

**ORIGINAL**

14

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**JOSEPH RAYMOND HANAS**

Plaintiff,

v.

**INNER CITY CHRISTIAN OUTREACH  
CENTER, INC., a Michigan non-profit corporation,  
DWIGHT R. ROTTIERS,  
STANETTE J. AMY, and REGINALD  
COLEMAN,**

Defendants.

Case: 2:06-cv-10290  
Assigned To : Tarnow, Arthur J  
Referral Judge: Majzoub, Mona K  
Assign. Date : 01/23/2006  
Description: cmp  
joseph raymond hanas v.  
inner city christian outreach center, inc., et al (f

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**COMPLAINT**

Plaintiff, through his attorneys, states as follows for his complaint:

**JURISDICTION AND VENUE**

1. Plaintiff brings this action pursuant to the First, Fifth, Sixth and Fourteenth Amendments to the U.S. Constitution and 42 U.S.C. §§ 1983, 1985, 1986 and 1988. This Court has jurisdiction over the claim pursuant to 28 U.S.C. §§ 1331, 1343, and 28 U.S.C. § 2201.
2. The acts which form the basis of plaintiff's cause of action occurred within Genesee County, Michigan. Venue is properly laid in the Eastern District of Michigan, Southern Division, pursuant to 28 U.S.C. § 1391(b) and Local Rule 83.10.

**PARTIES**

3. Plaintiff Joseph Raymond Hanas ("Hanas") resides in the City of Grand Blanc, Genesee County, Michigan.
4. Defendant Inner City Christian Outreach Center, Inc. ("Christian Outreach"), is a Michigan non-profit corporation with offices located in the City of Flint, Genesee County, Michigan. Upon information and belief, Christian Outreach is operated by the Pentecostal Church.
5. Defendant Dwight R. Rottiers ("Rottiers") is and was at all material times the Pastor of Inner City Christian Outreach Center, Inc., and he resides in Genesee County, Michigan.
6. Defendant Stanette J. Amy ("Amy") was at all material times employed by the County of Genesee as a case manager in the Genesee County Circuit Court Drug Court program. Defendant Stanette J. Amy resides in the City of Burton, Genesee County, Michigan.
7. Upon information and belief, defendant Reginald Coleman ("Coleman") was at all material times a volunteer case worker associated with the Genesee County Drug Court. Upon information and belief Coleman resides in Genesee County.

**FACTUAL ALLEGATIONS**

8. On or about March 25, 2002, Plaintiff Hanas pleaded guilty to the charge of possession of marijuana with intent to deliver in the Genesee County Circuit Court. Hanas was placed in the Drug Court program, under which the charges against him could be dismissed if he successfully completed a supervised twelve to eighteen month rehabilitation program.
9. Defendant Amy, at all material times an employee of the Drug Court, was assigned as the plaintiff's case manager.
10. Upon information and belief, defendant Coleman also was assigned responsibilities in connection with the plaintiff's participation in the Drug Court Program.
11. On January 24, 2003, based on the recommendation of defendant Amy, Hanas was assigned by the Drug Court to a residential program operated by Christian Outreach under the supervision of defendant Rottiers.
12. Defendant Amy told Hanas that, "the rules of Pastor Rottiers' program are the rules of the Court." She also stated that, "[w]e made a deal with Pastor Rottiers. He's a partner in the Drug Court."
13. Upon information and belief, Amy was aware that Christian Outreach was a pervasively religious residential program. Upon information and belief, Coleman also was aware that Christian Outreach was a pervasively religious residential program.
14. The Drug Court Judge, defendant Amy, defendant Coleman and defendant Rottiers all told Hanas and Hanas' family members that successful completion of the Christian Outreach residential program was a condition for dismissal of the felony charges against him.
15. Plaintiff Hanas was raised in the Roman Catholic faith.

16. While Hanas was enrolled in the Christian Outreach residential program, Christian Outreach staff told Hanas that Catholicism is a form of "witchcraft."
17. Christian Outreach and Rottiers confiscated a rosary and a Holy Communion prayer book that Hanas' mother had given him.
18. Christian Outreach and Rottiers prohibited Hanas from seeing his priest and a deacon from his Church, despite his requests to do so.
19. Rottiers told a relative who contacted Christian Outreach to try to arrange for a visit by Hanas' church deacon that Hanas had given up his right of freedom of religion when he was placed into the Christian Outreach program.
20. During his stay at Christian Outreach, Hanas was systematically indoctrinated into the Pentecostal faith.
21. While at Christian Outreach, Hanas was required to study the Bible for several hours a day on average.
22. While at Christian Outreach, Hanas was required to attend regular Pentecostal religious services. He was tested on Pentecostal religious principles.
23. Christian Outreach staff, under Rottiers' supervision, punished Hanas for a rule infraction by forcing him to remain silent and read the Bible continuously for three days.
24. While at Christian Outreach, Hanas was informed by Rottiers and others that he would not successfully complete the Christian Outreach program unless he converted to the Pentecostal faith.
25. Defendant Rottiers and other Christian Outreach staff told Hanas and his mother that he could not talk to his attorney while at the program, and they attempted to prevent Hanas from

- consulting with his attorney.
26. Defendant Amy attempted to dissuade and deter Hanas and Hanas' mother from obtaining legal counsel to assist in extricating Hanas from the Christian Outreach program.
  27. Upon information and belief, Defendant Coleman also attempted to dissuade and deter Hanas and Hanas' mother from obtaining legal counsel to assist in extricating Hanas from the Christian Outreach program.
  28. During the time Hanas was assigned to Christian Outreach, Hanas' mother and other relatives and his attorney contacted defendant Amy repeatedly to complain about the conditions and the coercive religious environment at Christian Outreach, and to ask for assistance in having Hanas removed from Christian Outreach and reassigned to a secular program. Amy rebuffed the complaints and requests for assistance. Upon information and belief, Amy took no action in response to the pleas.
  29. During the time Hanas was assigned to Christian Outreach, Hanas' mother and his attorney contacted defendant Coleman to complain about the conditions and the coercive religious environment at Christian Outreach, and to ask for assistance in having Hanas removed from Christian Outreach and reassigned to a secular program. Coleman rebuffed the complaints and requests for assistance. Upon information and belief, Coleman took no action in response to the pleas.
  30. On or about February 27, 2003, Hanas returned to the Drug Court with his attorneys and asked to be removed from Christian Outreach and placed in a secular program. Plaintiff's attorneys informed the Drug Court that Christian Outreach had demeaned the Roman Catholic religion, prohibited plaintiff from practicing his religion, and had attempted to

convert plaintiff to the Pentecostal faith. Plaintiff's attorneys complained that there were no drug or alcohol counselors on staff at Christian Outreach, and that plaintiff had been prohibited from attending Alcoholics Anonymous (AA) meetings or any other treatment program. Plaintiff's attorneys filed affidavits from witnesses and brought witnesses to court, and implored the Drug Court to transfer plaintiff to a secular rehabilitation program, or at least permit plaintiff to practice his faith while assigned to Christian Outreach.

31. Defendant Amy was present at and participated in the February 27, 200 hearing.
32. Based in part on Amy's recommendation, the Drug Court denied Hanas' request to be reassigned to a secular program, and instead decided to remove Hanas from the Drug Court program and sentence him as a criminal defendant.
33. On March 13, 2003, Hanas was sentenced to six months in jail and probation for a term of four years, over his attorneys' strenuous objections that he was being punished solely for asserting his right to practice his religious faith. The court later denied Hanas' motion for reinstatement into the Drug Court program and refused to set aside the conviction. Hanas' petitions for review in the Michigan Court of Appeals and in the Michigan Supreme Court were denied, as was his Petition for Writ of Certiorari in the U.S. Supreme Court. On December 6, 2005, plaintiff filed a Petition for Writ of Habeas Corpus in the U. S. District Court for the Eastern District of Michigan.

**CAUSES OF ACTION:**

**COUNT 1**

**DEPRIVATION OF FREE EXERCISE AND ASSOCIATION RIGHTS, AND VIOLATION OF ESTABLISHMENT CLAUSE, UNDER FIRST AND FOURTEENTH AMENDMENTS AND 42 U.S.C. § 1983**

34. Plaintiff incorporates by reference all prior paragraphs as though repeated herein.
35. Defendants, acting jointly and separately under color of state law, violated plaintiff's clearly established rights under the Free Exercise and Establishment Clauses of the First and Fourteenth Amendments to the U.S. Constitution, by prohibiting plaintiff from practicing the religious faith of his choice, and by coercing the plaintiff into participating in religious activities under the threat of criminal punishment. Defendants further violated plaintiff's clearly established right to associate with others of his religious faith under the First and Fourteenth Amendments to the U.S. Constitution, by prohibiting plaintiff from meeting and communicating with his religious peers and leaders.
36. Defendants Christian Outreach, Rottiers and Coleman acted in concert with, and as partners, agents and instrumentalities of, the government and under color of state law in violating plaintiff's constitutional rights.
37. As a direct and proximate result of the foregoing violations by all of the defendants of plaintiff's rights, plaintiff has suffered and will continue to suffer substantial damages, including but not limited to pain and suffering, mental anguish and emotional distress, embarrassment and humiliation, and loss of employment opportunities.

**COUNT II**

**RELIGIOUS DISCRIMINATION IN VIOLATION OF EQUAL PROTECTION  
UNDER 42 U.S.C. § 1983**

38. Plaintiff incorporates by reference all prior paragraphs as though repeated herein.
39. Defendants, acting jointly and separately under color of state law, violated plaintiff's clearly established right to equal protection under the law and his right to be free from discrimination on the basis of his religious beliefs under the Fourteenth Amendments to the U.S. Constitution.
40. Defendants Christian Outreach, Rottiers and Coleman acted in concert with, and as partners, agents and instrumentalities of, the government and under color of state law in violating plaintiff's right to equal protection under the law.
41. As a direct and proximate result of the foregoing violations by all of the defendants of plaintiff's rights, plaintiff has suffered and will continue to suffer substantial damages, including but not limited to pain and suffering, mental anguish and emotional distress, embarrassment and humiliation, and loss of employment opportunities.

**COUNT III**

**VIOLATION OF PLAINTIFF'S RIGHT  
TO SEEK THE ASSISTANCE OF COUNSEL**

42. Plaintiff incorporates by reference all prior paragraphs as though repeated herein.
43. Defendants, acting jointly and separately under color of state law, sought to dissuade and deter plaintiff Hanas from obtaining and communicating with an attorney to assist him in obtaining reassignment from the Christian Outreach program.

44. Defendants, acting jointly and separately under color of state law, also sought to dissuade and deter Hanas' mother from obtaining and communicating with an attorney to assist Hanas in obtaining reassignment from the Christian Outreach program.
45. Defendant Rottiers threatened Hanas that if he obtained the assistance of an attorney he would be sentenced to prison.
46. Defendant Amy told Hanas' mother that she should not retain an attorney to help Hanas and that Hanas did not need an attorney since Amy herself was an attorney.
47. By the foregoing actions, defendants jointly and separately violated, *inter alia*: plaintiff's right under the Sixth Amendment to the U.S. Constitution to seek the assistance of legal counsel; plaintiff's right under the First Amendment and Fourteenth Amendments to the U.S. Constitution to associate and communicate with his legal counsel; and plaintiff's right to due process of law under the Fifth and Fourteenth Amendments to the U.S. Constitution.
48. As a direct and proximate result of the foregoing violations by all of the defendants of plaintiff's rights as set forth above, plaintiff has suffered and will continue to suffer substantial damages, including but not limited to pain and suffering, mental anguish and emotional distress, embarrassment and humiliation, and loss of employment opportunities.

#### **COUNT IV**

##### **CONSPIRACY IN VIOLATION OF 42 U.S.C. § 1985(3)**

49. Plaintiff incorporates by reference all prior paragraphs as though repeated herein.
50. Acting jointly, defendants engaged and participated in, and acted in furtherance of, a conspiracy, the predominate purposes of which were: (a) to deprive plaintiff Hanas of his rights under the Free Exercise and Establishment Clauses of the First and Fourteenth

Amendments to the U.S. Constitution, to be free of coercive interference with the practice his religious faith; (b) to deprive Hanas of equal protection of the laws and to discriminate against Hanas on the basis of his religious beliefs, and (c) to deprive Hanas of his right to obtain the assistance of, and associate and communicate with, legal counsel, in violation of the First, Fifth, Sixth and Fourteenth Amendments to the U.S. Constitution, all in violation of 42 U.S.C. § 1985(3).

51. As a direct and proximate result of actions taken by the defendants in furtherance of the foregoing conspiracy to deprive plaintiff of his rights, plaintiff has suffered and will continue to suffer substantial damages, including but not limited to pain and suffering, mental anguish and emotional distress, embarrassment and humiliation and loss of employment opportunities.

#### **COUNT V**

##### **VIOLATION BY DEFENDANT AMY OF 42 U.S.C. § 1986**

52. Plaintiff incorporates by reference all prior paragraphs as though repeated herein.
53. Defendant Amy had actual knowledge of the violations of plaintiff's rights and of the conspiracy to commit the violations of plaintiff's rights set forth in the above Counts; further, Amy had the power and the opportunity to prevent the violation of plaintiff's rights and she failed to do so.
54. As a direct and proximate result of the foregoing action or inaction of defendant Amy, plaintiff has suffered and will continue to suffer substantial damages, including but not limited to pain and suffering, mental anguish and emotional distress, embarrassment and humiliation, and loss of employment opportunities.

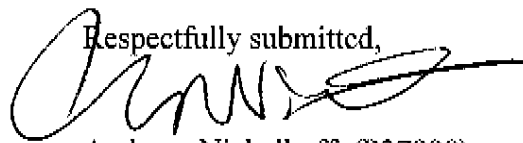
**RELIEF REQUESTED**

Plaintiff requests that this Court grant the following relief:

- A. Issue a declaratory judgment pursuant to 28 U.S.C. § 2201 to the effect that: (a) defendants violated plaintiff's rights under the Free Exercise and Establishment Clauses of the First and Fourteenth Amendments to the U.S. Constitution, by prohibiting plaintiff from practicing the religious faith of his choice, and by coercing plaintiff into participating in religious activities under the threat of criminal punishment; (b) defendants violated plaintiff's clearly established right to equal protection under the law and to be free from discrimination on the basis of his religious beliefs under the Fourteenth Amendment to the U.S. Constitution; (c) defendants violated plaintiff's right under the Sixth Amendment to the U.S. Constitution to seek the assistance of legal counsel, and plaintiff's right under the First Amendment to the U.S. Constitution to associate and communicate with his legal counsel, and plaintiff's right to due process of law under the Fifth and Fourteenth Amendments to the U.S. Constitution; (d) defendants, acting jointly, engaged and participated in and acted in furtherance of a conspiracy to deprive plaintiff of his rights as stated in this Complaint in violation of 42 U.S.C. § 1985(3); and (e) defendant Amy violated 42 U.S.C. § 1986 by failing to prevent the violations of plaintiffs' rights stated in this Complaint.
- B. Award damages to plaintiff sufficient to compensate him for his pain and suffering, mental anguish and emotional distress, embarrassment and humiliation, and loss of employment opportunities.
- C. Issue an award to plaintiff of punitive damages against defendants for their reckless indifference to plaintiff's rights as stated in this Complaint.

- D. Order that defendants pay plaintiff's costs and attorneys fees pursuant to 42 U.S.C. § 1988;  
and
- E. Grant such other relief that the court deems just and equitable.

Respectfully submitted,



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Dated: January 23, 2006

JS 44 11/89

**CIVIL COVER SHEET COUNTY IN WHICH THIS ACTION AROSE: GENESEE**

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 use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**I. (a) PLAINTIFFS**

JOSEPH RAYMOND HANAS

**DEFENDANTS**

INNTER CITY CHRISTIAN OUTREACH CENTER, INC., a Michigan non-profit corporation, DWIGHT R. ROTTIERS, STANETTE J. AMY, and REGINALD COLEMAN,

(b) County of Residence of First Listed Genesee  
26049

County of Residence of First Listed Genesee  
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)  
ANDREW NICKELHOFF (P37990)  
1000 Farmer Street  
Detroit, MI 48226 (313) 496-9429

Attorneys (If Known)

**11. 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 11)

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

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
|   | PLA                        | DEF                        |   | PLA                        | DEF                        |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another                      | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal 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)**

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment and Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 180 Other Contract <input type="checkbox"/> 185 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault Libel And Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21: 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Com mod ties/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 280 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 851 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 28 USC 7609

**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 Multi district Litigation
- 7 Appeal to District Judge from Magistrate

**VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)**

Complaint under 42 USC §§ 1983, 1985, 1986, 1988 for violation of 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) INSTRUCTIONS:** IF ANY JUDGE ARTHUR J. TARNOW DOCKET NUMBER 5-74612-DT

DATE 1/23/06 SIGNATURE OF ATTORNEY OF RECORD 

**PURSUANT TO LOCAL RULE 83.11**

1. Is this a case that has been previously dismissed?

Yes

No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

Yes

No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

Notes :

\_\_\_\_\_

\_\_\_\_\_