

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

-FILED-

JUL 24 2020

At _____ M
ROBERT N. TRGOVICH, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

Charles Hartsell, Jr.,
plaintiff, pro se,

v.

3:20-CV-550

Sgt. Schaaf, et. al.,
defendants,

AMENDED COMPLAINT

This is a civil rights complaint, filed under 42 U.S.C. § 1983, and § 1985. It is also a Bivens action.

- 1.) Charles Hartsell, Jr., is the plaintiff in this action. His address is 844 West Lincoln St., Pontiac, Ill. 61764.
- 2.) Sgt. Schaaf is a Pokagon Tribal

Police officer. He is being sued in his individual capacity, for actions he committed under color of state and federal law.

3) Erick Jordan is Michigan Police officer. He is also a Pokagon Tribal officer. He is being sued in his individual capacity, for actions he committed under color of state and federal law.

4) Officer Loza is a Pokagon Tribal officer. He is being sued in his individual capacity for actions he committed under color of state and federal law.

5) David Duis is a Pokagon Tribal officer. He is being sued in his individual capacity for actions he took under color of state and federal law.

6) Joshua VanShyck is the shift manager of security and is being sued in his individual capacity for actions he committed, and conspired to commit under color of state and federal law.

All named defendants are employed at the Four Winds Casino, 3000 Prairie Ave., South Bend, IN. 46614.

CLAIM AND FACTS

1) On February 23, 2019, plaintiff Hartsell was at the Four Winds Casino in South Bend, Indiana. Plaintiff was gambling with his parents. Earlier in the day, Plaintiff had met with an acquaintance, Jason Clevenger. Unknown to Hartsell, Clevenger had passed counterfeit currency to a casino patron.

2) Officer Jordan was called to investigate the counterfeit allegation. Jason Clevenger was arrested for an outstanding warrant.

3) At the direction of Joshua VanShyck, Sgt. Schaaf seized plaintiff. The plaintiff was seized and arrested without probable cause. Plaintiff was escorted to a room in the casino, where he was searched, over his objections, and without permission.

4) My personal property was seized, my cellphone was ordered to be searched by officer Loza. It has not been returned.

5) Officer Duis ordered the officers to search my person. This was performed by Sgt. Schaaf, over my objections.

6) I was transported to the St. Joseph Co. Jail, where I stayed until posting bail on February 26, 2019. I was charged with multiple state level felonies.

7) My state charges were dismissed. I was later indicted by grand jury in federal court under 3:19-CR-14-DRL-MGG. This entire indictment was dismissed, as the court found that plaintiff had been arrested without probable cause, without reasonable articulable suspicion, and searched illegally - all in violation of the Fourth Amendment.

8) Plaintiff pleaded guilty to a conspiracy charge by way of Information. Plaintiff

Hartsell is not suing to overturn his conviction. Plaintiff is suing each named defendant for knowingly violating his Fourth Amendment; for conspiring to violate these rights; and engaging in a pattern and practice of violating these rights.

9) Each named defendant acted jointly with the St. Joseph County police officers in executing the illegal seizures and arrests. Tribal police had called in the St. Joseph Co. officers to work in concert, to assist, and apprehend in the illegal arrests. By acting in concert with county police officers, the tribal police conducted themselves under color of state law.

10) The named tribal officers are also cross-deputized to perform certain actions under color of state law.

11) The tribal police further called in the FBI to coordinate after the illegal arrests had occurred. Whether under federal contract, or BIA funded, the tribal police acted under color of federal law by allowing a joint effort in the seizure and illegal search.

RELIEF

Plaintiff Hartsell is seeking

- 1) Declaratory judgment;
- 2) Compensatory damages, \$ 50,000.⁰⁰ per named defendant;
- 3) Punitive damages; \$ 100,000.⁰⁰ per named defendant;
- 4) Return of illegally seized evidence, still held in the evidence room at casino.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Charles Hartsell, Jr.

This is to certify that on this 18th day of July, 2020, I mailed to the Clerk of the Court, an Amended Complaint, and a Motion to File Amended Complaint.

Charles Hartsell Sr.