

Jase Martinez 01094748
 Name and Prisoner/Booking Number
U.S. Penitentiary
 Place of Confinement
P.O. Box 24550
 Mailing Address
Tucson, AZ 85734
 City, State, Zip Code

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|--|---------------------------------|
| <input checked="" type="checkbox"/> FILED | <input type="checkbox"/> LODGED |
| <input type="checkbox"/> RECEIVED | <input type="checkbox"/> C.O.PY |
| SEP 20 2021 | |
| CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA | |
| BY <u>[Signature]</u> | DEPUTY |

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Jase Martinez,
(Full Name of Plaintiff)

Plaintiff,

v.

(1) Administrative Office of,
 (Full Name of Defendant) The U.S. Courts
 (2) N/A,
 (3) N/A,
 (4) N/A,
 Defendant(s).

Check if there are additional Defendants and attach page 1-A listing them.

CV-21-371-TUC-SHR-PSOT

CASE NO. _____
(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

- Original Complaint
- First Amended Complaint
- Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

- 28 U.S.C. § 1343(a); 42 U.S.C. § 1983
- 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).
- Other: 5 U.S.C. § 552

2. Institution/city where violation occurred: Tucson, AZ / Washington DC

B. DEFENDANTS

(AOUSC)

1. Name of first Defendant: Administrative Office U.S. Courts The first Defendant is employed as: Administrative office U.S. Courts at AOUSC.
(Position and Title) (Institution)
2. Name of second Defendant: N/A The second Defendant is employed as: N/A at N/A.
(Position and Title) (Institution)
3. Name of third Defendant: N/A The third Defendant is employed as: N/A at N/A.
(Position and Title) (Institution)
4. Name of fourth Defendant: N/A The fourth Defendant is employed as: N/A at N/A.
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? Yes No
2. If yes, how many lawsuits have you filed? 0. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: N/A v. N/A
 2. Court and case number: N/A
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) N/A
 - b. Second prior lawsuit:
 1. Parties: N/A v. N/A
 2. Court and case number: N/A
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) N/A
 - c. Third prior lawsuit:
 1. Parties: N/A v. N/A
 2. Court and case number: N/A
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) N/A

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION

COUNT I

1. State the constitutional or other federal civil right that was violated: 5 U.S.C. § 552
Freedom of Information Act

2. Count I. Identify the issue involved. Check only one. State additional issues in separate counts.
 Basic necessities Mail Access to the court Medical care
 Disciplinary proceedings Property Exercise of religion Retaliation
 Excessive force by an officer Threat to safety Other: 5 U.S.C. § 552

3. Supporting Facts. State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

In mid-June 2021, I was reviewing my trial transcript and pre-trial hearing transcript to prepare a potential collateral attack on my original judgment. During that review, I noticed that specific portions of those transcripts appeared to be inaccurately transcribed. Specific evidence was omitted.

On July 1, 2021, I mailed a Freedom of Information Act request to the AOUBC requesting the original/unaltered audio recordings from the courtroom microphones underlying the above stated inaccurate paper transcripts - referencing their specific dates and times. I sent the request via certified mail. See Exhibit A, No. 7020 acts 0002 2433, 8057. Under FOIA, the AOUBC had 20 days to provide notice of processing. To date, I have not received any response nor acknowledgment of the request whatsoever.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).
I am being deprived of information that is material to my actual innocence/conviction and for the integrity of the trial transcript of the proceeding.

5. Administrative Remedies:
a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
b. Did you submit a request for administrative relief on Count I? Yes No
c. Did you appeal your request for relief on Count I to the highest level? Yes No
d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. N/A

COUNT II

1. State the constitutional or other federal civil right that was violated: N/A

2. Count II. Identify the issue involved. Check only one. State additional issues in separate counts.

- Basic necessities
- Disciplinary proceedings
- Excessive force by an officer
- Mail
- Property
- Threat to safety
- Access to the court
- Exercise of religion
- Other: N/A
- Medical care
- Retaliation

3. Supporting Facts. State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

N/A

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

N/A

5. Administrative Remedies.

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- b. Did you submit a request for administrative relief on Count II? Yes No
- c. Did you appeal your request for relief on Count II to the highest level? Yes No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. N/A

COUNT III

1. State the constitutional or other federal civil right that was violated: N/A

2. **Count III.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- Basic necessities
- Disciplinary proceedings
- Excessive force by an officer
- Mail
- Property
- Threat to safety
- Access to the court
- Exercise of religion
- Other: N/A
- Medical care
- Retaliation

3. **Supporting Facts.** State as briefly as possible the **FACTS** supporting Count III. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

N/A

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

N/A

5. **Administrative Remedies.**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? Yes No
- b. Did you submit a request for administrative relief on Count III? Yes No
- c. Did you appeal your request for relief on Count III to the highest level? Yes No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not.

N/A

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.

E. REQUEST FOR RELIEF

State the relief you are seeking:

*I am asking for an immediate
injunction requiring defendant to produce the requested
audio recordings for comparison with the paper transcripts
at CBP Tucson via discovery procedures.*

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

Executed on

8/31/21
DATE

[Signature]
SIGNATURE OF PLAINTIFF

N/A

(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

N/A

(Signature of attorney, if any)

N/A

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.