

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

SAMUEL THIEMANN; JOSEPH
ZAHN; WILLIAM WILLIAMS; NORM
SELLARS; GARY KAESTNER;
JACOB MacDONALD; LESLIE
GOODMAN; GARY BRANT; LYNN
LEE; MICHAEL SNIDER; DANIEL
BUGLI; DON FLEDERBACH,

Plaintiffs,

v.

SHERIFF KIERAN DONAHUE; JOHN
AND JANE DOES #1-10, members of
the Treasure Valley Metro Violent
Crimes and Gang Task Force; JOHN
DOES #11-20, members of the Nampa
Police Department; JOHN DOES #21-30,
members of the Bureau of Alcohol,
Tobacco, Firearms and Explosives;
JOHN DOES #31-40, members of the
Canyon County Sheriff's Office; JOHN,

Defendants.

Case No. 1:14-cv-00172-BLW

MEMORANDUM DECISION AND
ORDER

INTRODUCTION

Before the Court is Samuel Thiemann, Joseph Zahn, William Williams, Norm Sellards, Gary Kaestner, Jacob MacDonald, Leslie Goodman, Gary Bryant, Lynn Lee, Michael Snider, Daniel Bugli, and Don Flederback's Motion to Waive or Set Bond Under Idaho Code § 6-610 (Dkt. 1). The Court has reviewed the record and determined that oral argument will not aid the decisional process. The Motion is therefore at issue. For the reasons set forth below, the Court will grant the Motion.

ANALYSIS

Section 6–610(2) of the Idaho Code requires a plaintiff to post bond before it initiates suit against a law enforcement officer. A court, however, may waive costs, fees and security for indigents if (1) the party requesting a waiver files an affidavit stating that he is indigent and unable to pay the costs, fees and security associated with his case, and (2) the court finds, after informal inquiry, that the party is indigent for the purpose of prepayment of fees, costs, or security. I.C. § 31-220(2)(a)&(b). This statute applies to bonds required under Idaho Code § 6-610.

On May 5, 2014, simultaneous with the filing of a proposed complaint, six of the proposed plaintiffs, Samuel Thiemann, Joseph Zahn, William Williams, Norm Sellards, Gary Kaestner, Jacob MacDonald, Leslie Goodman, Gary Bryant, Lynn Lee, Michael Snider, Daniel Bugli, and Don Flederback, filed a request to waive the bond requirement. Those six plaintiffs also submitted declarations setting out their income, assets, obligations, and debts. *See* Dkts. 1-1 to 1-7. With the exception of Mr. Bugli, the five of

the six filing plaintiffs do not have large incomes or assets, and they carry significant obligations and debts.

While the submitted declarations show the plaintiffs are financially strapped, they do not show they are indigent. The Court will therefore deny the plaintiffs' request to waive the bond requirement. The Court, however, will set a bond amount at \$250, as the plaintiffs ask.

ORDER

IT IS ORDERED that Samuel Thiemann, Joseph Zahn, William Williams, Norm Sellards, Gary Kaestner, Jacob MacDonald, Leslie Goodman, Gary Bryant, Lynn Lee, Michael Snider, Daniel Bugli, and Don Flederback's Motion to Waive or Set Bond Under Idaho Code § 6-610 (Dkt 1) is **GRANTED** in part and **DENIED** in part.



DATED: June 30, 2014

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
Chief Judge
United States District Court