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ISB # 4999

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

JASON LEE LORENZ,

Plaintiff,

v.

CHIEF WAYNE LONGO, CITY OF
COEUR D' ALENE, COEUR D' ALENE
POLICE DEPARTMENT, JOHN DOES
1-10, JANE DOES 1-10.

Defendants.

CIVIL ACTION NO. 2:09-cv-405

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

COMPLAINT

(THE PLAINTIFF DEMANDS A TRIAL BY JURY)

COMES NOW, the Plaintiff, JASON LEE LORENZ, by and through his counsel of record, Larry D. Purviance, who files this Complaint against the aforementioned Defendants. In support of the same, the Plaintiff states, avers and gives notice of the following:

JURISDICTION

1. The Plaintiff herein invokes the federal question jurisdiction of this Honorable Court pursuant to 28 U.S.C. Sections 1331 & 1343 to obtain a judgment for the costs of suit, including reasonable attorneys' fees, and damages suffered and sustained by the Plaintiff,

JASON LEE LORENZ and caused by the Defendants' blatant violation of the rights, privileges and immunities of the Plaintiff, JASON LEE LORENZ, as guaranteed by the Fourth, Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States of America and by the applicable Federal statutes, more particularly, 42 U.S.C. Sections 1983, 1985(3), 1986 & 1988 et seq. Additionally, this Honorable Court has jurisdiction to adjudicate the pendent or supplemental state claims that arose out of the same course of conduct giving rise to the principal claims of the Plaintiff as herein stated.

VENUE

2. Venue is proper in this jurisdiction and district pursuant to 28 U.S.C. Section 1391(b) because a substantial part of the real and immediate harm sustained by the Plaintiff occurred in this judicial district and division.

STATEMENT OF THE FACTS

3. On March 14, 2009, Plaintiff visited the residence of his former wife, by her invitation, hoping to reconcile some of the differences that still lay between them.

4. Plaintiff was amicably received by his former spouse. He and she both consumed a substantial amount of alcohol during Plaintiff's visit.

5. As the evening progressed, the Plaintiff and his spouse grew more intimate with each other. They moved to the bedroom of the residence, but Plaintiff's state of intoxication had by that time become so great that his desire for his former spouse was extinguished.

6. Plaintiff next passed out from his intoxication. He next remembers waking up to being arrested by the Coeur d' Alene Police.

7. Plaintiff was arrested for attempted rape and held at the Kootenai County Jail from March 14, 2009 until July 13, 2009. His requests for bail reduction during this time were consistently denied. Aside from the testimony of his former wife, which differs wildly from Plaintiff's own account of the events of the evening in question, no other evidence ever was produced to substantiate the crime for which Plaintiff was charged. Ultimately Plaintiff was released, one day before his trial was due to commence, by a motion to dismiss for lack of evidence.

8. As a result of Defendant, COEUR D' ALENE CITY's failure to properly hire, train and supervise their employees, and the employees outrageous, egregious, and illegal and unconstitutional arrest, without Probable Cause, and the subsequent Wrongful Incarceration and Malicious Prosecutions of Plaintiff JASON LEE LORENZ, Plaintiff has suffered and will continue to suffer from the blatant constitutional violations, public humiliation, embarrassment, loss of liberty, loss of property while wrongfully incarcerated, and other damages.

PARTIES

9. The Plaintiff is a citizen of the United States of America and the State of Idaho wherein he resided in Kootenai County, District of Idaho. The Wrongful Arrests without Probable Cause, Wrongful Incarceration and Malicious Prosecution inflicted upon the Plaintiff were done while he resided in Coeur d' Alene.

10. The Defendant, CITY OF COEUR D'ALENE, is a political subdivision of the State of Idaho and is the entity responsible for the oversight and funding of the COEUR D'ALENE CITY POLICE DEPARTMENT. At all relevant times herein, this Defendant was acting "under Color of State Law.";

11. The Defendant, the COEUR D'ALENE POLICE DEPARTMENT, is a political entity or subdivision organized to provide security and safety to and for the citizens of Coeur d'Alene, Idaho. At all relevant times herein, this Defendant was acting "under Color of State Law.";

12. The Defendant, Chief of Police WAYNE LONGO, is and was employed by the Coeur d'Alene City Police Department, of Kootenai County, State of Idaho. At all times material hereto was the duly appointed as the Chief of Police of the Coeur d'Alene Police Department, vested with the responsibility and authority to hire, train, supervise, set policies and procedures, enforce the policies and procedures adopted or otherwise implemented and to provide protection to the citizens of City of Coeur d'Alene, Idaho, to include the Plaintiff, JASON LEE LORENZ. This Defendant is sued in his official and his individual capacities. At all relevant times herein, this Defendant was acting "Under Color of State Law."

13. The Defendants, JOHN & JANE DOES 1 - 10, were and are employed by the Coeur d'Alene City Police Department, of Kootenai County, State of Idaho. At all times material hereto, these Defendants were duly-sworn Peace Officers of the State of Idaho, vested with the responsibility to enforce the laws of the State of Idaho, the Constitution of the United States of American, the policies and procedures adopted or otherwise

implemented and to provide protection and to serve the citizens of City of Coeur d'Alene, Idaho, to include the Plaintiff, JASON LEE LORENZ. These Defendants are sued in their official and individual capacities. At all relevant times herein, these Defendants were acting "Under Color of State Law."

COUNT I ACTION FOR DEPRIVATION OF CIVIL RIGHTS

(42 U.S.C. SECTION 1983)

14. The Plaintiff hereby incorporates by reference and re-alleges the information set forth in paragraphs 1-13.

15. At all times material hereto, the Defendants were vested with the state authority and the non-delegable responsibility and duty of adhering to, complying with and enforcing the laws of the United States of America and the State of Idaho. Consequently, while acting under Color of State Law, the Defendants commenced to implement a policy, custom, usage or practice wherein the rights, privileges or immunities of the Plaintiff, JASON LEE LORENZ, were violated. Specifically, the Defendants, jointly and severally, engaged in a course of conduct that resulted in the violation of the Plaintiff, JASON LEE LORENZ's right to the equal protection of the laws of the United States of America, the Fourteenth Amendment to the Constitution of the United States of America and the corresponding provisions of the Constitution of the State of Idaho and the right to be free of Malicious Prosecution, the right to procedural and substantive due process of the law pursuant to the Fifth and Fourteenth Amendments to the Constitution of the United States of America, and the right to be free of unreasonable searches and seizures

guaranteed by the Fourth Amendment to the Constitution of the United States of America. The violations complained of in this Complaint include, but are not limited to deprivation of identifiable civil rights, i.e., life, liberty and/or property, the unnecessary and wanton infliction of pain in light of the circumstances confronted by the Defendants resulting in an illegal and unconstitutional manner that was sufficiently serious wherein the Defendants acted without Probable Cause and wrongfully arrested and prosecuted the Plaintiff and intended to cause JASON LEE LORENZ physical, mental and emotional harm, pain, humiliation and/or injury, and thereafter evidenced a deliberate indifference to the actual innocence of the Plaintiff, JASON LEE LORENZ

16. As a direct and proximate consequence of the Defendants' actions, JASON LEE LORENZ, was deprived of certain rights, privileges and immunities secured by the Constitution of the United States of America, the laws of this Nation and the State of Idaho. Specifically, JASON LEE LORENZ's Fifth and Fourteenth Amendment rights to procedural and substantive due process and equal protection of the laws and the right to be free of Malicious Prosecutions were violated by the Defendants, together with his Eighth Amendment right proscribing cruel and unusual punishment and his Fourth Amendment right to be free of unreasonable searches and seizures, as well as his First Amendment right to free speech and expression.

17. At all times material hereto, the Defendants and their agents, representatives, and employees acted pursuant to the policies, regulations, failure to develop a policy which would have prevented rogue behavior, and decisions officially adopted or promulgated by

those persons whose acts may fairly be said to represent official policy of or were pursuant to a governmental custom, usage or practice of the Defendants.

18. It is further averred that the Defendants COEUR D' ALENE POLICE DEPARTMENT, the CITY OF COEUR D' ALENE and Chief of Police WAYNE LONGO were the governmental officials whose edicts or acts may fairly be said to represent official policy, practices, customs or regulations of the Defendants. The aforementioned Defendants collectively and individually developed, planned and implemented the policy, custom and/or usage that resulted in and caused the injuries of the Plaintiff, JASON LEE LORENZ.

19. As a direct and proximate consequence of the Defendants' conduct wherein such Defendants deprived the Plaintiff, JASON LEE LORENZ, of certain rights guaranteed by the Constitution of the United States of America, the Plaintiff, JASON LEE LORENZ, suffered immediate and irreparable injury to his person resulting in the deprivation of his constitutional rights, privileges and immunities. While being wrongfully arrested and maliciously prosecuted by the Defendants, the Plaintiff, JASON LEE LORENZ, experienced extreme mental and emotional pain and suffering, humiliation, degradation, mental distress and severe emotional anguish.

**COUNT II ACTION FOR CONSPIRACY TO INTERFERE WITH CIVIL
RIGHTS (42 U.S.C. SECTION 1985)**

20. The Plaintiff hereby incorporates by reference and re-alleges the information set forth in paragraphs 1-19.

21. Prior to the time that the Plaintiff, JASON LEE LORENZ was taken into custody by the COEUR D' ALENE CITY POLICE DEPARTMENT by the Defendants, who initially arrested him on the charges of Stalking and Violation of a No Contact Order, certain known and other unknown members of the Coeur d' Alene Police Department began preparing for the arrest of the Plaintiff. Mr. LORENZ's rights to address, redress and voice his concerns over the allegedly unlawful seizure of his person, were violated. Defendants, and each of them violated Mr. LORENZ's constitutionally guaranteed rights under the Fourth and Fourteenth Amendments. Mr. LORENZ's opportunity for Equal Protection of the laws was intentionally thwarted by Defendants, the Coeur d' Alene City Police Department and its Officer. Their plan was simply to teach Plaintiff a lesson to vex, harass, disturb, and to cause Plaintiff to suffer and endure a great deal of pain. This plan culminated in the completion of the agreement and a deprivation of Plaintiff's constitutional rights when the Plaintiff, was arrested and handcuffed and then Maliciously Prosecuted for two separate crimes.

22. There existed at the COEUR D' ALENE POLICE DEPARTMENT a belief, practice, policy, usage and/or custom that it was acceptable practice to arrest and prosecute a citizen without probable cause. Furthermore, once Defendants began violating JASON LEE LORENZ'S constitutional rights by wrongfully arresting and prosecuting him on baseless charges, those members of the COEUR D' ALENE POLICE DEPARTMENT who did not intervene to stop the wrongful arrest and prosecution, likewise became co-

conspirators, aiders and abettors and/or accomplices to the deprivation of Plaintiff's civil, constitutional and human rights and they are likewise liable for their acts of omission.

23. Furthermore, the conspiracy to interfere with the Plaintiff's civil rights manifested itself in the preparation of two false and improperly-investigated police reports written by or on behalf of Defendants. This information was disseminated in a further attempt to cover up the atrocious conduct by the COEUR D' ALENE POLICE DEPARTMENT.

24. The conspiracy to deprive the Plaintiff of certain federally protected rights, privileges and immunities began with a basic agreement among Defendants. It concluded with acts of cover-up, lies and the preparation of false police reports. It is clear from the facts set forth above that the Defendants willfully and maliciously agreed and conspired to engage in a course of conduct that resulted in a blatant violation of the Plaintiff's constitutional rights through their acts of omission and commission. As a direct and proximate consequence of the Defendants' actions on the date in question, the Plaintiff has suffered extremely serious injuries. Thus the Defendants are jointly and severally liable to the Plaintiff for the injuries, pain, financial losses and the suffering caused by being wrongfully arrested, wrongfully incarcerated and maliciously prosecuted.

**COUNT IV FAILURE TO ADEQUATELY TRAIN
& SUPERVISE POLICE OFFICERS**

42 U.S.C. §1983

25. The Plaintiff hereby incorporates by reference and re-alleges the information set forth in the previous paragraphs.

26. The Defendants, and each of them failed to provide adequate and competent training and/or supervision to the Defendant Officers while they was a Police Officers for the City of Coeur d' Alene Police Department. The aforementioned Defendants are tasked with the non-delegable duty and responsibility to formulate, oversee and implement official policies, procedures, practices and customs that were to be carried out by Police Officers employed by the Coeur d' Alene City Police Department.

27. As a direct and proximate consequence of the aforementioned Defendants' failure to properly develop, implement and otherwise devise a policy of adequate police training and/or supervision for its patrol officers, the Plaintiff was deprived of certain constitutional rights, privileges and immunities. If properly trained and supervised, every Officer within the employ of the Coeur d' Alene City Police Department and the Defendant Officers would have known of the illegality of the Defendants' conduct on the dates in question, and Plaintiff's injuries and the corresponding deprivation of his civil rights, privileges and immunities would not have occurred.

28. The need for additional or different training was so obvious and the inadequacy of the training given to Defendant Officers, was so likely to result in a violation of the Constitutional Rights of the Plaintiff, or any other person or persons similarly situated, that it amounted to deliberate indifference and blatant disregard for the rights, privileges and immunities of the Plaintiff and any other person or persons similarly situated. Thus, because of the failure to adequately train and supervise Coeur d' Alene Police officers, the aforementioned Defendants are liable for Plaintiff's injuries and the deprivation of civil rights associated therewith. *Cf. City of Canton v. Harris*, 489 US 378(1989).

**COUNT V NEGLIGENT HIRING, RETENTION AND FAILURE TO
DISCIPLINE OR TAKE NECESSARY CORRECTIVE ACTION**

42 U.S.C. §1983

- 29.** The Plaintiff hereby incorporates by reference and re-alleges the information set forth in the previous paragraphs.
- 30.** The Defendants and other unnamed Defendants were vested with the authority to hire, fire and discipline employees of the Coeur d' Alene Police Department.
- 31.** The Defendants and other unnamed Defendants, failed to properly vet, investigate the history of potential officer candidates, and once hired, failed to take necessary corrective measures when violations occurred, and failed to discipline officers when said violations occurred.
- 32.** As a direct and proximate consequence of the aforementioned Defendants' failures and neglect, and willful lack of oversight, the Defendants' improper investigation of potential candidates, lack of and failure to discipline, and failure of Defendants' implementation of corrective measures, Plaintiff has been injured, continues to suffer from said injuries, was deprived of certain constitutional and civil rights, privileges and immunities.
- 33.** The need to implement proper screening of potential officer candidates, the need to hire qualified candidates based on articulated criteria and training, the failure to discipline, implement training and oversight, and the need to implement new and

different corrective measures is so obvious, that the violations of the rights afforded to Plaintiff JASON LEE LORENZ, or any other citizen similarly situated, by the Constitution, and the State of Idaho was foreseeable. As a result of Defendants' willful indifference to implement and adhere to objective and reasonable practices and standards, Defendants' acts amounted to a blatant disregard for the rights, privileges and immunities of Plaintiff JASON LEE LORENZ, and other citizens so situated. Thus, Defendants, and each of them, are liable for JASON LEE LORENZ's injuries and the deprivation of his civil rights and the violation of his constitutional rights.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, the Plaintiff, JASON LEE LORENZ, prays that upon the filing of this complaint that this Honorable Court would advance this case on the trial docket and thereafter set this matter for a full and complete jury trial on the merits and upon the completion of the same enter a judgment granting the following relief:

a. Enter a judgment in favor of the Plaintiff and against the Defendants, jointly and severally, for the actual or compensatory and presumed damages sustained by the Plaintiff pursuant to 42 U.S.C. Sections 1983, 1985, 1986, 1988 et seq, the First, Fourth, Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States of America arising out of the same set of facts from which the deprivation of civil, constitutional and human rights arose for the deprivation of such constitutional rights, infliction of emotional distress, mental anguish, pain, suffering, degradation, humiliation, loss of society and support, slander and any other injury or claim that may be discovered

during the discovery process for which the law holds the Defendants liable and responsible in an amount to be determined by a jury but not less than \$1,000,000.00;

b. A judgment in favor of the Plaintiff and against the Defendants, jointly and severally, for punitive or exemplary damages, for the outrageous, willful, wanton and intentional conduct that resulted in a gross or reckless disregard for the welfare, safety, rights, privileges or immunities of the Plaintiff., in an amount to be determined by the jury but not less than \$1,000,000.00;

c. A judgment in favor of the Plaintiff and against the Defendants, jointly and severally, for the Plaintiff's reasonable attorneys' fees pursuant to 42 U.S.C. Section 1988 et seq, all costs of this action and related litigation expenses and expert fees;

d. A judgment for such other relief, general or specific, as the Court may deem appropriate, just and equitable in the premises.

Respectfully submitted, this the 21 day of August, 2009.

BY: /s/ Larry D. Purviance
LARRY D. PURVIANCE (IDAHO BAR #4999)

BY: /s/ Jason Lee Lorenz
JASON LEE LORENZ

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

Jason Lee Lorenz

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

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

Larry D. Purviance, 2151 W. Hayden Avenue, Hayden, ID 83835, 208-635-5388

DEFENDANTS

Chief Wayne Longo, City of Coeur d'Alene, Coeur d'Alene Police Department, John Does 1-10, Jane Does 1-10

County of Residence of First Listed Defendant Kootenai
(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)

- | | | | | | |
|---|---|---|---|---------|--|
| Citizen of This State | PTF DEF | <input checked="" type="checkbox"/> 1 <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | PTF DEF | <input type="checkbox"/> 4 <input checked="" 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)

<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 440 Commerce	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 820 Securities/Commodities/Exchange
<input type="checkbox"/> 190 Other Contract		<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 840 State Reapportionment 12 USC 3410
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 850 Other Statutory Actions
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 861 HIA (1395(f))	<input type="checkbox"/> 861 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 750 Other Labor Litigation	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 885 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 930 Constitutionality of State Statutes
	<input checked="" type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 462 Naturalization Application		
			<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee		
			<input type="checkbox"/> 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 USC 1983
Civil Rights

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: 08/21/2009
SIGNATURE OF ATTORNEY OF RECORD: /s/ Larry D. Purviance

FOR OFFICE USE ONLY

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