

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

RECEIVED

AUG 04 2011

LeMont Love (Enter above the full name of the plaintiff in this action)

COMPLAINT AT 8:30 WILLIAM T. WALSH M CLERK

v. Civil Action No.

(To be supplied by the Clerk of the Court)

Law office of Richard M. Roberts (official capacity)

Richard Roberts (individually and official capacity)

(Enter above the full name of the defendant or defendants in this action)

INSTRUCTIONS -- READ CAREFULLY

- 1. This complaint must be legibly handwritten or typewritten, signed by the plaintiff and subscribed to under penalty of perjury as being true and correct. All questions must be answered concisely in the proper space on the form. Where more space is needed to answer any question, attach a separate sheet.
2. In accordance with Rule 8 of the Federal Rules of Civil Procedure, the complaint should contain (1) a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short plain statement of the claim showing that you are entitled to relief, and (3) a demand for judgment for the relief which you seek.
3. You must provide the full name of each defendant or defendants and where they can be found.
4. You must send the original and one copy of the complaint to the Clerk of the District Court. You must also send one additional copy of the complaint for each defendant to the Clerk. Do not send the complaint directly to the defendants.
5. Upon receipt of a fee of \$350.00, your complaint will be filed. You will be responsible for service of a separate summons and copy of the complaint on each defendant. See Rule 4, Federal Rule of Civil Procedure.

**FORM TO BE USED BY A PRISONER IN FILING A
CIVIL RIGHTS COMPLAINT**

- 6. If you cannot prepay the \$350.00 filing fee, you may request permission to proceed in forma pauperis in accordance with the procedures set forth in the application to proceed in forma pauperis. See 28 U.S.C. § 1915. (If there is more than one plaintiff, each plaintiff must separately request permission to proceed in forma pauperis.)
- 7. If you are given permission to proceed in forma pauperis, the Clerk will prepare and issue a copy of the summons for each defendant. The copies of summonses and the copies of the complaint which you have submitted will be forwarded by the Clerk to the United States Marshal, who is responsible for service. The Marshal has USM-285 forms you must complete so that the Marshal can locate and serve each defendant. If the forms are sent to you, you must complete them in full and return the forms to the Marshal.

QUESTIONS TO BE ANSWERED

1a. Jurisdiction is asserted pursuant to (CHECK ONE)



42 U.S.C. § 1983 (applies to state prisoners)



Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics,
403 U.S. 388 (1971) and 28 U.S.C. § 1331 (applies to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

1b. Indicate whether you are a prisoner or other confined person as follows:

Pretrial detainee

Civilly-committed detainee

Immigration detainee

Convicted and sentenced state prisoner

Convicted and sentenced federal prisoner

Other: (please explain) _____

2. Previously Dismissed Federal Civil Actions or Appeals

If you are proceeding in forma pauperis, list each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility, that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted. Please note that a prisoner who has on three or more prior occasions, while detained in any facility, brought an action or appeal in a federal court that was dismissed as frivolous or malicious, or for failure to state a claim upon which relief may be granted, will be denied in forma pauperis status unless that prisoner is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

**FORM TO BE USED BY A PRISONER IN FILING A
CIVIL RIGHTS COMPLAINT**

a. Parties to previous lawsuit:

Plaintiff(s): _____

Defendant(s): _____

b. Court and docket number: _____

a. Grounds for dismissal: () frivolous () malicious () failure to state a claim upon
which relief may be granted

d. Approximate date of filing lawsuit: _____

e. Approximate date of disposition: _____

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on separate sheets.

3. Place of Present Confinement? Northern State Prison

4. Parties

(In item (a) below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

a. Name of plaintiff: Lemont Love

Address: P.O. Box 2300

Newark NJ 07114

Inmate #: 331321C / 670637

b. First defendant -- name: Law office of Richard M. Roberts

Official position: Place of employment

Place of employment: 50 Park Place, Suite 1025 Newark, NJ 07102

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

How is this person involved in the case? (i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

Place of employment for Richard Roberts

c. Second defendant -- name: Richard Roberts

Official position: Lawyer

Place of employment: 50 Park Place, Suite 1025 Newark NJ 07102

How is this person involved in the case? (i.e., what are you alleging that this person did or did not do that violated your constitutional rights?)

Breached our contract, ineffectively represented me, lied to me regarding my cases, tricked me into pleading guilty, neglected me as a client, in violation of my 5th, 6th, 8th, and 14th amendment due process clauses

d. If there are more than two defendants, attach a separate sheet. For each defendant specify: (1) name, (2) official position, (3) place of employment, and (4) involvement of the defendant.

5. I previously have sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in the Statement of Claims on page 6.

Yes No

If your answer is "Yes," briefly describe the steps taken, including how relief was sought, from whom you sought relief, and the results.

I filed a grievance with the office of attorney ethics and Fee arb. outcome still pending.

**FORM TO BE USED BY A PRISONER IN FILING A
CIVIL RIGHTS COMPLAINT**

If your answer is "No," briefly explain why administrative remedies were not exhausted.

6. Statement of Claims

(State here as briefly as possible the facts of your case. Describe how each defendant violated your rights, giving dates and places. If you do not specify how each defendant violated your rights and the date(s) and place of the violations, your complaint may be dismissed. Include also the names of other persons who are involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach a separate sheet if necessary.)

I hired Richard Roberts on or about June 09. I told him I needed to hire him for 9 things which a contract was based on. Those 9 things were, Trial for agg. assault on police from 06, trial for eluding from 07, trial for a drug charge in 07, trial for a drug charge in 09, A.P.C.B from 2002, my girlfriend's DWI in East Brunswick, get my bank account unfrozen, get my money back from Paul Bergrin and get my money back from New Brunswick. He did none of the above, instead he lied to me and tricked me to plead guilty, claiming he could retract my plea, knowing that wasn't the case. He didn't file any motions, I had a drug charge where the evidence was illegally obtained, instead of filing a suppression motion like he was supposed to he lied to me and said the judge told him he was going to deny it so there was no point in filing it. He very rarely kept appointments, never answered his cellphone, only came to the jail twice to see me. Didn't supply me with any discovery or answer any of my letters. He didn't inform or keep me updated regarding any strategy. I had to hire a different attorney to try a case I already payed Richard Roberts to try but since my motion to withdraw my plea was denied my new attorney was going to ask for a reconsideration in which Mr. Roberts was going to submit a certification saying he gave faulty legal advice, but he never did. Everything Mr. Roberts told me was a lie, he took my money but did absolutely nothing to earn it.

FORM TO BE USED BY A PRISONER IN FILING A CIVIL RIGHTS COMPLAINT

7. Relief

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

I seek monetary damages, trial by jury, punitive damages, compensatory damages, nominal damages, injunctive relief, court costs of this suit and any other relief this court deems proper.

8. Do you request a jury or non-jury trial? (Check only one)

() Jury Trial

() Non-Jury Trial

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

Signed this 30th day of July, 200 2011.

LeMont Love
Signature of plaintiff¹

¹ EACH PLAINTIFF NAMED IN THE COMPLAINT MUST SIGN THE COMPLAINT HERE. ADD ADDITIONAL LINES IF THERE IS MORE THAN ONE PLAINTIFF. REMEMBER, EACH PLAINTIFF MUST SIGN THE COMPLAINT.

AO 240 (Rev. 10/03)

UNITED STATES DISTRICT COURT

US

District of New Jersey

Plaintiff

v.

Defendant

APPLICATION TO PROCEED WITHOUT PREPAYMENT OF FEES AND AFFIDAVIT

RECEIVED

AUG 3 4 2011

CASE NUMBER:

AT 8:30
WILLIAM T. WALSH
CLERK

Lemont Love

declare that I am the (check appropriate box)

petitioner/plaintiff/movant other

I, the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

Are you currently incarcerated? Yes No (If "No," go to Part 2)

If "Yes," state the place of your incarceration Northern State Prison

Are you employed at the institution? Yes Do you receive any payment from the institution? Yes

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

Are you currently employed? Yes No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer. \$16.00/month Northern State Prison

P.O. Box 2300
Newark NJ 07114

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

In the past 12 twelve months have you received any money from any of the following sources?

- a. Business, profession or other self-employment Yes No
- b. Rent payments, interest or dividends Yes No
- c. Pensions, annuities or life insurance payments Yes No
- d. Disability or workers compensation payments Yes No
- e. Gifts or inheritances Yes No
- f. Any other sources Yes No

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

Do you have any cash or checking or savings accounts? Yes No

If "Yes," state the total amount. _____

Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value? Yes No

If "Yes," describe the property and state its value.

N/A

List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

N/A

declare under penalty of perjury that the above information is true and correct.

7/30/11

Date

LeMont Love

Signature of Applicant

NOTICE TO PRISONER: A Prisoner seeking to proceed without prepayment of fees shall submit an affidavit showing all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.