

SEP 08 2008

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

Defendants.

§ § § § § § § § § § § § § § § §

W08CA246

JURY TRIAL REQUESTED

This is an action for declaratory and injunctive relief, damages, and punitive damages against MCLENNAN COUNTY, MCLENNAN COUNTY SHERIFF'S OFFICE; MCLENNAN COUNTY SHERIFF LARRY LYNCH, Individually and in His Official Capacity, MCLENNAN COUNTY SHERIFF DEPUTIES sued under their fictitious names as DOES 1 THROUGH 50, and ROES 1 THROUGH 20, for violations of plaintiff's constitutional rights resulting from application of MCLENNAN COUNTY'S and the MCLENNAN COUNTY SHERIFF'S OFFICE'S policies, practices, and customs concerning the use of strip searches and visual body cavity searches in MCLENNAN COUNTY Jails. Plaintiff, for himself and all those in the class

of similarly situated persons, seeks an order declaring illegal defendants' policy of subjecting detainees in their custody to strip and visual body cavity searches before they are arraigned and without having any reasonable suspicion that the searches will be productive of contraband.

Defendants' strip search and visual body cavity search policies, practices, and customs violate those rights of plaintiff, and all those he represents, that are secured by the Fourth and Fourteenth Amendments to the United States Constitution and entitle plaintiff, and all those similarly situated, to recover damages under the Federal Civil Rights Act (42 U.S.C. § 1983).

Plaintiff alleges against Defendants upon knowledge as to himself and all matters of public record, and upon information and belief as to all other matters, as follows:

I. JURISDICTION AND VENUE

1. This action is brought pursuant to 42 U.S.C. §§ 1983 and 1988, and the Fourth and Fourteenth Amendments to the United States Constitution. Jurisdiction is founded upon 28 U.S.C. §§ 1331 and 1343(a)(3) and (4) and the aforementioned statutory and constitutional provisions.

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b).

II. PARTIES

3. Plaintiff WILLIAM ROBERT BRADSHAW, and all those similarly situated, are, and at all material times herein, were residents of the state of Texas who were arrested within the period beginning two (2) years before the filing of this Complaint, and continuing to this date, and who were subjected to strip and/or visual body cavity searches at a MCLENNAN COUNTY Jail, prior to being arraigned and/or without the defendants first having, and recording in writing,

a reasonable suspicion that the searches would be productive of contraband or weapons.

4. Defendant MCLENNAN COUNTY is, and at all material times referred to herein, was a division of the state of Texas, that maintained or permitted an official policy or custom or practice causing or permitting the occurrence of the types of wrongs complained of herein, which wrongs damaged Plaintiff and all those similarly situated, as herein alleged. Plaintiff's allegations against MCLENNAN COUNTY are based on acts and omissions of the SHERIFF and his DEPUTIES and on acts and omissions of those who are COUNTY employees, and on the COUNTY's breach of duty to protect the Plaintiff and all those who he represents, from the wrongful conduct of said persons and employees.

5. Defendant MCLENNAN COUNTY SHERIFFS OFFICE was a governmental entity and local public body as those terms are defined in the Texas Civil Practice & Remedies Code, Title 5, Chapter 101(A). At all times material hereto, MCLENNAN COUNTY was the employer and/or supervisor of the individually named defendants. MCLENNAN COUNTY had a statutory obligation to provide for the confinement of prisoners incarcerated under the COUNTY's jurisdiction. MCLENNAN COUNTY had a statutory obligation to appropriate funds and otherwise provide the necessary funding to maintain and operate a facility for the incarceration of prisoners under the jurisdiction of the COUNTY.

6. Defendant MCLENNAN COUNTY SHERIFF LARRY LYNCH is, and at all material times referred to herein, was a resident of MCLENNAN COUNTY and the duly elected Sheriff of MCLENNAN COUNTY. In addition, at all times material hereto, Defendant LYNCH was a law enforcement officer and public employee, and was acting within the scope of his duties as well as under color of law. He is sued in his individual and official capacities.

7. Defendants MCLENNAN COUNTY SHERIFF DEPUTIES sued herein by their fictitious names (Does 1 through 50) are all deputies who, as part of their duties at the MCLENNAN COUNTY Jail, subjected Plaintiff, and all those he represents, to pre-arraignment strip and/or visual body cavity searches without having, and recording in writing, a reasonable suspicion that the searches would be productive of contraband or weapons.

8. At all material times mentioned herein, each of the defendants was acting under the color of law, to wit, under color of statutes, ordinances, regulations, policies, customs and usages of MCLENNAN COUNTY and/or the MCLENNAN COUNTY SHERIFF'S OFFICE.

9. Defendants whose names are not now known and who are sued by the fictitious names of ROES 1 through 20, are all agents and/or employees of one or another of the other named defendants who ordered, condoned, authorized, covered up, or were otherwise associated with the implementation of the illegal policy and practices relating to strip searches complained of herein.

10. Defendants MCLENNAN COUNTY, MCLENNAN COUNTY SHERIFF'S OFFICE, and MCLENNAN COUNTY SHERIFF LARRY LYNCH were responsible for the screening, hiring, training, monitoring, supervision, and disciplining of subordinate employees of the MCLENNAN COUNTY Jail, and were the authorities empowering the MCLENNAN COUNTY SHERIFF'S DEPUTIES to incarcerate prisoners under the jurisdiction of MCLENNAN COUNTY. Defendants MCLENNAN COUNTY, MCLENNAN COUNTY SHERIFF'S OFFICE, and MCLENNAN COUNTY SHERIFF LARRY LYNCH were responsible for administering the Jail facilities and for making, overseeing, and implementing the policies, practices, and customs challenged herein relating to the operation of the MCLENNAN

COUNTY Jail.

11. Plaintiff's allegations against MCLENNAN COUNTY are based on acts and omissions of the SHERIFF, his DEPUTIES, and the acts and omissions of MCLENNAN COUNTY SHERIFF'S OFFICE and their employees, agents, and representatives, as well as on acts and omissions of persons who are MCLENNAN COUNTY employees, and on MCLENNAN COUNTY's breach of its duty to protect plaintiff, and all those he represents, from the wrongful conduct of said persons and employees.

12. Defendants MCLENNAN COUNTY SHERIFF'S OFFICE and MCLENNAN COUNTY SHERIFF LARRY LYNCH, in his individual and official capacity, also maintained or permitted an official policy or custom of causing or permitting the occurrence of the types of wrongs complained of herein, which wrongs damaged plaintiff, and all those similarly situated, as herein alleged.

13. Class action plaintiffs are those similarly situated who, during the period beginning two (2) years before the filing of this Complaint, and continuing to this date, were subjected by defendants to pre-arraignment strip and/or visual body cavity searches without defendants having, and recording in writing, a reasonable suspicion that the searches would be productive of contraband or weapons.

III. FACTS

14. On or about June 1, 2007, Plaintiff WILLIAM ROBERT BRADSHAW (hereinafter referred to as "Plaintiff") was pulled over and arrested allegedly for driving under the influence of alcohol in Waco, Texas. Plaintiff was transported to the MCLENNAN COUNTY Jail and, upon arrival at the MCLENNAN COUNTY Jail, and prior to any appearance

before a judge and without there being any reasonable suspicion to believe that he was concealing contraband, plaintiff, pursuant to policies, practices, and procedures of defendants, and each of them, was subjected to a visual body cavity search (strip search) in violation of the Fourth and Fourteenth Amendments to the United States Constitution. Plaintiff was coerced, forced, and compelled to disrobe for the strip search in an area that could be and was observed by persons who were not participating in the search and who were of the opposite sex.

15. Plaintiff is informed and believes, and therefore alleges, that Defendants routinely follow their policy, practice, and custom of subjecting pre-arraignment detainees, including plaintiff, and all those he represents, to strip and visual body cavity searches without first having, and recording in writing, a reasonable suspicion that the search will be productive of contraband or weapons.

16. Plaintiff is informed and believes, and thereon alleges, that Defendants have the ability to identify all such similarly situated plaintiffs, specifically those who, while in Defendants' custody, at the MCLENNAN COUNTY Jail within two (2) years prior to the filing of this Complaint, were subjected to strip searches and/or visual body cavity searches prior to arraignment without Defendants first having, and recording, a reasonable suspicion that the searches would be productive of contraband or weapons.

17. Defendants MCLENNAN COUNTY, MCLENNAN COUNTY SHERIFF'S OFFICE, and MCLENNAN COUNTY SHERIFF LARRY LYNCH are personally responsible for the promulgation and continuation of the strip search policy, practice, and custom pursuant to which Plaintiff, and those he represents, were subjected to strip searches.

18. As a result of being subjected to the strip searches complained of herein, Plaintiff, and each of the persons similarly situated, suffered physical, mental, and emotional distress, invasion of privacy, and violation of due process of law and federal constitutional rights, and is entitled to recover damages according to proof.

IV. CLASS CLAIMS

19. The strip and visual body cavity searches to which Plaintiff, and all those similarly situated, were subjected were performed pursuant to policies, practices, and customs of defendants MCLENNAN COUNTY, MCLENNAN COUNTY SHERIFF'S OFFICE, MCLENNAN COUNTY SHERIFF LARRY LYNCH, and the individual MCLENNAN COUNTY SHERIFF'S DEPUTIES sued herein by the fictitious names 1 through 50, and the individuals whose names are not now known and who are sued by the fictitious names of ROES 1 through 20. The searches complained of herein were performed without regard to the nature of the alleged offenses for which Plaintiff, and all those similarly situated, had been arrested, without regard to whether or not Plaintiff, and those he represents, were eligible for being cited and released, without regard to whether or not Plaintiff, and those similarly situated, were eligible for and/or were released on his or her own recognizance, or on bail. Furthermore, the searches complained of herein were performed without Defendants having a reasonable belief that the Plaintiff, or any of those similarly situated, so searched possessed weapons or contraband, and those facts being articulated and recorded in a supervisor-approved document. And the searches complained of herein were performed without Defendants taking reasonable precautions to make certain that Plaintiff, and each of those similarly situated, were not observed by others not involved in the search.

20. Plaintiff brings this action on his own behalf and on behalf of all persons similarly situated pursuant to Rule 23, Federal Rules of Civil Procedure.

21. The class of plaintiffs is defined to include all persons arrested on charges not involving violence, drugs or weapons who, in the period from and including two (2) years prior to the filing of this Complaint, and continuing until this matter is adjudicated and the practices complained of herein cease, were arrested and subjected to a pre-arraignment strip and/or visual body cavity searches at the MCLENNAN COUNTY Jail without defendants first having, and recording in writing, a reasonable suspicion that the searches would be productive of contraband or weapons.

22. In accordance with Federal Rules of Civil Procedure, Rule 23(a), the members of the class are so numerous that joinder of all members is impractical. Plaintiff does not know the exact number of class members. Plaintiff is informed and believes, and thereupon alleges, that there are more than 10 persons per day who are arrested by defendants and/or are in the custody of defendants who are and have been subjected to the searches complained of herein as a result of Defendants' policy, practice, and custom relating to said searches.

23. In accordance with Federal Rules of Civil Procedure, Rule 23(a), Plaintiff is informed and believes, and thereupon alleges, that there are many questions of fact common to the class including, but not limited to: (1) whether Defendants routinely subject all persons arrested to visual body cavity searches prior to arraignment if they intend such persons to be housed in the MCLENNAN COUNTY Jail; (2) whether persons are subjected to strip and/or visual body cavity searches prior to arraignment without there being any reasonable suspicion, based on specific or articulable facts, to believe any particular arrestee has concealed drugs,

weapons, and/or contraband in bodily cavities which could be detected by means of a strip and/or visual body cavity search; (3) whether the strip and/or visual body cavity searches are conducted in an area of privacy so that the searches cannot be observed by persons not participating in the searches; and, (4) whether the strip and/or visual body cavity searches are reasonably related to Defendants' penological interest to maintain the security of the jail and whether or not there are less intrusive methods for protecting any such interest.

24. In accordance with Federal Rules of Civil Procedure, Rule 23(a), Plaintiff is informed and believes, and thereupon alleges, that there are many questions of law common to the class including, but not limited to: (1) whether Defendants may perform strip and/or visual body cavity searches on persons prior to their arraignment without reasonable suspicion, based on specific or articulable facts, to believe any particular prearraignment detainee has concealed drugs, weapons and/or contraband which would likely be discovered by a strip and/or visual body cavity search; (2) whether Defendants may perform strip and/or visual body cavity searches on persons without first reasonably relating the strip search of the subject to Defendants' penological interest to maintain the security of the jail and determining if there is a less intrusive method to protect that interest; (3) whether strip and/or visual body cavity searches may be conducted in areas where the searches can be observed by people not participating in the search without violating Plaintiffs' federal constitutional rights; and, (4) whether or not Defendants' strip search policy and procedure is in accordance with the Federal Constitution.

25. In accordance with Federal Rules of Civil Procedure, Rule 23(a), the claims of the representative plaintiff is typical of the class. Plaintiff was arrested on an offense not involving violence, drugs or weapons and was searched, prior to arraignment, without Defendants having a

reasonable suspicion that a strip or visual body cavity search would produce drugs, weapons or contraband (and without the facts supporting any such suspicion being articulated in a supervisor-approved writing). Representative plaintiff has the same interests and suffered the same type of injuries as all of the class members. Plaintiff's claims arose because of Defendants' policy, practice, and custom of subjecting arrestees to strip and/or visual body cavity searches before arraignment without having, and recording in writing, a reasonable suspicion that the search would be productive of contraband or weapons. Each class member suffered actual damages as a result of being subjected to a strip and/or visual body cavity search. The actual damages suffered by the representative plaintiff is similar in type and amount to the actual damages suffered by each class member.

26. In accordance with Federal Rules of Civil Procedure, Rule 23(a), the representative plaintiff will fairly and adequately protect the class interests. Plaintiff's interests are consistent with and not antagonistic to the interests of the class.

27. In accordance with Federal Rules of Civil Procedure, Rule 23(g)(1), class counsel will fairly and adequately represent the interests of the class, have experience handling similar class actions (*Bull, et al. v. San Francisco, et al.*, USDC, No. Dist. of CA, Case No. C 03-1840 CRB; *Haney, et al. v. Miami-Dade County, et al.*, USDC, So. Dist. of FL, Miami Div., Case No. 04-20516-CIV-Jordan/Brown; *Allison, et al. v. Lincoln County, et al.*, USDC, NM, Case No. CV 05-881 WPJ/WDS; *Gallagher, et al. v. San Mateo County, et al.*, USDC, No. Dist. of CA, Case No. C 04-0448 SBA), are knowledgeable about the applicable law, have the resources necessary to represent the class, and have no conflicts.

28. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(1)(A), prosecution of separate actions by individual members of the class would create a risk that inconsistent or varying adjudications with respect to individual members of the class would establish incompatible standards of conduct for the parties opposing the complaint.

29. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(1)(B), prosecution of separate actions by individual members of the class would create a risk of inconsistent adjudications with respect to individual members of the class which would, as a practical matter, substantially impair or impede the interests of the other members of the class to protect their interests.

30. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(2), Plaintiff is informed and believes, and thereupon alleges, that Defendants have acted on grounds generally applicable to the class, thereby making appropriate the final injunctive or declaratory relief with respect to the class as a whole.

31. In accordance with Federal Rules of Civil Procedure, Rule 23(b)(3), this class action is superior to other available methods for the fair and equitable adjudication of the controversy between the parties. Plaintiff is informed and believes, and thereupon alleges, that the interests of members of the class in individually controlling the prosecution of a separate action is low, in that most class members would be unable individually to prosecute any action at all. Plaintiff also is informed and believes, and thereupon alleges, that the amounts at stake for individuals are so small that separate suits would be impracticable. Plaintiff is informed and believes, and thereupon alleges, that most members of the class will not be able to find counsel to represent them. Plaintiff is informed and believes, and thereupon alleges, that it is desirable to

concentrate all litigation in one forum because all of the claims arise in the same location; i.e., the MCLENNAN COUNTY Jail. It will promote judicial efficiency to resolve the common questions of law and fact in one forum, rather than in multiple courts.

32. Plaintiff does not know the identities of all of the class members. Plaintiff is informed and believes, and thereupon alleges, that the identities of the class members may be ascertained from records maintained by Defendants MCLENNAN COUNTY and MCLENNAN COUNTY SHERIFF'S OFFICE. Plaintiff is informed and believes, and thereupon alleges, that Defendants' records reflect the identities, including addresses and telephone numbers, of the persons who have been held in custody in the MCLENNAN COUNTY Jails. Plaintiff is informed and believes, and thereupon alleges, that records of, and maintained by Defendants reflect who was subject to a strip and/or visual body cavity search, when the search occurred, where the search occurred, whether any reasonable suspicion for the search existed and was recorded in a supervisor-approved writing, whether the search was videotaped, when persons searched were arraigned, and the charges on which such persons were arrested. Plaintiff is informed and believes, and thereupon alleges, that all of the foregoing information is contained in Defendants' computer system and that the information necessary to identify the class members, by last known addresses, and the dates and reasons for their arrests and/or release from custody, is readily available from said computer system.

33. In accordance with Federal Rules of Civil Procedure, Rule 23(c)(2)(b), class members must be furnished with the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. Plaintiff is informed and believes, and thereupon alleges, that Defendants' computer records contain a last

known address for class members. Plaintiff contemplates that individual notice will be given to class members at such last known address by first class mail. Plaintiff contemplates that the notice will inform class members of the following:

- i. The pendency of the class action and the issues common to the class;
- ii. The nature of the action;
- iii. Their right to "opt out" of the action within a given time, in which event they will not be bound by a decision rendered in the class action;
- iv. Their right, if they do not "opt out," to be represented by their own counsel and to enter an appearance in the case; otherwise they will be represented by the named class plaintiff and the named class plaintiff's counsel; and
- v. Their right, if they do not "opt out," to share in any recovery in favor of the class, and conversely to be bound by any judgment on the common issues adverse to the class.

V.

FIRST CAUSE OF ACTION

(Civil Rights Violations Under 42 U.S.C. § 1983)

34. Plaintiff incorporates by reference into this cause of action the allegations in each of the preceding paragraphs, as fully as if realleged and set forth herein.

35. Defendants' policies, practices, and customs regarding the strip and visual body cavity searches complained of herein violated Plaintiff's, and all those similarly situated's, clearly established rights under the Fourth Amendment to be free from unreasonable searches and seizures, violated Plaintiff's, and all those similarly situated's, clearly established rights to

due process and privacy under the Fourteenth Amendment, and directly and proximately damaged plaintiff, and all those similarly situated, as herein alleged, entitling plaintiff, and all class members, to recover damages for said constitutional violations pursuant to 42 U.S.C. § 1983.

WHEREFORE, plaintiff prays for relief, for himself and for all persons similarly situated, as hereunder appears.

VI.
SECOND CAUSE OF ACTION
(Declaratory and Injunctive Relief)

36. Plaintiff incorporates by reference into this second cause of action the allegations of the preceding paragraphs, as fully as if realleged and set forth herein.

37. Plaintiff, on behalf of himself and the members of the class, seeks a judgment declaring that Defendants must cease the activities described herein and enjoining Defendants from any further strip searches without individualized reasonable suspicion.

38. The constitutional violations alleged herein arise from official policies and practices sanctioned by Defendants. The harm which Plaintiff and the members of the class have sustained are directly traceable to these officially sanctioned policies and procedures.

39. Plaintiff and members of the class do not have a plain, adequate, speedy, or complete remedy at law to address the wrongs alleged in this Complaint, and they will suffer irreparable injury as a result of Defendants' misconduct unless injunctive and declaratory relief is granted. Plaintiff and members of the class are in real and immediate danger of sustaining future, direct injury as a result of Defendants' official policies and practices that are ongoing at the time of this suit.

40. No cognizable burden will be placed on Defendants by requiring that no strip searches be undertaken without individualized reasonable suspicion. The public interest would be greatly enhanced by enforcement of policies and practices which adhere to the requirements of the federal Constitution. Absent injunctive relief, there is no guarantee the Defendants will cease their illegal policies and practices as alleged herein.

41. By reason of the foregoing, Plaintiff and members of the class are entitled to declaratory and injunctive relief as set forth above.

WHEREFORE, plaintiff prays for relief, for himself and for all persons similarly situated, as hereunder appears.

IX. DAMAGES

42. The above paragraphs are incorporated herein by reference as if fully set forth in this paragraph.

43. As a direct and proximate result of the wrongful and unlawful actions of Defendants, described above, Plaintiff and the members of the class were injured and have suffered and continue to suffer damages, including but not limited to distress, anguish, suffering, humiliation, deprivation of constitutional rights, and other incidental, consequential, and special damages.

44. Defendants' acts and omissions, as set forth herein, were malicious, reckless, wanton, oppressive, and/or fraudulent, justifying an award of punitive damages against the individually named Defendants in their personal capacities, and against Defendants MCLENNAN COUNTY, MCLENNAN COUNTY SHERIFF'S OFFICE, and MCLENNAN

COUNTY SHERIFF LARRY LYNCH, for the purpose of punishment and to deter others from the commission of like offenses.

**X.
PRAYER**

WHEREFORE, Plaintiff, on behalf of himself and on behalf of the members of the class represented herein, respectfully prays for and demands judgment against the Defendants as follows:

- (a) For judgment against defendants for compensatory damages, special damages, consequential damages and incidental damages under any or all of the causes of action, in an amount to be determined at the trial of this cause;
- (b) For judgment declaring the rights of the parties;
- (c) For injunctive relief;
- (d) For reasonable attorneys' fees and costs incurred herein;
- (e) For pre-judgment and post-judgment interest in amounts to be determined according to law;
- (f) For an award of punitive and exemplary damages, in an amount to be determined at the trial of this cause; and
- (g) For such other and further relief as the Court deems just and proper.

JURY TRIAL REQUEST

COMES NOW Plaintiff WILLIAM ROBERT BRADSHAW, by and through his counsel, below listed, on his own behalf and on behalf of a class of similarly situated persons, and hereby demands trial by jury pursuant to the terms and conditions of Federal Rules of Civil Procedure 38, in regard to all issues in the above-referenced cause.

DATED: September 5, 2008

Respectfully submitted,

By: _____

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Joshua Kaizuka, Esq.
California State Bar No. 212195
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Attorney for Plaintiffs and the Class

*Scott Medlock represents only plaintiff

William Bradshaw, in his individual capacity, not class members

CIVIL COVER SHEET

W08CA246

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

WILLIAM ROBERT BRADSHAW, on behalf of himself and the class of similarly situated persons

(b) County of Residence of First Listed Plaintiff McLennan
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Mark E. Merin, Law Office of Mark E. Merin, 2001 P Street, Suite 100, Sacramento, CA 95811, 916/443-6911
James C. Harrington, Texas Civil Rights Project, 1405 Montopolis Dr., Austin, TX 78741, 512/474-5073

DEFENDANTS

MCLENNAN COUNTY; MCLENNAN COUNTY SHERIFF'S OFFICE; MCLENNAN COUNTY SHERIFF LARRY LYNCH, et al.

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

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

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury CIVIL RIGHTS ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 444 Welfare ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☒ 440 Other Civil Rights	PERSONAL INJURY ☐ 362 Personal Injury - Med. Malpractice ☐ 365 Personal Injury - Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability PRISONER PETITIONS ☐ 510 Motions to Vacate Sentence Habeas Corpus: ☐ 530 General ☐ 535 Death Penalty ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition	☐ 610 Agriculture ☐ 620 Other Food & Drug ☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 630 Liquor Laws ☐ 640 R.R. & Truck ☐ 650 Airline Regs. ☐ 660 Occupational Safety/Health ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 730 Labor/Mgmt. Reporting & Disclosure Act ☐ 740 Railway Labor Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 463 Habeas Corpus - Alien Detainee ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 FSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 810 Selective Service ☐ 850 Securities/Commodities/Exchange ☐ 875 Customer Challenge 12 USC 3410 ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 892 Economic Stabilization Act ☐ 893 Environmental Matters ☐ 894 Energy Allocation Act ☐ 895 Freedom of Information Act ☐ 900 Appeal of Fee Determination Under Equal Access to Justice ☐ 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

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

Brief description of cause:
Illegal Strip Searches

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

09/05/2008

SIGNATURE OF ATTORNEY OF RECORD

Mark E. Merin

FOR OFFICE USE ONLY

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

INTAKE COPY

FILING FEE RECEIPT COPY

TRIPLICATE

Tue Sep 9 13:47 2008

UNITED STATES DISTRICT COURT
WACO, TX

Receipt No. 0600 00424399
Cashier mcunning

Tender: Check
Check Number: 6184

DO Code Div No
4680 6

Sub	Acct	Type	Tender	Amount
1:	086900	N	2	60.00
2:	086400	N	2	100.00
3:	510000	N	2	190.00

Total Amount: 350.00

NEW CASE FILING FEE: W-08-CV-246
BRADSHAW VS MCLENNAN COUNTY. PAID BY
LAW OFFICE OF MARK E. MERIN, 2001 P.
STREET, SACRAMENTO, CA 95814

Checks and money order drafts are
accepted subject to collection and full
credit will only be given when the
check or draft has been accepted by the
financial institution on which it was
drawn.