

Aaron M. Ogletree, *pro se*
4822 Russell Avenue
Parma, Ohio 44134-1863
(440) 915-9154 (Mobile)
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aaron.ogletree@outlook.com

Pro se Plaintiff



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

1:21 CV 500

AARON M. OGLETREE

Plaintiff,

v.

Cleveland State University

Defendant.

Case #

VERIFIED COMPLAINT

Date: 02/25/2021

Time: 12:00 PM

Judge:

JUDGE CALABRESE

COMPLAINT

Case #

Aaron M. Ogletree | 02/25/2020 12:00 PM

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Plaintiff Aaron M. Ogletree, *pro se*, brings this action against defendants Cleveland State University Board of Trustees and Cleveland State University pursuant to 42 U.S.C. § 1983, *et seq.*, for the deprivation of rights protected by the Fourth Amendment and the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

STATEMENT OF THE PARTIES AND INDIVIDUALS

1. Plaintiff Aaron M. Ogletree (“Ogletree” or “Plaintiff”) is a 24-year-old white male who resides at 4822 Russell Avenue, Parma, Ohio 44134-1863 and, for all times relevant to this action, was enrolled as a full-time student at Cleveland State University.

2. Defendant Cleveland State University Board of Trustees (“the Board”) is the governing body of Cleveland State University (“CSU” or “the University”) and is a political subdivision organized under the laws of the State of Ohio with its principal place of business located at 2121 Euclid Avenue, Cleveland, Ohio 44115-2214.

3. Defendant Cleveland State University (“CSU” or “the University”) is an institution of higher education and a political subdivision organized under the laws of the State of Ohio with its principal place of business located at 2121 Euclid Avenue, Cleveland, Ohio 44115-2214.

4. Defendant Kelly M. King, esq. (“Mrs. King”) is a female, who at all times relevant, to the best of Plaintiff’s knowledge, served as the Associate General Counsel for the University’s Office of General Counsel. Mrs. King is named in her official and individual capacities and can be served at 2121 Euclid Avenue, AC 327, Cleveland, Ohio 44115.

STATEMENT OF JURISDICTION AND VENUE

5. Plaintiff incorporates all the above paragraphs as if fully rewritten herein.

6. Federal jurisdiction is invoked pursuant to 28 U.S.C. §§ 1331 and 1343 as one or more of Plaintiff’s claims arise “under the Constitution, laws, or treaties of the United States.”

48 7. Supplemental jurisdiction over Plaintiff's state law claims is invoked pursuant to 28 U.S.C. § 1367 as
49 the state law claims are so related to the claims within which this Court has original jurisdiction "that they form
50 part of the same case or controversy under Article III of the United States Constitution."

51 8. Venue is conferred under 28 U.S.C. § 1391 (B)(2) as a substantial part of the events or omissions giving
52 rise to the claims occurred in the Northern District of Ohio. Further, venue is proper in the Cleveland Office
53 pursuant to Local Rule 3.8 (a) of this Court as a substantial part of the events or omissions giving rise to the
54 claims occurred within Cuyahoga County.

55 9. The Board may be served with summons and process under O.R.C. §3313.34 by leaving a copy with
56 Board Chair Dr. C. Forrest Faison III, M.D. and is subject to the jurisdiction and venue of this Court.

57 **STATEMENT OF FACTS**

58 10. On or about May 19th, 2020, Plaintiff was admitted to Cleveland State University with a declared major
59 of Chemistry.

60 11. Following the completion of the Fall Semester of 2020, Plaintiff enrolled in the following five courses
61 and paid-in-full all applicable tuition and fees for the Spring Semester of 2021: 1. Introductory Biology II; 2.
62 Introductory Biology II Lab; 3. General Chemistry II; 4. General Chemistry II Lab; and 4. German II.

63 12. Due to the current global pandemic, many – if not most – courses offered by the University for the
64 Spring Semester of 2021 are being provided in a remote format where students access and attend their courses
65 using Blackboard and/or Zoom.

66 13. All students attending courses or examinations in-person on the University campus are required to
67 complete a Daily Health Assessment ("DHA") to determine if it is safe for the student to be on campus.

68 14. Students who fail the DHA or test positive for COVID-19 are prohibited from attending courses or
69 examinations on campus.

70 15. Students who attend their courses remotely, including Plaintiff, often do so from their own homes,
71 bedrooms, offices, dorms, and other locations where there is a reasonable expectation of privacy using their
72 own personal and private devices.

73 16. Plaintiff is registered with and receives accommodations for all the above courses through the Office of
74 Disability Services (“ODS”) of the University.

75 17. One ODS approved accommodation is the extension of time to complete examinations which are
76 proctored by the Testing Services of the University.

77 18. On or about February 17th, 2021, at 12:34 PM Testing Services proctored the first exam for Plaintiff’s
78 General Chemistry II course which was scheduled for February 17th, 2021, at 12:10 PM.

79 19. On or about February 17th, 2021, at 10:25 AM Testing Services emailed Plaintiff at his University email
80 with instructions for the scheduled exam and notified him that the proctors would be “checking [his] ID, [his]
81 surroundings and [his] materials...”

82 20. On or about February 17th, 2021, at approximately 12:30 AM Testing Services proctors conducted a
83 search of Plaintiff and his surroundings by requiring Plaintiff to pan his laptop’s webcam around his bedroom
84 for the proctors and all present students to see.

85 21. The search conducted by Testing Services proctors yielded no evidence of violation of University
86 policies, laws, or any other evidence of misconduct or cheating and the proctors provided Plaintiff with the
87 password to enter the examination.

88 22. The proctors monitored Plaintiff as he took his examination through his laptop’s webcam.

89 23. On or about February 17th, 2021, at approximately 1:15 PM, Plaintiff submitted his examination and
90 received a final score of 95% and 99% with the addition of the four points he received from the “cleanup quiz”
91 administered after the examination.

92 24. Plaintiff reasonably believed the search policy of the University was officially withdrawn after having
93 disputed the same policy present in an instructor’s syllabus which was withdrawn as a result.

94 25. Unknown to Plaintiff before the 10:25 AM email, the University's Testing Services has a blanket policy
95 requiring all students taking examinations remotely to submit to a search of their surroundings before being
96 given the password to enter the exam.

97 26. This search conducted by the University's Testing Services proctors is visible to all students present in
98 the Zoom meeting.

99 27. Due to the current global pandemic, students who are immunocompromised, have immunocompromised
100 relatives, fail the DHA, or test positive for COVID-19 cannot opt-out of the blanket search requirement as they
101 are prohibited from appearing on campus until authorization is granted by the university or because it would
102 threaten their own personal health and/or the health of their relatives.

103 28. A student who attempts to attend courses or examinations on-campus after having failed the DHA or
104 testing positive for COVID-19 will face disciplinary action.

105 29. A student who refuses to submit to the search conducted by Testing Services proctors will not be given
106 the password for the examination and/or their examination score will be recorded as a zero.

107 30. The majority of students attending the University are adults, however, there may be individuals under
108 the age of 18 as well.

109 **COUNT I – FOURTH AMENDMENT VIOLATIONS**

110 31. Plaintiff incorporates all the above paragraphs as if fully rewritten herein.

111 32. Plaintiff brings this claim against all Defendants, jointly and severally.

112 33. Plaintiff brings this claim pursuant to 42 U.S.C. § 1983, *et seq.*, for conducting unreasonable searches
113 and seizure of Plaintiff and his personal devices in contravention to the protections guaranteed by the Fourth
114 Amendment to the U.S. Constitution.

115 34. O.R.C. §2744.09(E) exempts this claim from R.C. Chapter 2744 immunity as the claim arises from
116 alleged violations of the U.S. Constitution. Additionally, R.C. §2744.03(6)(a) and (b) exempt this claim from
117 R.C. Chapter 2744 immunity as the employee's acts or omissions were manifestly outside the scope of the

employee's employment or official responsibilities and/or the employee's acts or omissions were with malicious purpose, in bad faith, or in a wanton or reckless manner. Finally, R.C. §2744.03(A)(2) provides that a political subdivision is not immune from liability if the involved employee's conduct is negligent.

35. Defendants are not entitled to qualified immunity as this Complaint alleges a violation of a constitutional right which was clearly established at the time of the Defendant's misconduct.

36. Defendants are persons for purposes of 42 U.S.C. § 1983 liability.

37. Defendants are final policy makers for purposes of 42 U.S.C. §1983 liability.

38. Defendants acted under color of law while providing higher education services as a political subdivision of the State of Ohio.

39. Plaintiff had reasonably believed the blanket search policy implemented by Defendants to have been withdrawn as a result of his dispute of the policy prior to the start of the semester.

40. Defendants were fully aware of Plaintiff's intention to refuse any searches conducted under such a policy.

41. Plaintiff was surprised by the 10:25 AM email notifying him of Defendant's intention to search him and his workspace only hours before the exam was scheduled to begin.

42. Due to Defendant's delayed notification, Plaintiff was not provided reasonable time to arrange for the examination to be conducted on-campus to opt-out of Defendant's search policy.

43. Even if Plaintiff was given reasonable notification of Defendant's intention to conduct the search, Plaintiff would not have been able to opt-out of the search as he fails the DHA and he has safety concerns for himself and his immunocompromised relatives preventing him from attending courses or examinations on-campus.

44. Plaintiff was reluctantly submitted to Defendant's search under duress as he was aware he would have received a zero on his exam had he not done so.

45. Defendant's blanket search policy lacks individualized suspicion or evidence of past or ongoing violation of University policy or any laws.

46. Defendant's blanket search policy is exceptionally broad and grants the University the authority to search students, their private workspaces, and their private devices.

47. Defendant's blanket search policy lacks evidence that any search conducted as a result of the invocation of the policy will uncover evidence of any student violation past or ongoing violation of University policy or the law.

48. Defendant's blanket search policy is unreasonable given the age of the students, the nature of the alleged infraction, and the extensive breach of privacy that would result from a search within the scope of the policy; even when considering the University's legitimate interest in enforcing its policies and maintaining academic integrity.

COUNT II – FOURTEENTH AMENDMENT DUE PROCESS CLAUSE VIOLATIONS

49. Plaintiff incorporates all the above paragraphs as if fully rewritten herein.

50. Plaintiff brings this claim against all Defendants, jointly and severally.

51. Plaintiff brings this claim pursuant to 42 U.S.C. § 1983, *et seq.*, for conducting unreasonable searches and seizure of Plaintiff and his personal devices in contravention to the protections guaranteed by the Fourth Amendment to the U.S. Constitution without affording him proper due process as prescribed by the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution.

52. O.R.C. §2744.09(E) exempts this claim from R.C. Chapter 2744 immunity as the claim arises from alleged violations of the U.S. Constitution. Additionally, R.C. §2744.03(6)(a) and (b) exempt this claim from R.C. Chapter 2744 immunity as the employee's acts or omissions were manifestly outside the scope of the employee's employment or official responsibilities and/or the employee's acts or omissions were with malicious purpose, in bad faith, or in a wanton or reckless manner. Finally, R.C. §2744.03(A)(2) provides that a political subdivision is not immune from liability if the involved employee's conduct is negligent.

53. Defendants are not entitled to qualified immunity as this Complaint alleges a violation of a constitutional right which was clearly established at the time of the Defendant's misconduct.

54. Defendants are persons for purposes of 42 U.S.C. § 1983 liability.

55. Defendants are final policy makers for purposes of 42 U.S.C. §1983 liability.

56. Defendants acted under color of law while providing higher education services as a political subdivision of the State of Ohio.

57. Defendants did not obtain a search warrant authorizing them to search Plaintiff prior to his examination.

58. Defendants did not have reasonable suspicion that Plaintiff violated or was violating and University policy or any laws.

59. Defendants did not limit their search to a scope which was reasonable given their suspicions and information.

60. Defendants did not obtain Plaintiff's consent prior to conducting their search.

61. Defendants coerced Plaintiff to submit to their search under threat of receiving a grade of zero on his General Chemistry examination.

62. Defendants did not provide Plaintiff any reasonable ability to opt-out of their blanket search policy.

COUNT III – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

63. Plaintiff incorporates all the above paragraphs as if fully rewritten herein.

64. Plaintiff brings this claim against all Defendants, jointly and severally.

65. O.R.C. §2744.09(E) exempts this claim from R.C. Chapter 2744 immunity as the claim arises from alleged violations of the U.S. Constitution. Additionally, R.C. §2744.03(6)(a) and (b) exempt this claim from R.C. Chapter 2744 immunity as the employee's acts or omissions were manifestly outside the scope of the employee's employment or official responsibilities and/or the employee's acts or omissions were with malicious purpose, in bad faith, or in a wanton or reckless manner. Finally, R.C. §2744.03(A)(2) provides that a political subdivision is not immune from liability if the involved employee's conduct is negligent.

189 66. Defendants are not entitled to qualified immunity as this Complaint alleges a violation of a
190 constitutional right which was clearly established at the time of the Defendant's misconduct.

191 67. Plaintiff suffered mental anguish when he was subjected to an illegal search under threat of the entry of
192 unfavorable grades to his academic record.

193 68. Plaintiff suffered mental anguish and embarrassment when the search he was subjected to disclosed
194 personal and private information such as his social security number and number of prescriptions he takes and
195 their names were disclosed to other students and the proctors present in the Zoom meeting during the course of
196 the search.

197 69. Plaintiff suffered mental anguish and embarrassment when the search he was subjected to forced him to
198 display his bedroom in its entirety to the other students and proctors present in the Zoom meeting.

199 70. When conducting an illegal search and refusing to remove their blanket search policy, Defendants either
200 intended to cause Plaintiff emotional distress or knew or should have known that their actions would result in
201 serious emotional distress to Plaintiff.

202 71. Defendant's conduct was so egregious as to go beyond all bounds of decency and was such that can be
203 considered utterly intolerable in a civilized society.

204 72. Defendant's actions were the proximate cause of Plaintiff's psychic injury.

205 73. The mental anguish suffered by Plaintiff has existed since he was subjected to Defendant's illegal
206 policies and searched against his will and is of a nature that no reasonable person could be expected to endure.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Aaron M. Ogletree respectfully requests that this Honorable Court award the following requested relief and such other relief as this Honorable Court deems just and proper in order to make Plaintiff whole:

1. Declaring that the practices complained of herein are unlawful and violate the aforementioned bodies of law;
2. Entering an order enjoining and restraining Defendants Cleveland State University, Cleveland State University Board of Trustees, Cleveland State University Office of General Counsel, Mrs. King, and all officers, agents, employees, and entities under the Defendant's control from:
 - a. Implementing or enforcing blanket search policies authorizing the search of students or visitors of the University for any reason;
 - b. Attempting to search students without reasonable suspicion or evidence of past or ongoing violation of University policy or any laws; and
 - c. Any other protections this Court deems just and proper to protect Plaintiff and all other students of the University;
3. Awarding Plaintiff \$14,000.00;
4. Awarding Plaintiff reasonable attorney's fees pursuant to the Civil Rights Attorney's Fees Award Act of 1976, 42 U.S.C. §1988(b); and
5. Awarding Plaintiff the costs of this action.

VERIFICATION

Pursuant to 28 U.S.C. §1746, Plaintiff Aaron M. Ogletree hereby declares and verifies under penalty of perjury that the facts and information contained in the foregoing Verified Complaint are true and correct to the best of his knowledge.

DATED: 02/25/2021

Respectfully submitted,
s/ Aaron M. Ogletree
Aaron M. Ogletree
4822 Russell Avenue
Parma, Ohio 44134-1863
(440) 915-9154 (Mobile)
(216) 767-5020 (Home)
Aaron.ogletree@outlook.com

COMPLAINT

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Exhibit I

COMPLAINT

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FILED

JS 44 (Rev. 10/20)

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

Aaron M. Ogletree

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

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

Pro se

DEFENDANTS

Cleveland State University

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

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

Attorneys (If Known)

Kelly M. King, esq.

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

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

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

- Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

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

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

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 (specify) ☐ 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):
Civil Rights Act of 1871, 42 U.S.C. § 1983 et seq.

Brief description of cause:

CRA claim for unreasonable searches and seizures by political subdivision of the State of Ohio

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$
14,000.00CHECK 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

02/25/2021

Digitally signed by Aaron M. Ogletree
Date: 2021.02.25 19:34:25 -0500

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

I. Civil Categories: (Please check one category only).

1. ☒ General Civil
 2. ☐ Administrative Review/Social Security
 3. ☐ Habeas Corpus Death Penalty

*If under Title 28, §2255, name the SENTENCING JUDGE: _____

CASE NUMBER: _____

II. RELATED OR REFILED CASES See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action: ☐ is **RELATED** to another **PENDING** civil case ☐ is a **REFILED** case ☐ was **PREVIOUSLY REMANDED**

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

III. In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) **Resident defendant.** If the defendant resides in a county within this district, please set forth the name of such county

COUNTY: Cuyahoga

Corporation. For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) **Non-Resident defendant.** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.

COUNTY:

(3) **Other Cases.** If no defendant is a resident of this district, or if the defendant is a corporation not having a principal place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.

COUNTY:

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

EASTERN DIVISION

☐
☒
☐

AKRON
CLEVELAND
YOUNGSTOWN

(Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)
 (Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)
 (Counties: Columbiana, Mahoning and Trumbull)

WESTERN DIVISION

☐

TOLEDO

(Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca VanWert, Williams, Wood and Wyandot)

Northern District of Ohio

Defendant(s)

SUMMONS IN A CIVIL ACTION

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

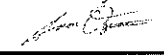
Server's address

Additional information regarding attempted service, etc:

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF Aaron M. Ogletree		COURT CASE NUMBER	
DEFENDANT Cleveland State University		TYPE OF PROCESS Summons and Complaint	
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Cleveland State University c/o Forrest Faison III, M.D.		
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) Parker Hannifin Hall, 2nd Floor 2258 Euclid Avenue, Cleveland Ohio 44115-2214 & see special instructions		
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW		Number of process to be served with this Form 285 2	
Aaron M. Ogletree, pro se 4822 Russell Avenue Parma, OH 44134-1863		Number of parties to be served in this case 2	
		Check for service on U.S.A.	
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service): (216) 687-3543 (Phone) (216) 687-3736 (FAX) 2121 Euclid Avenue, AC 327 Cleveland, OH 44115			
Signature of Attorney other Originator requesting service on behalf of:  Digitally signed by Aaron M. Ogletree Date: 2021.02.28 03:06:40 -05'00'		<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER (440) 915-9154
DATE 2/28/2021			
SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE			
I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process	District of Origin	District to Serve
	No. _____	No. _____	No. _____
Signature of Authorized USMS Deputy or Clerk _____ Date _____			
I hereby certify and return that I <input type="checkbox"/> have personally served, <input type="checkbox"/> have legal evidence of service, <input type="checkbox"/> have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.			
<input type="checkbox"/> I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)			
Name and title of individual served (if not shown above)		Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm
Address (complete only different than shown above)		Signature of U.S. Marshal or Deputy	

Costs shown on attached USMS Cost Sheet >>

REMARKS