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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

INNOVATION LAW LAB,

Plaintiff

v.

CHAD WOLF, Secretary, Department of
Homeland Security; MATTHEW
ALBENCE, Acting Director, Immigration
and Customs Enforcement; NATHALIE
ASHER, Acting Field Office Director,
Seattle Field Office of Immigration and
Customs Enforcement, in their official
capacities,

Defendants.

Case No. 3:20-cv-01366

COMPLAINT

INTRODUCTION

1. This afternoon, August 12, 2020, federal immigration agents in white unmarked vans began rounding up members of the Central Oregon community under the purported authority of United States immigration law. Although pro bono lawyers with Plaintiff Innovation Law Lab are on the ground in Central Oregon and have sought to provide counsel, access has been refused.

2. All persons are entitled to due process of law. And under a law passed by the Oregon legislature in 2018, Oregon provides publicly funded attorneys to defend members of the Oregon community against unjust and unfair immigration actions.

3. The federal government's unlawful denial of attorney access to the individuals arrested and detained in the government's Central Oregon raid contravenes not only our laws, but also fundamental constitutional rights and Oregon's basic values.

PARTIES

4. Plaintiff Innovation Law Lab (Law Lab) is an Oregon nonprofit organization that works to improve the rights of noncitizens throughout the United States. Law Lab seeks to provide Know Your Rights presentations to the individuals who have been arrested and detained by ICE officers or agents as part of the Central Oregon raid, including all individuals arrested and detained by ICE officers or agents in the week leading up to the filing of this lawsuit. In addition, through its Equity Corps of Oregon and Center of Excellence pro bono representation programs, Law Lab seeks to provide legal representation to every unrepresented individual who was detained by ICE officers or agents as part of the Central Oregon raid and who requests representation through Law Lab.

5. Defendant Chad Wolf is the Secretary of the U.S. Department of Homeland Security (DHS), an agency of the United States. Secretary Wolf is ultimately responsible for the

actions of U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection. He is the legal custodian of the individuals detained by ICE in the Bend raid. Defendant Wolf is named in his official capacity.

6. Defendant Matthew Albence is the Acting Director of U.S. Immigration and Customs Enforcement (ICE), a component of DHS. ICE is responsible for apprehension, detention, and removal of noncitizens from the United States. Defendant Albence is the legal custodian of individuals apprehended and detained in the Central Oregon raid. Defendant Albence is named in his official capacity.

7. Defendant Nathalie Asher is the Acting Field Office Director for the Seattle Field Office of ICE. Director Asher is responsible for the enforcement of the immigration laws within this district, and for ensuring that ICE officials follow the agency's policies and procedures. Defendant Asher is the legal custodian of the individuals apprehended and detained in the Central Oregon raid. Defendant Asher is named in her official capacity.

JURISDICTION AND VENUE

8. Jurisdiction is proper under 28 U.S.C. §§ 1331 and 5 U.S.C. § 702.

9. Plaintiffs seek declaratory and injunctive relief pursuant to 28 U.S.C. § 1331, 5 U.S.C. § 706, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202. A substantial, actual, and continuing controversy exists between the parties.

10. The federal government has waived its sovereign immunity for suits seeking injunctive relief against constitutional violations. 5 U.S.C. § 702.

11. Venue is proper in the District of Oregon under 28 U.S.C. § 1391 because Plaintiff Law Lab resides in this District and a substantial part of the events giving rise to the claims in this action took place in this District.

FACTUAL ALLEGATIONS

Plaintiff Law Lab's Equity Corps of Oregon Program

12. Law Lab directs the pro bono project at many places around the United States, including the former detention center in Artesia, New Mexico where, in collaboration with a large pro bono network, every woman and child detained had access to representation. The Law Lab initiated the pro bono project at the South Texas Family Residential Center where every woman and children detained has access to representation. Law Lab directs pro bono representation projects in states across the United States including Georgia, Kansas, Missouri, North Carolina, and Oregon. Law Lab is a collaborating organization with the Southern Poverty Law Center's Southeast Immigrant Freedom Initiative that provides pro bono lawyers at several immigrant detention centers in Georgia and Louisiana.

13. In 2018, Law Lab mobilized around the civil detention of 123 immigrant men at the Federal Correctional Institution Sheridan, Oregon ("FCI Sheridan"). At that time, Law Lab provided pro bono legal representation to every man in the Sheridan cohort who requested our representation. In collaboration with almost 200 legal advocates and community members, Law Lab represented 80 men from 11 different countries. Every individual represented by Law Lab was found to have a credible fear of persecution or torture; leading to, for most, the conclusion of expedited removal proceedings, the initiation of immigration proceedings before an immigration judge under 8 USC § 1229a, and eligibility for release from detention. Ultimately, 97% of the men represented through the Sheridan pro bono project were released on bond or parole after Law Lab pro bono counsel began representation. Release from custody ensured that these men could have their cases heard. Law Lab has continued to represent, or facilitate pro bono representation, on the merits in the cases that remain before the Portland Immigration Court.

14. Law Lab also has played a central role in the development and piloting of the Equity Corps, Oregon's first universal representation program, which launched on October 1, 2018. Universal representation is the concept that no individual should have to face the risk of deportation without the assistance of an attorney. Innovation Law Lab coordinates and reviews all Equity Corps referrals and provides technical and strategic support to partner nonprofit immigration legal service providers who represent immigrants in removal proceedings before the Portland Immigration Court. The Equity Corps has received funding from the City of Portland, Multnomah County, and the State of Oregon. Currently the program operates under a two-million-dollar grant from the State of Oregon that has allowed services to extend to Oregonians statewide.

15. The Equity Corps provides representation regardless of case type. Every week, Law Lab receives Equity Corps referrals and assigns cases to Equity Corps' six immigrant legal services providers to provide legal services and representation to immigrants in removal proceedings throughout the state of Oregon.

16. To be eligible for removal defense services under the Equity Corps of Oregon, a person must (a) reside in Oregon; (b) live in a household that earns less than 200% of the federal poverty guidelines; and (c) be at risk of removal from the United States.

17. Law Lab also facilitates removal defense services for Oregonians in removal proceedings who do not qualify for the Equity Corps program through the Centers of Excellence. The Centers of Excellence places cases that are ineligible for Equity Corps with pro bono attorneys for direct representation. Through the Centers of Excellence, Law Lab also facilitates and provides limited legal services to individuals ineligible for Equity Corps until it can place the case with a Center of Excellence pro bono attorney for direct representation.

Plaintiff Law Lab's Denial of Individuals Detained in the Central Oregon Raid

18. On August 12, 2020, Plaintiff Law Lab became aware that federal immigration agents were conducting a raid in Central Oregon. Plaintiff Law Lab learned that two unmarked vans in the Crane Commons parking lot in Bend, Oregon, were being used to detain individuals for alleged violations of immigration laws. Plaintiff Law Lab immediately mobilized its volunteer attorney network to provide legal representation to the individuals who had been arrested and detained as part of the Central Oregon Raid.

19. Erin Carter, a volunteer attorney with Plaintiff Law Lab, was present in the parking lot near the vans. Ms. Carter attempted to speak to two men detained on one of the buses in an attempt to offer legal representation. These men have the initials M.A.Z. and J.A.C.S. J.A.C.S. requested the opportunity to consult with an attorney, asking Ms. Carter to "tell them I want a lawyer." Ms. Carter was unable to directly communicate with M.A.Z.

20. Around the same time, Law Lab volunteer attorney Micaela Guthrie attempted to speak with an ICE officer present at the scene in order to request the opportunity to consult with the detained individuals. Ms. Guthrie identified herself as an attorney, but the ICE officer refused to communicate with Ms. Guthrie or provide the detained individuals with the opportunity to consult with the attorneys.

21. Around 3:00 p.m. on August 12, 2020, Stephen Manning, Executive Director of Plaintiff Law Lab, spoke with David Drasin, the Assistant Field Office Director for ICE, by phone. Mr. Manning requested access to the detained individuals in order to offer representation and requested that ICE not transfer the detained individuals out of Oregon until they had been provided with the opportunity to consult with the available attorneys. Mr. Drasin denied this request and stated that the detained individuals would be transferred out of state without an opportunity to consult with Innovation Law Lab and its volunteer attorneys.

22. As of the time of this Complaint was filed, none of the requests that the Law Lab has made or that any employee or volunteer acting on behalf of Law Lab has made to provide legal assistance and advice to its clients and prospective clients detained in the Central Oregon raid have been granted.

The Harm Caused to Immigrant Detainees Denied Access to Counsel

23. The government's denial of attorney access to clients and prospective clients in the Central Oregon raid will causes serious irreparable harm to the detained individuals. Unlike in criminal proceedings, individuals in immigration proceedings are not generally entitled to appointed counsel if they cannot afford one. *See generally CJLG v. Sessions*, 880 F.3d 1122, 1128 (9th Cir. 2018). Because attorneys are not automatically provided by the government, immigration detainees seeking representation must contact a private attorney to retain them or rely on a patchwork of legal service providers who provide "know your rights" trainings and, in some cases, pro bono representation.

24. By denying attorney access, the federal government has effectively prevented detainees from obtaining any legal assistance from Plaintiff Law Lab's attorneys, who have already agreed to represent them in their immigration proceedings.

25. Likewise, Defendants' conduct prevents Law Lab's attorneys from consulting with their clients, preparing for interviews or simply communicating with clients about the status of their cases.

26. If the individuals detained in the Central Oregon raid are transported to the Northwest Detention Center in Tacoma, Washington, as David Drasin, Assistant Field Office Director for ICE has represented, they will be functionally denied any meaningful opportunity to consult with Plaintiff Law Lab going forward.

27. The assistance of an attorney is essential for noncitizens navigating the notoriously complex immigration system. The immigration laws “have been termed second only to the Internal Revenue Code in complexity.” *Castro-O’Ryan v. INS*, 847 F.2d 1307, 1312 (9th Cir. 1987) (internal quotation marks omitted); *see also Baltazar-Alcazar v. INS*, 386 F.3d 940, 948 (9th Cir. 2004) (emphasizing the complexity of immigration laws and noting that lawyers may be the only ones capable of navigating through it).

28. Legal assistance is particularly critical for noncitizens at the outset of their cases, who must make important decisions about what claims or defenses to pursue. For such individuals, the assistance of counsel may mean the difference between life and death.

CLAIMS FOR RELIEF

FIRST CLAIM (Immigration and Nationality Act)

29. All of the foregoing allegations are repeated and realleged as though fully set forth herein.

30. The Immigration and Nationality Act guarantees noncitizens in removal proceedings the right to counsel of their choosing at no expense to the government. 8 U.S.C. § 1229a(b)(4)(A); *Biwot v. Gonzales*, 403 F.3d 1094, 1098 (9th Cir. 2005). This right necessarily entails the right to consult with an attorney in advance of any hearing. *Rios-Berrios v. INS*, 776 F.2d 859, 862 (9th Cir. 1985).

31. Defendants’ acts of seeking to prevent attorneys from meeting with their clients and potential clients before they are detained in Central Oregon and transported by Defendants to another, unknown location violates 8 U.S.C. 1229a(b)(4)(A). If Defendants transport Plaintiff Law Lab’s clients and prospective clients to Northwest Detention Center in Tacoma, such

transport would be tantamount to a denial of counsel and therefore a violation of the INA. *See Torres v. Dep't of Homeland Sec.*, 411 F. Supp. 3d 1036 (C.D. Cal. 2019).

**SECOND CLAIM
(Due Process Clause of the Fifth Amendment to the U.S Constitution)**

32. All of the foregoing allegations are repeated and realleged as though fully set forth herein.

33. The Due Process Clause of the Fifth Amendment guarantees noncitizen detainees the right of access to the courts; the government may not unjustifiably obstruct that access. *See Procunier v. Martinez*, 416 U.S. 396 (1974); *Biwot v. Gonzales*, 403 F.3d 1094, 1098 (9th Cir. 2005).

34. This protection includes rights related to retaining and communicating with attorneys: Detainees must be afforded “reasonable time to locate counsel,” and counsel must be “permit[ted] . . . to prepare for the hearing.” *Rios-Berrios v. INS*, 776 F.2d 859, 862 (9th Cir. 1985). Impediments to communication after transfer to a remote facility can constitute a “constitutional deprivation” where they obstruct an “established on-going attorney-client relationship.” *Comm. of Cent. Am. Refugees v. INS*, 795 F.2d 1434, 1439 (9th Cir. 1986).

35. These protections apply to individuals held under color of the immigration laws. *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 554, 565 (9th Cir. 1990) (recognizing “aliens have a due process right to obtain counsel of their choice at their own expense,” and affirming injunction against government practices “the cumulative effect of which was to prevent aliens from contacting counsel and receiving any legal advice,” including the practice of denying visits with counsel). *See also Lyon v. ICE*, 171 F. Supp. 3d 961 (N.D. Cal. 2016) (plaintiffs stated a claim and survived summary judgment on access to courts and related due process claim based on insufficient phone access to call attorneys); *cf. Halvorsen v. Baird*, 146 F.3d 680, 689 (9th

Cir. 1998) (“That a person is committed civilly . . . cannot diminish his right not to be held incommunicado.”).

36. Defendants’ acts of seeking to prevent attorneys from meeting with their clients and potential clients while they are detained in Central Oregon and before they are transported by Defendants to another location, including the Northwest Detention Center in Tacoma, Washington, violates the Due Process Clause of the Fifth Amendment.

THIRD CLAIM
(First Amendment to the U.S. Constitution)

37. All of the foregoing allegations are repeated and realleged as though fully set forth herein.

38. The First Amendment guarantees detained individuals, including individuals detained by federal immigration authorities, the right to communicate with the outside world. *Valdez v. Rosenbaum*, 302 F.3d 1039, 1048 (9th Cir. 2002).

39. The First Amendment also protects the right to hire and consult with an attorney. *Mothershed v. Justices of Supreme Court*, 410 F.3d 602, 611 (2005), *as amended on denial of reh’g* (9th Cir. July 21, 2005). Defendants may not unreasonably restrict this right. *Id.*

40. Similarly, the First Amendment protects an attorney’s right to advise both retained clients and prospective litigants. *See NAACP v. Button*, 371 U.S. 415, 428–429 (1963); *In re Primus*, 436 U.S. 412, 414, 423–24 (1978).

41. By denying Plaintiff Law Lab of the opportunity to access, communicate with, and consult with its prospective clients, Defendants have violated, and continue to violate, Plaintiff Law Lab’s First Amendment rights.

PRAYER FOR RELIEF

Plaintiffs ask this Court to grant the following relief:

1. Take jurisdiction over this complaint;
2. Declare that the actions and practices of Defendants described above constitute violations of federal regulatory, statutory, and constitutional law;
3. Enjoin Defendants and their directors, officers, agents, and employees from transporting by any means any of individual detained in Central Oregon this week to location outside of the jurisdiction of this federal court for at least 48 hours;
4. Enjoin Defendants and their directors, officers, agents, and employees from preventing attorneys from visiting or communicating with individuals who have been arrested and detained in Central Oregon, and from proceeding with the individuals' immigration cases or deporting them until they have been provided an adequate opportunity to individually consult with an attorney;
5. Order Defendants to provide Plaintiff Innovation Law Lab with access to every individual arrested and detained in Central Oregon, so that Innovation Law Lab may provide "know your rights" training to the individuals and conduct individualized interviews in order to navigate the individuals into the Equity Corps of Oregon program or its Center of Excellence Program;
6. Order Defendants to provide written notice to Plaintiff Innovation Law Lab of any scheduled interviews, appointments for any of the individuals arrested and detained in Central Oregon;
7. Grant an award of attorneys' fees and costs; and
8. Grant such other relief as may be just and reasonable.

DATED this 12th day of August, 2020.

INNOVATION LAW LAB

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JS 44 (Rev. 09/19)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FEDERAL TAX SUITS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
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		<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
		<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ _____

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.