

1 Scott A. McMillan, SBN 212506  
The McMillan Law Firm, APC  
2 4670 Nebo Dr., Suite 200  
La Mesa, CA 91941-5230  
3 Tel. 619-464-1500 x 14 // Fax (206) 600-5095  
email: [scott@mcmillanlaw.us](mailto:scott@mcmillanlaw.us)

4 Alan Alexander Beck, SBN 276646  
5 Attorney at Law  
4780 Governor Drive  
6 San Diego, CA 92122  
Telephone: (619) 971-0414  
7 Email: [ngord2000@yahoo.com](mailto:ngord2000@yahoo.com)

8 Attorneys for Dimitrios Karras

9  
10 UNITED STATES DISTRICT COURT  
11 SOUTHERN DISTRICT OF CALIFORNIA

12 DIMITRIOS KARRAS, an individual,

13  
14 Plaintiff,

15 v.

16 WILLIAM D. GORE, SHERIFF, in  
his official capacity, COUNTY OF  
17 SAN DIEGO, a municipal  
corporation, JAN CALDWELL, an  
18 individual, UNKNOWN SAN  
DIEGO COUNTY SHERIFF'S  
19 DEPARTMENT FACEBOOK FAN  
PAGE ADMINISTRATORS II  
20 THROUGH V, in their individual and  
official capacities, inclusive, DOES  
21 VI THROUGH XX, inclusive,

22 Defendants.  
23  
24

Case No. 3:14-cv-02564-BEN-KSC

FIRST AMENDED COMPLAINT  
FOR DAMAGES, DEPRIVATION  
OF CIVIL RIGHTS,  
DECLARATORY AND  
INJUNCTIVE RELIEF UNDER THE  
FIRST, FIFTH AND FOURTEENTH  
AMENDMENT TO THE  
UNITED STATES CONSTITUTION  
(42 U.S.C. § 1983); JURY TRIAL  
DEMAND

25 Plaintiff alleges as follows:  
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1 **GENERAL ALLEGATIONS**

2 1. This Court has subject matter jurisdiction under 42 U.S.C. § 1983 and 28  
3 U.S.C. §§ 1331, 1343, 2201, and 2202.

4 2. Plaintiff is informed and believes, and based thereon alleges, that  
5 Defendant COUNTY OF SAN DIEGO, sued in its capacity as a municipal  
6 corporation, is a municipal corporation incorporated under the laws of the State of  
7 California, and a person subject to liability under 42 U.S.C. § 1983.

8 3. Plaintiff is informed and believes, and based thereon alleges that  
9 Defendant SHERIFF WILLIAM D. GORE, sued in his official capacity is, at all  
10 times relevant herein, an agent acting under color of state law, and a person  
11 subject to liability under 42 U.S.C. § 1983.

12 4. Plaintiff is informed and believes, and based thereon alleges that  
13 Defendants designated as UNKNOWN SAN DIEGO COUNTY SHERIFF’S  
14 DEPARTMENT FACEBOOK FAN PAGE ADMINISTRATORS II THROUGH  
15 V, inclusive, sued in their official and individual capacities are, at all time relevant  
16 herein, agents acting under color of “state” law, and are persons subject to liability  
17 under 42 U.S.C. § 1983, and are responsible, in some manner, for the events and  
18 happening described herein. The true names and capacities of the various  
19 UNKNOWN SAN DIEGO COUNTY SHERIFF’S DEPARTMENT FACEBOOK  
20 FAN PAGE ADMINISTRATORS are not currently known to Plaintiff. Plaintiff  
21 will amend this complaint to reflect the true names and identities of the  
22 aforementioned parties at such time as they become known.

23 5. Plaintiff is informed and believes, that Defendant JAN CALDWELL, an  
24 individual, is the same person as the female San Diego County Sheriff previously  
25 sued as “ UNKNOWN SAN DIEGO COUNTY SHERIFF'S DEPARTMENT  
26 FACEBOOK FAN PAGE ADMINISTRATORS” in the Complaint initially filed  
27 herein. Defendant JAN CALDWELL is sued in both her individual and official  
28 capacity. As of November 17, 2014, the San Diego County Sheriff’s office

1 identified Defendant JAN CALDWELL on its Internet webpage with the  
2 following information:

3 “JAN CALDWELL, PUBLIC AFFAIRS OFFICER

4 Jan Caldwell joined the San Diego County Sheriff's Department as  
5 the department's Public Affairs Officer in October 2006. She is  
6 responsible for the oversight of the Office of Public Affairs,  
7 publication of the department's annual report, news releases,  
8 promotional materials, internal/external communications, news  
9 conferences, and special events. She is a member of the Sheriff's  
10 Executive Management Team and advises the Sheriff, Undersheriff,  
11 and Command Staff on matters involving media relations.

12 Caldwell retired as a Special Agent from the Federal Bureau of  
13 Investigation in September 2006. During her 32-year career, she was  
14 assigned to the San Diego, San Francisco and Las Vegas divisions  
15 and worked a variety of general criminal investigations. She also  
16 worked in the Ottawa and Bern Legal Attaches, and was a  
17 crisis/hostage negotiator. She responded to New York City after the  
18 downing of TWA Flight 800, Oklahoma City after the bombing of the  
19 Murrah Federal Building, and the Pentagon after the 9/11 terrorist  
20 attacks.

21 Caldwell is a member of the Board of Directors of San Diego County  
22 Crimestoppers and chairs the Campus Crime Stoppers Committee.  
23 She has taught hostage negotiation, undercover techniques, crisis  
24 response and media relations at the FBI Academy in Quantico,  
25 Virginia.

26 Ms. Caldwell holds a Master of Science in Organizational  
27 Management and Bachelor of Science in Clinical Abnormal  
28 Psychology, both from the University of LaVerne.”

29 <http://www.sdsheiff.net/commandstaff/caldwell.html>, (November 17, 2014)

30 6. Plaintiff is informed and believes that Defendant JAN CALDWELL'S  
31 conduct and statements are indistinguishable from, and as a matter of law are, the  
32 official policy of the San Diego Sheriff's Department. JAN CALDWELL'S  
33 express statements reflecting an official animosity towards those who criticize her  
34

1 employer or her or verbally confront her or her employer is the official policy of  
2 the San Diego Sheriff's Department.

3 7. Plaintiff is informed and believes, and based thereon alleges, that  
4 Defendants, and each of them, including UNKNOWN SAN DIEGO COUNTY  
5 SHERIFF'S DEPARTMENT FACEBOOK FAN PAGE ADMINISTRATORS,  
6 sued in both their personal and official capacity, inclusive, were the agents,  
7 servants, employees, successors, assignees, transferees, and/or joint venturers of  
8 its co-defendants, and each was, as such, acting within the course, scope and  
9 authority of said agency, employment and/or joint venture and was acting with the  
10 consent, permission and authorization of each of the remaining Defendants. Also,  
11 Defendants, when acting as a principal, may have been negligent in the selection  
12 and hiring of each and every other Defendant as agent, employee and/or joint  
13 venturer. All actions of each Defendant as alleged herein were ratified and  
14 approved by every other Defendant or its officers or managing agents.

15 8. Defendants, DOES VI THROUGH XX, inclusive, were at all relevant  
16 times employees of Defendants, and in doing the acts herein described, acted  
17 within the course of scope of their employment with Defendants.

18 9. Plaintiff is ignorant of the true names and capacities of Defendants sued  
19 herein as DOES VI THROUGH XX, inclusive, and therefore, sues these  
20 Defendants by such fictitious names. Plaintiff will amend this complaint to allege  
21 their true names and capacities when ascertained.

22 10. This Court has personal jurisdiction over Defendant COUNTY OF  
23 SAN DIEGO because it is a municipal corporation incorporated under the laws of  
24 the State of California.

25 11. This Court has personal jurisdiction over Defendants SHERIFF  
26 WILLIAM D. GORE, in his official capacity, JAN CALDWELL, UNKNOWN  
27 SAN DIEGO COUNTY SHERIFF'S DEPARTMENT FACEBOOK FAN PAGE  
28 ADMINISTRATORS, inclusive, in their individual and official capacities, and

1 DOES VI THROUGH XX, inclusive, because they are agents of a municipal  
2 corporation incorporated under the laws of the State of California.

3 12. This Court also has personal jurisdiction over each of the Defendants  
4 because Plaintiff alleges that they, inter alia, acted under the color of state laws,  
5 policies, customs, and/or practices of the County of San Diego, a municipal  
6 corporation.

7 13. Plaintiff Dimitrios Karras is an individual, residing in the County of  
8 San Diego, California.

9 14. Venue is proper under 28 U.S.C. § 1391.

10 15. Plaintiff hereby demands a jury trial under Fed. R. Civ. P. 38(b).

### 11 **FACTUAL ALLEGATIONS**

12 16. As of Oct. 10, 2014, Defendants operated a Facebook fan page for the  
13 San Diego County Sheriff's Department, which invited the Internet community to  
14 share its opinions on "any topic to post anything they want on their social media  
15 accounts" via comment postings on its Facebook fan page. E.g., San Diego County  
16 Sheriff's Department, <https://www.facebook.com/sdsheiff>. Plaintiff attaches a  
17 printed image of the "General Information" section of the Facebook fan page  
18 hereto as Exhibit One. Exhibit One is specifically incorporated herein as is  
19 restated verbatim herein:

#### 20 **About**

21 Sheriff Bill Gore - Official San Diego County Sheriff's Department -  
22 This is a non-emergency communications tool. In an emergency dial  
23 9-1-1.

#### 24 **Description**

25 The San Diego County Sheriff's Department is the chief law  
26 enforcement agency in San Diego County. The department is  
27 comprised of approximately 4,000 employees, both sworn officers  
28 and professional support staff. The department provides general law  
enforcement, detention and court services for the people of San Diego  
County in a service area of approximately 4,200 square miles.

1 In addition, the department provides specialized regional services to  
2 the entire county, including the incorporated cities and the  
3 unincorporated areas of the county.

4  
5 **SHERIFF'S ROLE**

6 The Sheriff, elected by the residents of San Diego County, is the chief  
7 executive of the department. He manages seven major detention  
8 facilities as well as eight major patrol stations, four patrol substations,  
9 a crime laboratory and an array of support operations necessary to  
provide full law enforcement coverage for the County of San Diego.

10 **GENERAL SERVICE AREAS**

11 The San Diego County Sheriff's Department is organized into six  
12 general service areas which includes the following:

- 13 |Office of the Sheriff
- 14 |Law Enforcement Services
- 15 |Detention Facility Services
- 16 |Court Services
- 17 |Human Resource Services
- 18 |Management Services
- 19 Law Enforcement Services

20 The San Diego County Sheriff's Department provides contract law  
21 enforcement services for the cities of Del Mar, Encinitas, Imperial  
22 Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach and  
23 Vista. In these cities the Sheriff's Department serves as their police  
24 department, providing a full range of law enforcement

25  
26 In the unincorporated (non-city) areas, the Sheriff's Department  
27 provides generalized patrol and investigative services. The California  
28 Highway Patrol has the primary jurisdiction for traffic services in  
unincorporated areas.

**Detention Services**

The San Diego County Sheriff's Department operates seven detention  
facilities. Male arrestees are booked at the San Diego Central Jail and

1 Vista Detention Facility, while female arrestees are booked at the Las  
2 Colinas and Vista Detention Facilities. The remaining jails house  
inmates in the care of the Sheriff.

3 In order to provide critical services to a daily inmate population over  
4 5,000, the Detention Services Bureau is supported by a  
5 state-of-the-art food services production center, comprehensive  
6 medical services, laundry, commissary, and inmate processing  
7 services. The Inmate Services Division provides a number of  
8 educational and rehabilitative programs aimed at improving the  
9 reentry success of those returning to our communities. Court Services  
10 In January 2000, the former San Diego County Marshal's Office  
11 merged with the Sheriff's Department. Since that time, the Sheriff has  
provided court security and related services for the San Diego  
Superior Court at several locations throughout the county.

### **General Information**

12 We are not opposed to dissenting opinions on topics we post, but we  
13 ask that our social conversations remain civil, respectful and on-topic.  
14 Many of our postings concern matters of employee and volunteer  
15 successes. We believe it is the height of incivility to use those  
16 opportunities to vent about unrelated topics or offer unrelated insults.  
17 We are respectful of the right we all have to free speech. We invite  
18 any users with opinions on any topic to post anything they want on  
19 their social media accounts. We simply ask for a degree of civility  
20 when making comments on our pages. Any user would likely expect  
the same of those posting made by others to their pages. Comments on  
topics outside these postings may be directed to the Sheriff's  
Department via <http://www.sdsheriff.net/>

21  
22 For information about job opportunities with the Sheriff's  
23 Department, visit <http://www.joinsdsheriff.net/>

24  
25 17. Plaintiff alleges that Defendants have a policy and custom to screen  
26 comments after they are posted by individual members of the community, and later  
27 manipulates the nature of discussion by deleting those comments that are  
28 unfavorable to the Defendants, and by keeping comments that are favorable for

1 display to the public.

2 18. Specifically, on February 19, 2013, Defendant JAN CALDWELL  
3 publicly stated her personal animosity towards non-traditional media speakers.  
4 Defendant JAN CALDWELL gave such statements while appearing in her  
5 capacity as a representative of the San Diego County Sheriff. Defendant JAN  
6 CALDWELL'S statements are published here:

7 [http://www.youtube.com/watch?v=KyqFy\\_5nBS4#t=170](http://www.youtube.com/watch?v=KyqFy_5nBS4#t=170)

8 19. On or about September 2, 2014, Plaintiff posted a comment on the San  
9 Diego County Sheriff's Department's ("Sheriff's Department") Facebook fan  
10 page.

11 20. Within the hour, Defendants removed Plaintiff's comment and banned  
12 Plaintiff from posting on the Sheriff's Department Facebook fan page.

13 21. On or about September 3, 2014, Plaintiff called Defendants and asked  
14 for clarification on the removal of his comment and subsequent banning of his  
15 personal Facebook account.

16 22. Defendant JAN CALDWELL aka [former] UNKNOWN SAN DIEGO  
17 COUNTY SHERIFF'S DEPARTMENT FACEBOOK FAN PAGE  
18 ADMINISTRATOR I, a female, informed Plaintiff that she "knew who [Plaintiff]  
19 was," and that she would not allow Plaintiff to post on the Sheriff's Department  
20 Facebook fan page.

21 23. On September 3, 2014, under the alias "Jim Block," Plaintiff posted  
22 political commentary in the form of a comment on the Sheriff's Department  
23 Facebook fan page under a post entitled "#Brake4Buses." Plaintiff's comment  
24 comprised of the following:

25 Sheriff Gore: Do you plead the 5th about your involvement in the  
26 MURDER of an unarmed woman who was holding her baby?  
27 REMEMBER RUBY RIDGE.

28 Plaintiff attaches a printed image of the comment hereto as Exhibit Two. Exhibit

1 Two is specifically incorporated herein as is restated verbatim herein.

2 24. Less than an hour later, on September 3, 2014, Defendants censored  
3 Plaintiff's criticism of Defendant SHERIFF WILLIAM D. GORE, by removing  
4 Plaintiff's comment. Plaintiff attaches a printed image of the Sheriff's Department  
5 Facebook fan page that shows government censorship hereto as Exhibit Three.  
6 Exhibit Three is specifically incorporated herein as it is restated verbatim herein.

7 25. Defendants provided Plaintiff no notice or opportunity to be heard.

8 26. On or about September 4, 2014, Plaintiff sent a letter to Defendants,  
9 alleging that Defendants have violated the First Amendment by censoring  
10 Plaintiff's political commentary. Plaintiff attached a printed image of the letter  
11 hereto as Exhibit Four. Exhibit Four is specifically incorporated herein as if it was  
12 restated verbatim herein.

13 27. Despite receiving Plaintiff's letter, and being on notice of First  
14 Amendment violations, Defendants continue to cherry-pick comments on the  
15 Sheriff's Department Facebook fan page in order to cultivate a self-serving  
16 political image. Defendants continue to punish those that fail to conform to the  
17 government message by banning them from further discussion.

18 28. In fact, Defendant SHERIFF WILLIAM D. GORE, JAN CALDWELL  
19 and/or Defendants UNKNOWN SAN DIEGO COUNTY SHERIFF'S  
20 DEPARTMENT FACEBOOK FAN PAGE ADMINISTRATORS II THROUGH  
21 V, inclusive, having final policy-making authority on the municipal corporation's  
22 administration of the Sheriff's Department Facebook fan page, ratified the  
23 decision to delete Plaintiff's posts and to ban Plaintiff from continued discourse in  
24 an act of official government policy.

25 29. Plaintiff alleges that Defendants have established a policy and custom  
26 to continue to engage in wide-spread censorship of political commentary under the  
27 name of "civility" on the Sheriff's Department Facebook fan page. Plaintiff also  
28 alleges that this is standard operating procedure for Defendants.

1           30. Plaintiff also alleges that Defendants have established a policy and  
2 custom to select and retain desirable comments that praise the Defendants, and  
3 that Defendants delete those that do not, as standard operating procedure. Plaintiff  
4 attaches a printed image of the Sheriff’s Department Facebook fan page that  
5 shows positive comments as Exhibit Five. Exhibit Five is specifically incorporated  
6 herein as if it was restated verbatim herein.

7           31. Plaintiff lost valuable time investigating Defendants’ First Amendment  
8 violations and notifying Defendants of its First Amendment Violations.  
9 Accordingly, Plaintiff has suffered unnecessary damages in lost productivity.

10          32. Plaintiff suffered irritation, shame, and humiliation of being denied the  
11 same access to a public forum, as any citizen of the United States should enjoy.

12          33. Defendants, by denying Plaintiff’s political speech, caused Plaintiff to  
13 lose a critical opportunity to communicate on topics of importance to society.

14          34. On October 27, 2014, Plaintiff Dimitrios Karras through his above  
15 identified attorneys, initiated litigation in this case. On October 28, 2014, the  
16 defendants County of San Diego and the San Diego County Sheriff’s Department  
17 received service of the complaint.

18          35. Plaintiff is informed and believes, and based thereon alleges, that  
19 members of the public, through the social media on the Internet became alerted to  
20 the pendency of the lawsuit. Scores, if not hundreds of other members of the  
21 public began posting comments on the San Diego Sheriff’s Facebook page.

22          36. Plaintiff is informed and believes that Defendant JAN CALDWELL,  
23 acting on behalf of herself as an individual, and as a policy making official of the  
24 San Diego County Sheriff’s office, instructed that the unfavorable comments be  
25 removed.

26          37. Comments posted on Sheriff Gore’s photo were removed.

27          38. Plaintiff is informed and believes and based thereon alleges, that over  
28 the course of a few days – i.e., between October 28, 2014, and October 31, 2014,

1 scores, if not hundreds of comments were placed on the Facebook page – and then  
2 promptly deleted by Defendants.

3 39. On October 31, 2014, Defendants suspended the San Diego County  
4 Sheriff’s Facebook page.

5 40. Defendants have been requested to preserve the comments and the  
6 Facebook page. Defendants have not acknowledged the request to preserve  
7 documents and evidence.

8 41. Defendant County of San Diego operates additional Facebook pages,  
9 which allow comments, one of which is viewable as of November 17, 2014 at:  
10 <https://www.facebook.com/sandiegocounty>, and another at  
11 [https://www.facebook.com/pages/County-of-San-Diego-Environmental-Health/71](https://www.facebook.com/pages/County-of-San-Diego-Environmental-Health/71479891529)  
12 [479891529](https://www.facebook.com/pages/County-of-San-Diego-Environmental-Health/71479891529), thus the Defendant San Diego County maintains the ability to curtail  
13 speech.

14 42. Further, the San Diego County Sheriff’s official Facebook page can be  
15 re-activated or simply recreated, at any time. Thus, the controversy regarding the  
16 censorship practiced by Defendant JAN CALDWELL and the other Defendants is  
17 capable of repetition, yet potentially evading review if the Defendants’ contrived  
18 and voluntary cessation of the reprehensible practice is credited as rendering the  
19 claims of censorship and mistreatment as “moot.”

20  
21 **FIRST CAUSE OF ACTION**

22 **Violation of Freedom of Speech of the First and Fourteenth**  
23 **Amendments to the United States Constitution and 42 U.S.C. §**  
24 **1983**

25 (Against All Defendants)

26 43. Plaintiff incorporates by reference the allegations contained in  
27 paragraphs 1 through 42, and each and every part thereof with the same force and  
28 effect as though set out at length herein.

1           44. The First Amendment provides that “Congress shall make no law . . .  
2 abridging the freedom of speech . . . .” U.S. Const. amend. I. The protections  
3 afforded in the First Amendment are within the protective scope of 42 U.S.C §  
4 1983. *Cinevision Corp. v. City of Burbank*, 745 F.2d 560, 566 (9th Cir. 1984).  
5 Therefore, actions by police officers that amount to retaliation against persons for  
6 criticizing government officials violates the First Amendment, and creates a cause  
7 of action under 42 U.S.C. § 1983. *See Hale v. Townley*, 19 F.3d 1068, 1073 (5<sup>th</sup>  
8 Cir. 1994).

9           45. If a plaintiff seeks injunctive relief, irreparable harm is presumed if he  
10 alleges First Amendment violations, even for “minimal periods of time.” *See*  
11 *Goldie’s Bookstore, Inc. v. Super. Ct. of Cal.*, 739 F.2d 466, 472 (9th Cir. 1984);  
12 *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (holding that the district court abused its  
13 discretion in denying a preliminary injunction remedy for plaintiffs who alleged  
14 threats to First Amendment interests in their complaint). Plaintiff so alleges here.

15           46. Plaintiff alleges that the Defendants’ authority arises from state law,  
16 and that Defendants act under the color of state law when they act in their capacity  
17 as agents of a municipal corporation.

18           47. Plaintiff alleges that Defendants operate the Sheriff’s Department  
19 Facebook fan page in such a fashion that it indiscriminately invites and encourages  
20 Internet users to engage in discussion within its postings.

21           48. Plaintiff alleges that Defendants deleted political commentary that was  
22 unfavorable to Defendants, and forbade Plaintiff from participating on the  
23 Sheriff’s Department Facebook fan page for arbitrary reasons. Such speech is core  
24 political speech, a form of expression integral to the system of government. *See*  
25 *Buckley v. Valeo*, 424 U.S. 1, 39 (1976).

26           49. Plaintiff alleges that Defendants promoted the view-point that  
27 Defendants are immune from public criticism by selectively keeping comments  
28 that praise Defendants, while eliminating those that cast Defendants in an

1 unfavorable light.

2 50. As a direct and proximate result of Defendants' actions as described  
3 above, Plaintiff has suffered as follows: Plaintiff was compelled to curtail activity  
4 and speech protected by the First and Fourteenth Amendment to the United States  
5 Constitution. Plaintiff was caused to fear the erosion of his civil liberty and rights  
6 as provided by the United States Constitution.

7 51. Plaintiff alleges that no reasonable police officer, knowing that the First  
8 Amendment right to engage in political discourse in a designated public forum is  
9 "clearly established," would so wrongly and arbitrarily regulate political discourse  
10 in the same manner as Defendants.

11 52. Plaintiff alleges that Defendants, even after being placed on notice of  
12 First Amendment violations, ratified its previous wrongful behavior, and continues  
13 its wrongful custom or practice to censor the public debate.

14 53. Plaintiff alleges that such brazen censorship is not in the public interest.

15 54. And that Plaintiff is likely to succeed on the merits of the instant case.

16 55. Plaintiff alleges that Defendants' actions violate the First and  
17 Fourteenth Amendments to the United States Constitution and that the current  
18 cause of action is within this Court's jurisdiction under 42 U.S.C. § 1983.

19 56. Plaintiff has suffered damages, and requests compensatory and punitive  
20 damages against Defendants. Plaintiff seeks an award of at least nominal  
21 damages.

22 57. Plaintiff also seeks injunctive and declaratory relief against Defendants,  
23 for attorneys' fees pursuant to 42 U.S.C. § 1988, and for such other reasonable and  
24 just relief as the law permits.

25 58. Defendants' conduct was driven by evil motive or intent, or involved a  
26 reckless or callous indifference to the constitutional rights of others. *Morgan v*  
27 *Woessner*, 997 F.2d 1244, 1255 (9th Cir. 1993). Thus, Plaintiff is entitled to an  
28 award of Punitive damages in an amount according to proof of trial.

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**SECOND CAUSE OF ACTION**  
**Violation of Right to Due Process according to the**  
**Fifth and Fourteenth Amendments to the United States Constitution**  
**and 42 U.S.C. § 1983**  
(Against All Defendants)

59. Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 42, and 44 through 55, and each and every part thereof with the same force and effect as though set out at length herein.

60. Defendants denied Plaintiff's Due Process rights protected under the Fifth and Fourteenth Amendment to the United States Constitution.

61. Plaintiff alleges that Defendants deleted Plaintiff's comments and banned his further participation of political discussion without any meaningful explanation. Plaintiff alleges that he has no means to appeal the deletion and/or ban or seek relief from a higher authority.

62. Plaintiff alleges that no policies or procedures have been developed or promulgated to help guide Defendants' decisions and actions to protect Plaintiff's First Amendment interests.

63. Plaintiff seeks injunctive and declaratory relief against Defendants, and for such other reasonable and just relief as the law permits.

64. Plaintiff has suffered damages, and requests compensatory and punitive damages.

65. Defendants' conduct was driven by evil motive or intent, or involved a reckless or callous indifference to the constitutional rights of others. *Morgan v. Woessner*, 997 F.2d 1244, 1255 (9th Cir. 1993). Thus, Plaintiff is entitled to an award of Punitive damages in an amount according to proof of trial.

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**PRAYER FOR RELIEF**

Wherefore, Plaintiff prays for judgment as follows:

**AS TO THE FIRST AND SECOND CAUSES OF ACTION:**

1. Declaratory judgment that Defendants’ administration of the Sheriff’s Department Facebook fan page and the policies governing its use violate the First Amendment of the United States Constitution;

2. Declaratory judgment affirming that Defendants’ administration of the San Diego County Sheriff’s Department Facebook fan page and the policies, customers and/or practices governing this administration violate the Fifth and Fourteenth Amendment of the United States Constitution;

3. For attorneys’ fees, statutory fees and costs under 42 U.S.C. § 1988;

4. Nominal damages, Compensatory damages; and

5. Punitive damages under 42 U.S.C. § 1983 within the meaning of Morgan, 997 F.2d at 1255.

**AS TO ALL CAUSES OF ACTION:**

1. A temporary restraining order compelling Defendants and/or their officers, agents, servants, employees, and all persons in concert or participation with them who receive notice of this injunction, to restore Plaintiff’s deleted posts; to permit Plaintiff to participate in the forum discussions; and restraining Defendants and/or their officers, agents, servants, employees, and all persons in concert or participation who receive notice of this injunction but any person for political speech made on the Sheriff’s Department Facebook fan page and/or removing protected speech from the Facebook fan page;

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**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial on all causes of action so determinable.

Respectfully submitted,  
The McMillan Law Firm, APC

Dated: November 17, 2014

/s/ Scott A. McMillan  
\_\_\_\_\_  
Scott A. McMillan  
Attorney for Dimitrios Karras  
Plaintiff

1 TABLE OF CONTENTS FOR EXHIBITS

Number	Page Number	Description
Exhibit 1	20-24	A printed image of the “About” section of the County of San Diego Sheriff’s Facebook fan page.
Exhibit 2	25-26	A printed image of a comment Plaintiff posted on Defendant’s Facebook fan page.
Exhibit 3	27-28	A printed image that shows Defendant’s censorship of Plaintiff’s political commentary.
Exhibit 4	29-30	Plaintiff’s letter dated Sep. 4, 2014, notifying Defendants of First Amendment violations.
Exhibit 5	32-33	A printed image that shows Defendant’s promotion of self-serving comments that regulates and distorts the political discourse.

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**EXHIBIT 1**

EXHIBIT 1

facebook

San Diego County Sheriff's Department Government Organization

**About**

Sheriff Bill Gore - Sheriff, San Diego County Sheriff's Department - This is a non-emergency communications tool. In an emergency dial 9-1-1.

**Description**

The San Diego County Sheriff's Department is the chief law enforcement agency in San Diego County. The department is comprised of approximately 4,000 employees, both sworn officers and professional support staff. The Department provides general law enforcement, education and court services for the people of San Diego County in a service area of approximately 4,200 square miles. In addition, the Sheriff's Dept...

**General Information**

We are not opposed to discussing opinions on topics we post, but we will not post or share content that is defamatory, abusive, harassing, or otherwise violates Facebook's policies. We believe it is the right of every citizen to have their voice heard. We are respectful of the right of every citizen to have their voice heard. We make any users with opinions on any topic to post anything they want on their social media accounts. We simply ask for a degree of civility when making comments on our pages. Any user who's likely to spread the same or similar comments on our pages. Comments on topics outside these parameters may be directed to the Sheriff's Department via [sheriff@san-diego.gov](mailto:sheriff@san-diego.gov).

For information about job opportunities with the Sheriff's Department, visit <http://www.sdsheriff.net>.

**Basic Info**

Joined Facebook: 09/11/2009

Location: 9521 Edgelynn Ct, San Diego, California 92123

Hours: Mon - Fri: 8:00 am - 5:00 pm

**Contact Info**

Phone: (619) 515-5200

Website: <http://www.sdsheriff.net>

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1 **EXHIBIT 1**

2 [https://www.facebook.com/sdsheriff/info?ref=page\\_internal](https://www.facebook.com/sdsheriff/info?ref=page_internal)

3 Apps CALIF CRT FORMS Washington County... Browse All Forms by... Jury Instructions For... Welcome to CM/EC... digitalcomm

4 emergency communications tool. In an emergency dial 9-1-1.

Facebook

5 **Description**

Location

6 The San Diego County Sheriff's Department is the chief law enforcement  
7 agency in San Diego County. The department is comprised of approximately  
8 4,000 employees, both sworn officers and professional support staff. The  
9 department provides general law enforcement, detention and court services for  
the people of San Diego County in a service area of approximately 4,200 square  
miles. In addition, the department provides specialized regional services to the  
entire county, including the incorporated cities and the unincorporated areas of  
the county.

Hours

10 **Contact**

11 **SHERIFF'S ROLE**

Phone

12 The Sheriff, elected by the residents of San Diego County, is the chief executive  
13 of the department. He manages seven major detention facilities as well as eight  
major patrol stations, four patrol substations, a crime laboratory and an array of  
support operations necessary to provide full law enforcement coverage for the  
County of San Diego.

Website

14 **GENERAL SERVICE AREAS**

15 The San Diego County Sheriff's Department is organized into six general service  
areas which includes the following:

- 16 ■ Office of the Sheriff
- 17 ■ Law Enforcement Services
- 18 ■ Detention Facility Services
- 19 ■ Court Services
- 20 ■ Human Resource Services
- 21 ■ Management Services

22 **Law Enforcement Services**

23 The San Diego County Sheriff's Department provides contract law enforcement  
24 services for the cities of Del Mar, Encinitas, Imperial Beach, Lemon Grove,  
25 Poway, San Marcos, Santee, Solana Beach and Vista. In these cities the Sheriff's  
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1 **EXHIBIT 1**

2  [https://www.facebook.com/sdsheriff/info?ref=page\\_internal](https://www.facebook.com/sdsheriff/info?ref=page_internal)

3 **■ Management Services**

4 **Law Enforcement Services**

5 The San Diego County Sheriff's Department provides contract law enforcement  
6 services for the cities of Del Mar, Encinitas, Imperial Beach, Lemon Grove,  
7 Poway, San Marcos, Santee, Solana Beach and Vista. In these cities the Sheriff's  
8 Department serves as their police department, providing a full range of law  
enforcement services including patrol, traffic and investigative services.

9 In the unincorporated (non-city) areas, the Sheriff's Department provides  
10 generalized patrol and investigative services. The California Highway Patrol has  
11 the primary jurisdiction for traffic services in unincorporated areas.

12 **Detention Services**

13 The San Diego County Sheriff's Department operates seven detention facilities.  
14 Male arrestees are booked at the San Diego Central Jail and Vista Detention  
15 Facility, while female arrestees are booked at the Las Colinas and Vista  
Detention Facilities. The remaining jails house inmates in the care of the Sheriff.

16 In order to provide critical services to a daily inmate population over 5,000, the  
17 Detention Services Bureau is supported by a state-of-the-art food services  
18 production center, comprehensive medical services, laundry, commissary, and  
19 inmate processing services. The Inmate Services Division provides a number of  
educational and rehabilitative programs aimed at improving the reentry success  
of those returning to our communities.

20 **Court Services**

21 In January 2000, the former San Diego County Marshal's Office merged with  
22 the Sheriff's Department. Since that time, the Sheriff has provided court  
23 security and related services for the San Diego Superior Court at several  
locations throughout the county.

24 **General Information**

25 We are not opposed to dissenting opinions on topics we post, but we ask that  
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1 **EXHIBIT 1**

2 **General Information**

3 We are not opposed to dissenting opinions on topics we post, but we ask that  
4 our social conversations remain civil, respectful and on-topic. Many of our  
5 postings concern matters of employee and volunteer successes. We believe it is  
6 the height of incivility to use those opportunities to vent about unrelated topics  
7 or offer unrelated insults. We are respectful of the right we all have to free  
8 speech. We invite any users with opinions on any topic to post anything they  
9 want on their social media accounts. We simply ask for a degree of civility when  
10 making comments on our pages. Any user would likely expect the same of  
11 those posting made by others to their pages. Comments on topics outside these  
12 postings may be directed to the Sheriff's Department via  
13 <http://www.sdsheriff.net/>

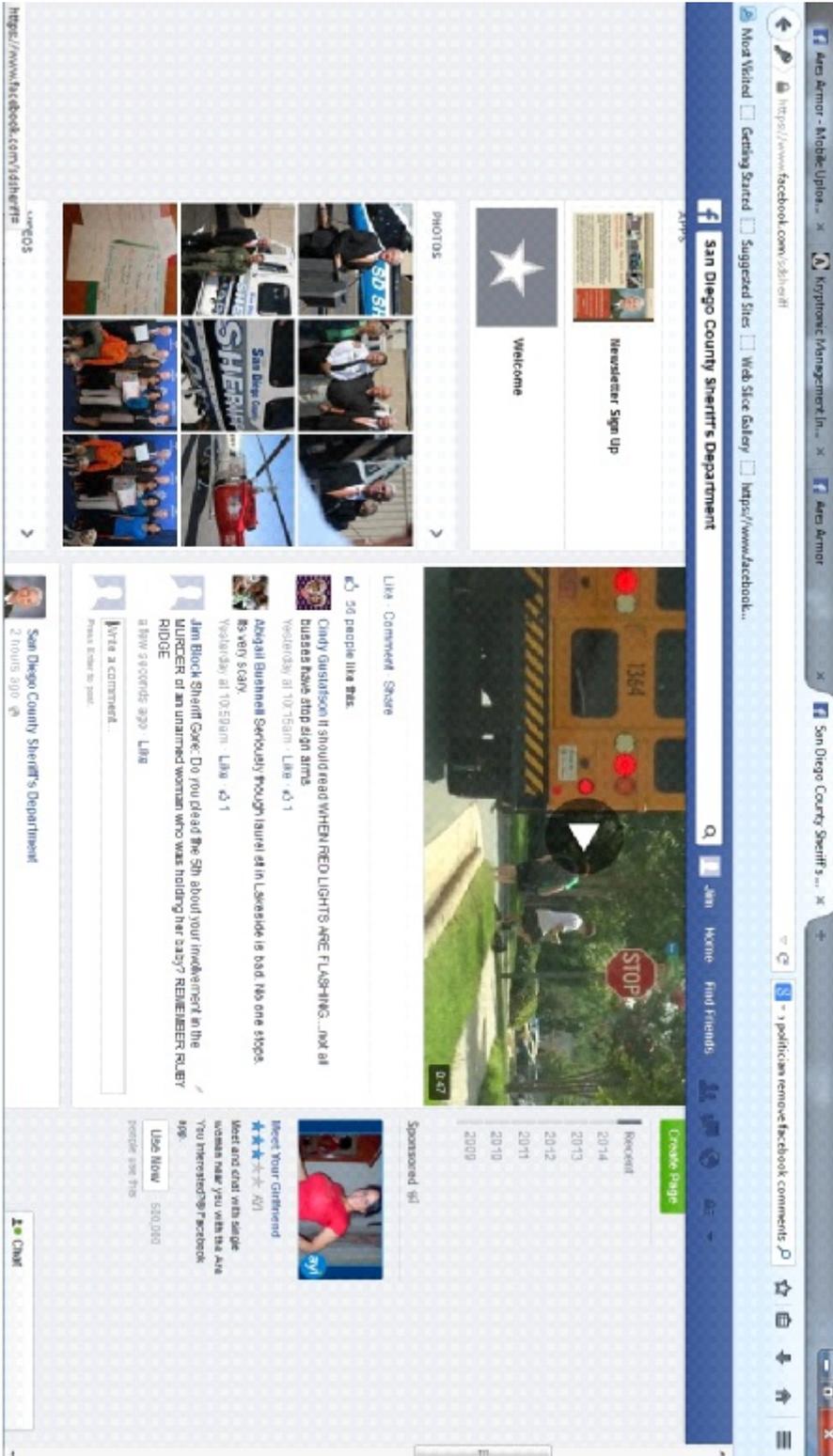
14 For information about job opportunities with the Sheriff's Department, visit  
15 <http://www.joinsdsheriff.net/>



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**EXHIBIT 2**

EXHIBIT 2

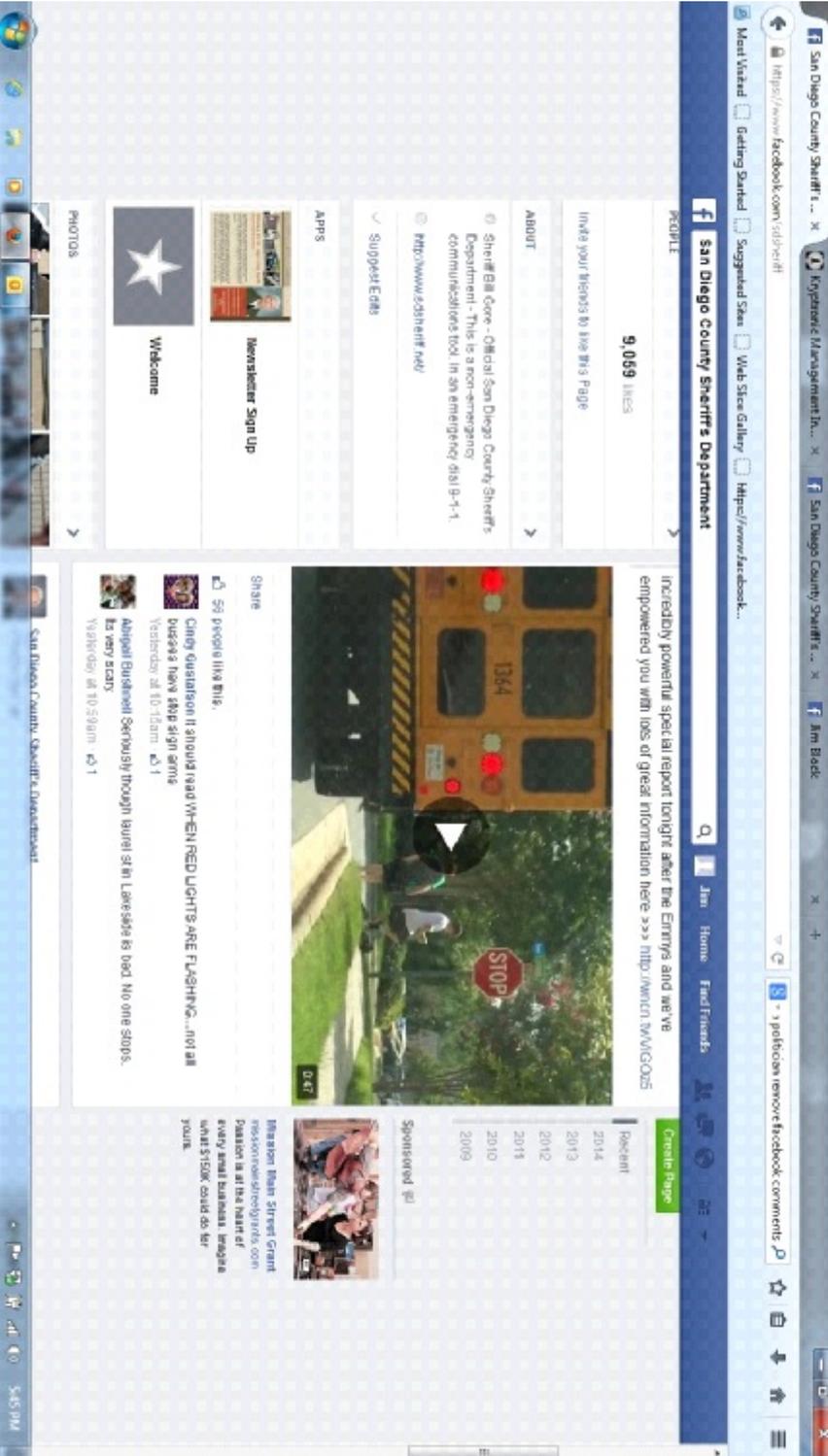


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**EXHIBIT 3**

EXHIBIT 3



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**EXHIBIT 4**

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## EXHIBIT 4

Lycurgan, Inc. Ares Armor  
208 N Freeman St  
Oceanside, CA 92054

**TO: Sheriff Bill Gore**  
**FROM: Dimitrios Karras, CEO Ares Armor**  
**SUBJ: 1<sup>st</sup> Amendment Violation and MURDER OF VICKI WEAVER**  
**DATE: September 4, 2014**

Sheriff Gore,

Firstly, I would like to congratulate you on holding the public office that you do. This is quite the accomplishment considering your past. The simple fact of the matter is that YOU are responsible for the death of an unarmed woman while she was holding her infant child. The orders that YOU gave, which were then followed by your subordinates, directly caused Vicki Weaver to be shot in the head. She was unarmed and posed no threat to you or your officers.

This is not why I write to you today though. I write to you in regards of your censorship of a public forum. This activity is despicable in every way. You are an elected official and you are using the publicly owned Facebook page <http://Facebook.com/sdsheriff> as a tool to silence any who would have negative comment about your ability and fidelity to hold this office.

The veracity of the comments that you remove from this page are never questioned, the only thing that is accomplished is censorship. Your illegal actions serve to remove any dissenter's rights to speak on this particular public forum. Others who support you are allowed to speak in this same public forum without restriction.

I have screenshots of the censorship that occurred; the comments were not profane or otherwise inappropriate.

As much as I dislike a murderer such as yourself holding the office that you do, I do not wish to burden the public with legal action to force you into complying with the law.

**Let this be notice to you, if you do not within 14 days:**

1. Un-block all of the citizen's accounts from the public Facebook page of the San Diego Sheriff's Department and allow these citizens the same 1<sup>st</sup> amendment rights that you allow to your supporters.
2. Cease and Desist ALL unreasonable censorship of political speech on the public forum <Http://facebook.com/sdsheriff>

**Exhibit 4**

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I will then be left no option but to take legal action against your violations of the people's 1<sup>st</sup> amendment rights by means of civil suit. I pray that it does not come to this and that you will do the right thing and comply with the law on this particular issue.

I hope you live with your cowardice and your shame for a thousand years. May your children and your children's children learn of your disgrace and cast their eyes to the ground in embarrassment at the mere mention of your name.

With great disgust,



Dimitrios Karras, CEO Ares Armor

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**EXHIBIT 5**

