

FILED

JUN 18 2013

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 Your Name: FARUK GÖNÜL  
2 Address: MSB Oran Lojmanları 586 Sokak No:4  
3 Daire: 9 Bekiroğlu Apartmanı Oran-Gankaya-Ankara - TURKEY  
4 Phone Number: +90 538 2218497  
5 Fax Number: -  
6 E-mail Address: farukgonul2000@gmail.com.  
7 Pro Se Plaintiff

8 United States District Court  
9 Northern District of California

10 FARUK GÖNÜL

11 Case Number: **CV 13 2801**

12 Plaintiff(s),  
13 vs.

14 Twitter Inc.

15 **COMPLAINT**

16 **DMR**

17 **DEMAND FOR JURY TRIAL**

18 Yes  No

19 Defendant(s).

20 **1. Parties in this Complaint**

21 **a. Plaintiff(s).** Write your name, address, and phone number. If there are other  
22 plaintiffs, use more pages to include their names, addresses, and phone numbers.

23 Name: FARUK GÖNÜL

24 Address: MSB Oran Lojmanları 586 Sokak Bekiroğlu  
25 Apartmanı No:4 Daire:9 Oran-Gankaya Ankara/TURKEY

26 Phone number: 0090 538 2218497

27 **COMPLAINT**

28 PAGE 1 OF 5 [VLS P TEMPLATE]

1                   b. Defendant(s). Write the full name and address of every defendant. If the defendant is  
2 a corporation, write the state where it is incorporated and the state where it has its main place of  
3 business. Use more pages if you need to.

4                   Defendant 1:

5                   Name: Twitter Inc.

6                   Address: 795 Folsom St. Suite 600

7                   San Francisco, CA 94102-3489

8                   Defendant 2:

9                   Name: \_\_\_\_\_

10                  Address: \_\_\_\_\_

11                  Defendant 3:

12                  Name: \_\_\_\_\_

13                  Address: \_\_\_\_\_

14                  Defendant 4:

15                  Name: \_\_\_\_\_

16                  Address: \_\_\_\_\_

20                  2. Jurisdiction

21                  Usually, only two types of cases can be filed in federal court: cases involving "federal  
22                  questions" and cases involving "diversity of citizenship." Check at least one box.

23                   My case belongs in federal court under federal question jurisdiction because it is  
24                  about federal law(s) or right(s).

25                  Which law(s) or right(s) are involved? \_\_\_\_\_

27                   My case belongs in federal court under diversity jurisdiction because none of the plaintiffs  
28                  live in the same state as any of the defendants AND the amount of damages is more than \$75,000.

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1                   3. Venue

2                   *This Court can hear cases arising out of Alameda, Contra Costa, Del Norte, Humboldt,*  
3                   *Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco,*  
4                   *San Mateo, and Sonoma counties. This is the right court to file your lawsuit if 1) All defendants*  
5                   *live in California AND at least one of the defendants lives in this district; OR 2) A substantial*  
6                   *part of the events you are suing about happened in this district; OR 3) A substantial part of the*  
7                   *property that you are suing about is located in this district; OR 4) You are suing the U.S.*  
8                   *government or a federal agency or official in their official capacities and you live in this district.*

9                   *Explain why this district court is the proper location to file your lawsuit.*

10                  Venue is appropriate in this Court because Twitter Inc. is located  
11                  in San Francisco. But I am a foreign person, a Turk.  
12                  I have stayed in Turkey since I was born.

13                   4. Intradistrict Assignment

14                  *There are three divisions of this Court: San Francisco/Oakland, San Jose, and Eureka.*  
15                  *The San Francisco/Oakland division covers Alameda, Contra Costa, Marin, Napa, San*  
16                  *Francisco, San Mateo, and Sonoma counties. The San Jose division covers Monterey, San*  
17                  *Benito, Santa Clara, Santa Cruz counties. The Eureka division covers Del Norte, Humboldt,*  
18                  *Lake, Mendocino counties, only if all parties consent to a magistrate judge. Explain which*  
19                  *division your case should be assigned.*

20                  This lawsuit should be assigned to [Select one: San Francisco/Oakland, San Jose, OR  
21                  Eureka] Division of this Court because \_\_\_\_\_

22                  \_\_\_\_\_  
23                  \_\_\_\_\_

24                   5. Statement of Facts and Claims

25                  *Write a short and simple description of the facts of your case. Include WHERE and*  
26                  *WHEN the events happened, WHO was involved, WHAT role each defendant played, and HOW*  
27                  *you were harmed. If you know which laws or rights the defendant violated, you can include them,*  
28                  *but you do not need to make legal arguments. Put each fact or claim into a separate, numbered*

COMPLAINT

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1 paragraph, starting with 5a, 5b, and so on. Attach additional sheets of paper as necessary. You  
2 may attach documents that support your claims to the end of this Complaint as exhibits. Explain  
3 what each exhibit is, when and how you got it, and how it supports your claims. Attaching a  
4 document to your Complaint does not necessarily mean that it will be accepted as evidence.

5

6 I attach my request from Twitter Inc. as Annex A. But  
7 no one <sup>have</sup> replied me for 9 months.

8 Insults and accuses me are an offence under the laws  
9 and procedures in Turkey. As the administrators of this  
10 social networking site, they shall not allow the perpetuation  
11 of these insults which are made against me. I shall have  
12 the right to be notified about the registered owner  
13 of the IP address to find the location of the owner.

14

15 After this event I appealed to the Turkish Court in  
16 Ankara, capital of Turkey. They directed me to send  
17 a mail to Twitter social network. for getting the  
18 IP number of insulter(s). I send you the official  
19 paper in Turkish which belongs to the Turkish  
20 Ankara Court as Annex B.

21

22 No one have replied me from Twitter Inc. until now. Therefore  
23 I want to complain this social network company to your court.  
24 I am so annoyed because this company does not any pay  
25 attention to my request which deals with human rights.

26

27

28

COMPLAINT

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1                   **6. Demand for Relief**

2                   State what you want the Court to do for you. For example, depending on which claims  
3                   you raise, it may be appropriate to ask the Court to award you money or order the defendant to  
4                   do something or stop doing something. If you are asking for money, you can say how much you  
5                   are asking for and why you should get that amount.

6                   

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7                   I want to find the location of the owner of the IP address  
8                   who insult me regularly.  
9                   

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10                   If Twitter Inc. does not want to give the owner of  
11                   IP address, I want to sue this company via San  
12                   Francisco Court.  
13                   

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14                   

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15                   

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16                   **7. Demand for Jury Trial**

17                   Check this box if you want your case to be decided by a jury, instead of a judge.

18                    Plaintiff demands a jury trial on all issues.  
19                   

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20                   All plaintiffs must sign, date, and print their names at the end of the Complaint. Attach  
21                   another page if you need to.  
22                   

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23                   Respectfully submitted,  
24                   

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25                   

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26                   Date: March, 15, 2013 Sign Name:   
27                   Print Name: FARUK GÖNÜL  
28                   

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COMPLAINT

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Twitter, Inc.  
795 Folsom St., Suite 600  
San Francisco, CA 94107

MSB Oran Lojmanları 586 Sokak  
Bekiroğlu Apartmanı No: 4 Daire: 9  
Oran - Çankaya  
Ankara / TURKEY

Dear Sir or Madam,

June 15, 2012

To whom it may concern,

In your networking site <http://twitter.com/#!/Bitix2> at 1:33 am on February 4, 2012, was posted on the account Bitix2. It was written as - Contact with me about Faruk GÖNÜL- it is urgent-

Respectively, in the publication sent via this site – on February 7, 2012 at 23:39 and on February 8, 2012 at 00:10 hours - contained insulting claims and accusations against me.

Also the insults and accusations continued on February 26, 2012 at 1:33; February 26, 2012 at 1:36; February 26, 2012 at 2:30; February 29, 2012 at 2:24; February 29, 2012 at 2:25; February 29, 2012 at 2:26; March 2, 2012 at 0:03; March 2, 2012 at 0:04; March 2, 2012 at 0:05; March 6, 2012 at 0:51; March 6, 2012 at 0:53; March 6, 2012 at 0:56, March 6, 2012 1:00.

In particular, there was another article on February 8, 2012 at 0:10. In <http://twitter.com/#!/Bitix2> address, there was a comment posted "Take a look at the picture" which leads you to the link <http://e1202.hizliresim.com/u/8/2icgb.jpg>. The link contained heavy insulting claims and accusations against me.

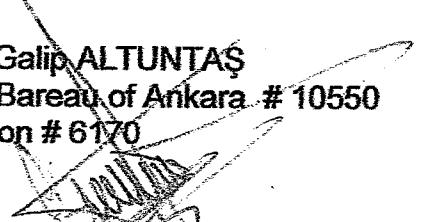
This is an offence under the laws and procedures in Turkey. As the administrators of this social networking site, you shall not allow the perpetuation of these insults which are made against me. I shall have the right to be notified about the registered owner of the IP address to find the location of the owner.

After this event I appealed to the Turkish Court in Ankara, capital of Turkey. They directed me to your social network's mail address for getting the IP number of insulter(s). I am sending you the official paper in Turkish which belongs to the Turkish Court as annex.

If possible, please help me for this issue.

Yours Sincerely,

  
Colonel (Mr.) Faruk GÖNÜL

  
Attorney Galip ALTUNTAŞ  
Attorney Bureau of Ankara # 10550  
Registration # 6170

T.C.  
ANKARA  
CUMHURİYET BAŞSAVCILIĞI

Soruşturma No : 2012/34019

Karar No : 2012/22105

**KOVUŞTURMAYA YER OLMADIĞINA DAİR KARAR**

<b>DAVACI</b>	: K.H.
<b>MÜŞTEKİ</b>	: FARUK GÖNÜL, NURİNURİ Oğlu PERİHAN MERAL'den olma, 11/09/1963 doğumlu, 586 Sk. Aşağı Dikmen Mah. No:4 İç Kapı No:9 Çankaya/ ANKARA ikamet eder.
<b>VEKİLİ</b>	: Av. ESRA ALTUNTAŞ, ANKARA Çevre Sok. No:3/1 06680 Çankaya / ANKARA
<b>ŞÜPHELİ</b>	: MEÇHUL
<b>SUÇ</b>	: Sesli Yazılı veya Görüntülü Bir İleti İle Hakaret
<b>SUÇ TARİHİ</b>	: 09/02/2012

**SORUŞTURMA EVRAKİ İNCELENDİ:**

Müşteki Faruk GÖNÜL, vekili aracılığıyla Cumhuriyet Başsavcılığımıza vermiş olduğu 12/03/2012 tarihli şikayet dilekçesi ile [www.twitter.com/#!/itix2](http://www.twitter.com/#!/itix2) isimli internet sitesinde kendisine hakaret edilip, asılsız suçlamalarda bulunulduğunu beyan ederek şikayetçi olmuştur.

Söz konusu işlemin [www.twitter.com/itix2](http://www.twitter.com/itix2) isimli internet sitesinin San Francisco / Amerika Birleşik Devletleri'nden yayın yaptığı, adresinin 795 Folsom St. Suite 600 San Francisco, CA 94107 olduğu, Türkiye'de yazışma yapılabilecek bir temsilciliğinin bulunmadığının görüldüğü;

Ancak yurtdışı merkezli bu işlemlerin yapıldığı ülkelerdeki yasal yapı ve "Kişisel Verilerin Gizliliğine İlişkin Hükümler" gereği, söz konusu bilgilere ulaşılmasının mümkün bulunmadığı, bilişim yolları kullanılarak işlenen suçlarda dijital delil araştırmasının güvenilir sertifika otoritesinin bulunmasına küresel ortak protokoller ve kanunların düzenlenmesine bağlı olduğu, bu aşamada hukuki yapının buna imkan vermediği,

İlgili sitenin bağlı olduğu elektronik servis hizmetleri yurtdışı kaynaklı olmakla, yabancı ülke şirket ve serverlerinin kullanılması nedeniyle dijital delil elde edilmesinin mümkün olmadığı, soruşturmanın devamı halinde yeni delillere ulaşmanın teknik ve hukuki açıdan mümkün bulunmadığı, olayın takibinde kamu davası açılmasını gerektirir yeterli delil elde edilemeyeceğinden kamu adına KOVUŞTURMAYA YER OLMADIĞINA, kararın müşteki vekiline tebliğine, karara karşı tebliğ tarihinden itibaren 15 gün içerisinde Sincan Ağır Ceza Mahkemesi Başkanlığına itiraz edebileceğiinin ihtarına, CMK'nın 172-173. maddeleri gereğince itirazı kabil olmak üzere karar verildi. 10/04/2012

MEHMET ODABAŞI 30858  
Cumhuriyet Savcısı

 e-imzalıdır