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**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

Jessica Lundquist  
*Plaintiff*

Case No. 19-CV-10302

v.

**COMPLAINT**

U.S. Transportation Security Administration,  
STSO Veronica Castellon,  
STSO Harris, *and*  
TSM Martinez  
*Defendants*

**JURY TRIAL DEMANDED**

**INTRODUCTION**

- 1) Plaintiff Jessica Lundquist (“LUNDQUIST”) was a ticketed passenger attempting to travel through Hollywood Burbank Airport (“BUR”) on September 29<sup>th</sup>, 2019.
- 2) Passengers traveling through BUR must submit to a security screening by the U.S. Transportation Security Administration (“TSA”) if they wish to catch their flight; however, TSA screeners lack the authority to detain or force an individual to submit to a search against their will, and are limited to prohibiting non-compliant individuals from entering the secure area and/or imposing civil penalties upon those who interfere with screening.
- 3) Notwithstanding, Defendants STSO Veronica Castellon (“CASTELLON”), STSO Harris (“HARRIS”), and TSM Martinez (“MARTINEZ”), three employees of TSA, unlawfully and in violation of her Fourth Amendment rights and TSA policy, detained and forced LUNDQUIST to submit to an invasive “groin search” whereby they used their fingers to touch LUNDQUIST’s genitals and buttocks without consent and despite her objection and pleas to leave.

- 1 4) Defendants additionally violated LUNDQUIST’s First and Fourth Amendment rights by  
2 refusing to allow video recording of her screening.

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4 **JURY TRIAL**

- 5 5) LUNDQUIST demands a trial by jury on all issues so triable.

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7 **PARTIES**

- 8 6) Plaintiff LUNDQUIST is a natural person living in Oakland, CA.
- 9 7) Defendant U.S Transportation Security Administration (“TSA”) is a federal government  
10 entity – a sub-agency of the U.S. Department of Homeland Security – and is sued here for  
11 injunctive relief only.
- 12 8) Defendant CASTELLON is a Supervisory Transportation Security Officer<sup>1</sup> (“STSO”) with  
13 the U.S. Transportation Security Administration and is sued here in her individual capacity  
14 pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S.  
15 388 (1971).
- 16 9) Defendant HARRIS, whose first name is not currently known, is a Supervisory  
17 Transportation Security Officer (“STSO”) with the U.S. Transportation Security  
18 Administration and is sued here in his individual capacity pursuant to *Bivens*.

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<sup>1</sup> A “Supervisory Transportation Security Officer” is the highest level of “blue shirt” employee of the TSA. Found at screening checkpoints, these employees both conduct searches of passengers as well as supervise other lower-ranking employees at the checkpoint.

1 10) Defendant MARTINEZ, whose first name is not currently known, is a Transportation  
2 Security Manager<sup>2</sup> (“TSM”) with the U.S. Transportation Security Administration and is  
3 sued here in his individual capacity pursuant to *Bivens*.  
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5 **JURISDICTION & VENUE**

6 11) Personal jurisdiction is proper because all defendants work and, upon belief, reside, within  
7 the State of California.

8 12) Subject matter jurisdiction is proper over the constitutional claims because they arise under  
9 federal law. *See* 28 U.S.C. § 1331.

10 13) Venue is proper because the incident that gave rise to the complaint occurred within the  
11 Central District of California.  
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13 **ALLEGATIONS OF FACT**

14 14) On September 29<sup>th</sup>, 2019, at or around 10:00 AM, LUNDQUIST arrived at Burbank  
15 Hollywood Airport.

16 15) LUNDQUIST possessed a valid boarding pass for a flight departing BUR to Oakland,  
17 California later that day.

18 16) LUNDQUIST approached the TSA screening line, as was required of her as a prerequisite  
19 to boarding her flight, and presented a valid photo identification and her boarding pass.  
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22 <sup>2</sup> A “Transportation Security Manager” is the lowest level of “suit” employee of the TSA, and is  
23 the direct manager for an STSO. A TSM is the highest ranking TSA employee required to be on-  
site at an airport during screening hours, does not typically conduct searches of passengers, and  
has ultimate authority over who passes and who does not pass the checkpoint.

- 1 17) LUNDQUIST was directed into a body scanner for screening, and complied with that  
2 request.
- 3 18) LUNDQUIST was not in possession of any prohibited items.
- 4 19) Notwithstanding her compliance and the absence of prohibited items, LUNDQUIST was  
5 informed by CASTELLON that the body scanner alarmed on her and that she would need to  
6 submit to a “groin” search.
- 7 20) CASTELLON advised LUNDQUIST that the search required would involve the touching of  
8 her genitals and buttocks.
- 9 21) LUNDQUIST immediately, clearly, and unambiguously advised CASTELLON that she did  
10 not consent.
- 11 22) LUNDQUIST immediately, clearly, and unambiguously advised CASTELLON that she  
12 would like to leave the checkpoint.
- 13 23) CASTELLON advised that LUNDQUIST must comply with the search
- 14 24) A supervisory staff member, Defendant HARRIS, arrived.
- 15 25) LUNDQUIST then requested to CASTELLON and HARRIS to have the search recorded.
- 16 26) CASTELLON and HARRIS told LUNDQUIST that it was prohibited to record screenings.
- 17 27) In fact, TSA policy does not prohibit the recording of any screening operations, save for  
18 attempts to record the monitors of x-ray machines.
- 19 28) The TSA’s policy allowing the recording of screenings is public and, upon belief, a part of  
20 the training that all TSA screeners and managers undergo.
- 21 29) As a result of HARRIS’ assertion that she could not record, LUNDQUIST did not record her  
22 screening.
- 23 30) Another supervisory staff member, Defendant MARTINEZ, arrived.

- 1 31) HARRIS and MARTINEZ both advised LUNDQUIST that she was required to submit to  
2 the search described by CASTELLON.
- 3 32) MARTINEZ, in front of CASTELLON and HARRIS, told LUNDQUIST in no uncertain  
4 terms that “no matter what,” whether she wanted to pass through the checkpoint or not, she  
5 would be forced to allow a TSA screener to conduct the search described by CATELLON.
- 6 33) LUNDQUIST understood this to mean that she was not allowed to leave.
- 7 34) STSOs and TSMs, including all defendants, are not law enforcement officers and are not  
8 empowered by law to seize individuals or otherwise effect arrests or detentions of any kind.
- 9 35) In fact, TSA policy specifically prohibits these employees from detaining travelers, and in  
10 the event that checkpoint staff witnesses a criminal violation of the law sufficient to warrant  
11 arrest, they are limited to summoning law enforcement.
- 12 36) Notwithstanding, it is not a crime to refuse screening at an airport checkpoint so long as one  
13 does not proceed to enter the sterile area.
- 14 37) Accordingly, the law does not allow for even law enforcement to detain individuals at the  
15 checkpoint for the mere refusal to complete screening.
- 16 38) As a result of MARTINEZ’ assertion that she would be forcibly searched and over her protest  
17 of non-consent, CASTELLON did touch LUNDQUIST’s vulva, labia, and buttocks using  
18 her fingers.
- 19 39) No prohibited items were found.
- 20 40) LUNDQUIST travels by air approximately 7-10 times per year and intends to continue to fly  
21 at that rate in 2020.
- 22 41) LUNDQUIST does not intend to consent to any such “groin searches” during any future TSA  
23 encounters.

**CLAIMS FOR RELIEF**

**Count 1 – Fourth Amendment to the U.S. Constitution**

**Unreasonable Search**

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- 5 42) The Fourth Amendment to the U.S. Constitution prohibits “unreasonable searches and
- 6 seizures,” and in general, a warrant or an exception to the warrant requirement is required
- 7 before the government may conduct a search without the consent of the searched.
- 8 43) The “administrative search doctrine” allows the government to conduct some level of limited
- 9 warrantless searches under the theory that the searches are aimed at a public safety concern
- 10 rather than uncovering evidence of criminality (or, in the alternative, under the theory that
- 11 by presenting one’s self at the TSA checkpoint, one is consenting to the search).
- 12 44) However, a cornerstone of this exception to the warrant requirement is that an individual
- 13 may avoid the search by abstaining from the activity at which the search is aimed.
- 14 45) As soon as she was notified that TSA would require a “groin search” in order to proceed,
- 15 LUNDQUIST attempted to leave the checkpoint and thus the TSA’s power to conduct an
- 16 administrative search of her had terminated.
- 17 46) The search of LUNDQUIST’s groin was therefore conducted without consent, warrant, or
- 18 the blessing of the administrative search doctrine, and therefore was unreasonable.
- 19 47) Given clear and unambiguous policy and training to the contrary, no reasonable TSA
- 20 screener or manager would have thought that they were allowed to force a passenger to
- 21 submit to a search.
- 22 48) LUNDQUIST’s constitutional rights were thus knowingly and intentionally violated.
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1 49) Defendants CASTELLON, HARRIS, and MARTINEZ are thus liable to LUNDQUIST for  
2 damages stemming from their unconstitutional search of her person.

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4 **Count 2 – Fourth Amendment to the U.S. Constitution**

5 **Unreasonable Seizure of Lundquist's Person**

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7 50) Plaintiff re-alleges all paragraphs of Count 1 and incorporates them by reference.

8 51) As soon as Defendants denied LUNDQUIST's request to leave the checkpoint, they had  
9 conducted a seizure of her person.

10 52) LUNDQUIST understood that she was not free to leave.

11 53) A reasonable person in LUNDQUIST's position would likewise have understood that she  
12 was not free to leave.

13 54) LUNDQUIST was indeed not free to leave.

14 55) Defendants were not empowered by law to conduct a seizure.

15 56) Given clear and unambiguous policy and training to the contrary, no reasonable TSA  
16 screener or manager would have thought that they were allowed to prevent a passenger from  
17 leaving the checkpoint via the non-secure side.

18 57) LUNDQUIST's constitutional rights were thus knowingly and intentionally violated.

19 58) Defendants CASTELLON, HARRIS, and MARTINEZ are thus liable to LUNDQUIST for  
20 damages stemming from their unconstitutional seizure of her person.

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1    **Count 3 – First Amendment to the U.S. Constitution**

2    **Unlawful Restraint on Filming**

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- 4            59) Plaintiff re-alleges all paragraphs of Count 1 and incorporates them by reference.
- 5            60) LUNDQUEST has a First Amendment constitutional right to record public areas.
- 6            61) Such a constitutional right is at its zenith when one wishes to record public officials, in  
7            public, performing their public duties.
- 8            62) TSA policy accommodates this right by allowing the recording of TSA checkpoints so long  
9            as one does not interfere with screening or record the monitors of x-rays.
- 10           63) Given clear and unambiguous policy and training to the contrary, no reasonable TSA  
11           screener or manager would have thought that they were allowed to order individuals not to  
12           film a checkpoint screening.
- 13           64) LUNDQUIST’s constitutional rights were thus knowingly and intentionally violated.
- 14           65) Defendants CASTELLON, HARRIS, and MARTINEZ are thus liable to LUNDQUIST for  
15           damages stemming from their unconstitutional restriction of her First Amendment-protected  
16           activity.

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18    **Count 4 – Fourth Amendment to the U.S. Constitution**

19    **Seizure of Camera and/or Person**

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- 21           66) Plaintiff re-alleges all paragraphs of Counts 1 and 3, and incorporates them by reference.
- 22
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1 67) By preventing LUNDQUIST from recording, Defendants effectively seized her camera and  
2 partially seized her person by preventing her from doing something she was lawfully entitled  
3 to do.

4 68) Given clear and unambiguous policy and training to the contrary, no reasonable TSA  
5 screener or manager would have thought that they were allowed to order individuals not to  
6 film a checkpoint screening.

7 69) LUNDQUIST's constitutional rights were thus knowingly and intentionally violated.

8 70) Defendants CASTELLON, HARRIS, and MARTINEZ are thus liable to LUNDQUIST for  
9 damages stemming from their unconstitutional seizure of her camera and person.

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11 **Count 5 – Injunction**

12 **Prevention of Future Forcible Searches & Seizures**

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14 71) Agencies of the federal government are required to ensure that their employees' conduct  
15 conforms to the boundaries of the law.

16 72) Although the TSA apparently has a policy of prohibiting seizures and forcible searches at  
17 their checkpoints, that policy is apparently not followed by its employees.

18 73) Given that three supervisory-level TSA employees at BUR all refused to follow TSA policy,  
19 it is clear that TSA is deficient in enforcing that policy.

20 74) LUNDQUIST intends to travel by air again in the near future and intends to refuse future  
21 "groin searches" if requested to submit to the same, as well as to record any such experiences  
22 at the checkpoint.  
23

1 75) LUNDQUIST therefore asks the Court to order the TSA to effect whatever change to hiring,  
2 supervision, training, or otherwise is necessary<sup>3</sup> to ensure that future travelers are not  
3 detained, forcibly searched, and denied First Amendment rights in violation of TSA's  
4 existing policy.

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6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff prays for the following relief:

- 8 i. Actual damages for loss of liberty, the unconstitutional search, and the violation of her First  
9 Amendment rights an amount to be determined by a jury.
- 10 ii. Punitive damages on Counts 1 – 4, in an amount to be determined by a jury.
- 11 iii. Injunctive relief as described in Count 5.
- 12 iv. Cost of the action.
- 13 v. Reasonable attorney's fees.
- 14 vi. Any other such relief as the Court deems appropriate.
- 15

16 Dated: Los Angeles, CA

Respectfully submitted,

17 December 4<sup>th</sup>, 2019

18 \_\_\_\_\_  
/s/

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23 <sup>3</sup> Discovery will help to uncover where the break-down of process happened such that the abuse  
of LUNDQUIST's rights were allowed to happen, and will ultimately reveal the exact nature of an  
injunction to prevent that break-down.