

**This Is An Unsigned and Unfiled Complaint for Discussion Purposes**

---

In the United States District Court  
for the Northern District of Texas  
Abilene Division

Zena D. Crenshaw-Logal, *Plaintiff*, )  
-v- ) Cause No.  
City of Abilene, Texas, *Defendant*. )

**Plaintiff’s 42 U.S.C. §1983 Complaint**

**I.  
Jurisdiction**

Jurisdiction of the Court is predicated upon the United States Constitution, to wit: Article III Section 2 (*case and controversy arising under the Constitution and laws of the United States*); Article VI (*the Supremacy Clause - the Constitution of the United States and laws enacted pursuant thereto as the Supreme Law of the Land*); the Ninth and Tenth Amendments (*rights retained and reserved by the people*); the First and Fifth Amendments made applicable to the several states by the Fourteenth Amendment; the due process and equal protection provisions of the Fourteenth Amendment; and various statutes to wit: Title 42 U.S.C. §1983 (*deprivation of federally protected rights under color of law*); Title 28 U.S.C. §1331 (*federal question*) and Title 28 U.S.C. §1343(a) (*deprivation of federally protected right under color of law*).

**II.  
Venue**

Venue is predicated upon 28 U.S.C. §1391(b)(2), this being the judicial district in which a substantial part of the acts and / or omissions giving rise to the present complaint occurred.

**III.  
Complaint**

Comes now the plaintiff *pro se*, and for her cause of action against the defendant pursuant to Title 42 U.S.C. §1983, says as follows:

## **This Is An Unsigned and Unfiled Complaint for Discussion Purposes**

---

1. I am an American citizen residing in the State of Indiana and a volunteer administrator of multiple grassroots, nonprofit, non-governmental organizations that are anti-corruption, good government advocates;
2. One such organization is POPULAR, Inc. (POPULAR), a national legal reform advocate;
3. POPULAR stands for “Power Over Poverty Under Laws of America Restored.” It is an association of public interest attorneys and law school graduates committed to helping poor and other disadvantaged people access affordable and competent legal representation, important civil and criminal justice system reforms, as well as appropriate judicial oversight;
4. POPULAR is advised by a board of lay community leaders. Its Advisory Board members have included Michayl Mellen of Abilene, Texas since POPULAR began in late 2008;
5. I have regularly communicated and pursued social justice initiatives with Mr. Mellen throughout most of this millennium;
6. In the process I shared many thoughts and impressions with Mellen by written communications, some of which are reportedly among his electronic and paper files searched and / or seized by one (1) or more agents of the Abilene Police Department on or about April 9, 2010;
7. Those writings reflect sensitive aspects of my advocacy, including lawful but controversial reforms I am contemplating and otherwise pursuing with fellow citizens and organizations for certain Taylor County, Texas residents;
8. In addition to confidential writings and documents I created, Mellen reportedly collected and maintained items and information to facilitate our shared monitoring of criminal law enforcement in Taylor County, Texas;

## **This Is An Unsigned and Unfiled Complaint for Discussion Purposes**

---

9. Mellen regularly disseminated related contentions through local media, broad email circulation, and blog posts;
10. Some have been conveyed via POPULAR's website which links to webcasts, videos, and press releases collectively appearing many hundred thousand times online;
11. In fact Mellen has long been an outspoken critic of the criminal justice system directly serving Taylor County, Texas on a local, state, and federal level. Prior to the search and seizure at issue, he regularly and widely advised agents of that system of his association with POPULAR and the Texas State Client Council Abilene Division (TSCCAD);
12. Mellen is "Corresponding Secretary" for and has been an officer of TSCCAD at all relevant times;
13. At all relevant times Mellen's computer(s) and files included "work product materials" within the meaning of the Privacy Protection Act, specifically Title 42 U.S.C. § 2000aa-7(b);
14. All and certainly the key government agents involved with searching and seizing that work product material must or should have known it could include confidential items belonging or relating to me and other POPULAR as well as TSCCAD affiliates;
15. All and certainly the key government agents involved with searching and seizing that work product material must or should have known it could identify one (1) or more confidential informants of TSCCAD and / or POPULAR and / or disclose information gleaned by the group(s) from one (1) or more confidential informants;
16. "(R)esponsible officials, including judicial officials, must take care to assure that (corresponding searches) are conducted in a manner that minimizes unwarranted intrusions upon privacy." *See, Andresen v. Maryland*, 427 U.S. 463 at 482, n.11 (1976);

## **This Is An Unsigned and Unfiled Complaint for Discussion Purposes**

---

17. Such precautions were not brought to bear for the referenced search and seizure of Mellen's computer(s) and files;
18. That search and seizure subverts many fundamental objectives of the Privacy Protection Act, Title 42 U.S.C. § 2000aa *et seq*,
19. The search and seizure unduly chills all criminal justice system watchdogs, particularly individuals and groups operating in the U.S. on a grassroots basis, their information gathering processes and corresponding informants;
20. The search and seizure theoretically if not actually provides unfettered access by law enforcement officers, prosecutors, and judges serving Taylor County, Texas to work product material of private citizens monitoring their conduct;
21. Neither agent nor their agencies self-recused given the prospect of that work product material implicating one (1) or more of them in unethical, illegal, and / or criminal conduct;
22. Neither agent nor their agencies self-recused despite the foreseeable, unavoidable, and irreparable harm attendant to that failure;
23. Apparently no arrangements were made for Mellen to be represented by appropriate experts during the referenced search and seizure;
24. Apparently Mellen was not provided an inventory of items accordingly seized;
25. All acts of omission and commission of which I am aware and on which I now premise this lawsuit, transpired pursuant to the defendant's prevailing practices, policies, and / or operating procedures;
26. Jacob Weise, who I believe is with the Abilene Police Department, is the affiant who precipitated the April 9, 2010 "SEARCH AND ARREST WARRANT" issued by Magistrate Lee Hamilton against Mellen;

## **This Is An Unsigned and Unfiled Complaint for Discussion Purposes**

---

27. As of at least May 20, 2010, the Taylor County District Attorney's Office has been aware of this matter;

28. As a direct and proximate result of said practices, policies, and / or operating procedures as well as the corresponding acts and omissions, I have experienced and continue experiencing a violation of privacy; my ability to associate with fellow citizens in petitioning government and otherwise accomplishing appropriate government oversight is unduly impeded; and I am accordingly denied due process as well as the equal protection of law;

29. As a direct and proximate result of the indicated violations of constitutional rights and my corresponding losses of liberty, I have been and continue to be inconvenienced, forced to incur the cost of this action, and subjected to emotional distress;

WHEREFORE I pray for judgment against the defendant for compensatory damages, the costs of this action as well as any and all other relief, just and proper upon the premises.

### **JURY DEMAND**

Comes now the plaintiff and demands trial by jury as to all appropriate matters of her foregoing complaint.

Respectfully Submitted,

---

**Zena D. Crenshaw-Logal, Plaintiff *Pro Se***  
Logal Professional and Public Policy Offices  
7519 W 77<sup>th</sup> Avenue · Crown Point, Indiana 46307  
[P] (219) 865-6248 Ext. 2 [F] (219) 865-6355  
[E] zcrenshaw@comcast.net