

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

DM

REUBEN RANKE,
PLAINTIFF

CASE NO.

v.

B. PITT, T. LUTH, T. MCJERNEY,
C. BROOKS, J. DOYLE, M. WORDEN,
J. MASSEY, R. QUERBACK,
SAGINAW TOWNSHIP POLICE DEPT.

vs

Case:2:11-cv-12763
Judge: Zatkoff, Lawrence P.
MJ: Majzoub, Mona K.
Filed: 06-27-2011 At 10:05 AM
PRIS RANKE V PITT, ET AL (EB)

DEFENDANTS,

JURY TRIAL DEMANDED.

COMPLAINT

JURISDICTION ARISES UNDER 42 USC 1983; 28 USC 1331 AND 1343(a)(3) AND THE FIRST, FOURTH, FIFTH AND FOURTEENTH AMENDMENTS TO THE CONSTITUTION

COUNT 1

1. AT ALL RELEVANT TIMES, DEFENDANTS WERE ACTING UNDER COLOR AND PRETEXT OF STATE LAW. THIS ALLEGATION APPLIES TO ALL COUNTS.
2. DURING ALL RELEVANT PERIODS OF TIME, PLAINTIFF ENJOYED A REASONABLE EXPECTATION OF PRIVACY IN A U.S. MAILBOX #273, 5065 STATE ST., SAGINAW TWP., MICHIGAN, IN THAT HE RENTED AND EXCLUSIVELY USED THIS BOX.
3. ON APRIL 29, 2008 DEFENDANT PITT OBTAINED AND EXECUTED A SEARCH WARRANT FOR MAIL BOX #273.
4. THE SEARCH AND SEIZURE OF THE CONTENTS VIOLATED PLAINTIFFS' FOURTH AMENDMENT RIGHTS BECAUSE THE ISSUANCE OF THE SEARCH WARRANT WAS NOT SUPPORTED BY PROBABLE CAUSE.
5. THE SEARCH AND SEIZURE VIOLATED THE FOURTH AMENDMENT RIGHTS BECAUSE THE SEARCH WARRANT DID NOT PARTICULARLY STATE DESCRIBE THE ITEMS TO BE SEIZED AND BECAUSE THE SEARCH WAS AN UNLAWFUL GENERAL SEARCH.

THEREFORE, THE PLAINTIFF DEMANDS JUDGMENT AGAINST THE DEFENDANT FOR \$50,000.00 PLUS INTEREST AND COSTS.

COUNT 2

6. PLAINTIFF REALLEGES PARAGRAPHS 1 THROUGH 3.

7. THAT THE SEIZURE OF PLAINTIFFS' PROPERTY VIOLATED HIS FOURTH AMENDMENT RIGHTS AS THE SEIZURE WAS BEYOND THE SCOPE OF THE SEARCH WARRANT.

THEREFORE, THE PLAINTIFF DEMANDS JUDGMENT AGAINST THE DEFENDANT FOR \$50,000.00 PLUS INTERESTS AND COSTS.

COUNT 3

8. PLAINTIFF REALLEGES PARAGRAPHS 1 THROUGH 2.

9. ON MAY 8, 2008, DEFENDANT PITT OBTAINED A SEARCH WARRANT FOR MAIL BOX 273 AUTHORIZING SEARCHES AND SEIZURES DURING THE PERIOD OF 8 MAY 2008 THROUGH 8 JUNE 2008.

10. ON MAY 8, 2008 DEFENDANT PITT EXECUTED THE SEARCH WARRANT FOR MAIL BOX 273 AND SEIZED ~~THE~~ PLAINTIFFS' PROPERTY.

11. THE SEARCH AND SEIZURE OF THE CONTENTS OF MAIL BOX 273 VIOLATED PLAINTIFFS' FOURTH AMENDMENT RIGHTS BECAUSE THE ISSUANCE OF THE WARRANT WAS NOT SUPPORTED BY PROBABLE CAUSE.

12. THE SEARCH AND SEIZURE VIOLATED THE PLAINTIFFS' FOURTH AMENDMENT RIGHTS BECAUSE THE WARRANT DID NOT PARTICULARLY DESCRIBE THE ITEMS TO BE SEIZED AND BECAUSE THE ~~ITEM~~ SEARCH WAS AN UNLAWFUL GENERAL SEARCH.

THEREFORE, THE PLAINTIFF DEMANDS JUDGMENT AGAINST THE DEFENDANT FOR \$50,000.000 PLUS INTERESTS AND COSTS.

COUNT 4

13. PLAINTIFF REALLEGES PARAGRAPHS 8 THROUGH 10.

14. THIS SEIZURE VIOLATED PLAINTIFF'S FOURTH AMENDMENT RIGHTS AS THE SEIZURE WAS BEYOND THE SCOPE OF THE WARRANT.

THEREFORE, THE PLAINTIFF DEMANDS JUDGMENT AGAINST THE DEFENDANT FOR \$50,000.00 PLUS INTERESTS AND COSTS.

COUNT 5

15. PLAINTIFF REALLEGES PARAGRAPHS 1, 2 AND 9.

16. ON MAY 13, 2008 DEFENDANT PITT EXECUTED THE WARRANT AND SEIZED PLAINTIFFS' PROPERTY.

17. THIS SEARCH AND SEIZURE VIOLATED PLAINTIFFS' FOURTH AMENDMENT RIGHTS BECAUSE THE ISSUANCE OF THE WARRANT WAS NOT SUPPORTED BY PROBABLE CAUSE, THEREFORE, THE PLAINTIFF DEMANDS JUDGMENT AGAINST THE DEFENDANT FOR \$50,000.00 PLUS INTERESTS AND COSTS.

COUNT 6

18. PLAINTIFF REALLEGES PARAGRAPHS 15 AND 16.

19. THIS SEIZURE VIOLATED PLAINTIFFS' FOURTH AMENDMENT RIGHTS BECAUSE THE SEIZURE WAS BEYOND THE SCOPE OF THE WARRANT.

WHEREFORE, THE PLAINTIFF DEMANDS JUDGMENT AGAINST DEFENDANT FOR \$50,000.00 PLUS INTEREST AND COSTS.

COUNT 7

20. PLAINTIFF REALLEGES PARAGRAPHS 1, 2 9.

21. ON MAY 19, 2008 DEFENDANT PITT EXECUTED THE WARRANT AND SEIZED PLAINTIFFS' PROPERTY.

22. THIS SEARCH AND SEIZURE VIOLATED PLAINTIFFS' FOURTH AMENDMENT RIGHTS BECAUSE THE WARRANT WAS NOT SUPPORTED BY PROBABLE CAUSE.

WHEREFORE, THE PLAINTIFF DEMANDS JUDGMENT AGAINST DEFENDANT FOR \$50,000.00 PLUS INTERESTS AND COSTS.

COUNT 8

23. PLAINTIFF REALLEGES PARAGRAPHS 20 AND 21,

24. THIS SEIZURE VIOLATED PLAINTIFFS' FOURTH AMENDMENT RIGHTS BECAUSE THE SEIZURE WAS BEYOND THE SCOPE OF THE WARRANT.

WHEREFORE THE PLAINTIFF DEMANDS JUDGMENT AGAINST DEFENDANT FOR \$50,000.00 PLUS INTERESTS AND COSTS.

COUNT 9

25. PLAINTIFF REALLEGES PARAGRAPHS 1, 2 AND 9.

26. ON MAY 28, 2008 DEFENDANT PITT EXECUTED THE WARRANT AND SEIZED DEFENDANTS PROPERTY.

27. THIS SEARCH AND SEIZURE VIOLATED PLAINTIFFS' FOURTH AMENDMENT RIGHTS BECAUSE THE WARRANT WAS NOT SUPPORTED BY PROBABLE CAUSE, WHEREFORE THE PLAINTIFF DEMANDS JUDGMENT AGAINST DEFENDANT FOR \$50,000.00 PLUS COSTS AND INTERESTS.

COUNT 10

28. PLAINTIFF REALLEGES PARAGRAPHS 25 AND 26.

29. THIS SEIZURE VIOLATED PLAINTIFFS FOURTH AMENDMENT RIGHTS BECAUSE THE SEIZURE WAS BEYOND THE SCOPE OF THE WARRANT.

WHEREFORE THE PLAINTIFF DEMANDS JUDGMENT AGAINST DEFENDANT FOR \$50,000.00 PLUS INTERESTS AND COSTS.

COUNT 11

30. PLAINTIFF REALLEGES PARAGRAPHS 1, 2 AND 9

31. ON JUNE 2, 2008 DEFENDANT PITT EXECUTED THE WARRANT AND SEIZED PLAINTIFFS' PROPERTY.

32. THIS SEARCH AND SEIZURE VIOLATED PLAINTIFFS' FOURTH AMENDMENT RIGHTS BECAUSE THE WARRANT WAS NOT SUPPORTED BY PROBABLE CAUSE.

WHEREFORE THE PLAINTIFF DEMANDS JUDGMENT AGAINST DEFENDANT FOR \$50,000.00 PLUS INTEREST AND COSTS.

COUNT 12

33. PLAINTIFF REALLEGES PARAGRAPHS 30 AND 31.

34. THIS SEIZURE VIOLATED PLAINTIFFS FOURTH AMENDMENT RIGHTS BECAUSE THE SEIZURE WAS BEYOND THE SCOPE OF THE WARRANT.

WHEREFORE THE PLAINTIFF DEMANDS JUDGMENT AGAINST DEFENDANT FOR \$50,000.00 PLUS INTERESTS AND COSTS.

COUNT 13

35. AT ALL RELEVANT TIMES DEFENDANTS PITT, LUTH, McIVERNEY, BROOKS, DOYLE, WORASU, MASSEY AND QUERBACK WERE ACTING UNDER COLOR AND PRETENSE OF STATE LAW.

36. ON APRIL 29, 2008 DEFENDANT PITT OBTAINED A SEARCH WARRANT FOR STORAGE UNIT 313 AND 543 LOCATED AT KEYSTONE SELF STORAGE, 3770 TITTABAWASEE, SAGINAWTWP, MICH. THE WARRANT WAS EXECUTED ON APRIL 30, 2008 BY THE ABOVE DEFENDANTS.

37. DURING ALL RELEVANT PERIODS OF TIME, ~~DEFENDANTS~~ ^{PLAINTIFF} ENJOYED A REASONABLE EXPECTATION OF PRIVACY IN THESE UNITS IN THAT HE RENTED AND EXCLUSIVELY USED THE UNIT.

38. THE SEARCH AND SEIZURE OF UNIT 313 VIOLATED PLAINTIFFS' FOURTH AMENDMENT RIGHTS BECAUSE ISSUANCE OF THE WARRANT WAS NOT SUPPORTED BY PROBABLE CAUSE AND DID NOT PARTICULARLY DESCRIBE THE ITEMS TO BE SEIZED AND BECAUSE THE SEARCH WAS AN UNLAWFUL GENERAL SEARCH.

WHEREFORE THE PLAINTIFF DEMANDS JUDGMENT AGAINST DEFENDANTS FOR \$50,000.00 PLUS INTEREST AND COSTS.

COUNT 14

39. PLAINTIFF REALLEGES PARAGRAPHS 35 THROUGH 37.

40. THE SEIZURE OF PROPERTY FROM UNIT 313 VIOLATED PLAINTIFFS' FOURTH AMENDMENT RIGHTS AS THE DEFENDANTS SEIZED PROPERTY BEYOND THE SCOPE OF THE WARRANT.

WHEREFORE THE PLAINTIFF DEMANDS JUDGMENT AGAINST DEFENDANTS FOR \$50,000.00 PLUS INTEREST AND COSTS.

COUNT 15

41. PLAINTIFF REALLEGES PARAGRAPHS 35 THROUGH 37.

42. THE SEARCH AND SEIZURE OF UNIT 543 VIOLATED ^{PLAINTIFFS} ~~DEFENDANTS~~ FOURTH AMENDMENT RIGHTS BECAUSE ISSUANCE OF THE WARRANT WAS NOT SUPPORTED BY PROBABLE CAUSE AND DID NOT PARTICULARLY DESCRIBE THE ITEMS TO BE SEIZED AND BECAUSE THE SEARCH WAS AN UNLAWFUL GENERAL SEARCH.

WHEREFORE THE PLAINTIFF DEMANDS JUDGMENT AGAINST DEFENDANTS FOR \$50,000.00 PLUS INTEREST AND COSTS.

COUNT 16

43. PLAINTIFF REALLEGES PARAGRAPHS 35 THROUGH 37.

44. THE SEIZURE OF THE PROPERTY FROM UNIT 543 VIOLATED PLAINTIFFS' FOURTH AMENDMENT RIGHTS AS THE DEFENDANTS SEIZED PROPERTY BEYOND THE SCOPE OF THE WARRANT.

WHEREFORE THE PLAINTIFF DEMANDS JUDGMENT AGAINST DEFENDANTS FOR \$50,000.00 PLUS INTEREST AND COSTS.

COUNT 16

45. ON APRIL 30, 2008 SAGDIAW TWP POLICE SEARCHED PLAINTIFFS' HOME AND SEIZED A VARIETY OF PROPERTY.

46. ON MAY 5, 2008 DET. TOM LUTH OF THE SAGDIAW TWP POLICE DEPT SERVED PLAINTIFF WITH A NOTICE OF SEIZURE PURSUANT TO MCL 333.7521, THE FORFEITURE ACT (THE ACT) AND INFORMED PLAINTIFF THAT HIS DEPARTMENT WAS SEEKING FORFEITURE OF SOME OF THE FIREARMS THAT WERE SEIZED.

47. ON JUNE 5, 2008 PLAINTIFF WAS SERVED A NOTICE OF FORFEITURE ADVISING HIM THAT HE HAD FORFEITED HIS PROPERTY TO SAGDIAW TOWNSHIP POLICE DEPARTMENT.

~~48.~~

48. THE ACT REQUIRES A RESPONDENT TO POST A BOND OF 10% OF THE VALUE OF THE CLAIMED PROPERTY BUT NOT LESS THAN \$250.00 WITHIN 20 DAYS BEFORE A CHALLENGE TO THE FORFEITURE CAN BE MADE.

49. THE AMOUNT OF BOND REQUIRED TO BE PAID/POSTED WAS \$2,000.00.

50. THIS WAS AN INFLATED FIGURE AS THE VALUE OF THE PROPERTY SUBJECT TO THE SEIZURE WAS FAR LESS THAN \$20,000.00.

51. PLAINTIFF WAS LODGED IN THE SAGDIAW COUNTY JAIL AND OTHERWISE CONFINED SINCE APRIL 30, 2008.

52. PLAINTIFF WAS INDIGENT AND UNABLE TO POST THE REQUIRED BOND TO CONTEST THE FORFEITURE.

53. PLAINTIFF WROTE TO THE SAGDIAW TWP POLICE DEPT. AND REQUESTED A HEARING WITHOUT POSTING THE BOND. PLAINTIFF RECEIVED NO RESPONSE.

54. THE ACT DOES NOT MAKE PROVISION FOR AN INDIGENT PERSON TO HAVE THE BOND WAIVED UPON A SHOWING OF INDIGENCY. AS A RESULT A POOR PERSON IS TREATED DIFFERENTLY THAN A MORE WEALTHY PERSON UNDER THE ACT.

55. PLAINTIFF CONTENTS THAT THIS IS UNCONSTITUTIONAL AND THE ACT IS UNCONSTITUTIONAL AS APPLIED TO POOR PERSONS, AS SUCH

POOR PERSONS ARE DEPRIVED OF MEANINGFUL ACCESS TO THE COURT UNDER THE ACT. THIS VIOLATES DUE PROCESS AND EQUAL ACCESS.

WHEREFORE, PLAINTIFF SEEKS DECLARATORY JUDGMENT THAT THE SEIZURE WAS ILLEGAL; THAT THE STATUTORY AND REGULATORY SCHEME THAT DOES NOT PROVIDE FOR A WAIVER OF BOND FOR INDIGENTS IS UNCONSTITUTIONAL AND THAT DEFENDANTS BE REQUIRED TO RETURN HIS PROPERTY OR A CASH REPLACEMENT.

COUNT 17 STATE TORT INVASION OF PRIVACY

55. PLAINTIFF REALLEGES COUNTS 1 THROUGH 16.

56. FOR EACH COUNT PLAINTIFF ALLEGES A VIOLATION OF HIS RIGHT TO PRIVACY.

WHEREFORE PLAINTIFF DEMANDS JUDGMENT AGAINST THE DEFENDANTS FOR \$50,000.00 PLUS COSTS AND INTEREST.

RESPECTFULLY SUBMITTED,

Reuben Ranke

Reuben Ranke

R. RAUKE 42497-039
US POST OFFICE
POB 1000
MARION ILL 62459



42497-039

US Dist Ct Ed Michigan
731 W Lafayette BLVD
Levin US Courthouse
Detroit, MI - 48226
United States



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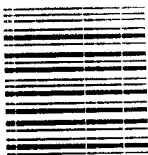
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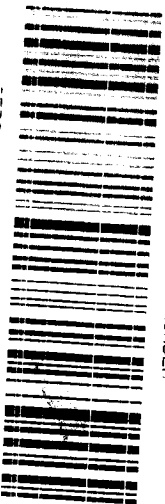
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CIVIL COVER SHEET FOR PRISONER CASES

Case No. <u>11-12763</u>		Judge: <u>Lawrence P. Zatkoff</u>		Magistrate Judge: <u>Mona K. Majzoub</u>	
Name of 1st Listed Plaintiff/Petitioner: REUBEN RANKE			Name of 1st Listed Defendant/Respondent: B PITT, ET AL		
Inmate Number: 42497-039			Additional Information:		
Plaintiff/Petitioner's Attorney and Address Information:					
Correctional Facility: US PENITENTIARY P O BOX 1000 MARION IL 62959					

BASIS OF JURISDICTION

- 2 U.S. Government Defendant
 3 Federal Question

ORIGIN

- 1 Original Proceeding
 5 Transferred from Another District Court
 Other:

NATURE OF SUIT

- 530 Habeas Corpus
 540 Mandamus
 550 Civil Rights
 555 Prison Conditions

FEE STATUS

- IFP *In Forma Pauperis*
 PD Paid

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

- Yes No

➤ If yes, give the following information:

Court: _____
Case No: _____
Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

- Yes No

➤ If yes, give the following information:

Court: _____
Case No: _____
Judge: _____