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ISB # 4999

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

SHANNON KANDA,

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-404

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

COMPLAINT

(THE PLAINTIFF DEMANDS A TRIAL BY JURY)

COMES NOW, the Plaintiff, SHANNON KANDA, by and through her 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:

STATEMENT OF FACTS

1). On or about May 7, 2009, Plaintiff was assaulted by one woman and two men just outside the apartment where she lived. The injuries she received in this assault amounted to a bloody lip and some minor bruises. Plaintiff's assailants immediately fled after their assault, and Plaintiff has not seen these persons since that time.

2). Plaintiff sought assistance from her upstairs neighbors after her attackers had fled. Her neighbors took her into their apartment and asked her if she wanted them to call the hospital. She asked that they instead call the police.

3). Plaintiff's sat on her neighbor's couch until the police came to the door. When the police arrived, they demanded to question Plaintiff outside. Plaintiff complied with the officers' order, but she did so unsteadily as she was intoxicated. The police officers also wanted Plaintiff to go downstairs with them to the place where she had been beaten. Plaintiff was resistant to this order as she feared for her safety and was not assured by the officers present.

4). Shortly after exiting the apartment with the Plaintiff, the responding officers wantonly misjudged Plaintiff's unsteadiness from alcohol as movements threatening to their security. The officer's precipitant reaction to this misperceived threat was to throw Plaintiff down on the building's stairs with such force and suddenness that they broke bones in the Plaintiffs' skull around her left eye, causing her to bleed profusely. The officers then held Plaintiff, all the while bleeding from her face, on top of the stairs over

which they had thrown her, as they handcuffed her and held her for the ambulance that had been called.

5). The paramedics responding to the scene declined to care for Plaintiff under the circumstances, and so the police officers responsible for Plaintiff's injuries placed her in their car and took her, handcuffed, to Kootenai Medical Center ("KMC") where she was admitted for treatment.

6). Despite the fact that Plaintiff was 1) the victim of the crime to which the officers had first responded, 2) had not been placed under arrest for any wrong doing, and 3) had been hospitalized by their own malfeasance, the officers kept the Plaintiff painfully handcuffed to a hospital gurney, telling her they would let her go if she was a "good girl," until a hospital nurse complained and insisted that they release the Plaintiff's restraint.

7). Plaintiff has never been charged with any wrongdoing related to this entire matter, and the Coeur d' Alene police department has voluntarily requested the Idaho State Patrol to investigate the incident.

PARTIES

8). The Plaintiff is a citizen of the United States of America and the State of Idaho wherein she resides in Kootenai County, District of Idaho. The injuries inflicted upon the Plaintiff were suffered at the hands of the COEUR D' ALENE POLICE DEPARTMENT while the COEUR D' ALENE POLICE DEPARTMENT was under the supervision and control of the Defendant, CITY OF COEUR D' ALENE, IDAHO.

9). 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 Defendant COEUR D' ALENE POLICE DEPARTMENT. At all relevant times herein, this Defendant was operating "under color of State Law."

10). The Defendant, 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 operating "under color of State Law."

11). The Defendant WAYNE LONGO is the Coeur d' Alene Chief of Police. At all times material hereto was WAYNE LONGO was duly 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 Coeur d' Alene, Idaho, to include the Plaintiff, SHANNON KANDA. This Defendant is sued in his official and his individual capacities. At all relevant times herein, this Defendant was operating "under color of State Law."

12). The Defendants, JOHN & JANE DOES 1-10, are on information and belief adult resident citizens of Kootenai County, Idaho. These Defendants are sued in their official and individual capacities. At all times material hereto these Defendants were employed by the previously-enumerated Defendants. On information and belief, they were POST certified Police Officers responsible for the safety of the Plaintiff. At all relevant times herein, these Defendants were operating "under color of State Law."

JURISDICTION

13). 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 and caused by the Defendants' blatant violation of the rights, privileges and immunities of the Plaintiff, SHANNON KANDA, 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.

VENUE

14). 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.

COUNT I ACTION FOR DEPRIVATION OF CIVIL RIGHTS

(42 U.S.C. SECTION 1983)

15). The Plaintiff hereby incorporates by reference and re-alleges the information set forth in the previously enumerated paragraphs.

16). 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, SHANNON KANDA, were violated. Specifically, the Defendants, jointly and severally, engaged in a course of conduct that resulted in the violation of the Plaintiff, SHANNON KANDA'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, 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, the right against cruel and unusual punishment pursuant to the Eighth Amendment to the Constitution of the United States of America, the Fifth Amendment of the United States Constitution's Prohibition against Excessive Force, 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.

17). The violations complained of in this Complaint include, but are not limited to, the use of excessive force, 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 a deprivation that was sufficiently serious wherein the Defendants acted, maliciously and sadistically by using force and physical violence designed and intended to cause SHANNON KANDA physical, mental and emotional harm, pain, humiliation and/or injury, and thereafter evidenced a deliberate indifference to the immediate, grave and serious medical needs of SHANNON KANDA.

18). As a direct and proximate consequence of the Defendants' actions, SHANNON KANDA 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, SHANNON KANDA's Fifth and Fourteenth Amendment rights to procedural and substantive due process and equal protection of the laws were violated by the Defendants, together with her Eighth Amendment right proscribing cruel and unusual punishment and her Fourth Amendment right to be free of unreasonable searches and seizures.

19). At all times material hereto, the Defendants and their agents, representatives, and employees acted pursuant to the policies, regulations, and 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.

20). It is further averred that the Defendants CITY OF COEUR D' ALENE, COEUR D' ALENE POLICE DEPARTMENT, CHIEF WAYNE LONGO, and Defendants John and Jane Doe 1-10, were the governmental officials whose edicts or acts may fairly be said to represent official policy, practices, customs or regulations of these 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, SHANNON KANDA.

21). As a direct and proximate consequence of the Defendants' conduct wherein such Defendants deprived the Plaintiff, SHANNON KANDA, of certain rights

guaranteed by the Constitution of the United States of America, the Plaintiff SHANNON KANDA, suffered immediate and severe injury to her person resulting in the deprivation of her constitutional rights, privileges and immunities, extreme pain and suffering, humiliation, disfigurement, mental distress and severe emotional anguish.

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

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

23). Prior to the time that the Plaintiff, SHANNON KANDA was taken into custody by the COEUR D' ALENE POLICE, certain unknown (John and Jane Does 1-10) members of the COEUR D' ALENE POLICE began preparing for the arrest of the Plaintiff. 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 so severely assaulted, battered and handcuffed she later suffered severe traumatic injuries as a direct and proximate consequence of the injuries she sustained while in the custody of the Defendants.

24). There existed at the COEUR D' ALENE POLICE a belief, practice, policy, usage and/or custom that it was perfectly fine to conjure exigent circumstances, to needlessly provoke and confront ordinary citizens, and to suppose that even an

unwarranted, myopically contrived and self serving pretense of a possible threat of harm would justify a wantonly excessive use of force against the targets of their aggression.

25). The conspiracy to deprive the Plaintiff of certain federally protected rights, privileges and immunities began with a basic agreement among Defendants. 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 dates in question, the Plaintiff has suffered serious injuries and disability. Thus the Defendants are jointly and severally liable to the Plaintiff for the injuries, pain and suffering caused to Plaintiff.

**COUNT IV FAILURE TO ADEQUATELY TRAIN
& SUPERVISE POLICE OFFICERS (42 USC § 1983)**

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

27). The Defendants each failed to provide adequate and competent training and/or supervision to the individual Defendants in this matter. 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 CITY OF COEUR D' ALENE.

28). As a direct and proximate consequence of the CITY OF COEUR D' ALENE's and the COEUR D' ALENE POLICE's 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 POLICE would have known of the illegality of the Defendants' conduct on the date in question, and Plaintiff's injuries and the corresponding deprivation of her civil rights, privileges and immunities would not have occurred.

29). The need for additional or different training was so obvious and the inadequacy of the training given to the Defendants was so likely so as 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 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 the aforementioned police officers, Defendants CITY OF COEUR D' ALENE, COEUR D' ALENE POLICE and CHIEF WAYNE LONGO, are liable for Plaintiff's injuries and the deprivation of civil rights associated therewith. City of Canton v. Harris, 489 US 378(1989).

COUNT V NEGLIGENT HIRING, RETENTION AND FAILURE TO DISCIPLINE OR TAKE NECESSARY CORRECTIVE ACTION (42 USC § 1983)

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

31). The Defendant Coeur d' Alene Police Officers worked for the City of Coeur d' Alene and under the direction of the COEUR D' ALENE POLICE. The Defendants actions on or about May 7, 2009 were marked by repeated disciplinary failings, the failure to follow proper police procedures, the failure to follow standards and practices and those failings resulted in certain constitutional and civil rights violations and severe injuries to SHANNON KANDA.

32). The Defendants were charged with hiring, firing, retention, discipline and training of potential officers. They owed a duty to the citizens Coeur d' Alene and the State of Idaho to properly engage qualified candidates as officers, and they are entrusted with the safety and protection of the citizens. They have a duty to not only engage practices and standards to hire qualified and trained officers; they also owe a duty to each citizen to adequately ensure their safety and protection and to ensure their rights under the Constitution of the United States and of the State of Idaho. Defendants knew or should have known that the referenced practices and procedures were not only inadequate, but posed a risk of certain civil rights and constitutional violations, as well as the risk to the safety of the citizens they were sworn to protect. Lack of training, discipline, and faulty hiring practices indeed did result in the Defendant Officers outrageous conduct and serious harm to SHANNON KANDA.

33. The Defendant Police Officers in this matter failed to follow procedures, standards and practices acceptable under the constitution of the United States and the

State of Idaho. While employed for Defendant COEUR D' ALENE POLICE, these officers used egregiously excessive force under any objective and reasonable circumstances threw SHANNON KANDA on the stairs of her apartment building, causing her severe injury. All other Defendant Police Officers present at the scene were complicit by acting in haste and/or failing to act, not assessing the Plaintiff's condition and abetting the acts of each Defendant while making the decisions, which caused SHANNON KANDA such severe injuries. Defendants failed in their duties owed to their citizens.

34). As a direct and proximate cause of Defendants' failings, and neglect, and willful lack of oversight, improper screening of officer candidates, lack of discipline, and the failure to implement corrective measures, Plaintiff has been injured, continues to suffer from said injuries, and was deprived of certain Constitutional and civil rights, privileges, and immunities.

35). The aforementioned failings and the refusal to, or neglect to implement new and different methods amounted to willful indifference and the resulting harm to Plaintiff and any other citizen so situated was foreseeable and obvious. Defendants' acts amounted to a blatant disregard for the rights, privileges, and immunities of SHANNON KANDA. Defendant's acts have caused injury, and continuing injuries to SHANNON KANDA.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, the Plaintiff, SHANNON KANDA, 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 Fourth, Fifth, Eighth and Fourteenth Amendment to the Constitution of the United States of America. Additionally award damages for the deprivation of such constitutional rights, personal injury, infliction of emotional distress, mental anguish, pain, suffering, humiliation, medical, 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, 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/ Shannon Kanda
SHANNON KANDA

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
 Shannon Kanda

(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)

CONTRACTS <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 & 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"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & 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	PERSONAL INJURY - Med. Malpractice <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	REAL ESTATE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 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	APPELLATE <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 830 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <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
REVIEWS/PROPERTIES <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 230 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"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER/PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 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	LABOR <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	PROBATION RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
			IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TAXES <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 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 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
 Brief description of cause:
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 _____