

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

AUG 24 2005

Judge David H. Coar
United States District Court

ANTONIO VIEYRA	)	
	)	
<i>Plaintiff,</i>	)	
	)	No. 05 CV 1904
-vs-	)	
	)	(Judge Coar)
COUNTY OF WILL, etc. et al.,	)	
	)	
<i>Defendants.</i>	)	

THIRD AMENDED COMPLAINT

Pursuant to leave of Court, plaintiff files this third amended complaint and, by counsel, alleges as follows:

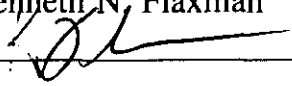
1. This is a civil action arising under 42 U.S.C. §1983. The jurisdiction of this Court is conferred by 28 U.S.C. §1343 and 28 U.S.C. §1367.
2. Plaintiff Antonio Vieyra is a resident of the Northern District of Illinois.
3. Defendants Sheriff of Will County and Will County, Illinois are joined in this action pursuant to *Carver v. Sheriff of LaSalle County*, 324 F.3d 947 (7th Cir. 2003). Plaintiff does not assert any federal claim against these defendants.
4. Defendant Steven Brooks was at all times relevant acting as a correctional officer, employed by defendant Sheriff of Will County, at the Will County Adult Detention Facility.
5. On April 8, 2004, while plaintiff was a pre-trial detainee at the Will County Adult Detention Facility, defendant Steven Brooks, while acting under color of his authority as a correctional officer, subjected plaintiff to

the excessive and unreasonable use of force, causing plaintiff to receive personal injuries.

6. Thereafter, Brooks caused plaintiff to be wrongfully charged with a criminal offense. The resulting criminal prosecution was resolved in favor of plaintiff in a manner indicative of his innocence within one year of the filing of this lawsuit.
7. As the direct and proximate result of the above described acts, plaintiff was deprived of rights secured by the Fourteenth Amendment to the Constitution of the United States and subjected to the Illinois tort of malicious prosecution, for which the Sheriff of Will County is liable under the doctrine of respondeat superior.
8. Plaintiff hereby demands trial by jury.

Wherefore plaintiff requests that judgment be entered in his favor in the amount of one hundred thousand dollars as compensatory damages and, against defendant Brooks only, in the amount of twenty five thousand dollars as punitive damages, and that the Court grant whatsoever other relief as may be appropriate, including an award of fees and costs.

/s/ Kenneth N. Flaxman



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