

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY  DEPUTY

RUBEN YZQUIERDO
Plaintiff

vs.

WILLIAMSON COUNTY
and the WILLIAMSON
COUNTY SHERIFF'S DEPARTMENT

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CASE NO.

A11CA403 SS

PLAINTIFF'S ORIGINAL COMPLAINT

COMES NOW Plaintiff, Ruben Yzquierdo, and files this, his Plaintiff's Original Complaint, and for cause of action would respectfully show as follows:

I. PARTIES

1. Plaintiff Ruben Yzquierdo is a resident of Williamson County, Texas.
2. Defendant Williamson County may be served with process by serving Dan Gattis, Williamson County Judge, at 710 S. Main Street, Suite 110, Georgetown, Texas 78626.
3. Defendant Williamson County Sheriff's Department may be served with process by serving James Wilson, Williamson County Sheriff, at 508 S. Rock Street, Georgetown, Texas 78626.

II. JURISDICTION

4. This Court has jurisdiction over this lawsuit pursuant to 28 U.S.C. §1331, because the claims involve a question of federal law under 42 U.S.C. §1983. This Court further has pendant and ancillary jurisdiction over the related state-law claims pursuant to 28 U.S.C. § 1367 (a).

III. VENUE

5. Venue is proper in this cause in the Western District of Texas pursuant to 28 U.S.C.

§1391(a)(2) because all or substantial part of the events which gave rise to this cause of action occurred in the Western District of Texas.

IV. FACTS

6. On May 15, 2009, Plaintiff was arrested for driving while intoxicated by the Leander Police Department and transported to the Williamson County Jail.
7. While in custody at the jail, Yzquierdo was physically ill, his gait was unsteady and he fell to the floor in his cell. This fall was witnessed by Officer Johnson, an employee of the Williamson County Sheriff's Department.
8. Yzquierdo was taken before Magistrate Judge Wayne Porter and, after this appearance, the magistrate told personnel with the Sheriff's Department that Yzquierdo needed medical attention and should be taken to the hospital. This request was ignored and Yzquierdo was returned to the jail.
9. Yzquierdo remained at the jail for at least another 12 hours before he was finally transported to Seton hospital. Yzquierdo was in a coma for approximately 10 days and remained at Seton for approximately 3 weeks. Subsequent to his release, he was in physical rehabilitation for 3-4 weeks. There were also indications that Yzquierdo may have been assaulted while in custody.
10. Yzquierdo had to relearn even the most basic functions of life and continues to suffer from physical and mental problems as a result of this ordeal.

V. CAUSES OF ACTION

11. Plaintiff re-alleges paragraphs 1 through 10 inclusive, with regard to all causes of action.

A.
CLAIMS UNDER 42 U.S.C. §1983 AND THE 4TH, 8TH AND 14TH
AMENDMENTS TO THE U.S. CONSTITUTION AS TO ALL DEFENDANTS

12. The Defendants acting under the color of law and acting pursuant to customs and policies of Williamson County deprived Plaintiff of rights and privileges secured to him by the Fourth, Eighth, and Fourteenth amendments to the United States Constitution and by other laws of the United States, by failing to provide proper medical treatment, by failing to protect him and through indifference to his medical needs, in violation of 42 U.S.C. §1983 and related provisions of federal law and in violation of the cited constitutional provisions.
13. On information and belief, Defendants, acting through official policies, practices, and customs, and with deliberate, callous, and conscious indifference to the constitutional rights of Plaintiff, and all other detainees in the Williamson County Jail, failed to implement the policies, procedures and practices necessary to provide constitutionally adequate medical services to Plaintiff during his incarceration in the Williamson County Jail and implemented policies, procedures and practices which actually interfered with or prevented Plaintiff from receiving medical services and medication. Furthermore, the conditions complained of were not reasonably related to any legitimate governmental objective.
14. These actions by the Defendants subjected Plaintiff to confinement with constitutionally inadequate medical services, and medical care, such as:
 - a. medical records that are accurate, complete and transmitted to the proper medical professionals in the Williamson County Jail;
 - b. confinement conditions that ensure safe, humane and decent conditions.
15. These actions by the Defendants further violated the rights of Plaintiff through the

Defendants' policies such as:

- a. the failure to properly monitor the confinement of inmates to ensure that they were receiving appropriate medical services and medication.
16. The Defendants, as applicable, intentionally, and with deliberate indifference, deprived Plaintiff of his clearly established federal constitutional rights, including, but not limited to:
- a. his right to reasonably safe conditions of confinement;
 - b. his right to receive proper medical services and medications for any serious medical condition; and
 - c. his right to be free from cruel and unusual punishment.
17. Defendants, through these actions, proximately caused the deprivation of Plaintiff's rights to due process of law and rights to be free from cruel or unusual punishment subjecting him to periods of incarceration under unduly painful, horrifying and dangerous conditions resulting in the injuries of Plaintiff. The actions of the Defendants were singularly or in combination, a legal cause of injuries to Plaintiff.

VI. DAMAGES

18. As a result of the above-noted violations, Plaintiff incurred significant damages. His dignity and faith in the civil servants of Williamson County have been irreparably destroyed. Plaintiff also suffered significant physical pain both during and subsequent to his medical treatment. Yzquierdo also suffered, and continues to suffer, significant mental anguish and distress. Moreover, Plaintiff is entitled to punitive damages from Doe, as his actions were clearly motivated by anger, malice and evil motive. Plaintiff is further entitled to attorney's fees, costs of suit and prejudgment interest.

VII. PRAYER

39. Plaintiff prays that, upon trial before a jury of his peers, that she be granted the relief set forth above and all other relief to which he shows himself justly entitled in law and equity.

Respectfully Submitted,

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