



I.

**NATURE OF THE ACTION**

1. Plaintiff was subjected to multiple civil rights violations at the hands of a group of Shelby County Sheriff's Office (hereinafter "SCSO") deputies who were operating as correctional officers while he was incarcerated at 201 Poplar Ave., Memphis, Tennessee (hereinafter the "Jail"). Plaintiff was continuously harassed by Defendant Stevon Jones (hereinafter "Defendant Jones") for weeks prior to Plaintiff's unlawful assault by Defendant Jones and other correctional officers. Plaintiff made multiple formal grievances about the conduct of Defendant Jones leading up to Plaintiff's assault to include a grievance filed July 19, 2020, the day prior to Plaintiff's assault. In that grievance Plaintiff informed Defendant Shelby County, through its employees, that,

"This officer is constantly giving me problems and telling me he is going to jack off and put his penis in my food. I don't know what he is doing to my food or [sic] I don't know what this officer is going to do to me. So, I'm going by doing this the right way before this officer harm [sic] me. Thank you!"

2. Defendant Jones, acting without any reasonable justification, retaliated against Plaintiff's exercise of his First Amendment right to file a grievance against a correctional officer by coordinating and executing a vicious assault on Plaintiff the following day with three other correctional officers. Additionally, Defendant Jones colluded with these deputies to retaliate against Plaintiff through the malicious prosecution of Plaintiff with fabricated disciplinary charges supported by false statements regarding the narrative of events leading to Plaintiff's assault in a blatant effort to conceal their unlawful acts. These charges included assault on staff, refusal of staff orders, and threatening staff by an inmate. Each of these charges against Plaintiff were dismissed after Plaintiff's July 28, 2020, disciplinary hearing. The disciplinary board concluded that Defendant Jones' narrative of events did not match the surveillance footage. On

August 25, 2020, Defendant Jones received a ten (10) day suspension without pay after his supervisor Sergeant Lavette R. Austin determined Defendant Jones violated SCSO's excessive force and unsatisfactory performance policies. This suspension was later upheld.

3. This suit is brought under the Civil Rights Act of 1871, 42 U.S.C. §§ 1983 ("Section 1983") and 1988 in order to remedy Defendants' actions in causing Plaintiff to be deprived of his constitutional rights secured by the First and Fourteenth Amendments of the United States Constitution. Plaintiff was retaliated against for exercising his First Amendment right to use the prison grievance system through a coordinated assault and his malicious prosecution at a disciplinary hearing upon fraudulent statements by multiple SCSO deputies which resulted in physical and emotional harm.

## **II.**

### **SUBJECT MATTER JURISDICTION AND VENUE**

4. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a) on the grounds that the claims asserted herein arise under Section 1983 and Section 1988.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(a)(b) and (c) on the grounds that all or a substantial portion of the acts giving rise to the violations alleged herein occurred in this judicial district.

## **III.**

### **THE PARTIES AND PERSONAL JURISDICTION**

6. Plaintiff is a resident of Shelby County, Tennessee.

7. Defendant Shelby County, Tennessee (hereinafter "Defendant Shelby County" or "the County"), is a Tennessee municipality liable for its policies, customs, practices, and the

failure to train its employees, is a party defendant to this matter. Service upon Defendant Shelby County is perfected by service upon the County Attorney, Marlinee Iverson, at 160 N. Main St., 9<sup>th</sup> Floor, Memphis, Tennessee 38103. Defendant Shelby County is a political subdivision of the State of Tennessee and among its other functions operates and maintains a law enforcement agency known as the Shelby County Sheriff's Department. At all times hereto, the County and its agents acted under color of state law.

8. Defendant Jones, badge number 10378, is or was at all times relevant to this Complaint, a Sheriff's Deputy employed with the Shelby County Sheriff's Department and acted, by virtue of his position, under color of state law. Service may be made upon Defendant Jones c/o Sheriff Floyd Bonner, 201 Poplar Avenue, 9<sup>th</sup> Floor, Memphis, Tennessee 38103. Defendant Jones is named in this action both in his individual capacity and his official capacity as a Sheriff's Deputy of Shelby County.

9. Defendant Damian Cooper (hereinafter "Defendant Cooper"), badge number 10369, is or was at all times relevant to this Complaint, a Sheriff's Deputy employed with the Shelby County Sheriff's Department and acted, by virtue of his position, under color of state law. Service may be made upon Defendant Cooper c/o Sheriff Floyd Bonner, 201 Poplar Avenue, 9<sup>th</sup> Floor, Memphis, Tennessee 38103. Defendant Cooper is named in this action both in his individual capacity and his official capacity as a Sheriff's Deputy of Shelby County.

10. Defendant James Perry (hereinafter "Defendant Perry"), badge number 10383, is or was at all times relevant to this Complaint, a Sheriff's Deputy employed with the Shelby County Sheriff's Department and acted, by virtue of his position, under color of state law. Service may be made upon Defendant Perry c/o Sheriff Floyd Bonner, 201 Poplar Avenue, 9<sup>th</sup>

Floor, Memphis, Tennessee 38103. Defendant Perry is named in this action both in his individual capacity and his official capacity as a Sheriff's Deputy of Shelby County.

11. Defendant Steveland Freeman (hereinafter "Defendant Freeman"), badge number 9941, is or was at all times relevant to this Complaint, a Sheriff's Deputy employed with the Shelby County Sheriff's Department and acted, by virtue of his position, under color of state law. Service may be made upon Defendant Freeman c/o Sheriff Floyd Bonner, 201 Poplar Avenue, 9<sup>th</sup> Floor, Memphis, Tennessee 38103. Defendant Freeman is named in this action both in his individual capacity and his official capacity as a Sheriff's Deputy of Shelby County.

#### IV.

#### **FACTUAL ALLEGATIONS**

12. Plaintiff is a 39-year-old African American man.

13. On, or about, June 9<sup>th</sup>, 2020, Plaintiff was arrested and transported to Shelby County's jail located at 201 Poplar (hereinafter the "Jail").

14. Shortly after beginning his detainment at the Jail, Defendant Jones began verbally and physically harassing Plaintiff on a daily basis.

15. On July 17, 2020, Defendant Jones refused to feed Plaintiff. Plaintiff informed an unknown sergeant of the failure of Defendant Jones to feed Plaintiff. The unknown sergeant directed correctional officer Gipson of the Direct Response Team to review the surveillance to determine if Defendant Jones failed to feed Plaintiff. After review of the surveillance footage, Defendant Jones was directed by his supervisors to feed Plaintiff. Defendant Jones informed Plaintiff that he tampered with Plaintiff's food by placing his genitals in Plaintiff's food.

16. That same day Plaintiff filed his first inmate grievance to Defendant Shelby County stating Defendant Jones refused to feed him and tampered with his food. This grievance

was determined to be grievable on July 23, 2020, after Plaintiff was assaulted by Defendants Jones, Cooper, Perry, and Freeman as described below.

17. On, or about, July 19, 2020, Defendant Jones refused to provide Plaintiff with his daily medications. Plaintiff informed Sergeant Martin (hereinafter “Sgt. Martin”) about Defendant Jones’s failure to provide Plaintiff with his medication. Sgt. Martin came to Plaintiff’s cell and witnessed Plaintiff’s pill locked in the flap and out of Plaintiff’s reach.

18. On this same day, Plaintiff filed his second inmate grievance to Defendant Shelby County stating in part the following:

“This officer is constantly giving me problems and telling me he is going to jack off and put his penis in my food. I don’t know what he is doing to my food or [sic] I don’t know what this officer is going to do to me. So, I’m going by doing this the right way before this officer harm [sic] me. Thank you!”

This grievance was also determined to be grievable on July 23, 2020, after Plaintiff was assaulted by Defendants Jones, Cooper, James, and Perry.

19. On July 20, 2020, at, or around, 3:50 p.m. Defendant Jones retaliated against Plaintiff for Plaintiff’s exercise of his First Amendment right to file prison grievances about Defendant Jones’s conduct by coordinating an assault on Plaintiff with the help of Defendants Cooper, Perry, and Freeman. This assault was nothing short of shocking to the conscience. The immediate use of unlawful and unnecessary force was captured on multiple cameras. Plaintiff was first attacked with a burst of freeze plus P and then beaten with handcuffs in the head repeatedly. Plaintiff required stitches in his head to seal the lacerations caused due to the unlawful use of unnecessary excessive force. The assault on Plaintiff occurred on the 1<sup>st</sup> floor e-pod, cell 17.

20. Shortly after the assault, Sergeant Lavette R. Austin (hereinafter “Sgt. Austin”), badge number 5515, arrived and interviewed Plaintiff. Plaintiff informed Sgt. Austin that

Defendant Jones had been verbally harassing him all week and had been tampering with his food. Plaintiff informed Sgt. Austin that he had already informed Sgt. Martin about Defendant Jones's harassment. Sgt. Austin escorted Plaintiff to 2<sup>nd</sup> floor medical for treatment by Nurse Mayfield. Sgt. Austin coordinated for Gang Investigative Unit (hereinafter "G.I.U.") Officer K. Gray, badge number 5209, to take photos of Plaintiff's substantial facial injuries. Additionally, Sgt. Austin reviewed the surveillance footage with Lieutenant Masters, badge number 3104. Communications was contacted by Lieutenant Twilla, badge number 6697. Lieutenant Twilla spoke with Childrey and G.I.U. Bishop.

21. Additionally, on July 20, 2020, Defendant Jones further retaliated against Plaintiff for the exercise of his First Amendment rights when he wrote an incident summary and maliciously charged Plaintiff with assault on staff, refusing or disobeying staff orders, and threatening staff. In this summary, Defendant Jones fraudulently states that Plaintiff threatened to attack Defendant Jones, refused to step back from the cell, and appeared as if he would attack Defendant Jones. Defendants Cooper and Perry colluded with Defendant Jones to maliciously prosecute Defendant Hester.

22. At, or around, 8:25 p.m. Defendant Cooper retaliated against Plaintiff for the exercise of his First Amendment rights when he made the following written false statement regarding the use of force incident:

On July 20, 2020 at around [sic] 1550 hours I was providing security for first floor echo pod as Officer Jones conduct [sic] showers. I observe [sic] Officer S. Jones extend his arm inside cell 17. I went inside the pod to investigate. As I approached cell 17, I observed Officer Jones struggling to apply handcuffs on inmate Elvis Hester booking number 20108302. I then assisted [sic] Officer Jones in handcuffing Inmate Hester.

23. At, or around, 8:34 p.m. Defendant Perry retaliated against Plaintiff for the exercise of his First Amendment rights when he made the following verbatim written false statement regarding the use of force incident:

On July 20, 2020 at around [sic] 1550 hours I was providing security for first floor echo pod as Officer Jones conduct [sic] showers. I observe [sic] Officer S. Jones extend his arm inside cell 17. I went inside the pod to investigate. As I approached cell 17, I observed Officer Jones struggling to apply handcuffs on inmate Elvis Hester booking number 20108302. I then assisted [sic] Officer Jones in handcuffing Inmate Hester.

24. On July 28, 2020, Plaintiff attended his disciplinary hearing on the three charges maliciously brought against him by Defendant Jones. Hearing staff consisted of SCSO deputies Bass, badge number 17791, White, badge number 13638, and Nunley, badge number 19513. The disciplinary panel dismissed each of the three charges against Plaintiff because the fraudulent narrative provided by Defendant Jones and supported by the verbatim false narratives of Defendants Cooper and Perry did not match the surveillance footage.

25. Surveillance footage of the attack on Plaintiff shows Defendant Jones at no time gave the Door Rollers an order to secure Plaintiff's cell once Plaintiff's cellmate inmate Paylor had been removed from the cell. Defendant Jones appeared to be talking to Plaintiff then stepped closer to Plaintiff's cell, takes out his chemical agent, shakes his spray and deployed chemical agent inside Plaintiff's cell. At that time, Defendant Jones immediately rushed inside Plaintiff's cell. The video footage also showed that at no time did Plaintiff step out of the cell towards Defendant Jones. Plaintiff sustained major injuries to his head. The moment Defendant Jones rushed into the cell to assault Plaintiff, Defendants Cooper, Perry, and Freeman rush in from their pre-designated assault staging area.

26. Defendant Jones had been previously disciplined for the same type of infraction, a violation of Shelby County's Excessive policy, SOR 301, on March 28, 2017, but continued to maintain his employment with Defendant Shelby County..

27. Additional surveillance footage shows Defendants Cooper, Perry, and Freeman staging outside E-pod in the D/E hallway beginning at 3:51 p.m. Defendants Cooper, Perry, and Freeman. Defendants Cooper, Perry, and Freeman were not providing shower security, but were rather staged in preparation to assist Defendant Jones in unlawfully assaulting Plaintiff. Despite Defendants Cooper and Perry's written false narratives, Defendants Cooper, Perry, and Freeman were not in a position to observe Plaintiff and Defendant Jones's interactions.

28. Defendant Cooper has also had prior substantiated violations of Shelby County's Excessive Force policy SOR 301. He received an oral reprimand for an outrageous attack on inmate Derron Pegues which occurred in February 2019, in which he grabbed the inmate by the hair as the inmate was walking away and threw him to the ground and mercilessly beat him in front of the entire pod. Additionally, he has another sustained violation of SOR 301 for his February 12, 2020, brutal assault on inmate Damien Boone, which closely mirrors the assault on Plaintiff. Despite both these previous violations of excessive force policy Defendant Cooper maintained his employment with Defendant Shelby County.

29. On July 25, 2020, Defendant Cooper escorted Plaintiff to the mental health nurse, Ms. King. Upon returning Plaintiff to his cell, Defendant Cooper again violated Plaintiff's First and Fourteenth Amendment rights when he assaulted Plaintiff by placing him between the cell door and the cell door frame and slamming the door on Plaintiff, utilizing totally unwarranted excessive force in retaliation for Plaintiff's continued exercise of his First Amendment right to freedom of speech and his Fourteenth Amendment right to procedural due process. Plaintiff

again followed procedure and filed a grievance about this assault instructing Shelby County to view the surveillance video. The grievance number assigned to this inmate grievance was 502350. This grievance was determined to be grievable on July 30, 2020.

30. On August 5, 2020, an in-house letter was received by Captain T. Anderson concerning the assault which occurred on July 20, 2020.

31. On August 7, 2020, Captain T. Anderson informed Plaintiff that his allegations were turned over to Lieutenant Holliman in order to investigate further. At the completion of Lieutenant Holliman's investigation, it was determined that the incident could have been avoided and handled differently. Captain T. Anderson informed Plaintiff that Defendant Jones would be disciplined according to Shelby County Policy and Procedures.

32. On August 7, 2020, Plaintiff filed a grievance regarding his medical problems associated with his assault to include migraines, neck, leg, ankle, and arm pain. Plaintiff informed Defendant Shelby County that he had placed medical treatment request forms in and had not been seen by a doctor for continuing injury following his unnecessary and unlawful assault.

33. On August 11, 2020, Plaintiff received a response to his August 7, 2020, grievance. In a blatantly unconstitutional abuse of power, Defendant Shelby County's response was that Plaintiff was over the limit of his grievance for the month. Defendant Shelby County has implemented a policy of only allowing inmates five (5) grievances within 30 days, regardless of the issues at hand. Defendant Shelby County denied Plaintiff access to medical care and denied Plaintiff's ability to administratively grieve his lack of medical treatment. Upon information and belief, this policy was implemented in an attempt to deter inmates from properly grieving their unconstitutional treatment at the Jail. This policy itself violates the First and

Fourteenth Amendments, especially insofar as it prevents inmates from grieving a lack of medical treatment.

34. On August 18, 2020, the Shelby County Sheriff's Office's Bureau of Professional Standards and Integrity Division (hereinafter "BPSI") received a letter from Plaintiff regarding the assault coordinated and executed by Defendants Jones, Cooper, Perry, and Freeman. Lieutenant Masters of the BPSI refused to open a case and stated that the complaint was being handled at the line level.

35. On August 25, 2020, Sgt. Austin charged Defendant Jones with violation of Shelby County's Unnecessary Force Policy SOR 350 and referred to the Excessive Force Policy SOR 301 and Unsatisfactory Performance Policy SOR 102. These charges resulted in a ten (10) day suspension without pay for Defendant Jones.

36. On August 25, 2020, Sgt. Austin's punishment was upheld by an unnamed Shelby County Sheriff Deputy with the rank of lieutenant and badge number 4752.

37. On September 18, 2020, Plaintiff filed grievance number 502882 in which he informed Defendant Shelby County that he has been executing medical request forms to see a doctor concerning his severe mental health issues stemming from his July 20, 2020, and that he had been denied access to a mental health provider. Plaintiff described his nightmares, cold sweats, and his mental trauma. This grievance was determined to be grievable on September 21, 2020.

38. On September 19, 2020, Plaintiff filed grievance number 503212 in which he informed Defendant Shelby County that he was told on August 20, 2020, that he would be sent to outside medical for his ankle injury sustained during the unlawful and unnecessary assault perpetrated on him on July 20, 2020. Plaintiff described suffering from this injury for two

months and waiting a month without being sent to outside medical for treatment. This grievance was determined to be grievable on September 21, 2020. Upon information and belief, Plaintiff was suffering from a possible fracture due to the unlawful and unnecessary assault perpetrated on him for months without receiving imaging or evaluation by a physician.

39. On September 30, 2020, Plaintiff received a response to grievance number 503212. Plaintiff was instructed that the provider issued orders on either August 20, 2020 or September 4, 2020, for an outside consult for his ankle. Taking this response as accurate, Defendant Shelby County failed to arrange or transport Plaintiff for outside medical for months for a possible fractured ankle sustained by the unlawful and unnecessary assault perpetrated upon Plaintiff by Defendant Jones on July 20, 2020.

40. On October 2, 2020, Plaintiff appealed the response to grievance number 503212 and begged to have his injuries evaluated by outside medical.

41. On October 7, 2020 Plaintiff's appeal was upheld and WellPath's Health Services Administrator Jeremy R. Sanders, MPA (hereinafter "Mr. Sanders"), provided a letter to Plaintiff stating that he had reviewed Plaintiff's grievance and medical records to address discrepancies in medical service. Mr. Sanders scheduled Plaintiff to see a provider concerning his headaches and rib pain. He informed Plaintiff that there may be a delay on outside services due to COVID-19.

42. On information and belief and in a manner that can be more fully proven through discovery, Defendant Shelby County, through its policymakers, has a clear and persistent pattern of failing to discipline officers for constitutional violations or has policies that are insufficient to protect the constitutional rights of individuals as those policies are applied and understood within the Shelby County Sheriff's Office. This is evident from the fact that four officers violated Plaintiff's clearly established rights and only one of those officers was found to have violated

SCSO policy despite video evidence to the contrary. This policy is further evidenced by the fact that Defendants Cooper and Jones both had prior excessive force violations that resulted in little to no punishment despite the severity of the injuries that they intentionally and maliciously inflicted on prisoners without the slightest justification.

43. In order for this incident to have occurred and for all correctional officers involved in an orchestrated unlawful and unnecessary assault to not have been investigated and punished one of two things must be true, either SCSO policy is so woefully constitutionally deficient as to rise to the level of having caused Plaintiff's injuries, or, more likely, SCSO deputies are so inadequately trained in their duties under the 1<sup>st</sup> and 14<sup>th</sup> Amendments such that this failure to train constitutes a policy or custom that caused Plaintiff's injuries.

44. Defendants' staggering ignorance of clearly established 1<sup>st</sup> and 14<sup>th</sup> Amendment precedent gives rise to an inference that the SCSO has entirely failed to adequately train its officers at all levels that, *inter alia*:

(a) An inmate has an undisputed First Amendment right to file a grievance against prison officials on his own behalf as long as the grievances are not frivolous. *Herron v. Harrison*, 203 F.3d 410, 415 (6th Cir. 2000).

(b) An adverse action undertaken in retaliation for a prisoner's exercise of his First Amendment rights violates the First Amendment if the adverse action is capable of deterring a person of ordinary firmness from exercising his right. *See Bell v. Johnson*, 308 F.3d 594, 600 (6th Cir. 2002).

(c) Use of force against pre-trial detainees is consistent with the objective "excessive force" standard where officers apply force to a person who has been accused but not convicted of a crime, but who is free on bail. *See Kingsley v. Hendrickson*, 576 U.S. 389, 399 (2015).

(d) Use of force requires that officers consider both the severity of a crime and the threat of harm posed by an individual before the application of force. *Coffey v. Carroll*, 933 F.3d 577, 588 (6th Cir. 2019).

45. As a direct and proximate result of the Defendants' unlawful actions, Plaintiff has

suffered, *inter alia*, a deprivation of his constitutional rights, physical injury, severe psychological and emotional trauma, and damage to his reputation brought on by the malicious and false charges.

**VI.**  
**CAUSES OF ACTION**

**COUNT 1 – RETALIATION  
IN VIOLATION OF THE FIRST AMENDMENT  
(AGAINST DEFENDANTS JONES, COOPER, PERRY, AND FREEMAN  
IN THEIR INDIVIDUAL CAPACITIES)  
(42 U.S.C. § 1983)**

46. Plaintiff re-alleges paragraphs 1-45 of this Complaint as if set forth verbatim herein.

47. Defendants Jones, Cooper, Perry, and Freeman colluded together to assault Plaintiff unlawfully and unnecessarily in response to Plaintiff exercising his First Amendment right to filing an inmate grievance against the unlawful conduct of Defendant Jones.

48. Defendants Jones, Cooper, and Perry fraudulently charged Plaintiff with assault on staff, refusing or disobeying staff orders, and threatening staff in response to Plaintiff exercising his First Amendment right to filing an inmate grievance against the unlawful conduct of Defendant Jones.

49. As alleged above, Defendants Jones, Cooper, Perry, and Freeman acting under color of state law, violated the rights of Plaintiff secured by the First and Fourteenth Amendments to the U.S. Constitution.

50. Defendants Jones, Cooper, Perry, and Freeman lacked justification to assert physical force against Plaintiff. Facts and circumstances within Defendants Jones, Cooper, Perry, and Freeman's knowledge were insufficient to allow them to believe that Plaintiff had committed

a crime or infraction, was committing a crime or infraction, or was about to commit a crime or infraction. The reason for their use of force was an intent to retaliate against Plaintiff for the exercise of his First Amendment rights by filing a grievance.

51. Defendants Jones, Cooper, and Perry submitted fraudulent incident narratives, with the intent to cause Plaintiff to be disciplined in response to Plaintiff exercising his First Amendment right to filing an inmate grievance against the unlawful conduct of Defendant Jones.

52. Defendants Jones, Cooper, Perry, and Freeman acted with malice when they assaulted Plaintiff unlawfully and unnecessarily and maliciously prosecuted him at a disciplinary hearing in response to Plaintiff exercising his First Amendment right when he filed an inmate grievance against the unlawful conduct of Defendant Jones.

53. In the alternative, Defendants Jones, Cooper, Perry, and Freeman acted with deliberate indifference to Plaintiff's constitutional right when they assaulted Plaintiff unlawfully and unnecessarily and fabricated evidence against him at a disciplinary hearing in response to Plaintiff exercising his First Amendment right when he filed an inmate grievance against the unlawful conduct of Defendant Jones.

54. Defendants Jones, Cooper, Perry, and Freeman's actions therefore violated Plaintiff's clearly established First and Fourteenth Amendment rights, and Defendants Jones, Cooper, Perry, and Freeman are not qualifiedly immune from suit.

55. Plaintiff suffered injuries, including, but not limited to, violations of his constitutional rights, humiliation, physical injuries, and emotional distress as a direct and proximate cause of Defendants Jones, Cooper, Perry, and Freeman's unlawful actions.

**COUNT 2 – USE OF UNNECESSARY & EXCESSIVE FORCE  
VIOLATION OF 42 U.S.C. § 1983  
(AGAINST DEFENDANTS JONES, COOPER, AND PERRY  
IN THEIR INDIVIDUAL CAPACITIES)**

56. Plaintiff re-alleges paragraphs 1-45 of this Complaint as if set forth verbatim herein.

57. Defendants Jones, Cooper, Perry, and Freeman used unnecessary and excessive force when they assaulted Plaintiff with pepper spray, slammed him to the ground, and proceeded to beat him with handcuffs with no lawful reason. Defendants Jones, Cooper, Perry, and Freeman's unnecessary, unjustified, and excessive use of force deprived Plaintiff of his fundamental interest in being secure in his person against unreasonable searches and seizures as guaranteed to him under the Fourth Amendment to the United States Constitution, as applied to state actors by the Fourteenth Amendment.

58. As alleged above Defendants Jones, Cooper, Perry, and Freeman acting under color of state law, violated the rights of Plaintiff secured by the Fourth and Fourteenth Amendments of the U.S. Constitution.

59. At the moment, Defendants Jones, Cooper, Perry, and Freeman attacked Plaintiff with chemical agents and beat him with handcuffs, they lacked justification to apply any force to Plaintiff. Defendants Jones, Cooper, Perry, and Freeman subjectively knew that Plaintiff posed no threat to them or to anyone. Plaintiff. Defendants Jones, Cooper, Perry, and Freeman subjectively knew that Plaintiff had not committed any crime or infraction which would justify the use of force. Defendants Jones, Cooper, Perry, and Freeman directly participated in and proximately caused the above-described constitutional rights violations.

**COUNT 3 – UNCONSTITUTIONAL PRACTICES/DE FACTO POLICY  
USE OF FORCE IN VIOLATION OF 42 U.S.C. § 1983  
(AGAINST SHELBY COUNTY)**

60. Plaintiff re-alleges paragraphs 1-45 of this Complaint as if set forth verbatim herein.

61. Shelby County, acting by and through its policymakers, officers, and agents, and acting under color of state law, violated the rights of Plaintiff secured by the Fourth and Fourteenth Amendments of the U.S. Constitution

62. The acts and omissions of the Defendants were the direct and proximate result of the customs, practices, and/or de facto policies of Defendant Shelby County.

63. Such customs, practices, or de facto policies here are evidenced by collusion of multiple officers agreeing to assault Plaintiff and falsify evidence and testimony to cover the Defendants' use of excessive unlawful force. It is clear that Defendant Shelby County has a policy or custom of using force on individuals whom they subjectively know pose no threat.

64. Such customs, practices, or de facto policies include, but are not limited to, an ongoing pattern of deliberate indifference to the excessive use of force.

65. Sheriff Floyd Bonner has actively resisted implementing policies to curb the use of excessive force within the Shelby County Sheriff's Office. Sheriff Bonner testified before the Shelby County Commission in opposition to an ordinance that would have required the implementation of a tracking system for officers disciplined for excessive force, would have disqualified applicants for use of excessive force, and would have required the sheriff to revoke the peace officer standards and training certification of officers terminated or disciplined for excessive force. Shelby County has also actively failed to even centralize information regarding use of excessive force. On September 24, 2020, Plaintiff's counsel made a Tennessee Public

Records Act request for all Shelby County public safety officer's violations of Shelby County's Excessive Use of Force Policy since October 1, 2018, and was denied on the basis that Shelby County does not maintain such records in a format that allows the county to easily identify and produce the public records to citizens. A copy of the denial is attached hereto as **Exhibit A**. The failure to even maintain this data so that it can be tracked indicates a willful blindness on the part of the Shelby County Sheriff's Office to even their own determinations of excessive force. Shelby County cannot reasonably assert that it does not have a custom or policy of permitting the use of excessive force when it does not even track such information in a centralized fashion.

66. The customs, practices, and/or de facto policies of Defendant Shelby County were a direct and proximate cause of Plaintiff's injuries, in that said customs, practices, and/or de facto policies were being followed by Sheriff's deputies whose actions gave rise to this civil action.

67. Upon information and belief, Defendant Shelby County's policies and procedures or de facto policies permit its Sheriff's deputies to use the level of force used on Plaintiff as detailed in this Complaint without fear of any serious consequence.

68. Defendant Shelby County failed to promulgate appropriate policies or procedures or take other measures to prevent the use of excessive or unlawful force and Defendant Shelby County has been deliberately indifferent to the unlawful use of force by Shelby County's public safety officers as evidenced by the foregoing, especially the fact that only one of four named Defendants was disciplined for the orchestrated unlawful and unnecessary use of excessive force against Plaintiff.

69. As a direct and proximate result of the customs, practices, and/or de facto policies of Defendant Shelby County, Plaintiff suffered injuries and damages as detailed in this Complaint.

**COUNT 4 – SUPERVISORY LIABILITY – FAILURE TO TRAIN  
VIOLATION OF 42 U.S.C. § 1983  
(AGAINST DEFENDANT SHELBY COUNTY)**

70. Plaintiff re-alleges paragraphs 1-45 of this Complaint as if set forth verbatim herein.

71. Defendant Shelby County failed to provide adequate training and/or supervision to its public safety officers regarding use of force and the appropriate response to inmate grievances. Defendant Shelby County has a non-delegable duty and responsibility to formulate, oversee, and implement official policies, practices, customs, and procedures to be carried out by its public safety officers and other personnel.

72. It is clearly established that an inmate may file an inmate grievance regarding the conduct of a correctional officer without fearing repercussion or retaliation.

73. It is clearly established that a pre-trial detainee should be free from the use of force that is not objectively reasonable.

74. The staggering amount of surveillance camera footage and incident records in this matter demonstrates that Defendant Shelby County's jail guards are either unaware of clearly established law or are aware that they will not face meaningful consequences if they violate the rights of pre-trial detainees. This level of legal ignorance on a widespread basis demonstrates that Defendant Shelby County has failed to properly train or supervise its jail guards on fundamental principles regarding use of force and inmate grievances, as evidenced by the foregoing, especially the fact that only one of the named Defendants was disciplined for the orchestrated unlawful and unnecessary use of excessive force and malicious prosecution of the Plaintiff and that the officers involved had, between them, numerous incidents of excessive force violations that resulted in few if any consequences.

75. As a direct and proximate consequence of the failure on the part of Defendant Shelby County to properly develop, implement, and otherwise devise a policy of adequate training and/or supervision for its public safety officers, Plaintiff was deprived of his civil and constitutional rights, privileges, and immunities. Properly trained and supervised public safety officers and other personnel would have known not to engage in the acts which resulted in the deprivation of the civil and constitutional rights of Plaintiff.

76. The failure of Defendant Shelby County to provide adequate and proper training and supervision, as evidenced by the actions of so many officers in this matter, and to provide adequate and proper training and supervision relating to the use of force and freedom of speech is so grossly negligent that it amounted to deliberate indifference and disregard for the civil and constitutional rights of Plaintiff. As a result of the failure to act, train, and/or supervise its public safety officers, Defendant Shelby County is liable for damages for the retaliation and damages for the unnecessary and excessive use of force employed against Plaintiff, pursuant to 42 U.S.C. §1983.

**COUNT 5 – TEMPORARY RESTRAINING ORDER AND INJUNCTIVE RELIEF  
AGAINST SHELBY COUNTY FOR ONGOING VIOLATIONS OF THE  
FOURTEENTH AMENDMENT RIGHT OF PRETRIAL DETAINEES TO  
ACCESS CARE FOR A SERIOUS MEDICAL NEED  
(AGAINST DEFENDANT SHELBY COUNTY)  
(42 U.S.C. § 1983)**

77. Plaintiff re-alleges paragraphs 1-45, as if set forth in full herein.

78. Under the Fourteenth Amendment, corrections officials are required to provide for the reasonable health and safety of persons in pretrial custody. *Youngberg v. Romeo*, 457 U.S. 307, 315–16, 324 (1982) (the state has an “unquestioned duty” to provide adequate medical care for detained persons).

79. Corrections officials are required to provide for the reasonable health and safety of persons in pretrial custody, including risks of future harm to their health and safety. *See Helling v. McKinney*, 509 U.S. 25, 33–34 (1993) (“That the Eighth Amendment protects against future harm to inmates is not a novel proposition. . . . [i]t would be odd to deny an injunction to inmates who plainly proved an unsafe, life-threatening condition in their prison on the ground that nothing yet had happened to them”).

80. Under the Fourteenth Amendment, the government must provide incarcerated persons with reasonable safety and address serious medical needs that arise in jail to at least the same degree of persons in custody subsequent to a conviction, if not to a higher degree. Enshrining an arbitrary limitation on a pretrial detainee’s right to file grievances seeking redress for a failure of the Shelby County Jail’s medical contractors to treat a serious medical need violates this right.

81. Defendant Shelby County has adopted a policy of limiting grievances to five (5) per month regardless of their substantive merit. It applies this policy to grievances for the failure to treat serious medical needs of inmates.

82. The Shelby County Jail employs an outside contractor, Wellpath, to provide medical care for detainees. On information and belief, inmate “sick call” requests are reviewed by Wellpath personnel. If Wellpath personnel fail to provide adequate (or any) medical care, then the pretrial detainee’s only recourse to the County, the entity with the constitutional obligation to provide them care, is via an inmate grievance.

83. Due to Plaintiff’s injuries sustained during his assault, Plaintiff has ongoing serious medical needs, both mental and physical, and Defendant has an “unquestioned duty” to provide care for those serious medical needs. Despite this duty, Defendant Shelby County has

denied Plaintiff's grievance seeking care for the arbitrary reason that Plaintiff submitted more than five grievances within the month.

84. Nothing in state law mandates the above-referenced policy.

85. Defendant Shelby County's unconstitutional policy presents a threat of immediate and irreparable harm to Plaintiff for which equitable relief is necessary.

86. Prohibiting Shelby County from denying inmate grievances seeking care for a serious medical need without addressing the substance of the grievance will have no adverse impact upon public safety or the operation of a criminal justice system.

87. The most narrowly-tailored way to remedy this facially unconstitutional policy is to enjoin its application to grievances seeking care for a serious medical need.

**COUNT 6 – INJUNCTIVE RELIEF AGAINST SHELBY COUNTY FOR ADOPTING A POLICY OR CUSTOM OF FAILING TO ADEQUATELY TRAIN, SUPERVISE, AND DISCIPLINE ITS JAIL PERSONNEL AS TO THE FIRST AND FOURTEENTH AMENDMENT RIGHTS OF PRETRIAL DETAINEES**

88. Plaintiff re-alleges paragraphs 1-45 and 60-76, as if set forth in full herein.

89. Further, Plaintiff has now been the subject of multiple instances of retaliation for the exercise of his First Amendment rights, yet only one of the officers who colluded in these acts of violent retaliation has been subjected to adverse action. The penalty for that action was a mere ten (10) day suspension despite the clearly premeditated nature of all three (3) officers' actions and their blatant efforts to conceal their violation of Plaintiff's rights by falsely accusing him of a disciplinary infraction. These officers' conduct both prior to and following Plaintiff's injuries demonstrates a pattern of conduct by which guards in the Shelby County Jail maliciously and intentionally violate the constitutional rights of pretrial detainees and face little or no consequence for doing so due to the deliberate indifference of their senior supervisors and policymakers.

90. Defendant Shelby County, therefore, maintains a de facto policy or custom of failing to adequately train, supervise, and discipline its jail personnel as it relates to the First and Fourteenth Amendment rights of its pretrial detainees. Put another way, Shelby County has a de facto policy of tolerating severe constitutional abuses against pretrial detainees such that jail guards believe that they can violate those rights with impunity.

91. Nothing in state law mandates such a policy.

92. Accordingly, Defendants have violated and continue to violate Plaintiff's rights under the Fourteenth Amendment, and this policy or custom poses an ongoing threat of immediate and irreparable harm to Plaintiff for which an equitable remedy is necessary.

93. Requiring Shelby County to properly train, supervise, and discipline its jail guards will have no adverse impact upon public safety or the operation of a criminal justice system.

94. The most narrowly-tailored way to remedy this de facto custom or policy is to mandate guidelines for the training, supervision, and discipline of Shelby County's jail guards and to implement a monitoring process for a period of two (2) years consistent with 18 U.S.C. § 3626(a).

## **VII.** **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff demands judgment against Defendants on each Count of the Complaint and prays for the following relief:

1. Issue service of process and serve the Defendants;
2. Issue a Temporary Restraining Order enjoining Defendant Shelby County from denying inmate grievances that seek care for serious medical conditions on any non-substantive basis including, but not limited to, that the inmate grievance exceeds a pre-established maximum number of grievances.

3. Issue a Preliminary Injunction:
  - a. Enjoining Defendant Shelby County from denying inmate grievances that seek care for serious medical conditions on any non-substantive basis including, but not limited to, that the inmate grievance exceeds a pre-established maximum number of grievances;
  - b. Compelling Defendant Shelby County to explicitly modify its written policies and procedures to reflect this relief;
  - c. Compelling Defendant Shelby County to train its officers, agents, and employees engaged in the operation of the Shelby County Jail as to this policy change; and
  - d. Compelling Defendant Shelby County to conduct remedial training for its officers, agents, and employees engaged in the operation of the Shelby County Jail as to the First and Fourteenth Amendment rights of pre-trial detainees emphasizing the right to be free from unnecessary and excessive force and the right to be free from retaliation for the exercise of their First Amendment right to both freedom of speech and the right of petition by filing grievances; and
  - e. Implementing a monitoring process to ensure Defendant Shelby County's compliance with the above-requested injunctive relief;
4. Issue a Permanent Injunction to extend for a period of two (2) years that is compliant with the Prison Litigation Reform Act's tailoring requirements requiring ongoing compliance with the relief sought in Prayers 2 and 3 (a)-(e) above;
5. Permit Plaintiff leave to amend this Complaint after reasonable discovery;

6. Empanel a jury to try this matter;
7. Award Plaintiff compensatory damages
8. Award Plaintiff punitive damages;
9. Award Plaintiff his reasonable attorney's fees, pursuant to 42 U.S.C. § 1988;
10. Award costs and expenses incurred in this action pursuant to Rule 54 of the Federal Rules of Civil Procedure;
11. Award pre-and post-judgment interest pursuant to TENN. CODE ANN. § 47-14-123 in an amount according to the proof at trial; and
12. Grant the Plaintiff such further relief as the Court may deem just and proper.

Respectfully submitted,

*/s/ Brice M. Timmons* \_\_\_\_\_

Brice M. Timmons (#29582)  
Craig A. Edgington (#38205)  
DONATI LAW, PLLC  
1545 Union Avenue  
Memphis, TN 38104  
(901) 278-1004 (Office)  
(901) 278-3111 (Fax)  
[brice@donatilaw.com](mailto:brice@donatilaw.com)  
[craig@donatilaw.com](mailto:craig@donatilaw.com)

**From:** [Stigger, Bridgett](#)  
**To:** [Craig Edgington](#)  
**Cc:** [Fessenden, Debra](#); [Riley, Taurece](#)  
**Subject:** A11764-20 EDGINGTON, CRAIG-PRR 9/24/20 DOCUMENTATION: EXCESSIVE FORCE VIOLATIONS  
**Date:** Tuesday, September 29, 2020 11:47:31 AM

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Mr. Edgington,

I am in receipt of your public records request seeking the following:

1. All Shelby County Sheriff's Office Bureau of Professional Standards and Integrity Incident Referral Forms, Pre-Disciplinary Hearing Notices, Disciplinary Action forms, Incident Inmate Copy Post Hearing Forms, and addendums since October 1, 2018, regarding force or excessive force, where the correctional officer was found to be in violation of SOR 301: Excessive Force;
2. All Shelby County Sheriff's Office Jail Use of Force Forms 806.09, Incident Summaries, and Incident Detailed Audits for use of force incident which occurred at 201 Poplar since October 1, 2018, where the correctional officer was found to be in violation of SOR 301: Excessive Force; and
3. The concise employee histories of all correctional officers which received disciplinary actions for being found to be in violation of SOR 301: Excessive Force from October 1, 2018, to present.

Please be advised that the Shelby County Sheriff's Office does not maintain such records in a format that allows the governmental entity to identify claims of Excessive Force without sorting and compiling. In order to produce the records you requests, the Sheriff's Office would be required to sort through the personnel files and disciplinary records of all Sheriff's Office employees, and compile any record(s) responsive to your request. Pursuant to Tenn. Code Ann. § 10-7-503(a)(4), a governmental entity is not required to "sort through files to compile information." Therefore, we are unable to produce any records responsive to your request.

Sincerely,

***Bridgett L. Stigger***

Assistant County Attorney/  
Administrative Supervisor  
160 N. Main St., Suite 950  
Memphis, TN 38103  
(901) 222-2100

Exhibit A

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 NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Elvis Hester

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

Brice M. Timmons, Esq., Donati Law, PLLC 1545 Union Ave., Memphis, Tennessee 38104

DEFENDANTS

Shelby County, Tennessee, a Tennessee municipality, et al.

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

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

Click here for: Nature of Suit Code Descriptions.

Large table with categories: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, TORTS, 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 - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): Civil Rights Act of 1871, 42 USC Section 1983. Brief description of cause: Civil Rights violations

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 01/13/2021 SIGNATURE OF ATTORNEY OF RECORD /s/Brice M. Timmons

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading 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. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

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*Server's address*

Additional information regarding attempted service, etc: