

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

Marques Earl Harris

Plaintiff

v.

Stachula et al.

Defendant

Civil Action No. 25cv140

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

To: Nick Stachula

(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: 3/13/25

Signature of the attorney or unrepresented party

Marques Earl Harris

Printed name

Address

E-mail address

Telephone number

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

Marques Earl Harris

Plaintiff

v.

Stachula et al.

Defendant

Civil Action No. 25cv140

WAIVER OF THE SERVICE OF SUMMONS

To: Marques Earl Harris
(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 3/13/25, 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

Nick Stachula

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
EASTERN DISTRICT OF WISCONSIN

Marques Earl Harris

Plaintiff(s),

v.

Case No. 25cv140

Nick Stachula

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.

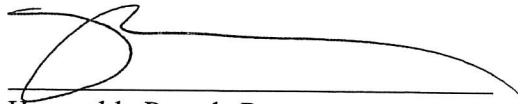
If this case has been randomly assigned to a **district judge** and all parties consent to have the magistrate judge conduct all proceedings in the case, the district judge may enter an order transferring the case to the magistrate judge.

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

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

Honorable Pamela Pepper,
Chief Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MARQUES EARL HARRIS,

Plaintiff,

v.

Case No. 25-cv-0140-bhl

NICK STACHULA,
OFFICER SCHLEI,
JASON DAERING,
OFFICER BARTOSHEVICH, and
OFFICER KLAHORST,

Defendants.

SCREENING ORDER

Plaintiff Marques Earl Harris, who is currently serving a state prison sentence at the Lincoln County Jail and representing himself, filed a complaint under 42 U.S.C. §1983, alleging that his civil rights were violated. This matter comes before the Court on Harris' motion for leave to proceed without prepaying the full filing fee and to screen the complaint.

MOTION TO PROCEED WITHOUT PREPAYING THE FILING FEE

Harris has requested leave to proceed without prepaying the full filing fee (*in forma pauperis*). A prisoner plaintiff proceeding *in forma pauperis* is required to pay the full amount of the \$350.00 filing fee over time. *See* 28 U.S.C. §1915(b)(1). As required under 28 U.S.C. §1915(a)(2), Harris has filed a certified copy of his prison trust account statement for the six-month period immediately preceding the filing of his complaint and has been assessed and paid an initial partial filing fee of \$15.58. Harris' motion for leave to proceed without prepaying the filing fee will be granted.

SCREENING OF THE COMPLAINT

The Court has a duty to review any complaint in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity and must dismiss any complaint or portion thereof if the prisoner has raised any claims that are legally “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. §1915A(b). In screening a complaint, the Court must determine whether the complaint complies with the Federal Rules of Civil Procedure and states at least plausible claims for which relief may be granted. To state a cognizable claim under the federal notice pleading system, a plaintiff is required to provide a “short and plain statement of the claim showing that [he] is entitled to relief.” Fed. R. Civ. P. 8(a)(2). It must be at least sufficient to provide notice to each defendant of what he or she is accused of doing, as well as when and where the alleged actions or inactions occurred, and the nature and extent of any damage or injury the actions or inactions caused.

“The pleading standard Rule 8 announces does not require ‘detailed factual allegations,’ but it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). “The tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions. Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Id.* A complaint must contain sufficient factual matter, accepted as true, to “state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570. “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct

alleged.” *Id.* at 556. “[T]he complaint’s allegations must be enough to raise a right to relief above the speculative level.” *Id.* at 555 (internal quotations omitted).

ALLEGATIONS OF THE COMPLAINT

According to Harris, on January 19, 2024, he answered a knock at his door. Harris asserts that four police officers stood outside. Defendant Officer Daering informed Harris that someone had called 911 to complain about loud music. Harris states that he told police he would keep the music down, and then he attempted to close his door, at which time Daering asked Harris if his name was “Marquise.” Harris responded that was not his name (his first name is Marques) and stated that no one named “Marquise” lived at the apartment. According to Harris, all five Defendants then said, “He is the guy get him.” Daering allegedly pushed the door open, entered the apartment and forcibly guided Harris out of the apartment. Harris asserts that Defendant Nick Stachula patted him down and told him to sit on the steps. At that time, Officer Schlei, Officer Bartoshevich, and Officer Klahorst allegedly entered Harris’ home and began to search for evidence.

Harris asserts that Defendants searched under his bed covers, inside pillowcases, in closets, in the bathroom, between couch cushions, and on top of cabinets and the refrigerator. According to Harris, Stachula stayed with him during the search, and he was not allowed to leave or go back into his apartment during the search. Eventually, Detective Stachula entered the apartment to retrieve a couple bags of drugs that officers had found. Stachula informed Harris that he could now apply for a warrant, and he was confident he would get one. Harris asserts that he told Stachula the drugs were not his and he should do what he has to do. Stachula then allegedly began to pressure Harris into giving consent to search the apartment. He informed Harris that if he did not give consent, he would take him into custody, but if he did consent, he would not take him into

custody. Harris asserts that he gave consent (after the search) after Stachula repeatedly threatened to take him into custody and charge him with various crimes. Harris states that he was never given an opportunity to call a lawyer, nor was he read his *Miranda* rights. According to Harris, a judge later determined that there were no exigent circumstances nor was there probable cause to justify the warrantless entry, search, and seizure.

THE COURT'S ANALYSIS

Harris asserts that Defendants violated the Fourth Amendment when they entered and searched his apartment without his consent and without probable cause and when they unlawfully seized him. “At the core of the privacy protected by the Fourth Amendment is the right to be let alone in one’s home.” *Sutterfield v. City of Milwaukee*, 751 F.3d 542, 550 (7th Cir. 2014) (citations omitted). Further, “[t]he Fourth Amendment protects citizens against unreasonable searches and seizures. A search is generally considered unreasonable unless the government obtains a warrant issued upon probable cause.” *U.S. v. Basinski*, 226 F.3d 829, 833 (7th Cir. 2000). There are a number of exceptions to this general rule. For example, the prohibition does not apply when voluntary consent has been obtained. *Wonsey v. City of Chicago*, 940 F.3d 394, 399 (7th Cir. 2019) (citations omitted). Of course, consent must be obtained *before* the search. *See, e.g., id.*

With these principles in mind, the Court will allow Harris to proceed on a claim that Defendants forcibly entered and then searched his home without his consent. Harris also states a claim against Defendants based on allegations that he was detained while Defendants conducted the allegedly illegal search of his apartment. *See Jacobs v. City of Chicago*, 215 F.3d 758, 773 (7th Cir. 2000) (holding that “a citizen may not be detained by law enforcement officials without probable cause” and “an illegal search does not confer probable cause to detain the subject of the search while it is being carried out”).

Harris does not, however, state a claim under §1983 based on allegations that Defendants never informed him of his *Miranda* rights, including his right to confer with counsel. As the U.S. Supreme Court has recently confirmed, “the *Miranda* rules are prophylactic rules that the Court found to be necessary to protect the Fifth Amendment right against compelled self-incrimination.” *Vega v. Tekoh*, 597 U.S. 134, 149 (2022). But a *Miranda* violation is not the same as a violation of a Fifth Amendment right. *Id.* Thus, because “a violation of *Miranda* does not necessarily constitute a violation of the Constitution, . . . such a violation does not constitute ‘the deprivation of a right . . . secured by the Constitution,’” nor does *Miranda* “confer a right to sue under §1983.” *Id.* at 150-152 (quoting 42 U.S.C. §1983).

IT IS THEREFORE ORDERED that Harris’ motion for leave to proceed *in forma pauperis* (Dkt. No. 2) is **GRANTED**.

IT IS FURTHER ORDERED that the United States Marshal shall serve a copy of the complaint and this order upon Detective Nick Stachula of the West Allis Police Department and Officers Schlei, Jason Daering, Bartoshevich, and Klahorst of the Milwaukee Police Department pursuant to Federal Rule of Civil Procedure 4. Harris is advised that Congress requires the U.S. Marshals Service to charge for making or attempting such service. 28 U.S.C. §1921(a). The current fee for waiver-of-service packages is \$8.00 per item mailed. The full fee schedule is provided at 28 C.F.R. §§0.114(a)(2)–(3). 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. The Court is not involved in the collection of the fee.

IT IS FURTHER ORDERED that Stachula, Schlei, Daering, Bartoshevich, and Klahorst shall file a responsive pleading to the complaint.

IT IS FURTHER ORDERED that copies of this order be sent to the officer in charge of the agency where Harris is located.

IT IS FURTHER ORDERED that the agency having custody of Harris shall collect from his institution trust account the \$334.42 balance of the filing fee by collecting monthly payments from Harris' prison trust account in an amount equal to 20% of the preceding month's income credited to the prisoner's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The payments shall be clearly identified by the case name and number assigned to this action. If Harris is transferred to another institution, the transferring institution shall forward a copy of this Order along with Harris' remaining balance to the receiving institution.

IT IS FURTHER ORDERED that the parties may not begin discovery until after the Court enters a scheduling order setting deadlines for discovery and dispositive motions.

IT IS FURTHER ORDERED that plaintiffs who are inmates at Prisoner E-Filing Program institutions must submit all correspondence and case filings to institution staff, who will scan and e-mail documents to the Court. The Prisoner E-Filing Program is mandatory for all inmates of Green Bay Correctional Institution, Waupun Correctional Institution, Dodge Correctional Institution, Wisconsin Secure Program Facility, Columbia Correctional Institution, and Oshkosh Correctional Institution. Plaintiffs who are inmates at all other prison facilities must submit the original document for each filing to the Court to the following address:

Office of the Clerk
United States District Court
Eastern District of Wisconsin
362 United States Courthouse
517 E. Wisconsin Avenue
Milwaukee, Wisconsin 53202

PLEASE DO NOT MAIL ANYTHING DIRECTLY TO THE COURT'S CHAMBERS. It will only delay the processing of the matter.

Harris is further advised that failure to make a timely submission may result in the dismissal of this action for failure to prosecute. In addition, the parties must notify the Clerk of Court of any change of address. Failure to do so could result in orders or other information not being timely delivered, thus affecting the legal rights of the parties.

Enclosed is a guide prepared by court staff to address common questions that arise in cases filed by prisoners. Entitled "Answers to Prisoner Litigants' Common Questions," this guide contains information that Harris may find useful in prosecuting this case.

Dated at Milwaukee, Wisconsin on March 13, 2025.

s/ Brett H. Ludwig
BRETT H. LUDWIG
United States District Judge

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

Marques Earl Harris

Plaintiff

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Defendant

Civil Action No. 25cv140

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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: 3/13/25

Signature of the attorney or unrepresented party

Marques Earl Harris

Printed name

Address

E-mail address

Telephone number

UNITED STATES DISTRICT COURT

for the
Eastern District of Wisconsin

Marques Earl Harris

Plaintiff

v.

Stachula et al.

Defendant

Civil Action No. 25cv140

WAIVER OF THE SERVICE OF SUMMONS

To: Marques Earl Harris
(Name of the plaintiff's attorney or unrepresented plaintiff)

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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 3/13/25, 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

Nick Stachula

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

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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.

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
EASTERN DISTRICT OF WISCONSIN

Marques Earl Harris

Plaintiff(s),

v.

Case No. 25cv140

Nick Stachula

Defendant(s).

CONSENT TO PROCEED BEFORE A MAGISTRATE JUDGE

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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.

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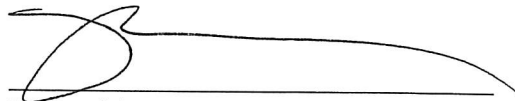
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While the decision to consent or not to consent to the exercise of jurisdiction by the magistrate judge is entirely voluntary, the duty to respond to this order is **mandatory**. Your response shall be made to the Clerk of Court only on the form on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

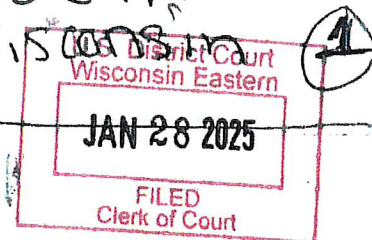
IT IS THEREFORE ORDERED, that you complete this form and file it with the Clerk of Court within **twenty-one (21) days** from receipt.

UNITED STATES DISTRICT COURT

A handwritten signature in dark ink, appearing to be 'P. Pepper', written over a horizontal line.

Honorable Pamela Pepper,
Chief Judge

UNITED STATES DISTRICT COURT
FOR THE Eastern District of Wisconsin



MARQUES EARL HARRIS, Petitioner

✓
Detective Nick Stachula of West Allis Case No 25-C-0140
Officer Schlei of Milwaukee Police District 4
Officer Jason Daering of Milwaukee Police District 4
Officer Bartoshevich of Milwaukee Police District 4
Officer Klahorst of Milwaukee Police District 4, Defendants

CIVIL RIGHTS COMPLAINT

Mr. Marques Earl Harris, Petitioner, Brings This 42
USC § 1983 against The following defendants, under
Bivens v. Six unknown Named Agents of Federal
Bureau of Narcotics, 403 U.S. 388 (1971).

Mr. Marques Earl Harris brings This suit against state
and local law officials, as a 1983 claim.

Section 1983 allows defendants to be found liable
only when they have acted "under color of any statute,
ordinance, regulation, custom or usage of any state
or territory of The District of Columbia".

Mr. Marques Harris is a Wisconsin state prisoner who
has been sentenced to the WI DOC for a period of incarceration
and who is a Wisconsin legal resident and a prisoner at
Dodge Correctional Institution.

2

FACTS

On Jan 19th 2024, at 5:22 Pm Approximately

Four Milwaukee Police officers, Officer Jason Daering, Officer Schleis, Officer Bartoshevich and Officer Klahorst jointly with west Allis Police Detective Nick Stachera and other west Allis Police officers arrived at Mr. Marques Harris's Residence Apartment #1, 5909 N. Teutonia Ave. Milwaukee, WI.

- 1) Jason Daering Knocked on Mr. Harris's apartment door.
- 2) Officer Daering's Body Cam is listed as Exhibit #2 as Evidence.
- 3) Mr. Harris, who was the occupant of the apartment accompanied by his brother Robert Harris.
- 4) Mr. Harris responds to Officer Daering's knock from inside the apartment "who is there?"
- 5) Officer Daering then responds with "Police, Milwaukee Police" as if to scare or intimidate occupants in the apartment.
- 6) Mr. Harris then opened the door only 2 inches and ask what was going on?
- 7) Officer Daering then replied "we have a 911 call complaint of Loud music from one of Mr. Harris's neighbors."
- 8) Mr. Marques Harris then responded with "OK I'll keep the music down Thank you very much and have a nice day officers. They attempted to retreat into his home."

Facts

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9) Officer Daering then ask Mr. Harris if his name was Marquese, Mr. Marques Harris replied "No". Officer Daering Then ask if Marquese lived There Mr. marques Harris replied "No".

10) In unison all The Officers ^{said} that "he is The guy ~~and~~ get him."

11) Officer Daering Then Pushed The Door open with his hand Cross The Threshold of The Apt and forcibly guided Mr. - Marques Harris out of The Apt and Prevented Mr marques Harris From retreating Back into his home.

12) Mr. Marques Harris was Then Patted down and searched and Told to take a seat on the staircase by det Nick Stachula OF West Allis Police, and was now in custodial custody with NO freedom of movement Nor was He free to move.

Det. Nick Stachula Body Cam is listed as Exhibit 3 as Evidence.

13) Immediately after Mr. Marques Harris was seated on The stairs Officer daering, Schlei, Bartoshevich and Klahorst Enter The home to conduct a search for evidence.

14) The Officers Searched under covers on the Bed, inside Pillow/cases, in closets, in The Bathroom, in Between couches, side of couches, on TOP of cabinets, on top of The refrigerator and Thoroughly searching around The apartments with flashlights and in other smaller areas of The Kitchen.

15) After The Search was Finish The officers remained in the home still Preventing Mr. marques Harris From retreating Back into The home.

FACTS

- 16) The officers keep searching the apartment and eventually find evidence then alerting Det. Nick Stachula who was detaining Mr. Marques Harris outside the home.
- 17) Det. Nick Stachula then enter the apartment to observe the evidence the officers discovered
- 18) Det. Nick Stachula then brings to Mr. Marques Harris attention that they discovered drugs in the apartment and told Mr. Marques Harris "He could now go and apply for a search warrant and was confident He'll now get one".
- 19) Mr. Marques Harris replies "Them drugs are not his and for them to do what they have to do."
- 20) Det. Nick Stachula then begin pressuring Mr. Marques Harris into giving consent to search the home.
- 21) Det. Nick Stachula then told Mr. Marques Harris "He will have to take him into custody if he ~~does not~~ doesn't give consent and that if he give consent he won't take him into county custody."
- 22) After threatening Mr. Marques Harris with custody and charges of conspiracy and drug charges for the drugs already found in the apartment, Mr. Marques Harris was convinced and pressured into giving consent by Det. Nick Stachula.
- 23) Det. Nick Stachula never described the contract of consent that Mr. Marques Harris was signed nor was Mr. Marques Harris given an opportunity to call an lawyer or gave Miranda rights before questioning and pressuring Mr. Marques Harris to give consent. At that time Mr. Marques Harris did not understand or have intelligence or education of law. due to Det. Nick Stachula and the Milwaukee Police officers deception and coercive actions to obtain evidence and short by passing Constitution rights.

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24) Mr. Marques Harris was really emotional at the time and the request of consent was done in a threatening and coercive environment by the defendants. Along with Mr. Marques Harris being illegally seized in his apartment and illegally detained while these defendants illegally search his apartment. And pressuring him to give consent afterwards in order to try and cover up their wrong doings.

25) The circuit court established on the record that there were no exigent circumstances coupled with probable cause to justify the warrantless entry, seizure and search. Honorable Judge Katie B. Kegel was the circuit court judge who also put on the record that these cops did violate ^{Mr. Harris} 4th Amendment right to privacy in ^{his} home.

26) Officer Jason Daering testified that he lied about the 911 complaint and that he had no probable cause to arrest ^{Mr. Harris}. He said that he was there to obtain a cell phone ^{Mr. Harris} allegedly suppose to have. Which was bad-faith cause the particular phone was not found during search of ^{Mr. Harris} or ^{Mr. Harris} home without a warrant.

27) Mr. Harris was cooperative never pose no threat or resistance because he did not want to get hurt by these officer. Mr. Harris was scared, emotional and confused by these officers actions.

(6)

Individuals Relevant

(28) Defendant 1) Officer Jason Daering is listed as a defendant in this civil complaint for violating The Petitioners 4th, 5th and 14th - Constitutional amendments Rights when Officer Daerings Rushed The door open on the Petitioner Mr. Harris and entered Mr. Harris's apartment without Permission or a search warrant and Physically escorted Mr. Harris out of his apartment without his consent. At This Point Officer Jason Daering should be Held accountable for his actions and The Petitioners Should be awarded damages against The Defendant Officer Jason Daerings of The Milwaukee Police department.

(29) Defendant 2) Detective Nick Stachula of West Allis Law enforcement is listed as a defendant in this civil Complaint for violating The Petitioners 4th, 5th and 14th Constitutional amendments Rights when Det. Nick Stachula entered into Mr. Harris's apartment without Permission or a search warrant and illegally detaining Mr. Harris outside his home. At This Point Det. Nick Stachula should be held accountable for his actions and The Petitioners Should be awarded damages against The Defendant Det. Nick Stachula of West Allis Law enforcement.

Continue...

Individual Relevant

(30) Defendant 3) Officer Schlei of Milwaukee Police District 4 is listed as a defendant in this civil complaint for violating The Petitioners 4th, 5th and 14th Constitutional amendments Rights when Officer Schlei entered Mr. Harris's apartment without permission or a search warrant and participating in escorting Mr. Harris out of his apartment without his consent as well. At this point Officer Schlei of Milwaukee Police should be held accountable for his actions and The Petitioners should be awarded damages against The Defendant Officer Schlei of Milwaukee Police District 4.

³¹
(31) Defendant 4) Officer Bartoshevich of Milwaukee Police District 4 is listed as a defendant in this civil complaint for violating The Petitioners 4th, 5th and 14th Constitutional amendments Rights when Officer Bartoshevich entered Mr. Harris's apartment without permission or a search warrant and participating in escorting Mr. Harris out of his apartment without his consent as well. At this point Officer Bartoshevich of Milwaukee Police should be held accountable for his actions and The Petitioner should be awarded damages against The Defendant Officer Bartoshevich of Milwaukee Police District 4

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Defendant 5) Officer Klahorst of Milwaukee Police district 4 is listed as a defendant in this civil complaint for violating The Petitioner 4th, 5th and 14th Constitutional amendment Rights when Officer Klahorst entered Mr. Harris's apartment to conduct a warrantless search and without permission or consent along with participating in escorting Mr. Harris out of his home without an warrant. At this point Officer Klahorst of Milwaukee Police district 4 should be held accountable for his actions and The Petitioner should be awarded damages against The defendant Officer Klahorst of Milwaukee Police district 4.

Additional FACTS

(33) There will be body cam footage to show These actions done by These officers along ^{with} testimonies by The officer on The record on transcripts from The circuit court motion hearing for suppression in case - #24CF505 AS Exhibit #2 and #3 That will be Provided.

(34) Due to Jason Daering denial of his promotion which was broadcasted on The news because of his illegal doings it's already proven That He is Capable of illegal government actions.

C. JURISDICTION

☒ I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR

☐ I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$_____.

D. RELIEF WANTED

Describe what you want the court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or stop doing something.

Petitioner requests that Milwaukee and West Allis Police Officers follow the rules and laws of proper Search Warrants.

Petitioner asks that each defendant pay damages in the amount of \$15,000 punitive for each defendant and Compensatory damages of \$5,000,000 to be awarded to the Petitioner. Petitioner ^{Request} ~~ask~~ for each defendant to pay \$15,000 for each ^{Violation} ~~violation~~. Violated guaranteed to the Petitioner by The Constitution Amendments.

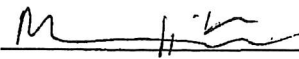
E. JURY DEMAND

☐ Jury Demand - I want a jury to hear my case
OR

☒ Court Trial - I want a judge to hear my case

Dated this 23rd day of January 2025.

Respectfully Submitted,


Signature of Plaintiff

655643
Plaintiff's Prisoner ID Number

Dodge Correctional Institution
P.O. Box 189 Phoenix, MD 21131
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper).

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FILING FEE

- ☒ I **DO** request that I be allowed to file this complaint without paying the filing fee. I have completed a request to proceed in the district court without prepaying the fee and attached it to the complaint.
- ☐ I **DO NOT** request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.