

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Southern District of Georgia

Augusta Division

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2017 OCT 26 A 9: 31

CLERK 
SO. DIST. OF GA.

Case No.

CV117-0139

(to be filled in by the Clerk's Office)

NOAH DAVID KOSTON

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

RC SO

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

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I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name NOAH David Koston
 All other names by which you have been known: _____
 ID Number 5205204
 Current Institution Richmond Co Jail
 Address 1941 Phinizy Rd
Augusta GA 30906
City State Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name Richmond Co Sheriff Office
 Job or Title (*if known*) _____
 Shield Number RC50
 Employer _____
 Address 1941 Phinizy Rd
Augusta GA 30906
City State Zip Code

Individual capacity Official capacity

Defendant No. 2

Name _____
 Job or Title (*if known*) _____
 Shield Number _____
 Employer _____
 Address _____
City State Zip Code

Individual capacity Official capacity

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Defendant No. 3

Name _____
 Job or Title (if known) _____
 Shield Number _____
 Employer _____
 Address _____

 _____ City _____ State _____ Zip Code _____
 Individual capacity Official capacity

Defendant No. 4

Name _____
 Job or Title (if known) _____
 Shield Number _____
 Employer _____
 Address _____

 _____ City _____ State _____ Zip Code _____
 Individual capacity Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- Federal officials (a *Bivens* claim)
- State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Civil Rights

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

NONE

D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Other (*explain*) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

C. What date and approximate time did the events giving rise to your claim(s) occur?

June 24 - July 6 - 2017

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

WAS REFUSED WATER IN LOCKUP SUICIDE CELL!
SGT MITCHELL OF RCSO, ON CAMERA TELLING ME
I CAN'T HAVE ANY WATER. REFUSED MY HOUR
OUT. OF THE 14 DAYS I ONLY GOT 3 HOUR OUT OF
CELL. THEY WOULDN'T LET ME SHOWER - ONLY 3 TIMES OF 14 DAYS.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Dehydration, SKIN PROBLEMS, mental & Emotional
distress. FROM BEING LOCKED IN THE CELL SO LONG
WITH OUT ANY FREE TIME.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I WANT THE COURT TO SHOW
THESE COUNTY JAILS THEY CAN'T TREAT PEOPLE LIKE ANIMALS
I WANT 10,000 FOR THE DAMAGES. AND 90,000 FOR
THE PUNITIVE DAMAGES. I GO NUTS WHEN I CAN'T SHOWER.
I HAVE DREAMS OF BEING LOCKED IN SMALL PLACES WHERE I
CAN'T GET OUT, MY SKIN IS ALWAYS ITCHING I SCRATCH IN MY SLEEP

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Richmond Co Sheriff Office

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes

No

Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes

No

Do not know

If yes, which claim(s)?

All

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D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

E. If you did file a grievance:

1. Where did you file the grievance?

Richmond Co Jail

2. What did you claim in your grievance?

NO WATER, NO SHOWER, NO HOUR OUT

3. What was the result, if any?

(SAID I COULD GET WATER OUT THE CELL) (I WAS LOCKED DOWN SUICIDE)

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

JAIL SAYS THERE UNFOUNDED

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I did File

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

Yes

No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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Yes

No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10-18-2017

Signature of Plaintiff *Neil Ham*
 Printed Name of Plaintiff Noah Koston
 Prison Identification # 5205204
 Prison Address 1941 Phinizy RD
Augusta GA 30906
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney _____
 Printed Name of Attorney _____
 Bar Number _____
 Name of Law Firm _____
 Address _____

City State Zip Code
 Telephone Number _____
 E-mail Address _____

To: Clerk of U.S. District Court
From: Noah Koston - MME0-14

I Noah Koston was put into a suicide cell in Booking/Intake and was refused water and did not get the 1 hour out each day as permitted by law that I am to receive. I followed Grievance Procedures and nothing was or has been done to resolve the issue.

The law states that no inmate may be locked into a cell for any 24 hours a day. I am wanting to sue for Five-hundred thousand dollars for Cruel and unusual Punishment. I do not feel that it is acceptable that RCSI or Richmond County can do as they feel. They have laws that they must obeyed by and by NOT following the law they should be Punished.

The cell I was in was S-B-2 and the Sgt that refused to give me water was Sgt Mitchell.

Along with ~~the~~ being Refused
Water and my hour out I was
also Refused a Shower and was
only given 3 Shower^{Per} in the
Two - week span that I was
in the Suicide Cell.

All of this occurred on July 3rd
at or about 9:55PM²⁰¹⁷ when I held
a Cup in the air to the
Camera indicating that I was
Refused water.

Please write back
with a case Number in Ref. to
this Ch'm

Thank you.

NOAN KOSTON - MMEED-28
1941 PHINIZY Rd
Augusta, ga, 30906



FOREVER
USA



Barn Swallow

Clerk of us. District Court
500 I Ford St.
Augusta, ga, 30901