

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JOHN DOEs 1-8**

Plaintiffs,

v.

MARK R. SHEA, Cabinet Secretary of the New Mexico Department of Public Safety (NMDPS), in his official capacity; KATHERINE GARCIA, NMDPS SORNA Program Supervisor, in her official capacity, Sheriff MANUEL GONZALES, in his official capacity, Sheriff COREY HELTON, in his official capacity, Sheriff KIM STEWART, in her official capacity, Sheriff WESLEY WALLER, in his official capacity, and Sheriff DENISE VIGIL, in her official capacity.

Defendants.

Case No. \_\_\_\_\_

Jury Trial: (check one)  Yes  No

---

**COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF PURSUANT TO 42 U.S.C. § 1983**

---

**I. Introduction**

1. Plaintiffs JOHN DOEs 1-8, by and through their counsel of record Barrett G. Porter, Burgess and Porter Law, hereby bring this Complaint pursuant to the Fifth and Fourteenth Amendments of the Constitution of the United States, and 42 U.S.C. § 1983.

2. New Mexico state law requires that individuals who may be subject to sex offender registration and who relocate to New Mexico from another jurisdiction have their out-of-state offenses analyzed to see if they are required to register as sex offenders in New Mexico. NMSA 1978, §§ 29–11A–1 to –10.

3. This analysis involves a legal determination of whether the individual’s out-of-state offense is “equivalent” to a New Mexico offense requiring sex offender registration in New Mexico. NMSA 1978, § 29–11A–3.

4. Registration as a sex offender in New Mexico entails significant burdens and affirmative restraints including; public opprobrium, internet publication of personal information, loss of employment opportunities, loss of housing opportunities, damage to reputation, compelled furnishing of a DNA sample, and mandatory in-person reporting to the local sheriff every 90 days.

5. Upon relocating to New Mexico, Plaintiffs were *ad hoc* classified as sexual offenders by staff at the local sheriff’s office and required to register as sex offenders without any due process.

6. The local sheriff’s office then transmitted the information for each Plaintiff to the New Mexico Department of Public Safety (NMDPS). NMDPS in turn required all of the Plaintiffs to register as sex offenders without any due process.

7. NMDPS and the named county sheriffs have failed to set up any procedural due process before imposing significant burdens and affirmative restraints on Plaintiffs, and refused to provide due process when requested.

8. Plaintiffs sue for declaratory and injunctive relief against the Defendants for failure to establish constitutionally adequate due process for individuals relocating to New Mexico before subjecting individuals to the substantial burdens and affirmative restrictions imposed for sex offender registration.

## II. Jurisdiction and Venue

9. This case is brought pursuant to 42 U.S.C. § 1983.

10. Jurisdiction is proper under 28 U.S.C. §§ 1331 and 1343. Plaintiff seeks redress for the deprivation of rights secured by the U.S. Constitution.

11. Venue is proper in the District of New Mexico. 28 U.S.C. § 1391(b).

12. By information and belief, all Defendants are residents of New Mexico.

13. A substantial part of the events or omissions giving rise to this claim occurred in the District of New Mexico.

14. The declaratory and injunctive relief sought by Plaintiffs is authorized by 28 U.S.C. §§ 2201 and 2202, Federal Rules of Civil Procedure 57 and 65, and by the legal and equitable powers of the Court.

## III. Parties

15. Plaintiffs **JOHN DOES 1-8** are all individuals residing in New Mexico.

16. Defendant **MARK R. SHEA** is the Cabinet Secretary of the New Mexico Department of Public Safety. In his official capacity as the Cabinet Secretary for Public Safety, Defendant Shea is responsible for maintaining New Mexico's statewide sex offender registry and overseeing the determination of whether or not an individual is required to register as a sex offender in New Mexico.

17. Defendant **KATHERINE GARCIA** is the Special Programs Supervisor of the New Mexico Department of Public Safety's Sex Offender Registration Unit. In her official capacity, Ms. Garcia is charged with overseeing the determination of whether or not an individual relocating to New Mexico is required to register as a sex offender.

18. Defendant **MANUEL GONZALES** is the Sheriff of Bernalillo County, New Mexico. In his official capacity as the Sheriff, Defendant Manuel Gonzales is responsible for maintaining the local registry for Bernalillo County.

19. Defendant **COREY HELTON** is the Sheriff of Lea County, New Mexico. In his official capacity as the Sheriff, Defendant Corey Helton is responsible for maintaining the local registry for Lea County.

20. Defendant **KIM STEWART** is the Sheriff of Doña Ana County, New Mexico. In her official capacity as the Sheriff, Defendant Kim Stewart is responsible for maintaining the local registry for Dona Ana County.

21. Defendant **WESLEY WALLER** is the Sheriff of Curry County, New Mexico. In his official capacity as the Sheriff, Defendant Wesley Wallace is responsible for maintain the local registry for Curry County.

22. Defendant **DENISE VIGIL** is the Sheriff of Valencia County, New Mexico. In her official capacity as the Sheriff, Defendant Denise Vigil is responsible for maintaining the local registry for Valencia County.

#### IV. Factual Background: Registration Scheme

23. The New Mexico Sex Offender Registration and Notification Act (SORNA), NMSA 1978, §§ 29–11A–1 to –10, requires a person convicted of any of twelve enumerated sex offenses, **or who is convicted of an “equivalent” offense in any other jurisdiction**, to register as a sex offender with the county sheriff for the New Mexico county in which that person resides. *State v. Hall*, 2013-NMSC-001, ¶ 1, 294 P.3d 1235.

24. Under New Mexico law, registrants are classified, according to the crime committed, as either; a) lifetime registrants, b) 20-year registrants, or c) 10-year registrants. NMSA §§ 29-11A-4(L)(1) and (2).

25. The New Mexico Supreme Court has stated that the determination of whether an individual’s out-of-state offense is “equivalent” to a New Mexico offense requires a legal analysis of whether the “out-of-state fact finder necessarily must have found facts that would have proven the elements of the New Mexico registerable offense.” *State v. Hall*, 2013-NMSC-001, ¶ 30, 294 P.3d 1235, 1242.

26. Given the complexity of this legal determination, it is properly made by a court of competent jurisdiction. *See State v. Hall*, 2013-NMSC-001, ¶¶ 18, 22, and 30, 294 P.3d 1235, 1240-42.

27. Registration as a sex offender in New Mexico places the following burdens upon individuals:

- a. Internet publication of the individual's home address;
- b. Internet publication detailing the individual's physical appearance; including their gender, age, height, weight, hair color, eye color, and descriptions of all tattoos or scars on their person;
- c. Internet publication of a recent photograph of the individual;
- d. Internet publication of the title of the offense for which the individual was convicted; (Example: "Rape of a Child", "Indecent Behavior with Juvenile", "Lewd and Lascivious Battery", "Communication with Minor for Immoral Purposes, " or "Annoy/Molest Children Under 18".
- e. Surrender a DNA sample for inclusion in the New Mexico sex offender DNA identification system pursuant to the provisions of the DNA Identification Act Chapter 29, Article 16 NMSA 1978.
- f. Provide a complete set of the individual's fingerprints and a palm print;
- g. In-Person reporting quarterly (every 90 days) to the county sheriff and providing all of the following information:
  - i. the individual's legal name and any other names;
  - ii. the individual's date of birth;
  - iii. the sex offender's social security number;
  - iv. the individual's current physical and mailing address;
  - v. the individual's place of employment;
  - vi. the sex offense for which the individual was convicted;
  - vii. the date and place of the sex offense conviction;

- viii. the individual's names, email addresses and monikers and other self-identifiers used on social networking sites;
- ix. the individual's landline and cellular telephone numbers and any other telephone numbers primarily used by the individual;
- x. the individual's professional licenses;
- xi. the license plate or other identifier and the description of any vehicle owned or primarily operated by the individual, including aircraft and watercraft;
- xii. the name and address of any school or institution of higher education that the individual is attending; and
- xiii. copies of the individual's passport and immigration documents.

28. Individuals who relocate to New Mexico and who may have a conviction for an offense requiring sex offender registration generally report first to the local county sheriff's office.

29. Upon the initial reporting to the county sheriff's office, the individuals are subject to a county employee's *ad hoc* determination that the out-of-state offense is "equivalent" to a New Mexico offense requiring sex offender registration.

30. The local sheriff employee determines both the fact of registration and the classification of the out-of-state offender. This classification defines both the length of the registration obligation, and the frequency of mandatory in-person reporting.

31. There is no due process provided for this initial *ad hoc* determination before the significant burdens of sex offender registration are imposed.

32. The information regarding the out-of-state offender is then sent to the NMDPS for a second determination of whether the out-of-state offense is “equivalent” to a New Mexico offense.

33. There is no due process provided for this second purported equivalency determination. No notice. No right to discover the evidence relied upon. No hearing in which to present evidence. No neutral decisionmaker. No mechanism for appealing the decision.

34. During the often prolonged periods awaiting “equivalent” offense determinations, individuals are required to register and suffer all of the burdens upon their liberty and affirmative restraints that sex offender registration imposes upon their lives.

35. In fact, several of the Plaintiffs in this case have never had their out-of-state offenses analyzed as “equivalent” offenses and have been “Waiting on Translation” for several years.

36. The failure to provide due process has resulted in errors and forced the registration of individuals who are not required to register as sex offenders under New Mexico law. *State v. Hall*, 2013-NMSC-001, 294 P.3d 1235; *State v. Winn*, 2019 -NMCA- 011, 435 P.3d 1247; *State v. Orr*, 2013-NMCA-069, 304 P.3d 449.



37. In the event any of the Plaintiffs fail to register as a sex offender, they are subject to prosecution for a third or fourth degree felony and imprisonment for eighteen months or three years. NMSA 1978 § 29-11A-4 (P).

38. Registration in New Mexico subjects Plaintiffs to severe public opprobrium and reputational harm.

39. Plaintiffs are subjected to “residency verifications” in which uniformed, armed sheriff deputies in marked patrol units arrive at their residences unannounced in view full of neighbors and other visitors to the residences.

40. Registration in New Mexico subjects Plaintiffs to deprivations of liberty and affirmative restraints. These deprivations include, but are not limited to; in-person annual or quarterly registration requirements, internet publication of all of their personal information, providing DNA, fingerprints to New Mexico databases *See generally* NMSA §§ 29-11A-4.A, 4.F, 4.I, and 4.L and list of registration burdens in ¶ No. 27, *supra*.

41. Registration in New Mexico subjects Plaintiffs to internet publication and/or enhanced access by the public to details about their crime of conviction and personal information which are not publicized or available for other classes of offenders. *See* NMSA § 29-11A-4(N).

42. Registration in New Mexico causes severe ancillary consequences including lost job opportunities, difficulty finding housing, and subjection to verbal and physical harassment and abuse.

43. The NMPDS and its responsible agencies have not disclaimed intent to enforce the statutes and regulations pertaining to registered sex offenders against Plaintiffs.

#### **IV. Factual Background: Plaintiffs**

44. Plaintiffs all moved to New Mexico and were required to register with in New Mexico as sex offenders and comply with all of the burdens associated with registration without any due process.

45. **John Doe 1** was convicted and sentenced in 2008 for Sexual Assault. His Colorado Judgment and Sentence states that he has a 10 year registration period. On May 3, 2009, he moved with his wife for employment purposes to New Mexico under the Interstate Compact for Adult Offender Supervision. Upon reporting to the Bernalillo County Sheriff's Office, he was directed to register and advised that he needed to register for a lifetime term and had to register quarterly. As this is vastly different from his requirements in Colorado, he requested additional information and a hearing from NMDPS, which he was denied. He has continued to reside in New Mexico and successfully completed his 9 years of probation on June 1, 2018. He has been raising a family and working in New Mexico since he arrived and has faced harassment and loss of business when potential clients search him on the internet and find his sex offender profile. John Doe 1 has been burdened with quarterly registration and internet publication from 2009 until the present date without being provided

any of his requested due process (Over 10 years). Because he was not afforded adequate due process, he may have been misclassified and suffered irreparable harm to him, his business and his family.

46. **John Doe 2** was convicted of sexual offenses that occurred when he was a juvenile. Despite being a juvenile when he committed these acts, he was told that he had to register as a sexual offender when he came to New Mexico in April of 2019. New Mexico law does not require sex offender registration for offenses committed by juveniles. When John Doe 2 relocated to New Mexico, he was told he had to register every 90 days for lifetime and submit documents to his employers outlining his convictions and status as a sex offender. He requested documents and information showing that he had to register every 90 days and that he was required to register if his acts were committed as a juvenile. Despite repeated requests, he has not been provided with any documentation by NMDPS. To date, he has not been provided with any due process.

47. **John Doe 3** was 19 when he had consensual sex with a minor in Idaho and was convicted of Lewd Conduct with a Child (Under 16). She was 15 at the time. He was convicted in Idaho on July 20, 2003 and sentenced to 7 years of probation with a portion of it being indeterminate. In Idaho, he was only required to register once a year. Upon relocating to New Mexico, Dona Ana County, in 2008 he was told by the sheriffs that based upon NMDPS

policy he had to register for every 90 days for the remainder of his life. His facts may equate to elements in New Mexico that only require an annual registration for a period of ten years. He was denied a hearing or any additional due process and was placed into the lifetime sex offender category. John Doe 3 has been burdened with quarterly registration and internet publication from 2008 until the present date without being provided due process or any equivalency determination. He has been listed on the NMPDS sex offender website as “Waiting on Translation” for over 11 years.

48. **John Doe 4** was convicted and sentenced in October 2005 for Indecency with a Child in Texas. He was initially sentenced to 2 years of Deferred Adjudicated Probation. He moved to Texico, New Mexico on February 14, 2011 and began registering February 15, 2012. He reported to the Curry County Sheriff’s department and was told he was to register every 90 days for life. John Doe 4 has been burdened with quarterly registration and internet publication from 2012 until the present date without being provided due process or any equivalency determination. He has been listed on the NMPDS sex offender website as “Waiting on Translation” for over 7 years.

49. **John Doe 5** was convicted and sentenced on June 7, 1996 in Oklahoma for Lewd Acts with a Child. He was successfully discharged from probation on June 7, 2006. He was originally told that he had to register annually for 20

years. This was subsequently and summarily changed to quarterly without any due process. He was removed from the Oklahoma registry entirely by 2018, yet remains on the New Mexico sex offender registry. John Doe 5 has been burdened with quarterly registration and internet publication from 2012 until the present date without being provided due process or any equivalency determination. He has been listed on the NMPDS sex offender website as “Waiting on Translation” for over 7 years.

50. **John Doe 6** was convicted and sentenced October 19, 2000 in California for two counts of Lewd and Lascivious Acts. He was discharged from parole and all other reporting obligations on May 8, 2006. In California, he was required to register annually with proof of residence. When he moved to New Mexico in 2006, he was advised that the “equivalent” conviction in New Mexico required him to register for life every 90 days and submit to home visitations and searches every time he registered. He requested a hearing on the 90-day requirement and was told there is no process to challenge the decision. Every 90 days commencing in 2006, he registers in compliance with the law. To date, he has never received the hearing that he requested to compare his California conviction to the elements contained in the New Mexico sex offense statutes. John Doe 6 has been burdened with quarterly registration and internet publication from 2006 until the present date without being provided due process or any equivalency determination.

51. **John Doe 7** was convicted of Lewd Conduct with a Minor in California on November 23, 1993. He was released from all reporting obligations on December 29, 1999. He moved to Bernalillo County, New Mexico in April 2009 and began registering. He was told he was required to register annually for 20 years pending approval from Santa Fe, NMDPS. He moved to Valencia County and began registering and was told he could only come in to register on a specific day in January every year and if he did not, he would be arrested for failing to register. He has been complying with the registration requirements since 2009, however, the Valencia County Sheriffs show up at his house in “Sex Offender” gear regularly and park outside of his house. His California conviction was never determined to be an equivalent offense under New Mexico law and he has not been provided any due process. He has been listed on the NMPDS sex offender website as “Waiting on Translation” for over 10 years.

52. **John Doe 8** was convicted and sentenced in 2003 in a military court in Hessen, Germany while he was in the military under UCMJ Article 134, Indecent Act with a Minor. Upon relocation to New Mexico, he was told by Dona Ana County to register every 90 days for life. This requirement was carried over when he moved to Bernalillo County. John Doe 8 has been burdened with quarterly registration and internet publication from 2007 until the present date without being provided due process or any equivalency

determination. He has been registering every 90 days despite there being no translation from the military article conduct to a New Mexico enumerated sex offense. He has been listed on the NMPDS sex offender website as “Waiting on Translation” for over 12 years.

#### **IV. Cause of Action**

##### **Procedural Due Process**

53. All preceding paragraphs are incorporated herein by reference.

54. By action of state and local officials under color of law, Plaintiffs have been required to register in New Mexico and are currently under threat of arrest, prosecution, and imprisonment for violating any statute applicable to sex offender registrants.

55. Defendants’ actions affect a significant liberty interest or property interest of Plaintiffs. Plaintiff’s endure significant burdens on their liberty that are not placed on non-registered residents of New Mexico.

56. Registration in New Mexico causes reputational harm to Plaintiffs.

57. Registration in New Mexico significantly alters the legal status and rights of Plaintiffs.

58. Plaintiffs are required to register in New Mexico solely on the basis that their out-of-state conviction is “equivalent” to a New Mexico offense requiring registration.

59. In all cases, Plaintiffs were given no notice nor opportunity to be heard prior to or after this determination was made.

60. In all cases, Plaintiffs have no opportunity to contest this determination in any trial, hearing, or other appeal forum.

### **V. Relief Requested**

WHEREFORE, Plaintiffs requests that the Court find that Defendants have failed to set up adequate constitutional due process for individuals moving to New Mexico to have notice, discovery, a hearing, and a mechanism for review of the equivalency determination before they are required to suffer the burdens of sex offender registration.

THEREFORE, Plaintiffs request:

- 1) A declaratory judgment that Defendants, in their official capacities, have violated the Due Process rights of Plaintiffs under the Fourteenth Amendment of the Constitution of the United States by requiring them to register as sex offenders in New Mexico without adequate due process;
- 2) An Order directing Defendants, in their official capacities, to remove the name and other information of Plaintiffs from all publicly published sex offender registries until due process is provided to each Plaintiff;
- 3) An injunction barring Defendants, in their official capacities, from enforcing any law pertaining to the registration of Plaintiffs unless and until due process is provided to the individuals.



4) Attorney's fees and costs pursuant to 42 U.S.C. §1988 and any other applicable federal or state statute.

This is the 29th day of October, 2019.

BURGESS & PORTER LAW, LLC

/s/ signed and filed electronically

---

**Barrett (Barry) G. Porter  
and Susan Burgess-Farrell**  
Burgess & Porter Law, LLC  
400 Gold Avenue, SW Suite 910  
Albuquerque, NM 87102  
Phone: 505-433-5545 Fax: 505-835-3545  
Email: bporter@burgessporterlaw.com  
Attorneys for Plaintiffs John Does 1-8

Liberty & Justice Coalition

/s/ signed and filed electronically

---

**Ashley Reymore-Cloud**  
Liberty & Justice Coalition  
P.O. Box 36123  
Albuquerque, NM 87176  
Tel: 505-832-4291 Fax: 505-248-1234  
Email: acloud33@gmail.com  
Attorney for Plaintiff John Does 1-8

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question, 4 Diversity

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

### Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.  
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.  
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.  
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.  
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.  
 Original Proceedings. (1) Cases which originate in the United States district courts.  
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.  
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.  
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.  
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.  
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.  
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.  
**PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.  
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.  
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.