CASE NO _____

2011 JAN 18 PM 1:56

CLERK OF DISTRICT COURT
LATAH COUNTY

BY_____ DEPUTY

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PRO SE

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

AARON TRIBBLE, Plaintiff, vs. STATE BOARD OF EDUCATION AND BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO and DUANE NELLIS, in his official capacity as president of the University of Idaho, Defendants.	CASE NO. **COMPLAINT** Fee Category 1-A

COMPLAINT

The Plaintiff Aaron Tribble complains of the Defendants as follows:

ASSIGNED TO
HON. JOHN R. STEGNER
DISTRICT JUDGE

THE PARTIES

1. The Plaintiff Aaron Tribble is a natural person, a domiciliary of the State of Idaho, and a citizen of the United States. Mr. Tribble is a student at the University of Idaho College of Law. He currently makes his home at 354 West Taylor Avenue Apartment 2 in the city of Moscow, Idaho, renting a single family apartment from the University of Idaho in a section of the university campus known as the South Hill Vista family housing area.

2. The Defendant State Board of Education and Board of Regents of the University of Idaho is a state entity organized under the laws of the State of Idaho. It supervises, governs, and controls the University of Idaho.

3. The Defendant Duane Nellis is a resident of the State of Idaho and the County of Latah and is the president of the University of Idaho and is responsible for the enforcement of the practices, procedures, and policies enacted by the Defendant State Board of Education and Board of Regents of the University of Idaho.

JURISDICTION AND VENUE

4. This Court is a court of general jurisdiction.

5. Venue lies in this Court pursuant to I.C. § 5-404 because the cause of action arose in the County of Latah and the Defendant State Board of Education is a corporate entity per I.C. § 33-3803. Venue lies in this Court pursuant to I.C. § 5-404 because Defendant Duane Nellis is a resident of Latah County.

STATEMENT OF FACTS

6. Mr. Tribble lawfully owns a handgun and shotgun, which he stores at a Moscow Police substation in Moscow, ID. Mr. Tribble presently intends to possess these weapons and any accompanying ammunition within his home but he is prevented from doing so only by the Defendants' active enforcement of the

practices, procedures, and policies complained of in this action.

7. Mr. Tribble fears eviction, disciplinary action, and expulsion, if he were to possess his weapons and ammunition within his home.

8. The Second Amendment of the United States Constitution provides: "A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed."

9. At a minimum, the Second Amendment guarantees individuals a fundamental right to possess functional personal firearms, including handguns and shotguns, within the home.

10. The Fourteenth Amendment to the United States Constitution provides, in pertinent part: "[No State shall] deprive any person of life, liberty, or property, without due process of law."

11. The Second Amendment right is incorporated as against the states and their political subdivisions pursuant to the Due Process Clause of the Fourteenth Amendment.

12. The University of Idaho Apartment/Family Housing Agreement strictly prohibits the possession of both firearms and ammunition in the Apartments/Family Housing.

13. A tenant's breach of the University of Idaho Apartment/Family Housing Agreement may result in the eviction of the tenant from his home.

14. The University of Idaho Administrative Procedure Manual (APM) § 35.35 (H-1) states that "firearms are prohibited on university property". APM § 35.35 (H-3) prohibits ammunition on university property by stating that "explosive substances are prohibited on university premises".

15. A student's violation of APM § 35.35 (H-1) or (H-3) may result in disciplinary action up to and including expulsion pursuant to APM § 35.35 (H-4).

16. APM § 35.35 (H-4) subjects students to disciplinary action pursuant to the University of Idaho Student Code of Conduct 2300 Art XI, which may include

community service, restitution, and administrative fees.

CAUSE OF ACTION – FIREARM AND AMMUNITION BAN RIGHT TO KEEP AND BEAR ARMS U.S. CONST., AMENDS. II AND XIV, 42 U.S.C § 1983

17. Paragraphs 1 through 16 are incorporated as though fully stated herein.

18. By prohibiting the possession of all firearms and ammunition in the South Hill Vista family housing area, the Defendants currently maintain and actively enforce a set of practices, procedures, and policies under color of state law which deprive individuals, including the Plaintiff, of their right to possess functional personal firearms in the home, in violation of the Second and Fourteenth Amendments to the United States Constitution. The Plaintiff is thus damaged in violation of 42 U.S.C § 1983. The Plaintiff is therefore entitled to declaratory and permanent injunctive relief against continued enforcement and maintenance of the Defendants' unconstitutional practices, procedures, and policies.

PRAYER FOR RELIEF

The Plaintiff requests that judgment be entered in his favor and against the Defendants as follows:

1. An order permanently enjoining the Defendants, their officers, agents, servants, employees, and all persons in active concert or participation with them who receive actual notice of the injunction, from enforcing a ban on the possession of firearms and a ban on the possession of ammunition within the South Hill Vista family housing area;
2. Attorney Fees and Costs pursuant to 42 U.S.C § 1988;
3. Declaratory relief consistent with the injunction;
4. Costs of suit; and
5. Any other further relief as the Court deems just and appropriate.

Dated: January 18, 2011

Respectfully Submitted,

By: A.J. Tribble

AARON TRIBBLE

PRO SE