

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**SHERRY SHEPARD, AS NEXT AND
BEST FRIEND OF J. S., A Minor**

PLAINTIFF

VS.

CIVIL ACTION NO. 4:17CV091-DMB-JMV

**THE CLEVELAND SCHOOL DISTRICT,
STEVEN CRADDOCK, in his individual capacity,
DR. JACQUELINE THIGPEN,
in her individual and official capacity**

DEFENDANTS

**COMPLAINT
(Jury Trial Demanded)**

1. NATURE OF THE CASE

1. This is an action for monetary damages and for declaratory relief to enforce the provisions of the Fourteenth Amendment to the United States Constitution and to prevent future deprivation of the rights, privileges and immunities secured by the federal constitution and applicable state statutes.

II. JURISDICTION & VENUE

2. The jurisdiction of the Court invoked under Title 28 of the United States Code §§1331, 13143(3), 1343(4) and 2201. This complaint being further authorized by Title 42 of the United States Code §1983. The actions complained of the U.S. District Court for the Northern District of Mississippi.

III. PARTIES

3. Plaintiff, Sherry Shepard, is an African-American female resident of Cleveland, Mississippi. Sherry Shepard is the mother of J. S. who earned the title of valedictorian for the 2016 school year at Cleveland High School in Cleveland, MS. Plaintiffs seek monetary damages as a result of Cleveland High School failing to follow the established policies and procedures for selecting a valedictorian for Cleveland High school. Defendants, upset by a recent desegregation order, selected H. B., a white female and J. S. as Co-Valedictorians for Cleveland High School's 2016 class. Prior to 2016, Cleveland High School had never selected co-valedictorians. Plaintiff further seeks declaratory relief to have J. S. publicly declared her as the sole valedictorian of the Cleveland High School senior class of 2016.

4. Defendant Cleveland School District is a body corporate and political subdivision of the State of Mississippi, duly established under the laws and constitution of said State. It has policy making and administrative responsibilities of the Cleveland School System and has the power of suing and being sued in its own name. Defendant Cleveland School District may be served with process of this Court by serving a copy of the summons and complaint upon its current superintendent, Dr. Jacqueline Thigpen at 1016 Taylor Cove, Cleveland, Mississippi 38732.

5. Defendant Steven Craddock is the principal of Cleveland High School, and he is being sued in his individual and official capacity. He may be served with process of this Court at 300 W Sunflower Rd., Cleveland, Mississippi 38732.

6. Dr. Jacqueline Thigpen is the superintendent of the Cleveland School District, and she is being sued in her individual and official capacity. She may be served with process of this Court at 1016 Taylor Cove, Cleveland, Mississippi 38732.

7. At all times set out herein, defendants were and have been acting under color of the statutes, ordinances, rules, regulations, and policies of the State of Mississippi and the Cleveland School District.

IV. FACTS

8. One day before Cleveland High School's May 20, 2016 graduation, school officials awarded the title and status of Co-valedictorian of the Cleveland High School graduating class of 2016 to J. S., an African American female, and H. B., a white female.

9. J. S. and H. B. were selected as Co-valedictorians after school officials failed to follow the district's policy of selecting the valedictorian based on the highest-grade point average.

10. The selection of J. S. and H. B. as Co-valedictorians came on the heels of a federal judge's ruling that the Cleveland School District had failed to desegregate its schools approximately 50 years after the school district had been ordered to desegregate.

11. Prior to 2016, all of Cleveland High School's valedictorians were white, and Cleveland High School had never had an African-American valedictorian. African-Americans had only been valedictorians at Eastside High School, a school which virtually no whites attend.

12. When Sherry Shepard learned that school officials had selected co-valedictorians for the first time in the 110-year history of Cleveland High School, she complained to Steven Craddock and Dr. Jacqueline Thigpen.

13. Upon information and belief, H. B. should not have been selected as a Co-valedictorian. Upon information and belief, H. B. had a lower grade point average than J. S. Upon information and belief, J. S.'s grade point average was higher than H. B. when school officials divided the total quality points by the total semester credits earned.

14. As a result of the school official's unprecedented action of making an African-American student share the valedictorian award with a white student, the defendants discriminated against J. S. in violation of the Fourteenth Amendment to the United States Constitution. Plaintiff has suffered humiliation, loss of self-esteem, embarrassment, loss of opportunities, mental anguish, emotional distress, pain and suffering, and other damages to be shown at the trial of this matter.

V. CAUSES OF ACTION

15. The Cleveland School District and other defendants herein violated plaintiff's constitutionally protected rights under the Fourteenth and Fifteenth Amendments to the United States Constitution resulting in the denial of protected rights of an African American female student in deference to a white female student on account of race or color.

16. Plaintiff shows that a real and actual controversy exists regarding adherence to school board policies and procedures which affect all students in the Cleveland School District including J. S. who was stripped of her distinction by school officials who should have ensured that its first African-American valedictorian enjoyed the equal protection,

rights and privileges that its white valedictorian at Cleveland High School had been afforded for 110 years.

17. J. S. has suffered irreparable injury as a result of Defendants unprecedented, unilateral, blatant, and unconscionable discriminatory actions.

WHEREFORE, PLAINTIFF RESPECTFULLY PRAYS that this Court take jurisdiction of this case and:

- 1). Award Plaintiff monetary damages in an amount to be determined by a jury.
- 2). Award Plaintiff the costs and expenses of this litigation together with their reasonable attorney's fees;
- 3). Order that the defendants follow the district's policies and procedures for selecting valedictorian at high schools in Cleveland, MS.
- 4). Enter a declaratory judgment that J. S. is the sole valedictorian for Cleveland High School's graduating class of 2016; and,
- 5). Retain jurisdiction of this action and grant Plaintiff any further relief which may in the discretion of this Court be necessary and proper to ensure racially fair selections of valedictorians at high schools in the Cleveland School District.

RESPECTFULLY SUBMITTED this, the 23rd day of June, 2017.

By: 

Lisa M. Ross (MSB#9755)
Post Office Box 11264
Jackson, MS 39283-1264
(601) 981-7900 (telephone)
(601) 981-7917 (facsimile)

CIVIL COVER SHEET

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 THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

SHERRY SHEPARD, AS NEXT AND BEST FRIEND OF J.S., A MINOR

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

(c) Attorney's (Firm Name, Address, and Telephone Number) LISA M. ROSS, POST OFFICE BOX 11264, JACKSON, MS (601) 981-7900

DEFENDANTS

CLEVELAND SCHOOL DISTRICT, STEVEN CRADDOCK AND DR. JACQUELINE THIGPE

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

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE 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)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

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

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

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, 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Title 28 U.S. Code 1331, 1343 and 2201

Brief description of cause: Violation of the Fourteenth Amendment right to Due Process.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMANDS CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 6/20/17 SIGNATURE OF ATTORNEY OF RECORD Lisa M. Ross

FOR OFFICE USE ONLY RECEIPT # 20144 AMOUNT \$400 APPLYING IFP JUDGE Brown MAG. JUDGE Virden