

as follows:

I.

NATURE OF THE ACTION

1. Plaintiff is a foreign national student of Defendant Texas A&M University - Kingsville. Plaintiff has been discriminated against based upon his national origin, Indian, his religious background, Hindu, and for exercising his rights to free speech. Defendants are in the final stage of the process to expel Plaintiff from the University and these actions are based upon the discriminatory and retaliatory motives stated herein. Plaintiff alleges that Defendants, acting under color of state law, violated his right to freedom of speech as guaranteed by the First Amendment to the United States Constitution; his right to petition the government for redress of grievances as guaranteed by the First Amendment to the United States Constitution; his right to freedom of religion as guaranteed by the First Amendment to the United States Constitution; his right to equal protection of the laws as guaranteed by the Fourteenth Amendment to the United States Constitution; and right to be free from discrimination in violation of 42 U.S.C. §1981. Plaintiff also believes there are violation of Title VI of the Civil Rights Act of 1964, as amended and is in the process of filing an complaint with the United States Department of Education, Office for Civil Rights.

II.

URGENCY OF THE ISSUES PRESENTED

2. The issues presented in this lawsuit are urgent for the following reasons:
 - a. Plaintiff is a foreign student studying for a master's degree from Texas A&M University - Kingsville and he is currently residing in the United States by way of a student visa. After exercising his rights to grieve discrimination and to

speak out about matters of public concern involving the Defendant University, Defendant Texas A&M University - Kingsville began a campaign of drumming up false charges against Plaintiff to justify his expulsion from the university for discriminatory motives and in retaliation for his protected speech and actions.

- b. Plaintiff has expended approximately \$40,000.00 for the purpose of obtaining his master's degree with Texas A&M University - Kingsville and is currently scheduled to graduate in the fall of 2008. If expelled from the Defendant University, Plaintiff's educational career will be ruined.
- c. If Plaintiff is expelled, his student visa will lapse and he will be forced to return to India where it will be most difficult for him to bring any sort of action and/or litigation to secure justice for the wrongs transgressed against him by Defendant.

III.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action by reason of 28 U.S.C. §§1331 and 1343, in that Plaintiff, pursuant to 42 U.S.C. §1981, seeks to redress racial discrimination he has experienced at the hands of defendants and pursuant to 42 U.S.C. §1983, brings claims of deprivation of his rights as guaranteed to the First and Fourteenth Amendments to the United States Constitutions.

4. Venue is proper pursuant to 28 U.S.C. §1391 because the acts complained of primarily occurred within the geographical boundaries of the United States District Court for the

Southern District of Texas Corpus Christi Division.

IV.

PARTIES

5. Plaintiff ABHISHEK MAWLE is a citizen of the country of India who currently resides in Kleberg County, Texas and who, at the time of the occurrences made the basis of this lawsuit, and currently, is under the jurisdiction of the United States. Plaintiff is an Indian male who has practiced Hindu as his religion. Plaintiff is from Northern India.

6. Defendant, TEXAS A&M UNIVERSITY - KINGSVILLE, is a higher-level state educational institution located in Kleberg County, Texas. Defendant may be served by serving its President: Rumaldo Z. Juarez, 700 University Blvd. MSC 101, Kingsville, TX 78363-8202.

7. Defendant, RUMALDO Z. JUAREZ, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF TEXAS A&M UNIVERSITY-KINGSVILLE, acting in his “official capacity” is a person under 42 U.S.C. §1983 for purposes of injunctive relief. Defendant may be served by serving: Rumaldo Z. Juarez, 700 University Blvd. MSC 101, Kingsville, TX 78363-8202.

8. JANE H. STANFORD, IN HER INDIVIDUAL AND OFFICIAL CAPACITIES AS DEAN OF THE COLLEGE OF BUSINESS ADMINISTRATION AT TEXAS A&M UNIVERSITY - KINGSVILLE is a person in her official capacity under 42 U.S.C. § 1983 for purposes of injunctive relief. Defendant in her individual capacity is a person under 42 U.S.C. §1983. Defendant may be served by serving: Jane H. Stanford, Office of the Dean, 700 University Blvd., MSC 182, Kingsville, Texas 78363.

9. FRANK B. URENO, IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES AS ASSOCIATE VICE PRESIDENT AND DEAN OF STUDENTS AT TEXAS A&M UNIVERSITY-KINGSVILLE is a person in his official capacity under 42 U.S.C. §1983 for purposes of injunctive

relief. Defendant in his individual capacity is a person under 42 U.S.C. §1983. Defendant may be served by serving: Frank B. Ureno, 700 University Blvd., MSC 122, Kingsville, Texas 78363.

V.

FACTS

10. Plaintiff is a citizen of India who is attending Defendant, Texas A&M University - Kingsville as an international student. Plaintiff's religious upbringing is Hindu.

11. Plaintiff has attended Texas A&M University -Kingsville since the spring of 2007.

12. Plaintiff maintained a grade point average of approximately 3.5 until the issues made the basis of this lawsuit occurred.

13. Based upon his achievements while attending Texas A&M University - Kingsville, Plaintiff was awarded the Walter Sells Scholarship for the year 2007-2008. See Exhibit 1 - Scholarship. Plaintiff is currently employed in a teaching capacity with Texas A&M University - Kingsville.

14. During the fall of 2007, Plaintiff took academic courses taught by Dr. Priti Verma and Dr. Syed M. Harun.

15. Dr. Priti Verma is from the southern region of India known as "Tamil". Tamilians have had conflict with the northern region of India where Plaintiff originates. The other professor, Dr. Syed M. Harun, is a Muslim.

16. Plaintiff alleges that he was discriminated against by Professors Verma and Harun based upon his national origin, religion and political beliefs when each professor took adverse actions against him which effected his grade.

17. On January 27, 2008, Plaintiff grieved "racial and political harassment by Dr. Priti

Verma and Dr. Harun” to Defendant, Stanford who is the Dean of the College of Business and Administration. See Exhibit 2- Grievance. Dr. Stanford is a white female. In pertinent part, the grievance stated regarded discrimination, “It is not coincidence that in this problem that the people involved are from the same Region Dr. Verma, Dr. Harun and myself are from the same region. Dr. Verma is from the southern part of India and she belongs to the “Tamilian” community and I am from Northern Part of India. It is well know fact in the social circles of India that the “Tamilian” community and the northern community do not gel well and hence the hatred, which is being vented out in the form of unjust academic punishments including awarding me an ‘F’ Grade in the course and last but not least I am receiving a similar treatment from Dr. Harun who happens to be the chair of Economics and Finance Department, both Dr. Verma and Dr. Harun share a very good rapport. Both Dr. Verma and Dr. Harun are from the same region, from where I belong, hence this “racial cum political conflict” between us is going on, the unfortunate effect of this being me getting discriminated academically in Dr. Verma’s course and so far I have had similar experiences with Dr. Harun. It is apparently very clear that they are determined to create problems for me in the present courses as well as in the future courses that I need to take under them.” See Exhibit 2- Grievance.

18. Plaintiff spoke with Defendant Stanford about his grievance. It was clear that his grievance was unwelcome and during the course of the discussion, Defendant Stanford told Plaintiff, “Why don’t you just go back to India.” This statement is direct evidence of national origin discrimination against Plaintiff.

19. Defendant Stanford wrote a letter to Plaintiff regarding his grievance dated February 4, 2008. Exhibit 5 - February 4, 2008 Letter.

20. On February 5, 2008, both Dr. Harun and Dr. Stanford wrote a letter to Plaintiff

regarding his final grade that he made in ECON 5329-800. Exhibit 6 - February 5, 2008 Letter.

21. Within days of Plaintiff filing his grievance, Defendant Texas A&M University - Kingsville, began a course of retaliation against Plaintiff.

22. The first retaliatory step taken by Defendant against Plaintiff was by Defendant Stanford, the individual who originally received the grievance on behalf of Defendant. Defendant Stanford filed a five page police report with Defendant Texas A&M University Kingsville's police department on February 4, 2008. See Exhibit 3 - Police Report. The police report contains allegations which were solicited by Defendant Stanford - showing that she was trying to trump allegations against Plaintiff. Among the allegations contained in the report were:

- a. At 2:00 p.m. on February 4, 2008, Dr. Syed M. Harun, Associate Professor of Economics and Finance and Dr. Priti Verma, Assistant Professor of Economics and Finance came to Dr. Stanford's office to tell her that Plaintiff allegedly cheated on exams he took during 2007 and allegedly plagiarized work. Plaintiff alleges that he neither cheated on exams nor plagiarized work. Plaintiff made it clear in written presentations to both professors that he requested their assistance in complying with standards. See Exhibit 3 - Police Report.
- b. "When I asked both Dr. Verma and Dr. Harun if they felt at all threatened by Mr. Mawle (Plaintiff) they both stated that they did not feel threatened." See Exhibit 3 - Police Report.
- c. "Dr. Harun's worry is that Mr. Mawle could be out of status if he received two Fs on his transcript. He stated that he might, out of desperation, do

something dangerous or try and retaliate. When I asked why Dr. Harun advised that Mr. Mawle is on scholarship and that he could lose the scholarship and be sent back to India. **Dr. Harun stated that he did not have any basis for his theory that Mr. Mawle might be dangerous**, but sometimes students really get upset when they find that they might be sent back home.” [emphasis mine]. See Exhibit 3 - Police Report.

- d. “I asked if there might be a problem in Mr. Mawle’s country if he were sent back home and Dr. Verma stated that parents in India are very much apart of their children’s education. She stated that it would be a great embarrassment for a student to be removed from the international education program for failing classes. Dr. Verma advised that she still sees Mr. Mawle as manipulative and not dangerous.” See Exhibit 3 - Police Report.
- e. On Thursday, 02-07-08 at 10:33 A.M., Mr. Jaime Garcia a work study for the College of Business came by and advised **that Dr. Stanford thought that he should report a conversation that he and Mr. Mawle had approximately a week ago**. Jaime advised that he was sitting in the Academic Advisor’s office at the Business Administration Building and Mr. Mawle began talking to him. Jaime advised that Mr. Mawle talked on about his situation with the accusations of plagiarized reports and his professors. Jaime said that Mr. Mawle and he talked for approximately 45 minutes. Jaime advised that Mr. Mawle accused his professor of being biased against him because they come from different locations in India. Jaime stated that

Mr. Mawle seemed upset and made the comment, “I understand why people shoot up or bomb schools in America because of (Mawle) situation. I asked Jaime if he said anything as a reply to Mr. Mawle’s statement and he advised that he didn’t, **but that he did not feel that Mawle was making the statement as a threat, but as a comment about some of the unfortunate situations we have had at some of our schools in America.** [emphasis mine]. I asked Jaime if at anytime did Mr. Mawle get out of hand or sound dangerous and Jaime stated that Mr. Mawle seemed calm during the whole conversation but he could tell that he was upset about being accused of plagiarism and possibly failing his courses. See Exhibit 3 - Police Report. The fact that Dr. Stanford “advised” Jaime Garcia to make the report for an incident that occurred a week prior is evidence to support that Dr. Stanford was soliciting trumped up allegations against Plaintiff to justify actions against him.

- f. Oscar Castillo, Vice President of Support Services stated that Dr. Stanford should try to get the bomb dog from the Naval Air Station Kingsville to check out the Business Administration for weapons or bombs because of Plaintiff’s comments identified herein in “e”. See Exhibit 3 - Police Report.
- g. The Naval Base contacted Vice President Dick Cheney’s Secret Service about the situation because he was going to be in the area for a hunting trip. Secret Service Agent D M called Sgt. Hiram Perez, with Texas A&M University - Kingsville police and asked if he could talk to him about the situation and

also speak with Plaintiff. Sgt. Perez advised Dr. Stanford of this, she advised Mr. Castillo and Dr. Tom Saban. Dr. Saban, Dr. Theresa Remilius, Mr. Castillo, Mrs. Jimm Scoggins and Dr. Stanford met with Dr. Juarez and advised him of the situation. See Exhibit 3 - Police Report.

- h. “On February 27, 2008, at approximately 5:00 p.m., Dr. Standard called and advised taht she had been told that Mr. Mawle’s (Plaintiff) vehicle was parked in the parking lot next to the BA building. Sgt. Mark Arispe was sent to the area to see if Mr. Mawle was in the building. Upon arrival, he saw Mr. Mawle leaving the parking lot and he followed and stopped Mr. Mawle near the Nursery and Poteen Hall. Sgt. Arispe brought Mr. Mawle to the office to speak with me”. See Exhibit 3 - Police Report.
- i. “I (Dr. Stanford) questioned Mr. Mawle on comments made to Jaime Garcia and he stated that he was just making comment and nothing more. He also stated that he feels that he is being retaliated against because he charged his professors with bias. He stated that he jokes around like Americans do so that he can fit in. He stated that he is not violent and would never ever try and hurt someone. Mr. Mawle stated that his parents told him if he feels that he is being mistreated, he should go the proper authorities and report the wrong that has been done to him. Mr. Mawle kept stating that because of the fact that he filed a complaint with the Dean’s office, he is being retaliated against. During the time of questioning, Sgt. Perez was making contact with Secret Service Agent D M. Agent M advised that he had checked Mr. Mawle

check out thoroughly and that he was not going to question him after all. I had no other alternative but to let Mr. Mawle leave.” See Exhibit 3 - Police Report.

- j. “Before Mr. Mawle left, I was asked to give him an interim suspension letter from Dean Ureno’s office. I gave Mr. Mawle the letter and had him sign the card verifying that he received the letter. Mr. Mawle was upset, but he did not act in a threatening manner, he just advised that he would go to his Embassy and complain. He advised that he would take this as high as he could to solve the problem, but he assured me that he was not dangerous. “ See Exhibit 3 - Police Report.
- k. “On Monday, February 11, 2008, at 10:00 P.M. Mr. Mawle came to my office to get copies of the report. He also asked if we could fax a copy of the report to his Embassy. He gave me a copy of all of the names of the people at the Embassy that were handling his case, Mr. Sanjay Sinho, Minister for Community Affairs and Ms. Aorli Loushnon, Staff member of Community Affairs for the Indian Embassy in Washington, D.C.” See Exhibit 3 - Police Report.
- l. After Mr. Mawle read the reports, he informed me that an FBI Agent from Houston called him on Saturday and asked him questions about this affiliations and what and who he might have contact with in other countries. The agent also advised Mr. Mawle that an agent from Corpus Christi might be in contact with him. The agent did not contact me, but Mr. Mawle gave

me a phone number. I tried to call the agent but was informed that the number, _____ was the number to the FBI Office in Houston and they could not immediately narrow down who the FBI Agent was who questioned Mr. Mawle. I then called Corpus Christi FBI Office and I was assured that whoever they sent to speak with Mr. Mawle, that they would make contact with this office also. I was however reassured by an FBI Agent that Mr. Mawle is not a threat and his record and his family's record is clean. They advised that there were no subversive relations relating to Mr. Mawle and his family. They stated that they just want to speak to him about his comments and to see if they cannot curtail the off handed comments that he seems to make that would cause others to be cautious or fearful." See Exhibit 3 - Police Report.

23. Clearly the allegations made by the University were blown out of proportion to the extent that Plaintiff was being investigated for terrorist ties and even the Vice President of the United States' security was informed of the "suspicious" behavior of Plaintiff. Plaintiff alleges these actions were not reasonable, necessary. The actions are discriminatory and retaliatory.

24. On or about February 7, 2008, Defendant Ureno, Associate Vice President and Dean of Students, wrote a letter to Plaintiff stating "

It has come to my attention that on or about January 30, 2008, you made some comments to another student that may be construed as terroristic threats to students at this University.

Under stipulations cited in The Texas A&M University - Kingsville Student

Handbook, page 39, I am hereby placing you on interim suspension pending resolution of these allegations. During this time, you may not set foot on campus or attend classes without clearance from this office. The University Police Department has been instructed to arrest you for trespassing during this time period if you fail to follow these instructions.

Under our disciplinary procedures, a hearing must be held within three business days of the suspension to review these allegations. Please contact my office at 593-3606 to arrange for a disciplinary hearing. Once a date has been established for the hearing, you need to make arrangements with a University Police officer to accompany you to my office. This must be done as soon as possible, but no later than Monday, February 11, 2008, 5:00 pm.”

See Exhibit 4 - February 7, 2008 Letter.

25. On February 11, 2008, Defendant Ureno wrote a letter to Plaintiff regarding “due process”. See Exhibit 7 - February 11, 2008 Letter.

26. On February 11, 2008, Defendant Ureno, Associate Vice President and Dean of Students wrote a letter to Plaintiff to discuss an allegation that was made to the University Police Department that was made on January 18, 2008 by Ms. Jannah Ellyse Morales accusing Plaintiff of harassment. The letter further charged Plaintiff with Student Code of Conduct violation:

301- harassment, coercion and/or other conduct which threatens or endangers the health or safety of another person!

See Exhibit 8 - February 11, 2008 letter regarding harassment.

27. The February 11, 2008 letter continued as follows:

As a result of our meeting of February 4, 2008 and meetings with others on February 5 and 12, 2008 and the information contained in the University Offense Report, the following sanctions are hereby assigned to you.

1. ***Disciplinary Probation*** for the rest of the 2008 spring semesters. Disciplinary probation carries a warning that any further violations of university regulations or failure to comply with the sanctions imposed, may result in the more serious consequences including suspension or expulsion.
2. **You are restricted** from making any contact with the victim. This means you are not to verbally address her, follow her, email or telephone her, including contact via the Web.

Failure to comply with all of the sanctions assigned may lead to additional sanctions, including suspension or expulsion from the University. Please make sure that you adhere to the sanctions and that they are completed on a timely basis.

See Exhibit 8 - February 11, 2008 letter regarding harassment.

28. On February 12, 2008, a letter was delivered to Plaintiff from Crispin Trevino, Chair, University Disciplinary Committee. The letter stated, in part, that Plaintiff must attend an educational requirement regarding the violation committed and be subject to evaluation and assessment or face more serious disciplinary action including suspension. Exhibit 9- February 12, 2008 letter.

29. On February 18, 2008 Defendant Stanford sent a letter to Plaintiff regarding academic and non-academic procedures. Exhibit 10 -February 18, 2008 Letter. Defendant Stanford further stated:

Dr. Verma alleges that you were guilty of plagiarism on your report in his class in the fall of 2007; she bases the evidence for this allegation on the outcome of Turnitin, which she has turned over to me, as dean. She formally brings this allegation through a department chair other than Dr. Harun, according to the policy on page 77 of the 2007-2008 Graduate Catalog, under the heading of “Cheating and Plagiarism”.

After thoughtfully and thoroughly reviewing this allegation, I have determined that Dr. Verma’s allegation is valid and serious one and, as a consequence, I am giving it my full support. You have a right to appeal my decision according to the policy under “Academic Misconduct” on page 42 in the 2007-2008 Student Handbook beginning with #3 on page 42 (policy attached).”

Exhibit 10 - February 18, 2008 Letter.

30. On February 19, 2008, Defendant Stanford sent a letter to Plaintiff regarding academic and non-academic procedures. Exhibit 11 -February 18, 2008 Letter. Defendant Stanford further stated:

Dr. Harun alleges that you were guilty of plagiarism on your report in his class in the fall of 2007; he bases the evidence for this allegation on the outcome of Turnitin, which he has turned over to me, as dean. He formally brings this allegation through another department chair, according to the policy on page 77 of the 2007-2008 Graduate Catalog, under the heading of “Cheating and Plagiarism” (policy attached).

After thoughtfully and thoroughly reviewing this allegation, I have

determined that Dr. Harun's allegation is valid and a serious one and, as a consequence, I am giving it my full support. You have the right to appeal my decision according to the policy under "Academic Misconduct" on page 42 in the 2007-2008 Student Handbook, beginning with #3 on page 42 (policy attached.)

Exhibit 11 -February 18, 2008 Letter.

31. The Graduate Catalog states regarding Cheating and Plagiarism:

Students are expected to do their own work. Simple cases of first offense cheating or plagiarism by an individual student may be handled by the instructor after consultation with the department chair. When the evidence is indisputable, the usual penalty is a grade of F on the particular paper on in the course. The student is usually confronted with evidence in private and advised of the penalty and advised of the penalty to be assessed. The evidence will be retained for at least one full year.

For more serious cases, such as those involving repeated offenses, a report should be made by the instructor via the department chair and dean of the college to the Provost and Vice President for Academic Affairs for disciplinary action.

Expulsion from the university is a normal penalty for such offenses.

Exhibit 12 - Graduate Catalog Excerpt.

32. Despite being charged under the University's policies, Defendant has failed to follow its own policy by confronting Plaintiff with the evidence. Specifically, no "Turnitin" documentation or anything else regarding these charges has been provided to Plaintiff. Further, Defendants have given Plaintiff the "death penalty" even though their own policy does not provide for that under the circumstances.

33. Despite being charged with harassment, Plaintiff has not been provided with any evidence against him.

34. Because of the relentless and brutal retaliation Defendants have unleashed upon Plaintiff because of his national origin and religion and in retaliation for his protected speech and other protected acts, Plaintiff, especially as a foreign national, has been chilled from using processes that should be available to him without reprisal.

35. On February 25, 2008, Defendant Stanford wrote a letter to Plaintiff stating the following:

In this case, enough evidence of serious, repeated plagiarism has been revealed that I believe you are responsible for these acts. Furthermore, I have made the decision, in consultation with the dean of students, Mr. Frank Ureno, to issue you the sanction of immediate expulsion from Texas A&M University - Kingsville. This sanction adheres to the policy and procedure "Academic Misconduct" on page 42, 3, and it is congruent with "Disciplinary Actions" page 51, 8 of the Texas A&M University - Kingsville 2007-2008 Student Handbook.

You are entitled to appeal this decision. The appeal process is on page 42, 4-5, Texas A&M University - Kingsville 2007-2008 Student Handbook. In fact, Dr. Terisa Remelius, Vice President for Student Affairs indicated to me that you have already submitted two appeal forms to her for consideration by the Judicial Appeals Board. Dr. Remelius will be in touch with you about your appeal process as outlined in the Student Handbook.

You will be allowed to attend classes and meetings on campus pending the

outcome of any appeals you choose to file. If the Judicial Appeals Board and/or Provost uphold my decision to expel you from Texas A&M University-Kingsville, you will be forced to leave campus immediately, you will not receive credit for any courses this semester, you will not be allowed to enroll in the future, and a hold will be placed on your transcripts.

Exhibit 13 - February 25, 2008 Letter.

36. On February 27, 2008, Terisa C. Remelius, Ph.D., Vice President of Student Affairs wrote Plaintiff:

As you know from reading the Student Handbook and from the Disciplinary Appeal Request Forms, you had three days to complete the forms and submit them to me. You met that deadline. Then, I had five days to convene the Judicial Appeals Board in order to provide them with copies of your appeals request forms and the documents used by Dean Stanford in making her decision to expel you from the university. The Judicial Appeals Board members met this morning at 9 a.m. The committee was made up of faculty, staff, and students who were tasked with deciding whether the information you provided, taken in context with information used to make the original decision, warranted a judicial appeal hearing. In this case the Judicial Appeals Board voted unanimously that your case does not warrant a hearing. The members have chosen to uphold the decision of the Dean of the College of Business Administration to expel you based on serious or repeated acts of plagiarism. The evidence they used to make this decision included copies of the syllabi in the two classes in which you received grades of F as well as copies of your papers and the

Turnitin.com reports. All members agrees that the Dean made a reasonable decision to find you responsible for acts of plagiarism in both cases and believe that you should be held responsible and expelled from Texas A&M University - Kingsville immediately.

According to page 42 of the Texas A&M -Kingsville Student Handbook you are entitled to one last appeal process. If you choose to exercise your right to appeal, you must submit a new copy of the Disciplinary Appeal Request Form to Dr. Kay Clayton, Provost. Her office is located in College Hall, Room 250. In accordance with our appeal process, she has ten days to review the documents used to make the decision and to respond to your appeal. If Dr. Clayton does not hear from you by the end of the business day on Monday, March 3, 2008, Texas A&M-Kingsville will assume that you do not plan to appeal the decision of the Judicial Appeals Board. In that case you will no longer be allowed to attend classes or be present on campus. Millie Slaughter, Director of International Student Activities, will be made aware of the situation and contact the appropriate officials regarding visa status. In the event that you choose to appeal you will be allowed to continue to attend classes and work on campus pending the outcome of the appeal.

Exhibit 14 - February 27, 2008 Letter.

37. Plaintiff is in the process of appealing the decision to expel him.
38. Plaintiff alleges that Defendants are pushing through charges against him without giving him meaningful opportunities to be heard and, in fact, was denied a hearing by the Judicial Appeals Board.

39. Plaintiff was subject to other extreme actions by Defendant after he made his grievance regarding Professors Harun and Verma such as: being monitored and followed by the University police; having the letters referenced in this lawsuit served on him by officials during the evening hours; and being labeled a “terrorist”.

40. Plaintiff attended the United Methodist Church and confided to a Pastor of the Church of the problems that he was having with Defendants which are raised in this lawsuit. Later, Defendant Ureno told Plaintiff to no longer attend United Methodist Church.

41. Plaintiff engaged in other protected speech such as contacting and giving a television interview with a television station regarding the failure of Defendant to maintain a practicing physician in their campus wellness center. Defendant Ureno specifically addressed this issue with Plaintiff in writing.

VI.

CLAIMS FOR RELIEF

Violation of First Amendment Right to Freedom of Speech

42. Plaintiff brings this allegation against Defendants Juarez, Stanford and Ureno in their official capacities for injunctive relief and against Defendants Stanford and Ureno in their individual capacities for compensatory damages.

43. Plaintiff alleges that the adverse actions taken against him were taken in retaliation for his protected speech which is stated with specificity in the facts portion of this document and included as exhibits to this complaint.

Violation of First Amendment Right to Petition the Government for Redress of Grievances

44. Plaintiff brings this allegation against Defendants Juarez, Stanford and Ureno in their

official capacities for injunctive relief and against Defendants Stanford and Ureno in their individual capacities for compensatory damages.

45. Plaintiff alleges that the adverse actions taken against him were taken in retaliation for his actions in petitioning Defendants for redress of his grievances which are stated with specificity in the facts portion of this document and included as exhibits to this complaint.

Violation of First Amendment for Exercising His Freedom of Religion

46. Plaintiff brings this allegation against Defendants Juarez, Stanford and Ureno in their official capacities for injunctive relief and against Defendants Stanford and Ureno in their individual capacities for compensatory damages.

47. Plaintiff alleges that the adverse actions taken against him were taken in retaliation for his religious affiliation with the Hindu religion and his act of attending the United Methodist Church which are stated with specificity in the facts portion of this document and included as exhibits to this complaint.

Violation of Rights to Equal Protection as Guaranteed by the Fourteenth Amendment to the United States Constitution

48. Plaintiff brings this allegation against Defendants Juarez, Stanford and Ureno in their official capacities for injunctive relief and against Defendants Stanford and Ureno in their individual capacities for compensatory damages.

49. Plaintiff alleges that the adverse actions taken against him were taken against him because of his national origin and religious affiliations which are stated with specificity in the facts portion of this document and included as exhibits to this complaint.

50. Further, Plaintiff alleges that Defendant's application of its Cheating and Plagiarism policy has a disparate impact upon foreign students as most foreign students do not use the same

method of citation as in the United States of America. Further, the Defendants have used the policy to discriminate against foreign students.

Violation of His Rights Pursuant to 42 U.S.C. 1981

51. Plaintiff brings this allegation against Defendants Texas A&M University - Kingsville and against Defendants Stanford and Ureno in their individual capacities for compensatory damages. Eleventh Amendment Immunity is waived for post-reconstruction statutes which are direct limitations on State powers. Plaintiff seeks all remedies allowed by law including compensatory damages, special damages and injunctive relief.

52. Plaintiff alleges that the adverse actions taken against him were taken in retaliation for his national origin, Indian.

53. Plaintiff also alleges that he was retaliated against for grieving to Defendants that he was discriminated against based upon his national origin.

VII.

SECTION 1988 - ATTORNEY'S FEES

54. The preceding allegations in paragraphs are incorporated herein as if each was restated and re-alleged in its entirety.

55. Plaintiff alleges this court against all defendants.

56. Because Defendants actions deprived Plaintiff of his civil and constitutional rights, it was necessary for Plaintiff to retain legal counsel to prosecute this action.

57. Pursuant to 42 U.S.C. § 1988, Plaintiff asserts his claim for attorneys' fees against Defendants if he prevails.

VIII.

REQUEST FOR IMMEDIATE HEARING FOR A PRELIMINARY INJUNCTION

58. Plaintiff will suffer irreparable harm if Defendants are not enjoined during the pendency of this lawsuit from expelling Plaintiff from admission to Texas A&M University - Kingsville. Injury is imminent because Plaintiff may be expelled as early as Monday or Tuesday of next week, March 3 or 4, 2008. Upon expulsion, Plaintiff will lose his ability to remain in the United States as allowed by his student visa; and Plaintiff's academic record will be ruined and he will not be able to gain admission into another graduate program. Further, Plaintiff's reputation has been irreparably harmed by Defendants labeling him as a "cheater" "plagiarist" "terrorist" and other loathsome terms. Plaintiff must have the opportunity to prosecute this lawsuit prior to his expulsion from school. The economic damages Plaintiff will suffer if he is expelled is also significant. As a foreign student, the tuition he pays is significantly more expensive than for Texas and United States citizens. As well, Plaintiff only has one year left to complete his degree. Plaintiff is willing to post a bond in the amount that the Court deems appropriate.

59. Plaintiff requests that the Court set his application for preliminary injunction for hearing on the afternoon of Monday, March 3, 2008 because of pending deadlines given to Plaintiff by the Defendants for a final decision regarding his expulsion from the University. Plaintiff is employed in a teaching capacity for Defendants and he has class on the morning of March 3, 2008. Under the circumstances, he cannot miss the classes – hence the request for an afternoon hearing. If the Court cannot hear the matter on the afternoon of March 3, 2008, Plaintiff requests that this matter be heard as soon as possible. Plaintiff requests that the Court issue a preliminary injunction against Defendants requiring them to retain Plaintiff as a student until this lawsuit reaches a trial on

the merits.

VII.

PRAYER FOR RELIEF

60. WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that after trial, the Court grant Plaintiff all legal and equitable relief, and after hearing on the preliminary injunction, enter a preliminary injunction, to which he shows himself justly entitled and which has been set-out in herein, including, but not limited to:

1. Compensatory damages;
2. Exemplary damages as allowed by law;
3. Front pay;
4. Back pay;
5. Pre-judgment interest;
6. Post-judgment interest;
7. Loss of past earnings;
8. Loss of future earnings;
9. Loss of retirement/other benefits;
10. Physical pain;
11. Future mental anguish;
12. Past mental anguish;
13. Loss of reputation;
14. Humiliation;
15. Attorneys' fees and court costs as allowed by statute and law;

