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11 IN THE UNITED STATES DISTRICT COURT
12 IN AND FOR THE DISTRICT OF ARIZONA
13

TERRENCE BRESSI,

Plaintiff,

Case No.

VERIFIED COMPLAINT

vs.

- (1) PIMA COUNTY BOARD OF SUPERVISORS;
- (2) PIMA COUNTY SHERIFF MARK NAPIER;
- (3) FORMER PIMA COUNTY SHERIFF CLARENCE DUPNIK;
- (4) FORMER PIMA COUNTY SHERIFF CHRISTOPHER NANOS;
- (5) PIMA COUNTY SHERIFF'S DEPARTMENT;
- (6) PIMA COUNTY DEPUTY SHERIFF RYAN ROHER;
- (7) PIMA COUNTY DEPUTY SHERIFF BRIAN KUNZE;
- (8) JOHN DOES 1-20 AND JANE DOES 1-20, DEPUTIES OF PIMA COUNTY SHERIFF'S DEPARTMENT;
- (9) UNITED STATES CUSTOMS AND BORDER PROTECTION FIELD SUPERVISOR FUENTES;
- (10) UNITED STATES CUSTOMS

AND BORDER PROTECTION
AGENT E. LOPEZ;
(11) UNITED STATES CUSTOMS
AND BORDER PROTECTION
AGENT FRYE;
(12) UNITED STATES CUSTOMS
AND BORDER PROTECTION
FIELD SUPERVISOR POTTER;
(13) UNITED STATES CUSTOMS
AND BORDER PROTECTION
AGENT GRAYSON; and
(14) JOHN DOES 1-20 AND JANE
DOES 1-20, UNITED STATES
CUSTOMS AND BORDER
PROTECTION AGENTS,

Defendants.

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2 Plaintiff alleges the following:

3 JURISDICTION AND VENUE

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5 1. This Court has subject matter jurisdiction over this action
6 pursuant to 28 U.S.C. §§ 1331, 1343, and 1346.

7 2. This Court has authority to award a reasonable attorney's fee
8 pursuant to 42 U.S.C. § 1988(b).

9 3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b), as
10 all events and omissions giving rise to this claim occurred in the District of
11 Arizona.

12 PARTIES

13 4. Plaintiff is a United States citizen and at all times relevant herein,
14 has been a resident of Pima County, Arizona.

1 5. Defendant Pima County Sheriff’s Department (hereafter
2 “PCSD”) is a department of Pima County, Arizona and provides police
3 services within Pima County.

4 6. Defendants Mark Napier, Clarence Dupnik, Christopher Nanos,
5 Ryan Roher, and Pima County Does 1-20 were, at all relevant times,
6 employees of Defendant PCSD. These Defendants are hereafter referred to as
7 the “individual state Defendants”.

8 7. At all relevant times herein, the individual state Defendants were
9 all police officers who were certified by Arizona Peace Officer Standards &
10 Training Board (“POST”), a nonprofit entity that was chartered by the
11 Arizona Legislature, receives annual state appropriations, and retains
12 exclusive authority to certify Arizona peace officers. As such, the individual
13 state Defendants had the authority from the state of Arizona to enforce
14 Arizona state law.

15 8. At all relevant times herein, the individual state Defendants acted
16 under color of state law.

17 9. Defendant Pima County Board of Supervisors is the legislative
18 body of Pima County, Arizona. The Pima County Board of Supervisors, by
19 virtue of state law, has the authority to accept, reject, and condition certain
20 federal law enforcement grants for Defendant PCSD. Among these federal

1 grants is a federal grant program referred to as “Operation Stonegarden,”
2 which is central to Plaintiff’s constitutional deprivation at issue in this action.

3 10. Defendants Fuentes, Lopez, Frye, Potter, Grayson, and Customs
4 and Border Protection Does 1-20 were, at all relevant times herein, employees
5 of U.S. Customs and Border Protection, an agency of the federal government
6 and administratively housed within the U.S. Department of Homeland
7 Security. These Defendants are hereafter referred to as the “individual federal
8 Defendants.”

9 11. At all times relevant herein the individual federal Defendants had
10 the authority from the United States government to enforce immigration laws
11 within the District of Arizona.

12 12. At all relevant times herein, the individual federal Defendants’
13 employer, the United States Customs and Border Protection, conducted
14 federal enforcement operations within the District of Arizona.

15 13. At all relevant times herein, the individual federal Defendants
16 acted in their official capacity under color of law.

17 14. At various times relevant to this action, individual state
18 Defendants were supervised by individual federal defendants under a federal
19 law enforcement program known as “Operation Stonegarden.”
20

1 **FACTUAL ALLEGATIONS**

2 15. Plaintiff brings his claim under the federal statute, 42 U.S.C. §
3 1983, which provides that any person who, under color of state law, deprives
4 another of any rights, privileges, or immunities secured by the United States
5 Constitution or the laws of the United States, shall be liable to the injured
6 party.

7 16. With regards to the individually named federal Defendants,
8 Plaintiff is entitled to pursue a claim of damages under *Bivens v. Six Unknown*
9 *Federal Narcotics Agents*, 403 U.S. 388 (1971).

10 17. The United States of America, through the Department of
11 Homeland Security, is liable for the torts committed under the Federal Tort
12 Claims Act, 28 U.S.C. § 2671, *et seq.*

13 18. From 1993 to the present, Plaintiff, pursuant to his employment,
14 has routinely traveled SR-86 in Pima County, in the District of Arizona.

15 19. SR-86 is an east-west state highway that never intersects the
16 United States border at any point.

17 20. At its nearest point in Sells, Arizona, SR-86 is approximately 21
18 miles from the United States/Mexico border.

19 21. Between 2005 and 2007, Defendant United States Customs and
20 Border Protection operated a federal roadblock along SR-86 near milepost

1 145 in Pima County, in the District of Arizona at irregular times and on
2 irregular dates.

3 22. Commencing in January 2008, and continually thereafter,
4 Defendants United States Customs and Border Protection has operated a
5 federal roadblock near milepost 145 along SR-86 in Pima County, in the
6 District of Arizona.

7 23. At the roadblock's location, SR-86 is approximately 40 miles
8 from the United States/Mexico border.

9 24. Since commencing regular federal roadblock operations in 2008,
10 federal Defendants have applied for and been granted state highway
11 encroachment permits from the Arizona Department of Transportation
12 ("ADOT").

13 25. Under ADOT regulations, permits are required to be renewed on
14 an annual basis.

15 26. One of the terms of the encroachment permit issued to federal
16 Defendants for the SR-86 roadblock in Pima County, in the District of
17 Arizona, is that the roadblock may only be operated at irregular times and on
18 irregular dates.

19 27. According to an official website of the Department of Homeland
20 Security maintained at <https://www.cbp.gov/border-security/along-us-borders/>

1 overview, the purpose of the United States Customs and Border Protection
2 roadblocks set up inside the United States is to, “(1) detect and apprehend
3 illegal aliens attempting to travel further into the interior of the United States
4 after evading detection at the border and (2) to detect illegal narcotics.”

5 28. The United States Supreme Court clarified the lawful scope and
6 purpose of suspicionless roadblocks such as the one operated by federal
7 Defendants along SR-86 in Arizona in *United States v. Martinez-Fuerte*, 428
8 U.S. 543 (1976) and *City of Indianapolis v. Edmond*, 531 U.S. 32, 121 S. Ct.
9 447 (2000). Roadblocks that include operations designed to detect illegal
10 narcotics and/or other ordinary criminal wrongdoing are unlawful.

11 29. Between 2005 and February 2018, Plaintiff has passed through
12 the SR-86 roadblock approximately 419 times.

13 30. At all times relevant herein, Plaintiff was driving his personal
14 vehicle.

15 31. Plaintiff’s personal vehicle was widely known to and recognized
16 by individual Defendants as belonging to Plaintiff.

17 32. Plaintiff is a United States citizen, a fact known to all individual
18 Defendants at all times relevant herein.

19 33. Defendants have routinely detained Plaintiff at the roadblock,
20 despite knowing Plaintiff’s identity and citizenship.

1 34. With few exceptions, individual Defendants generally do not ask
2 Plaintiff to declare his citizenship at the SR-86 roadblock.

3 35. On two occasions, federal Defendants placed drug-sniffing dogs
4 in the bed of Plaintiff's vehicle without lawful excuse, and without Plaintiff's
5 consent.

6 36. On several occasions, federal Defendants have detained Plaintiff
7 at the roadblock for the exclusive purpose of conducting a K-9 drug-detection
8 sniff around Plaintiff's vehicle.

9 37. Since at least 2012 to the present, federal Defendants have
10 conducted joint operations with the Defendant Pima County Sheriff's
11 Department under a federal grant program known as "Operation
12 Stonegarden."

13 38. The purpose of Operation Stonegarden is to conduct "zero
14 tolerance" traffic contacts in Pima County, in the District of Arizona.

15 39. Operation Stonegarden is a federal grant program that pays
16 state, county, and local law enforcement agencies situated close to an
17 international border to work closely with the United States Border Patrol on
18 federal border security missions. The United States Border Patrol is a
19 component of the United States Customs and Border Protection Agency.

1 40. Defendant Pima County Board of Supervisors must approve each
2 Operation Stonegarden grant award.

3 41. The Operation Stonegarden grant program does not confer any
4 federal immigration enforcement authority on state, county or local law
5 enforcement participants.

6 42. Under the terms of Operation Stonegarden, PCSD conducts
7 Operation Stonegarden deployments during specific times and in specific
8 locations within Pima County.

9 43. Under the terms of Operation Stonegarden, Defendant PCSD
10 must coordinate its deployments with the United States Border Patrol.

11 44. Under the terms of Operation Stonegarden, the United States
12 Border Patrol retains authority to direct PCSD deputies to certain locations,
13 during certain times, and with specific objectives determined by the Tucson
14 Sector of the United States Border Patrol.

15 45. Since at least 2012, under the Operation Stonegarden program,
16 federal Defendants have assigned deputies employed by PCSD to station
17 themselves at the SR-86 federal roadblock during Operation Stonegarden
18 work shifts.

19 46. Since at least 2012, during the times when PCSD deputies are
20 stationed at the SR-86 federal roadblock, such deputies frequently park their

1 PCSD patrol vehicle on the shoulder of SR-86 alongside official United States
2 Border Patrol vehicles.

3 47. Since at least 2012, federal Defendants have allowed deputies
4 with the Defendant PCSD to operate at the SR-86 federal roadblock
5 regardless of whether or not the deputies have been explicitly assigned there
6 as part of the Operation Stonegarden Grant Program.

7 48. Since at least 2012, federal Defendants have allowed and
8 encouraged deputies employed by PCSD to engage in general law
9 enforcement operations at the SR-86 federal roadblock.

10 49. On at least two occasions since 2013, federal Defendants have
11 called Defendant PCSD deputies to the SR-86 roadblock while detaining
12 Plaintiff at the roadblock's primary stop location.

13 50. The deputies called to the scene on these occasions were
14 conducting Operation Stonegarden deployments in collaboration with the
15 United States Border Patrol.

16 51. On at least two occasions since 2013, deputies with the
17 Defendant PCSD were already present and operating at the SR-86 federal
18 roadblock when Plaintiff arrived. While detaining Plaintiff in the lane of
19 traffic, federal Defendants either requested the assistance of the deputies or
20 allowed the deputies to participate in the detention of Plaintiff.

1 52. Since 2013, Plaintiff has been cited under state law at the SR-86
2 federal roadblock by Defendant PCSD deputies working in collaboration with
3 the United States Border Patrol under Operation Stonegarden on three
4 occasions.

5 53. During one of those three occasions, PCSD deputies arrested
6 Plaintiff at the SR-86 federal roadblock.

7 54. Plaintiff successfully challenged each citation in court.

8 55. On or about September 27, 2017, through a process server,
9 Plaintiff served Notices of Claim pursuant to A.R.S. § 12-821.01, to
10 Defendant Pima County Board of Supervisors; Defendant Pima County
11 Sheriff's Department; Defendant Pima County Sheriff Mark Napier;
12 Defendant Pima County Deputy Ryan Roher; and Defendant Pima County
13 Deputy Brian Kunze.

14 56. On or about March 22, 2018, Plaintiff used the USPS
15 Certified/Return Receipt mail services to mail a Federal Tort Claim to the
16 United States Customs and Border Protection located at 2430 South Swan
17 Road, Tucson, Arizona. Certified/Return Receipt tracking numbers show that
18 the document was physically delivered on the morning of March 26, 2018.
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COUNT I
VIOLATION OF 42 U.S.C. § 1983;
VIOLATION OF FIRST AMENDMENT
BY DEFENDANT PCSD DEPUTIES

57. Plaintiff reasserts those allegations contained in paragraphs 1-56 as though fully set forth herein.

58. Plaintiff was, under color of state law, deprived on numerous occasions of rights, privileges or immunities secured by the Constitution of the United States and its laws.

59. Plaintiff, as a citizen of the United States, had a reasonable expectation and right to be free of governmental action taken to retaliate against his exercise of his First Amendment rights or to be deterred from exercising those rights in the future.

60. Plaintiff was retaliated against by Defendant PCSD deputies for exercising his right to remain silent by not answering Defendant PCSD deputies' questions acting in their official capacity, at the federal roadblock.

61. Defendant Deputies' actions would 'chill a person of ordinary firmness' from continuing to engage in the protected activity.

62. The exercise of Plaintiff's protected right was a substantial and motivating factor for the Defendants' conduct, and intention to interfere with Plaintiff's First Amendment rights.

63. As a result, Plaintiff has been injured and is entitled to damages.

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COUNT II
VIOLATION OF FIRST AMENDMENT
BY DEFENDANT PCSD DEPUTIES

64. Plaintiff reasserts those allegations contained in paragraphs 1-63 as though fully set forth herein.

65. Plaintiff was, under color of state law, deprived on numerous occasions of rights, privileges or immunities secured by the Constitution of the United States and its laws.

66. Plaintiff, as a citizen of the United States, had a reasonable expectation and right to be free of governmental action taken to retaliate against his exercise of his First Amendment rights or to be deterred from exercising those rights in the future.

67. Plaintiff was retaliated against by Defendant PCSD deputies for exercising his right to remain silent by not answering Defendant PCSD deputies' questions acting in their official capacity, at the federal roadblock.

68. Defendant Deputies' actions would 'chill a person of ordinary firmness' from continuing to engage in the protected activity.

69. The exercise of Plaintiff's protected right was a substantial and motivating factor for the Defendants' conduct, and intention to interfere with Plaintiff's First Amendment rights.

70. As a result, Plaintiff has been injured and is entitled to damages.

COUNT II
VIOLATION OF FOURTH AMENDMENT

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4 71. Plaintiff reasserts those allegations contained in paragraphs 1-70
5 as though fully set forth herein.

6 72. After arriving at the SR-86 federal roadblock, on or about April
7 10, 2017, Plaintiff was unlawfully seized and detained by CBP Agent Frye,
8 unlawfully detained and arrested by Defendant PCSD Deputy Ryan Roher
9 (“PCSD Roher”), and physically assaulted by Agent Lopez.

10 73. When Plaintiff first arrived at the roadblock, Defendant CBP
11 Field Supervisor Fuentes (“FS Fuentes”) was the ranking on-scene CBP
12 Agent in charge of roadblock operations. FS Fuentes allowed Defendant
13 PCSD Roher to station himself at the roadblock and conduct general law
14 enforcement operations under Operation Stonegarden while providing no
15 guidance and placing no limitations on PCSD Roher’s activities at the federal
16 roadblock. FS Fuentes also failed to properly supervise Agent Frye at
17 primary who in turn allowed PCSD Roher to participate in and interfere with
18 his detention and immigration inspection of Plaintiff.

19 74. A reasonable person in Plaintiff’s position would not have felt
20 free to leave the roadblock because of the number of officers present, the
21 weapons each officer had in their possession, the encounter occurring in a
22 public place, and verbal statements made by the officers present.

1 charges on the basis of false evidence that was deliberately fabricated by
2 Border Patrol Field Supervisor Potter (“FS Potter”), would be protected.

3 81. On or about March 26, 2016, Plaintiff attempted to hand FS
4 Potter an ACLU pamphlet while FS Potter was unlawfully detaining Plaintiff
5 at the SR-86 roadblock. FS Potter let the pamphlet drop to the ground.

6 82. FS Potter then called Pima County Sheriff’s Deputies to arrest
7 Plaintiff for criminal littering.

8 83. FS Potter deliberately fabricated the evidence that was used to
9 further detain Plaintiff by Pima County Deputies and criminally charge him.

10 84. FS Potter exhibited a “deliberate indifference” to the
11 consequences of his actions.

12 85. As a result, Plaintiff was injured and is entitled to damages.

13 **COUNT IV**
14 **VIOLATION OF 42 U.S.C. § 1983 AS AGAINST PIMA COUNTY**
15 **DEFENDANTS DUPNIK, NANOS, AND NAPIER**
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17 86. Plaintiff reasserts those allegations contained in paragraphs 1-85
18 as though fully set forth herein.

19 87. Pima County Sheriff Clarence Dupnik was in charge of the Pima
20 County Deputies from 1980 through 2015.

21 88. Sheriff Dupnik was in charge of the official training, policies,
22 practices, and customs of the Pima County Sheriff’s Department.

1 89. Sheriff Dupnik failed to relay the official policies, practices, and
2 customs of the Pima County Sheriff's Department to his Deputies. Sheriff
3 Dupnik also failed to develop training or promulgate official policies,
4 practices, and customs related to Pima County Deputy participation in
5 Operation Stonegarden with CBP.

6 90. Following Sheriff Dupnik's tenure as Sheriff, Christopher Nanos
7 became Pima County Sheriff in 2015.

8 91. Sheriff Nanos was then responsible for the official training,
9 policies, practices, and customs of the Pima County Sheriff's Department.

10 92. Sheriff Nanos failed to relay the official policies, practices, and
11 customs of the Pima County Sheriff's Department to his Deputies. Sheriff
12 Nanos also failed to develop training and promulgate official policies,
13 practices, and customs related to Pima County Deputy participation in
14 Operation Stonegarden with CBP.

15 93. Sheriff Mark Napier took office on January 1, 2017, to serve as
16 Pima County Sheriff making him responsible for the official training, policies,
17 practices, and customs of the Pima County Sheriff's Department.

18 94. Sheriff Napier has failed to relay the official policies, practices,
19 and customs of the Pima County Sheriff's Department to his Deputies.
20 Sheriff Napier has also failed to develop training and promulgate official

1 policies, practices, and customs related to the Pima County Deputy
2 participation in Operation Stonegarden with CBP.

3 95. The failure of all three Pima County Sheriffs to properly train
4 their deputies and develop and relay official policies, practices, and customs
5 to their Deputies, has led to a longstanding and widespread practice of
6 depriving Plaintiff and other citizens of their constitutional rights.

7 96. Plaintiff has been injured by this inaction and is entitled to
8 damages.

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10 COUNT V
11 SUPERVISOR LIABILITY
12 AS AGAINST FEDERAL DEFENDANTS IN VIOLATION OF *BIVENS*

13 97. Plaintiff reasserts the allegations contained in paragraphs 1-96 as
14 though fully set forth herein.

15 98. Federal Defendants FS Potter, Field Supervisor Fuentes, and
16 Agent Lopez acted as supervisors at various times Plaintiff traveled through
17 the SR-86 roadblock.

18 99. These federal Defendants supported and encouraged the actions
19 of other Agents within the Border Patrol either together or separately while
20 other agents and/or Pima County Deputies were violating Plaintiff's
21 constitutional rights.

1 100. Agent Lopez, individually, physically assaulted Plaintiff while
2 assisting PCSD Roher with Plaintiff's detention and arrest.

3 101. FS Potter, FS Fuentes, and Agent Lopez were at various times
4 within the confines of the federal roadblock and encouraged other agents
5 and/or deputies to detain Plaintiff without probable cause, without reasonable
6 suspicion, and without Plaintiff's consent.

7 102. FS Potter, FS Fuentes, and Agent Lopez knowingly refused to
8 terminate a series of acts by other agents, which they knew or reasonably
9 should have known would cause them to inflict constitutional injury.

10 103. FS Potter, FS Fuentes, and Agent Lopez are liable for culpable
11 action or inaction in training, supervision, or control of their subordinates.

12 104. FS Potter, FS Fuentes, and Agent Lopez acquiesced in the
13 constitutional deprivation by subordinates and for conduct that showed a
14 reckless or callous indifference to the rights of others.

15 105. As a result, Plaintiff has been injured and is entitled to damages.
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COUNT VI
VIOLATION OF 42 U.S.C. § 1983 AGAINST INDIVIDUAL STATE
DEFENDANTS IN THEIR INDIVIDUAL CAPACITY

106. Plaintiff reasserts those allegations contained in paragraphs 1-105 as though fully set forth herein.

107. Defendant PCSD Roher acted under the color of state law.

108. Defendant PCSD Roher deprived Plaintiff of his constitutional rights when he detained and arrested Plaintiff on April 10, 2017.

109. As a result, Plaintiff has been injured and is entitled to damages.

COUNT VII
VIOLATION OF *BIVENS* AGAINST FEDERAL DEFENDANTS
IN THEIR INDIVIDUAL CAPACITY

110. Plaintiff reasserts the allegations contained in paragraphs 1-109 as though fully set forth herein.

111. Customs and Border Protection Agents Frye and Grayson acted under the color of law.

112. Agent Frye was involved in the illegal arrest of Plaintiff on April 10, 2017.

113. Agent Grayson on several occasions over the years detained Plaintiff without probable cause, reasonable suspicion or Plaintiff's consent. The most recent incident took place on or about October 2, 2016, when instead of waving Plaintiff through the SR-86 roadblock, Defendant Grayson

1 extended the detention to say, “Hi, how you doing today? All right, Mr.
2 Bressi, have fun, go back to work at the University of Arizona. I don’t feel
3 like dealing with your silliness today.”

4 114. Agents Frye and Grayson deprived Plaintiff of his constitutional
5 rights.

6 115. As a result, Plaintiff has been injured and is entitled to damages.

7 **COUNT VIII**
8 **VIOLATION OF 42 U.S.C. § 1983, FAILURE TO TRAIN**
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10 116. Plaintiff reasserts the allegations contained in paragraphs 1-115
11 as though fully set forth herein.

12 117. Defendants Pima County Supervisors, failed to enforce proper
13 training of the Pima County Sheriff’s Department Deputies and, therefore,
14 failed to adequately train their deputies to handle usual and recurring
15 situations.

16 118. Defendant Pima County Board of Supervisors were indifferent to
17 the substantial risk of inadequate policies to prevent violations of law by its
18 Sheriff’s deputies. The failure to do so caused the deprivation of Plaintiff’s
19 constitutional rights.

20 119. Defendants Sheriff Dupnik, Sheriff Nanos, and Sheriff Napier
21 failed to train their deputies to handle usual and recurring situations.

1 120. Defendants Sheriff Dupnik, Sheriff Nanos, and Sheriff Napier
2 were indifferent to the substantial risk of inadequate policies to prevent
3 violations of law by its deputies. The failure to do so caused the deprivation
4 of Plaintiff's constitutional rights.

5 121. Defendant Pima County Board of Supervisors and Defendant
6 Sheriffs could have prevented the constitutional violation of Plaintiff with an
7 appropriate policy.

8 122. As a result, Plaintiff has been injured and is entitled to damages.

9 **COUNT IX**
10 **VIOLATION OF 42 U.S.C. § 1983, FAILURE TO SUPERVISE**

11 123. Plaintiff reasserts the allegations contained in paragraphs 1-122
12 as though fully set forth herein.

13 124. Defendant Sheriffs Dupnik, Nanos, and Napier were acting under
14 the color of state law.

15 125. They failed to properly supervise their deputies depriving
16 Plaintiff of his constitutional rights.

17 126. They knew their subordinates were engaging in acts that
18 deprived Plaintiff of his constitutional rights.

19 127. They knew or reasonably should have known that the
20 subordinates conduct would deprive Plaintiff of his constitutional rights.

1 128. They failed to act to prevent their subordinates from engaging in
2 such conduct.

3 129. They disregarded the known or obvious consequences that a
4 particular training deficiency would cause the subordinate to violate
5 Plaintiff's constitutional rights.

6 130. The deficiency of this particular training did actually cause the
7 subordinates to deprive Plaintiff of his constitutional rights.

8 131. The Defendant Sheriffs engaged in conduct that showed a
9 reckless and callous indifference to the deprivation by the subordinates of the
10 rights of others.

11 132. The Defendant Sheriffs' conduct was so closely related to the
12 deprivation of the Plaintiff's rights as to be the moving force that caused the
13 ultimate injury.

14 133. As a result, Plaintiff has been injured and is entitled to damages.

15 WHEREFORE, Plaintiff prays that the Court grant relief as follows:

16 1. By granting judgment in favor of Plaintiff on all counts
17 herein and awarding damages accordingly.

18 2. By awarding punitive or exemplary damages.

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3. By awarding Plaintiff his attorney's fees and costs.

4. By awarding such other relief as is appropriate.

Dated this 9th day of April 2018.

Ralph E. Ellinwood, Attorney at Law, PLLC

/s/ Ralph E. Ellinwood
Ralph E. Ellinwood
Attorney for Plaintiff