

United States District Court
Eastern District of Washington

Andre Picard

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NOV 19 2020

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

(In the space above enter the full name(s) of the plaintiff(s).)

2:20-cv-00427-TOR

-against-

Colville Tribal Correction Facility

Case No. _____
(To be filled out by Clerk's
Office only)

COMPLAINT

Jury Demand?

☐ Yes

☐ No

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the
space provided, please write "see attached" in the space
above and attach an additional sheet of paper with the full list
of names. The names listed in the above caption must be
identical to those contained in Section I. Do not include
addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

If this is an employment discrimination claim or social security claim, please use a different form.

Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

I.**PARTIES IN THIS COMPLAINT****Plaintiff**

List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff:	Andre Pierre Picard		
	Name (Last, First, MI)		
	c/o Colville Tribal Jail, 44 Schoolhouse Loop Road		
	Street Address		
	Nespelem	WA	99155
	County, City	State	Zip Code
	Telephone Number	E-mail Address (if available)	

Defendant(s)

List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1:	Colville Tribal Jail		
	Name (Last, First)		
	P.O. Box 150		
	Street Address		
	Nespelem	WA	99155
	County, City	State	Zip Code
Defendant 2:	Colville Tribal Court		
	Name (Last, First)		
	P.O. Box 150		
	Street Address		

Nespelem	WA	99155
County, City	State	Zip Code

Defendant(s) ContinuedDefendant 3: Confederated Tribes of the Colville ReservationName (Last, First)P.O. Box 155Street Address

Nespelem	WA	99124
County, City	State	Zip Code

Defendant 4:

Name (Last, First)Street Address

County, City	State	Zip Code
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II.**BASIS FOR JURISDICTION***Check the option that best describes the basis for jurisdiction in your case:*

- ☐ **U.S. Government Defendant:** United States or a federal official or agency is a defendant.
- ☐ **Diversity of Citizenship:** A matter between individual or corporate citizens of different states and the amount in controversy exceeds \$75,000.
- ☒ **Federal Question:** Claim arises under the Constitution, laws, or treaties of the United States.

If you chose "Federal Question", state which of your federal constitutional or federal statutory rights have been violated.

<u>1. 25 USC 1303: Petition for Writ of Habeas Corpus. I have been incarcerated over one year.</u>
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<u>2. 25 USC 1303(d): The Tribal facility is not approved for commitment in excess of one year.</u>

III.**VENUE**

This court can hear cases arising out of

Under 28 U.S.C § 1391, this is the right court to file your lawsuit if: (1) All defendants live in this state AND at least one of the defendants lives in this district; OR (2) A substantial part of the events you are suing about happened in this district; OR (3) A substantial part of the property that you are suing about is located in this district; OR (4) You are suing the U.S. government or a federal agency or official in their official capacities and you live in this district. Explain why this district court is the proper location to file your lawsuit.

Venue is appropriate in this Court because:

All defendants reside in eastern Washington.

IV.**STATEMENT OF CLAIM**

Place(s) of
occurrence:

Nespelem, WA

Date(s) of occurrence: _____

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions.

FACTS:

I am a member of the Confederated Tribes of the Colville Reservation. On June 21, 2018, I was convicted in the Colville Tribal Court of (1) Disobedience of a Lawful Court Order (Domestic Violence), (2) Attempt to Commit Disobedience of a Lawful Court Order (Domestic Violence), and (3) Attempt to Commit Disobedience of a Lawful Court Order (Domestic Violence). On August 29, 2018, I was sentenced to serve 720 days in jail. Under 25 USC 1302(d), the Colville Tribal Jail is not approved by the BIA for confinement over one year, and the Tribe does not have any agreement with any other tribe or the state for housing over one year.

What
happened to
you?

V. INJURIES

If you sustained injuries related to the events alleged above, describe them here.

I have been restrained of my liberty in excess of one year.

VI. RELIEF

The relief I want the court to order is:

☐ Money damages in the amount of: \$ _____

☒ Other (explain):

I want to be released from jail.

VII.**CLOSING**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Dated 11/13/20

Andre Picard
Plaintiff's Signature

Andre Picard

Printed Name (Last, First, MI)

44 Schoolhouse Loop Road

Nespelem

WA

99155

Address

City

State

Zip Code

Telephone Number

E-mail Address (if available)

List the same information for any additional plaintiffs named. Attach additional sheets of paper as necessary.