

FILED

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

2013 DEC 23 AM 10:46

CLERK U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

MICHAEL BRATT and
MARJORIE YOUNMANS,

Case No:

Plaintiffs

8:13-CV-3210-T-17AEP

v.

LOUIS GENOVESE,
STEVEN GEORGE,
and KENNETH VAN TASSEL,
and JOHN GORE

Defendants

COMPLAINT AND DEMAND FOR JURY TRIAL

FACTUAL BACKGROUND

1. On December 26, 2009, after hosting a family Christmas dinner at their home, Michael Bratt's and his wife Marjorie Youmans' lives were forever changed. Deputy Steven George of the Hernando County Sheriff's Office (HCSO) responded to their neighborhood sometime around 1:30 a.m. regarding a noise complaint. Upon arrival, Deputy George heard no noise violations and met with the complainant, a neighbor of Mr. Bratt and Ms. Youmans.

2. Deputy George, without any lawful basis, and at the unconventional hour of nearly 2 a.m., decided to climb the fence that enclosed the property of the Bratt residence, and approach the front door in the dark. The Bratt property is completely fenced in and gated, with a call box located outside the gate to enter the driveway for visitors to use to gain entry to the property. Deputy George did not use this call box to announce his presence, nor did he call the residence by phone.

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3. Deputy George proceeded in the dark to knock on the door of the Bratt residence. Marjorie Youmans was asleep and Mr. Bratt was finishing cleaning up. The unannounced knock at this odd hour alarmed Mr. Bratt.

4. Mr. Bratt asked who was at the door. He could not hear a clear response from Deputy George. When he determined the person at the door was claiming to be an HCSO deputy, Mr. Bratt asked Deputy George to shine his flashlight on his uniform and badge.

5. After Deputy George complied, Mr. Bratt cracked the door open. He asked what Deputy George wanted. Deputy George did not explain why he was present.

6. Marjorie Youmans was awaked by Deputy George's knocking. When Deputy George would not explain why he was at their home, Marjorie Youmans began yelling at Deputy George and started to head towards him. Mr. Bratt, not wanting his wife to approach Deputy George or get in any trouble, placed his hand out to prevent his wife from moving towards Deputy George as she was screaming at Deputy George.

7. Deputy George at that moment inexplicably yelled, "domestic battery," and attempted to gain entry in to the Bratt residence. No domestic battery was committed by Mr. Bratt attempting to stop his screaming wife from confronting Deputy George. Mr. Bratt told Ms. Youmans to go back to the bedroom with their dog.

8. As Deputy George pushed against the front door, Mr. Bratt kept the door from opening by placing his foot at the bottom of the door. Deputy George then reached around the door and tasered Mr. Bratt, causing Mr. Bratt to fall backwards.

9. Deputy George was leaning against the door when Mr. Bratt fell backwards, and the momentum of Deputy George's weight against the door caused Deputy George to fall forward into the Bratt residence. Upon falling into the residence after taserings Mr. Bratt,

Deputy George's nose struck the floor or wall and he began to bleed in the foyer of the Bratt home.

10. Deputy George began to call out on the HCSO radio that he was "shot" and/or "down." Deputy George was in a complete panic. Mr. Bratt called for Ms. Youmans, a nurse, to get towels for Deputy George's bloody nose.

11. Deputy George continued to pursue Mr. Bratt in the home. Mr. Bratt, fearing Deputy George, told Deputy George he did not need to taser Mr. Bratt again and that if he was trying to handcuff Mr. Bratt, Mr. Bratt would let him.

12. While Mr. Bratt was lying on his living room floor, Deputy Kenneth Van Tassel arrived and dragged Mr. Bratt outside handcuffed. Mr. Bratt was thrown on the front lawn and asked if he liked beating up cops, or words to that effect. Mr. Bratt tried to tell officers he did not strike Deputy George. As Mr. Bratt was being removed from his residence, a law enforcement supervisor confirmed that Mr. Bratt's face was not injured.

13. Once on the front lawn, Mr. Bratt was beaten by Deputy Van Tassel and Deputy Louis Genovese. Deputy Genovese, weighing over 300 pounds, proceeded to drive his knee into Mr. Bratt's face, shattering Mr. Bratt's orbital bone and causing Mr. Bratt's eye to fall into the cavity of his cheek.

14. Ms. Youmans, still in her nightgown, was given conflicting directions by law enforcement, being told to stay inside the house by Deputy Van Tassel and told by law enforcement in the house to go outside. At one point, while Mr. Bratt was being beaten, Ms. Youmans, from her front door area, attempted to advise the officers striking Mr. Bratt that he had back surgery and significant medical problems with his back. At that point, Deputy Van Tassel ordered Ms. Youmans arrested for obstruction.

15. Deputy John Gore arrested Ms. Youmans with excessive force by gratuitously pushing Ms. Youmans roughly into the front of her house while she was not resisting arrest and was non-violent.

16. While HCSO called for medical help, HCSO did not permit Mr. Bratt to be treated by the responding paramedics. Instead, Mr. Bratt was placed in the back of Deputy Genovese's police car.

17. Deputy Genovese and a second officer pulled over before reaching the hospital and Deputy Genovese proceeded to enter the back seat of his police car and further assault Mr. Bratt. In addition, Deputy Genovese and other officers took a sweaty gym towel kept in another officer's car and proceeded to bind it over Mr. Bratt's face, restricting what ability he had to see at that point and his ability to breathe comfortably.

18. Deputy Genovese claimed the stop of the vehicle was necessary because Mr. Bratt was allegedly spitting; however, the paramedics transporting Deputy George for his bloody nose pulled over and examined Deputy Genovese and found spit nowhere on Deputy Genovese consistent with Deputy Genovese's allegation. The only unknown spot on Deputy Genovese was on the center of his forehead, which Deputy Genovese conceded in the criminal trial would not be from being spit on from Mr. Bratt's position in the back seat of his vehicle.

19. Mr. Bratt had to be taken to Tampa General Hospital because the Hernando hospital was not in a position to handle his serious eye injury.

20. After this incident, the members of HCSO that were involved in this case had a special meeting to "discuss" this incident.

21. The taser that Deputy George used against Mr. Bratt was unaccounted for for approximately five days. When it was finally turned over to an HCSO officer, the data file

appeared corrupted and the taser records showed that the last time the taser was used (in the custody of Deputy Steven George) it had been fired continuously for over twenty minutes.

22. Not one HCSO officer was able to explain how Mr. Bratt's orbital bone was smashed. Of the numerous officers that responded to Deputy George's false claims of being "shot" or "stabbed," none of them claimed to have seen how Mr. Bratt was so brutally damaged.

23. Deputy George denied ever striking Mr. Bratt and the officers outside the Bratt / Youmans house all denied striking Mr. Bratt in the face.

24. Mr. Bratt was acquitted of all charges at trial. The obstruction charge against Ms. Youmans was dismissed by the court.

INTRODUCTION

25. This is an action for damages to compensate Plaintiff Michael Bratt for the extensive and long-standing physical and psychological injuries he suffered as the result of numerous willful and outrageous deprivations of his constitutional rights committed by Hernando County Sheriff's Office Deputies Louis Genovese, Steven George and Kenneth Van Tassel without cause on December 26, 2009 after Mr. Bratt was unlawfully arrested at his home following an unsubstantiated noise complaint by a neighbor on Christmas night.

26. This is also an action for damages to compensate Plaintiff Marjorie Youmans for the physical and psychological injuries she suffered as the result of (1) her unconstitutional arrest ordered by Deputy Van Tassel on December 26, 2009, (2) the excessive force used by Deputy Gore, and (3) the loss of consortium suffered by Ms. Youmans due to the extensive injuries suffered by her husband Michael Bratt resulting from the numerous willful and outrageous deprivations of his constitutional rights committed by Hernando County Sheriff's Office Deputies Louis Genovese, Steven George and Kenneth Van Tassel.

JURISDICTION

27. The jurisdiction of this Court is invoked pursuant to 42 U.S.C. § 1983, 28 U.S.C. § 1331, §§ 1343(a)(3) and (4), and the Fourth and Fourteenth Amendments to the United States Constitution.

VENUE

28. Venue is proper in the Middle District of Florida pursuant to 28 U.S.C. § 1391(b)(2) because the events giving rise to these claims occurred in Hernando County in the Middle District of Florida.

PARTIES

29. Plaintiff Michael Bratt was at all relevant times a resident of Hernando County, Florida. He lived with his wife Marjorie Youmans at 22315 Snow Hill Road, Brooksville, Florida.

30. Plaintiff Marjorie Youmans was at all relevant times a resident of Hernando County, Florida. She lived with her husband Michael Bratt at 22315 Snow Hill Road, Brooksville, Florida.

31. Defendant Louis Genovese was at all relevant times a Deputy Sheriff of the Hernando County Sheriff's Office in Hernando County, Florida and as such acted under color of state law. Defendant Genovese is sued in his individual capacity.

32. Defendant Steven George was at all relevant times a Deputy Sheriff of the Hernando County Sheriff's Office in Hernando County, Florida and as such acted under color of state law. Defendant George is sued in his individual capacity.

33. Defendant Kenneth Van Tassel was at all relevant times a Deputy Sheriff of the Hernando County Sheriff's Office in Hernando County, Florida and as such acted under color of state law. Defendant Van Tassel is sued in his individual capacity.

34. Defendant John Gore was at all relevant times a Deputy Sheriff of the Hernando County Sheriff's Office in Hernando County, Florida and as such acted under color of state law. Defendant Gore is sued in his individual capacity.

**COUNT I: 42 U.S.C. § 1983 MALICIOUS AND SADISTIC USE OF
EXCESSIVE FORCE FOR THE ILLEGAL PURPOSE OF CAUSING
HARM TO PLAINTIFF MICHAEL BRATT**

**(Plaintiff Michael Bratt)
(Defendants Genovese and Van Tassel)**

35. The Fourth and Fourteenth Amendments to the United States Constitution protect people who are arrested from being subjected to excessive force.

36. Gratuitous use of force when a suspect is not resisting arrest constituted excessive force as of December 26, 2009. *Hadley v. Gutierrez*, 526 F.3d 1324, 1330 (11th Cir. 2008).

37. The use of force maliciously and sadistically to cause harm was clearly established to be a violation of the United States Constitution as of December 26, 2009. *Skritch v. Thornton*, 280 F.3d 1295, 1304 (11th Cir. 2002). This is because the use of excessive force sadistically and maliciously for the very purpose of causing harm is so extreme that every conceivable set of circumstances in which this constitutional violation occurs was clearly established to be a violation of the Constitution as of December 26, 2009. *Johnson v. Breeden*, 280 F.3d 1308, 1321-22 (11th Cir. 2002).

38. On December 26, 2009, Defendant Genovese violated Michael Bratt's constitutional rights by maliciously, sadistically, without cause, and for the purpose of causing harm and pain, driving his knee forcefully into Mr. Bratt's face, thereby shattering Mr. Bratt's

orbital bone and causing Mr. Bratt's eye to come out of its normal socket and drop into his cheek cavity area, while Mr. Bratt was handcuffed, subdued, not resisting and lying on the ground in front of his home after having been placed under unlawful arrest and while posing no threat to anyone.

39. On December 26, 2009, Defendant Van Tassel violated Michael Bratt's constitutional rights by maliciously, sadistically, without cause, and for the purpose of causing harm and pain, repeatedly punching, kicking, and applying painful pressure point strikes to Mr. Bratt's face, torso and legs while Mr. Bratt was handcuffed, subdued, not resisting and lying on the ground in front of his home after having been placed under unlawful arrest and while posing no threat to anyone.

40. Later on December 26, 2009, Defendant Genovese violated Michael Bratt's constitutional rights by maliciously, sadistically, without case, and for the purpose of causing harm and pain, repeatedly punching Mr. Bratt in the head and body while Mr. Bratt was handcuffed in the back of a Hernando Sheriff's Office police car, subdued, not resisting, and posing no threat to anyone.

41. Defendants Genovese and Van Tassel acted under color of state law at all relevant times.

42. Plaintiff Michael Bratt suffered damages as a result of Defendants Genovese's and Van Tassel's unlawful conduct.

COUNT II: 42 U.S.C. § 1983
EXCESSIVE USE OF FORCE

(Plaintiff Michael Bratt)
(Defendant George)

43. Paragraphs 35 and 36 are realleged and incorporated by reference.

44. The use of excessive force where the suspect is non-violent and not resisting was clearly established to be a violation of the United States Constitution as of December 26, 2009. *Hadley v. Gutierrez*, 526 F.3d 1324, 1330 (11th Cir. 2008); *Priester v. City of Riviera Beach*, 208 F.3d 919, 927 (11th Cir. 2000); *Vinyard v. Wilson*, 311 F.3d 1340, 1347-48 (11th Cir. 2002).

45. On December 26, 2009, Defendant George violated Michael Bratt's constitutional rights by gratuitously and needlessly shooting Mr. Bratt with a Taser device while Mr. Bratt was not violent, posed no threat to the safety of anyone, was not resisting arrest, and was not attempting to evade arrest by flight.

46. Defendant George acted under color of state law at all relevant times.

47. Plaintiff Michael Bratt suffered damages as a result of Defendant George's unlawful conduct.

COUNT III: 42 U.S.C. § 1983
EXCESSIVE USE OF FORCE

(Plaintiff Margorie Youmans)
(Defendant Gore)

48. Paragraphs 35, 36 and 44 are realleged and incorporated by reference.

49. On December 26, 2009, Defendant Gore violated Marjorie Youmans' constitutional rights by gratuitously and needlessly pushing Ms. Youmans roughly into the front of her house while placing her under arrest while Ms. Youmans was not violent, posed no threat to the safety of anyone, was not resisting arrest, and was not attempting to evade arrest by flight.

50. Defendant Gore acted under color of state law at all relevant times.

51. Plaintiff Marjorie Youmans suffered recurring and lasting sciatic pain as a result of Defendant Gore's unlawful conduct.

COUNT IV: 42 U.S.C. § 1983
UNLAWFUL SEARCH

(Plaintiffs Michael Bratt and Marjorie Youmans)
(Defendant George)

52. The Fourth and Fourteenth Amendments to the United States prohibit arresting a person in the person's home without an arrest warrant without the person's consent absent exigent circumstances.

53. As of December 26, 2009, it was clearly established that it was a violation of the United States Constitution for a law enforcement officer to make a warrantless entry into a suspect's home in order to make a routine arrest absent consent or exigent circumstances. *Bates v. Harvey*, 518 F.3d 1233, 1249 (11th Cir. 2008); *Manning v. Wilson*, 228 Fed. Appx. 836, 837 (11th Cir. 2007); *Lepone-Dempsey v. Carroll County Commissioners*, 159 Fed. Appx. 916, 919 (11th Cir. 2005).

54. On December 26, 2009, Defendant George violated Michael Bratt's and Marjorie Youmans' constitutional rights by entering Mr. Bratt's and Marjorie Youmans' home without the consent of Mr. Bratt or Ms. Youmans, without a warrant, and without the required exigent circumstances. Specifically, Defendant George responded to a noise complaint and heard no noise, proceeded to jump a fence enclosing Mr. Bratt's property, made contact with Mr. Bratt and Ms. Youmans, and forced entry into Mr. Bratt's and Ms. Youmans' home when Mr. Bratt placed his hand on his wife to prevent his wife from confronting Defendant George. Defendant George had no reason to believe Mr. Bratt had battered his wife, had no reason to believe Mr. Bratt was armed, had no reason to believe Mr. Bratt intended to escape, and had no reason to believe Mr. Bratt posed a threat to law enforcement officers or the public.

55. Defendant George acted under color of state law at all relevant times.

56. Plaintiffs Michael Bratt and Marjorie Youmans suffered damages as a result of Defendant George's conduct.

COUNT V: 42 U.S.C. § 1983
FALSE ARREST

(Plaintiff Michael Bratt)
(Defendant George)

57. A warrantless arrest without probable cause violates the Fourth and Fourteenth Amendment's prohibition against unreasonable searches and seizures. *Skop v. City of Atlanta*, 485 F.3d 1130, 1143 (11th Cir. 2007); *Von Stein v. Brescher*, 904 F.2d 572, 579 (11th Cir. 1990); *Herren v. Bowyer*, 850 F.2d 1543, 1547 (11th Cir. 1988).

58. As of December 26, 2009, it was clearly established that it was a violation of the United States Constitution for a law enforcement officer to make an arrest without even arguable probable cause. *Crosby v. Monroe County*, 394 F.3d 1328, 1332-33 (11th Cir. 2004).

59. On December 26, 2009, Defendant George violated Michael Bratt's constitutional rights by unlawfully arresting Mr. Bratt for misdemeanor battery of his wife Marjorie Youmans without probable cause and without even arguable probable cause.

60. Defendant George acted under color of state law at all relevant times.

61. Plaintiff Michael Bratt suffered damages as a result of Defendant George's unlawful conduct.

COUNT VI: 42 U.S.C. § 1983
FALSE ARREST

(Plaintiff Marjorie Youmans)
(Defendant Van Tassel)

62. Paragraphs 57 and 58 are realleged and incorporated by reference.

63. On December 26, 2009, Defendant Van Tassel violated Marjorie Youmans' constitutional rights by unlawfully ordering the arrest of Ms. Youmans for obstruction without probable cause and without even arguable probable cause.

64. Defendant Van Tassel acted under color of state law at all relevant times.

65. Plaintiff Marjorie Youmans suffered damages as a result of Defendant Van Tassel's unlawful conduct.

**COUNT VII: 42 U.S.C. § 1983
COVERING UP USE OF EXCESSIVE FORCE TO
HINDER ACCESS TO COURTS TO REDRESS CONSTITUTIONAL VIOLATIONS**

**(Plaintiff Michael Bratt)
(All Defendants)**

66. A person's right to access to the courts to seek redress for constitutional violations is protected by the Privileges and Immunities Clause of Article IV of the United States Constitution, the First Amendment, the Fifth Amendment and the Fourteenth Amendment. *Hadley v. Gutierrez*, 526 F.3d 1324, 1332 (11th Cir. 2008); *Chappell v. Rich*, 340 F.3d 1279, 1282-83 (11th Cir. 2003).

67. As of December 26, 2009, it was clearly established that a law enforcement officer's covering up the use of excessive force violates a criminal defendant's access to the courts to redress a constitutional violation. *Hadley v. Gutierrez*, 526 F.3d 1324, 1332 (11th Cir. 2008).

68. On December 26, 2009, Defendants Genovese, George and Van Tassel violated Michael Bratt's constitutional right to access to the courts to redress constitutional violations by falsely covering up their use of excessive force on Mr. Bratt in their respective Hernando County Sheriff's Office reports concerning Mr. Bratt's arrest on that date.

69. All Defendants acted under color of state law at all relevant times.

70. Plaintiff Michael Bratt suffered damages as a result of all Defendants' unlawful conduct.

**COUNT VIII: 42 U.S.C. § 1983
COVERING UP USE OF EXCESSIVE FORCE TO PREVENT EXCULPATORY AND
IMPEACHING EVIDENCE FROM BEING DISCLOSED TO STATE ATTORNEY**

**(Plaintiff Michael Bratt)
(All Defendants)**

71. A criminal defendant is entitled under the Due Process Clause of the Fourteenth Amendment to receive exculpatory or impeaching evidence from a state prosecutor. *Hadley v. Gutierrez*, 526 F.3d 1324, 1332 (11th Cir. 2008); *Brady v. Maryland*, 373 U.S. 83, 87-91 (1963).

72. As of December 26, 2009, it was clearly established that a law enforcement officer's covering up the use of excessive force violates a criminal defendant's due process rights by preventing exculpatory or impeaching evidence from being disclosed to a state prosecutor. *Hadley v. Gutierrez*, 526 F.3d 1324, 1332 (11th Cir. 2008).

73. On December 26, 2009, Defendants Genovese, George and Van Tassel violated Michael Bratt's constitutional right to receive exculpatory and impeaching evidence from the State Attorney in the criminal case that resulted from his arrest by falsely covering up their use of excessive force on Mr. Bratt in their respective Hernando County Sheriff's Office reports concerning Mr. Bratt's arrest on that date.

74. All Defendants acted under color of state law at all relevant times.

75. Plaintiff Michael Bratt suffered damages as a result of all Defendants' unlawful conduct.

COUNT IX: STATE LAW CONSORTIUM CLAIM

**(Plaintiff Marjorie Youmans)
(All Defendants)**

76. Paragraphs 35-47 and 52-61 are realleged and incorporated by reference.

77. On December 26, 2009, Defendants Genovese, George, and Van Tassel repeatedly injured Michael Bratt through their numerous violations of Mr. Bratt's constitutional rights.

78. These injuries caused by Defendants Genovese, George, and Van Tassel also damaged the companionship, fellowship, cooperation, aid, affection, solace, comfort, and assistance to which Marjorie Youmans was entitled by virtue of her marriage to Mr. Bratt.

PRAYER FOR RELIEF

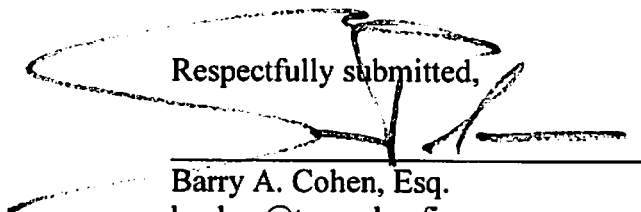
WHEREFORE, Plaintiffs demand judgment for damages, exemplary damages, punitive damages, and costs of this action totaling in excess of ten million dollars, and such other and further relief as the Court deems appropriate.

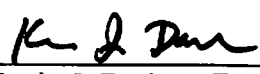
DEMAND FOR JURY TRIAL

Plaintiffs demand trial by jury on all issues herein.

December 23, 2013

Respectfully submitted,


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Attorneys for Plaintiffs

JS 44 (Rev. 12/07)

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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Michael Bratt and Majorie Youmans

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

(c) Attorney's (Firm Name, Address, and Telephone Number)

Kevin J. Darken, The Cohen Law Group, 201 E. Kennedy Blvd.,
Ste. 1000, Tampa, FL 33602, (813) 225-1655

DEFENDANTS

Louis Genovese, Steven George, and Kenneth Van Tassel
2013 DEC 23 AM 10:46

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)

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 | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☒ 360 Other Personal Injury	PERSONAL INJURY ☐ 362 Personal Injury - Med. Malpractice ☐ 365 Personal Injury - Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RS1 (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 810 Selective Service ☐ 850 Securities/Commodities/Exchange ☐ 875 Customer Challenge 12 USC 3410 ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 892 Economic Stabilization Act ☐ 893 Environmental Matters ☐ 894 Energy Allocation Act ☐ 895 Freedom of Information Act ☐ 900 Appeal of Fee Determination Under Equal Access to Justice ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 444 Welfare ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☒ 440 Other Civil Rights	PRISONER PETITIONS ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition	LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 730 Labor/Mgmt. Reporting & Disclosure Act ☐ 740 Railway Labor Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 463 Habeas Corpus - Alien Detainee ☐ 465 Other Immigration Actions	

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
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

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

Brief description of cause:

Federal civil rights case

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

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

12-23-13

K. J. Darken

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____