

FILED LODGED
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APR 18 2013
CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
BY _____ B DEPUTY

1 **BRIAN G. PHILLIPS**
2 **7406 Riverton Avenue**
3 **Sun Valley, CA**
4 **(818) 982-4470**

5 **Plaintiff in Pro. Per.**

6 **UNITED STATES DISTRICT COURT**
7
8 **DISTRICT OF ARIZONA**

9 **BRIAN G. PHILLIPS,**

10 **Plaintiff,**

11 **v.**

12 **SALT RIVER POLICE**
13 **DEPARTMENT; PIMA**
14 **MARICOPA SHERIFF'S**
15 **DEPARTMENT; PAT DALLAS;**
16 **SALT RIVER CASINO,**

17 **Defendants.**

) **Case No: - CV-13-00798-PHX-LOA**
) **CIVIL RIGHTS COMPLAINT**
) **(42 U.S.C. Section 1983); RETURN**
) **OF PERSONAL PROPERTY;**
) **DECLARATORY AND INJUNCTIVE**
) **RELIEF**

18
19 **JURY TRIAL DEMANDED**

20 **JURISDICTION**

21 **This case is filed in accordance with 42 U.S.C., Section**
22 **1983, et. Seq. and alleges police misconduct, false arrest, civil rights violations,**
23 **conversion of personal property; this court has jurisdiction over civil rights**
24 **Matters in this state; plaintiff is alleging violations of federal law, pursuant to**
25 **The above code section and the precedent case of Bivens v. Six Unknown**
26
27
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1 **Federal Agents. This court has jurisdiction over such claims pursuant to**
2 **28 U.S.C. Section 1331 and 1343; the acts and omissions giving rise to**
3 **Plaintiff's claims occurred in Salt River, Arizona, and the damages occurred**
4 **As a result thereof; the correct venue is the District of Arizona.**

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6
7 **VENUE**

8 **Plaintiff resides in California and seeks to have this case litigated in Arizona**
9 **Federal Court; all the defendants do business and/or reside in Arizona.**

10
11 **IDENTIFICATION OF PARTIES**

12 **Defendant SALT RIVER POLICE DEPARTMENT is an entity duly**
13 **organized and existing under the laws of the State of Arizona; the same is**
14 **true for PIMA-MARICOPA SHERIFF'S DEPARTMENT, PAT DALLAS**
15 **and the SALT RIVER CASINO; a corporation duly organized under the laws**
16 **of the State of Arizona. Defendant PAT DALLAS, was and is employed as**
17 **the District Attorney by SALT RIVER, and committed and allowed the acts**
18 **complained of herein, while acting within the scope and course of his official**
19 **duties as District Attorney. He is sued in his individual capacity and official**
20 **Capacity.**

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25 **FACTS OF CASE**

26 **Plaintiff was arrested on the grounds of SALT RIVER CASINO, in late 2011.**
27 **He had a license to possess medical marijuana; his car was illegally**
28

1
2 **confiscated by the SALT RIVER POLICE DEPARTMENT, and plaintiff**
3 **Was never charged with any crime; he was never read his Miranda rights;**
4
5 **Plaintiff is contending a conspiracy and cover-up by the defendants and**
6 **each of them, similar to what 2 PIMA MARICOPA SHERIFFS who were**
7 **arrested, indicted and jailed in a similar case, wherein they confiscated cars**
8 **and property, illegally and sold them on the black market.**

9
10 **SALT RIVER has refused to return his car and property.**

11
12 **A civil action was filed by PAT DALLAS, and Mr. Phillips filed a timely**
13 **answer and counter-claimed. The answer and subsequent pleadings were**
14 **Supplemented by US Supreme Court and Court of Appeals case law, which**
15 **Salt River Court and DA blatantly ignored; in violation of federal law,**
16 **Salt River claimed it was immune from US law due to something vague and**
17 **Ambiguous such as being a “sovereign nation,’ like Somalia.**

18
19
20 **Mr. Phillips contends his rights were violated without regarding for his health**
21 **and financial loss, which has been great.**

22
23 **FIRST CAUSE OF ACTION – Violation of Civil Rights – 42 U.S.C. Section**

24
25 **1983**

26 **The illegal arrest and violation of plaintiff’s due process rights, without**
27 **charging him with any crime, has damaged his health; moreover the illegal**
28

1 seizure of his car and property was unreasonable under the circumstances,
2 This thus violated his right not to be subjected to unreasonable search and
3 seizure guaranteed by the 4th Amendment to the U.S. Constitution.
4

5 **SECOND CAUSE OF ACTION - Conversion of Personal Property**
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7 Plaintiff alleges that the defendants, and each of them, conspired and
8 Colluded to confiscate his vehicle, take his personal property and continue
9 To violate his civil rights, hiding behind so-called "Indian" law as a "foreign
10 Nation." Plaintiff has been damaged emotionally, physically and financially.
11 Moreover, the defendants have engaged in abuse of the legal process to
12 Cover their illegal acts, i.e., violation of plaintiff's rights and taking his car
13 And property to for their own illegal ends.
14
15

16 **THIRD CAUSE OF ACTION – INJUNCTIVE RELIEF**
17

18 Plaintiff is requesting that this court provide injunctive and/or declaratory
19 Relief, such as ordering his vehicle and personal property returned pending
20 The outcome of litigation.
21

22 **WHEREFORE PLAINTIFF PRAYS FOR JUDGMENT:**
23

- 24 1. For damages in excess of \$10,000,000;
- 25 2. For loss of earnings and medical expenses, to be determined;
- 26 3. For injunctive and/or declaratory relief;
- 27
- 28

1 **4. For immediate return of his vehicle and personal property.**
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3 **5. For such other and further relief as to this Court is deemed just**
4

5 **and proper.**
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7 **DATED: April 16, 2013**

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9 **BRIAN G. PHILLIPS**

10 **Plaintiff in Pro. Per.**
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