UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

John Sloan	)	
Plaintiff	)	
v.	)	Civil Action No. 24-cv-546
West Allis Police Department et al	)	
Defendant	)	

WAIVER OF THE SERVICE OF SUMMONS

To: John Sloan

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from _____, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: _____

_____
Signature of the attorney or unrepresented party

PO Cooper
Printed name of party waiving service of summons

_____
Printed name

_____
Address

_____
E-mail address

_____
Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

John Sloan *Plaintiff*	)	
v.	)	Civil Action No. 24-cv-546
West Allis Police Department et al *Defendant*	)	

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: PO Cooper

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days *(give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States)* from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: _____

_____
Signature of the attorney or unrepresented party

John Sloan
Printed name

_____
Address

_____
E-mail address

_____
Telephone number

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

John Sloan

Plaintiff(s),

v. **Case No. 24-cv-546**

PO Cooper

Defendant(s).

CONSENT TO PROCEED BEFORE A MAGISTRATE JUDGE

This form must be filed with the Clerk of Court within 21 days of receipt. Although choosing to have your case decided by a magistrate judge is optional and refusal will not have adverse substantive consequences, the timely return of this completed form is mandatory.

If you do not consent to a magistrate judge hearing your case, a district judge will hear your case. Aside from cases subject to the Prison Litigation Reform Act, magistrate judges in this district generally play no further role in civil cases pending before district judges and do not issue reports and recommendations.

Magistrate judges do not conduct felony trials, and therefore felony trials do not interfere with scheduling and processing of cases before magistrate judges.

Check one:

☐ The undersigned attorney of record or pro se litigant **consents** to have Magistrate Judge Nancy Joseph conduct all proceedings in this case, including a bench or jury trial, and enter final judgment in accordance with 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73(b).

☐ The undersigned attorney of record or pro se litigant **refuses** to have a magistrate judge enter final judgment in this matter.

Signed this ____ day of _____, _____. _____

(date) (month) (year)

Signature of counsel of record or pro se litigant

☐ Plaintiff / petitioner (attorney or pro se litigant)

☐ Defendant / respondent (attorney or pro se litigant)

☐ Other party

ASSIGNMENT OF CIVIL CASES
EASTERN DISTRICT OF WISCONSIN

At the time a new civil action is filed, it is assigned by random selection to either a district judge or a magistrate judge in accordance with the local rules. Pursuant to the provisions of 28 U.S.C. §636(c) and Rule 73 of the Federal Rules of Civil Procedure, a United States Magistrate Judge may, with the consent of the parties, conduct all proceedings in this civil action, including a bench or jury trial and order the entry of judgment. The statute provides for direct appeal to the U.S. Court of Appeals for the Seventh Circuit.

Once the assigned district or magistrate judge has been selected, the local rules of this district require that each party to the action receive a copy of the "consent form." Each party shall complete the form and file it with the Clerk of Court **within 21 days** after its receipt.

If this case has been randomly assigned to a **district judge** and all parties consent to have the magistrate judge conduct all proceedings in the case, the district judge may enter an order transferring the case to the magistrate judge.

If this case has been randomly assigned to a **magistrate judge** and not all parties consent, then the case will be reassigned by random selection to a district judge. If all parties consent, the magistrate judge will conduct all proceedings in the action.

While the decision to consent or not to consent to the exercise of jurisdiction by the magistrate judge is entirely voluntary, the duty to respond to this order is **mandatory**. Your response shall be made to the Clerk of Court only on the form on the reverse side of this notice.

IT IS THEREFORE ORDERED, that you complete this form and file it with the Clerk of Court within **twenty-one (21) days** from receipt.

UNITED STATES DISTRICT COURT

Honorable Pamela Pepper,
Chief Judge

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

John Sloan	)	
Plaintiff	)	
v.	)	Civil Action No. 24-cv-546
West Allis Police Department et al	)	
Defendant	)	

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Date: _____

_____
Signature of the attorney or unrepresented party

PO Cooper
Printed name of party waiving service of summons

_____
Printed name

_____
Address

_____
E-mail address

_____
Telephone number

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"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

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UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

John Sloan	)	
Plaintiff	)	
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West Allis Police Department et al	)	
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Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: _____

_____
Signature of the attorney or unrepresented party

John Sloan
Printed name

_____
Address

_____
E-mail address

_____
Telephone number

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

John Sloan

Plaintiff(s),

v. **Case No. 24-cv-546**

PO Cooper

Defendant(s).

CONSENT TO PROCEED BEFORE A MAGISTRATE JUDGE

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☐ The undersigned attorney of record or pro se litigant **consents** to have Magistrate Judge Nancy Joseph conduct all proceedings in this case, including a bench or jury trial, and enter final judgment in accordance with 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73(b).

☐ The undersigned attorney of record or pro se litigant **refuses** to have a magistrate judge enter final judgment in this matter.

Signed this ____ day of _____, _____. _____

(date) (month) (year)

Signature of counsel of record or pro se litigant

☐ Plaintiff / petitioner (attorney or pro se litigant)

☐ Defendant / respondent (attorney or pro se litigant)

☐ Other party

ASSIGNMENT OF CIVIL CASES
EASTERN DISTRICT OF WISCONSIN

At the time a new civil action is filed, it is assigned by random selection to either a district judge or a magistrate judge in accordance with the local rules. Pursuant to the provisions of 28 U.S.C. §636(c) and Rule 73 of the Federal Rules of Civil Procedure, a United States Magistrate Judge may, with the consent of the parties, conduct all proceedings in this civil action, including a bench or jury trial and order the entry of judgment. The statute provides for direct appeal to the U.S. Court of Appeals for the Seventh Circuit.

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While the decision to consent or not to consent to the exercise of jurisdiction by the magistrate judge is entirely voluntary, the duty to respond to this order is **mandatory**. Your response shall be made to the Clerk of Court only on the form on the reverse side of this notice.

IT IS THEREFORE ORDERED, that you complete this form and file it with the Clerk of Court within **twenty-one (21) days** from receipt.

UNITED STATES DISTRICT COURT

Honorable Pamela Pepper,
Chief Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

John Sloan pro Se,
(Full Name of each Plaintiff)

Plaintiff(s),

Case No. 24-C-0546
(Supplied by Clerk)

v.

West Allis Police Dept., Sheriff, Capt, Lt., Sgt., P.O Cooper, Lazaris, etc.
(Full Name of each Defendant)

Defendant(s).

COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

2024 MAY -3 P 3:32

I. PLACE OF PRESENT CONFINEMENT (Provide full address)

5354 N 50th St Milwaukee, WI. 53218

A. Is there a grievance procedure in your prison/jail? YES ☐ NO ☐

B. Have you filed a grievance concerning the facts relating to this complaint?

YES ☑ NO ☐

II. PARTIES

A. Your name (Plaintiff) John Sloan pro Se,

B. Prisoner I.D. Number

C. Social Security Number (Last Four Digits Only) 1961

D. Your Address (City & State) 5354 N 50th St. Milwaukee, WI. 53218

(For additional plaintiffs provide the same information in the same format on a separate page.)

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E. DEFENDANT (name) West Allis Police Department

is employed as Police For West Allice County

at Milwaukee, WI

F. Additional DEFENDANTS (name, position, and place of employment):

Cpt. Evenson; Sgt. Baumgart; P

P.O Cooper; P.O Lazaris;

Lt etc.

III. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court relating to the same facts involved in this action? ☐ YES ☒ NO

B. Have you begun other lawsuits in state or federal court relating to your imprisonment? ☐ YES ☒ NO

C. If your answer is YES to either of the above questions, provide the following requested information.

1. Parties to the previous lawsuit

Plaintiff(s): _____

Defendant(s): _____

2. Date filed _____

3. Court where case filed (if federal court, name district: if state court, name the county)

4. Case number and citation _____

5. Nature of claim _____

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6. Current status (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____

_____

7. If resolved, date of disposition _____

8. If resolved, state whether for (plaintiff or defendant) _____

(For additional cases, provide the above information in the same format on a separate page.)

IV. STATEMENT OF CLAIM

A. State as briefly as possible the facts of your case. Describe how each named defendant is involved. Include the name of other persons involved, dates, and places. Describe specifically the injuries incurred. Do not give legal arguments or cite cases or statutes. You may do that in Item "B" below. If you allege related claims, number and set forth each claim in a separate paragraph. Use as much space as you need to state the facts. Attach extra pages, if necessary. Unrelated separate claims should be raised in a separate civil action.

See ATTACHED A

STATEMENT OF CLAIM continued

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B. State briefly your legal theory or cite appropriate authority.

See Attached "B"

V. **RELIEF YOU REQUEST**

State briefly and exactly what you want the court to do for you. Make no legal arguments. Do not use this space to state the facts of your claim. Use it only to request remedies for the injuries you complain about.

See Attached "C"

American LegalNet, Inc.
www.FormsWorkFlow.com

a A11

AFFIDAVIT OF FACT
NOTICE OF VIOLATION OF HUMAN RIGHTS

For The Record, To Be Read Into The Record Notice To Agent is Notice To Principal Notice to Principal is Notice to Agent

April 5th, 2024

From: John Sloan
% 5354 N. 50th St
Milwaukee, WI [53218]

CLERK U.S. DIST. COURT E.D. WI FILED 2024 MAY -3 P 4:34

To: United States District Court Eastern District of Wisconsin 517 E Wisconsin Ave, Milwaukee WI 53202

To Whom It May Concern,

I, John of the family Sloan of full life, hereby make the following **NOTICE OF CONDITION PRECEDENT**, that my Human and fourth, fifth, and eighth Constitutional Rights have been molested/violated, on or about 03-29-2024 Time 1:54 A.M Location: corner of S. 84th st. / W. Mitchell St. P.O. Cooper of the West Allis Police Department of Wisconsin pulled me over and immediately got out of his patrol vehicle and asked me to get out of the car. I asked him "*if he had an Articulate Reasonable Suspicion of me committing a crime*" - He stated "*no, the owner of this vehicle's license is suspended*". I then told him "*that is not a crime, it is a traffic infraction and that I am not getting out of the car*" at this point I asked P.O. Cooper to call his Supervisor. P.O. Cooper asked me to turn off the car, unknowingly, turning off the car's engine automatically unlocked the car doors. P.O. Copper proceeded to pull open the driver side door and demanded me out of the vehicle, I attempted to close the door when P.O. Cooper blocked the door with the left side of his body. P.O. Lazaris informed me to "*get out of the car or we will tase you*", I remained still with my hands on the steering wheel. P.O. Lazaris proceeded to tase me while P.O. Cooper pepper sprayed me. I then pulled the electric prongs out of me while P.O. Cooper continuously pepper sprayed me. Somehow, I am out of the car and body slammed on my back being handcuffed. While on the ground handcuffed P.O. Lazaris used direct contact with the taser on the left side of my stomach. He began hollering "*stop resisting*", the voltage was so much I began to see light.

After the pain started to subside enough I turned my head to tell the P.O. Lazaris "*I'm down on the ground in handcuffs, stop electrocuting me*". P.O. Lazaris proceed to tase me three more times than he got up. I was then helped up and told to get in the patrol vehicle, to which I responded "*I'm not getting in, I didn't commit a crime. Take these handcuffs off of me*." P.O.

Lazaris said "*you getting in*" while he grabbed my head and banged it on the patrol vehicle. I then said "*okay, you busted my head, Am I bleeding*"? An officer said "no". At this point I said "*okay I'm going to get in the SUV*", while in the patrol vehicle there was an unlawful seizure of my vehicle- which is a violation of my Fourth and Fifth Amendment rights.

The Supervisor of Officers Cooper and Lazaris instructed them to release me as I was free to go. Two officers who were not involved in the incident helped me to the ambulance stating "*We didn't touch you, and we don't know what's going on ,We were on perimeter duty and didn't see anything*". The ambulance took me to the West Allis Hospital from where I was released.

I encountered a similar situation with some of the same officers from the West Allis Police Department a few months ago. I refused to get out of the vehicle and asked the officer to call his supervisor. I was roughed up and the vehicle I was in was unlawfully seized.

There being nothing further I hereby declare (verify, state, and confirm) under penalty of perjury under the laws of the United States of America that the foregoing are true and correct.

Upon receival of this Affidavit, please send a confirmation notice to the above address.

John Sloan
% 5954 N 50th St.
Milwaukee, WI [53218]

Signature: Pro Se,

Date: 3 day of May, 2024.

STATEMENT OF CLAIM

"B"

A. *Briefly stating my legal theory or site appropriate authority*

VIOLATION OF

FOURTH AMENDMENT

FIFTH AMENDMENT

EIGHTH AMENDMENT

"CITING CASES"

4TH AMENDMENT VIOLATION COLLINS VERSUS VIRGINA, 584 U.S.A (2018)

PRIMARY HOLDING

THE FOURTH AMENDMENT AUTOMOBILE EXCEPTION DOES NOT PERMIT THE WARRANTLESS ENTRY OF A HOME OR IT'S CARTILAGE TO SEARCH A VEHICLE THEREIN.

FIFTH AMENDMENT VIOLATION

BOYD V. UNITED STATES 116 U.S. 616 (1886) WAS A DECISION BY THE US SUPREME COURT IN WHICH THE COURT HELD THAT THE SEARCH WAS AN UNREASONABLE SEARCH AND SEIZURE WITHIN THE MEANING OF THE 4TH AMENDMENT.

FIFTH AMENDMENT VIOLATION

DUE PROCESS OF LAW

EIGHTH AMENDMENT VIOLATION

IN HOPE V. PELZER, 536 U.S. 730 (2002). THE PRISONER WAS HANDCUFFED TO A HITCHING POST FOR SEVEN HOURS, TAUNTED AND DENIED BATHROOM BREAKS. THE COURT REASONED THAT THIS TREATMENT EXCEEDED WHAT WAS NECESSARY TO RESTORE ORDER.

"C"

RELIEF YOU REQUEST

FOR THE DEFENDANTS TO BE REPRIMANDED AND RETRAINED OR REMOVED FROM THE POLICE FORCE AND A PUBILC APOLOGY $200 MILLION FOR PAIN AND SUFFERING AND THE VIOLATION OF MY CONSTITUTIONAL RIGHTS.

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 24 day of April 2024.

Signature of Plaintiff(s) Pro Se,

(If there are multiple plaintiffs, each must sign the complaint)

Prisoner I.D. Number(s) _____

American LegalNet, Inc.
www.FormsWorkFlow.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOHN SLOAN,
Plaintiff,

v. **Case No. 24-cv-0546**

WEST ALLIS POLICE DEPARTMENT, et al.,
Defendants.

ORDER

Plaintiff John Sloan has filed an action in this court and has filed a motion for leave to proceed without prepayment of the filing fee pursuant to 28 U.S.C. § 1915. ECF No. 2. Upon review of plaintiff's motion, I find that requiring plaintiff to pay this fee would impose a significant financial hardship on him.

THEREFORE, IT IS ORDERED that the plaintiff's motion for leave to proceed without prepaying the filing fee (ECF No. 2) is **GRANTED**.

IT IS FURTHER ORDERED that pursuant to Fed. R. Civ. P. 4(c)(3), that the U.S. Marshals Service shall serve a copy of the complaint, a waiver of service form and/or the summons, and this order upon defendants. Plaintiff is advised that Congress requires the U.S. Marshals Service to charge for making or attempting such service. 28 U.S.C. § 1921(b). The current fee for waiver-of-service packages is $8 per item. 28 C.F.R. § 0.114(a)(2). Although Congress requires the court to order service by the U.S. Marshals Service precisely because in forma pauperis plaintiffs are indigent, it has not made any provision for these fees to be waived either by the court or by the U.S. Marshals Service.

Plaintiff should provide defendant or its counsel with copies of all future motions or papers filed by plaintiff in this action.

Dated at Milwaukee, Wisconsin this 10th day of May, 2024.

/s/ Lynn Adelman
LYNN ADELMAN
District Judge