

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
Plaintiff,	§	
	§	
V.	§	
	§	Case No. 3:13-CV-2718
THIRTY-NINE (39) FIREARMS AND	§	
TWENTY-FIVE THOUSAND AND EIGHT	§	
ASSORTED ROUNDS OF AMMUNITION	§	
SEIZED ON JULY 16, 2011	§	
Defendant Property <i>In Rem.</i>	§	

COMPLAINT FOR FORFEITURE

Plaintiff United States of America (“the government”) files this complaint *in rem* against the defendant property, alleging the following pursuant to Rule G(2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (Federal Rules of Civil Procedure):

NATURE OF THE ACTION

1. The government seeks to forfeit the defendant property to the United States pursuant to 18 U.S.C. § 924(d) and Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (Federal Rules of Civil Procedure).

THE DEFENDANT PROPERTY AND ITS LOCATION

2. The defendant property is comprised of thirty-nine (39) firearms and twenty-five thousand and eight (25,008) rounds of assorted ammunition. A specific list of the defendant property is attached as Exhibit A to this complaint.

3. The Bureau of Alcohol, Tobacco, Firearms, and Explosives seized the defendant property on or about July 16, 2011 from the residence at 10210 Cromwell, Dallas, Texas 75229 in the Northern District of Texas.

4. The defendant property is currently in the custody and management of the Bureau of Alcohol, Tobacco, Firearms, and Explosives in the Northern District of Texas.

JURISDICTION AND VENUE

5. The court has subject matter jurisdiction of this cause of action by virtue of 28 U.S.C. §§ 1345 and 1355(a), since this is a forfeiture action commenced by the United States of America.

6. The court has *in rem* jurisdiction over the defendant property pursuant to 28 U.S.C. § 1355(b).

7. Venue is proper in the Northern District of Texas under 28 U.S.C. § 1355(b)(1) and 28 U.S.C. § 1395, because the acts or omissions giving rise to the forfeiture occurred in the Northern District of Texas.

POTENTIAL CLAIMANT TO DEFENDANT PROPERTY

8. The only potential claimant to the property known to the government is Robert Lewis III, who can be personally served at 10210 Cromwell, Dallas, Texas 75229 or through his attorney, Stuart E. Parker, Law Office of Stuart E. Parker, 2828 Routh St, Suite 850, Dallas, Texas 75201, 214.871.1775.

BASIS FOR FORFEITURE

9. A federal firearms license enables an individual to lawfully engage in a business pertaining to the manufacture of firearms and ammunition and/or the interstate and intrastate sale of firearms.
10. It is unlawful, under federal law, for any person except a licensed importer, licensed manufacturer, or licensed dealer to engage in the business of manufacturing or dealing in firearms, or, in the course of such business, to ship, transport, or receive any firearm in interstate commerce. 18 U.S.C. § 922(a)(1)(A) criminalizes such activity.
11. JP-TEN Sports is a business located at 2706 Valwood Pkwy, Farmers Branch, Texas. The owner of JP-TEN Sports has a federal firearms license.
12. Robert Lewis III ("Lewis") resides at 10210 Cromwell Drive, Dallas, Texas 75229.
13. Lewis does not possess a federal firearms license and did not possess such a license in 2010 or 2011.
14. Lewis does not possess a Texas concealed handgun license and did not possess such a license in 2010 or 2011.
15. Lewis has carried a .45 caliber pistol on his person into JP-TEN Sports on several occasions.
16. From October 9, 2010 through March 11, 2011, Lewis purchased fifteen (15) AR-15, .223 caliber lower firearm receivers and thirty (30) Elk River Tool and Die, 7.62 mm caliber lower receivers from JP-TEN Sports.

17. Lewis purchased five (5) Rock River Arms, Model LAR-15, 5.56 mm caliber receivers, serial numbers KT1035344, KT1015133, KT1015129, KT1030768, and KT1030746, from JP-TEN Sports on October 9, 2010.
18. Lewis purchased five (5) Rock River Arms, Model LAR-15, 5.56 mm caliber receivers, serial number KT1102785, KT1102784, KT1102782, KT1102767, and KT1102771 and ten (10) Elk River, Model ERTD, 7.62x39 mm caliber receivers, serial numbers CC6282, CC6416, CC6476, CC6044, CC6483, CC6155, CC6446, CC6216, CC6181, and CC6172, from JP-TEN Sports on November 27, 2010.
19. Lewis purchased twenty (20) Elk River, Model ERTD, 7.62x39 mm caliber receivers, serial numbers CC5575, CC5653, CC5935, CC5586, CC5633, CC5641, CC5590, CC5573, CC5514, CC5734, CC5879, CC5618, CC5851, CC5635, CC5611, CC5701, CC5764, CC5952, CC5961, and CC5594, from JP-TEN Sports on February 5, 2011.
20. Lewis purchased five (5) Rock River Arms, Model LAR-15, 5.56 mm caliber receivers, serial numbers AC2024358, AC2024363, AC2024364, AC2024365, and AC2024366, from JP-TEN Sports on March 11, 2011.
21. From October 9, 2010 through March 11, 2011, Lewis also purchased parts kits for AR-15 and 7.62 mm rifles from JP-TEN Sports.
22. The receivers and the parts kits purchased from JP-TEN Sports enabled Lewis to manufacture assembled firearms.

23. Two of the receivers Lewis purchased from JP-TEN Sports on November 27, 2010 (Elk River Tool and Die Inc., Model ERTD, 7.62 caliber rifles, serial numbers CC6181 and CC6483), were seized from Edwardo Ibarra in Hidalgo, Texas on January 11, 2011 by the Hidalgo Police Department. The two receivers had been incorporated into fully-assembled rifles.

24. Ibarra also had thirteen other firearms in his possession on January 11, 2011. It is believed that the fifteen rifles were intended to be smuggled into the Republic of Mexico.

25. The Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") began investigating potential firearms trafficking involving Lewis in March 2011.

26. In May 2011, Lewis purchased 20 AK-style firearms receivers and arranged for them to be shipped to JP-TEN Sports. The receivers arrived at JP-TEN Sports on or about June 22, 2011.

27. In or around May through June 2011, Lewis purchased additional firearms receivers from sources located in the United States, including in Ohio and Missouri. Subsequently, Lewis notified the owner of JP-TEN Sports that the receivers ordered from Ohio would be arriving at JP-TEN Sports in July 2011. Subsequently, Lewis notified JP-TEN Sports' owner that ten more AK74 firearms receivers would be coming to JP-TEN Sports from Missouri.

28. On July 2, 2011, Lewis came to JP-TEN Sports with his son, Robert Stewart Lewis IV to complete the purchase of a PS90 rifle. Robert Stewart Lewis filled out the paperwork for the rifle's transfer, and Lewis retrieved cash from his pockets to pay the

transfer fee. The owner of JP-TEN Sports then told Lewis that he could not transfer the rifle to Lewis, since the purchase appeared to be a straw purchase.

29. On July 16, 2011, Lewis came to JP-TEN Sports to redeem a shipment of AK-style firearms receivers he had ordered online. As Lewis left the store, ATF agents detained him.

30. The ATF agent(s) told Lewis that they had a federal search warrant for Lewis's residence (10210 Cromwell Drive, Dallas, Texas) and would like him to be present when the warrant was executed.

31. ATF Special Agent Kevin Mack ("S/A Mack") asked Lewis if he would provide the key to his residence. Lewis agreed to do so.

32. Lewis also agreed for S/A Mack to drive Lewis to 10210 Cromwell Drive, Dallas, Texas in the 1999 Toyota Tacoma truck owned by Lewis. S/A Mack drove the truck to 10210 Cromwell Drive with Lewis as the front seat passenger.

33. During the drive, Lewis asked S/A Mack, "So you are the case agent? Tell me what this is about."

34. During the drive, Lewis told S/A Mack that he (Lewis) did not have a job, receives VA disability benefits, and attends school.

35. During the drive, Lewis told S/A that he (Lewis) would sell some of the firearms he had built whenever he (Lewis) gets into a bind for school.

36. During the drive, Lewis told S/A Mack that he (Lewis) was in the Army and suffered injuries resulting in grenade fragments in his back and legs and has received VA disability benefits for some time.

37. During the drive, Lewis told S/A Mack that the VA pays for his college and provided him with a computer.

38. During the drive, Lewis told S/A Mack that he had been building rifles for years and has never had a problem, stating he was good at it and he knows what he is doing. S/A Mack responded that if he (Lewis) is that good, he (Lewis) needs to get a dealers or manufacturers license through ATF and conduct his business legally. Lewis told S/A Mack that his friends had mentioned it (getting a license) to him in the past. He also told S/A Mack that, "You can just give me the Form 7 and we are done. You wouldn't even have to do all this."

39. During the drive, Lewis asked S/A Mack if the ATF was going to take away his "toys." S/A Mack responded that since the search warrant covered firearms, firearm receivers, firearms kits, and ammunition, the ATF would be taking the "toys" as evidence. Lewis responded, "So what am I supposed to do for money?" S/A Mack replied, "Get a license and you can build and deal all you want, you just have to follow the rules."

40. During the drive, S/A Mack told Lewis that two (2) of his firearms, as well as one belonging to an associate of Lewis, had been recovered in a criminal incident in Hidalgo,

Texas. Lewis responded that it wasn't their intent to sell firearms that were to go south into Mexico.

41. ATF agents entered the residence at 10210 Cromwell Drive, Dallas, Texas on July 16, 2011 pursuant to the warrant and with Lewis's assistance. Thirty-nine firearms and twenty-five thousand and eight (25,008) assorted rounds of ammunition were inside the residence.

42. Additionally, several AK-style rifle barrels, numerous rifle stocks and parts (including receivers), and assorted firearms manufacturing machinery were inside the residence.

43. At the residence, S/A Mack asked Lewis why he had so many firearms and parts. Lewis responded, "It's like I said before, it's kind of a hobby of mine."

44. At the residence, S/A Mack asked Lewis how much money he would actually make selling the firearms he had built. Lewis responded, "It's not like I make a lot of money from this, sometimes you make money on one but you put so much into some that it's like it balances itself out because I wouldn't make any (money) on the others."

45. During the search, Lewis's father and mother arrived at the residence. When S/A Mack told Lewis's father that ATF agents were searching for firearms, firearms parts, firearms kits, ammunition, and paper/digital materials relating to firearms, the father replied, "So you are gonna take away his livelihood? Of course you are gonna find guns and all that, is that illegal?"

46. Lewis's father told S/A Mack that Lewis is a student, doesn't have a job, receives VA disability benefits, and sells his guns occasionally.
47. When S/A Mack asked Lewis's father how Lewis was able to make firearms-related purchases online, Lewis's father stated that Lewis uses the father's credit card, but would always pay him back.
48. According to Lewis's father, Lewis sells guns to an individual in Houston.
49. Lewis told S/A Mack that he was about to order twenty-five (25) more receivers to have delivered to the JP-TEN Sports.
50. Lewis also told S/A Mack that he had been selling his guns for over twenty (20) years and hadn't had a problem until now.
51. Federal law (18 U.S.C. § 924(d)) provides that any firearm or ammunition involved or used in a willful violation of 18 U.S.C. § 922(a)(1)(A) shall be subject to seizure and forfeiture.
52. Based on the foregoing, the property is subject to forfeiture pursuant to 18 U.S.C. § 924(d) concerning a violation or violations of 18 U.S.C. § 922(a)(1)(A).

RELIEF SOUGHT

53. Therefore, the government requests the following:
 - a. the District Clerk issue a warrant for the arrest of the defendant property pursuant to Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions;

- b. the ATF arrest the defendant property pursuant to the warrant, as provided by Rule G(3)(c) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions;
- c. the government publish notice of the complaint for forfeiture on the website www.forfeiture.gov for at least 30 consecutive days, in accordance with Rule G(4)(a)(iv)(c) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions;
- d. the ATF serve notice, pursuant to Rule G(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, on any person reasonably appearing to be a known potential claimant, advising the person of the date of notice; of the deadline for filing a claim; that an answer or motion under Rule 12(b) must be filed no later than 21 days after the filing of the claim; and of the name of the government's attorney to be served with the claim and answer;
- e. the court, after all proceedings are had on this complaint for forfeiture, declare the defendant property forfeited to the government according to law;
- f. the court appropriately tax all costs and expenses incurred by the government in obtaining the forfeiture of the defendant property against any persons or entities who filed a verified claim and answer herein; and
- g. the court grant the government any further relief, at law or in equity, to which it may show itself justly entitled.

Respectfully submitted,

SARAH R. SALDAÑA
United States Attorney

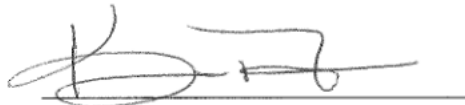
/s/ JOHN J. DE LA GARZA III
Assistant United States Attorney
Texas State Bar Number 00796455
1100 Commerce St., Third Floor
Dallas, Texas 75242
Telephone: (214) 659-8682
Facsimile: (214) 659-8803
John.delagarza@usdoj.gov

VERIFICATION OF COMPLAINT

I, Kevin A. Mack, declare under penalty of perjury that the following is true and correct to the best of my knowledge.

I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and I have been assigned to assist in the forfeiture of the defendant property. I have read the foregoing Complaint for Forfeiture and know its contents. The information contained in the Complaint for Forfeiture has been furnished from official government sources and, based on information and belief, the allegations contained in it are true and correct.

Date: July 15, 2013

A handwritten signature in black ink, appearing to read 'K. Mack', written over a horizontal line.

KEVIN MACK
SPECIAL AGENT
BUREAU OF ALCOHOL, TOBACCO,
FIREARMS, AND EXPLOSIVES

CIVIL COVER SHEET

The JS 44 civil coversheet 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

United States of America

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
AUSA John J. de la Garza III
1100 Commerce Street, Suite 300
Dallas, Texas 75242 (214) 659-8682

DEFENDANTS

Thirty-nine (39) firearms and twenty-five thousand and eight (25,008) rounds of assorted ammunition seized on July 16, 2011

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)

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 (Excl. 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 - Med. Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input checked="" 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"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <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 <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	LABOR	SOCIAL SECURITY
<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	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <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"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. 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 Empl. Ret. Inc. Security Act	<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))
			IMMIGRATION	FEDERAL TAX SUITS
			<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	<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

VI. CAUSE OF ACTION

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

Civil Forfeiture 18 U.S.C. § 924(d)

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$

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

VIII. RELATED CASE(S) PENDING OR CLOSED:

(See Instructions)

JUDGE David C. Godbey

DOCKET NUMBER 3:11-MC-140-N

DATE 07/15/2013 SIGNATURE OF ATTORNEY OF RECORD

/s/ John J. de la Garza III

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

Print

Save As...

Reset

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.C.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; 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 the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

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. When the petition for removal is granted, check this box.

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. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

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 dollar amount (in thousands of dollars) 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 cases that are related to this filing, if any. If a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases. A case is "related" to this filing if the case: (1) involves some or all of the same parties and is based on the same or similar claim; (2) involves the same property, transaction, or event; (3) involves substantially similar issues of law and fact; and/or (4) involves the same estate in a bankruptcy appeal.

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