

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

JESUS FLOREZ,

Plaintiff,

v.

CASE NO. 18-3182-SAC

WYANDOTTE COUNTY POLICE DEPT.,

Defendant.

MEMORANDUM AND ORDER

Plaintiff, a prisoner appearing pro se and in forma pauperis, filed this civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff is pre-trial detainee being held at the Butler County Jail in El Dorado, Kansas. Mr. Florez alleges he was brutally beaten by the police officers who arrested him. He states he was at his house eating when the arrest occurred. Plaintiff claims he was hospitalized and is now partially paralyzed as a result of injuries he sustained during the arrest.

While Plaintiff names the defendant as the “Wyandotte County Police Department,” no such entity exists. A review of publicly available state court records reveals the arrest was made by the Kansas City (Kansas) Police Department (KCKPD).

The Court finds that the proper processing of Plaintiff’s claims cannot be achieved without additional information from appropriate officials of the KCKPD. *See Martinez v. Aaron*, 570 F.2d 317 (10th Cir. 1978); *see also Hall v. Bellmon*, 935 F.2d 1106 (10th Cir. 1991). Accordingly, the Court orders the appropriate officials of the KCKPD to prepare and file a *Martinez* Report. Once the report has been received, the Court can properly screen Plaintiff’s claims under 28 U.S.C. § 1915.

IT IS THEREFORE ORDERED BY THE COURT that:

(1) The Clerk of Court shall enter KCKPD as an interested party on the docket for the limited purpose of preparing the *Martinez* Report ordered herein. Upon the filing of that report, KCKPD may move for termination from this action.

(2) KCKPD shall have **sixty (60) days** from the date of service to prepare the *Martinez* Report.

(3) Officials responsible for the operation of the KCKPD are directed to undertake a review of the subject matter of the Complaint:

- a. To ascertain the facts and circumstances;
- b. To consider whether any action can and should be taken by the institution to resolve the subject matter of the Complaint; and
- c. To determine whether other like complaints, whether pending in this Court or elsewhere, are related to this Complaint and should be considered together.

(4) Upon completion of the review, a written report shall be compiled which shall be filed with the Court and served on Plaintiff. The KCKPD must seek leave of the Court if it wishes to file certain exhibits or portions of the report under seal or without service on Plaintiff. Statements of all witnesses shall be in affidavit form. Copies of pertinent rules, regulations, official documents, and, wherever appropriate, the reports of medical or psychiatric examinations shall be included in the written report. Any recordings related to Plaintiff's claims shall also be included.

(5) Authorization is granted to the officials of the KCKPD to interview all witnesses having knowledge of the facts, including Plaintiff.

Copies of this order shall be transmitted to Plaintiff and to the KCKPD.

IT IS SO ORDERED.

Dated in Topeka, Kansas, on this 27st day of August, 2018.

s/ Sam A. Crow
SAM A. CROW
U. S. Senior District Judge