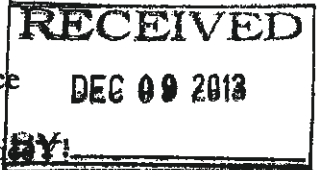


LEGISTAR NO.

130575



U.S. Department of Justice

United States Marshals Service

Northern District of Florida

Edward Spooner
U.S. Marshal

111 N. Adams Street
Tallahassee, FL 32301
(850) 942-8400

One North Palafox Street
Pensacola, FL 32501
(850) 469-8270

30 W. Government Street
Panama City, FL 32401
(850) 763-0771

401 SE 1st Avenue
Gainesville, FL 32601
(352) 378-2082

Date: November 27, 2013

Case Number: 1:13cv59
Brandon Walker vs. Adam Urra, Sarah Bowie, Michael Schentrup

To: Michael Schentrup

This Complaint has been served by mail as a less expensive means of service than personal service. Please review paragraph entitled "Duty to Avoid Unnecessary Costs of Service of Summons". Please, sign, date and return the "Waiver of Service of Summons" form to this office in the enclosed self-addressed envelope within thirty (30) days.

You may request personal service of this complaint. Therefore, if you choose not to accept service by mail, pursuant to FED.R.CIV.P4(c)(2)(D), good cause shall be shown for not returning the acknowledgement of service by mail form (Waiver of Service of Summons). The court shall order you to pay the costs incurred by the United States Marshals Service to serve the complaint and summons upon you personally.

Sincerely,

EDWARD SPOONER
UNITED STATES MARSHAL

BY: Jennifer Tallarico
Operations Support Specialist
401 SE 1st Avenue
Gainesville, Florida 32601
352-378-2082 office
352-372-1421 fax

UNITED STATES DISTRICT COURT
for the
Northern District of Florida

BRANDON WALKER
Plaintiff
v.
ADAM URRA, SARAH BOWIE, MICHAEL SCHENT
Defendant

)
)
)
)
)

Civil Action No. 1:13-cv-00059-MW-GRJ

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

To: MICHAEL SCHENTRUP

(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: 11/27/13

Signature of the attorney or unrepresented party

Printed name

Address

E-mail address

Telephone number

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03/13/2013

UNITED STATES DISTRICT COURT

for the
Northern District of Florida

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BRANDON WALKER
Plaintiff
v.
ADAM URRA, SARAH BOWIE, MICHAEL SCHENT
Defendant

Civil Action No. 1:13-cv-00059-MW-GRJ

WAIVER OF THE SERVICE OF SUMMONS

To: BRANDON WALKER
(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 11/27/13, 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

MICHAEL SCHENTRUP

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.

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

BRANDON WALKER,

Plaintiff,

vs.

Case No: 1:13-cv-59-MW-GRJ

ADAM URRA, SARAH BOWIE,
and MICHAEL SCHENTRUP,

Defendants.

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ORDER

Plaintiff, proceeding *pro se* and *in forma pauperis*, has filed his Third Amended Complaint, which the Court has screened and deemed sufficient to state a claim and alert the Defendants to the nature and basis of Plaintiff's claim. (Doc. 15.) Pursuant to the Court's directive, Plaintiff has now provided addresses for Defendants Schentrup and Bowie (Doc. 17) so that service can be directed. Service of the Third Amended Complaint (hereafter Complaint) shall now be ordered, and the Defendants shall be required to respond.

Accordingly, it is hereby **ORDERED** that:

1. The clerk shall print a copy of the Complaint and shall complete the USM-285 forms and AO-398 and AO-399 forms for the Defendants.
2. The clerk shall issue summons for each Defendant, indicating that each Defendant has sixty (60) days in which to file a response to the Complaint, and refer the summons, a copy of this order, a service copy of the Complaint, the completed USM-

CERTIFIED A TRUE COPY
Jessica J. Lyublanovits

By: 
Deputy Clerk

8. Counsel for Defendant shall file a notice of appearance within twenty (20) days of the date of service of the Complaint.

9. Once a response to the Complaint is filed, no amendments to the Complaint shall be permitted by the court unless, as required by Rule 15 of the Federal Rules, Plaintiff files a separate motion for leave to so amend and provides a copy of the proposed amended complaint.

10. After a response to the Complaint has been filed by Defendant, Plaintiff shall be required to mail to the attorney for each Defendant a copy of every pleading or other paper, including letters, submitted for consideration by the court. Plaintiff shall include with the original paper to be filed with the clerk of court a certificate of service stating the date a correct copy of the paper was mailed to Defendant or to the attorney representing Defendant. **Any paper submitted for filing after a response to the complaint has been filed by Defendant which does not contain a certificate of service shall be returned by the clerk and disregarded by the court.**

11. In accordance with 28 U.S.C. § 636(c)(2), the clerk shall forward to Plaintiff a form for consenting to trial by the magistrate judge, with the case number written on it. If Plaintiff wishes to consent he should sign the form and forward it to counsel for Defendants, who, if both Defendants consent, shall return it to the clerk.

12. Plaintiff is reminded to keep the clerk of court advised of any change in his mailing address should he be transferred, released from prison, or otherwise be relocated. Failure to do so may result in the dismissal of Plaintiff's action for failure to prosecute if court orders are not able to reach Plaintiff.

13. In any event, the Clerk shall refer this file to the undersigned forty-five (45) days from the date of this order.

DONE AND ORDERED this 25th day of November 2013.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA

Gainesville DIVISION

3rd Amended Complaint

CIVIL RIGHTS COMPLAINT FORM

**TO BE USED BY PRO SE (NON-PRISONER) LITIGANTS IN ACTIONS
UNDER 28 U.S.C. § 1331 or § 1346 OR 42 U.S.C. § 1983**

In Admiralty

BRANDON WALKER - as trustee of
Brandon Lenore Walker Living Trust
(Enter full name of Plaintiff(s))

vs.

CASE NO: 1:13CV59 MW/GRJ
(To be assigned by Clerk)

~~Sgt.~~ Sgt. Michael Schentrup
Sarah Baurie - Probation Officer
Adam Uva - State Attorney
(above names to be spelled
in ALL CAPS)

(Enter name and title of each Defendant.

If additional space is required, use the
blank area below and directly to the right.)

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ANSWER ALL QUESTIONS ON THE FOLLOWING PAGES:

I. **PLAINTIFF:**

State your full name and full mailing address in the lines below.

Name of Plaintiff: BRANDON WALKER
Mailing address: General detainer
Maineville, FL
Zip exempt (DMM 122.22)

II. **DEFENDANT(S):**

State the name of the Defendant in the first line, official position in the second line, place of employment in the third line, and mailing address. Do the same for every Defendant:

(1) Defendant's name: MICHAEL SCHENTRUP
Official position: Sergeant
Employed at: U.P.N.
Mailing address: _____

(2) Defendant's name: SARAH BOWIE
Official position: State Probation Officer
Employed at: Dept. of Corrections
Mailing address: _____

(3) Defendant's name: ADAM URBAN
Official position: State Attorney
Employed at: State Attorney's Office
Mailing address: 120 W. Univ Ave
Maineville, FL 32601

(4) Defendant's name: _____
Official position: _____
Employed at: _____
Mailing address: _____

ATTACH ADDITIONAL PAGES HERE TO NAME ADDITIONAL DEFENDANTS

III. STATEMENT OF FACTS:

State briefly the FACTS of this case. Describe how each Defendant was involved and what each person did or did not do which gives rise to your claim. In describing what happened, state the names of persons involved, dates, and places. Do not make any legal arguments or cite to any cases or statutes. You must set forth separate factual allegations in separately numbered paragraphs. You may make copies of this page if necessary to supply all the facts. Barring extraordinary circumstances, no more than five (5) additional pages should be attached. (If there are facts which are not related to this same basic incident or issue, they must be addressed in a separate civil rights complaint.)

On December 29, 2010, I was at my apartment My then probation officer Sarah Bowie, arrived with other U.P.D. officers. The purpose of said officer's arrival was to conduct a warrantless probationary search at the request of then Det. Michael Schentup. Schentup alleged he had received a call from FDLE in regards to a latent print match for one Brandon Walker, or BRANDON WALKER. After making contact with me, Bowie advised me to step out while a search of my then residence was conducted. I complied. Consequently, the search turned up a handgun, bullets, cocaine, and a small amount of marijuana. Mind you, Schentup never physically saw any such evidence, to proceed in such a manner, as he thought not to seek a magistrate's warrant. Schentup phoned Sarah Bowie and impressed upon her that he had received a call from FDLE about a print match and was suspicious that the Defendant "may" be in possession of more firearms. Schentup acted on a mere suspicion and used Bowie as a stalking horse. A total of 5 officers were engaged in the search. After the firearm was found I was handcuffed and taken down to U.P.D. headquarters for questioning. I spent approx 109 days in the Alachua County Jail for that, with no evidence or my latent prints ever presented in DNA. ~~I~~ I eventually chose to go to a V.O.P. hearing to proclaim my innocence regarding the gun that was found nowhere near me nor my dwelling. Once in V.O.P. hearing Det. Schentup got on the witness stand and admitted to entering the Defendant's residence to assist in the search.

Public Defender (at that time) Al Chipperfield was deeding the estate. Chipperfield immediately raised the question of why was Det. Schentrup inside the Defendant's dwelling. Det. Michael Schentrup replied, after profusely stuttering, that he was simply assisting his officers. Defendant was charged with poss. of a firearm (actual and constructive) poss. of cocaine, poss. of marijuana (under 20 grams) and poss. of ammo, all by a convicted felon. Nonetheless, Judge David A. Grant (R.I.P.) vacated a 36 month D.C. sentence given to the Defendant on April 8, 2011. A motion to suppress evidence was also granted, due to Det. Michael Schentrup acting on a mere suspicion thereby, acting outside of his official capacity. Defendant went to a V.D.P. hearing on April 8, 2011 and was released on April 12, 2011. Defendant believes that numerous torts were committed and hereby seeks to be made whole. Sarah Bowie failed to gather any proof of DNA or latent prints. She blindly trusted Schentrup's word, thereby making her equally guilty of said torts. All are guilty of malicious prosecution as ~~was~~ all 6 elements are present in this tort. Adam Una failed to solicit any solid and indubitable evidence before filing frivolous charges. All of which the Defendant bore the burden and suffered loss and damages for such tactless police work.

In fact, 89 days after the aforementioned case was sentence was vacated, Mr. Uua filed charges on an almost cold gun case to place the defendant back in jail. Clearly malicious as Mr. Uua felt he had lost the first case. Defendant was even placed in the paper and on television as a most wanted. All in the name of a conviction for commerce. What happened to equity and justice? I guess it's safe to say that justice was expelled and expatriated in 1938!

IV. STATEMENT OF CLAIMS:

State what rights under the Constitution, laws, or treaties of the United States you claim have been violated. Be specific. Number each separate claim and relate it to the facts alleged in Section III. If claims are not related to the same basic incident or issue, they must be addressed in a separate civil rights complaint.

1. Malicious prosecution, as all 6 elements are met.
2. False arrest, as Det. Michael Schentup was fully aware that he did not possess any proof to engage in a search. He ~~acted~~ acted on mere suspicion alone.
3. The right to bear arms (the Dick Act 1902, which cannot be repealed)
- 4.) Malfeasance

V. RELIEF REQUESTED:

State briefly what relief you seek from the Court. Do not make legal arguments or cite to cases/ statutes.

- 1) Injunctive relief from all officers in the district if Defendant has not harmed anyone (pursuant to common law)
- 2) 1.5 million in compensatory damages, slander, loss of belongings etc. Declaratory relief

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENTS OF FACT, INCLUDING ALL CONTINUATION PAGES, ARE TRUE AND CORRECT.

11/4/2013
(Date)

BRANDON WALKER - as trustee of
the Brandon Luence Walker Living Trust
(Signature of Plaintiff)
Without prejudice 8/19/13
UCC ~~1-308~~ 1-308