

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 16 CV 651

SERENA CAMPBELL,

Plaintiff,

v.

CITY OF NORTHGLENN, COLORADO, and

ADAMS COUNTY, COLORADO

Defendants.

PLAINTIFF'S COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiff, Serena Campbell, by and through her counsel, Juliet Piccone of The Piccone Law Firm, LLC, and hereby files this Complaint and Jury Demand. Plaintiff respectfully alleges as follows:

I. INTRODUCTION

1. Plaintiff brings this civil rights action pursuant to 42 U.S.C. §§ 1983 and 1988, and 28 U.S.C §2201 and 28 U.S.C. §2202 for relief via declaratory relief, injunctive relief, compensatory damages and attorney's fees stemming from Defendants' violations of Plaintiff's rights guaranteed by the Fourth and Fourteenth Amendments to the Constitution of the United States. Defendants' conduct under color of state and municipal law proximately caused the deprivation of Plaintiff's federally protected rights by illegally holding her property and ordering it to be destroyed, to-wit a dog named Adolf.

2. This action arises under the Constitution and laws of the United States including Article III, Section 1 of the United States Constitution and 42 U.S.C. § 1983.

3. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 1331 and 1343. This Court has authority to grant the declaratory relief requested herein pursuant to 28 U.S.C. § 2201 and 28 U.S.C. §2202. This Court has authority to grant the injunctive relief requested herein pursuant to 28 U.S.C. §§ 1661 and 2283 for a writ of prohibition and an injunction of state court proceedings in aid of its jurisdictions and agreeable to the usages and principles of law.

4. Jurisdiction supporting Plaintiff's claim for attorney's fees is conferred by 42 U.S.C. § 1988.

5. Venue is proper in the United States District Court for the District of Colorado, as all acts complained of occurred in the state. Plaintiff and Defendants reside or are located in Colorado.

II. PARTIES

6. Plaintiff Serena Campbell currently resides at 9380 Utica Street Westminster, CO 80031. She is the owner of a dog named Adolf a/k/a Baby who is currently impounded in Adams County Court and ordered to be destroyed by the City of Northglenn.

7. Defendant City of Northglenn is a municipality incorporated under the laws of the State of Colorado for purposes of liability under 42 U.S.C. § 1983. It carries out law enforcement activities through the Northglenn Police Department, which includes an Animal Control division C.R.S. § 31-15-401 (m).

8. Defendant Adams County is a county incorporated under the laws of the State of Colorado for purposes of liability under 42 U.S.C. § 1983. It prosecutes state statute violations

through its District Attorney's office, carries out law enforcement activities through the Adams County Sheriff Department and provides impound services for the County and other contracted agencies to hold animals pursuant to C.R.S. § 30-15-101.

9. Defendants acted under color of state and municipal law. Alternatively, or in combination, Defendants acted at all times under color of federal law.

10. All of the events described herein occurred in the City of Northglenn, County of Adams, and State of Colorado.

III. FACTUAL BACKGROUND

11. Plaintiff and Richard Jackson entered into a domestic relationship in 2012. In approximately September 2012, Plaintiff and her son from a prior relationship moved into his residence at 11767 Grant Street in Northglenn, CO. When the relationship started, Mr. Jackson was the owner of an American Staffordshire Terrier named Adolf. They acquired a female American Staffordshire Terrier named Eva during the relationship. During the relationship Plaintiff assumed responsibility for the dogs providing food, water, exercise, veterinary care and taking care of their needs. In late July 2014 eight puppies were born to Eva, sired by Adolf. Plaintiff assumed responsibility and care for the puppies as well.

12. Plaintiff and Mr. Jackson had a son as a result of the relationship, born November 2013. Plaintiff and their son co-habitated with Mr. Jackson and the dogs until approximately mid-August 2014, when she and both her children moved out due to interpersonal conflicts. Plaintiff continued to return to the Grant Street home to care for all the dogs in the home and would buy food and supplies for them, feed, water, play with and clean up after them several times per day. After the puppies reached 8 weeks old she began to find homes for them and adopted out 3.

13. Richard Jackson was a person of interest with the FBI for several years for alleged drug activity. Sometime in late summer or fall of 2014 federal and local law enforcement authorities began surveillance and evidence gathering at the Grant Street address to obtain a warrant to conduct a raid on Jackson's home. Officers had been scouting at the location, going through trash, putting cameras in neighbor's yards and otherwise hanging about collecting evidence. Upon information and belief, authorities attempted to obtain a warrant to allow them to raid the Grant home when Mr. Jackson was not there; this was not allowed by the judge.

14. On September 11, 2014 an incident occurred at the home when Plaintiff was there checking on the dogs in which a mail carrier was bitten on the arm by Adolf or Eva. This behavior may have been triggered by the surveillance and digging through the trash as neither dog had been aggressive previously. The Northglenn police department responded but did not issue any citations, nor did they seek to impound Adolf at that time; instead they placed him on a 10 day in home rabies quarantine.

15. On or about September 18, 2014 the Northglenn police department submitted to the Adams County Court an Application and Affidavit for arrest warrant of Richard Jackson, case no 15CN14005267 for the charges of Unlawful Ownership of a Dangerous Dog, C.R.S. Sec. 18-9-204.5(3)(b) (dog inflicting bodily injury upon any person, a class 3 misdemeanor) and Driving Under Suspension Revocation or Denial, C.R.S. Sec 42-2-138(1)(a). Upon information and belief the true purpose of obtaining the arrest warrant was to be able to incarcerate Mr. Jackson so he would not be present in the home during the raid.

16. No warrant authorizing seizure of Adolf for impoundment as a dangerous dog was requested or issued in accordance with C.R.C.P. 41 b or C.R.S. 18-9-202.5 (c) (III).

17. On September 24, Northglenn Animal Control and police officers met with Plaintiff at the house at their request and she showed them Adolf, who was then cleared from rabies quarantine.

18. An Adams County Magistrate found probable cause to issue the arrest warrant for Mr. Jackson on September 25, 2014.

19. The federal raid took place on September 26, 2014. Federal, state and local law enforcement broke down the door of the Jackson home and flash bombed it. Animal control officials were on site to deal with the dogs, but Adolf ran away. Animal control officers took Eva and the five puppies into protective custody and they were transferred to the Adams County shelter. Mr. Jackson was arrested pursuant to the arrest warrant described above and put into custody.

20. Plaintiff was also detained by Northglenn police on September 26, 2014 and then arrested and incarcerated for several hours. It is believed this was done so she would not be home during the raid. When she returned to the Grant address there was a "condemned" notice on the door. Upon information and belief, the home was never condemned by the City of Northglenn.

21. Sometime after the raid, a neighbor found Adolf, all paws bloody, cowering in his yard and called animal control to report a lost dog. He noted that Adolf was friendly but was injured and seemed shaken up. Animal control officers knew Adolf had fled from the raid and that his owners were both incarcerated. They picked Adolf up and placed in him protective custody at the Adams County Animal Shelter. On information and belief Adolf was docile and did not display any dangerous tendencies while being brought to the Adams County Shelter.

22. Pursuant to state law, C.R.S. 18-9-204.5 (4) upon taking an owner into custody for an alleged violation of this section or the issuing of a summons and complaint to the owner, pursuant

to the Colorado rules of criminal procedure and part 1 of article 4 of title 16, C.R.S., the owner's dangerous dog may be taken into custody and placed in a public animal shelter, at the owner's expense, pending final disposition of the charge against the owner. The owner is liable for the total cost of board and care for a dog placed.

23. Adams County did not provide either Mr. Jackson or Plaintiff with the required Notice and Payment for Cost of Care of Animals described in §18-9-202.5, C.R.S. (to conform with JDF 228) which notifies the owner that the animal has been impounded, the amount that must be paid to prevent disposition of the animal and the owner's right to a probable cause hearing.

24. A few days after the raid, Mr. Jackson's mother Michele Huffman called Northglenn animal control officer Kidwell who stated that Ava and the puppies could be picked up but Adolf could not because he was on a "police hold". Ms. Huffman was allowed to reclaim Ava and the puppies on or about October 1, 2014. Plaintiff went with her but could not reclaim them because the Grant house had a "condemned" notice on the door. The animal shelter staff at Adams County stated that they could not release Adolf because he was "evidence". Adams County did not have the legal authority to keep Adolf impounded from October 1st to February 6th because no Notice and Payment of Cost of Care pursuant to §18-9-202.5, C.R.S. had been served on either of Adolf's owners, no bond paid and there was no ability for the owners to request a probable cause hearing.

25. On or about February 6, 2015 the City of Northglenn police called Plaintiff to state that Adolf could be released. Northglenn Police also faxed a document to Mr. Jackson in federal prison where he was being held stating that he had 5 days to have someone pick up Adolf. Mr. Jackson signed the document and his counselor faxed it back. The City of Northglenn allegedly does not have this document any more.

26. On February 7, 2015 Northglenn Animal Control officer Michelle Soustek contacted Plaintiff and told her that Adolf had been released as evidence and must be picked up by the following Tuesday, February 10th 2015 at 5:00 p.m.

27. Plaintiff went to the Adams County Shelter to reclaim Adolf on or about February 9, 2015. First she was told that staff could not help her get Adolf out of his cage, so she would need to bring help. When she returned with her own help, she was told that Adolf could not be released unless police officers were there to release him.

28. When Plaintiff returned on February 10th 2015 to reclaim Adolf, Northglenn Police Commander Lopez informed Plaintiff that the city would not allow Adolf to be released and that it was going to hold a hearing at a later date to determine Adolf's disposition.

29. Approximately one week later, Plaintiff received notice from the City of Northglenn of a hearing (Disposition of Animal) to be held on February 24, 2015 at 10:30 a.m. The Notice stated that a hearing had been scheduled pursuant to Northglenn Municipal Code ("NMC") Sec. 14-4-11 to determine the disposition of the dog named Adolph who is currently impounded in the Adams County Animal Shelter. The notice further stated that the City of Northglenn has impounded Adolph and that the hearing would only concern the disposition of the dog, not any criminal or other ordinance violations. The notice stated "to justify an Order for disposition, the City must prove that there is a reasonable likelihood of future injury to person, property or animals by a preponderance of the evidence." There is no case number on the document nor is there any mention that the disposition that the City was requesting was destruction of the dog.

30. On February 17, 2015 Plaintiff requested discovery in person from Andrew Ausmus, attorney with Ausmus Law Firm, who is contracted with the city of Northglenn to prosecute

municipal ordinance violations. Commander Lopez was present at this meeting. Mr. Ausmus advised there was no discovery and requested that Plaintiff sign the notice of hearing.

31. On February 24, 2015 Plaintiff appeared in court at 10:30 a.m. before Northglenn Municipal Court Judge Corinne Magid. Northglenn Criminal Prosecutor Christy Ausmus, of Ausmus Law Firm handed Plaintiff documents she intended to introduce as evidence, including statements from animal shelter employees stating Adolf is dangerous. Plaintiff made the court aware that she had requested discovery and none had been given. The judge stated the "nature of these hearings are sort of short term" but she would give Plaintiff a few minutes to read the documents and statements.

32. The jurisdiction of the Northglenn Municipal Court set forth in NMC Section 8-1-2 states, "Pursuant to City Charter, the municipal court for the City of Northglenn is created to hear and try all cases *arising out of alleged violations of ordinances* and the Charter of the City of Northglenn." Emphasis added.

33. Administrative citations may be issued pursuant to NMC Section 19-1-1 for (1) Article 11 of Chapter 9 (the Northglenn Nuisance Ordinance); (2) Chapter 11; and (3) Article 2 of Chapter 20. There is no provision for administrative citations for animal control violations under Chapter 14.

34. The City of Northglenn allows animal control officers and police officers to seize and impound any dog which is in violation of any of the provisions or requirements of Chapter 14, animal control, and to institute proceedings in the Municipal Court of the City of Northglenn for the prosecution of violations of the animal control code by issuing a summons and complaint pursuant to NMC Section 14-2-11. Adolf was not seized and impounded for a violation of any

animal control ordinance, he was taken into protective custody because his home had been raided, "condemned" and his owners were incarcerated.

35. It is within the jurisdiction of the Northglenn Municipal Court to hear and try cases arising out of a summons and complaint under NMC Section 14-2-9 Vicious Dogs (a) which states, "It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell within the City of Northglenn any vicious dog." No summons and complaint for violation of this ordinance, or any ordinance, was ever issued to Richard Jackson or Serena Campbell.

36. NMC Chapter 14, Article 2 Dog Control states the following: "(a) It shall be unlawful for any person to violate any of the provisions of this ordinance, Article 2 of Chapter 14 of the Municipal Code of the City of Northglenn. (b) Proceedings for prosecution of violations of Section 14-2-6 (e) of this article shall be conducted in compliance with the applicable procedural requirements of Section 14-4-14 of this chapter." See NMC Section 14-2-16.

37. NMC Chapter 14, Article 4 Impounding, requires "In every case of impoundment, the animal control officer shall cause to be entered in the records of the Northglenn Police Department within eight (8) hours after seizure, and for six consecutive days thereafter, a description of each dog, cat, domestic animal or reptile impounded; the date, place and approximate time of seizure; and the name and address of the animal control facility in which the same is impounded. Such records shall be open to inspection by any person during regular business hours." See NMC Section 14-4-5. The Northglenn Police Department has no record of Adolf being "impounded" on September 26, 2014.

38. Because Adolph was not "impounded" but was rather taken into protective custody,

he should have been released to Ms. Huffman and Plaintiff when they went to collect Ava and the puppies. In the alternative, if Adolf was "impounded" because he was outside his home, bleeding and scared, then he was impounded as an at large dog (due to the police breaking down the door of his home and flash bombing the place). Accordingly, he should have been released upon Plaintiff showing (1) Satisfactory proof of ownership; (2) Proof of compliance with the rabies vaccination requirements of this chapter; (3) Payment of all fees for impoundment or holding animals at the animal control facility shall be as established by contract between the City of Northglenn and the City's designated animal control facility. (4) Proof of Microchipping within 10 days of release pursuant to NMC 14-4-6(c).

39. Instead of following the procedure in NMC 14-4-6, the City caused a hearing to be held pursuant to NMC 14-4-11 which provides that "(1) The Municipal Court of the City of Northglenn shall have the authority: (a) To order the destruction of a vicious dog, cat, domestic animal or reptile, whether or not impounded, in accordance with the provisions of subsection (2) below." This is despite the fact that there had been no citation alleging that Adolf was a vicious dog pursuant to NMC 14-2-9 and the court only has jurisdiction to "hear and try" cases arising out of alleged violations of ordinances.

40. No case was filed for any alleged violation of any Northglenn ordinance or charter; specifically the City of Northglenn did not file a summons and complaint against either Mr. Jackson or Plaintiff. State charges were already pending against Mr. Jackson and the dog had been released per the county prosecutor.

41. There is nothing that would allow the City of Northglenn to institute a "civil" hearing on whether or not a dog should be destroyed without a criminal summons and complaint having

first been issued. Furthermore, there is nothing allowing destruction of a "vicious" dog under 14-4-11 when no charge for violation of 14-2-9 ("vicious dogs") has been filed.

42. Following the hearing of February 24, 2014, in which Plaintiff was deemed to be an "owner" of Adolf and thus had legal standing to contest his destruction, the municipal judge ordered that Adolf be destroyed. Plaintiff was required to pay \$245 per month to stay execution of the order pending appeal until February 2016, and has to pay \$217 per month since then.

43. Serena Campbell, *pro se*, appealed the February 24, 2015 Order of Destruction in Northglenn Municipal Case AC 2015-9 to the District Court of the 17th Judicial District on March 26, 2015, case number 2015CV70. Being a lay person, she did not know to allege lack of jurisdiction for the proceedings under NMC 8-2-1 so this issue has not previously been raised.

44. Mr. Jackson plead guilty to ownership of a dangerous dog on August 13, 2015. No orders were entered pursuant to C.R.S. 18-9-204.5 (e.5) which mandates that the court order any owner of a dangerous dog who has been convicted of a violation of this section to be kept in an escape-proof building and to be on a leash if outside the enclosure; post warning signs, immediately report to the bureau of animal protection any material change in the dangerous dog's situation, including but not limited to a change, transfer, or termination of ownership, change of address, escape, or death; license the dog with the BAP, microchip the dog and register the microchip with the BAP, to disclose to any professional or prospective owner that the dog has been subject to a dangerous dog conviction, and to pay any restitution to the victim. Upon information and belief, the Adams County prosecutors never requested to have Adolf destroyed. If not for the City of Northglenn institution its own legal proceedings, Adolf would have been released in February and required to abide by the state dangerous dog restrictions upon entry of the conviction

in August 2015.

45. On October 9, 2015 the District Court in *Campbell v. Northglenn Municipal Court* affirmed the municipal court's order of destruction, not raising *sua sponte* the jurisdictional issue of NMC 8-2-1 which only provides jurisdiction to hear cases of violations for municipal code ordinances, of which there was never a summons and complaint issued.

46. In November 2015 Richard Jackson was released from federal prison. He and Plaintiff co-owned Adolf at all times relevant to this Complaint until March 21, 2016 when Plaintiff became the sole owner pursuant to a surrender/relinquishment agreement by previous co-owner Richard Jackson.

47. Plaintiff, *pro se*, appealed the District Court's affirmance of the Municipal Court order of destruction by filing a Petition for Writ of Certiorari in the Colorado Supreme Court on December 11, 2015, case 2015 SC 889. This petition is currently pending. The petition requests that the court find that the municipal court order of destruction should not stand but does not argue that the court had no jurisdiction under NMC 8-2-1 or allege any damages for an affirmative civil rights violations because it is merely an appeal of the order of destruction.

48. The Order of destruction has been stayed pending determination by the Colorado Supreme Court as to whether it will grant *certiorari* for Plaintiff. If the petition is denied, the stay is lifted and Adolf will be destroyed. In the meantime, Adolf has been locked in a cage at Adams County Shelter since September 26, 2014 with no exercise, veterinary care, grooming, baths or physical contact from a human being which can only be described as inhumane. Despite this, he is still happy to see Plaintiff and his family members when they come to see him, which is as often as they can.

IV. FIRST CLAIM FOR RELIEF

(42 U.S.C. § 1983 Fourth and Fourteenth Amendments Violations City of Northglenn)

49. Plaintiff incorporates all proceeding paragraphs of this Complaint for purposes of this claim.

50. This Claim for Relief is brought against the City of Northglenn.

51. Acting under color of law and pursuant to official policy, municipal ordinance, custom or widespread practice, the City of Northglenn, through its Police Department, City Attorney's Office and Municipal Court knowingly, intentionally or with deliberate indifference and callous disregard of Plaintiff's rights, seized property belonging to Plaintiff and without due process failed to return the property to Plaintiff.

52. Defendant City of Northglenn and its Police Department, City Attorney's Office and Municipal Court directly or indirectly, under color of law, approved or ratified the unlawful deliberate disposition of property belonging to the Plaintiff, without due process.

53. As a direct and proximate result of such conduct, Plaintiff has been damaged in various respects including, but not limited to, being deprived of the property value and companionship of her dog Adolf, without jurisdiction or the due process of law, as well as suffering severe mental and physical anguish due to the egregious nature of the taking, all attributable to the deprivation of her constitutional and statutory rights guaranteed by the Fourth, Fifth, and Fourteenth Amendments of the Constitution of the United States and protected under 42 U.S.C. § 1983.

V. SECOND CLAIM FOR RELIEF

(42 U.S.C. § 1983 Fourth and Fourteenth Amendments Violations Adams County)

54. Plaintiff incorporates all proceeding paragraphs of this Complaint for purposes of this claim.

55. This Claim for Relief is brought against Adams County.

56. Acting under color of law and pursuant to official policy, custom or widespread practice, Adams County, through its Animal Shelter, knowingly, intentionally or with deliberate indifference and callous disregard of Plaintiff's rights, seized property belonging to Plaintiff and without due process failed to return the property to Plaintiff.

57. Defendant Adams County and its Animal Shelter directly or indirectly, under color of law, approved or ratified the unlawful deliberate disposition of property belonging to the Plaintiff, without due process.

58. As a direct and proximate result of such conduct, Plaintiff has been damaged in various respects including, but not limited to, being deprived of the property value and companionship of her dog Adolf, without the due process of law, as well as suffering severe mental and physical anguish due to the egregious nature of their loss, all attributable to the deprivation of their constitutional and statutory rights guaranteed by the Fourth, Fifth, and Fourteenth Amendments of the Constitution of the United States and protected under 42 U.S.C. § 1983.

VI. THIRD CLAIM FOR RELIEF

(Declaratory Relief pursuant to 28 U.S.C. §2201 and §2202)

59. Plaintiff incorporates all proceeding paragraphs of this Complaint for purposes of this claim.

60. Plaintiff seeks Declaratory Relief to declare NMC 14-4-11 Impoundment-

Authority of Municipal Court to Order Disposition of Dog or Animal unconstitutional on its face and/or as applied, as violating the Fourth and Fourteenth Amendments to the United States Constitution.

61. Plaintiff seeks Declaratory Relief to declare that the Northglenn Municipal Court had no jurisdictional authority under its charter and ordinances to hold a disposition hearing to determine Adolf's fate, its jurisdiction being limited to hearing cases for which summons and complaints for municipal ordinance violations had been filed, and thus that the entire proceedings were a violation of Plaintiff's 4th and 14th Amendment constitutional rights and the decisions of the court are null and void.

62 Plaintiff requests that Adolf be immediately released from custody at the Adams County Shelter, due to the fact that Northglenn has no legal authority to continue to hold him, or in the alternative that this Court enter a stay of execution for the order of destruction pending resolution of this court case.

63. Plaintiff asserts a practical and actual interest in this matter, as her dog Adolf is imprisoned under inhumane circumstances and is facing destruction at the hands of the City of Northglenn, aided by Adams County as operator of the shelter that is holding him.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in her favor and against the Defendant and grant:

- (a) Appropriate injunctive and/or equitable relief;
- (b) Return of Plaintiff's dog Adolf;
- (c) Compensatory and consequential damages, including damages for emotional

distress, loss of enjoyment of life, and other pain and suffering on all claims allowed by law in an amount to be determined at trial;

- (d) All economic losses on all claims allowed by law;
- (e) Attorney's fees and the costs associated with this action, including those associated with expert witness fees, on all claims allowed by law;
- (f) Pre- and post-judgment interest at the lawful rate;
- (g) Any further relief that this court deems just and proper, and any other relief as allowed by law.

PLAINTIFF DEMANDS A TRIAL BY JURY OF TWELVE ON ALL ISSUES TRIABLE

Respectfully submitted this 24th day of March, 2016

THE PICCONE LAW FIRM, LLC

By: /s/ Juliet R. Piccone

Attorney for Plaintiff

Juliet R. Piccone, Esq.

The Piccone Law Firm, LLC

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Aurora, CO 80047

Tel: 720-535-6246

Fax: 866-409-0499

E-mail: juliet@thepicconelawfirm.com

Plaintiff's Address:

9380 Utica Street

Westminster, CO 80031

JS 44 (Rev. 11/15) District of Colorado Form

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</p> <p style="text-align: center;">Serena Campbell</p> <p>(b) County of Residence of First Listed Plaintiff <u>Adams</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i></p> <p style="text-align: center;">Juliet R. Piccone, The Piccone Law Firm, LLC P.O. Box 472364 Aurora CO 80047</p>	<p>DEFENDANTS</p> <p>County of Residence of First Listed Defendant _____ <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 <i>(If Known)</i></p>
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<p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input 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 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 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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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 & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes 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	<p>PERSONAL INJURY</p> <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 <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <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	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p style="text-align: center;">PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <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"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Acts <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY	
<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"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>Habeas Corpus:</p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p>Other:</p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 861 HIA (1395ff) <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))	
		IMMIGRATION		FEDERAL TAX SUITS	
		<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		<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

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity):* 42 U.S.C. §§ 1983 and 1988

VI. CAUSE OF ACTION

Brief description of cause: 4th and 14th Amendment violations, seizure of dog AP Docket

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____ CHECK YES only if demanded in complaint: **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY *(See instructions):* JUDGE _____ DOCKET NUMBER _____

DATE: 3-18-16 SIGNATURE OF ATTORNEY OF RECORD: Juliet Piccone

FOR OFFICE USE ONLY

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