



United States District Court
Eastern District of Michigan

Jesse R. Enjaian,
Plaintiff,

Case:2:13-cv-13907
Judge: Cleland, Robert H.
MJ: Whalen, R. Steven
Filed: 09-12-2013 At 03:49 PM
CMP JESSE R. ENJAIAN V UNIVERSITY O
F MICHIGAN, ET AL (LG)

v.

University of Michigan,

and

Jose A. Dorta,

and

Renée Schomp,

Defendants.

COMPLAINT for declaratory relief from the University of Michigan and compensatory relief from Jose A. Dorta for the deprivation of protected Fourth Amendment rights pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 2201; and nominal relief from Renée Schomp for defamation pursuant to MCL 600.2911.

1. This action is brought by Jesse R. Enjaian to enforce Title 42 of the Civil Rights Act of 1871, 42 U.S.C. § 1983.

JURISDICTION AND VENUE

2. This court has jurisdiction over this action under 28 U.S.C. § 1331.
3. This court has supplemental jurisdiction over this action under 28 U.S.C. § 1367.
4. Venue is proper under 28 U.S.C. § 1391(b) because all the events giving rise to this action occurred in the Eastern District of Michigan, Defendants University of Michigan and Jose A. Dorta (“Dorta”) reside or do business in the Eastern District of Michigan, and all the claims concern or otherwise relate to real property located in the Eastern District of Michigan.

PARTIES

5. Defendant University of Michigan is an agency of the State of Michigan. At all times relevant, the University of Michigan has owned and operated the Department of Public Safety at 1239 Kipke, Ann Arbor, Michigan.
6. Defendant Dorta is a sergeant and resident agent of Defendant University of Michigan. At all times relevant to this complaint, Dorta has established policies and procedures and has made management decisions for the search and seizure of computer evidence during criminal investigations. In these capacities, Dorta has acted as the agent of Defendant University of Michigan. Dorta resides and does business in the Eastern District of Michigan.
7. Defendant Renée Schomp (“Schomp”) is a former classmate of the Plaintiff at the University of Michigan Law School, and at all times relevant to this complaint she was

residing in the Eastern District of Michigan in Ann Arbor. Schomp currently resides at 501 Sandretto Drive, Sebastopol, California. ✓

FACTUAL ALLEGATIONS

8. On December 9th, 2011, former law student Schomp made a phone call to the University of Michigan Department of Public Safety after receiving two email messages from me addressed to and received by the University of Michigan Law School at-large (i.e., almost one thousand recipients). This complaint alleged that the Plaintiff's emails constituted misdemeanor criminal stalking pursuant to MCL 750.411h.
9. The Defendants allege that, in response to this complaint, they obtained a search warrant to search and seize evidence related to criminal stalking.
10. The Defendants seized one laptop, one cell phone, one MP3 player, and four external storage devices. The electronic equipment was searched for 446 days before it was returned to the Plaintiff.
11. During all 446 days, Defendants refused to return any of the seized property to the Plaintiff despite numerous requests.
12. The warrant authorizing the search and seizure does not establish a nexus with the affidavit sufficient to allow the search and seizure of information and property not related to the criminal allegations. The warrant authorized such a broad search and seizure without any connection to criminal allegations that the searching officer seized the Plaintiff's non-Internet capable MP3 player, emails without any connection to the criminal allegations (i.e., all emails), and over 2,000 SMS or iMessage text messages many of which were not to any parties residing in Michigan and some not even residing in the United States of America.

13. On or about March 27, 2012, Schomp unreasonably if not recklessly communicated via a single email to Dorta and another employee of the University of Michigan that I possessed a firearm and intended to use it during an act of mass-homicide at the Law School or University at-large. Schomp also communicated that I had committed numerous other criminal acts within the Law School at the University of Michigan. For example, Schomp wrote to Dorta that she “has considered where the best place in the [L]aw [S]chool would be to hide in the event that [Enjaian] came to the [S]chool with a gun.” Plaintiff did not learn of these communications until approximately March, 2013 and could not have reasonably discovered them before then because the University of Michigan refused to disclose them pursuant to multiple FOIA requests citing the necessity of secrecy until the completion of their investigation as their defense to the requests. In fact, the investigation was completed, no charges were filed, and all property returned late-February, 2013.

CAUSE OF ACTION UNDER 42 U.S.C. § 1983 AND 28 U.S.C. § 2201

14. The personal laptop, cell phone, MP3 player, and several media devices of Jesse R. Enjaian were searched and seized for 446 days by the Defendants in violation of his Fourth Amendment protections.
15. The warrant authorizing the search and seizure lacks a sufficient nexus with the affidavit to satisfy minimum Fourth Amendment particularity requirements because it authorizes the search and seizure of all computer data irrespective of its relation to the instant criminal investigation.

CAUSE OF ACTION UNDER MCL 600.2911

16. Schomp's allegations, via email, to Dorta and another University of Michigan employee that she believed I possessed a firearm and may use it to commit various homicide-related crimes is libel per se not barred by the statute of limitations because of the discovery exception.

RELIEF

17. The Plaintiff respectfully requests compensatory damages from Dorta pursuant to 42 U.S.C. § 1983.
18. The Plaintiff respectfully requests a declaratory judgment against the University of Michigan declaring the warrant unconstitutionally overbroad pursuant to 42 U.S.C. § 1983, 28 U.S.C. § 2201, and Fed. R. Civ. P. 57.
19. The Plaintiff respectfully requests nominal damages from Schomp pursuant to MCL 600.2911.

JURY DEMAND

20. The Plaintiff respectfully demands a jury trial pursuant to Fed. R. Civ. P. 38.

September 6, 2013

/s/Jesse R. Enjaian
JESSE R. ENJAIAN
Pro se
4457 Alameda Drive
Fremont, CA 94536
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(Rev. 12/12)

CIVIL COVER SHEET

County in which action arose Washtenaw

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

Jesse R. Enjaian

DEFENDANTS

University of Michigan and Jose A. Dorta and Renée Schomp

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

County of Residence of First Listed Defendant Washtenaw County

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

Pro se, Jesse R. Enjaian, 4457 Alameda Drive, Fremont, CA 94536, (510) 793-0962

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1 Arbor,

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)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

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

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Estate, etc.

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 USC 1983
Brief description of cause: Deprivation of civil rights

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 2,664.97 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE Paul S. Grewal DOCKET NUMBER CV12-03924 PSG

DATE 9-6-13 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

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: Northern District of California _____

Case No.: C12-03924 _____

Judge: Paul S. Grewal _____

Notes :

New LawsUIT Check List

Instructions: Put a check mark in the box next to each appropriate entry to be sure you have all the required documents.

Two (2) completed Civil Cover Sheets.

Enter the number of defendants named in your lawsuit in the blank below, add 2 and then enter the total in the blank.

3 + 2 = 5 Complaints.
of Defendants Total

Received by Clerk: *[Signature]* Addresses are complete: *[Signature]* ^{No} Address in Dartz

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HERE

If any of your defendants are government agencies:
 Provide two (2) extra copies of the complaint for the U.S. Attorney and the Attorney General.

If Paying The Filing Fee:

Current new civil action filing fee is attached.
 Fees may be paid by check or money order made out to:

Clerk, U.S. District Court

Received by Clerk: _____ Receipt #: _____

If Asking That The Filing Fee Be Waived:

Two (2) completed Application to Proceed in District Court without Prepaying Fees or Costs forms.

Received by Clerk: *[Signature]*

Select the Method of Service you will employ to notify your defendants:

Service via Summons by Self

Service by U.S. Marshal (Only available if fee is waived)

Service via Waiver of Summons (U.S. Government cannot be a defendant)

Two (2) completed summonses for each defendant including each defendant's name and address.

Two (2) completed USM – 285 Forms per defendant, if you are requesting the U.S. Marshal conduct service of your complaint.

Two (2) completed Request for Service by U.S. Marshal form.

You need not submit any forms regarding the Waiver of Summons to the Clerk.

Once your case has been filed, or the Application to Proceed without Prepaying Fees and Costs has been granted, you will need:

- One (1) Notice of a Lawsuit and Request to Waive Service of a Summons form per defendant.
- Two (2) Waiver of the Service of Summons forms per defendant.

Send these forms along with your filed complaint and a self-addressed stamped envelope to each of your defendants.

Received by Clerk: _____

Received by Clerk: _____

Clerk's Office Use Only

Note any deficiencies here: *No Summons nor 285 forms*