

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

SUSAN LUTZ;

Plaintiff

v.

HONORABLE SANDRA WILSON, PH.D.,
in her official capacity as Registrar of Voters,
Orleans Parish Louisiana;

Defendant

Case No.:

Division:

Section:

Judge:

Magistrate Judge:

18-9631
SECT. R MAG 4

COMPLAINT

NATURE OF THE COMPLAINT

Plaintiff Susan Lutz (herein referred to as "Lutz"), brings this action on behalf of herself against the following Party: Honorable Sandra Wilson, Ph.D. (herein referred to as "Wilson"), in her official capacity as Registrar of Voters, Orleans Parish Louisiana. Lutz brings this action under 42 U.S.C. § 1983 for deprivation of any rights, privileges, or immunities secured by the Constitution, under the due process clause. The Plaintiff's right to vote was suspended unnecessarily.

JURISDICTION AND CITATIONS

Because this case involves a federal question, the Eastern District Court of Louisiana has jurisdiction over this matter.

TENDERED FOR FILING

NOV 16 2018

U.S. DISTRICT COURT
Eastern District of Louisiana
Deputy Clerk

X Fee Plaintiff
Process _____
X Dktd _____
CtRmDep _____
Doc. No. _____

PARTIES

Plaintiff Susan Lutz has a mailing address of 1902 Wilton Dr., New Orleans, LA 70122. Wilson has a mailing address of: Registrar of Voters, Parish of Orleans, City Hall, 1300 Perdido St., #1W24, New Orleans, LA 70112-2127.

VENUE

Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2) because a substantial amount of the events related to this case occurred in New Orleans, LA.

STATEMENT OF FACTS

- 1.) Lutz has never been convicted of any felonies, and yet received a notice from Wilson in late 2016 stating that her voter registration had been suspended “because records filed in this office indicate that you are under an order of imprisonment for conviction of a felony.”
- 2.) Lutz has had one and only one arrest which resulted in dispositions, in a matter regarding a former acquaintance. The ultimate disposition in that matter is that Lutz pled guilty only to three misdemeanors.
- 3.) Lutz accepted a Plea Agreement on 08/10/16, in which she pled guilty to three Class 1 misdemeanors. For Virginia Case Number CR15000896-00, Lutz pled guilty to misdemeanor Violation of Protective Order under Virginia Code § 18.2-60.4. For Virginia Case Number CR15000896-01, Lutz pled guilty to misdemeanor Stalking under Virginia Code § 18.2-60.3. For Virginia Case Number CR16000494-00, Lutz pled guilty to misdemeanor Distribution Schedule V or VI Drug under Virginia Code § 18.2-248.

- 4.) As part of Lutz's Conviction and Sentencing Order, Lutz was allowed to live in New Orleans, Louisiana, which is where she still resides.
- 5.) Lutz received a notice from the Party to this case named Sandra Wilson, Ph.D., Registrar of Voters, Parish of Orleans. The Date of Mailing on this notice is 11/24/16 and the notice states: "This office has received information that you have been convicted of a felony and are under an order of imprisonment. In order to remain registered to vote in Louisiana, the law requires that you appear IN PERSON at the office of the registrar within 21 days after the date on which this notice was mailed to show proof why your voter registration should not be suspended."
- 6.) Lutz appeared at the Orleans Parish Registrar of Voters desk sometime before December 19, 2016 with with her Conviction and Sentencing Order to show proof that Lutz had only been convicted of misdemeanors. At no time did the clerk at the desk specify what type of proof was required to show why voter registration should not be suspended. Additionally, the notice with Date of Mailing of 11/24/16 is vague about the type of proof needed. The clerk at the office told Lutz that since Lutz was on probation, her right to vote would be suspended.
- 7.) Lutz received a second notice from Wilson with Date of Mailing of 12/16/16. It says, "in accordance with R.S. 18:176, you are hereby notified that your voter registration has been suspended because records filed in this office indicate that you are under an order of imprisonment for conviction of a felony."
- 8.) Lutz called the Registrar of Voters, Parish of Orleans on 10/26/17 to make an inquiry about her voting rights. Lutz spoke to Linda Tran who said that Lutz's voting rights had been suspended under Louisiana R.S. 18:102, and NOT R.S. 18:176 as the notice from

the Registrar Wilson states. Lutz argued that if that was the case, she should have received a Notice citing R.S. 18:102. No such Notice was ever received by Lutz.

- 9.) Lutz has recently come to realize on her own that if she is to prove the fact that she has only ever been convicted of misdemeanors, she will need a copy of her FBI Rap Sheet. On 09/05/18 Lutz mailed in a request to receive her FBI Rap Sheet. At that time she found information on the internet which led her to believe that the turnaround time was three to four weeks for such evidence. The FBI website now states that “Current processing time for Identity History Summary requests submitted via the mail is 14-16 weeks.”, and so she expects to receive her file by 12/05/18 at the earliest. She is unable to afford a new set of fingerprints to file for her FBI Rap Sheet electronically, which would significantly expedite the process.
- 10.) On the first Notice from Wilson, Lutz was given a 21 day turnaround to provide proof of no felony convictions. Lutz feels this is an unreasonably short length of time to obtain and provide convincing “proof why your voter registration should not be suspended”.

PRAYER FOR RELIEF

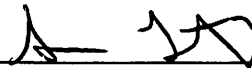
WHEREFORE, Plaintiff respectfully prays this Honorable Court to:

- a. Assume jurisdiction over this matter;
- b. Grant reasonable attorney's fees and court costs pursuant to the Equal Access to Justice Act, § 28 U.S.C. 2412, *et seq.*
- c. Grant such other relief as this Honorable Court may deem just and proper.

I declare under penalty of perjury (under the laws of the United States of America) that the foregoing is true and correct.

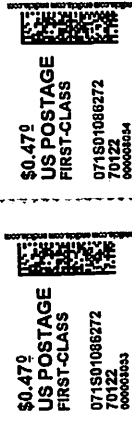
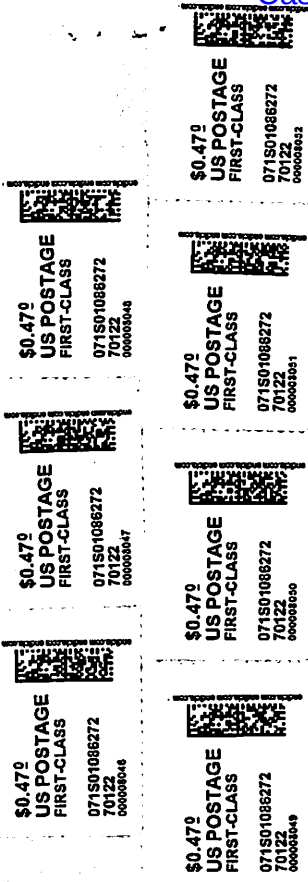
Respectfully submitted this 15th day of October, 2018.

Respectfully submitted,



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SUSAN LUTZ
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WILLIAM W. BLEVINS, Clerk of Court
 United States District Court
 500 Poydras St., Room C151
 New Orleans, LA 70130

