

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI**

CONRAD JULES BRAUN,	)	
Plaintiff,	)	
v.	)	Case No. 4:02-cv-00785
	)	
FOUR UNKNOWN U.S MARSHALS,	)	
CORRECTIONS OFFICER BRUCE	)	
ROBERTS, WARDEN LAWRENCE,	)	
Defendants.	)	

**CIVIL COMPLAINT PURSUANT TO 28 U.S.S. § 1331, § 1332 AND § 1334**

I. JURISDICTION AND VENUE:

- a. This is an action for damages sustained by an injured party living in California against Four Unknown United States Marshals, Corrections Officer Bruce Roberts and Warden Lawrence sued pursuant to Title 28 U.S.C. § 1331, § 1332 and §1334.
- b. This is an action under Bivens, Title 42 USC § 1983, 1985(2) before semi-colon, 1986, and 1988.

II. PARTIES TO THIS CIVIL ACTION:

- a. Plaintiff: Conrad J. Braun, 3940 Hancock Street, Suite 208, San Diego, CA 92110.
- b. Defendant: Four Unknown U.S. Marshals employed as U.S. Marshals at Kansas City International Airport, sued in individual and official capacity.

- c. Defendant Bruce Roberts employed as Corrections Officer at Corrections Corporation of America (CCA), Leavenworth Detention Center, 100 Hwy Terrace, Leavenworth, KS 66048. sued in individual and official capacity
- d. Defendant Warden Lawrence employed as Warden at CCA, Leavenworth Detention Center, 100 Hwy Terrace, Leavenworth, KS 66048. sued in individual and official capacity.

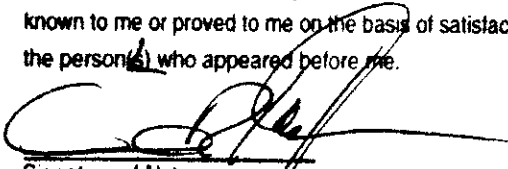
III. STATEMENT OF FACTS: See handwritten attachment with exhibit.

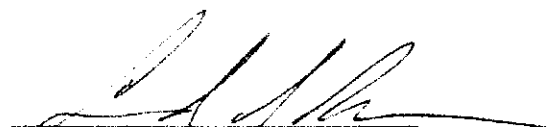
IV. RELIEF: The plaintiff seeks injunctive relief correcting U.S. Marshal Service custom and policy to seize and destroy prisoner legal materials. The plaintiff seeks injunctive relief requiring U.S. Marshal Service to require identification badges at all times when handling prisoners. The plaintiff seeks unspecified actual and punitive damages. The plaintiff seeks reconstruction of legal materials from court records seized and destroyed while in custody. The plaintiff seeks injunctive relief declaring Title 18 USC 1915(g) unconstitutional. The plaintiff seeks injunctive declaring Sentencing Reform Act of 1984 in violation of Title 1 USC 106(a) and, hence, not enacted.

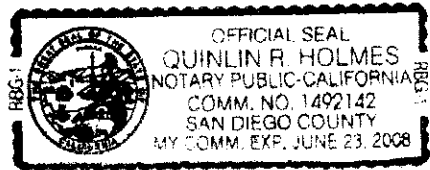
I declare under penalty of perjury that the above and foregoing is true and correct. Executed this 11<sup>th</sup> day of October 2005.

State of California  
County of SAN DIEGO

Subscribed and sworn to (or affirmed) before me this 11 day of OCTOBER, 2005, by CONRAD BRAUN, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

  
Signature of Notary

  
Conrad J. Braun  
3940 Hancock Street, Suite 208  
San Diego, CA 92110



Upon my arrival at CCA in October 2000. I was asked to sign a statement providing CCA the right to destroy my legal materials if I did not arrange for their shipment before I left. I declared I was indignant, refused to sign the statement, and requested a copy of the waiver. CCA refused to provide a copy.

At that time I heard R&D officer Roberts accept by telephone 17 Iowa prisoners knowing the facilities were overcrowded. The following day I was housed in an overcrowded medical ward used for the overflow. Inmates related this had been going on since June. I met Willie Turner who was obviously dying. I immediately filed a class action suit in the district of Kansas naming Mr. Turner and myself as plaintiffs. I understand Mr. Turner was moved to Veterans' Hospital where he died days later. When I returned to the medical ward in November the situation was corrected.

On April 5, 2001 I was revoked by Judge Nowelle. Laughery and sentenced to 24 months for violation of supervised release. Shortly thereafter I went through CCA administrative remedies requesting that they forward my legal materials to my designated institution in the event I was shipped. The Warden indicated at the exhaustion of remedies that this was up to the U.S. Marshals.

I next filed a motion for a temporary restraining order and motion for hearing for permanent injunctive relief on behalf of all similarly situated prisoners against the U.S. Marshals and CCA policy and custom to seize and destroy prisoner legal materials. The completion of administrative remedies was attached to the complaint, the U.S. Marshal Service and CCA were named as defendants, and the case CONRAD J. BRAUN v. United States Marshal Service was assigned to Judge G.T. Von Bobber in the district of Kansas. (It should be noted that Judge Von Bobber and/or his law clerk also have a history of seizing and destroying my legal materials before they are filed with the Clerk of Court. See CONRAD J. BRAUN v Dept of Justice (WPNO) before Judge Dean Whipple. I cannot provide the case number as my record has been seized and apparently destroyed.

On May 29, 2001 the pod officer came into our eight man cell and said, "BRAUN, pack your shit. You are being shipped." I advised the pod officer to consult with his supervisor, that I was not going anywhere without my legal materials. The CO repeated his order to pack up and I made it clear that while I would not resist, I would have to be carried on that compliance if my legal materials didn't go with me. The CO left.

Ten minutes later the CO returned and ordered all other prisoners out of the eight man cell. I remained on the top bunk. After the seven other prisoners were secured in another area Supervisor Super entered the cell and assured me that my legal materials would be traveling with me. I said that was all I needed to hear and immediately jumped down from my bunk gathering my legal materials. Upon entering the PTD holding area my legal materials at all times remained in plain sight.

After gathering approximately 30 prisoners for transfer, I was the first name called to be chained and black boxed. After all prisoners were chained I noticed only two others were black boxed. I hobbled to an older gentleman and asked why he was black boxed. He replied that years ago he had escaped. I hobbled to the other black boxed prisoner and he too revealed an escape history. I caught the attention of Chief of Security Perry and quietly asked him if he knew why I was black boxed. Chief Perry said he did not know why, but it came on orders by the U.S. Marshals.

As we loaded on the van my legal materials were at all times placed in my sight. I was conspicuously seated on the second row outside seat next to the door of the van. My legal materials were placed in the front seat next to the driver.

The air marshal plane arrived next to the TWA overhaul base. The bus from Leavenworth Penitentiary was the first to unload, followed by the first CCA van. I was in the second van. When the Marshals approached the van, the driver carried my legal materials to the marshal in charge. The driver identified the legal materials as belonging to Conrad BRAUN 05869-031. The marshal consulted his manifest and loudly proclaimed he had no authorization to carry legal materials for Conrad BRAUN, refused custody of the box, and the driver returned them to the front seat of the van.

I informed the driver that I was assured that my legal materials were going with me and that I was not getting on that plane voluntarily without them. The driver advised me not to mess with the U.S. Marshals.

The van door was opened and the first three prisoners were processed. The marshal then asked my name and number. I responded and indicated we have a problem here. The marshal stepped inside and sat on the front row of the van. I asked, "Who's in charge here?" The Marshall responded, "I am!" I asked, "What is your name and why don't you have name badges?" The officer was non-plussed. I explained that

CCA had assured me that my legal materials are traveling with me and now they tell me you are refusing to take them. I informed the U.S. Marshal in charge that he was interfering with the administration of justice in Federal courts. The marshal in charge indicated that he was not authorized to take my legal materials and indicated it is my attorney's responsibility to deal with my legal materials. I replied that I was indigent and had no attorney. I indicated that while I would not resist, I would not cooperate in getting on the airplane without my legal materials. The marshal in charge huffed, "Only a fool has no attorney." I bit my tongue and the marshal in charge asked if I would step out of the van. I said I would. Two marshals outside the van quickly searched me and ordered me in line to board the airplane. I indicated that I refuse to board the airplane voluntarily without my legal materials. The two marshals, again without name tags, each grabbed one arm and firmly, but gently, escorted me onto the airplane. I was not put in isolation, but instead was seated next to a prisoner with medical disabilities. Upon arrival at Oklahoma Transfer Center an older black marshal asked me to please move so that the medical prisoner

could deplore. I indicated I was going nowhere voluntarily until I had my legal materials. The older black marshal said my legal materials were stowed in baggage. I replied that while I did not believe him, I would cooperate based on this information.

At Oklahoma Transfer Center custody changed from U.S. Marshals to the Bureau of Prisons. I indicated I wished to ship my clothes. When the BOP officer asked where I wanted them shipped I replied that the address was in my legal materials and that a U.S. Marshal indicated these come with me. The BOP officer checked his manifest and indicated no legal materials were stowed for me. I then donated my clothes to charity.

On May 30, 2001 I was provided three postage stamps at Oklahoma Transfer Center. I mailed an affidavit concerning my experience to Patrick Fishery, Clerk 10<sup>th</sup> Circuit Court of Appeals, Ant Brisbane at the Kansas City Star, and I also wrote Warden Lawrence at CCA requesting that he safeguard my legal materials until I was able to arrange shipment to BOP.

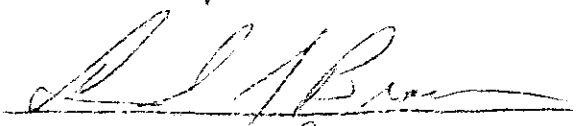
On the morning of May 31, 2001 I was transferred from Oklahoma Transfer Center by the U.S. Marshals to Florence-FCI without incident.

It should be noted that I was not black boxed during this transfer.

On June 21, 2001 Pueblo A Unit Counselor Blank informed me that he was able to reach CCA - Leavenworth Detention Center. Mr. Blank informed me that CCA officer Bruce Roberts told him that the U.S. Marshal Service destroyed my legal materials at the airport. As per stated earlier, the U.S. Marshal Service refused to accept custody of my legal materials and the CCA driver returned my legal materials to the front seat of the van in the custody of CCA. At no time did I observe the U.S. Marshal's take custody of my legal materials. I immediately reported an apparent violation of Title 18 USC 1001 and Title 18 USC 241 to Patricia Fisher (IOCA) Warden Gallegos, and Unit Manager Larena pursuant to my duty as per Title 18 USC 4.

I declare under penalty of perjury that I am the affiant and that the above and foregoing outlined in pages 3a through 3g is true and correct to the best of my knowledge.

Executed on: 6/26/01

  
Conrad J. Brown  
Federal Prisoner #05869-031  
FCI - Florence

Inmate Request To Staff answered  
6/26/01 is attached

TO: (Name and Title of Staff Member) Counselor Blouk	DATE: 6/18/01
FROM: Conrad J. Brien Brawn	REGISTER NO.: 05869-031
WORK ASSIGNMENT: Laundry	UNIT: B/16

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

I am searching for my legal materials  
They were left at: Corrections Corp of America  
100 Hwy Ten  
Leavenworth, KS 66048

Cindy Collins - Program Director  
Chief Perry - Chief of Security  
Warden Lawrence

(Do not write below this line)

DISPOSITION:

I contacted CCA in Leavenworth, KS. I spoke with Bruce Roberts there and he stated that inmate Brawn's property was given to the US Marshalls. Mr. Roberts stated that the US Marshalls destroyed the property there because inmate Brawn would not provide them with a forwarding address.

Signature Staff Member

J Blouk

Date

6/26/01