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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

MICHAEL VALDEZ,  
Plaintiff,

v.

HANFORD POLICE OFFICER  
LARRY LEEDS, in his individual  
capacity; HANFORD POLICE  
DEPARTMENT, a municipal entity;  
COUNTY OF KINGS,  
CALIFORNIA, a municipal entity;  
and DOES 1-10, inclusive;

Defendants.

) Case No.:  
)  
) **COMPLAINT FOR**  
) **1. VIOLATION OF 4TH**  
) **AMENDMENT (42 U.S.C. §**  
) **1983)**  
) **2. VIOLATION OF 14<sup>th</sup>**  
) **AMENDMENT (42 U.S.C. §**  
) **1983)**  
) **3. BATTERY**  
) **4. CONVERSION**  
) **DEMAND FOR JURY TRIAL**

1 **I. JURISDICTION**

2 1. This Court has jurisdiction under 28 U.S.C. § 1331. Federal question  
3 jurisdiction arises pursuant to 42 U.S.C. § 1983.

4 2. This Court has supplemental jurisdiction over Plaintiff’s state law  
5 claims under 28 U.S.C. § 1367(a) because they arise under California state law,  
6 and are so related to the claims arising under federal law that they form part of the  
7 same case or controversy.

8  
9 **II. VENUE**

10 3. The acts complained of arose within the Eastern District of California,  
11 therefore venue properly lies here pursuant to 28 U.S.C. § 1391. One or more of  
12 the Defendants resides in or has its principal place of business in Kings County.

13  
14 **III. PARTIES**

15 4. Plaintiff Michael Valdez (“Plaintiff”) is a current resident of Kings  
16 County, California.

17 5. Plaintiff is informed and believes, and based thereon alleges, that at  
18 all times material herein, Defendant Hanford Police Officer Larry Leeds (“Officer  
19 Leeds” or “Leeds”) was a duly appointed and acting police officer or employee  
20 employed as such by the City of Hanford, and at the time of the acts hereinafter  
21 complained of, Officer Leeds was acting within the course and scope of such  
22 employment and under the color of law. Officer Leeds is sued in his individual  
23 capacity.

24 6. Defendant County of Kings, California is a duly organized and  
25 existing municipal entity, organized under the laws of the State of California.  
26 Defendant County of Kings operates and controls Kings County Jail.

27 7. The true names and capacities, whether corporate, associate,  
28 individual, or otherwise, of Defendant DOES 1 through 10, inclusive, are unknown

1 to Plaintiff, who therefore sues said Defendants by such fictitious names. Each of  
2 the Defendants designated herein as a DOE is legally responsible in some manner  
3 for the events herein complained of, and proximately caused injuries and damages  
4 thereby to the Plaintiff. Plaintiff will ask leave of Court to amend this Complaint to  
5 show their names and capacities when the same have been ascertained.

6 8. Plaintiff is informed and believes, and based thereon alleges, that at  
7 all times mentioned below, each Defendant was the principal, agent,  
8 representative, partner, or co-conspirator of the remaining Defendants, and each  
9 other, and that in doing the acts alleged, each of the Defendants were acting within  
10 the course and scope of their agency, employment, partnership, conspiracy, or  
11 other authorized relationship with the other Defendants and with the permission  
12 and ratification of Defendants. Whenever and wherever reference is made in this  
13 Complaint to any acts of Defendants, such allegations and references shall also be  
14 deemed to mean the acts of each Defendant acting individually, jointly or  
15 severally.

16  
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18 **IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

19 9. Plaintiff timely filed claims with the City and the County pursuant to  
20 California Government Code § 910 et seq. Both claims were denied within six  
21 months of the filing of this complaint. Plaintiff has exhausted all administrative  
22 remedies available to him.

23  
24 **V. STATEMENT OF FACTS**

25 **A. Plaintiff**

26 10. Plaintiff is 49 years old and a longtime resident of Hanford,  
27 California.

1           11. In or around 2015, Plaintiff was at his home at 500 East Malone Street  
2 at the corner of Normandie Street in Hanford, California. A Hanford police  
3 officer, on information and belief Defendant Officer Larry Leeds, entered  
4 Plaintiff's home unannounced and without legal cause. Plaintiff saw Defendant  
5 Leeds enter his home and asked him what he was doing, and told him to leave  
6 immediately. Leeds refused to leave, stating that he was on a call about an  
7 abandoned house. Plaintiff again told him to leave, stating that the house was not  
8 abandoned and Leeds had no right to enter Plaintiff's home. Leeds refused to  
9 leave and instead asked Plaintiff if he could prove he had a right to be in the house.  
10 Plaintiff did not have any documentation at hand to prove that he was entitled to be  
11 there, so he turned his back on Leeds to call a relative who owned the property.  
12 While Plaintiff turned his back, Leeds walked further into Plaintiff's home,  
13 searching all rooms of the house. During the entire encounter, Plaintiff was  
14 speaking to Leeds, telling him in no uncertain terms that he needed to leave  
15 immediately and had no right to do what he was doing. The encounter was tense  
16 and unpleasant, and Leeds appeared to be purposely trying to upset Plaintiff by  
17 making a show of continuing to search. Ultimately, a higher ranking police officer  
18 arrived and instructed Leeds to leave.

19           12. In the afternoon on New Year's Day 2016, Plaintiff was working on  
20 his backyard fence with his friend Willie Gomez at the same location, his home at  
21 500 East Malone Street. Malone Street is a small, two-lane street with two  
22 additional lanes for parking. It is a residential street and does not get much traffic.

23           13. As they worked, Plaintiff and Gomez noticed a police vehicle, which  
24 was being driven by Leeds, drive westbound on Malone Street past Plaintiff's  
25 home. Few or no other cars were driving on Malone Street at that time. As Leeds  
26 drove past Plaintiff and Gomez, Leeds slowed his vehicle substantially, in an  
27 apparent attempt to get a better look at Plaintiff and Gomez. He then continued  
28

1 driving westbound and Plaintiff made a comment to Gomez to the effect that the  
2 driver's behavior was odd. Plaintiff did not recognize Leeds at that time.

3 14. Plaintiff and Gomez subsequently moved towards the front of  
4 Plaintiff's house and noticed that Leeds had made a U-turn on Malone near Brown  
5 Street and was idling his vehicle some distance west of Plaintiff's home, but now  
6 facing eastbound. There were no other cars driving on Malone at that time.

7 15. Gomez decided to leave and return to his own home, located a few  
8 houses to the west of Plaintiff's house, and did so through an empty field that runs  
9 parallel to Malone Street. Upon arriving in the alley through which he planned to  
10 enter his own back gate, which travels north-south, Gomez looked south and saw  
11 Leeds driving eastbound on Malone very fast, having dramatically accelerated.  
12 Leeds was chasing Plaintiff.

13 16. Just moments before or at the same time, Plaintiff had left his home  
14 on Malone, riding his bicycle eastbound on Malone in the right-hand lane, obeying  
15 all traffic laws. There were still no other cars driving on Malone.

16 17. Leeds caught up to Plaintiff at a high rate of speed, but did not turn on  
17 his lights or sirens and in no way indicated to Plaintiff that he should pull over and  
18 submit to a stop.

19 18. Plaintiff turned right to ride his bicycle southbound through an  
20 unpaved shortcut, which was not accessible to cars. The shortcut runs parallel to  
21 10<sup>th</sup> Avenue and roughly corresponds to N. East Street, to its north, and is used  
22 frequently by bicyclists and pedestrians, including Plaintiff. Leeds passed the  
23 point where Plaintiff had turned into the shortcut, and made a right-hand turn in  
24 order to drive southbound on 10<sup>th</sup> Avenue, which was just a few yards away.  
25 Between the point at which Leeds had been idling his car and the point at which he  
26 turned right onto 10<sup>th</sup> Avenue to chase Plaintiff, he never had to pass any other car  
27 traveling either direction on Malone Street.  
28

1           19. Plaintiff exited the shortcut on Cameron Street and turned left to  
2 continue traveling eastbound, at all times obeying all traffic laws. Leeds at about  
3 the same time turned right onto Cameron Street from 10<sup>th</sup> Avenue, traveling  
4 westbound. Leeds began in the correct lane of traffic, but then purposely and very  
5 rapidly drove into Plaintiff's path of travel at an angle, in an apparent attempt to  
6 collide with Plaintiff. Plaintiff was forced to quickly dodge Leeds' car and  
7 maneuver his bicycle around it. Plaintiff could not see any witnesses around to  
8 corroborate the fact that an officer had just tried to hit him.

9           20. Leeds then told Plaintiff through the open window of his car, "Come  
10 here." Plaintiff replied, "You just tried to run me over, I'm not gonna 'come  
11 here.'" Plaintiff said this because he was concerned about interacting with Leeds  
12 without any witnesses around to ensure his safety.

13           21. Plaintiff proceeded east to 10<sup>th</sup> Avenue and turned right to travel south  
14 on the 10<sup>th</sup> Avenue sidewalk, trying to find a place that was more populated so that  
15 he would be safe from Leeds in the presence of witnesses. Leeds, upon  
16 information and belief, turned his car around and drove back out to 10<sup>th</sup> Avenue,  
17 turned right to follow Plaintiff south, and caught up to him as Plaintiff was still  
18 riding his bike on the sidewalk on 10<sup>th</sup> Avenue. When Officer Leeds caught up,  
19 Plaintiff was passing through a driveway that led to the parking lot of a small local  
20 market known as Mercado & Carniceria Del Valle. There were a lot of customers  
21 and some employees in the parking lot at the time. Officer Leeds still had not  
22 activated his lights or sirens.

23           22. Leeds used his car to ram Plaintiff on his bicycle, and as a result  
24 Plaintiff fell to the cement and hit his head so hard he became dazed and  
25 disoriented. Plaintiff's bicycle was visibly damaged by the collision, and flew a  
26 distance of about ten to fifteen feet away from him and landed in the parking lot.  
27 Plaintiff's belt also broke with the force of the crash, and his pants were no longer  
28 held up as before.

1           23. On information and belief, Leeds then got out of his car and drew his  
2 gun. Rather than helping Plaintiff, he grabbed Plaintiff and pulled him up off the  
3 ground, while Plaintiff was still so dazed and disoriented that he could not process  
4 commands or fully take in his surroundings or events that were happening. Leeds  
5 began to walk Plaintiff away from the spot where he had fallen from the crash.  
6 Plaintiff was unable to walk normally due to his injuries, and tried not to fall down;  
7 Leeds then roughly pulled and pushed Plaintiff in the direction of his car. If Leeds  
8 said anything to Plaintiff during this time, Plaintiff could not correctly process  
9 what he was saying, because he was still so disoriented from hitting his head in the  
10 crash.

11           24. Plaintiff was wearing a small crucifix made of silver, no more than  
12 two inches in height, while Leeds was grabbing and pushing him. Plaintiff never  
13 reached for his crucifix or anything else that was remotely threatening.

14           25. Officer Leeds punched Plaintiff over and over again with a closed fist,  
15 including multiple hard punches to Plaintiff's torso, and multiple hard punches to  
16 Plaintiff's face and head, which caused Plaintiff great pain. Plaintiff never resisted  
17 Leeds' punches and never attacked Leeds.

18           26. Plaintiff, still disoriented, understood that he was in great danger, and  
19 called out to the people in the parking lot, who were watching, something to the  
20 effect of, "Video! Video!"

21           27. On information and belief, Leeds, upon hearing Plaintiff tell people to  
22 video what was happening, seemed to become angry, and loudly ordered the  
23 people not to video.

24           28. On information and belief, Leeds then tackled Plaintiff to the ground.  
25 Even though Plaintiff still was not resisting, Officer Leeds kept punching Plaintiff.  
26 At least once, he missed Plaintiff and hit the ground instead. Within seconds, other  
27 police officers arrived and immediately handcuffed Plaintiff with no problems and  
28 no resistance. By this point, Plaintiff's pants were around his knees and his

1 underclothes were showing. Plaintiff attempted to reach for his pants to pull them  
2 up, and another officer asked him what he was reaching for; Plaintiff said that he  
3 was reaching for his pants. One of the officers then yanked off Plaintiff's jacket,  
4 which was covering his body, so that everyone could see Plaintiff's pants were  
5 down.

6 29. Paramedics arrived shortly after Plaintiff was handcuffed, and instead  
7 of first helping Plaintiff, who had been hit by a car, they listened while Leeds  
8 complained to them about his hand. A paramedic looked at and touched Leeds's  
9 hand or arm in an apparent effort to evaluate any injury, but shrugged and shook  
10 his head as if to communicate that there was nothing wrong with it. Only after the  
11 paramedics had ensured that Leeds did not require medical attention did they then  
12 address Plaintiff's injuries. No one took any photos of Plaintiff's lower left leg,  
13 which would have shown significant scratches and blood, consistent with being hit  
14 by a car.

15 30. Leeds then went with Plaintiff to the hospital, where Leeds again did  
16 not seek medical attention.

17 31. At the hospital, Plaintiff was examined due to "head trauma" and  
18 diagnosed with "right globe injury with lens dislocation, recommend  
19 ophthalmology consultation for further evaluation."

20 32. At the hospital, around the time when Plaintiff was discharged, Leeds  
21 asked Plaintiff to submit to a urine test to see whether Plaintiff was under the  
22 influence of drugs. Plaintiff agreed. However, Leeds only gave Plaintiff two  
23 minutes to produce a urine sample, and Plaintiff could not do it in that short time.  
24 Leeds did not then offer Plaintiff the opportunity to take a blood test. Instead he  
25 asked Plaintiff to sign a document admitting he was under the influence of  
26 methamphetamines. Plaintiff refused to sign it, because he was not under the  
27 influence of methamphetamines. Plaintiff heard Leeds made statements to the  
28 effect that he was in a hurry to leave the hospital because he was due to go on



1 vacation. On information and belief, Leeds did not want to give Plaintiff  
2 additional time to prove that he was not under the influence of any drugs because  
3 of his desire to get to his vacation as soon as possible.

4 33. Leeds later testified at Plaintiff's preliminary hearing that he had  
5 initially asked Plaintiff to stop because he was riding his bicycle in the wrong lane,  
6 which was untrue because Plaintiff had been riding in the correct lane at all times.  
7 Leeds further testified that he had pulled his car in front of Plaintiff to ensure that  
8 Plaintiff would stop, and that Plaintiff had failed to stop in time to avoid a  
9 collision; the truth was that Leeds had used his car to collide with Plaintiff. Leeds  
10 further testified that Plaintiff had reached for the crucifix he was wearing, or had  
11 appeared to be reaching for his crucifix, which was untrue. Leeds also testified he  
12 had only hit Plaintiff one time in the torso and two times in the head, which was  
13 untrue. Finally, Leeds testified that he had to get stitches because he was cut when  
14 he hit Plaintiff in the face, but Leeds told the medical personnel who gave him the  
15 stitches that he did not know how he had gotten cut; further, he refused medical  
16 treatment at the scene and later at the hospital.

17 34. Plaintiff was arrested, booked, and charged with felony resisting  
18 arrest. Plaintiff spent nearly a year in Kings County Jail, because he could not  
19 afford bail. He was finally able to bail out in mid-December 2016.

20 35. During the time Plaintiff was in jail, Defendant County of Kings never  
21 treated him properly for his dislocated lens, despite repeated written complaints  
22 about the matter from Plaintiff, and Plaintiff's in-court, on-the-record complaint to  
23 the judge in his criminal case that he had not yet been seen by an ophthalmologist.  
24 The County sent Plaintiff to Jeffrey White, an optometrist, in mid-January. An  
25 optometrist is not a doctor. Plaintiff brought the mistake to the attention of the  
26 Defendant County in writing. Doe Defendants employed by the County told  
27 Plaintiff that Jeffrey White was in fact an ophthalmologist, which is false. The  
28 County and various individual Doe Defendants informed Plaintiff that he was

1 required to pay in advance for the transport costs and the medical treatment if he  
2 wanted to see a doctor; they did not provide him with an amount or estimate of the  
3 costs. Plaintiff finally obtained proof that Jeffrey White was not an optometrist  
4 and provided it to Defendant County of Kings, and only then was Plaintiff finally  
5 sent to an ophthalmologist in June 2016. By then it was too late. As a result of  
6 Defendant County of Kings' deliberately indifferent failure to provide adequate  
7 medical care to Plaintiff, he is now blind in his right eye with no possibility of  
8 reversing the vision loss.

9       36. When Plaintiff was booked into jail, Defendant County of Kings  
10 confiscated items from Plaintiff, including a bag he had been carrying, a jacket he  
11 was wearing at the time of the arrest, his phone, and his bicycle. Due to the size of  
12 the items, the items were sent to Hanford Police Department for storage pursuant  
13 to policy. Hanford Police Department destroyed all evidence in June 2016.  
14 Hanford Police Department never sent notice to Plaintiff or his counsel that they  
15 planned to destroy evidence even though his criminal case was ongoing.

16       37. Plaintiff is currently awaiting trial on charge of resisting arrest; not  
17 only did he factually not resist arrest, but the arrest itself was unlawful, giving him  
18 the legal right to resist with reasonable force. However, even if Plaintiff is found  
19 guilty of unlawfully resisting arrest, he did not resist in a manner that would justify  
20 the force Defendant exercised in arresting Plaintiff – specifically, the use of deadly  
21 force by striking Plaintiff, a pedestrian, with a vehicle, and the use of deadly force  
22 in striking Plaintiff's head with a closed fist. Therefore, Plaintiff is entitled to  
23 bring this action for excessive force, even if he is ultimately convicted of resisting  
24 arrest.

25       38. Plaintiff is also entitled to bring this action for denial of adequate  
26 medical care regardless of whether he is convicted of any crime.

27       39. Plaintiff submitted a complaint about his treatment in Kings County  
28 jail related to his eye injury while he was still in jail. He never received a

1 response. On information and belief no investigation was ever conducted, and  
2 Defendant County of Kings deliberately ignored Plaintiff's complaint,  
3 demonstrating a County policy of deliberate indifference, and of encouraging  
4 deliberate indifference among its employees by failing to investigate, discipline, or  
5 retrain employees who are found to have been deliberately indifferent.

6 **E. Damages Sustained As Result of Defendants' Conduct**

7 40. As a result of Leeds' conduct, Plaintiff suffered great pain and injuries  
8 to his head and leg and elsewhere on his body, and a separated rib; he was forced  
9 to get stitches in his lip and see a neurologist, and suffered a dislocated lens and  
10 has now lost vision in his right eye.

11 41. As a result of Defendant County of Kings' conduct, Plaintiff was  
12 denied all medical possibility of recovering his vision after Defendant Leeds'  
13 conduct dislocated his lens.

14 42. Plaintiff previously worked as a roofing contractor and was able to  
15 earn over \$800,000 per year in gross income during good economic times.  
16 Plaintiff now cannot work as a roofing contractor, as a result of his injuries caused  
17 by Defendants' wrongful conduct.

18 43. Plaintiff has suffered significant emotional distress as a result of  
19 Defendants' actions as well.

20 44. Defendants' actions were undertaken with malice and oppression and  
21 with a conscious disregard for Plaintiff's rights, entitling Plaintiff to seek punitive  
22 damages.

23 **V. CLAIMS**

24 **FIRST CLAIM FOR RELIEF**

25 **(Unreasonable Search and Seizure and Excessive Force in Violation of**

26 **Fourth Amendment)**

27 **(Against Defendant Leeds)**

1 45. Plaintiff realleges and incorporates by reference herein each and every  
2 allegation set forth in paragraphs 1 through 44.

3 46. On January 1, 2016, Defendant Leeds unreasonably seized Plaintiff in  
4 violation of his Fourth Amendment rights despite the fact that Plaintiff had done  
5 nothing wrong and Defendant Leeds did not have probable cause to stop Plaintiff.

6 47. Defendant Leeds further used excessive force against Plaintiff,  
7 because even if Plaintiff were guilty of riding his bicycle in the wrong lane of  
8 traffic on a small, untrafficked residential street, as Defendant Leeds later claimed,  
9 ramming Plaintiff with a police car while Plaintiff was on his bicycle, a use of  
10 deadly force, was excessive in relation to a bicycle violation.

11 48. Defendant Leeds further used excessive force against Plaintiff by  
12 striking him repeatedly in the torso and head and face, dislocating a rib and his  
13 right eye lens, despite the fact that Plaintiff never made any effort to resist  
14 Defendant Leeds and despite the fact that Defendant Leeds knew or should have  
15 known that Plaintiff was unable to process commands normally after being struck  
16 by a car.

17 49. As a result of being arrested by Defendant Leeds, Plaintiff was  
18 unreasonably searched, his identifying information recorded, and had his  
19 belongings taken from him.

20 50. At all relevant times, Defendant Leeds acted under color of law as a  
21 duly authorized employee of the Hanford Police Department.

22 51. Defendant Leeds, acting in his individual capacity, unreasonably  
23 seized and unreasonably searched Plaintiff, and used excessive force in doing so,  
24 in violation of his Fourth Amendment rights, causing him damages in an amount to  
25 be proven at trial.

26 52. Defendant's conduct deprived Plaintiff of his rights, also causing him  
27 damages in an amount to be proven at trial. Plaintiff experienced significant  
28 emotional distress as a result of Defendant Leeds' actions. Plaintiff is entitled to

1 compensation for the emotional distress he experienced as a result of Defendant's  
2 conduct; costs and reasonable attorney's fees incurred in prosecuting this claim for  
3 relief; and punitive damages, since Defendant Leeds' actions were malicious,  
4 willful, committed with the specific intent to deprive Plaintiff of his rights, and/or  
5 in conscious disregard for Plaintiff's rights. Plaintiff is also entitled to injunctive  
6 relief preventing Defendant Leeds from similar unlawful conduct against him in  
7 the future.

8  
9 **SECOND CLAIM FOR RELIEF**

10 **(Violation of Fourteenth Amendment – Denial of Medical Care)**

11 **(Against Defendant County of Kings and Does 1-10)**

12 53. Plaintiff realleges and incorporates by reference herein each and every  
13 allegation set forth in paragraphs 1 through 52.

14 54. After a doctor diagnosed Plaintiff with a dislocated lens and  
15 recommended that Plaintiff follow up with an ophthalmologist, Defendant County  
16 of Kings knew that Plaintiff was suffering from a serious medical condition  
17 requiring immediate medical care.

18 55. Defendant County of Kings never sent Plaintiff to a doctor capable of  
19 treating his dislocated lens, thus failing to provide appropriate medical care to  
20 Plaintiff, and instead sent him to an optometrist, refusing to acknowledge despite  
21 Plaintiff's repeated complaints that this was inadequate medical care.

22 56. Defendant County of Kings, at all times acting under color of law,  
23 unlawfully deprived Plaintiff of his right to medical care. Despite actual  
24 knowledge that he needed to see an ophthalmologist to treat his dislocated lens,  
25 Defendants failed and refused to send Plaintiff to one in spite of being notified that  
26 they needed to do so.

1           57.    Doe Defendants working for the County of Kings intentionally told  
2 Plaintiff the falsehood that he needed to pay in advance for his medical care and  
3 for his transport to see an ophthalmologist.

4           58.    At all relevant times, Defendants County of Kings and Does 1-10  
5 conspired with each other to harm Plaintiff and violate his Fourteenth Amendment  
6 right to adequate medical care.

7           59.    Defendants' conduct deprived Plaintiff of his rights, also causing him  
8 damages in an amount to be proven at trial. Plaintiff experienced significant  
9 emotional distress as a result of Defendants' actions. Plaintiff is entitled to  
10 compensation for the emotional distress he experienced as a result of Defendants'  
11 conduct; costs and reasonable attorney's fees incurred in prosecuting this claim for  
12 relief; and punitive damages, since Defendants County of Kings and Does' actions  
13 were malicious, willful, committed with the specific intent to deprive Plaintiff of  
14 his rights, and/or in conscious disregard for Plaintiff's rights.  
15

### 16                           **THIRD CLAIM FOR RELIEF**

#### 17                                   **(Battery)**

#### 18   **(Defendant Leeds)**

19           60.    Plaintiff realleges and incorporates by reference herein each and every  
20 allegation set forth in paragraphs 1 through 59.

21           61.    On January 1, 2016, Defendant Leeds rammed Plaintiff using a  
22 vehicle, grabbed Plaintiff violently and pushed him around while he was in pain,  
23 and punched Plaintiff repeatedly in the face, head and body. Defendant Leeds'  
24 intent in touching Plaintiff in these ways was to harm and offend him.

25           62.    Plaintiff did not consent to be touched by Defendant Leeds at all, and  
26 Defendant Leeds had no legal right to do so.

27           63.    Plaintiff was harmed and offended by Defendant Leeds' conduct.  
28

1           64. A reasonable person would have been harmed and offended by  
2 Defendant Leeds' conduct.

3           65. Defendant Leeds' conduct caused Plaintiff damages in an amount to  
4 be proven at trial.

5           66. Defendant's conduct deprived Plaintiff of his rights, also causing him  
6 damages in an amount to be proven at trial. Plaintiff experienced significant  
7 emotional distress as a result of Defendant Leeds' actions. Plaintiff is entitled to  
8 compensation for the emotional distress he experienced as a result of Defendant's  
9 conduct; costs and reasonable attorney's fees incurred in prosecuting this claim for  
10 relief; and punitive damages, since Defendant Leeds' actions were malicious,  
11 willful, committed with the specific intent to deprive Plaintiff of his rights, and/or  
12 in conscious disregard for Plaintiff's rights. Plaintiff is also entitled to injunctive  
13 relief preventing Defendant Leeds from similar unlawful conduct in the future.

14  
15                                   **FOURTH CLAIM FOR RELIEF**

16   **(Conversion)**

17                                   **(Defendants County of Kings and Hanford Police Department)**

18           67. Plaintiff realleges and incorporates by reference herein each and every  
19 allegation set forth in paragraphs 1 through 66.

20           68. When Plaintiff was booked into Kings County Jail, Defendant County  
21 of Kings booked all of his property as evidence and deprived him of access to it;  
22 later, Defendant County of Kings sent the property to Defendant Hanford Police  
23 Department, which knowingly allowed the property to be destroyed without notice  
24 to Plaintiff or his counsel. This conduct permanently depriving Plaintiff of the use  
25 and enjoyment of, among other things, his bicycle, his phone, a jacket that was in  
26 his possession, and a bag. Defendants' conduct caused Plaintiff damages in an  
27 amount to be proven at trial.

1 69. On information and belief, Defendant Hanford Police Department has  
2 a policy, custom, or practice of destroying exculpatory evidence after six months  
3 without regard to whether there is an associated case still ongoing, without regard  
4 to whether the owner or his or her counsel has been notified, and without regard to  
5 whether the owner is currently incarcerated and may be unable to respond timely to  
6 a notice to retrieve the property prior to destruction.

7 70. Defendant's conduct deprived Plaintiff of his rights, also causing him  
8 damages in an amount to be proven at trial. Plaintiff also is entitled to injunctive  
9 relief to prevent Defendant Hanford Police Department from continuing its  
10 unlawful policy.

#### VI. PRAYER FOR RELIEF

11  
12  
13 WHEREFORE, Plaintiff prays that this Court enter judgment in favor of  
14 Plaintiff and against each Defendant on all counts, and for the following additional  
15 relief:

- 16 1. Award actual damages and all other damages that may be allowed under  
17 state and federal law to Plaintiff;
- 18 2. Award punitive damages in the amount of at least six months' salary  
19 against Defendant Leeds;
- 20 3. Award Plaintiff costs and reasonable attorneys' fees pursuant to 42  
21 U.S.C. 1988;
- 22 4. Award Plaintiff costs of suit;
- 23 5. Award Plaintiff pre- and post-judgment interest as permitted by law;
- 24 6. Award Plaintiff injunctive relief; and
- 25 7. Award such other and further relief as the Court may deem just and  
26 appropriate.

27  
28 DATED: March 23, 2017





By: /s

Morgan Ricketts

Attorneys for Plaintiff Michael Valdez

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**VII. DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury.

DATED: March 16, 2017

By:  /s \_\_\_\_\_

Morgan Ricketts

Attorneys for Plaintiff Michael Valdez

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