

1 Andy E. Castro  
2 Clovis, California  
3 [Redacted]  
4 [Redacted]  
5 Plaintiff in *Pro Se*

**FILED**

**JUN 13 2019**

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
DEPUTY CLERK

8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10 FRESNO DIVISION

11 ANDY E. CASTRO,  
12 Plaintiff,

13 v.

14 CITY OF CLOVIS; CLOVIS  
15 UNIFIED SCHOOL DISTRICT;  
16 STEPHANIE HANKS & ANDREW  
17 BOLLS, Individually, and as  
18 Employees of City of Clovis and/or  
19 Clovis Unified School District,  
20 Defendants.

Case No.: 1:19-CV-00821-DAD-SKB

CIVIL RIGHTS COMPLAINT  
FOR VIOLATIONS OF –

- (1) 1<sup>st</sup> Amendment Freedom of Speech;
- (2) 5<sup>th</sup> Amendment Due Process;
- (3) CA Constitution Art. I § 2; &
- (4) CA Ed. Code § 48950(a)

REQUESTING GENERAL AND  
PUNITIVE DAMAGES

[42 U.S.C. § 1983 & Ancil., Juris.]

JURY TRIAL DEMANDED

21  
22 INTRODUCTION

23 This is an action against the City of Clovis, State of California, Clovis Unified  
24 School District and two of its employees who under color of state law infringed and  
25 violated Plaintiff's 1<sup>st</sup> Amendment right to freedom of speech, 5<sup>th</sup> Amendment right  
26 to due process of law, California Constitution, Art. I, § 2, and California Ed. Code  
27 § 48950(a). Plaintiff seeks general and punitive damages in the sum of \$10,000,000  
28 against each named defendant jointly or severally.

JURISDICTION

1  
2 1. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 because the  
3 matter arises under the United States Constitution and its laws.

4 VENUE

5 2. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) because the  
6 events or omissions giving rise to this claim occurred in this district.

7 PARTIES

8 3. Plaintiff Andy E. Castro (Castro) is a natural adult person resident of this  
9 judicial district.

10 4. Defendant City of Clovis (Clovis) is an incorporated city in the County of  
11 Fresno, California.

12 5. Defendant Clovis Unified School District (CUSD) is an elementary to  
13 high school entity of Clovis.

14 6. Defendant Stephanie Hanks is a natural adult person resident of this judi-  
15 cial district.

16 7. Defendant Andrew Bolls is a natural adult person resident of this judicial  
17 district.

18 FACTS

19 8. On May 30, 2019 Plaintiff, a Clovis High School (Clovis High) top-20  
20 honor roll student with scholarships and an excellence engineering award, was  
21 scheduled to participate in the 2019 graduation ceremony at Clovis High. Because  
22 of his already earned and vested scholastic performance, Clovis High had granted  
23 him an irrevocable 4-seat graduation VIP sitting reservation. On May 14, 2019  
24 Plaintiff had turned 18 and on May 22, 2019 had successfully completed all of his  
25 high school education with a cumulative 3.67 GPA. Excited about his graduation  
26 Plaintiff twitted his long-term Nigerian friend using the words “nigga” and “nigger”  
27 as he would “bro” as any other teenage-used and common word used as a sign of  
28 sincere friendship and thus acceptable intercultural communication. A twitter user

1 of their account found those words offensive and reported them to defendants who  
2 immediately, without any meaningful notice, opportunity to defend, or legal defense  
3 process arbitrarily and capriciously punished him by denying his right to participate  
4 in his graduation ceremony, ordering him to delete the alleged offensive message  
5 from his twitter account, revoking his VIP sitting privilege in the graduation  
6 ceremony, removing him off the school premises, and enjoining him from  
7 participating in his long-awaited graduation ceremony that was by then only 3 hours  
8 away. Because May 30, 2019 was his graduation date and thus the last day Plaintiff  
9 would have any school activities at Clovis High, Defendants, acting under color of  
10 law, by their conduct in fact expelled Plaintiff from Clovis High School forever  
11 ruining his psychological and economic future.

12  
13 CLAIMS FOR RELIEF

14 First Claim for Relief  
(First Amendment Violation)

15 9. Castro incorporates by reference ¶¶ 1-8 of this complaint as though fully  
16 set forth herein.

17 10. Defendants intentionally, willfully, wrongfully, capriciously, arbitrarily,  
18 and in conscious disregard to Castro's right to freedom of speech censored and  
19 punished him for exercising his First Amendment right to person-to-person  
20 communicate and so associate with his personal Nigerian friend who consented to  
21 Plaintiff's intercultural communication.

22 11. By said conduct defendants violated Castro's right to First-Amendment-  
23 protected free speech and freedom of association so guaranteed by the United States  
24 Constitution.

25 12. As a proximate consequence thereof Castro has been injured, continues  
26 to be injured, and will be permanently harmed.

27 13. Defendants' conduct, as plead in ¶ 8, above, was a substantial factor in  
28 causing Castro's harm.

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Second Claim for Relief  
(Fifth Amendment Violation)

14. Castro incorporates by reference ¶¶ 1-13 of this complaint as though fully set forth herein.

15. Defendants intentionally, willfully, wrongfully, capriciously, arbitrarily, and in conscious disregard to Castro's right to due process guaranteed by the Fifth Amendment to the United States Constitution, deprived him of his earned and thus vested right to participate in his graduation ceremony, similarly revoked his earned and thus vested right to VIP reservations at said ceremony, and effectively expelled him therewith without any right to be heard administratively or judicially nor to appeal in any forum.

16. By said conduct defendants violated Castro's right to due process guaranteed by the Fifth Amendment to the United States Constitution to notice and opportunity to be heard before his rights and privileges in connection with his excellent scholastic achievements were taken from him by defendants under color of law.

17. As a proximate consequence thereof Castro has been injured, continues to be injured, and will be permanently harmed.

18. Defendants' conduct, as plead in ¶ 8, above, was a substantial factor in causing Castro's harm.

Third Claim for Relief  
(California Constitution, Art. I § 2)

19. Castro incorporates by reference ¶¶ 1-18 of this complaint as though fully set forth herein.

20. Defendants intentionally, willfully, wrongfully, capriciously, arbitrarily, and in conscious disregard to Castro's right to freely speak, write and publish his sentiments on all subjects which no policy, regulation, code, or law may restrain or abridge as guaranteed by Article I, § 2 to the California Constitution, deprived him

1 of his earned and thus vested right to participate in his graduation ceremony,  
2 similarly revoked his earned and thus vested right to VIP reservations at said  
3 ceremony, and effectively expelled him therewith without any right to be heard  
4 administratively or judicially nor to appeal in any forum.

5 21. By said conduct defendants violated Castro's free speech right  
6 guaranteed by Article I, § 2 to the California Constitution.

7 22. As a proximate consequence thereof Castro has been injured, continues  
8 to be injured, and will be permanently harmed.

9 23. Defendants' conduct, as plead in ¶ 8, above, was a substantial factor in  
10 causing Castro's harm.

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12 Fourth Claim for Relief  
(California Ed. Code § 48950(a))

13 24. Castro incorporates by reference ¶¶ 1-23 of this complaint as though fully  
14 set forth herein.

15 25. Defendants intentionally, willfully, wrongfully, capriciously, arbitrarily,  
16 and in conscious disregard to Castro's off-campus right to freedom of speech, made  
17 and enforced a rule subjecting him to disciplinary sanctions prohibited by California  
18 Education Code § 48950(a) and in doing so deprived him of his earned and thus  
19 vested right to participate in his graduation ceremony, similarly revoked his earned  
20 and thus vested right to VIP reservations at said ceremony, and effectively expelled  
21 him therewith without any right to be heard administratively or judicially nor to  
22 appeal in any forum.

23 26. By said conduct defendants violated Castro's free speech right  
24 guaranteed and prohibited by California Education Code § 48950(a).

25 27. As a proximate consequence thereof Castro has been injured, continues  
26 to be injured, and will be permanently harmed.

27 28. Defendants' conduct, as plead in ¶ 8, above, was a substantial factor in  
28 causing Castro's harm.

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WHEREFORE, Plaintiff prays for –

- (1) General Damages in the sum of \$5,000,000;
- (2) Punitive damages in the sum of \$5,000,000;
- (3) Attorney’s fees;
- (4) Costs of this suit; and,
- (5) All other relief the Court deems just and proper.

June 13, 2019

  
Andy E. Castro, In *Pro Se*

JURY TRIAL DEMANDED

Plaintiff hereby demands a trial by jury.

June 13 2019

  
Andy E. Castro, In *Pro Se*