

FILED

JUN 18 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

[Handwritten initials]

1 Your Name: FARUK GÖNÜL
 2 Address: MSB Oran Lajmanları 586 Sokak No:4
Daire:9 Bekiroğlu Apartmanı Oran-Gankaya-Ankara-TURKEY
 3 Phone Number: +90 538 2218497
 4 Fax Number: -
 5 E-mail Address: farukgonul2000@gmail.com.
 6 Pro Se Plaintiff

United States District Court
Northern District of California

FARUK GÖNÜL

CV 13 2801
Case Number:

Plaintiff(s),

COMPLAINT

DMR

vs.

Twitter Inc.

DEMAND FOR JURY TRIAL

Yes No

Defendant(s).

1. Parties in this Complaint

a. Plaintiff(s). Write your name, address, and phone number. If there are other plaintiffs, use more pages to include their names, addresses, and phone numbers.

Name: FARUK GÖNÜL
 Address: MSB Oran Lajmanları 586 Sokak Bekiroğlu
Apartmanı No:4 Daire:9 Oran-Gankaya Ankara/TURKEY
 Phone number: 0090 538 2218497

[Handwritten mark]

1 b. Defendant(s). Write the full name and address of every defendant. If the defendant is
2 a corporation, write the state where it is incorporated and the state where it has its main place of
3 business. Use more pages if you need to.

4 **Defendant 1:**

5 Name: Twitter Inc.

6 Address: 795 Folsom St. Suite 600

7 San Francisco, CA 94102-3489

8 **Defendant 2:**

9 Name: _____

10 Address: _____

11
12 **Defendant 3:**

13 Name: _____

14 Address: _____

15
16 **Defendant 4:**

17 Name: _____

18 Address: _____

19
20 **2. Jurisdiction**

21 *Usually, only two types of cases can be filed in federal court: cases involving "federal*
22 *questions" and cases involving "diversity of citizenship." Check at least one box.*

23 My case belongs in federal court under federal question jurisdiction because it is
24 about federal law(s) or right(s).

25 *Which law(s) or right(s) are involved?* _____

26
27 My case belongs in federal court under diversity jurisdiction because none of the plaintiffs
28 live in the same state as any of the defendants AND the amount of damages is more than \$75,000.

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3. Venue

This Court can hear cases arising out of Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo, and Sonoma counties. This is the right court to file your lawsuit if 1) All defendants live in California AND at least one of the defendants lives in this district; OR 2) A substantial part of the events you are suing about happened in this district; OR 3) A substantial part of the property that you are suing about is located in this district; OR 4) You are suing the U.S. government or a federal agency or official in their official capacities and you live in this district. Explain why this district court is the proper location to file your lawsuit.

Venue is appropriate in this Court because Twitter Inc. is located in San Francisco. But I am a foreign person, a Turk. I have stayed in Turkey since I was born.

4. Intradistrict Assignment

There are three divisions of this Court: San Francisco/Oakland, San Jose, and Eureka. The San Francisco/Oakland division covers Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Sonoma counties. The San Jose division covers Monterey, San Benito, Santa Clara, Santa Cruz counties. The Eureka division covers Del Norte, Humboldt, Lake, Mendocino counties, only if all parties consent to a magistrate judge. Explain which division your case should be assigned.

This lawsuit should be assigned to [Select one: San Francisco/Oakland, San Jose, OR Eureka] Division of this Court because _____

5. Statement of Facts and Claims

Write a short and simple description of the facts of your case. Include WHERE and WHEN the events happened, WHO was involved, WHAT role each defendant played, and HOW you were harmed. If you know which laws or rights the defendant violated, you can include them, but you do not need to make legal arguments. Put each fact or claim into a separate, numbered

1 paragraph, starting with 5a, 5b, and so on. Attach additional sheets of paper as necessary. You
2 may attach documents that support your claims to the end of this Complaint as exhibits. Explain
3 what each exhibit is, when and how you got it, and how it supports your claims. Attaching a
4 document to your Complaint does not necessarily mean that it will be accepted as evidence.

5
6 I attach my request from Twitter Inc. as Annex A. But
7 no one ^{have} replied me for 9 months.
8 Insults and accuses me are an offence under the laws
9 and procedures in Turkey. As the administrators of this
10 social networking site, they shall not allow the perpetuation
11 of these insults which are made against me. I shall have
12 the right to be notified about the registered owner
13 of the IP address to find the location of the owner.

14
15 After this event I appealed to the Turkish Court in
16 Ankara, capital of Turkey. They directed me to send
17 a mail to Twitter social network. for getting the
18 IP number of insulter(s). I send you the official
19 paper in Turkish which belongs to the Turkish
20 Ankara Court as Annex B.

21
22 No one have replied me from Twitter Inc. until now. Therefore
23 I want to complain this social network company to your court.
24 I am so annoyed because this company does not any pay
25 attention to my request which deals with human rights

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6. Demand for Relief

State what you want the Court to do for you. For example, depending on which claims you raise, it may be appropriate to ask the Court to award you money or order the defendant to do something or stop doing something. If you are asking for money, you can say how much you are asking for and why you should get that amount.

I want to find the location of the owner of the IP address who insult me regularly.

If Twitter Inc. does not want to give the owner of IP address, I want to sue this company via San Francisco Court.

7. Demand for Jury Trial

Check this box if you want your case to be decided by a jury, instead of a judge.

Plaintiff demands a jury trial on all issues.

All plaintiffs must sign, date, and print their names at the end of the Complaint. Attach another page if you need to.

Respectfully submitted,

Date: March, 15, 2013

Sign Name: 

Print Name: FARUK GÖNÜL

Twitter, Inc.
795 Folsom St., Suite 600
San Francisco, CA 94107

MSB Oran Lojmanları 586 Sokak
Bekiroğlu Apartmanı No: 4 Daire: 9
Oran - Çankaya
Ankara / TURKEY

Dear Sir or Madam,

June 15, 2012

To whom it may concern,

In your networking site <http://twitter.com/#1/Bitix2> at 1:33 am on February 4, 2012, was posted on the account Bitix2. It was written as - Contact with me about Faruk GÖNÜL- it is urgent-

Respectively, in the publication sent via this site – on February 7, 2012 at 23:39 and on February 8, 2012 at 00:10 hours - contained insulting claims and accusations against me.

Also the insults and accusations continued on February 26, 2012 at 1:33; February 26, 2012 at 1:36; February 26, 2012 at 2:30; February 29, 2012 at 2:24; February 29, 2012 at 2:25; February 29, 2012 at 2:26; March 2, 2012 at 0:03; March 2, 2012 at 0:04; March 2, 2012 at 0:05; March 6, 2012 at 0:51; March 6, 2012 at 0:53; March 6, 2012 at 0:56, March 6, 2012 1:00.

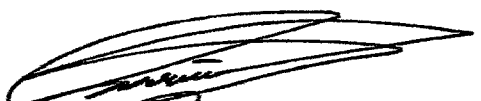
In particular, there was another article on February 8, 2012 at 0:10. In <http://twitter.com/#1/Bitix2> address, there was a comment posted "Take a look at the picture" which leads you to the link <http://e1202.hizliresim.com/u/8/2icgb.jpg>. The link contained heavy insulting claims and accusations against me.


This is an offence under the laws and procedures in Turkey. As the administrators of this social networking site, you shall not allow the perpetuation of these insults which are made against me. I shall have the right to be notified about the registered owner of the IP address to find the location of the owner.

After this event I appealed to the Turkish Court in Ankara, capital of Turkey. They directed me to your social network's mail address for getting the IP number of insulter(s). I am sending you the official paper in Turkish which belongs to the Turkish Court as annex.

If possible, please help me for this issue.

Yours Sincerely,


Colonel (Mr.) Faruk GÖNÜL

Attorney Galip ALTUNTAŞ
Attorney Bureau of Ankara # 10550
Registration # 6170


T.C.
ANKARA
CUMHURİYET BAŞSAVCILIĞI

Soruşturma No : 2012/34019
Karar No : 2012/22105

KOVUŞTURMAYA YER OLMADIĞINA DAİR KARAR

DAVACI : K.H.
MÜŞTEKİ : FARUK GÖNÜL, NURİNURİ Oğlu PERİHAN MERAL'den olma, 11/09/1963 doğumlu, 586 Sk. Aşağı Dikmen Mah. No:4 İç Kapı No:9 Çankaya/ ANKARA ikamet eder.
VEKİLİ : Av. ESRA ALTUNTAŞ, ANKARA
Çevre Sok. No:3/1 06680 Çankaya / ANKARA
ŞÜPHELİ : MEÇHUL
SUÇ : Sesli Yazılı veya Görüntülü Bir İleti İle Hakaret
SUÇ TARİHİ : 09/02/2012

SORUŞTURMA EVRAKI İNCELENDİ:

Müşteki Faruk GÖNÜL, vekili aracılığıyla Cumhuriyet Başsavcılığımıza vermiş olduğu 12/03/2012 tarihli şikayet dilekçesi ile www.twitter.com/#!/itix2 isimli internet sitesinde kendisine hakaret edilip, asılsız suçlamalarda bulunduğu beyan ederek şikayetçi olmuştur.

Söz konusu işlemin www.twitter.com isimli internet sitesinin San Francisco / Amerika Birleşik Devletleri'nden yayın yaptığı, adresinin 795 Folsom St. Suite 600 Sn Francisco, CA 94107 olduğu, Türkiye'de yazışma yapılabilecek bir temsilciliğinin bulunmadığının görüldüğü;

Ancak yurtdışı merkezli bu işlemlerin yapıldığı ülkelerdeki yasal yapı ve "Kişisel Verilerin Gizliliğine İlişkin Hükümler" gereği, söz konusu bilgilere ulaşılmasının mümkün bulunmadığı, bilişim yolları kullanılarak işlenen suçlarda dijital delil araştırmasının güvenilir sertifika otoritesinin bulunmasına küresel ortak protokoller ve kanunların düzenlenmesine bağlı olduğu, bu aşamada hukuki yapının buna imkan vermediği,

İlgili sitenin bağlı olduğu elektronik servis hizmetleri yurtdışı kaynaklı olmakla, yabancı ülke şirket ve serverlerinin kullanılması nedeniyle dijital delil elde edilmesinin mümkün olmadığı, soruşturmanın devamı halinde yeni delillere ulaşmanın teknik ve hukuki açıdan mümkün bulunmadığı, olayın takibinde kamu davası açılmasını gerektirir yeterli delil elde edilemeyeceğinden kamu adına KOVUŞTURMAYA YER OLMADIĞINA, kararın müşteki vekiline tebliğine, karara karşı tebliğ tarihinden itibaren 15 gün içerisinde Sincan Ağır Ceza Mahkemesi Başkanlığına itiraz edebileceğinin ihtarına, CMK'nın 172-173. maddeleri gereğince itirazı kabil olmak üzere karar verildi. 10/04/2012

MEHMET ODABAŞI 30858
Cumhuriyet Savcısı


e-imzalıdır