

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

MICHAEL YOUNG,

Plaintiff,

v.

OPINION AND ORDER

13-cv-516-wmc

DAVID SPRICK, University of Wisconsin
Eau Claire Police Chief, and UNIVERSITY
OF EAU CLAIRE WISCONSIN POLICE
OFFICERS located at 105 Garfield Avenue
Eau Claire,

Defendants.

Plaintiff Michael Young alleges that David Sprick, University of Wisconsin Eau Claire Police Chief, and certain UW Eau Claire police officers violated his rights by harassing him on three occasions. Plaintiff was granted leave to proceed under the *in forma pauperis* statute, 28 U.S.C. § 1915, and the court concluded that plaintiff was unable to prepay the fee for filing this lawsuit. (Dkt. #3.) The next step is determining whether any of plaintiff's proposed claims (1) are frivolous or malicious; (2) fail to state a claim on which relief may be granted; or (3) seek money damages from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). For the reasons that follow, the court will deny plaintiff leave to proceed.

ALLEGATIONS OF FACT

In addressing any *pro se* litigant's complaint, the court must read the allegations generously. *Haines v. Kerner*, 404 U.S. 519, 521 (1972). For purposes of this screening

order, the court assumes the following, potentially material facts based on the allegations in Young's complaint:

- The University of Wisconsin Eau Claire Police Chief David Sprick is "responsible and liable for the unlawful[] conduct of his police officers." (Compl. (dkt. #1) ¶ 1.)
- On February 7, 2013, UW Eau Claire police officers drove past Young's apartment several times very slowly and parked in front of Young's apartment for 15 minutes.
- On April 14, 2013, a UW Eau Claire police officer stopped his police car outside of Young's residence for about 5 minutes.
- On July 8, 2013, a UW Eau Claire police officer drove by plaintiff's residence several times very slowly while watching Young.

OPINION

Young does not allege that he was arrested or otherwise detained by the UW Eau Claire police. Rather, he simply alleges that the officers observed him outside of his residence on three occasions. This allegation does not state a constitutional violation under the Fourth Amendment or any other claim properly before this court. *See, e.g., United States v. French*, 291 F.3d 945, 951 (7th Cir. 2002) (explaining that the Fourth Amendment protects individuals from unreasonable searches, which in-turn requires a showing of a legitimate expectation of privacy in the area searched).¹ Indeed, Young's primary concern seems to be off campus surveillance by the UW Eau Claire police department. (Compl. (dkt. #1) p.1 ("The Wisconsin State statutes law books prohibit

¹ Police harassment may state a claim under the First Amendment if the alleged harassment is an attempt to stifle protected activity. *See, e.g., Andree v. Ashland Cnty.*, 818 F.2d 1306, 1316 (7th Cir. 1987) (noting that surveillance of patrons of adult bookstores or theaters could implicate the First Amendment). Young makes no such allegation here.

the Universities campus police from going off campus while on the job to . . . arrest and harass people who don't reside on college campuses and who are not attending school on the college campuses.”). Absent some injury to Young -- which he has utterly failed to plead -- Young lacks standing to challenge the scope of surveillance or jurisdiction of anyone working for the UW Eau Claire police department. *See, e.g., Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992) (holding that to establish standing, the plaintiff must show that it has an “injury in fact’ -- an invasion of a legally protected interest which is . . . concrete and particularized” -- and that the injury is fairly traceable to the defendant’s conduct and likely to be redressed by the requested relief). Accordingly, the court will deny Young leave to proceed and dismiss his complaint.

ORDER

IT IS ORDERED that:

- 1) plaintiff Michael Young’s motion for leave to proceed is DENIED;
- 2) plaintiff’s complaint is dismissed; and
- 3) plaintiff’s request for assistance in recruiting counsel is DENIED as moot.

Entered this 2nd day of December, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge