



from prison. Humphrey complains that the defendant Tovey Goynes unlawfully entered her residence and searched her computer while supervising Fisher.<sup>2</sup>

Liberally construed, the second amended complaint alleges actionable § 1983 claims on the part of Humphrey and Gabara. Accordingly,

IT IS ORDERED that the defendants' motion to dismiss ([filing 69](#)) is denied.

December 16, 2008.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge

---

Fisher from having any contact with her.” ([Filing 1](#), p. 6, ¶ 43.) It is alleged in the second amended complaint that “Plaintiff Guabara, Michelles rights have been violated by Defendant’s Goynes McKenzie by depriving Plaintiff Fisher to reside with them and assist in family functions which deprive him from seeing and being around his children. . . . Plaintiff Fisher and Guabararas rights to Associate and be a family have been deprived him and his children from the love and affection of their father for over a year.” ([Filing 20](#), pp. 5, 6.)

<sup>2</sup> It is alleged in the original complaint that “[o]n or about March 10, 2007, defendant Goynes visited Fisher at his residence where he lives with his sister, Plaintiff Humphrey. While there, Goynes threatened Humphrey that he could come in there any time he got ready and turn the place upside-down. He threatened to seize and confiscate her computer. He done this while in his full parole outfit, as a show of force and intimidation.” ([Filing 1](#), p. 5, ¶ 30.) It is alleged in the second amended complaint that “Defendant Goynes demanded to search Plaintiffs computer even though Plaintiffs crime did not have anything to do with a computer related crime and is stipulated in the Conditions sheet. Thus violating both Plaintiff Fisher and Humphreys Civil and Constitutional rights to be free from unwarranted searches and seizer of their State and Federal Constitutional rights.” ([Filing 20](#), p. 5.)