



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

## CITY COUNCIL AGENDA ITEM

Date: November 2, 2021

To: Honorable Mayor and City Council Members

From: Lori Grigg Bluhm, City Attorney  
Allan T. Motzny, Assistant City Attorney

Subject: Tennille Viau v. the Troy Police Department et. al.



---

Attached is a copy of a lawsuit filed by Plaintiff Tennille Viau against the City of Troy Police Department and one of its officers, the FBI, and an unnamed person identified as John Doe. This case was filed in the U.S. District Court for the Eastern District of Michigan, and assigned to federal Judge Victoria A. Roberts. As Council may recall, the Plaintiff, Ms. Viau, recently filed a separate lawsuit against the City on behalf of her ten-year-old daughter claiming discrimination in how her daughter was treated at a summer soccer camp in 2019. In that lawsuit, Ms. Viau is represented by an attorney. In this new lawsuit, she is representing herself.

In this new lawsuit, Ms. Viau complains about Troy Police officers coming to her home uninvited on one occasion and she also complains the Troy Police failed to follow up and investigate a report she had made in April 2021 regarding an incident that occurred in August 2019 in Glenn Arbor, Michigan. It is not very clear as to what Ms. Viau believes is the legal basis for the complaint, and for this reason, the Court entered an order before any of the Defendants were required to respond to the complaint that requires Ms. Viau to file an amended complaint by November 5, 2021. A copy of that order is attached. Assuming, Ms. Viau files and serves an amended complaint, our Office plans to file a responsive pleading, which may be a motion to dismiss.

The proposed resolution authorizes the City Attorney's Office to represent the City's interests. Please let us know if you have any questions or concerns.

# UNITED STATES DISTRICT COURT

for the  
Eastern District of Michigan

Tennille Viau

*Plaintiff,*

v.

Greg Pokley, et al

*Defendant.*

Civil Action No. 2:21-cv-12313-VAR-DRG

Hon. Judge Victoria A. Roberts

## SUMMONS IN A CIVIL ACTION

To: Troy Police Department

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Tennille Viau  
3974 Highland Dr.  
Troy MI, 48083

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

KINIKIA D. ESSIX, CLERK OF COURT

By: s/R. Loury

*Signature of Clerk or Deputy Clerk*

Date of Issuance: October 13, 2021



MIED ProSe 1 (Rev 5/16) Complaint for a Civil Case

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN

Tennille Viau

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

v.

Officer Greg Pokley, Troy Police Department, John Doe,  
Jane Doe, Federal Bureau of Investigation Detroit Field  
Office

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

Case No.

*(to be filled in by the Clerk's Office)*

Jury Trial: ☒ Yes ☐ No  
*(check one)*

**Complaint for a Civil Case**

---

 MIED ProSe 1 (Rev 5/16) Complaint for a Civil Case
 

---

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Tennille Viau
Street Address	3974 Highland Dr
City and County	Troy
State and Zip Code	MI 48083
Telephone Number	248 250 6056
E-mail Address	tsvc12@gmail.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Defendant No. 1

Name	Officer Greg Pokley
Job or Title (if known)	Officer
Street Address	500 W. Big Beaver
City and County	Troy, Oakland
State and Zip Code	MI 48084
Telephone Number	248 680 7223
E-mail Address (if known)	

## Defendant No. 2

Name	Troy Police Department
Job or Title (if known)	
Street Address	500 W. Big Beaver
City and County	Troy,, Oakland
State and Zip Code	MI 48084
Telephone Number	248 680 7223
E-mail Address (if known)	

MIED ProSe 1 (Rev 5/16) Complaint for a Civil Case

---

## Defendant No. 3

Name	<u>Federal Bureau of Investigation Detroit Field Office</u>
Job or Title (if known)	<u></u>
Street Address	<u>477 Michigan Ave., 26th Floor</u>
City and County	<u>Detroit, Wayne</u>
State and Zip Code	<u>MI 48226</u>
Telephone Number	<u>(313) 965-2323</u>
E-mail Address (if known)	<u></u>

## Defendant No. 4

Name	<u>John Doe</u>
Job or Title (if known)	<u></u>
Street Address	<u></u>
City and County	<u></u>
State and Zip Code	<u></u>
Telephone Number	<u></u>
E-mail Address (if known)	<u></u>

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Title 18, U.S.C., Section 242 - Deprivation of Rights Under Color of Law

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) \_\_\_\_\_,  
is a citizen of the State of (name) \_\_\_\_\_.

b. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_,  
is incorporated under the laws of the State of (name) \_\_\_\_\_,  
and has its principal place of business in the  
State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) \_\_\_\_\_, is a citizen of the  
State of (name) \_\_\_\_\_. Or is a citizen of (foreign  
nation) \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated  
under the laws of the State of (name) \_\_\_\_\_, and  
has its principal place of business in the State of (name) \_\_\_\_\_.  
Or is incorporated under the laws of  
(foreign nation) \_\_\_\_\_, and has its principal place  
of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (*explain*):

Seeking damages in the amount to be determined at trial.

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Officer Pokley of Troy Police came to my house uninvited, with two multiple cop cars parked on the wrong side of the street, with one officer standing on my lawn in defense position, while Pokley banged on my door so loud like he was doing a raid that any neighbor could easily hear, but then when I opened the door, he pretended to be here to help me with a sexual abuse police report that I wrote 18 days before, that the department threw away. He pretended he wanted to talk about it on my porch in front of my neighbors or inside of my house, while my minor children were home. The police report and verbal statement given to Troy Police Department in April of 2021, stated that I was sexually abused when I was 9 years old in the home of Officer Evan Fobbs, by his minor son and that undercover officers followed me into the Blu Restaurant in Glenn Arbor Michigan, on vacation, by tracking me there, and then began to taunt me in front of my minor children and husband and used the older boy who sexually abused me to do it, all while our family were eating dinner in a restaurant. For filing a complaint against officers, the Troy Police department intimidated me to go away, and retaliated with aggression. They discarded the original copy of the police report to obstruct justice and to cover for the undercover officers who wish to not be held accountable for what they did in that restaurant. I told them that I have been abused during this federal investigation by undercover officers but my local police are responding with more abuse because they are upset that I reported it. The report includes the sexual abuse involving minors (one of those minors was myself), but the department didn't even find it necessary to forward it over to the appropriate department. Instead they intimidated me and covered it up to help out the undercovers who the report is about and how they used my childhood trauma to abuse me for stirring up action for their investigation.

(Please see page 7 for the continuation)

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

This is continuing at this present time because I have been harassed out of public activities, I have anxiety, we stopped taking vacations after what happened on our last trip and I no longer drive a car because of all of this. Resolution will assure me that this is over, in which will allow me to begin to feel safe again, and allow for the opportunity to heal.

I am seeking damages in the amount to be determined at trial.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 9/30/2021, 2021.

Signature of Plaintiff \_\_\_\_\_

Printed Name of Plaintiff Tennille Viau

MIED ProSe 1 (Rev 5/16) Complaint for a Civil Case

---

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. This is continuing at this present time because I have been harassed out of public activities, I have anxiety, we stopped taking vacations after what happened on our last trip and I no longer drive a car because of all of this. Resolution will assure me that this is over, in which will allow me to begin to feel safe again, and allow for the opportunity to heal.

I am seeking damages in the amount to be determined at trial.


**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 9/30/2021, 2021.

Signature of Plaintiff 

Printed Name of Plaintiff Tennille Viau

**Additional Information:**

I also informed Troy Police that I believe that my daughter who was 10 at the time, was grouped by race and then instructed by whom I believe to be undercover officers, to pretend to blow up her peers with a bomb, and to base this pretend bombing on the racial differences of other children, at our local parks and recs, to incite her with criminal ideas for their investigation. Troy Police responded by saying that they aren't looking into it and that they don't have the manpower to ask Troy Parks and Recs for the names of the people who instructed this, despite me informing them of ongoing harassment that is bringing grief. I also informed the department that I was offered 15 assault rifles, tactical gear and handguns, but the department was not interested in having this information either. When I wrote the sexual abuse police report on April 3, 2021, they ignored it for 16 days, but after I started contacting the mayor and city council of Troy, Chief Frank Nastasi requested Lynn Giorgi to be the responding investigator for my police report on April 19, 2021, but officer Pokely later informed me that there is no Officer Lynn at the Troy Police department, that she's not a detective or an officer and didn't know why she would be contacting me to handle a police report. Lynn did not have the credentials to act as responding officer because she carries no badge to do so. She was impersonating a cop because she took on the duties of a responding officer. When I told Lynn that I also want to press charges against Joshua Fobbs for the sexual abuse that happened when I was 9, Lynn didn't reply, she stopped responding and I haven't heard from her since. I also informed Michigan State Police of what was happening but they too was of no help and warned that another incident like the one involving officer Pokely could happen again. Michigan State Police also informed me that there is corruption within our government and that there are networks that can collaborate together to block us from receiving help and protection. This makes me feel unsafe. I believe that my 5 year federal investigation is now classified and now nobody wants to answer for the abuses that occurred during that time and all the interactions and negative influences I have had by officers working undercover. And now I am being intimidated and denied service from law enforcement because it benefits them to ignore it and cover it up.

I gave up my car in the summer of 2020 and no longer drive because of law enforcement's abusive use of my GPS. I now have anxiety and have only left the house in the year of 2021 to file the complaints with Michigan State Police and Troy Police. So far, the response has only been abuse or neglect. The FBI and DOJ has also been informed of the issue. The FBI hung up on me 3 times and I was told by an agent that they don't handle matters like mine. They all have neglected their duty to protect and serve. Officer Pokely understood very well that speaking about sexual abuse on the front porch would not only humiliate me in front of my neighbors but also traumatize my kids. I had to ask him to leave. I also believe that race played a factor in this matter.

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Tennille Viau

(b) County of Residence of First Listed Plaintiff   Oakland  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Officer Grey Pokley, Troy Police Department, FBI Detroit Field Office, John Doe, Jane Joe

County of Residence of First Listed Defendant   Oakland  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff

☐ 2 U.S. Government Defendant

☐ 3 Federal Question (U.S. Government Not a Party)

☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

PTF

DEF

Citizen of This State

☐ 1

☐ 1

PTF

DEF

Citizen of Another State

☐ 2

☐ 2

PTF

DEF

Citizen or Subject of a Foreign Country

☐ 3

☐ 3

Incorporated or Principal Place of Business In This State

☐ 4

☐ 4

Incorporated and Principal Place of Business In Another State

☐ 5

☐ 5

Foreign Nation

☐ 6

☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<div>PERSONAL INJURY</div> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<div>PERSONAL INJURY</div> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <div>PERSONAL PROPERTY</div> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <div>LABOR</div> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <div>IMMIGRATION</div> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <div>PROPERTY RIGHTS</div> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <div>SOCIAL SECURITY</div> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <div>FEDERAL TAX SUITS</div> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<div>Habeas Corpus:</div> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <div>Other:</div> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

☐ 1 Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

☐ 5 Transferred from Another District (specify)

☐ 6 Multidistrict Litigation - Transfer

☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Title 18, U.S.C., Section 242 - Deprivation of Rights Under Color of Law

Brief description of cause:

Acts under "color of any law" include acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

October 15, 2020

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

1. Is this a case that has been previously dismissed?

☐ Yes  
☒ No

If yes, give the following information:

Court: \_\_\_\_\_

Case No.: \_\_\_\_\_

Judge: \_\_\_\_\_

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☒ Yes  
☐ No

If yes, give the following information:

Court: U.S. District Court for the Eastern District of Michigan

Case No.: 2:21-cv-11169-MAG-DRG

Judge: Mark A. Goldsmith

Notes : That case does not have the same defendants or complaints as this new case.

---

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TENNILLE VIAU,

Plaintiff,

v.

Case No. 21-12313

Honorable Victoria A. Roberts

GREG POKLEY, ET AL.,

Defendants.

\_\_\_\_\_ /

**ORDER REQUIRING PLAINTIFF TO FILE AMENDED COMPLAINT**

Plaintiff initiated this action against several defendants – Greg Pokley, the Troy Police Department, the Federal Bureau of Investigation (FBI) Detroit Field Office, and John Doe – on September 30, 2021, without the assistance of counsel. [ECF No. 1].

Although her complaint is not entirely clear, Plaintiff appears to allege that officers of the Troy Police Department abused and harassed her in retaliation for a police report she filed in April of 2021. Plaintiff claims that she reported to the Troy Police in April of 2021 that she was sexually abused when she was 9 years old by a Troy Police officer's son. [ECF No. 1, PageID.5]. Plaintiff alleges that she attempted to contact the FBI Detroit field office, but they "hung up on [her] three times." [ECF No. 1, PageID.7].

Other than merely listing a federal claim, 18 U.S.C. § 242, Plaintiff fails to make any allegations that plausibly invoke the Court's subject matter jurisdiction under 28 U.S.C. § 1331.

Federal question jurisdiction exists pursuant to 28 U.S.C. § 1331 where a "well-pleaded complaint establishes either that federal law creates the cause of action or that the plaintiff's right to relief necessarily depends on resolution of a substantial question of federal law." *Franchise Tax Bd. v. Constr. Laborers Vacation Trust*, 463 U.S. 1, 27-28 (1983).

Plaintiff utilized the "MIED ProSe" form, "Complaint for a Civil Case," for her complaint. In her answer to the basis for federal question jurisdiction, Plaintiff stated, without alteration:

Title 18, U.S.C., Section 242 – Deprivation of  
Rights Under Color of Law

[ECF No. 1, PageID.4]. Plaintiff's stated claim, 18 U.S.C § 242, is a criminal statute that does not provide a private right of action.

Giving the claim the benefit of the doubt, there are no factual allegations in the complaint that can reasonably be interpreted to show the court has subject matter jurisdiction.

Plaintiff's claims are also conclusory and – as pled – fail to state a claim upon which relief may be granted under Rule 12(b)(6).

Federal Rule of Civil Procedure 8(a) requires that a complaint set forth “a short and plain statement of the claim showing that the pleader is entitled to relief,” as well as “a demand for the relief sought.” Fed. R. Civ. P. 8(a)(2), (3). Unquestionably, “[t]o survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal quotation omitted); see also *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). Plaintiff’s allegations are conclusory and unclear.

Moreover, Plaintiff fails to comply with Fed. R. Civ. P. 10(b), which require Plaintiff to state her claims in numbered paragraphs.

Plaintiff’s complaint does not contain any headings other than “Complaint” and she does not set forth numbered paragraphs or numbered counts setting forth her claims/causes of action.

Plaintiff must file an amended complaint by November 5, 2021, which cures the deficiencies discussed above. Particularly, Plaintiff’s amended complaint must: (1) set forth allegations that plausibly invoke this Court’s subject matter jurisdiction over this case under 28 U.S.C. § 1331; (2) contain separate headings – including separate numbered paragraphs for each allegation and separate numbered counts for each cause of action alleged; (3) satisfy Federal Rule of Civil Procedure 8(a)’s pleading

requirements and the pleading requirements set forth in *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), and *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007); and (4) comply with E.D. Michigan Local Rule 5.1 – which can be found on the Court’s website.

Finally, the amended complaint must contain all allegations Plaintiff wishes to proceed with; she may not incorporate by reference any allegations from her original complaint.

If Plaintiff fails to cure deficiencies by November 5, 2021, the Court will dismiss Plaintiff’s complaint.

**IT IS ORDERED.**

s/ Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: October 22, 2021