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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 **JIMMY R. SLAUGHTER AND SHEILA**
SLAUGHTER, husband and wife,

12 **Plaintiffs,**

13 v.

14 **DEPARTMENT OF HOMELAND**
15 **SECURITY, IMMIGRATION**
16 **CUSTOMS ENFORCEMENT, NEIL**
17 **BAKER, SUPERVISOR OF**
18 **IMMIGRATION CUSTOMS**
ENFORCEMENT, AND JOHN DOES I
THROUGH VII,

18 **Defendants.**

Case No.

COMPLAINT

(Jury Demand)

19 Plaintiffs Jimmy R. Slaughter and Sheila Slaughter (“Plaintiffs”), by and through their
20 undersigned counsel, and for their Complaint against Defendants, and each of them, alleges as
21 follows:

22 **I. INTRODUCTION**

23 1. This is a *Bivens* action¹ under the Fourth Amendment guaranteeing “The right of the
24 people to be secure in their persons, houses, papers, and effects, against unreasonable searches and
25 seizures, shall not be violated” On or about July 24, 2008, Defendants and each of them, in
26 a remarkable, unconscionable series of events, obtained entry to the home of Plaintiffs at 7476 E.
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28 ¹ *Bivens v Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971), 403 U.S. 388

1 26th Street, Yuma, AZ 85365, without probable cause and without warrant.

2 2. This Court has jurisdiction of this matter pursuant to 28 U.S.C. §1331(a) which
3 provides:

4 “The District Court shall have exclusive jurisdiction of all civil
5 actions wherein the matter in controversy exceeds the sum value of
6 \$10,000, exclusive of interest and costs, and arises under the
7 Constitution, laws, or treaties of the United States.”

8 and the Fourth Amendment to the United States Constitution provides that:

9 “The right of the people to be secure in their persons, houses, papers,
10 and effects, against unreasonable searches and seizures, shall not be
11 violated”

12 3. Plaintiffs seek redress for violation of the Plaintiffs’ right pursuant to the Fourth
13 Amendment of the Constitution of the United States to be free from illegal searches. *See* Jimmy
14 Slaughter’s Affidavit, attached hereto and incorporated herein as Exhibit A.

15 4. This is a private cause of action to recover damages against Federal agents for
16 violation of Plaintiffs’ Constitutional rights under the Fourth Amendment to be secure in their
17 homes.

18 5. Plaintiff is a Federal employee and brings this pure Section 1983 civil rights action
19 against (i) the Department of Homeland Security, (ii) the Immigration Customs and Border
20 Protection, and (ii) individuals variously employed thereby acting under color of state and federal
21 law, and being sued herein as individuals while acting in their official capacities.

22 6. As set forth with particularity below, in a remarkable, unconscionable series of
23 events, on or about July 24, 2008, Plaintiffs were illegally seized and searched in their own home
24 while being off duty of acting in his capacity of a K-9 handler for the CBP at San Luis, Arizona Port
25 of Entry, and as a private citizen for the State of Arizona, the malicious participation of Defendant
26 Neil Baker, Supervisor of Immigration Customs Enforcement, and each of them, jointly and
27 severally but in conspiracy one with the other, illegally searched and seized, causing injuries in fact
28 to Plaintiffs fairly traceable to the conduct of Defendants, and each of them, and the Defendants’
violations of constitutional norms. The venue, jurisdiction, and allegations relative thereto,
together with the facts, and all causes of action under Section 1983 are otherwise set forth with

1 specificity below. Incidentally, Plaintiff Jimmy Slaughter is, in fact, an officer in Defendant
2 Homeland Security and has been so for six (6) years.

3 7. Plaintiffs are citizens of the United States of America and are residents of the City
4 of Yuma, County of Yuma, State of Arizona. For many years, and at all times relative hereto,
5 Plaintiff Jimmy Slaughter was in the United States Marine Corps for twenty-three (23) years, and
6 entered duty as a K-9 handler at the San Luis Port of Entry.

7 8. Defendants Department of Homeland Security in San Luis, Arizona, are liable under
8 the doctrine of *respondeat superior*.

9 9. Defendants Immigration Customs Enforcement in San Luis, Arizona, are liable under
10 the doctrine of *respondeat superior*.

11 10. Defendant Neil Baker, Supervisor with Defendant Immigration Customs
12 Enforcement, in San Luis, Arizona, is being sued as an individual acting in his official capacity
13 under color of state law while engaged in the performance of his job as Supervisor on behalf of
14 Defendant Immigration Customs Enforcement in San Luis, Arizona. It is believed and therefore
15 alleged that all Defendants are residents of Yuma County, Yuma, Arizona. Said Defendants, and
16 each of them, are liable under the doctrine of *respondeat superior*.

17 11. John Does I through VII are, or at relevant times, were employees of the Defendant
18 Immigration Customs Enforcement who engaged in and/or condoned and supported the activities
19 that harmed and injured Plaintiffs.

20 12. Applicable law supporting Plaintiffs' claims includes, but not exclusively, the
21 following: A.R.S. §12-341, A.R.S. §12-341.01, and A.R.S. §23-1501, et seq.

22 13. Plaintiff requests a trial by jury as a matter of right pursuant to the United States
23 Constitution Amendment VII and to Rule 38 of the Federal Rules of Civil Procedure.

24 14. This cause of action arises under the United States Constitution, particularly
25 under the provisions of the Fourth Amendment for which damages are recoverable upon proof of
26 injuries resulting from federal agents violating the Fourth Amendment

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1 15. At all times relative hereto, Defendants and each of them, and in concert one
2 with the other, were motivated by constitutionally impermissible reasons, and that the damages
3 \$1,500,000.00 incurred by Plaintiffs are directly traceable to the acts of Defendants and each of
4 them.

5 16. Plaintiff Jimmy Slaughter suffered great humiliation, embarrassment and mental
6 suffering as a result of Defendants', and each of them, unlawful conduct.

7 17. Plaintiff Sheila Slaughter has suffered from high blood pressure and fibromyalgia,
8 and a result of Defendants, and each of them, unlawful conduct, was placed into the Intensive Care
9 Unit into an area hospital for several days as her health condition spiraled out of control.

10 18. In doing the acts alleged herein, each of the above-named Defendants acted as
11 the agent for and on behalf of the other Defendants, and was acting, at all times material, within the
12 course and scope of their respective agencies and in furtherance of the above-described conspiracy.

13 19. In doing the acts described above, Defendants, and each of them, attempted to
14 impede, hinder, obstruct or defeat the due course of justice in the State of Arizona, with the intent
15 to injure Plaintiffs, and to deprive Plaintiffs the rights of equal protection of the laws, within the
16 meaning of 42 U.S.C. §§1985(2) and (3) deprive Plaintiffs their rights under the provisions of the
17 Fourth Amendment thereto

18 20. As a direct and proximate result of the above-described unlawful conduct of
19 Defendants, and each of them, Plaintiffs suffered severe and grievous injury requiring the
20 expenditure compensation of money to Plaintiffs' loss in an amount of not less than \$500,000 from
21 each Defendant.

22 21. As a further direct and proximate result of the above-described unlawful conduct
23 of Defendants, Plaintiffs suffered the deprivation of Plaintiffs' constitutional rights, pain,
24 discomfort, mental and emotional anguish, and fear, to Plaintiffs' damage in an amount of not less
25 than \$500,000 from each Defendant.

26 22. As a further direct and proximate result of the above-described unlawful conduct
27 of Defendants, Plaintiffs have been and will be required to expend money for legal fees
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1 for their defense and to secure recovery for damages incurred, in an amount to be ascertained.

2 23. Plaintiffs have the right not to be maliciously seized, not to be deprived of life,
3 liberty, or property without due process of law, and not to be deprived the equal protection of the
4 laws, secured by the Fourth Amendment to the Constitution of the United States.

5 24. The acts, conduct, and behavior of Defendants, and each of them, were performed
6 knowingly, intentionally, and maliciously, by reason of which Plaintiff is entitled to an award of
7 damages in an amount of not less than \$500,000 from each Defendant, or any of them, under the
8 Fourth Amendment, supra, at 390-395 for any injuries Plaintiffs have suffered as a result of the
9 Defendants, and each of them, under their violation of the Fourth Amendment.

10 25. Plaintiffs believe that the federal courts have the power to award damages for
11 violation of "constitutionally protected interests", and that a traditional judicial remedy such as
12 damages is appropriate to the vindication of the personal interests protected by the Fourth
13 Amendment.

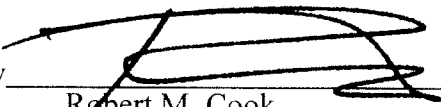
14 **IV. Demand for Relief**

15 **WHEREFORE**, Plaintiff prays for the following, each individually and as a whole:

- 16 A. General Damages by Defendants Immigration Customs Enforcement, and each of
17 them, in an amount not less than \$500,000 from each Defendant;
18 B. Reasonable Attorney's fees and costs;
19 C. Costs of this action; and
20 D. Whatever other relief to which Plaintiff may be entitled.

21 **RESPECTFULLY SUBMITTED** this 23 day of February 2009.

22 **THE LAW OFFICES OF ROBERT M. COOK**

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24 By 
25 Robert M. Cook
26 Attorney for Plaintiffs
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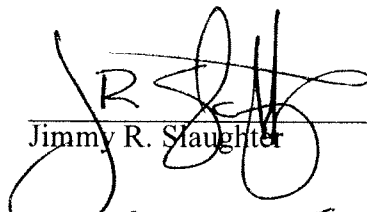
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VERIFICATION

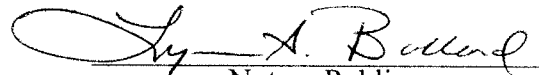
STATE OF ARIZONA)
) ss.
County of Yuma)

Jimmy R. Slaughter, being upon his oath first duly sworn, deposes and says:

I am the Plaintiff in the above-referenced matter. I have read the foregoing Complaint and know the contents thereof, and the matters and things alleged in such Complaint are true to the best of my knowledge.

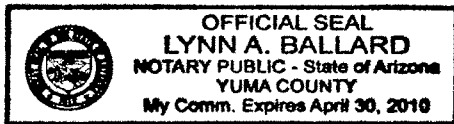

Jimmy R. Slaughter

SUBSCRIBED AND SWORN to before me this 12 day of FEB, 2009.


Notary Public

My Commission Expires:

4-30-2010



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VERIFICATION

STATE OF ARIZONA)
) ss.
County of Yuma)

Sheila Slaughter, being upon her oath first duly sworn, deposes and says:

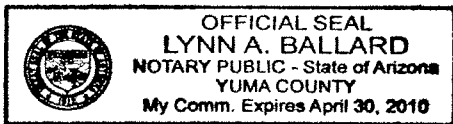
I am the Plaintiff in the above-referenced matter. I have read the foregoing Complaint and know the contents thereof, and the matters and things alleged in such Complaint are true to the best of my knowledge.

Sheila Slaughter
Sheila Slaughter

SUBSCRIBED AND SWORN to before me this 13 day of February, 2009.

Lynn A. Ballard
Notary Public

My Commission Expires:



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EXHIBIT A
AFFIDAVIT OF
JIMMY SLAUGHTER

