

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

**JOSEPH ANTHONY HANZICH,**  
**INDIVIDUAL**  
*Plaintiff,*

**V.**

**NACOGDOCHES COUNTY, TEXAS;**  
**JASON BRIDGES, BRYLEE GARZA,**  
**PRESTON JOHNSON, JACOB BRADSHAW,**  
**ALEXANDER RILEY, JUAN MERCADO,**  
**and UNKNOWN JAILER**  
**In their individual capacities,**  
*Defendants.*

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**CIVIL ACTION NO.**

**JURY TRIAL DEMANDED**

**PLAINTIFF JOSEPH HANZICH**

**ORIGINAL COMPLAINT**

**TO THE HONORABLE JUDGE OF THE COURT:**

**NOW COMES** Plaintiff **Joseph Anthony Hanzich** and complains of the **County of Nacogdoches, Texas, Sheriff Jason Bridges, Brylee Garza, Isaac Ferguson, Jacob Bradshaw, Alexander Riley, Juan Mercado and Unknown Jailer** all named Individually and as Nacogdoches County Employees. Plaintiff Joseph Hanzich will show the Court the following:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over Plaintiff's federal claims under 28 U.S.C. § 1331, 42 U.S.C. §§ 1983 and 1988, and supplemental jurisdiction under 28 U.S.C. § 1367(a) to hear Plaintiff's state law claims.
2. Venue is proper in this Court, under 24 U.S.C. § 1391(b) because the incident at issue took place in Nacogdoches County, Texas within the United States Eastern District of Texas, Lufkin Division.

**PARTIES**

3. Plaintiff **Joseph Anthony Hanzich** is a resident of Nacogdoches County, Texas. Joseph Hanzich is represented by attorney Paul Anderson of Paul Anderson, PLLC, 601 North Street, Nacogdoches Texas 75961.

4. Defendant, the **County of Nacogdoches, Texas**, is a government entity existing under the laws of the State of Texas and is located within the U.S. Eastern District. The County of Nacogdoches operates the Nacogdoches Sheriff's Department and the Nacogdoches County Jail. The County of Nacogdoches finances and operates the jail, employees and compensates the jail's staff, and is charged with ensuring that, at all times, the jail remains in compliance with federal law and the United States Constitution. The County of Nacogdoches can be served through County Judge Greg Sowell at 1010 West Main St., Suite 170, Nacogdoches, Texas 75961. The County of Nacogdoches is represented by Nacogdoches County Attorney John Fleming, Nacogdoches County Attorney's Office, 101 West Main Street, Suite 230, Nacogdoches, Texas.

5. Defendant **Sheriff Jason Bridges** was, at all relevant times, the elected sheriff of Nacogdoches County. At all relevant times, Sheriff Bridges was the policy maker for the jail, and responsible for supervising all operations in the jail, and acting under the color of law. Sheriff Bridges may be served at the Nacogdoches County Sheriff's Office, 2306 Douglas Road, #102, Nacogdoches, Texas 75964, or wherever he may be found.

6. Defendant **Brylee Garza** was, at all relevant times, a jailer employed by Nacogdoches County and the Nacogdoches County Jail. At all relevant times, Brylee Garza was acting under color of law and obligated to follow the policies and procedures of Nacogdoches County, and all state a federal law. Ms. Garza can be served this summons at her place of employment, the Nacogdoches County Court at Law (Jack Sinz presiding). 101 W Main St, Ste 240, Nacogdoches, TX 75961 or wherever she may be found.

7. Defendant **Isaac Ferguson**, was, at all relevant times, a jailer employed by Nacogdoches County and the Nacogdoches County Jail. Isaac Ferguson can be served with process of summons at his place of

employment, the Nacogdoches County Sheriff's Office, 2306 Douglas Road, #102, Nacogdoches, Texas 75964, or wherever he may be found.

8. Defendant **Jacob Bradshaw**, was, at all relevant times, a jailer employed by Nacogdoches County and the Nacogdoches County Jail. Jacob Bradshaw is an employee of Nacogdoches County and can be served with process at the Nacogdoches County Sheriff's Office, 2306 Douglas Road, #102, Nacogdoches, Texas 75964.

9. Defendant **Juan Mercado**, was, at all relevant times, a jailer employed by Nacogdoches County and the Nacogdoches County Jail. Juan Mercado is an employee of Nacogdoches County and can be served with process at the Nacogdoches County Sheriff's Office, 2306 Douglas Road, #102, Nacogdoches, Texas 75964.

10. Defendant **Preston Johnson**, was, at all relevant times, a jailer employed by Nacogdoches County and the Nacogdoches County Jail. Preston Johnson is an employee of Nacogdoches County and can be served with process at the Nacogdoches County Sheriff's Office, 2306 Douglas Road, #102, Nacogdoches, Texas 75964.

11. The **Unknown and Unidentified Defendant** was, at all relevant times, a jailer employed by Nacogdoches County and the Nacogdoches County Jail. The Unknown Jailer is an employee of the Nacogdoches Sheriff's and can be served through Nacogdoches County Attorney John Fleming. Nacogdoches County Attorney's Office, 101 West Main Street, Suite 230, Nacogdoches, Texas or the Nacogdoches County Sheriff's Office, 2306 Douglas Road, #102, Nacogdoches, Texas 75964.

#### **THE NOVEMBER 8<sup>th</sup>, 2021 ASSAULT**

12. Plaintiff Joseph Hanzich was a custodial inmate of the Nacogdoches County Jail on November 8th, 2021. At approximately 5:50 p.m., Hanzich was ordered to leave his jail cell. In the ensuing incident Hanzich was tackled and repeatedly punched by Nacogdoches County Sheriff's Office jailers without provocation. Hanzich was handcuffed and put into a restraint chair. While he was restrained and immobile, he was choked, punched, and taunted by the officers. Then, while completely restrained, Hanzich was

suddenly and without warning, injected with a syringe containing an unknown chemical into his arm by a jailer. Hanzich convulsed and lost consciousness. The assault, injection and seizure were recorded on video.<sup>1</sup>

13. After Hanzich regained consciousness, he remained restrained in the chair for two hours with no medical attention before being moved to solitary confinement. Hanzich was denied medical care and was unable to file any complaints until four days after the assault. Nacogdoches County Sheriff's Detectives later admitted that Plaintiff Joseph Anthony Hanzich had been misidentified as another more violent inmate named Anthony Joseph Piazzia.

14. Disturbing video exists of the November 8<sup>th</sup>, 2021 assault on Plaintiff Joseph Hanzich in the Nacogdoches County Jail by the defendants. Undoubtedly, the jailers and Nacogdoches County did not expect the video of the incident to be seen or produced, but it was, ironically, as evidence to prosecute the Plaintiff.

15. Mr. Hanzich was criminally charged with a felony for assault on the jailers on November 8<sup>th</sup>, 2021 by Nacogdoches County District Attorney Andrew Jones. The criminal case against Plaintiff Hanzich is currently set for trial on September 24<sup>th</sup>, 2023. (**F2226206**; *State of Texas v Joseph Hanzich*; In the 145<sup>th</sup> Judicial District Court, Nacogdoches County, Texas.)

16. On December 14<sup>th</sup>, 2021 District Attorney Andrew Jones invited Plaintiff Joseph Hanzich IV, his father Joseph Hanzich III, and mother Dana Hanzich to meet at his office and review the evidence for the criminal charges against the Plaintiff.<sup>2</sup> Plaintiff's father Joseph Hanzich III and mother Dana Hanzich both viewed a video recording of the November 8<sup>th</sup>, 2021 assault with Nacogdoches County District Attorney Andrew Jones in mid-December of 2021. All three have produced affidavits based on the viewing the video recording of the incident and those affidavits are attached as:

Exhibit "A" – Joseph Hanzich IV – June 29<sup>th</sup>, 2022 Affidavit;

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<sup>1</sup> Hanzich believes there are two video recordings (views), and possibly a third camera recording, of the incident.

<sup>2</sup> Joseph Hanzich III passed away suddenly the evening of Thursday, May 4<sup>th</sup>, 2023.

Exhibit “B” – Joseph Hanzich III – June 29<sup>th</sup>, 2022 Affidavit;

Exhibit “C” – Dana Hanzich - June 29<sup>th</sup>, 2022 Affidavit; and,

Exhibit “D” – Joseph Hanzich IV – May 3<sup>rd</sup>, 2023 Affidavit.

17. Plaintiff Joseph Hanzich (IV) has viewed the video twice and prepared two affidavits.

18. At some point after the assault and Plaintiff Joseph Hanzich was completely confined in a restraint chair, he was “given an injection by a male nurse wearing black scrubs, and then I go into what appears to be a seizure.” See Joseph Hanzich’s Affidavits, Exhibit “A” and “D”.

19. In contrast to the events described by the Plaintiff, his father and mother in sworn affidavits (after viewing the video in detail), there were at least six incident reports prepared Nacogdoches County jailers. The falsities, irregularities and inconsistencies found in every incident report are blatant, intentional and shocking when compared to the reality of the video.

20. Outrageously, not one single Nacogdoches County jailer incident report mentions the injection of Joseph Hanzich, nor his convulsions, unconsciousness and subsequent use of ammonia smelling salts.

21. See attached:

Exhibit “E” – Sgt. Brylee Garza, SO# 74577 Incident Report November 8<sup>th</sup>, 2021;

Exhibit “F”: - Alexander Riley, SO# 74577 Incident Report November 8<sup>th</sup>, 2021;

Exhibit “G” – Preston Johnson, SO# 74577 Incident Report November 8<sup>th</sup>, 2021;

Exhibit “H” – Jacob Bradshaw, SO# 74577 Incident Report November 8<sup>th</sup>, 2021; and,

Exhibit “I” – Juan Mercado, SO# 74577 Incident Report November 8<sup>th</sup>, 2021.

22. On June 28<sup>th</sup>, 2022 Joseph Hanzich requested his medical records from the Nacogdoches County Jail through a Texas Public Information Act request. In the approximately 37 pages of medical records produced on July 14<sup>th</sup>, 2022 by the Nacogdoches County Sheriff’s Office there is absolutely no reference to the injection by syringe, convulsions or use of smelling salts. For HIPPA purposes the referenced Plaintiff’s medical records are withheld as an exhibit to this complaint.

23. There is absolutely no medical or written evidence of Joseph Hanzich being “given an injection by a male nurse wearing black scrubs, and then I go into what appears to be a seizure,” except the display of the assault by syringe seen on video recordings of the incident.

**A Brutal Case of Mistaken Identity**

24. To add insult to injury, Plaintiff Joseph Hanzich was misidentified as being another inmate named Anthony Joseph Piazza. Mr. Piazza was wanted by the Nacogdoches County Sheriff’s Office for serious felonies including aggravated family violence. Nacogdoches County Sheriff’s Detectives apologetically tell Dana Hanzich that The Nacogdoches County jailers confused Plaintiff Joseph Anthony Hanzich with Anthony Joseph Piazza (who both look physically similar) and beat the wrong inmate. See Exhibit “C” – Dana Hanzich - June 29<sup>th</sup>, 2022 Affidavit.

25. Dana Hanzich’s April 29<sup>th</sup>, 2022 affidavit states that after she contacted the Nacogdoches County Sheriff’s Office and repeatedly insisted that Nacogdoches County had misidentified her son and were mistreating the wrong person, “[T]he detectives came back on the speaker phone laughing and apologizing that they had the wrong inmate and that they were sorry for any confusion or issues this may have caused.” See Exhibit “C” – Dana Hanzich - June 29<sup>th</sup>, 2022 Affidavit.

26. On June 30<sup>th</sup>, 2022 Nacogdoches County was put on notice not to spoliage, tamper, alter, modify, edit or change any records related to the Hanzich November 8<sup>th</sup>, 2021 assault. See attached Exhibit “J” – June 30<sup>th</sup>, 2022 Letter to Nacogdoches County Judge Greg Sowell and Nacogdoches County Attorney John Fleming.

27. The jury and Court will need to look no further than the video recordings for proof of Plaintiff’s allegations.

28. The allegations and claims of this lawsuit are based on comparing the sequence of events seen in the Hanzich video to the incident reports prepared by the Defendants. Not only are the reports false, but the reports are also consistently all false. In fact, not only did these deputies conspire to conceal the facts of the November 8<sup>th</sup>, 2021 incident by writing nearly identical narratives, they all conspired to omit crucial

facts, including, but certainly not limited to, the injection by syringe clearly seen in the video but never reported.

### CLAIMS

#### **42 U.S.C. § 1983 - 4<sup>th</sup> and 14<sup>th</sup> Amendment**

29. Plaintiff incorporates all preceding paragraphs by reference for all intents and purposes.

30. Plaintiff Joseph Hanzich brings claims for actual damages and punitive damages against all Defendants under 42 U.S.C. § 1983 because the Defendants, acting under the color of law, assaulted Joseph Hanzich in violation of his protected rights under the 4th and 14th Amendments of the U.S. Constitution.

31. The 4<sup>th</sup> Amendment guarantees the right of a person “to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. Const. Amend. IV. The 14<sup>th</sup> Amendment guarantees due process of law. Such violations are actionable pursuant to 42 U.S.C. Sections 1983 and 1988.

32. Where an individual’s conduct amounts to a mere “passive resistance,” use of force is not justified. *Trammell v. Fruge*, 868 F.3d 332, 341 (5th Cir. 2021).

33. The excessive force used by Nacogdoches County employees Sgt. Brylee Garza, Isaac Ferguson, Jacob Bradshaw, Preston Johnson, Juan Mercado, the Unknown Jailer and perhaps others on November 8<sup>th</sup>, 2021 against Joseph Hanzich was objectively unreasonable under the circumstances and inflicted unnecessary injury, pain, and suffering upon Joseph Hanzich.

34. "To prevail on an excessive-force claim, [a plaintiff] must show (1) injury, (2) which resulted directly and only from a use of force that was clearly excessive, and (3) the excessiveness of which was clearly unreasonable." *Cooper v. Brown*, 844 F.3d 517, 522 (5th Cir. 2016) (quoting *Elizondo v. Green*, 671 F.3d 506, 510 (5th Cir. 2012)).

35. Joseph Hanzich was injured from a use of force that did not consider or account for the fact that he was already physically subdued and constrained. The excessiveness of the force used against Joseph

Hanzich was extremely unreasonable because Plaintiff was blindsided by unexpected strikes to his head after and while he was physically constrained.

36. "Excessive force claims are necessarily fact-intensive; whether the force used is 'excessive' or 'unreasonable' depends on 'the facts and circumstances of each particular case.'" *Deville v. Marcantel*, 567 F.3d 156, 167 (5th Cir. 2009) (quoting at 704, *Graham v. Connor*, 490 U.S. 386, 396, 109 S.Ct. 1865, 104 L.Ed.2d 443 (1989)). In making this determination, a court should consider the totality of the circumstances, "including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." *Graham*, 490 U.S. at 396, 109 S.Ct. 1865. Joseph Hanzich was completely physically restrained when he was injected by an unknown chemical that caused convulsions. There was no imminent or immediate threat to the safety of any jailer.

37. The excessiveness of the force used against Joseph Hanzich was extremely unreasonable because Joseph Hanzich was literally blindsided by unexpected punches to his face while constrained, and then went into convulsions from a chemical injection after he was restrained.

38. "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Graham*, 490 U.S. at 396, 109 S.Ct. 1865. "The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." *Id.* at 396-97, 109 S.Ct. 1865. One or all of the Defendants struck or assaulted Joseph Hanzich after he was completely constrained. The situation was over, there was no need for split-second judgments.

39. "We have consistently held that a police officer uses excessive force when the officer chokes, punches, or kicks a suspect who is not resisting arrest." See, e.g., *Aguilar v. Robertson*, 512 Fed.Appx. 444, 450 (5th Cir. 2013) (per curiam); *McCaleb*, 480 Fed.Appx. at 773; *Sullivan v. Allred*, 297 Fed.Appx. 339, 342 (5th Cir. 2008) (per curiam); *Estate of Sorrells v. City of Dallas*, 45 Fed.Appx. 325 (5th Cir.



2002) (per curiam). Joseph Hanzich could not have been resisting restraint (arrest) because he was already restrained.

40. Joseph Hanzich was physically constrained and, while restrained, continued to be assaulted by Nacogdoches County jail employees who used excessive force causing medical injuries to Joseph Hanzich that persist today.

### **No Qualified Immunity**

41. Nacogdoches County Sheriff employees Brylee Garza, Isaac Ferguson, Jacob Bradshaw, Juan Mercado, Preston Johnson and the Unknown Jailer do not have qualified immunity under the facts and circumstances of this case.

42. Qualified immunity shields officers from liability unless their conduct violates "clearly established statutory or constitutional rights of which a reasonable person would have known." *Pearson v. Callahan*, 555 U.S. 223, 231 (2009) (quoting *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982)). When officers invoke qualified immunity at summary judgment, courts ask two questions: (1) whether the evidence viewed in the light most favorable to the plaintiff shows that the officers violated a constitutional right, and (2) whether the unlawfulness of their conduct was "clearly established" at the time. *District of Columbia v. Wesby*, 138 S. Ct. 577, 589 (2018).

43. To prevail on an excessive-force claim, the plaintiff must show (1) an injury, (2) that resulted "directly and only" from a use of excessive force, and (3) that the force used was "objectively unreasonable." *Flores*, 381 F.3d at 396.

44. A government official's conduct violates clearly established law when, at the time of the challenged conduct, '[t]he contours of [a] right [are] sufficiently clear' that every 'reasonable official would have understood that what he is doing violates that right.' *Anderson v. Creighton*, 107 S. Ct. 3034, 3039 (1987)). Of the six or more Nacogdoches County employees involved in the assault on Joseph Hanzich, at least one employee would have understood that what they were doing violated the law.

**Assault With a Deadly Weapon**

45. Under Federal definition an "assault" is an attempt with force or violence to do a corporal injury to another; may consist of any act tending to such corporal injury, accompanied with such circumstances as denotes at the time an intention, coupled with present ability, of using actual violence against the person. *Guarro v. United States*, 237 F.2d 578, 580 (D.C. Cir. 1956).

46. The Unknown and Unidentified Jailer Defendant used or exhibited a deadly weapon, to-wit a syringe and unknown chemical, that in the manner and means of its use and intended use was capable of causing death and serious bodily injury to Joseph Hanzich.

47. The Unknown and Unidentified Defendant intentionally, knowingly, and recklessly caused serious bodily injury to Joseph Hanzich by introducing an unknown chemical into his arterial system using a hypodermic needle, a syringe.

48. Assault and battery in Texas is 1) intentionally, knowingly, or recklessly; and 2) causing bodily injury to another, threatening another with imminent bodily injury, or causing physical contact with another when you know or should reasonably believe that the other will regard the contact as offensive or provocative. Tex. Penal Code Ann. § 22.01(a). The definition of assault is the same whether it is used pursuant to criminal prosecution or civil suit for damages. *Morgan v. City of Alvin*, 175 S.W.3d 408, 418 (Tex. App.-- Houston [1st Dist.] 2004, no pet.)

**Plaintiff Seeks to Establish a Monell Claim.**

49. In addition to, or in the alternative, Plaintiff Joseph Hanzich seeks to establish a "Monell" claim against the County of Nacogdoches. *Monell v. Dept. Social Services*; 436 U.S. 658 (more) 98 S. Ct. 2018; 56 L. Ed. 2d 611. A Monell Claim is a claim for monetary recovery against a local municipality, where officials have acted unconstitutionally pursuant to local law, custom or policy. In this lawsuit, Plaintiff alleges the County of Nacogdoches' failure to train or supervise its jailers. The Defendants have violated established constitutional rights. The Deputies' conduct, specifically of colluding and conspiring to falsify the incident and medical reports, resulted from a Nacogdoches County official policy, an unofficial

custom, or because the County was “deliberately indifferent” in failing to train or supervise its jailers. In this case, Plaintiff Hanzich’s injuries were caused by jailers acting through an official county policy. Plaintiff has *Monell* claims because he can demonstrate that the County Sheriff’s Office’s regulations, customs, or policies caused the alleged unconstitutional actions, in addition to the individual officers’ actions.

50. Joseph Hanzich asserts a *Monell* claim based on allegations the County of Nacogdoches intentionally and unconstitutionally does not enforce the Nacogdoches County Sheriff’s Office’s use of force and false reporting policies. Further, the County of Nacogdoches intentionally and unconstitutionally routinely ignores detainee emergency calls, is inadequately staffed, its jailers are inadequately supervised, fails to track and supervise the administration of medicines and drugs, and provide inadequate training for medical emergencies. The Nacogdoches County Jail is literally falling apart and the consequences are inflicted on detainees such as Joseph Hanzich.

51. These conditions are sufficiently well known and pervasive that they constitute Nacogdoches County policymaker’s intended conditions and practices at the Nacogdoches County Jail.

52. The policy, practice, customs and (video recorded) conduct of deliberate indifference by Nacogdoches County Sheriff Office employees has no legitimate purpose, were done with deliberate indifference to the health and safety of Plaintiff Joseph Hanzich.

53. The policy, practice, customs and (video recorded) conduct of deliberate indifference by Nacogdoches County Sheriff Office employees were actually known or constructively known by Nacogdoches County Sheriff Jason Bridges, Nacogdoches County Attorney John Fleming and Nacogdoches County Judge Greg Sowell.

54. The known and obvious consequences of these policies was that Nacogdoches County jailers would be placed in recurring situations in which the constitutional violations against Joseph Hanzich described in this Complaint would result. The policies of Nacogdoches County certainly made it highly

predictable that the violations alleged by Hanzich would, under the color of law, occur on November 8<sup>th</sup>, 2021.

55. Nacogdoches County policy makers, including Sheriff Jason Bridges, did nothing to protect the constitution rights of Joseph Hanzich or remedy the dangerous conditions at the jail.

#### **Conscious And Deliberate Indifference**

56. Plaintiff incorporates all preceding paragraphs by reference for all intents and purposes.

57. “If plaintiff’s allegations of excessive force are true, then each of the officer defendants either participated in applying force [to Lucas] or was present when the force was applied and failed to intervene.” Under either theory, “the law in this circuit [5<sup>th</sup>] holds that any of the individual officers could be liable for a violation of § 1983 if excessive force was in fact used.” *Khan v. Lee*, Civil Action No. 07-7272, 2010 WL 11509283, at \*3 (E.D. La. Dec. 2, 2010), *aff’d*, 683 F.3d 192 (5th Cir. 2012) (citing *Hale*, 45 F.3d at 919). A law enforcement officer “who is present at the scene and does not take reasonable measures to protect a suspect from another officer’s use of excessive force may be liable under section 1983.” *Hale v. Townley*, 45 F.3d 914, 919 (5<sup>th</sup> Cir. 1995).

58. Numerous law enforcement officers were present when Joseph Hanzich was punched in the head by Nacogdoches County employees Garza, Ferguson, Bradshaw, Johnson, Mercado and others on November 8<sup>th</sup>, 2021. No Nacogdoches County Sheriff’s employee, including Brylee Garza, Isaac Ferguson, Jacob Bradshaw, Preston Johnson, Juan Mercado and the Unknown Jailer intervened, interceded or protested the assault on Joseph Hanzich by one of their own.

59. The U.S. Second Circuit has stated that “law enforcement officials have an affirmative duty to intervene to protect the constitutional rights of citizens from infringement by other law enforcement officers in their presence.” *Anderson v. Branen*, 17 F.3d 522, 557 (2d Cir. 1994). *See also, Byrd v Brishke*, 466 F.2d 6, 11 (7<sup>th</sup> Cir. 1972) (“we believe it is clear that one who is given the badge of authority of a police officer may not ignore the duty imposed by his office and fail to stop other officers who summarily punish a third person in his presence or otherwise within his knowledge.”).

60. There is a well-developed body of case law in the Fifth Circuit specifically holding that the use of physical force against a restrained, passively resisting, or non-resisting subject violates the Constitution. See, e.g., *Bush v. Strain*, 513 F.3d 492, 501 (5th Cir. 2008) (objectively unreasonable to "forcefully slam Bush's face into a vehicle while she was restrained and subdued"); *Williams v. Bramet*, 180 F.3d 699, 704 (5th Cir. 1999) (allegation of choking that was not in response to any resistance or aggression by suspect in custody was "sufficient to assert a constitutional violation."), clarified by, 186 F.3d 633, 634 (5th Cir. 1999).

61. Nacogdoches County Sheriff's employees present on November 8<sup>th</sup>, 2021 during the assault on Joseph Hanzich are liable under §1983 under a theory of bystander liability when the officer "(1) knows that a fellow officer is violating an individual's constitutional rights; (2) has a reasonable opportunity to prevent the harm; and (3) chooses not to act." *Whitley*, 726 F.3d at 646. Nacogdoches County employees (jailers) were present on November 8<sup>th</sup>, 2021 and within several feet of Joseph Hanzich when jailers pummeled Joseph Hanzich about his body. All officers failed to either intervene or render aid.

62. "The court is well aware that personal civil liability for constitutional torts is based solely on individual conduct. But as the Fifth Circuit observed in *Meadours*, 483 F.3d at 422 n. 3, "[s]eparate consideration does not require courts to conduct a separate analysis for each officer in those cases where their actions are materially indistinguishable, it merely requires them to consider each officer's actions.'" *Meadours*, 483 F.3d at 422 n. 3.

63. Under either theory, "the law in this circuit [5<sup>th</sup>] holds that any of the individual officers could be liable for a violation of §1983 if excessive force was in fact used." *Khan v. Lee*, Civil Action No. 07-7272, 2010 (E.D. La. Dec. 2, 2010), aff'd, 683 F.3d 192 (5th Cir. 2012) (citing *Hale*, 45 F.3d at 919). In *Hale*, the Fifth Circuit expressly recognized that other officers present when excessive force is used may also be liable when they fail to intervene. 45 F.3d 919 ("[A]n officer who is present at the scene and does not take reasonable measures to protect a suspect from another officer's use of excessive force may be liable under section 1983.").

**REQUEST FOR PRODUCTION**

64. A video recording of the entire November 8<sup>th</sup>, 2021 assault on Joseph Hanzich, including the injection of unknown chemical by the unidentified jailer, exists. The video has been viewed by the Plaintiff Joseph Hanzich, Joseph Hanzich, III and Dana Hanzich. Each prepared affidavits after that viewing.

64. Plaintiff Joseph Hanzich demands, pursuant to the Federal Rules of Civil Procedure, Defendant Nacogdoches County produce for the Plaintiff and the Court an unaltered, unedited, and untampered copy of any and all video recordings of the entire November 8<sup>th</sup>, 2021 incident involving Joseph Hanzich.

**DAMAGES SOUGHT**

65. Civil rights are derived from the Constitution of the United States. 42 U.S.C. Section 1983 makes it unlawful for anyone acting under the authority of state law to punch anyone in the face or inject them with chemicals while they are completely restrained. A person is Constitutionally guaranteed the right to be free from excessive force by law enforcement, a guarantee set forth in the Fourth and Fourteenth Amendments to the United States Constitution.

66. Plaintiff Joseph Hanzich brings claims for actual damages and punitive damages against all Defendants under 42 U.S.C. §1983 because one or more of the jailer employees of Nacogdoches County Texas engaged in an assault on Joseph Hanzich or failed to intervene in an assault by a jailer or deputy.

67. The conduct by Nacogdoches County Deputy Sheriff's employees deprived Joseph Hanzich of his U.S. Constitutionally protected 4<sup>th</sup> and 14<sup>th</sup> Amendment rights.

68. Nacogdoches County and the named Nacogdoches County Sheriff Office's employees are all liable for the Constitutional torts outlined in this complaint because these individuals were present and willing participants in the tortious conduct alleged, then lie about it in incident reports.

69. The County of Nacogdoches, through its Sheriff Jason Bridges, has jailer hiring, training, retention and supervision policies that are grossly negligent because Sheriff Bridges permits and ratifies conduct by its employees that violates the U.S. Constitution.

70. The County of Nacogdoches, through its jailer hiring, training, retention and supervision policies is grossly negligent by permitting and ratifying conduct by Sheriff's Office employees, Brylee Garza, Isaac Ferguson, Jacob Bradshaw, Juan Mercado, Preston Johnson, the Unknown Jailer and perhaps others.

**PUNITIVE DAMAGES**

71. Joseph Hanzich repeats and re-alleges each and every allegation contained in the above paragraphs as if fully repeated herein.

72. As a direct and proximate result of the occurrences which are the basis of this lawsuit, Joseph Hanzich was forced to suffer:

- a. Emotional distress, torment, and mental anguish;
- b. Physical injuries;
- c. Physical pain and suffering;
- d. Acts of threats, coercion, and intimidation; and,
- e. Deprivation of his liberty.

73. When viewed objectively, Nacogdoches County Sheriff's Office employees conduct on November 8<sup>th</sup>, 2021 was extreme and unjustifiable, considering the probability and the magnitude of harm. As a direct, proximate, and producing cause, the intentional, egregious, and malicious conduct of Nacogdoches County Sheriff Office employees was recklessly or callously indifferent to Joseph Hanzich's constitutionally protected rights. Joseph Hanzich is entitled to punitive damages in an amount within the jurisdictional limits of this Court.

**ATTORNEY'S FEES**

74. If Plaintiff prevails in this action, by settlement or otherwise, Plaintiff is entitled to and hereby demands attorney's fees under 42 U.S.C. § 1988.

**REQUEST FOR RELIEF**

75. Joseph Hanzich respectfully prays that upon final hearing of this case, judgment be entered for him against the Defendants, for damages in an amount within the jurisdictional limits of this Court; together with pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the

legal rate; costs of the court; attorney's fees; and such other and further relief to which Joseph Hanzich may be entitled at law or in equity.

**REQUEST FOR JURY TRIAL**

76. Plaintiff Joseph Hanzich demands a jury trial.

**PRAYER**

77. **WHEREFORE, PREMISES CONSIDERED**, Plaintiff Joseph Hanzich prays that judgment be rendered against the Defendants, for an amount in excess of the jurisdictional minimum of this Court. Plaintiff further prays for all other relief, both legal and equitable, to which he may be justly entitled, including injunctive relief to prevent further retaliation.

Respectfully submitted,

**PAUL ANDERSON, PLLC**



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Tel. 936.305.5600  
Fax 713.236.4262  
E-mail: paul@paulandersonlaw.com  
Attorney for Joseph Hanzich, IV



VERIFICATION

STATE OF TEXAS §

NACOGDOCHES COUNTY §

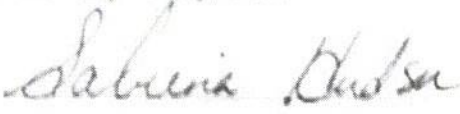
"My name is Joseph Hanzich. I am over the age of 18. I am fully competent in all respects to swear this Verification. I have personal knowledge of the facts of this Original Complaint. I swear and affirm the facts stated herein and the exhibits attached hereto are true and accurate."

FURTHER AFFIANT SAYETH NOT."

  
Joseph Anthony Hanzich

SUBSCRIBED AND SWORN TO BEFORE ME on this the 8<sup>th</sup> day of May, 2023.



  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

AFFIDAVIT

JOSEPH ANTHONY HANZICH

STATE OF TEXAS §  
COUNTY OF NACOGDOCHES §

"My name is Joseph Anthony Hanzich. I am over the age of 18, I am fully competent in all respects to swear this affidavit. I have personal knowledge of the facts of this affidavit.

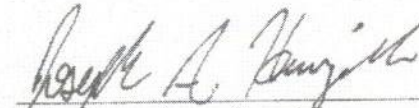
On November 7<sup>th</sup>, 2021 I was a custodial inmate of the Nacogdoches County Jail. At approximately 5:00 p.m. I was asked to leave my cell. I was assaulted without provocation. I was tackled and repeatedly punched by Nacogdoches County Sheriff's Office jailers Moore, Ferguson, Bradshaw, and others. Sgt. Brylee Garza was present during the incident and directed the assault. I was handcuffed and put into a restraint chair. While I was restrained and immobile, I was choked, punched, and taunted by the officers. I was in fear for my life and had no way to defend myself.

I believe the violent assault on me was based on a misidentification with another inmate.

Immediately after the assault and while I was completely restrained, I was suddenly and without warning injected with a syringe with an unknown chemical into my arm by a jailer. I lost consciousness. I learned later I suffered a seizure as a result of the injection. The assault, injection and seizure were video recorded. I suffer and continue to suffer medical injuries from this assault.

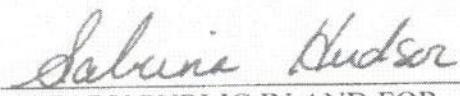
After I regained consciousness, I remained restrained in the chair for two hours with no medical attention. I was then moved to solitary confinement. I was denied medical care for the concussion from the assault on November 7<sup>th</sup>, 2021. I was unable to file any complaints until four days after the assault. I filed several complaints and requests for medical attention, and I received none.

FURTHER AFFIANT SAYETH NOT."

  
\_\_\_\_\_  
Joseph Anthony Hanzich

SUBSCRIBED AND SWORN TO ME on this the 29<sup>th</sup> day of June 2022.



  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

AFFIDAVIT

JOSEPH ANTHONY HANZICH III

STATE OF TEXAS §  
COUNTY OF NACOGDOCHES §

"My name is Joseph Anthony Hanzich. I am over the age of 18, I am fully competent in all respects to swear this affidavit. I have personal knowledge of the facts of this affidavit.

On or around December 1st, 2021, I (Joseph Hanzich III) met with District Attorney Jones in his offices. Also present was victim services advocate (name alludes me) for the District Attorney and my wife, Dana Hanzich to speak about the charges against my son, Joseph Hanzich IV.

At that time, we talked about the implications of the charges resulting from an incident that occurred inside the county jail on or about Nov 7th of 2021. After this conversation occurred, D.A Jones showed a video (no audio) to my wife and me, that showed our son being taken down a hallway accompanied by 4-6 individuals. As they walked, about halfway down the hallway, I recall seeing them take my son down to the ground punching him about his body. I believe this lasted around 2 minutes. After that, they placed him in a restraint chair, where he sat. Shortly thereafter they placed a restraint over his head concealing his face, also striking him several times about the head, neck and shoulders. Shortly thereafter, a male in dark colored medical scrubs appeared holding what seemed to be a hypodermic needle entered the room and injected something into my son's arm. Within 30 seconds my son appeared to be shaking profusely, which became more pronounced appearing to be convulsing or seizure. My son's body went limp about 20 seconds after the convulsions began and he was unattended thereafter for about 2 minutes. The next thing I recall is that the attendants in the room were using smelling salts to revive him and then the DA stopped the video.

FURTHER AFFIANT SAYETH NOT."

*Joseph Anthony Hanzich III*  
Joseph Anthony Hanzich III

SUBSCRIBED AND SWORN TO ME on this the 29<sup>th</sup> day of June 2022.



*Sabrina Hudson*  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS

AFFIDAVIT  
DANA HANZICH

My name is Dana Hanzich and I am over the age of 18. I am fully competent to swear to this affidavit. I have personal knowledge of the facts of this affidavit.

This is my formal statement regarding Joseph Anthony Hanzich IV in the video from 11/07/21 at Nacogdoches County Jail, that was shown to me in the District Attorney office on 12/14/21 in high definition color with no audio by the DA. It took several attempts to view this video because either the DA was busy in court or his assistant had come down with Covid. We were rescheduled several times.

The DA said that Joseph Hanzich IV (my son) was told to put down his mattress, toiletries and personal items after he exited the cell and walked a little bit surrounded by several officers. His hands and arms were totally full; he posed no threat. He turned a quarter of a turn to comply with the officers request to put the items down and when he did he was forcefully slammed to the ground with his arm tightly pressed against his back. A female officer had her hand around his jaw/throat area. While he was face down on the ground a officer had his knee in his back and others were taking shots at him in the back and shoulder areas. He was put into a restraining chair and fully restrained. By this time, blood was accumulating in his mouth and he spat out the blood. When he did this, the female jailer behind Joseph started punching him in the head multiple times hard and then put a spit bag over his head and as I remember it the other jailers were punching him in the ribs and face while fully restrained in the chair.

At this point in time, the DA stopped the video because he said this was the end of the video. My husband Joseph Hanzich III excused himself to the bathroom. I requested that the DA let me watch the rest of the video till the end. He said, "There is nothing to see, I have not even watched past this point." I replied, "Well I would like to watch it till the end." He pressed play and it showed Joseph still restrained in the chair for what seemed like several minutes still in the hallway alone. Then a man with scrubs comes into the video with black gloves on and proceeds to inject Joseph in his left arm vein area with an unknown substance; then within 15-30 seconds Joseph starts convulsing violently while in the chair restrained. Several officers approached him and he was given smelling salts is what the DA said it was. That is when Joseph stopped convulsing. I asked the DA what the injection was and he said he did not know and would have to pull the report. No one has been able to obtain the name of the drug that Joseph was injected with that made him convulse. My husband returned from the bathroom and I had the DA replay that part of the video again for him several times.

When Joseph called me and told me about this instance and that he had been asking for medical help because his head, shoulder and knee were in severe pain they would not allow him medical attention. I called the jail and asked why he could not be seen and they said that they had sent him to medical and he was fine. Joseph says this is false, that he was never sent to medical.

INT.  1/2

I also want to add that at this same time frame there was another inmate by the name of Anthony Joseph Piazza, 26, of Garrison who was wanted by Nacogdoches Sheriff's Department for familial aggravated assault and assault by impeding breathing. While Joseph was being beaten, Joseph told me that the jailers were yelling at him, "How does it feel to be beaten and strangled? Do you like how it feels, with what you did to your mother?" When Joseph called me he asked specifically if I had told the police that he had beaten or strangled me and I said absolutely not. I believe that they confused the inmates and beat the wrong inmate with the intent of beating Anthony Joseph Piazza otherwise they would not have made those statements. Piazza was conveniently transferred to a different jail the next day per the detectives I spoke to. I also spoke with the Magistrate Dorothy Tigner-Thompson JP- Precinct 2 that when she told me Joseph's bail and the charges, I said you must be mistaken he did not do any of these things. I repeated his full name and date of birth and why he was in jail several times. She told me to stop acting like I did not know what he had done and that she knows her job and will be seeing him in the next few hours but would give my number to the detectives on the case. The detectives on the Piazza case called me back within 2 hours and told me to stop playing dumb because I know exactly what had happened. If I wanted the real story to contact my husband because he had been harboring Piazza for 2 weeks. I said, no he has not, my husband is right here with me, all the time in the same house in Nacogdoches. I kept repeating my son's name and date of birth and insisting that they had the wrong person. They asked me to hold the line. The detectives came back on speaker phone laughing and apologizing that they had the wrong inmate and that they were so sorry for any confusion or issues this may have caused. Joseph complained to me multiple times that he needed medical attention and that they would not allow him to file a complaint for several days.

"FURTHER AFFIANT SAYETH NOT."

  
Dana Hanzich

SUBSCRIBED AND SWORN TO ME on this the 29th day of June 2022.



  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

**AFFIDAVIT**  
**OF**  
**JOSEPH HANZICH IV**

STATE OF TEXAS           §

NACOGDOCHES COUNTY, TEXAS §

“My name is Joseph Hanzich IV. I am over the age of 18 and reside in Nacogdoches County, Texas. I am fully competent in all respects to swear this affidavit. I have personal knowledge of the facts in this affidavit.

On 11/8/21 at 5:55:00 pm, while incarcerated in the Nacogdoches County Jail, I was ordered out of my cell by Ferguson and Sgt. Riley.

At 5:55:05 Without warning, I was grabbed by Sgt. Riley, Bradshaw, and Mercado. Bradshaw punched me in the face while Mercado and Riley held my arms. They then slammed me onto the ground.

At 5:55:20 Bradshaw delivered a knee kick to my side after I was already on the ground.

At 5:55:30 I was handcuffed and taken down the hallway to the intake area, where Sgt. Garza had prepared the restraint chair (5:56:00).

At 5:56:03 I was put in the restraint chair by Johnson and Bradshaw, with Sgt. Garza watching them directly.

At 5:56:06 Immediately after I was placed in the chair, Sgt. Garza struck me on my right temple and cheek twice with a closed balled up fist.

At 5:56:24 In fear for my safety, and after I had already endured multiple defenseless shots, I then spat in an effort to stop the beating.

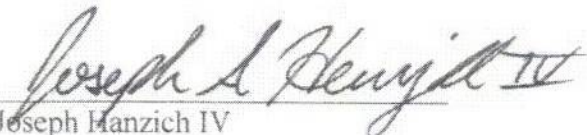
At 5:56:26 Sgt. Garza then delivered 5 more punches to my face and temple, then Bradshaw forcefully shoved my face backwards, visibly straining me.

At 5:56:29 Sgt. Riley then placed me in a chokehold with his left hand while he adjusted my leg restraints with his right.

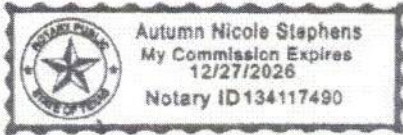
At 5:56:40-:43 Sgt. Garza received the spit mask from inmate Sandoval. She placed the spit mask on my head and used it as a device to strangle me.

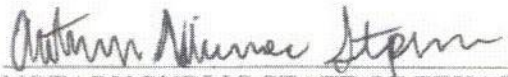
At 6:01:33 I was given an injection by a male nurse wearing black scrubs, and then I go into what appears to be a seizure.

FURTHER AFFIANT SAYETH NOT."

  
Joseph Manzich IV

SUBSCRIBED AND SWORN TO ME on this the 3rd day of May 2023.



  
NOTARY PUBLIC STATE OF TEXAS

**AFFIDAVIT**  
**OF**  
**JOSEPH HANZICH IV**

STATE OF TEXAS           §

NACOGDOCHES COUNTY, TEXAS §

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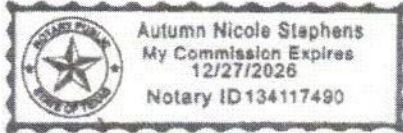
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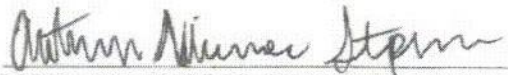


FURTHER AFFIANT SAYETH NOT."

  
Joseph Manzich IV

SUBSCRIBED AND SWORN TO ME on this the 3rd day of May 2023.



  
NOTARY PUBLIC STATE OF TEXAS

**AFFIDAVIT**  
**OF**  
**JOSEPH HANZICH IV**

STATE OF TEXAS           §

NACOGDOCHES COUNTY, TEXAS §

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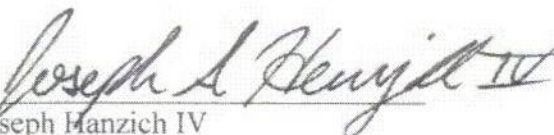
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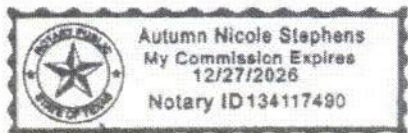
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At 6:01:33 I was given an injection by a male nurse wearing black scrubs, and then I go into what appears to be a seizure.

FURTHER AFFIANT SAYETH NOT."

  
Joseph Manzich IV

SUBSCRIBED AND SWORN TO ME on this the 3rd day of May 2023.



  
NOTARY PUBLIC STATE OF TEXAS

NACOGDOCHES COUNTY JAIL  
INMATE MISCONDUCT REPORT

The undersigned, JACOB BRADSHAW, of the NACOGDOCHES COUNTY SHERIFF'S OFFICE states that the following misconduct occurred:

Name of Inmate: JOSEPH HANZICH  
Date of Incident: 11/08/2021  
Place of Incident: MAIN HALL/COMMON AREA

SO# 74577  
Time: 1754

Narrative: ON 11/08/2021 AT APPROXIMANTLY 1754 INMATE JOSEPH HANZICH STATED HE WANTED TO KILL HIMSELF OVER THE EMERGENCY BUTTON. SGT RILEY, OFFICER JOHNSON, OFFICER JUAN, AND I (CPL. BRADSHAW) TOLD INMATE HANZICH TO PACK HIS STUFF AND MOVE FROM DORM 2. INMATE HANZICH COMPLIED PACKED HIS STUFF AS RESPONDING OFFICERS AND I ESCORTED INMATE HANZICH DOWN MAIN HALL HE REFUSED TO PUT HIS STUFF DOWN AND WALK DOWN THE WITH HIS HANDS BEHIND HIS BACK. SGT RILEY ATTEMPTED TO TAKE INMATE HANZICH'S MAT AND BELONGINGS FROM HIM INMATE HANZICH TURNED AROUND IN A AGGRESIVE MANER AND REACH OUT TO GRAB SGT RILEY. AT THIS TIME SGT RILEY, OFFICER MERCARDO AND, I WENT HANDS ON WITH HANZICH WHILE ATTEMPTING TO RESTRAIN THE INMATE HE STRUCK ME IN THE FACE WHILE IN ATTEMPT TO

Officer's Signature \_\_\_\_\_ Date \_\_\_\_\_

NACOGDOCHES COUNTY JAIL  
Inmate Misconduct Report Supplement

The undersigned, \_\_\_\_\_, of the NACOGDOCHES COUNTY  
SHERIFF'S OFFICE states that the following misconduct occurred:

Name of Inmate: Hanzich, Joseph                      SO#74577  
Date of Incident: 11/08/2021                              Time: 1754  
Place of Incident: Oil Jail 5

Narrative:

On the night of 11/08/2021 at approximately 1754 Officer Juan Mercado along with Officer Stephanie Moore while in the process of performing headcount, responded to Dorm 2 due to receiving a call via radio from control for an inmate later identified as inmate Hanzich, Joseph (SO#74577) having suicidal thoughts. Upon arriving at Dorm 2 Officer Mercado along with Sgt Alexander Riley, Cpl Jacob Bradshaw, Officer Kyle Johnson already responding to the call, inmate Hanzich was then apparently given the directive to retrieve all his county issued and his person out of Dorm 2 as he was going to be re-housed in a suicide smock for his own well-being. Sgt Riley then gave responding officers the directive to assist in escorting inmate Hanzich up mainhallway and into MTOX. Upon exiting Dorm 2 inmate Hanzich was given the directive to place his county issued property onto the ground and to place his hand behind his back while being escorted up mainhallway, inmate Hanzich was given this directive multiple times by Sgt Riley and inmate Hanzich refused this given directive each time. In the process of exiting Dorm 2, inmate Hanzich was heard stating "lets go, lets go play." After multiple directives to drop his county issued items on the floor and to place his hands behind his back, the decision was made to assist inmate Hanzich in dropping his county issued items. Upon Sgt Riley reaching for the county issued items, inmate Hanzich turned and faced jail staff in an aggressive manner and placed his hands on Sgt Riley. The decision was made to go hands on with inmate Hanzich, inmate Hanzich was then assisted to the ground where he actively resisted jail staff and jail staff directives. Officer Mercado then assisted in gaining control of inmate Hanzich and successfully gained control of inmate Hanzich's R arm to be further secured into handcuffs. Upon Officer Johnson securing inmate Hanzich into handcuffs, inmate Hanzich was assisted to his feet by Cpl Bradshaw and Officer Johnson and further escorted up mainhallway. Upon arriving at maincrash, the decision was made to place inmate Hanzich into the Restraint Chair. Officer Mercado then assisted in placing inmate Hanzich into the restraint chair along with responding officers. EOR

Officer's Signature \_\_\_\_\_ Date \_\_\_\_\_

NACOGDOCHES COUNTY JAIL  
INMATE MISCONDUCT REPORT

The undersigned, Preston Johnson, of the NACOGDOCHES COUNTY SHERIFF'S OFFICE states that the following misconduct occurred:

Name of Inmate: Joseph Hanzich

SO# 74577

Date of Incident: 11-08-2021

Time: 1744

Place of Incident: Main Hall/ Common Area

Narrative: On the day of November 8th, 2021 while I, Officer Preston Johnson, was conducting my normal duties through the Nacogdoches County Jail. While I was clearing inmate count in dorms one and two, Inmate Hanzich, Joseph (SO#74577) stated that he wanted to kill himself because the TV had been taken due to misuse of the emergency button. Several officers including myself witnessed him saying this and a suicide prevention smock was called for. Sgt. Alexander Riley and Cpl. Jacob Bradshaw then began escorting the inmate up to male detox to strip him and place him in a smock. I then began to continue clearing count in the rest of the jail. As I was about to enter Dorm 2. I heard a scuffle and witnessed Sgt. Riley, Cpl. Bradshaw, and Officer Juan Mercado attempting to restrain Hanzich on the ground. I then ran over to assist. Inmate Hanzich then began resisting heavily by pulling and pushing against Officers and refusing to place his hands behind his back and stop resisting. I administered pain compliance using pressure points below his shoulder blades. Officers were able to gain control of Hanzich's arms. I placed handcuffs on Hanzich's wrist and Cpl. Bradshaw and I then assisted Hanzich to his feet and began escorting him up main hall. The inmate began resisting the full length of the hallway by attempting to stop from going forward by pushing his legs in front of him. When we got to the end of main hall, Hanzich then stopped resisting right in front of the control room window. Due to having to heavily assist Hanzich down the hall way, Cpl. Bradshaw and I along with Hanzich flew forward into the control room window. Upon arrival in the common area, Sgt. Brylee Garza began prepping Restraint Chair 1. After being asked and ordered by all Officers involved to sit down, Hanzich refused so he was assisted into the chair by Cpl. Bradshaw. While other Officers restrained Hanzich, I administered pain compliance on a pressure point under Hanzich's collar bone while Sgt. Garza administered pain compliance underneath Hanzich's jaw in an attempted to control Hanzich for Officer safety reasons. While we were restraining Hanzich, he proceeded to spit a large amount of fluid on my face and in my mouth which bounced off of my face and landed on Sgt. Riley's face. Sgt. Garza then administered two to three reactionary strikes to Hanzich's face. A spit mask was then placed on Hanzich's face and Hanzich continued to actively resist officers very heavily and verbally threaten to hurt and kill officers. While Cpl. Bradshaw attempted to restrain Hanzich's right arm Hanzich began to resist by tensing up his arm and forcefully pull away from the restraint. Cpl. Bradshaw then administered two closed fist pain compliance strikes to Hanzich's shoulder and tricep while I administered on closed fist pain compliance strike to Hanzich's forearm and verbally ordered Hanzich to stop resisting. Hanzich then loosened his right arm and we were able to restrain his right arm. Officers and I then restrained his left arm. Officers then placed Hanzich's back against the back of the chair. I then locked in the waist restraint while Sgt. Riley tightened the waist restraint. Once secured, I then check the waist restraint and Hanzich was secured into Restraint Chair 1 at 1758. While Hanzich was in the chair, he began saying that he wants to kill cops so that the can get the lethal. He also stated that he wanted to kill all officers involved in the incident. No further actions taken at this time. End of Report.

-Officer Preston Johnson

Officer's Signature \_\_\_\_\_ Date \_\_\_\_\_

NACOGDOCHES COUNTY JAIL  
INMATE MISCONDUCT REPORT

The undersigned, Brylee Garza, of the NACOGDOCHES COUNTY SHERIFFS OFFICE states that the following misconduct occurred:

Name of Inmate: Joseph Hanzich SO#74577  
Date of Incident: November 08, 2021 Time: 1755  
Place of Incident: Dorm 2/ Common Area

- Violation Number:                      Violation:
- 1.
  - 2.
  - 3.
  - 4.

Narrative:

On November 08, 2021 at approximately 1754, Inmate Joseph Hanzich (SO#74577) hit the Emergency Intercom Button and stated he was going to kill himself. Corporal Brazil informed Officers that he made suicidal statements. While Sgt. Riley, Cpl. Bradshaw, and Officer P. Johnson pull Inmate Hanzich, Sgt. Riley informed Inmate Hanzich to drop his belongings and place his hands behind his back. Inmate Hanzich refused and Sgt. Riley attempted to gain control on Inmate Hanzich and Inmate Hanzich grabbed Sgt. Riley and then punched Cpl. Bradshaw in the face. I met Officers in Common Area and got the Restraint Chair ready. Inmate Hanzich resisted all the way up the hallway, once he was placed into the Restraint Chair, I gained control of Inmate Hanzich's head and held it against the back of the Restraint Chair. Sgt. Riley was applying the leg restraints to his right leg and Officer Mercado was applying the restraints to the right leg, while officers were doing this, Inmate Hanzich spit on Officer Johnson and Sgt. Riley, the spit hit Officer Johnson in the mouth area. I administered strikes to the side of his face after he spit. Corporal Bradshaw then took control of Inmate Hanzich and Officer Johnson assisted, I grabbed a spit mask. While Cpl. Bradshaw had Inmate Hanzich restrained, I had Cpl. Bradshaw remove his hands one at a time so that I could place the spit mask on him correctly. Once the spit mask was on Inmate Hanzich, I took back control of his head so that Cpl. Bradshaw could assist Sgt. Riley with restraining the inmates arms. Sgt. Riley then leaned the inmate down and I attempted to assist Cpl. Bradshaw with placing his right arm in the wrist restraint. Everytime we attempted to place his arm through the restraint, he would grab ahold of the restraints and would place his arm through them willingly. Cpl. Bradshaw gave Inmate Hanzich multiple commands to place his arm into the restraints, and he refused to do so. Cpl. Bradshaw struck Inmate Hanzich's arm multiple times in attempt to gain pain compliance. Inmate Hanzich still refused to comply with Officers orders. Inmate Hanzich attempted to sit up in the chair, and Sgt. Riley leaned him back down. Cpl. Bradshaw was finally able to place Inmate Hanzich's wrist through the restraint, and I fastened the restraint. Once the right hand was secured, Officer Mercado and Officer Johnson then began to place his left arm through the restraint. Inmate Hanzich's left arm was secured. Sgt. Riley then sat the inmate back up and Cpl. Bradshaw secured his head against the back of the restraint chair while Officer Johnson, Officer Mercado, and Sgt. Riley then placed the Shoulder restraints on Inmate Hanzich. Inmate Hanzich attempted to pull away from Officers during this. Sgt. Riley and Officer Johnson then began placing the waist restraint, I assisted with this by securing the waist restraint, Sgt. Riley then fastened the restraint. Once Inmate Hanzich was restrained, Officers stepped away. Inmate Hanzich could be heard screaming, saying he wants to kill all the cops so he can get the "lethal" and that he wants to kill all Officers involved in this incident. EOR

Officer's Signature \_\_\_\_\_ Date \_\_\_\_\_

NACOGDOCHES COUNTY JAIL  
INMATE MISCONDUCT REPORT

The undersigned, \_\_\_\_\_, of the NACOGDOCHES COUNTY  
SHERIFF'S OFFICE states that the following misconduct occurred:

Name of Inmate: Joseph Hanzich	SO#74577
Date of Incident: 11/08/2021	Time: 1754
Place of Incident: Dorm 2	

Narrative:

On the night of 11/08/2021 at approximately 1754 Officer Juan Mercado along with Officer Stephanie Moore were performing headcount, when we were instructed to respond to Dorm 2 due to receiving a call via radio from control for an inmate later identified as inmate Hanzich, Joseph (SO#74577) who was having suicidal thoughts. Upon arriving at Dorm 2, I saw that there were several officers who have already responded so I told Officer Mercado I would continue to do headcount while they assessed the situation. I was at G & H Tank when they exited Dorm 2. In the process of exiting Dorm 2, inmate Hanzich was heard stating "lets go, lets go play." Inmate Hanzich was given the directive to place his county issued property onto the ground and to place his hand behind his back while being escorted up mainhallway. Inmate Hanzich was given this directive multiple times by Sgt Riley and inmate Hanzich refused this given directive each time. After multiple directives to drop his county issued items on the floor and to place his hands behind his back, the decision was made to assist inmate Hanzich in dropping his county issued items. Upon Sgt Riley reaching for the county issued items, inmate Hanzich turned and faced jail staff in an aggressive manner and placed his hands on Sgt Riley. Officers then went hands on with inmate Hanzich, He was then assisted to the ground where he actively resisted. I saw his legs kicking wildly as they actively restrained him on the floor. I set my items down and assisted in restraining his legs while they placed Inmate Hanzich in handcuffs. Upon Officer Johnson securing inmate Hanzich into handcuffs, inmate Hanzich was assisted to his feet by Cpl Bradshaw and Officer Johnson and further escorted up mainhallway. Upon arriving at maincrash, the decision was made to place inmate Hanzich into the Restraint Chair. EOR



NACOGDOCHES COUNTY JAIL  
INMATE MISCONDUCT REPORT

The undersigned, \_\_\_\_\_, of the NACOGDOCHES COUNTY SHERIFF'S OFFICE states that the following misconduct occurred:

Name of Inmate: Hanzich, Joseph  
Date of Incident: 11-8-21  
Place of Incident: Dorm 2

SO# 74577  
Time: 1754

Narrative: On the night of November 8, 2021, I, Sgt Alexander Riley responded to Dorm 2 in reference to a suicidal inmate. Upon arrival I made contact with jail staff on scene who ordered Inmate Hanzich, Joseph SO#74577 to pack up his items. Inmate Hanzich complied and walked out of the dorm. While in the hallway Inmate Hanzich reached for the fire alarm as if he was going to pull it. At this point I ordered Inmate Hanzich to drop his items and place his hands behind his back. Inmate Hanzich refused and kept walking. I then again ordered him to drop his items and reached out to grab his mattress that was in his hands. At this point Inmate Hanzich turned towards me in an aggressive manner. At this point I went hands on, Inmate Hanzich began resisting, causing Officer Jacob Bradshaw and Officer Juan Mercado to assist in placing Inmate Hanzich onto the ground. Officers forcefully placed Inmate Hanzich onto the ground where he continued to resist. Officer Stephanie Moore then responded and gained control of Inmate Hanzich's legs, while Officers Bradshaw, Mercado and I attempted to secure Inmate Hanzich. Officer Preston Johnson responded and with the help of Cpl Mercado were able to gain control of Inmate Hanzich's right arm. Cpl Bradshaw and I gained control of Inmate Hanzich's left arm and placed it behind his back. Inmate Hanzich was then secured into handcuffs. Cpl Bradshaw and Officer Johnson then escorted Inmate Hanzich to the common area. Once in the common area Officer Johnson and Officer Bradshaw forced a still resisting Inmate Hanzich into the restraint chair. Once in the chair, Sgt Brylee Garza took control of Inmate Hanzich's head while Officer Mercado and I began securing Inmate Hanzich's legs in the restraints. While I was securing Inmate Hanzich's right leg I felt a liquid that I believed to be spit come from the direction of Inmate Hanzich and hit me in the face. At this point Sgt Garza performed multiple reactionary closed fist strikes to Inmate Hanzich. Officers regained control of Inmate Hanzich's head while waiting on a spit mask. Once the spit mask arrived it was placed onto the head of Inmate Hanzich. At this point I checked and verified that both feet were secured. At this point I took control of Inmate Hanzich's head and repositioned him to where jail staff could safely uncuff and secure Inmate Hanzich's hands in the straps. I did this by placing Inmate Hanzich's head near his legs and placing enough body weight down to keep him from pulling his head back up. I kept him in this position until jail staff secured both arms in the straps. While jail staff were attempting to secure his arms, Inmate Hanzich began resisting by tensing his arms and forcefully attempting to pull his arms away. At this point I attempted to gain pain compliance by applying pressure to a pressure point located on the jawline. During this Officers Bradshaw and Johnson delivered multiple pain compliance strikes to the right arm of Inmate Hanzich before regaining control of his right arm and securing it in the strap. Officer Mercado then secured Inmate Hanzich's left arm in the strap. At this point I forcefully repositioned Inmate Hanzich back into a seated position and kept his head back in the chair so officers could secure him into the shoulder straps. Once officers secured Inmate Hanzich's shoulders into the straps, I assisted in securing the waist strap. Once the waist strap was secured Officers let go of Inmate Hanzich. I then repositioned the chair back against the wall and secured it to the wall. Inmate Hanzich then made multiple statements stating that he wants to kill cops so he could get the death sentence and also made multiple other suicidal statements. End of Report.

Officer's Signature \_\_\_\_\_ Date \_\_\_\_\_

# PAUL ANDERSON, PLLC

## ATTORNEY AT LAW

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601 N. Street | Nacogdoches, TX 75961 | 936.305.5600

June 30<sup>th</sup>, 2022

Hon. Greg Sowell  
Nacogdoches County Judge  
101 West Main Street, Suite 170  
Nacogdoches, Texas 75961  
Via email: [gsowell@co.nacogdoches.tx.us](mailto:gsowell@co.nacogdoches.tx.us)

John Fleming  
Nacogdoches County Attorney  
101 W. Main Street, Room 230  
Nacogdoches, Texas 75961  
Via email: [jfleming@co.nacogdoches.tx.us](mailto:jfleming@co.nacogdoches.tx.us)

**RE: Assault on Shayla Nichols, October 25<sup>th</sup>, 2021 by Nacogdoches County Employee Brylee Garza; Supplemental Spoliation Notice Affidavits of Joseph Hanzich Jr., Joseph Hanzich Sr. and Dana Hanzich.**

Gentlemen,

You are aware this law firm represents Nacogdoches County Sheriff's Office custodial inmate Ms. Shayla Nichols for claims related to the assault and resulting injuries by Nacogdoches County employee/jailer Sgt. Brylee Garza that occurred on October 25<sup>th</sup>, 2021.

Notice of claim for Shayla Nichols' injuries was made on June 13<sup>th</sup>, 2022. Notice that Sgt. Brylee Garza was involved in an assault was made on March 16<sup>th</sup>, 2022. To date, no claim number or notice of representation has been communicated to this firm regarding Ms. Nichols by John Fleming, Robert Davis or Joe Copeland.

On November 7<sup>th</sup>, 2021 Joseph Hanzich was assaulted by the same jailers involved in the assault on Shayla Nichols. Attached to this letter you will find three sworn affidavits concerning the November 7<sup>th</sup>, 2021 assault on Joseph Hanzich.

What is shocking about this assault is watching Mr. Hanzich injected with an unknown chemical that caused convulsions and seizures AFTER he was restrained in a restraint chair. Mr. Hanzich alleges that Sgt. Brylee Garza directed the assault on Joseph Hanzich.

Today, Brylee Garza remains an employee of Nacogdoches County as Administrative Assistant for the Nacogdoches County Court at Law. Judge Sinz said he was never made aware of the allegations against Brylee Garza.

Sowell/Fleming  
Page Two of Two  
June 30<sup>th</sup>, 2022

Nacogdoches County was informed on March 16<sup>th</sup>, 2022 that Sgt. Brylee Garza used her personal cell phone to record, photograph and communicate graphic details of assaults on inmates including Joseph Hanzich.

It appears instead of initiating a criminal investigation into these two assaults and others, you determined that Sgt. Garza was qualified to remain employed by Nacogdoches County, in a criminal court no less, despite the serious assault allegations against her.

Nacogdoches County employee (formerly jailer Sgt.) Brylee Garza shall not destroy, tamper, alter, delete, modify, edit, or in any way change any video recordings related to the assault by Sgt. Brylee Garza of Joseph Hanzich that occurred on November 7<sup>th</sup>, 2021.

The phone number of the phone containing this evidence is believed to be 936-221-8281, but this notice includes any cell phone or electronic device used by Sgt. Brylee Garza containing any evidence.

Nacogdoches County employees Garza, Hasley, Moore, Ferguson, Bradshaw, Patton, Crisp, Smith, Bridges or any other employee of Nacogdoches County may not destroy, tamper, alter delete, modify, edit, or change any record, notes, email, memoranda, reports, documents, papers, files, in any electronic or physical form, and related to the assault of Joseph Hanzich on November 7<sup>th</sup>, 2021.

Nacogdoches County's immediate referral to an appropriate law enforcement agency with no conflicts of interest is necessary, and the preservation of the evidence related to the assault on Joseph Hanzich on November 7<sup>th</sup>, 2021, specifically video and cell phone evidence, is required.

Respectfully,

A handwritten signature in black ink, appearing to be 'PA', with a horizontal line extending to the right.

PAUL ANDERSON

**ATTACHMENTS:**

Affidavits of:

Joseph Hanzich  
Joseph Hanzich III  
Dana Hanzich

# CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

### I. (a) PLAINTIFFS

Joseph Anthony Hanzich

(b) County of Residence of First Listed Plaintiff Nacogdoches  
*(EXCEPT IN U.S. PLAINTIFF CASES)*

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Paul Anderson, PLLC  
601 North Street  
Nacogdoches, Texas 75961

### DEFENDANTS

Nacogdoches County, Jason Bridges, Brylee Garza,  
Alexander Riley, Preston Johnson, Jacob Bradshaw, Juan  
County of Residence of First Listed Defendant Nacogdoches  
*(IN U.S. PLAINTIFF CASES ONLY)*

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)  
Nacogdoches County Attorney John Fleming  
101 West Main St., Suite 240,  
Nacogdoches, Texas 75961

### II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question *(U.S. Government Not a Party)*
- 2 U.S. Government Defendant
- 4 Diversity *(Indicate Citizenship of Parties in Item III)*

### III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

### IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander		<b>INTELLECTUAL PROPERTY RIGHTS</b>	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<b>LABOR</b>	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 720 Labor/Management Relations	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 850 Securities/Commodities/Exchange
		<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<input type="checkbox"/> 865 RS1 (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input checked="" type="checkbox"/> 440 Other Civil Rights	<b>Habes Corpus:</b>	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty		<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<b>Other:</b>		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other	<b>IMMIGRATION</b>	
		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 462 Naturalization Application	
		<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 465 Other Immigration Actions	
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

### V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

### VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
Section 1983

Brief description of cause:

Plaintiff alleges assault and battery against Nacogdoches county jailers for excessive use of force, injection of unknown chemical and false reports.

### VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ \_\_\_\_\_ CHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No

### VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

May 8, 2023

/s/ Paul V. Anderson, SBOT 24089964

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- Date and Attorney Signature.** Date and sign the civil cover sheet.