

M. Jeffery Kallis (SBN: 190028)
The Law Firm of Kallis & Assoc.
333 West San Carlos suite 800
San Jose CA 95110
408-971-4655
408-971-4644 fax
M. J. Kallis@Kallislaw.Org

For Plaintiff

Steven M. Berki, Esq. SBN 245426
BUSTAMANTE, & GAGLIASSO P.C.
River Park Tower
333 W. San Carlos St., 8th Floor
SAN Jose, California 95110
Telephone: (408) 977-1911
SBerki@BOGLAWYERS.com
For Plaintiff

Federal District Court for the Northern District of California
San Jose Division

Dawit Alemayehu, an individual

Plaintiff,

vs.

The City of San Jose and The City of San Jose
Police Department, a municipal corporation;
Officer Jorge Garibay # 4218; a sworn San
Jose police officer and as an individual; Sgt. D.
Tran Badge # 3269, a San Jose police officer
and as an individual; and DOES 1 Through 40
Inclusive.

Defendants

Defendants.

) Case No.

)
)
) **Complaint For Special And General Damages**
) **(Including Statutory Damages, Punitive Damages And**
) **Attorney Fees) Arising From Racial Discrimination,**
) **Malicious Prosecution And Excess Force In Violation**
) **Of 42 USC 1981, 1983; 1985 and Violation Of Civil**
) **Rights As Protected By The California Constitution**
) **And The Constitution Of The United States And All**
) **Relevant Applicable California and United States**
) **Statutes Protecting Individual Rights And Safety And**
) **Enforceable Under California Civil Code §51 et.seq.**
) **And § 52 & § 52.1 et. seq. and 42 U.S. 1981 et.**
) **seq; Common Law Torts of Battery and Conspiracy .**

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) **Jury Trial Requested:**

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) Filed April 15, 2014

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) Hearing:

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) Time:

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) Court: Courtroom

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Nature of Action

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1. This action is brought to redress unlawful violation of the Plaintiff's civil rights under 42 U.S.C § 1981, 1983 and 1985 as amended and under California Civil Code § 51 & 52.1 et.seq., and for associated State tort actions arising from a common set of operative facts.

Jurisdiction and Venue

2. This Court has Jurisdiction over this action pursuant to 42 U.S.C. § 1981, 1983, 1985; 28 U.S.C. §§ 1331, 1343, 1345 and 1367[a] and under California State Law and Statute.

3. Venue is proper in this Court and in this district in that the events and conduct alleged in this complaint occurred in this county and involved parties who reside or work in Santa Clara County.

Parties

4. Plaintiff Dawit Alemayehu, an individual, is and was at all times relevant to this action within the City of San Jose, County of Santa Clara, State of California and a citizen of the United States.

5. Defendant City of San Jose is an incorporated municipality in Santa Clara County, State of California.

6. Defendant Jorge Garibay is and was at all time relevant to this action an employee of the City of San Jose, working as a police officer acting under color of authority for the San Jose Police Department. He is named in both his individual and official capacity.

7. Defendant Sgt. Tran is and was at all time relevant to this action an employee of the City of San Jose, working as a police officer acting under color of authority for the San Jose Police Department. He is named in both his individual and official capacity.

8. Plaintiff does not know the true names and or capacities of defendants named in this complaint as Does 1 through Does 40 inclusive and therefore sues them under such fictitious names pursuant to CCP § 474. Plaintiff will amend this complaint to state the true names and capacities of these fictitiously named defendants when they are ascertained.

9. Plaintiff is informed and believes and thereon alleges that these fictitiously named individuals are legally responsible in some manner for the acts and omissions set forth below and therefore are liable to Plaintiff for the relief requested.

10. At all times relevant and mentioned herein, unless otherwise stated, each defendant was the agent and/or employer of every other defendant, and in doing the things, acts and omissions alleged

1 below, was acting within the scope and authority of its agency and/or employment. All actions of each
2 defendant alleged herein were ratified and approved by the officers, supervisors managing agents of each of
3 the other defendants.

4 Allegations Common To All Claims

5 11. All actions complained of, or alleged herein, occurred in the City of San Jose, County of
6 Santa Clara, State of California on April 1 and April 2, 2013.

7 12. Plaintiff filed tort claims with the City of San Jose as required on September 23, 2013, within
8 the six months mandated by Gov. Code § 911.2.

9 13. The City of San Jose failed to accept or reject the claim and it was deemed rejected as a
10 matter of law fourth-five days after submission.

11 14. Plaintiff filed this action within the time allowed by statute, and within two years of the
12 violation of his civil rights and other tortuous acts complained of herein.

13 15. Plaintiff was placed under arrest for 647(f) Drunk in Public at about 0230 hours on April 1,
14 2013, by officer Bligh of the Campbell police department.

15 16. Once arrested, Plaintiff was handcuffed and placed in a Campbell police vehicle by officer
16 Bligh.

17 17. Plaintiff was then driven to the Santa Clara County Sheriff's Department (SCCSD) jail.

18 18. When Plaintiff arrived at the jail, he was admittedly under the influence of intoxicants.

19 19. On or about April 1, 2013, at approximately 0300 hours, Plaintiff was in the custody of the
20 Campbell Police Department and in the "sally port" of the Santa Clara County Jail.

21 20. Bligh then removed Plaintiff from the car.

22 21. At that time Plaintiff was in handcuffs with his arms behind his back.

23 22. Plaintiff's pants had fallen off his hips and Bligh was attempting to pull them up so that
24 Plaintiff could walk through the door without falling down.

25 23. At the same time Bligh was in the process of removing Plaintiff's belt.

26 24. Plaintiff was born in North Eastern Africa, and only recently relocated to the United States.

27 25. In his country of origin, prisoner rape is not uncommon.
28

1 26. Plaintiff did not understand why the officer was trying to remove his belt, and due to his
2 intoxicated state was not fully cognizant of the process and procedures that are concomitant with being
3 booked into a jail.

4 27. Plaintiff was trying to turn to face the officer and to find out what was happening.

5 28. Bligh had Plaintiff bent over his patrol car and was controlling Plaintiff's movements, but was
6 having difficulty removing Plaintiff's belt and emptying his pockets.

7 29. Without being asked for assistance by Bligh, or observing Bligh being in any danger,
8 defendant Garibay approached Bligh and asked if Bligh wanted any help. Bligh said sure.

9 30. Garibay then asked if they should take Plaintiff to the ground.

10 31. Bligh, believed that the two officers would simply lower the hand-cuffed Plaintiff to the
11 ground.

12 32. Bligh saw no reason for the use of any leg sweep or other force beyond lowering the Plaintiff
13 to the ground.

14 33. Bligh described the Plaintiff's actions when he was handcuffed and bent over the car as:
15 "Alemayehu began yelling at me, saying he didn't want me to remove his belt. Alemayehu pulled away from
16 me, making it difficult to hold onto him and preventing me from pulling his pants up. I pushed Alemayehu
17 up against the trunk of the vehicle and held him in place with my forearm. I repeatedly told Alemayehu to
18 relax and hold still. SJPD Officer Garibay #4218 heard (S) Alemayehu yelling and assisted me. I informed
19 Officer Garibay that I was trying to remove Alemayehu's belt so I could get him inside. Officer Garibay
20 placed (S) Alemayehu in a rear wrist lock and used his body weight to push (S) Alemayehu against the
21 trunk of the vehicle. I continued to attempt to remove (S) Alemayehu's belt and pull his pants up. I saw one
22 of Alemayehu's feet come up and hit my leg, but I couldn't tell if he was trying to kick me."

23 34. Bligh did not think defendant Garibay was going to be forcibly taking Alemayehu to the
24 ground because he was handcuffed.

25 35. Bligh thought that he and Garibay would guide him to the ground, get his pants pulled up
26 and belt removed, and then walk him into jail.

27 36. Bligh told defendant Garibay that he did not think Garibay was going to take him down.

28 37. Defendant Garibay asserts in part that the Plaintiff was kicking him.

1 38. There were no marks or other indications on defendant Garibay's legs or body that would
2 show that he had been kicked or that Plaintiff had in anyway made forceful contact with defendant.

3 39. Defendant, in a hand written supplemental report, stated that because the Plaintiff was
4 struggling, and he felt the Plaintiff reach for the side of defendant's knife, he performed a leg sweep take
5 down to avoid any injury to himself.

6 40. In his official report Garibay asserts that he took the Plaintiff to the ground because he feared,
7 based on his experience and training, that Plaintiff might have a weapon in his belt, including a belt buckle
8 knife. Defendant Garibay then reports that he told officer Bligh that he was going to take the Plaintiff to the
9 ground and performed a leg sweep.

10 41. Defendant then issued a citation to the Plaintiff for resisting arrest, and battery on a police
11 officer. All charges were dismissed.

12 42. Defendant Garibay then contacted his superior, defendant Tran. Defendant Garibay noted in
13 his report that the Plaintiff started to lift his legs and began to move them backward.

14 43. Defendant Tran was given a copy of a video tape that shows the incident. At no time did any
15 report of document produced by defendant Tran refer to the video tape or verify any of defendant
16 Garibay's assertions.

17 44. Plaintiff suffered internal injury to his head and had inter-cranial bleeding, damage to his eye
18 and cheek and long term vision impairment. Plaintiff was forced to seek additional medical attention from
19 experts at Stanford Hospital and has incurred significant medical bills.

20
21 First Cause Of Action Battery of D. Alemayehu by Defendant Garibay

22 45. Plaintiff Alemayehu, incorporates by reference, as if fully set forth herein, paragraphs 1
23 through paragraph 44.

24 46. On April 1, 2013, Defendant Garibay, acting in concert with Tran and Doe1, did make
25 unwanted physical contact with Plaintiff and did use force to take the handcuffed Plaintiff to the ground
26 through a violent leg sweep. Defendants did so without any reason to believe that the Plaintiff was an
27 imminent danger to the officers, and upon information and belief assert that the use of unnecessary force
28 was based in part on his African American heritage.

1 47. During the course of that physical contact Defendant Garibay acting under the color of
2 authority and as ratified by Defendant Tran subjected Plaintiff to being thrown face first to the ground after
3 being handcuffed. Said conduct was unwanted and unnecessary and offensive.

4 Second Cause Of Action Excess Force Against of D. Alemayehu By
5 Defendant Garibay As Ratified By Defendant Tran

6 48. Plaintiff D. Alemayehu incorporates by reference as if fully set forth herein paragraphs 1
7 through paragraph 47.

8 49. Defendant Garibay's only knowledge of the Plaintiff was that Plaintiff was handcuffed, in the
9 sallie port of the County Jail and pushed over the back of a police patrol car where he was being searched,
10 and his pants pulled up, on his own volition, and without request, assisted the officer searching Plaintiff and
11 then used leg sweep to throw Plaintiff to the ground face first. Plaintiff alleges based on information and
12 belief, that a salient and significant factor in the use of unnecessary force was his African American heritage.

13 50. Defendant Garibay knew of no facts that would justify such a violent physical assault on the
14 Plaintiff. The officer who took Plaintiff in custody did not belief that any action, other than lowering the
15 Plaintiff to the ground, was necessary.

16 51. Defendant Garibay was not subject to physical injury and stated that the Plaintiff began to
17 raise his leg. Plaintiff made no threat to injure any officer, nor did he in fact injure any office.

18 52. Defendants Garibay, violated both San Jose Police Departmental policies on the use of force
19 and state law. Defendant Tran and Does 1 ratified that violation, thus creating a practice of using excess
20 force.

21 53. As a direct and proximate cause of the use of excess force Mr. Alemayehu was denied his
22 rights under the 4th Amendment to the United States Constitution.

23 Third Cause Of Action – Count 1 Violation of Civil Rights of D. Alemayehu
24 Under Art 1 § 13 of The Constitution of California and, The 4th
25 Amendment of The United States Constitution; 42 U.S.C. § 1981, 1983
26 and 1985 As Applied To The States By The 14th Amendment

27 54. Plaintiff Alemayehu incorporates by reference, as if fully set forth herein, paragraphs 1
28 through paragraph 53.

1 55. Defendant Garibay, in combination with defendant Tran, did conspire to cover up the use of
2 excess force against Plaintiff on April 2, 2012 and did seek to maliciously prosecute the Plaintiff for crimes
3 he did not commit. To wit, P.C 148 and P.C. 243.

4 56. At the time of the use of excess force and the malicious prosecution of the Plaintiff, and
5 during the "investigation" of the use of force, both Garibay and Tran were acting under color of authority
6 and were fully armed as a police officer.

7 57. Said use of excess force was not reasonable and was a violation of the Plaintiff's civil rights
8 as provided by the 4th amendment to the Constitution of the United States and the Constitution of
9 California. Plaintiff alleges based on information and belief, that a salient and significant factor to the use of
10 unnecessary force was his African American heritage.

11 58. Defendant Garibay had no reasonable facts upon which to base his taking down, with a leg
12 sweep, of the handcuffed Plaintiff other than the Plaintiff was/is an African-American.

13 59. Defendant Garibay used unnecessary force on the Plaintiff and then filed a false police
14 report alleging that Plaintiff resisted or obstructed him and committed a battery on a police officer. The
15 charges and the police report, as well as defendant Tran's investigation, were intended to obfuscate the real
16 facts and to absolve Garibay from any claim of excessive force or civil right violation.

17 60. The un-necessary use of force, the filing of unsupported charges to justify the use of excess
18 force and the faux investigation of Garibay's actions all violated the Plaintiff's civil rights as provided by the
19 Constitution of the State of California.

20 61. Plaintiff requests compensatory damages to be proven at trial, injunctive relief, and
21 attorneys' fees as allowed by statute 42 USC 1988. Defendants, and each of them, acted maliciously and
22 oppressively, engaging in despicable conduct with a willful and conscious disregard of the rights and safety
23 of Plaintiff. In addition Defendants, and each of them, engaged in despicable conduct that subjected Plaintiff
24 to cruel and unjust hardship in conscious disregard of Plaintiff's civil rights. Plaintiff is therefore entitled to
25 exemplary damages in an amount to be proven at trial.
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Third Cause Of Action – Count 2 Violation of Civil Rights of D. Alemayehu Art 1 § 13 of The Constitution of California and The 4th Amendment of The United States Constitution; As Applied To The States By The 14th Amendment and as Protected By California Civil Code Section 51 et.seq & Section 52 et.seq.

62. Plaintiff incorporates by reference as if fully set forth herein paragraphs 1 through paragraph 61.

63. Defendants Garibay, Tran and Doe I, through the use of force, intimidation threat, and coercion did deny the Plaintiff his civil rights as provided by both the Constitutions of the United States, and California, in that they conspired to use excessive force and or covered up or ratified the use of excess force without reasonable or articulable facts. Their malicious prosecution was an attempt to intimidate, threaten, and coerce Plaintiff from bringing legal action against them.

64. Plaintiff alleges, based on information and belief, that a salient and significant factor in the use of unnecessary force. The cover-up and the malicious prosecution was Plaintiff's African American heritage.

65. Plaintiff requests statutory penalties of \$25,000 per violation per violator against Garibay and Tran for the violation of his civil rights, compensatory damages to be proven at trial, injunctive relief, attorneys fees as allowed by statute Civil Code §52 et.seq.. Defendants, and each of them, acted maliciously and oppressively, engaging in despicable conduct with a willful and conscious disregard of the rights and safety of Plaintiff. In addition defendants and each of them engaged in despicable conduct that subjected Plaintiff to cruel and unjust hardship in conscious disregard of Plaintiff's civil rights. Plaintiff is therefore entitled to exemplary damages in an amount to be proven at trial.

Plaintiff reserves his rights to amend this action to bring a Monel claim upon discovery of relevant and supporting facts. Plaintiff request a Jury Trial.

WHEREFORE, Plaintiff's demand judgment from the Defendants for:


1. General damages according to proof;
2. Special damages according to proof;
3. Exemplary damages according to proof;
4. Statutory damages as allowed by law;
5. Attorney fees as allowed by statute;

1 6. Costs of Suit; and

2 7. Such other damages and equitable relief as this court may deem just and proper.


3 Dated: January 14, 2014

The Law Firm of *KALLIS* & Associates p.c.

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6 _____
7 M. Jeffery Kallis
8 Attorney for the Plaintiff

7 Dated: January 14, 2014

Bustamante and Gagliasso P.C.

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10 _____
11 Steven M. Berki
12 Attorney for the Plaintiff

JS 44 (Rev. 12/12) cand rev (1/15/13)

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 NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS Dawit Alemayehu</p> <p>(b) County of Residence of First Listed Plaintiff <u>Santa Clara</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) M. Jeffery Kallis 408-971-4655 / Steven M. Berki 408-977-1911 The Law Firm of Kallis & Associates / Bustamante & Gagliasso 333 W San Carlos St., Ste 800, San Jose CA 95110</p>	<p>DEFENDANTS The City of San Jose and The City of San Jose Police Department, Officer Jorge Garibay, Sgt. D. Tran, and Does 1 through 40</p> <p>County of Residence of First Listed Defendant <u>Santa Clara</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys (If Known)</p>
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<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table style="width:100%;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:47%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input 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
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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)

<p>CONTRACT</p> <p><input type="checkbox"/> 110 Insurance</p> <p><input type="checkbox"/> 120 Marine</p> <p><input type="checkbox"/> 130 Miller Act</p> <p><input type="checkbox"/> 140 Negotiable Instrument</p> <p><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment</p> <p><input type="checkbox"/> 151 Medicare Act</p> <p><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)</p> <p><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits</p> <p><input type="checkbox"/> 160 Stockholders' Suits</p> <p><input type="checkbox"/> 190 Other Contract</p> <p><input type="checkbox"/> 195 Contract Product Liability</p> <p><input type="checkbox"/> 196 Franchise</p>	<p>TORTS</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 310 Airplane</p> <p><input type="checkbox"/> 315 Airplane Product Liability</p> <p><input type="checkbox"/> 320 Assault, Libel & Slander</p> <p><input type="checkbox"/> 330 Federal Employers' Liability</p> <p><input type="checkbox"/> 340 Marine</p> <p><input type="checkbox"/> 345 Marine Product Liability</p> <p><input type="checkbox"/> 350 Motor Vehicle</p> <p><input type="checkbox"/> 355 Motor Vehicle Product Liability</p> <p><input type="checkbox"/> 360 Other Personal Injury</p> <p><input type="checkbox"/> 362 Personal Injury - Medical Malpractice</p> <p>PERSONAL INJURY</p> <p><input type="checkbox"/> 365 Personal Injury - Product Liability</p> <p><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability</p> <p><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability</p> <p>PERSONAL PROPERTY</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>FORFEITURE/PENALTY</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 690 Other</p> <p>LABOR</p> <p><input type="checkbox"/> 710 Fair Labor Standards Act</p> <p><input type="checkbox"/> 720 Labor/Management Relations</p> <p><input type="checkbox"/> 740 Railway Labor Act</p> <p><input type="checkbox"/> 751 Family and Medical Leave Act</p> <p><input type="checkbox"/> 790 Other Labor Litigation</p> <p><input type="checkbox"/> 791 Employee Retirement Income Security Act</p> <p>IMMIGRATION</p> <p><input type="checkbox"/> 462 Naturalization Application</p> <p><input type="checkbox"/> 465 Other Immigration Actions</p>	<p>BANKRUPTCY</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>PROPERTY RIGHTS</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p>SOCIAL SECURITY</p> <p><input type="checkbox"/> 861 HIA (1395ff)</p> <p><input type="checkbox"/> 862 Black Lung (923)</p> <p><input type="checkbox"/> 863 DIWC/DIWW (405(g))</p> <p><input type="checkbox"/> 864 SSID Title XVI</p> <p><input type="checkbox"/> 865 RSI (405(g))</p> <p>FEDERAL TAX SUITS</p> <p><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)</p> <p><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</p>	<p>OTHER STATUTES</p> <p><input type="checkbox"/> 375 False Claims Act</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 410 Antitrust</p> <p><input type="checkbox"/> 430 Banks and Banking</p> <p><input type="checkbox"/> 450 Commerce</p> <p><input type="checkbox"/> 460 Deportation</p> <p><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Sat TV</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 890 Other Statutory Actions</p> <p><input type="checkbox"/> 891 Agricultural Acts</p> <p><input type="checkbox"/> 893 Environmental Matters</p> <p><input type="checkbox"/> 895 Freedom of Information Act</p> <p><input type="checkbox"/> 896 Arbitration</p> <p><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p>
<p>REAL PROPERTY</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p>	<p>CIVIL RIGHTS</p> <p><input checked="" type="checkbox"/> 440 Other Civil Rights</p> <p><input type="checkbox"/> 441 Voting</p> <p><input type="checkbox"/> 442 Employment</p> <p><input type="checkbox"/> 443 Housing/Accommodations</p> <p><input type="checkbox"/> 445 Amer. w/Disabilities - Employment</p> <p><input type="checkbox"/> 446 Amer. w/Disabilities - Other</p> <p><input type="checkbox"/> 448 Education</p>	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <p><input type="checkbox"/> 463 Alien Detainee</p> <p><input type="checkbox"/> 510 Motions to Vacate Sentence</p> <p><input type="checkbox"/> 530 General</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p>Other:</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p> <p><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement</p>		

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 USC 1981, 1983, and 1985

Brief description of cause:
Violation of Civil Rights, Excess Force, Racial Discrimination

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ in excess of 75,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE: 04/15/2014

SIGNATURE OF ATTORNEY OF RECORD: *M. Jeffery Kallis*

IX. DIVISIONAL ASSIGNMENT (Civil L.R. 3-2)

(Place an "X" in One Box Only)

SAN FRANCISCO/OAKLAND SAN JOSE EUREKA