

MURPHY, BYRON #065865  
Name and Prisoner/Booking Number

Florence / Cook Unit  
Place of Confinement

ARIZONA STATE PRISON (EYMAN)  
Mailing Address

P.O. Box 3200 Florence, AZ 85232  
City, State, Zip Code

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AUG 29 2006	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	E DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

MURPHY, BYRON  
(Full Name of Plaintiff) Plaintiff,

vs.

CASE NO. 2:06-CV-1732

(To be supplied by the Clerk)

GORDWIN, JOE ET-AL.  
FEDERAL BUREAU OF INVESTIGATION

(Full Name of Each Defendant) Defendant(s).

CIVIL RIGHTS COMPLAINT  
BY A PRISONER

JURY TRIAL Demanded

- ☐ 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)(3); 42 U.S.C. § 1983
  - ☐ 28 U.S.C. § 1331; Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).
  - ☐ Other: (Please specify.) \_\_\_\_\_

2. Name of Plaintiff: MURPHY, BYRON  
Present mailing address: ARIZONA STATE COMPLEX EYMAN / COOK UNIT  
(Failure to notify the Court of your change of address may result in dismissal of this action.)

Institution/city where violation occurred: 4th Ave County Jail Maricopa County

3. Name of first Defendant: Joe L Gordwin. The first Defendant is employed as:  
Federal Bureau of Investigation at F.B.I Agent  
(Position and Title) (Institution)

The first Defendant is sued in his/her: ☒ individual capacity ☒ official capacity (check one or both).

Explain how the first Defendant was acting under color of law: Under the color of law  
He Violated my 1st, 8th, 14th amendment

4. Name of second Defendant: Federal Bureau of Investigation. The second Defendant is employed as:  
Director at F.B.I  
(Position and Title) (Institution)

The second Defendant is sued in his/her: ☐ individual capacity ☒ official capacity (check one or both).

Explain how the second Defendant was acting under color of law: allowed and conspired  
With said agent to infringe upon my rights

5. Name of third Defendant: \_\_\_\_\_ The third Defendant is employed as:  
\_\_\_\_\_  
(Position and Title) (Institution)

The third Defendant is sued in his/her: ☐ individual capacity ☐ official capacity (check one or both).

Explain how the third Defendant was acting under color of law: \_\_\_\_\_

6. Name of fourth Defendant: \_\_\_\_\_ The fourth Defendant is employed as:  
\_\_\_\_\_  
(Position and Title) (Institution)

The fourth Defendant is sued in his/her: ☐ individual capacity ☐ official capacity (check one or both).

Explain how the fourth Defendant was acting under color of law: \_\_\_\_\_

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

## B. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
2. If your answer is "yes," how many lawsuits have you filed? 0. Describe the previous lawsuits in the spaces provided below.
3. First prior lawsuit:
- a. Parties to previous lawsuit:
- Plaintiff: \_\_\_\_\_
- Defendants: \_\_\_\_\_

- b. Court: (If federal court, identify the district; if state court, identify the county.) \_\_\_\_\_
- c. Case or docket number: \_\_\_\_\_
- d. Claims raised: \_\_\_\_\_
- e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
- f. Approximate date lawsuit was filed: \_\_\_\_\_
- g. Approximate date of disposition: \_\_\_\_\_

4. Second prior lawsuit:

- a. Parties to previous lawsuit:  
Plaintiff: \_\_\_\_\_  
Defendants: \_\_\_\_\_
- b. Court: (If federal court, identify the district; if state court, identify the county.) \_\_\_\_\_
- c. Case or docket number: \_\_\_\_\_
- d. Claims raised: \_\_\_\_\_
- e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
- f. Approximate date lawsuit was filed: \_\_\_\_\_
- g. Approximate date of disposition: \_\_\_\_\_

5. Third prior lawsuit:

- a. Parties to previous lawsuit:  
Plaintiff: \_\_\_\_\_  
Defendants: \_\_\_\_\_
- b. Court: (If federal court, identify the district; if state court, identify the county.) \_\_\_\_\_
- c. Case or docket number: \_\_\_\_\_
- d. Claims raised: \_\_\_\_\_
- e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
- f. Approximate date lawsuit was filed: \_\_\_\_\_
- g. Approximate date of disposition: \_\_\_\_\_

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

## C. CAUSE OF ACTION

### COUNT I

1. The following constitutional or other federal civil right has been violated by the Defendant(s): any and all pretrial detainees are protected by the constitution and the Bill of rights they have violated my 1<sup>st</sup>, 8<sup>th</sup>, and 14<sup>th</sup> amendments
2. Count I involves: (Check **only one**; if your claim involves more than one issue, each issue should be stated in a different count)
- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Mail                          | <input type="checkbox"/> Access to the court         | <input type="checkbox"/> Medical care         |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property                    | <input type="checkbox"/> Exercise of religion |
| <input type="checkbox"/> Excessive force by an officer | <input checked="" type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |

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

on or about March 17<sup>th</sup> of 2005 I was visited by a Federal agent Joe L. Goodwin he had no Federal reason to be visiting me yet he used his official capacity to gain access to me he was not and is not a personal friend of mine and there was not a federal case against me he used his federal authority to gain access to threaten my life and my families life, he also fraudulently used his position to talk surrounding Valley police department to place Surveillance Watcher on me and my businesses, during his illegal activities he approached the prosecutor on my State charges and demanded that he pursue the maximum amount of time he took my wife to meetings of official business in order to scare her into continuing an affair with him he threatened my life and refused to stop visiting me until the prosecutor on the case informed him that it was getting around that he was tampering with a case in state court, and causing great and unusual punishment, said officer grossly abused and misused his authority as an F.B.I. agent.

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

Mental anguish loss of future earnings and the suffering of slander throughful impairment

### 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 to the highest level, briefly explain why you did not. 17/11

## COUNT II

1. The following constitutional or other federal civil right has been violated by the Defendant(s): any and all pretrial detainees are protected by the constitution and the Bill of rights they violated my 1<sup>st</sup>, 8<sup>th</sup>, 14<sup>th</sup> amendment

2. Count II involves: (Check **only one**; if your claim involves more than one issue, each issue should be stated in a different count)

<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input checked="" type="checkbox"/> Retaliation
<input type="checkbox"/> Other: _____		

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

It is my contention that the Federal Bureau of Investigation was and is derelict in their official capacity as a protector of the people by allowing one of their officers to go on a illegal spree of false accusation that led to the Simvalerka that when not warranted also it is their responsibility to guarantee the safety of any and all americans from cruel and unusual punishment that is guaranteed by the constitution, it is also my position that the threats of death and coercion into an affair by these officer is also within the scope of their authority of protection for the public, they had an have a rogue officer and one allowing his activities to continue even after the internal affairs department came to enquire about his activities his name was Jeff Cambouch from internal affairs.

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

Mental anguish, loss of my freedom, loss of my earnings and my family has been destroyed

5. **Administrative Remedies:**

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

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#### D. REQUEST FOR RELIEF

State briefly exactly what you want the Court to do for you.

Due to the gross miscarriage of justice I have suffered they have committed gross negligence loss of future earnings of \$1M Seeking injunctive relief along with monetary relief and equity relief.

I am Seeking the amount of \$5,000,000.00 dollars for the gross negligence

I am Seeking the amount of \$5,000,000.00 dollars for the punitive damages

I am Seeking the amount of \$5,000,000.00 dollars for the loss of future Earnings

I am seeking injunctive relief in the manner prescribed by juris-prudence

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

Executed on 08/19/06  
DATE

Byron Murphy  
SIGNATURE OF PLAINTIFF

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

/  
(Signature of attorney, if any)

(Attorney's address & telephone number)

#### ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If needed, you may attach no more than fifteen additional pages. The form, however, must be completely filled in to the extent applicable.