

40 pgs

RECEIPT NUMBER

504288

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLIFTON WHITE,

Plaintiff,

v.

THE CITY OF DETROIT, a municipal Corporation, in its official capacity, and CITY OF DETROIT POLICE OFFICERS WILLIAM MELENDEZ, MATTHEW ZANI, JEFFREY WEISS, TROY BRADLEY, TIMOTHY GILBERT, MARK DIAZ, JERROD WILLIS, CHRIS GUINN, RICARDO VILLARRUEL, JOHN McLEOD, JOHN WATKINS, ERIC JONES, OSCAR GARZA and JOHH DOE I, in their individual capacities,

Defendants.

Kevin Ernst (P-44223) ✓
Heather Bendure (P-60932) ✓
Attorneys for Plaintiff
645 Griswold, Ste. 4100
Detroit, MI 48226
(313) 965-5555

Case No.

04-70908

BERNISE PAGE HOOD

U.S. District Judge: Hon.

MAGISTRATE JUDGE SCHEER

U.S. Magistrate Judge: Hon

State Ct. Case No. 04 405 610 NO

State Judge: Hon. Warfield Moore

U.S. DIST. COURT CLERK
EAST DIST. MICH.
DETROIT-PSG

04 MAR 10 P 4:17

FILED

John P. Quinn (P-23820) ✓
Attorney for Defendant City
1650 First National Building
Detroit, MI 48226
(313) 237-3082

NOTICE OF REMOVAL
OF CIVIL ACTION

The defendant City of Detroit removes this civil action to this Court pursuant to 28 U.S.C. § 1441 and says that:

1. This action was commenced on February 25, 2004 in the Circuit Court for the Third Judicial Circuit of Michigan and is now pending in that court.

2. On March 2, 2004, a summons and a copy of the Complaint and Jury Demand in this action were delivered to the defendant City of Detroit in Detroit, Michigan.

3. It appears from the Complaint that the plaintiff is a resident of Wayne County, Michigan.

4. This is a civil action in which the plaintiff seeks monetary relief for the alleged misconduct of the defendants which is alleged to have resulted in the deprivation of rights protected by the United States Constitution (Complaint, Counts I, VII and VIII). The defendant City removes the action to this Court, invoking the Court's federal question jurisdiction, because the plaintiff bases the action in part on 42 U.S.C. § 1983 and the United States Constitution.

5. This Court has original jurisdiction of this civil action pursuant to 28 U.S.C. § 1331, and the action is removable to this Court pursuant to 28 U.S.C. §§ 1441(a), (b) and (c). The claims arising under Michigan law fall within the Court's supplemental jurisdiction because those claims are so related to claims in the action that are within the Court's federal-question jurisdiction that they form part of the same case or controversy. 28 U.S.C. § 1367.

6. This Notice is filed within thirty days after the first receipt by any defendant of a copy of the initial pleading setting forth the claim for relief upon which this action is based.

8. On information and belief, only the defendant City has been served or otherwise received a copy of the initial pleading setting forth the claim for relief upon which this action is based. The information upon which this belief is based is the following:

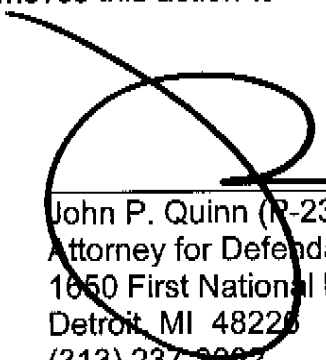
- a. A printout of the docket sheet on this case in the court from which it is being removed, current as of March 10, 2004, is attached. It shows no proof of service nor any other indication that any defendant other than the City had been served.
- b. On March 9, 2004 the undersigned spoke with the defendant Eric Jones and was informed by him that he had not been served and had not otherwise received a copy of the initial pleading setting forth the claim for relief upon which this action is based or any other written notification of the pendency of this action and that he concurs in the removal of this action to this court and intends to join in the removal if and when he is served.
- c. According to the Complaint, all the defendants other than the City of Detroit are current or former Detroit police officers. When a current or former Detroit police officer receives a summons and copy of the Complaint in a lawsuit that, like this one, is based on allegations having to do with the officer's performance of his/her duties as a police officer, the officer or former officer routinely brings the summons and copy of the Complaint to the Detroit Law Department. The undersigned, who is a Chief Assistant Corporation Counsel in the Detroit Law Department, has ordered a search of the appropriate records to determine whether any defendant has brought a summons and copy of the Complaint in this action to the Detroit Law Department. That search disclosed that no defendant had brought any document concerning this lawsuit to the Detroit Law Department.

9. Copies of all pleadings, orders or other papers served upon any defendant are attached.

10. This action is not removed on the basis of jurisdiction conferred by 42 U.S.C. § 1332 and is removed within one year after commencement of the action.

11. The undersigned has prepared a written notice of the removal of this action, addressed to counsel for the plaintiff and to the clerk of the court from which this action is being removed. Promptly after filing this Notice of Removal of Civil Action, the undersigned will cause copies of that written notice to be filed with the clerk of the court from which this action is being removed and mailed by first class mail to counsel for the plaintiff.

WHEREFORE, the defendant City removes this action to this Court.



John P. Quinn (P-23820)
Attorney for Defendant City
1650 First National Building
Detroit, MI 48226
(313) 237-3662

Dated: March 10, 2004

CASE:04-405610-NO
 STATUS: PEND

CASE INQUIRY

10-MAR-2004 09:32

1	WHITE CLIFTON	PL	PEND	
	ATTY:ERNST KEVIN S.			(313) 965/5555
2	DETROIT CITY OF	DF	PEND	
3	MELENDEZ WILLIAM	DF	PEND	
4	ZANI MATTHEW	DF	PEND	
5	WEISS JEFFREY	DF	PEND	
6	BRADLEY TROY	DF	PEND	
7	GILBERT	DF	PEND	
8	DIAZ MARK	DF	PEND	
9	WILLIS JERROD	DF	PEND	
10	GUINN CHRIS	DF	PEND	
11	VILLARRUEL RICARDO	DF	PEND	
12	MCLEOD JOHN	DF	PEND	
13	WATKINS JOHN	DF	PEND	
14	JONES ERIC	DF	PEND	
15	GARZA OSCAR	DF	PEND	
16	DOE JOHN MANNY	DF	PEND	

2/25/04	1 OTHER PERSONAL INJURY			CANT 22504
	ASSG CRT:MOORE 921 CAYMC 224-243			
	TITLE:WHITE CLIFTON V DETROIT CITY OF			
2/25/04	2 STATUS CONPERENCE SCHEDULED			CANT 22504
	NEXT ACT:STATUS CONFERENCE	5/28/04	08:15	LOC: MOORE
2/25/04	3 SERVICE REVIEW SCHEDULED			CANT 22504
	NEXT ACT:SERVICE REVIEW	5/26/04	08:15	LOC: MOORE
2/25/04	4 CASE FILING FEE - PAID			ATTY:ERNST KEVIN SCANT 22504
	AMT: 150.00			
2/25/04	5 JURY DEMAND FILED & FEE PAID			ATTY:ERNST KEVIN SCANT 22504
	AMT: 85.00			

DOCKET/CASE LISTING COMPLETE, THANK YOU RECORD



SUMMONS AND RETURN OF SERVICE

COURT ADDRESS: 2 WOODWARD AVENUE, DETROIT, MICHIGAN 48226

COURT TELEPHONE NO. (313) 224- 2430

THIS CASE ASSIGNED TO JUDGE: WARFIELD MOORE

Bar Number: 17938

PLAINTIFF

DEFENDANT

WHITE CLIFTON

PL 01 VS DETROIT CITY OF

DF 002

PLAINTIFF'S ATTORNEY

KEVIN S. ERNST
(P-44223)
645 GRISWOLD ST STE 4100
DETROIT, MI 48226-4209
313-965-5555

RECEIVED
MAR 02 2004
CITY OF DETROIT
LAW DEPARTMENT

*City of Detroit Law Dept
1650 First National Building
660 Woodward Ave.
Detroit, MI 48226-3535*

CASE FILING FEE PAID

JURY FEE PAID

ISSUED 02/25/04

THIS SUMMONS EXPIRES 05/26/04

DEPUTY COUNTY CLERK
DESIREE CANTY

*This summons is invalid unless served on or before its expiration date.

Cathy M. Garrett - Wayne County Clerk

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

- You are being sued.
- YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
- If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
 - There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
 - A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.
 - There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
 - An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

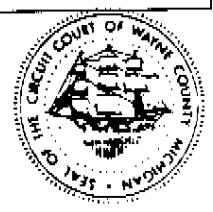
The docket number and assigned judge of the civil/domestic relations action are:

Docket no.	Judge	Bar no.

The action remains is no longer pending.

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

Date _____ Signature of attorney/plaintiff _____



COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangement.

STATE OF MICHIGAN
WAYNE COUNTY CIRCUIT COURT

CLIFTON WHITE,

Plaintiff,

04-405610 NO 2/25/2004

JDG:WARFIELD MOORE

vs.

WHITE CLIFTON

vs



DETROIT CITY OF

CITY OF DETROIT, a municipal corporation, in its official capacity, and CITY OF DETROIT POLICE OFFICERS WILLIAM MELENDEZ (a/k/a "RoboCop"), MATTHEW ZANI (a/k/a "Spike" and "Candyman"), JEFFREY WEISS (a/k/a "Joker"), TROY BRADLEY, TIMOTHY GILBERT, MARK DIAZ, JERROD WILLIS, CHRIS GUINN, RICARDO VILLARRUEL, JOHN McLEOD, JOHN WATKINS, ERIC JONES, OSCAR GARZA, and JOHN DOE I (a/k/a "Manny"), in their individual capacities,

Defendants.

KEVIN ERNST (P44223)
HEATHER BENDURE (P60932)
Ernst & Associates, PLC
Counsel for Plaintiff
645 Griswold, Ste. 4100
Detroit, Michigan 48226
(313) 965-5555
(313) 965-5556 (facsimile)

COMPLAINT AND JURY DEMAND

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

JURISDICTION AND PARTIES

1. Plaintiff was at all times relevant to this action a resident of the City of Detroit, County of Wayne, State of Michigan.
2. Defendant City of Detroit was at all times relevant to this action a municipal corporation duly organized existing and carrying out governmental functions under the laws of the State of Michigan. It is sued in its official capacity.

3. Defendant William Melendez a/k/a "Robocop" was at all times relevant to this action a police officer working for the City of Detroit, Michigan and acting under color of state law. He is being sued in his individual capacity.
4. Defendant Matthew Zani a/k/a "Spike" and "Candyman" was at all times relevant to this action a police officer working for the City of Detroit, Michigan, and was at all times acting under color of state law. He is being sued in his individual capacity.
5. Defendant Jeffrey Weiss a/k/a "Joker" was at all times relevant to this action a police officer working for the City of Detroit, Michigan and was at all times acting under color of state law. He is being sued in his individual capacity.
6. Defendant Troy Bradley was at all times relevant to this action a police officer working for the City of Detroit, Michigan and was at all times acting under color of state law. He is being sued in his individual capacity.
7. Defendant Timothy Gilbert was at all times relevant to this action a police officer working for the City of Detroit, Michigan and acting under color of state law. He is being sued in his individual capacity.
8. Defendant Mark Diaz was at all times relevant to this action a police officer working for the City of Detroit, Michigan and acting under color of state law. He is being sued in his individual capacity.
9. Defendant Jerrod Willis was at all times relevant to this action a police officer working for the City of Detroit, Michigan and acting under color of state law. He is being sued in his individual capacity.

10. Defendant Ricardo Villarruel was at all times relevant to this action a police officer working for the City of Detroit, Michigan and acting under color of state law. He is being sued in his individual capacity.
11. Defendant John McLeod was at all times relevant to this action a police officer working for the City of Detroit, Michigan and acting under color of state law. He is being sued in his individual capacity.
12. Defendant John Watkins was at all times relevant to this action a police officer working for the City of Detroit, Michigan and acting under color of state law. He is being sued in his individual capacity.
13. Defendant Eric Jones was at all times relevant to this action a police officer working for the City of Detroit, Michigan and acting under color of state law. He is being sued in his individual capacity.
14. Defendant Oscar Garza was at all times relevant to this action a police officer working for the City of Detroit, Michigan and acting under color of state law. He is being sued in his individual capacity.
15. Defendant John Doe I a/k/a/ "Manny" was at all times relevant to this action a police officer working for the City of Detroit, Michigan and acting under color of state law. He is being sued in his individual capacity.
16. All material events giving rise to this lawsuit occurred in Wayne County, Michigan.
17. At all material times, the Defendant police officers acted under color of laws, statutes, ordinances, policies, practices, customs, training and usages of the State of Michigan and the City of Detroit.

18. The amount in controversy exceeds \$25,000.00, exclusive of interest, costs and attorney fees.

COMMON ALLEGATIONS

19. Plaintiff incorporates the preceding paragraphs by reference.
20. Plaintiff Clifton "Cliff" White is a 27 year old African-American male.
21. The Defendant officers acting in concert, have, for at least the past 10 years, targeted young African-American men living in or around the 4th Precinct and conspired to assault them, plant drugs and/or guns on them, steal from them, file false police reports against them, and, if necessary, perjure themselves in court proceedings in efforts to cover-up the conspiracy.
22. Plaintiff is one of several victims of Defendants' conspiracies.
23. Defendants, acting in concert, have abused their power as police officers, intimidating, coercing, and threatening Plaintiff and other victims for almost a decade, and have conspired to repeatedly violate his civil rights.
24. The intimidation, coercion and threats included death threats and arson.
25. The conspiracy against Plaintiff began in 1994 when Clifton was 18 years old and has continued to this day.
26. In 1994, Plaintiff was standing in front of his mom's house when a Caucasian woman, who was a passenger in a car driving down his street, asked him if he knew where she could buy drugs.
27. This, unfortunately, was not uncommon in Plaintiff's neighborhood.

28. Plaintiff told the woman he did not know, and began walking back toward his house.
29. Suddenly, Defendant Jones pulled up, searched the woman and the car, and found some narcotics.
30. Jones, along with other Defendants, was assigned to Precinct Number 4.
31. Defendant Jones then accused Plaintiff of selling the drugs to the woman.
32. Defendant Jones told another officer to, "put it on him [Plaintiff]."
33. Plaintiff, a teenager, explained that he had nothing to do with the woman and he had not sold her any drugs.
34. Defendant Jones searched Plaintiff, and did not find any drugs or weapons.
35. The woman in the car repeatedly told Defendant Jones and his partner that Plaintiff did not sell her the drugs.
36. Despite the lack of evidence, Defendant Jones arrested Plaintiff and charged him with selling drugs.
37. On advice of counsel and to avoid jail time, Plaintiff pled guilty to the bogus charges and received probation.
38. From that day forward, Defendant Jones, along with several Fourth and Third Precinct officers targeted Plaintiff and repeatedly violated his civil rights.
39. In or around June of 1997, as Plaintiff was walking down the street, he noticed two unmarked police cars parked behind a blue vehicle.
40. Defendant Jones was in one of the cars, as was Defendant Garza.
41. Defendant Jones recognized Plaintiff, came out of the car and ordered Plaintiff to put his hands up and lay on the ground.

42. As Defendant Jones searched the occupants of the blue car, Defendant Garza watched Plaintiff.
43. During the illegal search and seizure of the blue car, Defendants Jones and Garza discovered a gun in the trunk.
44. To conceal their illegal seizure of Plaintiff, Defendants Jones and Garza planted the gun on Plaintiff.
45. Plaintiff was never in the blue car and did not know the occupants of the car.
46. Defendants Jones and Garza conspired and agreed to falsify their police reports to indicate that Plaintiff had been carrying the weapon.
47. The Defendants then arrested Plaintiff for Carrying a Concealed Weapon. After arresting and detaining Plaintiff for several hours, Defendants released him without charges.
48. After the incident, Defendant Jones continued harassing Plaintiff regularly, driving by his house and taunting him, often using the squad car's loudspeaker.
49. In the summer of 1997, the harassment escalated. Defendant Jones invaded Plaintiff's home late at night by crawling through a window in Plaintiff's house, terrorizing Plaintiff's seven year old nephew.
50. Defendant Jones had no probable cause, no warrant, there were no exigent circumstances, and no other warrant exception existed.
51. When he couldn't find Plaintiff, Defendant Jones simply left without documenting his entry into the house or his contacts with the residents inside.
52. Shortly thereafter, on or about August 5, 1997, Defendant Jones again arrested Plaintiff for the bogus June 1997 CCW charge, telling Plaintiff that he had "decided" to press charges.

53. Defendant Garza was again complicit in the illegal act.
54. Defendant Garza perjured himself when he testified at Plaintiff's preliminary exam that a gun had been found on Plaintiff.
55. A jury acquitted Plaintiff of the CCW charge on April 7, 1998 after a two day trial.
56. After the acquittal, Defendant Jones threatened retribution when he approached Plaintiff and stated, "I'm gonna get you, fat bitch."
57. The conspiracy to violate Plaintiff's civil rights continued with fervor.
58. In or around winter of 1997/1998, Defendant Jones encountered Plaintiff in Plaintiff's neighborhood and physically assaulted Plaintiff by punching him in the face.
59. When Plaintiff's fiancé, Letecia Stanley, tried to intervene, Defendant Jones slapped her.
60. When Plaintiff's brother, Shannon White, also tried to intervene, Defendant Jones attacked him too.
61. Defendant John Doe I, a/k/a "Manny" arrived as back up, and began choking Plaintiff.
62. After Defendant Jones handcuffed Plaintiff, he continued to beat him and kicked him multiple times in the ribs.
63. In or around late 1998 or early 1999, Defendant Jones approached Plaintiff and asked Plaintiff if he had ever seen a million dollars. He further told Plaintiff when he was ready to make some "real money," he could work for Defendant Jones.
64. Plaintiff refused Defendant Jones' offer.

65. Defendant Jones' direct harassment of Plaintiff and his family finally let up in or around 1999, when Jones left the Fourth Precinct for the Third Precinct.
66. However, he continued to harass and terrorize Plaintiff indirectly through named and unnamed co-conspirators.
67. On or about December 18, 2000, Defendants Melendez, Bradley and Willis showed up at Plaintiff's friend's house while Plaintiff was there.
68. Pretending to have a tip that it was a drug house but without a warrant or probable cause, Defendants searched the occupants and started ransacking the house, knocking out the ceilings.
69. Plaintiff told the officers his two six month old puppies were in the house, but that they were harmless.
70. After being asked where they were, Plaintiff told Defendants that the puppies were located in a back room.
71. One of the officers let the dogs out, and although neither dog acted aggressively, Defendant Bradley sadistically and without justification shot and killed one of the puppies, bragging, "I shot that mother fucker right from the hip!"
72. Defendants then took Plaintiff outside, and forced him to lie prostrate in the snow.
73. Defendants then gave Plaintiff a ticket for entering the house without owner's permission, even though he had permission to be there, and even though Defendants never spoke to the owner.
74. Upon information and belief, around the same time that Defendant Jones left the Fourth Precinct, Defendant Melendez transferred from the Third Precinct to the Fourth Precinct.

75. In or around December 2000, Plaintiff was standing outside with some friends, when Defendant Melendez drove by in his squad car, exited, threw the men on the ground and illegally searched them.
76. Defendant Melendez told Plaintiff, "I know you're running everything out here. If I don't get mine, I don't play fair."
77. Defendant Melendez got back into his car and drove away.
78. On information and belief, Defendant Melendez never documented the incident.
79. Shortly thereafter, Defendants Weiss, Gilbert and McLeod saw Plaintiff outside his house, and approached him.
80. Afraid that the officers were again going to plant contraband on him and bring bogus charges, Plaintiff ran on to a neighbor's porch so he would have witnesses to whatever was about to transpire.
81. Although these Defendants found no contraband on Plaintiff, they arrested him.
82. Defendants Weiss, Gilbert and McLeod then called Melendez to tell him they had Plaintiff.
83. The Defendants took Plaintiff to the Fourth Precinct and, after detaining him for a period of time, let him go.
84. Within a few months, the neighbor whose house Plaintiff ran to told Plaintiff, "RoboCop [Defendant Melendez] said he wants to kill you – he hates you."
85. On or about February 26, 2001, Plaintiff and his brother, Shannon White, were visiting with his aunt, Victoria Tillmon.

86. Defendant Melendez arrived at the house and yelled to the occupants, "Police -- open the mother fucking door."
87. Defendant Melendez entered, pointing a gun at Plaintiff's head, yelling, "bitch, sit down."
88. Claiming falsely to have received a report of a shooting inside the house, Defendant Melendez, along with Defendant officers Weiss, Villarruel, Bradley, and Willis, ransacked Tillmon's house.
89. Defendant Melendez knocked out the drop ceiling, looking for drugs.
90. Defendant Melendez searched the occupants, telling them, "If we don't find nothin', we don't play fair."
91. True to his word, Defendant Melendez, along with his partners Defendants Weiss and Villarruel, again framed Plaintiff after finding no contraband, this time charging him with violations of the Controlled Substance Act.
92. Defendants Melendez, Weiss, and Villarruel concealed their illegal entry into Tillmon's home by agreeing to and falsifying police reports.
93. Defendants Melendez, Weiss and Villarruel agreed to claim in their reports that they contacted Plaintiff and his brother on a public street and that Plaintiff possessed cocaine and marijuana.
94. Defendants Bradley and Willis were complicit as Defendants Melendez, Weiss, and Villarruel falsified their police reports, and did nothing to rectify the unlawful actions of the other Defendants.
95. Defendants charged Plaintiff with possession of narcotics.

96. On March 11, 2001, a day before the preliminary exam, Defendant Weiss drove up to Plaintiff who was walking outside and said, "you better enjoy your fresh air – could be your last time."
97. Before he drove away, Defendant Weiss told Plaintiff, "You ain't gonna win this case."
98. Defendant Weiss perjured himself when called to testify at Plaintiff's preliminary exam.
99. As a result, Plaintiff was bound over after the preliminary exam.
100. The Court dismissed all charges against Plaintiff after Victoria Tillmon testified at an evidentiary hearing and documented the illegal entry into her home.
101. The day after the dismissal, on or about June 21, 2001, Defendant Melendez effected a traffic stop of Tillmon, got out of the car and yelled, "Bitch, if you ever testify for someone else, I'll kill you."
102. Meanwhile, in or around April 2001, unspecified Detroit Police Officers raided a house a few door down from Plaintiff's house.
103. After finding nothing, the raid officers walked out, pointed to a car, and asked the neighbor, "Is that Clifton's car?"
104. When the neighbor said yes, officers illegally took the car without reason or explanation.
105. Finally saving enough money to get the car out of impound, more than \$900, Plaintiff retrieved his illegally seized car.
106. Within a week, officers seized Plaintiff's car for the second time under the following circumstances:
107. Plaintiff loaned his car to a friend so he could drive to the store.

108. When Defendants Gilbert, Weiss, Bradley and Melendez saw the vehicle, they asked the occupant, "This is Cliff's car, right?"
109. When the occupant said yes, the officers, without explanation, ordered the driver out and drove off with Plaintiff's car.
110. Fearful of what the officers may have planted in the car when they took it, and without another \$900 to ransom back his car, Plaintiff did not retrieve his vehicle.
111. The civil rights violations continued on or about the morning of October 8, 2001, when Plaintiff was walking down the street with a friend.
112. Plaintiff saw some police commotion nearby, and noticed several police officers involved in a mass arrest.
113. One of the officers, Defendant McLeod, recognized Plaintiff and yelled over to Plaintiff, calling him "fat ass" and telling Plaintiff he could get a ticket for walking in the street.
114. Defendant McLeod then radioed Defendant Melendez, telling him that Plaintiff was walking by.
115. Plaintiff heard Defendant Melendez radio back, "catch him and put it on him."
116. Apparently hearing the report, Defendant Gilbert ran toward Plaintiff and yelled, "you got something now."
117. Defendant Melendez, dressed in fatigues, then arrived on the scene, walked over to Plaintiff and sighed, "Oh, Clifton."
118. Defendant Melendez then called for a squad car, which transported Plaintiff to the Fourth Precinct.
119. At the station, Plaintiff was thoroughly searched by a custodial officer.
120. This search revealed no contraband.

121. Then Defendant Weiss strip searched Plaintiff and made derogatory statements about Plaintiff's anatomy.
122. Defendant Weiss told Plaintiff, "they're gonna have fun with you in prison."
123. In an attempt to make it appear that Plaintiff was trafficking narcotics with the other detainees in the mass arrest, Defendant Gilbert took \$100 that he found on another person and attributed it to Plaintiff.
124. The custodial officer that performed the original search saw Defendant Gilbert counting money, and improperly attributing some to Plaintiff, and told Plaintiff, "I know about RoboCop."
125. In response to Plaintiff's complaints to officers that he had been set up, a sergeant at the precinct told Plaintiff, "We know Melendez is crooked. He's giving our precinct a bad name."
126. Defendant officers Melendez, Watkins, McLeod, Weiss, and Gilbert all agreed to and falsified police reports to justify their unlawful search and seizure and their illegal arrest.
127. Defendant officers Melendez, Watkins, McLeod, Weiss, and Gilbert all wrote in their police reports that Plaintiff had drugs, money, and a gun on him when they arrested him.
128. In fact, Plaintiff had no contraband or money on him when Defendants arrested him.
129. Regardless, Defendants charged Plaintiff with three counts of possession with intent to deliver less than 50 grams of cocaine, carrying a concealed weapon, possession of a firearm, and felony firearm.

130. Overwhelmed by the constant harassment, Plaintiff, who had a pre-existing mental health condition, had an emotional breakdown, and was transported from the precinct to a crisis center, where he stayed for three days.
131. Defendant officers Melendez, Watkins, McLeod, Weiss, and Gilbert all agreed to and did provide false testimony when they testified against Plaintiff at his preliminary exam.
132. The case was subsequently transferred to federal court as a "guns and drugs" case.
133. On or about October 17, 2002, after it became clear that the officers were lying, the U.S. Attorney moved to dismiss the indictment against Plaintiff.
134. Before the charges were dismissed but after they were brought, Defendants Melendez, Bradley and Willis continued to terrorize Plaintiff.
135. On or about December 11, 2001, an unidentified person shot Plaintiff in the head and drove off.
136. Even though Plaintiff's identify had not yet been ascertained, Defendant Melendez approached Plaintiff's friend within two hours of the shooting and said, "Heard your boy got shot. Too bad it didn't kill him."
137. Police never investigated the shooting.
138. Apparently frustrated that Plaintiff was still alive, on or about February 15, 2002 at or about 1:30 a.m., Defendant officers Zani, Diaz, Melendez, Weiss, Bradley, and Willis used a battering ram to break down the front door of Plaintiff's new residence (located in the Third Precinct), where he, his fiancé and their two toddlers were sleeping.

139. Startled by the noise, Plaintiff's three-year-old daughter started screaming for her parents.
140. Plaintiff awoke and opened the door.
141. The Defendants had no probable cause, no warrant, there were no exigent circumstances, and no other warrant exception existed.
142. Defendants Melendez, Weiss, Bradley and Willis, all assigned to the Fourth Precinct, had no reason to be in the Third Precinct.
143. The Defendants came in and handcuffed Plaintiff in front of his family.
144. The Defendants then searched Plaintiff's fiancé, Letecia Stanley, and asked to search the two toddlers.
145. When the parents refused, the Defendants searched the children anyway, removing their diapers.
146. Although the Defendants found no contraband, they arrested Plaintiff on drug charges and took him to the Fourth Precinct.
147. When leaving, Defendant Melendez told Plaintiff's family, "we were never here."
148. Defendants eventually charged Plaintiff with possession of less than 25 grams of cocaine.
149. On the way to the station, Defendant Diaz used his cellular phone to contact Defendant Jones.
150. Defendant Diaz told Defendant Jones, "We got your old friend Clifton. "
151. Defendant Jones started laughing, Defendant Diaz asked, "What should we do with him?"
152. Defendant Jones said words to the effect: "I don't care if you make it to the river with him."

153. After they got to the station and while they were in the garage, Defendant Diaz put a gun to Plaintiff's head and said, "tell me where the guys with the kilos are."
154. Plaintiff responded that he didn't know.
155. After this approach didn't work, Defendant Diaz told Plaintiff that if he told him where the big time drug dealers were, he could make everything disappear and that Plaintiff wouldn't even have to go to court.
156. Plaintiff again explained that he didn't know anyone with kilos. Defendant Diaz took Plaintiff into the station to process him for the bogus drug charge.
157. Third Precinct Defendants Zani and Diaz concealed their illegal entry and search of Plaintiff's home by agreeing to and writing false police reports stating that they encountered Plaintiff outside in an alley while responding to a "man in an alley" run, and also concealed the involvement of the Defendants from the Fourth Precinct.
158. Defendants Zani and Diaz supported their unlawful arrest of Plaintiff by falsely stating in their reports that Plaintiff threw a baggie of cocaine when they encountered him in the alley (another notorious "dropsy" case).
159. The Third Precinct Defendants denied that Defendants Melendez, Bradley, Willis, and Weiss, all assigned to the 4th Precinct, were anywhere near Plaintiff or his family that night.
160. Defendant Zani agreed with these Defendants to perjure himself when testifying at Plaintiff's preliminary exam.
161. As the preliminary examination was over and bond was lowered, Defendant Zani falsely told the Court that Plaintiff had made threats against several officers

saying he was going to, "hold court in the streets," in an attempt to prevent Plaintiff from bonding out.

162. As a result of these false statements, the Court raised Plaintiff's bond to \$150,000 cash, "no surety, no nothing."
163. On or about June 5, 2002, after Plaintiff produced photos of his front door, demonstrating the illegal entry, the case was dismissed.
164. On or about January 1, 2003, police officers raided a home five minutes after Plaintiff arrived there.
165. After searching Plaintiff, the officers found his retainer agreement with his attorneys for the instant case, questioned him about suing Detroit Police Department officers, and confiscated the paperwork.
166. The agreement showed that Plaintiff was suing the Detroit Police Department.
167. One officer then told Plaintiff, if we find anything here, "we'll nail it on you."
168. Another officer kept telling Plaintiff, "we should beat your ass."
169. A few days after the officers took the retainer, Plaintiff's last known residence was torched, and burned to the ground. (He had recently moved out, unbeknownst to Defendants.)
170. Defendant Gilbert admitted to Plaintiff's neighbor that he had torched the house.
171. On or about March 13, 2003, Defendants Melendez and Weiss forcibly entered Plaintiff's aunt's house, while Plaintiff was there, without probable cause and without a warrant or warrant exception.
172. Defendant Melendez told Plaintiff that he knew Plaintiff was cooperating with the FBI, but, "I'm still out here."

173. On or about March 26, 2003 Defendant Gilbert bragged to people in Plaintiff's neighborhood that he had burned Plaintiff's house down and "hoped his fat ass was in there."
174. Defendant Melendez has made several threats toward Plaintiff throughout the years.
175. On one occasion, Defendant Melendez tormented Plaintiff, suggesting they go into a dark alley, stating, "who do you think they'll believe about what happened, you or me?"
176. Defendant Melendez has told several residents in Plaintiff's neighborhood that he wanted Plaintiff dead, and suggested to some that they would be having to buy flowers for the funeral soon.
177. In or around early May, Defendant Melendez told Plaintiff's neighbors that Plaintiff was co-operating with the FBI in an investigation of police corruption.
178. In or around that same time, Defendant Melendez told neighbors to tell the drug dealers in the neighborhood that Plaintiff was co-operating with the FBI.
179. Defendant Melendez told a neighbor, after complaining that Plaintiff always "beats" the charges brought against him, that somewhere down the line, that he was going to "set Plaintiff up so he doesn't have to worry about going to jail."
180. Defendant Melendez has already killed at least one unarmed civilian, in an execution-style shooting, while on duty.
181. The City, with full knowledge of the shooting, settled the lawsuit brought on the decedent's behalf and did nothing to discipline Melendez.
182. Upon information and belief, from the time Defendant Melendez joined the Detroit police force until early June 2003, he had never been reprimanded,

although he has been a civil and/or criminal defendant at least four times for violating civilians' rights.

183. Defendant Melendez pled nolo contendere to a charge on filing a false police report when several independent witnesses stated that Defendant Melendez entered a citizen's house, even though Defendant Melendez's police reports indicated that he encountered the individual in the streets and never entered the home.
184. Rather than reprimanding Defendant Melendez for his several incidents of malfeasance, the Department instead named him "Officer of the Year."
185. The Department did suspend Defendant Melendez, along with several other named Defendants, when they were indicted by federal authorities for violating civil rights.
186. Upon information and belief, several citizens filed complaints against Defendant Zani.
188. On one occasion, a citizen complained that Defendant Zani stole several hundred dollars, keeping some for himself and using the rest to bribe neighbors.
189. Defendant Zani and others falsified police reports to cover up their illicit activity
190. At least two of the citizens involved took and passed polygraph tests regarding the incident, and several others corroborated the citizen's complaint.
191. Even when presented with this information, Defendant City did not reprimand, terminate, demote, or otherwise discipline Defendant Diaz for the theft.

COUNT ONE
FOURTH AMENDMENT VIOLATIONS

192. Plaintiff incorporates the preceding paragraphs by reference.
193. Defendants' acts and/or omissions constitute an illegal search and/or seizure in violation of the Fourth Amendment, including, but not limited to excessive force, arrest, detention, and/or prosecution without probable cause and/or unlawful entry and/or illegal search.
194. These constitutional violation involved clearly established and well settled constitutional rights protected by the Fourth Amendment to the United States Constitution.
195. These claims are cognizable under 42 U.S.C. § 1983.
196. Reasonable police officers should have known of this right, and therefore, Defendants are not cloaked with qualified immunity.
197. Defendants' acts and/or omissions were a proximate cause of Plaintiff's injuries and damages.

COUNT TWO
MALICIOUS PROSECUTION

198. Plaintiff incorporates the preceding paragraphs by reference.
199. On or about October 8, 2001, Defendants McLeod, Melendez, Gilbert, Weiss, and Watkins instituted and initiated the allegation of criminal activity against Plaintiff without probable cause and with malice.
200. Upon information and belief, Defendants McLeod, Melendez, Gilbert, Weiss, and Watkins instituted the investigation for personal reasons, which include, but are not limited to:
- a. Vexation;

- b. Retaliation for Plaintiff's success in fighting previous criminal charges;
- c. Personal vendetta;
- d. Retaliation for Defendants' failure to find contraband on Plaintiff.

207. MCLA 600.2907 provides for criminal and civil liability for every person who, for vexation, trouble or with malice, causes another to be arrested, attached, or in any way proceeded against by any process of civil or criminal action without that person's consent.

208. The Court, pursuant to the U.S. Attorney's request, dismissed the pending charges against Plaintiff, closing the Defendants' investigation, on or about October 17, 2002.

209. As a direct result of Defendants' malice in making the allegations that initiated the investigation and prosecution of Plaintiff, Plaintiff has suffered damage, including, but not limited to, mental anguish, depression, imprisonment, and facing criminal charges and prosecution for over one year.

210. On or about February 15, 2002, Defendants Zani and Diaz instituted and initiated the allegation of criminal activity against Plaintiff without probable cause and with malice.

211. Upon information and belief, Defendants Zani and Diaz instituted the investigation for personal reasons, which include, but are not limited to:

- a. Vexation;
- b. Retaliation for Plaintiff's success in fighting previous criminal charges;
- c. Personal vendetta;
- d. Retaliation for Defendants' failure to find contraband on Plaintiff.

212. MCLA 600.2907 provides for criminal and civil liability for every person who, for vexation, trouble or with malice, causes another to be arrested, attached, or in any way proceeded against by any process of civil or criminal action without that person's consent.
213. The Court dismissed the pending charges against Plaintiff, closing the Defendants' investigation, on or about June 5, 2002.
214. Defendants' acts and/or omissions constitute intentional torts and/or were committed with reckless disregard as to whether an injury would result and therefore, Defendants are not entitled to governmental immunity under state law.
215. As a direct result of Defendants' malice in making the allegations that initiated the investigation and prosecution of Plaintiff, Plaintiff has suffered damage, including, but not limited to, mental anguish, depression, imprisonment, and facing criminal charges and prosecution for over one year.

COUNT THREE
FALSE IMPRISONMENT/FALSE ARREST

216. Plaintiff incorporates the preceding paragraphs by reference.
217. Defendants physically restrained Plaintiff and deprived him of his personal liberty and freedom of movement on each of the incidents described, all with the intention of confining him.
218. The deprivations lasted anywhere from several minutes to several days.
219. Plaintiff was conscious of his confinement at all times.
220. Defendants' actions directly resulted in Plaintiff's actual confinement.
221. The imprisonments, restraints and arrests were against Plaintiff's will.

222. Defendants accomplished the imprisonments, restraints and arrests by actual physical force, and the deprivations of Plaintiff's liberty and freedom were intentional, unlawful, unprivileged, and without probable cause.
223. Defendants' acts and/or omissions constitute intentional torts and/or were committed with reckless disregard as to whether an injury would result and therefore, Defendants are not entitled to governmental immunity under state law.
224. Both the initial restraint and deprivation of liberty and freedom and the continued detention and "investigation" were unreasonable.
225. As a direct and proximate result of Defendants' false imprisonment, arrest, detention and investigation, Plaintiff has suffered the following:
- a. Physical injuries;
 - b. Pain, suffering, and severe emotional distress;
 - c. Humiliation, mortification and embarrassment;
 - d. Other injuries or damages that may become known during the course of discovery and trial.

COUNT FOUR
TRESPASS

241. Plaintiff incorporates the preceding paragraphs.
242. On or about February 15, 2002,, Defendants Zani, Diaz, Melendez, Weiss, Bradley, and Willis used a battering ram to break down the front door of Plaintiff's house.
243. The trespass onto Plaintiff's property was without Plaintiff's permission.
244. While trespassing, Defendant officers destroyed Plaintiff's front door and ransacked the house, causing damage.

245. Defendants intentionally, recklessly and wantonly trespassed and damaged Plaintiff's property, knowing that the property was Plaintiff's and that Defendants had no right to take those actions and therefore, Defendants are not entitled to governmental immunity under state law.
246. Defendants' actions have caused Plaintiff damage including, but not limited to, the diminution of value of the personal property associated with Defendants' trespass, and other damages that flow naturally and consequentially from Defendants' actions.

COUNT FIVE
ASSAULT AND BATTERY

247. Plaintiff incorporates the preceding paragraphs.
248. The above-mentioned acts and/or omissions constitute assault and battery under state law.
249. During the above-mentioned incidents, Defendants made intentional and unlawful threats to do bodily injury to Plaintiff.
250. Defendants' threats against Plaintiff were made under circumstances that created a well-founded fear of imminent peril.
251. Defendants had the apparent ability to carry out the acts, and did carry out the acts.
252. Defendants' acts and/or omissions constitute intentional torts and/or were committed with reckless disregard as to whether an injury would result and therefore, Defendants are not entitled to governmental immunity under state law.

253. As a direct and proximate result of Defendants' actions and/or omissions, Plaintiff suffered injury and damage, past, present and future, including the following:

- a. Pain, suffering and emotional distress;
- b. Humiliation, mortification, and embarrassment;
- c. Medical expense;
- d. Other damages and injuries and consequences that are found to be related to the assault and battery throughout the course of discovery and trial.

COUNT SIX
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

253. Plaintiff incorporates the preceding paragraphs.
254. Defendants' conduct as outlined above was intentional.
255. Defendants' conduct as outlined above was extreme, outrageous, and of such character as not to be tolerated by a civilized society.
256. Defendants' conduct as outlined above was for an ulterior motive or purpose.
257. Defendants' conduct resulted in severe and serious emotional distress.
258. As a direct and proximate result of Defendants' conduct, Plaintiff has been damaged.

COUNT SEVEN
CONSPIRACY TO VIOLATE CIVIL RIGHTS

259. Plaintiff incorporates the preceding paragraphs by reference.
260. On or about February 26, 2001, Defendants Melendez, Weiss, Villaruel, Bradley and Willis willfully acted in concert and conspired with each other and other unnamed police officers, known and unknown, to Deprive Plaintiff of his constitutional rights under state and federal law.

261. In furtherance of the conspiracy, and to effect the objectives of their conspiracy, Defendants Melendez, Weiss, Villarruel, filed false police reports.
262. In furtherance of the conspiracy, Defendants Bradley and Willis agreed to remain silent regarding Defendants' Melendez, Weiss and Villarruel's false police reports.
263. In furtherance of the conspiracy, Defendant Weiss perjured himself at Plaintiff's preliminary examination on or about March 12, 2001.
264. As a direct and proximate result of this civil conspiracy, Plaintiff sustained serious injuries, described more fully herein.
265. On or about October 8, 2001, Defendants McLeod, Melendez, Gilbert, Weiss, and Watkins willfully acted in concert and conspired with each other and other unnamed police officers, known and unknown, to Deprive Plaintiff of his constitutional rights under state and federal law.
266. In furtherance of the conspiracy, and to effect the objectives of their conspiracy, Defendants McLeod, Melendez, Gilbert, Weiss, and Watkins filed false police reports.
267. In furtherance of the conspiracy, Defendants McLeod, Melendez, Gilbert, Weiss, and Watkins perjured themselves at Plaintiff's preliminary examination.
268. As a direct and proximate result of this civil conspiracy, Plaintiff sustained serious injuries, described more fully herein.
269. On or about February 15, 2002, Defendants Zani, Diaz, Melendez, Weiss, Bradley, and Willis willfully acted in concert and conspired with each other and other unnamed police officers, known and unknown, to Deprive Plaintiff of his constitutional rights under state and federal law.

270. In furtherance of the conspiracy, and to effect the objectives of their conspiracy, Defendants Zani and Diaz filed false police reports.
271. In furtherance of the conspiracy, Defendant Zani perjured himself at Plaintiff's preliminary examination.
272. As a direct and proximate result of this civil conspiracy, Plaintiff sustained serious injuries, described more fully herein.

COUNT EIGHT
42 U.S.C. § 1983 AGAINST CITY OF DETROIT

273. Plaintiff incorporates the preceding paragraphs by reference.
274. During all relevant times, the City of Detroit developed and maintained policies, practices or customs exhibiting deliberate indifference to the constitutional rights of persons in Detroit, which caused the violations of Plaintiff's rights.
275. During all relevant times, the City of Detroit condoned the unconstitutional conduct.
276. It was the policy, practice, and/or custom of the City of Detroit to inadequately and improperly investigate citizen's complaints of police misconduct, and acts of misconduct were instead tolerated by the City of Detroit.
277. It was the policy, practice and/or custom of the City of Detroit to inadequately train and supervise its officers, including Defendant police officers, thereby failing to adequately discourage further constitutional violations by its police officers.
278. The City did not require appropriate in-service training or re-training of officers that were known to have engaged in police misconduct.

279. As a result of Defendant City's failures, police officers of the City of Detroit, including Defendant officers, believed that their actions would not be properly monitored by supervisory officers, and that misconduct would not be investigated or sanctioned, but would be tolerated or even encouraged.
280. Defendants illegal conduct was well known to their supervisors and all levels of the chain of command within the Detroit Police Department, and the misconduct was so widespread that the City is chargeable with the knowledge of it.
281. Defendant City's policies, practices and customs demonstrated a deliberate indifference on the part of the Defendant City's to the constitutional rights of citizens within the city, and were the cause of the violations of Plaintiff's rights described herein.

DAMAGES

282. Plaintiff realleges and incorporates by reference the allegations contained in the preceding paragraphs.
283. As a direct and proximate result of the actions and violations of Defendants set forth herein above, Plaintiff sustained serious injuries and is entitled to compensatory damages, punitive damages and attorney fees pursuant to 42 U.S.C. §§ 1983 and 1988.
284. As a direct and proximate result of the actions and violations of Defendants set forth herein above, Plaintiff suffered from the following injuries and damages:
- a. loss of liberty;
 - b. pain and suffering;

- c. exemplary and punitive damages;
- d. property damage;
- e. other damages that may become known during the course of discovery.

RELIEF

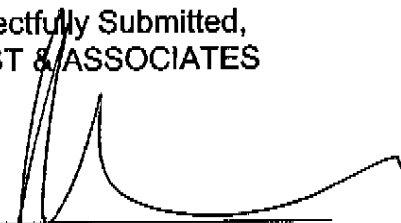
WHEREFORE, Plaintiff, prays that this Honorable Court grant the following relief against Defendants, jointly and severally:

- A. compensatory damages in an amount which is fair, just and reasonable;
- B. punitive and/or exemplary damages in an amount which is fair, just and reasonable;
- C. treble damages pursuant to MCLA 600.2919, along with costs, interest and attorneys' fees for Defendants' trespass; and
- D. such other and further relief as this Honorable Court may deem appropriate, including costs, interest and reasonable attorney fees pursuant to 42 U.S.C. § 1988.

JURY DEMAND

Plaintiff requests a trial by jury on all triable issues.

Respectfully Submitted,
ERNST & ASSOCIATES

By: 
Kevin Ernst (P44223)
Heather Bendure (P60932)
Counsel for Plaintiff
645 Griswold, Ste. 4100
Detroit, MI 48226
(313) 965-5555
(313) 965-5556 (facsimile)

Dated: February 24, 2004

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLIFTON WHITE,

Plaintiff,

v.

THE CITY OF DETROIT, a municipal Corporation, in its official capacity, and CITY OF DETROIT POLICE OFFICERS WILLIAM MELENDEZ, MATTHEW ZANI, JEFFREY WEISS, TROY BRADLEY, TIMOTHY GILBERT, MARK DIAZ, JERROD WILLIS, CHRIS GUINN, RICARDO VILLARRUEL, JOHN McLEOD, JOHN WATKINS, ERIC JONES, OSCAR GARZA and JOHH DOE I, in their individual capacities,

Defendants.

Case No.

04-70908

U.S. District Judge: Hon.

U.S. Magistrate Judge: Hon. **DENISE PAGE HOOD**
MAGISTRATE JUDGE SCHEER

State Ct. Case No. 04 405 610 NO

State Judge: Hon. Warfield Moore

FILED

MAR 10 2004

CLERK'S OFFICE, DETROIT-PSG
U.S. DISTRICT COURT


Kevin Ernst (P-44223)
Heather Bendure (P-60932)
Attorneys for Plaintiff
645 Griswold, Ste. 4100
Detroit, MI 48226
(313) 965-5555

John P. Quinn (P-23820)
Attorney for Defendant City
1650 First National Building
Detroit, MI 48226
(313) 237-3082

CERTIFICATE OF SERVICE:

I state that on **March 10, 2004**, I served a copy of the **NOTICE OF REMOVAL OF CIVIL ACTION, ATTACHMENTS, and CERTIFICATE OF SERVICE** upon the above-named attorney of record, by placing the above document in an envelope with the address shown on the above caption, and after securely sealing the envelope and affixing sufficient first class postage thereto, deposited the envelope in the United States mail for transmission to the addressee thereof.

According to the routine practice of the City of Detroit Law Department, items picked up by our Mail Clerk are weighed, appropriate first-class postage is affixed and the Mail Clerk mails the items on the day she/he received them if he/she receives them before 4:30 p.m., or on the following day if she/he received them later than that time.


TANIESHA L. LEWIS

Hood / DAS
70908

JS 44 11/99

CIVIL COVER SHEET COUNTY IN WHICH THIS ACTION AROSE: Wayne

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.

I. (a) PLAINTIFFS
Clifton White

DEFENDANTS **04-70908**
See I in Addendum

(b) County of Residence of First Listed: Wayne

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

(c) Attorneys (Name, Address and Telephone Number)
Kevin Ernst P44223
645 Griswold, Ste. 4100
Detroit MI 48226
(313) 965-5555

Attorneys (If Known)
John P. Quinn DENISE PAGE HOOD
City of Detroit Law Department
660 Woodward Avenue, Suite 1650
Detroit, MI 48226
MAGISTRATE JUDGE SCHEER
(313) 237-3082

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: PLA 1 DEF 1
Incorporated or Principal of Business in This State: PLA 4 DEF 4
Citizen of Another: PLA 2 DEF 2
Incorporated and Principal of Business in Another State: PLA 5 DEF 5
Citizen or Subject of Foreign Country: PLA 3 DEF 3
Foreign Nation: PLA 6 DEF 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment and Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 95 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel And Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury 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 PERSONAL PROPERTY <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"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21: 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other 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	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(a)) <input type="checkbox"/> 864 Title <input type="checkbox"/> 865 RSI (406(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7809	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 881 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 863 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <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	CIVIL RIGHTS <input type="checkbox"/> 441 Voting Rights <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 530 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		

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 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 and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
Plaintiff relies on USC Section 1983 and says that Defendants, acting under color of law, deprived him of rights guaranteed by the U.S. Constitution.

VII. REQUESTED IN COMPLAINT:
 CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
\$ DEMAND 25,000.00
CHECK YES only if demanded in complaint:
JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See instructions):
JUDGE Conn
DOCKET NUMBER 03-80598

DATE 3/10/04
SIGNATURE OF ATTORNEY OF RECORD [Signature]
ORIGINAL

PURSUANT TO LOCAL RULE 83.11

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

Yes
 No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

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

Yes
 No

If yes, give the following information:

Court:	E.D. Mich	E.D.Mich.	E.D. Mich.	E.D. Mich.	Wayne Co. Cir. Ct.	E.D. Mich.
Case No.:	03-75073	03-70993	03-74758	03-72610	03-309470 NO	03-73140
Judge:	Cohn	Cohn	Borman	Tarnow	Harwood	Duggan

Notes:

Addendum

1. City of Detroit, a Municipal Corporation, in its official capacity, and City of Detroit, Police Officers William Melendez, Matthew Zani, Jeffrey Weiss, Troy Bradley, Timothy Gilbert, Mark Diaz, Jerrod Willis, Chris Guinn, Ricardo Villarruel, John McCloud, John Watkins, Eric Jones, Oscar Garza and John Doe I, in their individual capacities