

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

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|---------------------------|---|-------------------------|
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| CURTIS TEMPLE, |) | |
| |) | |
| |) | |
| Plaintiff, |) | Case No. <u>21-5036</u> |
| |) | |
| v. |) | VERIFIED |
| |) | COMPLAINT |
| |) | |
| JEREMEY LANGDEAU, and |) | |
| SHAWN RICHARDS, |) | |
| Individually, |) | |
| UNKNOWN DEFENDANTS WILL |) | |
| BE NAMED AFTER DISCOVERY, |) | |
| |) | |
| Defendants. |) | |

PRELIMINARY STATEMENT

1. This is an action by Plaintiff Curtis Temple against Defendant Shawn Richards, Individually, and Defendant Jeremey Langdeau, Individually, restraining Defendants from selling Plaintiff's cattle on July 1st or thereafter, until such time this Court has resolved Curtis Temple's due process and damage claims against Defendants.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this action pursuant to 28 USC 1331 because Plaintiff's federal due process rights have been violated as a United States Citizen.

3. The Court has authority to issue declaratory judgment and relief under 28 USC 2201-2202 and temporary, preliminary, and final injunctive relief under Rule 65 of the Federal Rules of Civil Procedure.

PARTIES

4. Plaintiff, Curtis Temple is a resident of Oglala County, South Dakota with an address of 4219 Road 27, and Post Office Box 22 in Scenic, SD 57780 in Pennington County.
5. Defendant Jeremey Langdeau is a resident of Pennington County, South Dakota with an address of 5050 143 Ave, Rapid City, SD, 57701.
6. Shawn Richards can be found at his working office, US Highway 18, Oglala Lakota County, SD 57770.

STATEMENT OF FACTS

7. Curtis Temple is a life-long Native American rancher and Oglala Sioux Tribal member. Curtis Temple's family has been ranching for generations on the on the Pine Ridge Indian Reservation for over 100 years. (See Affidavit of Curtis Temple, Exhibit 1 at ¶¶ 1-10).
8. In the first taking of cattle in September of 2020, 419 head of Curtis Temple's cattle valued at \$628,500 were wrongfully rounded up and seized and taken off the land Curtis Temple owns by the Defendants trespassing on his owned land without a prior evidentiary hearing and Court Order authorizing such taking of his cattle. Curtis Temple's cattle were wrongfully sold by the Defendants to Defendant Langdeau and unknown third parties without a brand release signed by the owner of

the cattle Curtis Temple, and without a bill of sale signed by the owner of the cattle Curtis Temple. The cattle were sold by the Defendants to Defendant Langdeau and unknown third parties for far below the market value at \$420 per head for the cattle. They made a huge profit at Plaintiff's expense of \$1080 per head. Defendant Langeau resides in Pennington County and it is believed he is not a member of the Oglala Sioux Indian Tribe. (See Affidavit of Curtis Temple, Exhibit 1; See Affidavit of Anna Maloney; Affidavit of Tom Poor Bear and letter by Tom Poor Bear, Vice President of the Oglala Sioux Tribe.)

9. In the second taking in November of 2020 the Defendants seized 184 head of the Plaintiff's cattle from Curtis Temple's owned land. Curtis Temple paid \$67,734 to get his cattle back.
10. In the third taking in March of 2021. There was a Notice of Trespass of November 17, 2020. More than 100 days prior to the Notice of Impound in March of 2021. This is not consistent with OST Ordinance section 2-3 which allows five days to respond to a Notice of Trespass. The 35 head of cattle valued at \$1500 per head, which were force sold by the Defendants for only \$150 head without an evidentiary hearing or a Court Order authorizing such sale, or a brand release or bill of sale by the cattle owner Curtis Temple. The Defendants' "Public Sale" of Temples' cattle was not a public auction sale, but rather a sham sale to further deprive Plaintiff Curtis Temple of the value of his property. It is secret sealed bids that are not open auction bidding against other bidders as normal

cattle sales are handled. These secret bids are an opportunity to direct the persons who will benefit from the low bids dictated by the Defendants. The Defendants' sealed bid method is wholly inadequate to determine an unrigged and fair legitimate price for the Plaintiff's cattle.

11. In June 22, 2021, Defendant Shawn Richards, as the Director of the Oglala Sioux Tribe Land Office, served on Curtis Temple's attorney a "Notice of Sale and Right to Redeem" 282 head of cattle. 274 head of the cattle are Curtis Temple's cattle, and 8 head of the cattle are owned by Curtis Temple's daughter Tarah Temple. The record owner of the brand on the eight head of cattle is Tarah Temple. (See Exhibit A)
12. The Notice of Sale and Right to Redeem was based on a false claim of trespass by Defendant Shawn Richards that 62 head of Curtis Temple's cattle were trespassing on tribal land. Based on a void Notice of Trespass dated January 29, 2021, that 62 head of Curtis Temple's cattle were trespassing on tribal land, the Defendants wrongfully seized 274 head of Curtis Temple's cattle, 212 more of Plaintiff's cattle than the original false claim of trespass of 62 head.
13. The notice of trespass dated January 29, 2021, was responded to by Curtis Temple's attorney and the false Notice of Trespass was denied. The false claim was wrongly based on a stale Notice of Trespass dated January 29, 2021, that was made over 100 days earlier. The Oglala Sioux Tribe (OST) Ordinance 20-24, under Section 2-5, requires a that a Notice of Trespass be made, and in response a Trespass Response to be

made within 5 days, which was done by Curtis Temple's attorney. (See Affidavit of Darcey Eisenbraun at ¶ 4). After the Response is made denying the false claim of trespass, the Notice of Trespass is void, and cannot be used to justify the Defendants' seizure and taking of Curtis Temple's cattle off of Curtis Temple's owned land without a prior Court Order.

14. Curtis Temple's attorney responded to the false Notice of Trespass, based on an eye witness cattle check on the land conducted by Attorney M. Scott Stanko. (See Affidavit of Curtis Temple, Exhibit 4). Now 100 days later, Curtis Temple's cattle and his daughter's cattle have been wrongly rounded up and seized by force by the Defendants trespassing on Curtis Temple's owned land without a valid Notice of Trespass. The 335 head of cattle valued at \$428,000 were wrongly taken off of Curtis Temple's owned land by force by the Defendants trespassing without a prior evidentiary hearing and Court Order authorizing the forceful seizure of Temples' cattle off of Curtis Temple's owned land. Defendants' taking was based on a void Notice of Trespass of Temples' cattle on Section 17.

15. The second taking was based on a May 11, 2021, Notice of Intent to Impound which is also based on a false claim of trespass on tribal land on Section 31. Curtis Temple owns the north half of Section 31. (See Affidavit of Darcey Eisenbraun at ¶ 19 and Exhibit 13). A detailed response to this false trespass claim was submitted to the Oglala Sioux

Tribe Land office on May 20, 2021, by Curtis Temple's attorney. (See Affidavit of Curtis Temple, Exhibit 6). It was verified by an on-site inspection of Section 31 that Curtis Temple's cattle were located on the north half of Section 31, north of the White River, that is owned by Curtis Temple. It is not possible for the cattle of Curtis Temple to be in trespass when they are on land owned by Curtis Temple in Section 31. After the response of Curtis Temple the false claim that his cattle were trespassing on tribal land was void, and cannot be used by the Defendants to seize by force Curtis Temple's cattle off of his owned land on June 15, 2021.

16. Another false claim of trespass was responded to by Curtis Temple's attorney on June 8, 2021. The OST Land Office accepted this response and no cattle were impounded or seized by the Defendants after this notice was responded to by Curtis Temple. (See Affidavit of Curtis Temple, Exhibit 7).
17. Curtis and Tarah Temples' cattle were wrongfully rounded up and seized by force by the Defendants trespassing on Curtis Temple's deeded land without a valid Notice of Trespass, and without a prior evidentiary hearing and Court Order authorizing seizure of the cattle of Curtis and Tarah Temple. The Defendants were trespassing on Curtis Temple's owned land. Curtis Temple's cattle were not trespassing on tribal land. (See Affidavit of William Joseph McGaa at ¶ 9).

18. Curtis Temple owns over 13,000 acres of deeded land within the tribal grazing units (See Affidavit of Curtis Temple at Exhibit 1 at ¶ 10). The Defendants have taken the law into their own hands by rounding-up and seizing by force Curtis Temple's cattle off of Curtis Temple's owned land, without a valid claim of trespass in violation of OST Ordinance 20-24, sections 2-3 through 2-7, and without a prior Court evidentiary hearing and Order authorizing seizure of the cattle of Curtis Temple. (See Affidavit of Curtis Temple at Exhibit 3).
19. Curtis Temple's due process rights were violated when the Defendants wrongfully rounded up, seized, and impounded by force 335 head of his cattle and 8 head of his daughter's cattle without a prior evidentiary hearing and Court Order on a false notice of trespass for only 62 head of cattle on January 29, 2021, 100 days before. (See Affidavit of Darcey Eisenbraun at ¶¶ 3-6).
20. On June 15, 2021, 335 of Curtis Temple's cattle were wrongfully removed by Defendants after dark from Curtis Temple's owned land and were moved and driven many miles on the hottest day of the year. (See Affidavit of Shirley Kudrna at ¶ 13; Affidavit of Sonny Kudrna at ¶ 16; Affidavit of William Joseph McGaa at ¶ 7 and Exhibit 2). The Defendant's reckless cattle drive in the heat resulted in at least three deaths of Curtis Temple's cattle. Pictures of these dead cattle were taken by witnesses. (See Affidavit of Donald Kudrna at ¶¶ 15-16 and Exhibit 1; Affidavit of William Joseph McGaa at ¶ 20 and Exhibit 6; Affidavit of Julia Berian at

¶ 16 and Exhibit 4). Many more cattle were taken off of lush grass and fresh water could die in the coming days without adequate food and water locked up by Defendants at the Pine Ridge Race Track. (See Affidavit of Darcey Eisenbraun at ¶ 56).

21. Curtis Temple's cattle were taken by the Defendants into Pennington County from the Pine Ridge Reservation without an Evidentiary Hearing or a Court Order, or a brand inspection, or veterinary papers. (See Affidavit of Shirley Kudrna at ¶¶ 11-12 and Exhibit 1).
22. Curtis Temple's due process rights have been violated by the Defendants, both as an Oglala Sioux Tribe member, and as a United States Citizen. (See Affidavit of Curtis Temple at ¶ 14).
23. On June 15th, 2021, 335 head of Curtis Temple's cattle were moved to Pennington County, South Dakota from his owned land that he pays real estate taxes on to Oglala Lakota County, South Dakota.
24. On June 15th, 2021, Curtis Temple's cattle were taken at night and moved with trucks and trailers by Defendants in trucks and trailers with license plates registered in Pennington County to Defendant Jeremey Langdeau and others.
25. A large portion of Curtis Temple's cattle are without adequate good food and fresh water locked up in a dry lot at the Pine Ridge Race Track, endangering the health of the cattle. Over 80 head have been removed and have disappeared to a location concealed by the Defendants. Several have already been found dead because of the stressful move of the cattle

and being locked up in the dry lot. (See Affidavit of Darcey Eisenbraun at ¶ 56).

26. As stated in paragraph 7 above, Curtis Temple earlier this year had 35 head of cattle valued at \$1500 per head, which were force sold by the Defendants for only \$150 head without an evidentiary hearing or a Court Order. (See Affidavit of Curtis Temple at ¶ 7). To sell these now impounded cattle after a large loss of weight due to inadequate feed and water is similarly injurious to Curtis Temple's property rights in his livestock. (See Affidavit of Darcey Eisenbraun at ¶ 56). The due process rights of Curtis Temple and his daughter Tarah Temple will be further violated if these cattle are force sold by Defendants on July 1, 2021.
27. The Temple family stands to lose over \$428,500 if these cattle are sold by Defendants on July 1. (See Affidavit of Curtis Temple at ¶ 10 and ¶ 17).
28. Defendants have admitted they have the intention to financially break Curtis Temple and his family. (See Affidavit of Darcey Eisenbraun at ¶ 54).

IRREPARABLE INJURY

29. If Defendants are allowed to sell Plaintiff's 335 head of cattle on July 1, Plaintiff Curtis Temple will receive none of the proceeds from his cattle that are valued at \$428,000. Plaintiff Curtis Temple will suffer an irreparable injury and loss of \$428,000. Plaintiff Curtis Temple cannot financially survive a financial loss of \$428,000, and as a result of such loss he will be forced out of ranching. Cattle ranching is the source of

income for Plaintiff Curtis Temple and his family and the people who work for him on the ranch.

CAUSES OF ACTION

PLAINTIFF REALLEGES ALL FACTS ALLEGED ABOVE

COUNT ONE

FRAUD AND DECEIT

30. Plaintiff alleges fraud and deceit against the defendants.
31. Defendants willfully or with reckless disregard for the truth created false trespass claims and false Notices of Trespass an effort to deprive Plaintiff of his property.
32. Defendants represented false facts to the Plaintiff concerning claims that Plaintiff's cattle were trespassing on Tribal land. Plaintiff then responded and clearly refuted the false claims of trespass. Plaintiff relied on the representations of the Defendants that his cattle had been trespassing and paid \$67,734 in December of 2020 to get his own cattle back from the Defendants. He has since discovered that the Defendants were deceitful in claiming his cattle were trespassing.
33. Defendants then acted beyond Plaintiff's responses, and without authority used the false trespass claims to wrongly remove and take possession of Plaintiff's cattle, without a prior evidentiary hearing and without a Court Order authorizing Defendants to take possession of the Plaintiff's cattle.

COUNT TWO

TRESPASS

34. Plaintiff alleges trespass by the Defendants.
35. Plaintiff Curtis Temple owns land within the boundaries of the Oglala Sioux Tribal Reservation. Curtis Temple pays real estate taxes on his owned land to Oglala Lakota County, State of South Dakota.
36. Curtis Temple's cattle graze on his owned property.
37. Defendants intentionally and knowingly entered and trespassed onto Plaintiff's owned private property at night without Plaintiff's permission and wrongly removed his cattle from his land.

COUNT THREE

THEFT OF CATTLE

38. Defendants intentionally and boldly trespassed onto Plaintiff's owned land. They forcefully rounded up his cattle from his owned land, and removed his cattle after dark from his land without permission of the Plaintiff.
39. Defendants intentionally took such actions without a prior evidentiary hearing and without a Court Order authorizing the Defendants to trespass on Plaintiff's land and forcefully take possession of his valuable cattle and haul them away.
40. Defendants intend to sell Plaintiff's cattle without his permission or authorization, and use his cattle proceeds for their own purposes.

41. Defendants intentionally took possession of the Plaintiff's cattle and are intending to sell Plaintiff's cattle as their own and keep the proceeds of the Plaintiff's cattle.

42. Defendants on October of 2020, and March of 2021 sold Plaintiff's cattle and kept the proceeds. Also Defendants wrongfully took 174 head of the Plaintiff's cattle and Curtis Temple had to pay \$67,734 to get his cattle back. Defendants sold Plaintiff's cattle valued at \$1500 per head for \$150 per head in March 2021 allowing the insider buyers a \$1350 profit made at the expense of Plaintiff Curtis Temple. Also, Defendants sold Plaintiff's cattle valued at \$1500 per head for \$420 per head in 2020 allowing the insider buyers a \$1080 profit made at the expense of Plaintiff Curtis Temple.

43. Defendants have thereby committed intentional theft of the Plaintiff's cattle and proceeds therefrom.

CLAIMS FOR RELIEF

1. Plaintiff Curtis Temple requests that Defendant Shawn Richards be restrained from taking any action to sell Plaintiff's cattle on July 1 pending an evidentiary hearing in this Court on this matter.
2. Plaintiff has been given no administrative, judicial, or other evidentiary hearing required by due process of law prior to being deprived of his cattle by the Defendants as set forth above.
3. Plaintiff has filed appeals in the Oglala Sioux Tribal Appellate Court for past cases and decisions of the Oglala Sioux Tribal Court concerning

violations of OST Ordinance 20-24. The post-deprivation or impoundment appeals concerning wrongful seizure of cattle are time consuming and wholly inadequate to effectively and timely address:

(i) the violation of the rights of Curtis Temple under the due process clause, or

(ii) provide Plaintiff Curtis Temple with a prompt remedy to avoid the loss of his cattle by the Defendants' sale of his cattle July 1, 2021. See for example CFR 166.803 (c), trespass actions are not subject to appeal.

PRAYER FOR RELIEF

1. Plaintiff prays that this Honorable Court assume jurisdiction of this case and schedule this case for a hearing on temporary and injunctive relief.
2. Plaintiff requests that this Court grant a Restraining Order requiring the following:
 - (i) Preventing the Defendants from force selling the Temples' cattle at an auction sale on July 1;
 - (ii) Requiring the Defendants for forthwith return all of the Temples' cattle to them at the place where the Defendants took them from at the Defendants' cost, and
 - (iii) Preventing any further action by the Defendants against the Temples until the evidentiary hearing and other proceedings on the merits in this Court are completed resolving the issues surrounding the Plaintiff's right to the range involved in this case.

3. Plaintiff requests \$748,734.00 in damages for past losses in 2020, and March 2021, plus pre and post judgement interest to the maximum amount allowed by law.
4. Plaintiff requests punitive damages to the maximum extent allowed by law.

Respectfully submitted,

Dated June 27, 2021

VERIFIED BY CURTIS TEMPLE

Curtis Temple

Curtis Temple

4219 BIA 27

Porcupine, SD 57772

HURLEY LAW OFFICE

James P. Hurley

James P. Hurley

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JS 44 (Rev. 04/21)

CIVIL COVER SHEET

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

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| <p>I. (a) PLAINTIFFS Curtis Temple</p> <p>(b) County of Residence of First Listed Plaintiff <u>Oglala Lakota County</u> <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i></p> <p>(c) Attorneys <i>(Firm Name, Address, and Telephone Number)</i> James Hurley (605) 381-6875 2640 Jackson Blvd. Suite 4, Rapid City, SD 57702</p> | <p>DEFENDANTS Jeremy Langdeau, and Shawn Richardson</p> <p>County of Residence of First Listed Defendant <u>Pennington</u> <i>(IN U.S. PLAINTIFF CASES ONLY)</i></p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.</p> <p>Attorneys <i>(If Known)</i></p> |
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| <p>II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i></p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i></p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i></p> | <p>III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i></p> <table border="0" style="width:100%;"> <tr> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:33%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td>Citizen of This State</td> <td style="text-align: center;"><input checked="" type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table> | | PTF | DEF | | PTF | DEF | Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| | PTF | DEF | | PTF | DEF | | | | | | | | | | | | | | | | | | | | |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | | | | | | | | | | | | | | | | | | | | |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 | | | | | | | | | | | | | | | | | | | | |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | | | | | | | | | | | | | | | | | | | | |

IV. NATURE OF SUIT *(Place an "X" in One Box Only)* Click here for: Nature of Suit Code Descriptions.

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|---|--|--|--|---|---|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | <p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p style="text-align: center;">INTELLECTUAL PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <p style="text-align: center;">SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p style="text-align: center;">FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| <p>REAL PROPERTY</p> <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 | <p>CIVIL RIGHTS</p> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education | <p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p>Other:</p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | <p>LABOR</p> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act | <p>IMMIGRATION</p> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | |

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 Recopened 5 Transferred from Another District *(specify)* 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
 28 USC 2201-20222

Brief description of cause:
 Deprivation of Property

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

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

DATE: 06-28-2021 SIGNATURE OF ATTORNEY OF RECORD: *James P. Hurley*

FOR OFFICE USE ONLY

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