



4. The Knox County Board of Education is responsible for the policies of the Knox County Schools.
5. Defendant, Dr. Charles Lindsey, is the superintendent of the Knox County Schools located in Knoxville, Tennessee, and in this capacity, is responsible for administering and implementing the policies of the school system.

#### **IV. FACTS**

6. D.A. was previously a student at South Doyle Middle School in Knoxville, Tennessee until he was expelled on October 7, 2002 following directions.
7. Upon his expulsion, D.A. was referred to the Karns Annex for alternative schooling.
8. On February 18, 2003, D.A. was dismissed from Karns Annex for the remainder of the school year for allegedly making an obscene gesture in the presence of a teacher, despite the fact that another student confessed to making the gesture.
9. Neither D.A. nor his mother was given any notice of, or opportunity for, a hearing on the allegation.
10. Because his mother is a single mother who works outside the home, D.A., a thirteen year-old child, has remained at home alone since his removal from Karns Annex.
11. According to the terms of his removal, he is not eligible to return to school until his original expulsion from South Doyle Middle School ends in August 2003.

#### **V. CAUSES OF ACTION**

12. The defendants violated D.As right to Due Process under the Fourteenth Amendment of the United States Constitution since he was not given a hearing before being expelled from Karns Annex.

13. D.A. has suffered immediate and irreparable harm because he has already missed six weeks of school and has fallen far behind his classmates in his studies. Unless D.A. is allowed to return to school immediately, he will continue to suffer immediate and irreparable harm.

**WHEREFORE, the Plaintiff requests the following relief:**

1. This Court enter a preliminary injunction requiring the Defendants to reinstate him immediately in Karns Annex.
2. This Court enter a declaratory judgment that D.A.s summary dismissal from Karns Annex violates the Due Process Clause of the Fourteenth Amendment of the United States Constitution.
3. This Court award him nominal, compensatory, and/or punitive damages as this Court deems appropriate.
4. This Court award him attorneysfees and court costs under 42 U.S.C§1988.
5. This Court award him any further relief that this Court deems just and equitable.

Respectfully submitted this \_\_\_\_ day of April, 2003.

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