address(es): _____

(In item B below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Do the same for each additional defendant, if any.)

B. Defendant(s): Bennett #2460
Deputy for the Fulton County Jail
901 Rice St. Atlanta, Ga. 30318 Fulton County Jail
 Employed as A Floor Deputy
 at The Fulton County Jail

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, 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 extra sheets if necessary.)

[illegible]

IV. **Statement of Claim (Cont'd)**

V. **Relief**

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

I WOULD LIKE TO BRING CHARGES TO
THE OFFICERS OF FULTON COUNTY JAIL
SYSTEM FOR THE CRIME OF
BRUTALITY AGAINST MYSELF AS A
CONCERNED CITIZEN.

V. Relief (Cont'd)

Signed this 20 day of May, 2004.

Frederick V. Harper
Signature of Plaintiff

STATE OF Fulton
COUNTY (CITY) OF Atlanta

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

EXECUTED ON _____
(Date)

Frederick V. Harper
Signature of Plaintiff

①

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Thursday 5-20-04

To whom it may concern,

I Fredrick Harper will like to state the facts of what happened on the date of Sunday April 25, 2004. At approximately 2:00 AM that morning, County Deputies Bennett and Officers Owens entered the gated area of Bellwood Center for breakfast. These officers then requested all inmates to line up for breakfast chow. That's when Officer Bennett ordered the two clean-up guys to go to the end of the line. This is a standard procedure. In which I Fredrick Harper was one of the clean-up guys. Thereafter everyone had received their breakfast tray. Officer Bennett stopped us four clean-up guys and then stated he had ran out of food trays, he stated that we four inmates would have to wait until he got more trays. So me and the other 3 guys waited about 15 minutes then Officer Bennett returned with the trays a box full. He replied that he was out of milk. So being that it was our clean-up day we all had two trays in our hands. So then I asked Officer Bennett, may we have one more tray since there was no milk available. He did hear my request but he never replied. ~~Then~~ he replied and said well since you guys didn't get milk get another tray so then after that we got another tray.

(2)

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So then we seemed to get a attitude about the third tray so we got the third tray he replied so you motherfuckers going to take my tray anyway then after that he said just bring your ass with me so then I allowed him through the door peacefully. Then officer Bennett all of the sudden just rudely slapped the food tray out of my hand. So I said officer you offered the third tray and now you have an attitude it is not that important to me so if you wanted the tray all you had to do was ask. So then he said he said turn your ass around and face the wall and I cooperated without any problems what so ever. That's when he proceeded to hand cuff me with force and cruelty. So then I asked why are you trying to hurt me? that is when he replied with word of fuck you. Then he snatched me by my shoulder and of course being already hand cuffed, he proceeded to take me to the holding cell. He was pushing me very fast, already handcuffed then he took his foot and kicked my left foot behind my right foot. Causing me to loose balance falling forward unto the concrete floor this is when I fell down and bust my head in the top. At that moment I blacked out. When I regained conciousness officer Bennett had left the scene of the crime. Then I noticed officer Owens was helping me up off of the floor. I asked him what

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had happened. I then replied to Officer Owens by saying that Officer Bennett had pushed me down and he was very wrong for his actions. Then I passed out again. Again I don't remember how I was escorted to medical or who escorted me. All I know is after I regained my consciousness I was in the medical dept at the jail. Since I was with a busted head and bleeding I then requested if I could go to Grady Memorial Hospital. And Doctor Morgan of Fulton County Medical Staff replied NO! And she replied if you don't let us stick your head then you would just have to bleed and we will just send you back to your unit. Then she proceeded and gave five shots of medication into my busted head to kill the pain. Then she said you will need five stitches in your head then afterwards they put me back in a holding cell. Then Sgt. E. Hinton #1849 came to me with grievance forms concerning the incident. Then he replied he could not comment on anything because he did not see the incident, but I would have to be moved to the medical floor.

Sincerely Yours

041167 Frederick Harper
Frederick Harper