

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

BRANDI BYLEY FRANKS	§	
Plaintiff,	§	
	§	
V.	§	CIVIL ACTION NO. 9:24-cv-____
	§	
COUNTY OF SAN AUGUSTINE, SAN	§	
AUGUSTINE COUNTY SHERIFF	§	
ROBERT CARTWRIGHT, AND TERRY	§	
FOUNTAIN	§	
Defendants.	§	

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COMES NOW, BRANDI BYLEY FRANKS (hereinafter referred to as “Byley” or “Plaintiff”) and, complaining of TERRY FOUNTAIN, individually (hereinafter referred to as “Deputy Fountain” or “FOUNTAIN”); SAN AUGUSTINE COUNTY, TEXAS (hereinafter referred to as “San Augustine County” or “the County”); and ROBERT CARTWRIGHT (hereinafter referred to as “Sheriff”) and for cause of action would respectfully show unto this Honorable Court as follows:

I. NATURE OF THE CASE

1. This is a case concerning a violation of Plaintiff Brandi Byley Franks’ substantive due process under the Fourteenth Amendment to maintain her bodily integrity without interference by state actors.

2. Defendant Terry Fountain, a former Deputy Sheriff with the San Augustine County Sheriff’s Office, coerced Byley —and others—into acting as a Confidential Information or CI for the Sheriff’s Department.

3. As part of the coercion, Fountain led Ms. Byley to believe that she had active

alleged charges in Sabine County and that if she “helped him” by giving him information about crime in San Augustine County, he and others with the San Augustine County Sheriff’s Office would help her with the allegations and charges in Sabine County and she would not be indicted.

4. Fountain’s definition of “helping him” included far more than just having Ms. Byley act as a CI. Fountain would routinely ask Byley for oral sex, and twice was forced to have sexual intercourse with Fountain.

5. The case seeks equitable relief, compensatory and punitive damages, attorney’s fees, expert witness fees, costs of court, and prejudgment and post judgment interest for violations of Byley’s constitutional rights by Defendants Fountain and San Augustine County.

II. PARTIES

6. Plaintiff, Brandi Byley Franks, is a citizen of the United States. Ms. Byley currently resides in Sabine County, Texas.

7. Defendant, Terry Fountain, in his individual capacity, is believed to live in Nacogdoches County, Texas. He may be served with process at 6423 CR 229, San Augustine, Texas 75972, or wherever he may be found by personal service. Defendant, Terry Fountain, in his official capacity, is a former Deputy Sheriff for San Augustine County, Texas and can be served with citation and process at El Camino Center, 219 North Harrison, San Augustine, Texas 75972 by Certified U.S. Mail, Return Receipt Requested.

8. Defendant, San Augustine County, Texas (“San Augustine County” or “the County”), is a governmental entity that is organized under the laws of the State of Texas. San Augustine County may be served by serving the San Augustine County Judge, The Honorable Jeff Boyd, 100 W. Columbia Street, Room 105, San Augustine, Texas 75972 by Certified U.S. mail, Return Receipt Requested.

9. Defendant, Robert Cartwright, in his official capacity, can be served with citation and process at El Camino Justice Center, 219 North Harrison, San Augustine, Texas 75972 by Certified U.S. Mail, Return Receipt Requested.

III. JURISDICTION AND VENUE

10. This action is brought to remedy violations of federal law; specifically, violations of 42 U.S.C. § 1983 and other federally protected constitutional rights. This action is also brought to remedy intentional torts committed by sexual assault and the threat of bodily injury.

11. Jurisdiction of this Court is proper under the federal statutes set forth above. Venue is proper because the unlawful violations of the Plaintiff's federally protected constitutional rights and the assault alleged in this complaint were committed within the jurisdiction of the United States District Court, Eastern District of Texas, Lufkin Division.

IV. FACTS

12. At all times relevant, Defendant Terry Fountain was employed by Defendant San Augustine County, Texas as Deputy Sheriff with the San Augustine County Sheriff's Office.

13. In early to mid-2021, Ms. Byley was arrested for numerous alleged charges. Although arrested, Byley was not immediately indicted, and the charges simply lingered. At the urging of Chief Deputy Mike Price, Byley was selected to potentially serve as a Confidential Informant, and she tentatively agreed to do so. Based upon this tentative agreement, Price then put Byley in contact with Deputy Fountain who worked directly with "informants." Although Byley asked to be an informant, she never really did any informing of any kind. Ms. Byley was advised that charges would be dropped if she did what Deputy Fountain requested. This is not a new story, but rather part of the consistent strategy of Fountain to gain direct power over female citizens and require sexual favors in exchange for lessened legal consequences whether real or

perceived. Sadly, others within the County “machine” directly and aided Fountain in this multi-year reign of sexual torment over multiple women.

14. Ms. Byley’s initial meeting with Deputy Fountain took place at a local cemetery (again, this is consistent behavior on Fountain’s part as this is where he took many of his victims). He was in his Sheriff’s vehicle at the time of the meeting. During this meeting, Deputy Fountain forced Byley to perform oral sex. Subsequent to this meeting, Deputy Fountain began calling her non-stop for informant information and generally harassed her simultaneously requesting outrageous acts of sexual performance.

15. After much coercion and threats, consistent with his treatment of other “informants,” Byley met with Deputy Fountain again. This meeting similarly took place at a local cemetery under the cover of darkness. During this meeting, Deputy Fountain removed his body cam, placing it in a nearby tree, and forced Byley to consume alcohol with him and have sexual intercourse with him inside the County issued SUV. Fountain was on duty at the time of this encounter. After this meeting, Byley continually refused to meet with Fountain.

16. Despite continued refusal to meet with him, Fountain’s reign of terror on Byley continued. Deputy Fountain kept contacting Byley through incessant phone calls and text message communications. Deputy Fountain called her constantly and seemingly always knew her location and would regularly pull her over and search her vehicle without cause. The regular text messages were hardly professional. These communications were lewd in nature and numerous messages contained nude pictures of his phallic member. This treatment terrified Byley and caused her fear to even leave her home. Seemingly, the entire Sheriff’s Department complied with Fountains requests for harassment of Byley as other officers began pulling her over without cause. Other times, Deputy Fountain would drive aggressively at her but not pull her over. On at least one

occasion, Byley called 911 when a Sheriff's patrol car ran her off the road.

17. Although arrested in 2021, Byley was not indicted until 2023 after Fountain realized she would no longer submit to his perversion and after realizing his continued harassment of her would no longer work either. This was partly due to the fact that Byley left San Augustine County about this time due to Fountain and the entire Department's reign of terror on her. Byley met with the Texas Rangers in 2023 to report Deputy Fountain and he was recently indicted for sexual assault as a result of his treatment of Plaintiff and others.

18. The Texas Rangers then opened an investigation that is likely still ongoing. Deputy Fountain has been charged with Official Oppression and been terminated from the Sheriff's Office. Recently, Deputy Fountain has also been charged by the San Augustine District Attorney for numerous felony offenses including offenses for not only sexual assault on Byley but similar crimes against other women.

19. During conversation and in text messages with other victims, Deputy Fountain also stated several times that "the Sheriff knows what I am doing." He indicated the same to Byley and continued to advise that charges would go away if she "did what she was supposed to do."

20. Deputy Fountain began with San Augustine County as a Sheriff Deputy in 2017. He was at some point promoted to a position that allowed him to oversee the CI program for the Department. In 2016, a new Sheriff was elected. Sheriff Robert Cartwright, the new Sheriff, actually ran a campaign against the incumbent Sheriff on a mission to clean up corruption and/or perceived corruption within the Department. At some point after being elected, Sheriff Cartwright actually demoted Fountain, taking away his authority over the CI's for the department. Upon information and belief, this was done due to knowledge of Fountain's abuse, sexual and/or otherwise, of the CIs he oversaw. Conveniently, this demotion was not made public, and Fountain

was allowed to reign down his sexual terror on Plaintiff and others.

21. From January 2016 until December 2016, Deputy Fountain was employed by Sabine County Sheriff's office where he worked alongside Sheriff Deputy David Boyd. Deputy Boyd was previously charged with similar allegations in a suit from 2020 in Sabine County, Texas. This is likely more than a coincidence, and Fountain is believed to have learned many of his sexual harassment and exploitation techniques directly from Deputy Boyd.

22. Deputy Fountain is a sexual predator of the worst kind, a wolf in sheep's clothing. He operates under the authority of the badge, but meanwhile has been engaged in a longtime campaign of sexual perversion and proclivity often targeting victims who are already vulnerable either emotionally, financially, or due to their legal situation. Prior to the incidents alleged herein, rumors of this conduct have swirled for years. Unfortunately, the San Augustine County Sheriff's Office, Robert Cartwright and San Augustine County officials were aware of Deputy Fountain's reign of sexual terror on the community and stood idly by and did nothing. Defendant Robert Cartwright was well aware of these previous rumors. As of the filing of the instant Complaint, Deputy Fountain has been charged with one count of official oppression and at least four counts of sexual assault stemming from his continue attacks and sexual violence on Plaintiff and other residents of San Augustine County.

23. Additionally, other superiors of Deputy Fountain in the San Augustine County Sheriff's Office, including Mike Price, were aware of Deputy Fountain's activities and failed to intervene.

24. San Augustine County and the surrounding counties are unfortunately no strangers to corrupt law enforcement. In the 1990s San Augustine County—and particularly the San Augustine County Sheriff's Office—made national news as part of "Operation White Tornado."

Operation White Tornado, ran primarily by the FBI with the assistance of a few local partners, revealed that members of the San Augustine County Sheriff's Office were part of a large cocaine transportation and distribution network in the County and throughout East Texas. In 2019, Sabine County Constable David Boyd (Fountain's immediate past co-worker) was arrested and charged for official oppression and sexual assault. Boyd was using his position to coerce women to watch him masturbate, provide him with explicit photographs, and provide him sexual favors. Boyd also engaged in numerous other forms of sexual misconduct. The Boyd matter was also the subject of another federal lawsuit, *Jackson v. Maddox, et al.*, Civ. Act. No. 9:20-cv-112 (E.D. Tex. – Lufkin) (Truncale, J.). Unfortunately, the area of East Texas that includes San Augustine County is a cesspool for corrupt law enforcement. Despite the seedy reputation of the County and its neighboring sister County of Sabine (the Counties' Sheriff Departments work together often housing criminals for each other in their respective jails), there is legitimate concern that leaders of the County will continue to try and minimize the actions of Fountain and actively try to reduce any potential punishment to him. On March 14, 2024, four counts of sexual assault were indicted against Fountain. Notwithstanding the foregoing, upon information and belief, there are many more victims than just those referenced in the indictments. The DA prosecuting, Paul Robbins, has refused to refer the prosecution to the Texas Attorney General as of this filing. Further, although perhaps only symbolic, Robbins, who is a former Captain with the San Augustine County Sheriff Department and is "prosecuting" the case against Fountain, was seen openly consoling and hugging Fountain in open court following the indictment and arraignment on March 14. Unfortunately, this is consistent behavior of County leaders who fail to not only properly manage and supervise officers but even fail to do the right thing when called upon.

V. CAUSES OF ACTION

A. 42 U.S.C. § 1983 – Violation of Ms. Byley’s Fourth, Eighth and Fourteenth Amendment/Substantive Due Process Right to Maintain Her Bodily Integrity

25. Ms. Byley adopts by reference all of the facts set forth above. *See* Fed. R. Civ. P. 10(c).

26. Deputy Fountain, at all times relevant, was acting under color of law and was a state actor. Specifically, Deputy Fountain was acting as Deputy Sheriff for the San Augustine County Sheriff’s Office.

27. Deputy Fountain violated Ms. Byley’s substantive due process rights under the Fourteenth Amendment by violating her rights to bodily integrity. Her rights protected by the 4th and 8th Amendments to the US Constitution were similarly violated on multiple occasions. Specifically, Deputy Fountain promised Ms. Byley that he would help her with other criminal charges if she worked as his Confidential Informant. After Ms. Byley tentatively agreed to be a Confidential Informant, Deputy Fountain demanded that she provide him with sexual favors and engage in sexual acts with him. Upon her refusal to maintain this improper contact, Fountain and others continually harassed and threatened her until she was driven to leave the County.

28. The substantive due process right to maintain one’s own bodily integrity is well recognized and known. *See Tyson v. Sabine*, 42 F.4th 508, 517-18 (5th Cir. 2022) (“We have long recognized that physical sexual abuse by a state official violates the right to bodily integrity”).

29. Deputy Fountain engaged in the wrongful acts—described above—while acting under color of state law and did so with a reckless disregard for and with deliberate indifference to Ms. Byley’s rights.

30. As a direct and/or proximate result of the wrongful acts of Deputy Fountain, Ms. Byley’s constitutional rights were violated and Deputy Fountain’s wrongful acts deprived Ms.

Byley of the rights, privileges, and/or immunities guaranteed to her by the United States Constitution.

31. The wrongful acts of Deputy Fountain directly and/or proximately caused grievous injuries to Ms. Byley, including great distress, physical pain, mental anguish, fear, physical pain and suffering, and other damages.

B. Governmental Liability Under 42 U.S.C. §1983 – Unconstitutional Policy, Custom, or Practices (San Augustine County)

32. Ms. Byley adopts by reference all of the facts set forth above. *See* Fed. R. Civ. P. 10(c).

33. This cause of action is to redress the deprivation under the color of policy, custom, and practice of rights and privileges secured to Plaintiff by the United States Constitution.

34. The elements of a cause of action under § 1983 against a governmental entity are:

- a. Plaintiff was deprived of rights under the United States Constitution;
- b. Such deprivation was caused by a person acting under color of state law;
- c. The governmental entity adopted, or failed to adopt, a policy statement, ordinance, regulation or decision adopted and promulgated by the governmental entity's lawmaking officers or by an official to whom the law makers delegate law-making authority or a persistent, widespread practice of officials or employees of the governmental entity which, though not authorized or officially adopted and promulgated, the policy is so common and well settled as to constitute a custom that fairly represents policy of the governmental entity; and
- d. The promulgation of the policy by San Augustine County was done so with deliberate indifference to known or obvious consequences that violations of constitutional rights would occur, and the unconstitutional policy is the moving force behind the deprivation of the Plaintiff's rights.¹

35. At all relevant times mentioned here, San Augustine County employed Deputy

¹ *Zarnow v. City of Wichita Falls*, 614 F.3d 461, 166-67 (5th Cir. 2010); *see Groden v. City of Dallas*, 826 F.3d 280, 283 (5th Cir. 2016).

Fountain as a Deputy Sheriff.

36. At all relevant times mentioned here, Deputy Fountain, acted under the color of law, as well as under the color of policies, practices, and customs of San Augustine County. The Sherriff is of course a policy maker for San Augustine County.

37. San Augustine County, by and through its policymakers, created and/or maintained customs, policies and/or practices that include, but are not limited to, the (1) the misuse of Confidential Informants; (2) not properly supervising or monitoring the use of Confidential Informants; (3) requiring female informants or potential informants to succumb to the sexual perversions of Deputy Fountain despite knowledge that such conduct was not only illegal but highly immoral; (4) harassing, threatening and causing harm to female informants once they began to refuse continued participation in Fountain's perversions.

38. Each of these customs, practices, and/or policies was actually known, constructively known and/or ratified by San Augustine County, the San Augustine County Sheriff's Office, and/or the Sheriff, a policymaker for San Augustine County, and were promulgated with deliberate indifference to Ms. Byley's rights, as guaranteed by the United States Constitution and specifically deprived Ms. Byley of her Fourteenth Amendment rights.

39. The known and obvious consequence of these policies was that San Augustine County Sheriff's Office Deputies, Investigators, and others, including specifically Deputy Fountain, would be placed in recurring situations in which the constitutional violations that occurred in this incident would result. Ms. Byley alleges that continuation of the above-mentioned practices or improper policies or customs actually caused Deputy Fountain to violate Ms. Byley's constitutional rights.

40. As directed and/or proximate result of these customs, policies and/or practices,

individually and in the aggregate, Ms. Byley had the right to be secure in her person, house, papers and effects against unreasonable searches and seizures, in violation of the rights guaranteed to her by U.S. CONST. amend. IV.

41. As directed and/or proximate result of these customs, policies and/or practices, individually and in the aggregate, Ms. Byley had the right not have excessive bail be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted, in violation of the rights guaranteed to her by U.S. CONST. amend. VIII.

42. As a direct and/or proximate result of these customs, policies and/or practices, individually and in the aggregate, Ms. Byley had her bodily integrity violated, in violation of the rights guaranteed to her by U.S. CONST. amend. XIV.

43. The wrongful acts of Deputy Fountain and the County deprived Ms. Byley of the rights, privileges, and/or immunities guaranteed to her by the United States Constitution.

44. These customs, policies and/or practices, individually and in aggregate, directly and/or proximately caused grievous injuries to Ms. Byley, including great distress, physical pain, mental anguish, fear, physical pain and suffering, and other damages.

45. San Augustine County also ratified Deputy Fountain's conduct by failing to timely discipline Deputy Fountain for his wrongful conduct.

46. San Augustine County also ratified Deputy Fountain's conduct because the San Augustine County Sherriff, according to Deputy Fountain, was aware of his activities and did nothing to stop Deputy Fountain. Other superiors of Deputy Fountain in the San Augustine County Sheriff's Office, including Mike Price, were aware of Deputy Fountain's activities and failed to intervene.

C. Governmental Liability Under 42 U.S.C. §1983 – Failure to Train and Supervise (San Augustine County)

47. Ms. Byley adopts by reference all of the facts set forth above. *See* Fed. R. Civ. P. 10(c).

48. San Augustine County, by and through its policymakers, created and/or maintained a custom, policy and/or practice of failing to adequately train and supervise Deputy Fountain, who was responsible for criminal investigations and dealing with confidential informants like Ms. Byley.

49. It was foreseeable to San Augustine County that violations of Ms. Byley's—and others'— constitutional rights would result from its failure to adequately train and supervise Deputy Fountain regarding the proper and ethical techniques in conducting criminal investigations and prosecutions and not engaging in excessive force.

50. Indeed, San Augustine County was aware that Deputy Fountain had disciplinary issues at his prior employer.

VI. DAMAGES

51. Ms. Byley adopts by reference all of the facts set forth above. *See* Fed. R. Civ. P. 10(c).

52. As a result of Defendants' statutory and constitutional violations, Ms. Byley has suffered serious and substantial damages and injuries, including but not limited:

- a. Past, present, and future medical expenses;
- b. Past, present, and future loss of income and/or loss of earning capacity;
- c. Past, present, and future physical impairment;
- d. Past, present, and future damage to reputation and name;
- e. Past, present, and future physical pain and suffering;

- f. Emotional distress and mental anguish;
- g. Exemplary damages against Fountain; and
- h. Other compensable economic and non-economic damages.

VII. ATTORNEY'S FEES AND COSTS

53. Pursuant to the Civil Rights Attorney's Fees Award Act, 42 U.S.C. § 1988, Ms. Byley asserts the right to an award of attorney's fees and costs under her 42 U.S.C. § 1983 pleadings if she prevails.

VIII. RELIEF REQUESTED

54. Ms. Byley adopts by reference all of the facts set forth above. *See* Fed. R. Civ. P. 10(c).

55. For these reasons, Ms. Byley prays for judgment against Defendants, any or all of them, for the following:

- a. Actual damages;
- b. Pre-judgment and post-judgment interest;
- c. Statutory attorney's fees and expenses;
- d. Punitive and exemplary damages against the individual Defendant—not San Augustine County—in an amount to be determined and as allowed by the Court;
- e. Costs of Court; and
- f. Such other and further relief as the Court deems just and equitable.

IX. JURY DEMAND

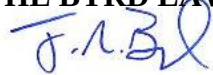
56. Ms. Byley respectfully demands trial by jury and has tendered the appropriate fee for the same.

X. PRAYER

WHEREFORE, Plaintiff respectfully requests Defendants to be cited to appear and answer herein, and that upon final trial hereof, the Court award all relief, in law and equity, against Defendants to which Plaintiff shows himself to be legally entitled to receive.

Respectfully submitted,

THE BYRD LAW FIRM



JASON M. BYRD
State Bar No. 24036303
448 Orleans Street
Beaumont, Texas 77701
(409) 924-0660 – Telephone
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jason@txbyrd.com

ATTORNEY FOR PLAINTIFF

JS 44 (Rev. 03/24)

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

Brandi Byley Franks

(b) County of Residence of First Listed Plaintiff Sabine County

(EXCEPT IN U.S. PLAINTIFF CASES)

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

Jason M. Byrd, The Byrd Law Firm, 448 Orleans Street,
Beaumont, Texas 77701 (409) 924-0660

DEFENDANTS

County of San Augustine, San Augustine County Sheriff
Robert Cartwright, and Terry FountainCounty of Residence of First Listed Defendant San Augustine County

(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
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 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)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☒ 1 | ☒ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

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

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance	PERSONAL INJURY	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 422 Appeal 28 USC 158	☐ 375 False Claims Act
☐ 120 Marine	☐ 310 Airplane	☐ 690 Other	☐ 423 Withdrawal 28 USC 157	☐ 376 Qui Tam (31 USC 3729(a))
☐ 130 Miller Act	☐ 315 Airplane Product Liability		INTELLECTUAL PROPERTY RIGHTS	☐ 400 State Reapportionment
☐ 140 Negotiable Instrument	☐ 320 Assault, Libel & Slander		☐ 820 Copyrights	☐ 410 Antitrust
☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 330 Federal Employers' Liability		☐ 830 Patent	☐ 430 Banks and Banking
☐ 151 Medicare Act	☐ 340 Marine	LABOR	☐ 835 Patent - Abbreviated New Drug Application	☐ 450 Commerce
☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)	☐ 345 Marine Product Liability	☐ 710 Fair Labor Standards Act	☐ 840 Trademark	☐ 460 Deportation
☐ 153 Recovery of Overpayment of Veteran's Benefits	PERSONAL PROPERTY	☐ 720 Labor/Management Relations	☐ 880 Defend Trade Secrets Act of 2016	☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 160 Stockholders' Suits	☐ 350 Motor Vehicle	☐ 740 Railway Labor Act	SOCIAL SECURITY	☐ 480 Consumer Credit (15 USC 1681 or 1692)
☐ 190 Other Contract	☐ 355 Motor Vehicle Product Liability	☐ 751 Family and Medical Leave Act	☐ 861 HIA (1395ff)	☐ 485 Telephone Consumer Protection Act
☐ 195 Contract Product Liability	☐ 360 Other Personal Injury	☐ 790 Other Labor Litigation	☐ 862 Black Lung (923)	☐ 490 Cable/Sat TV
☐ 196 Franchise	☐ 362 Personal Injury - Medical Malpractice	☐ 791 Employee Retirement Income Security Act	☐ 863 DIWC/DIWW (405(g))	☐ 850 Securities/Commodities/Exchange
		IMMIGRATION	☐ 864 SSID Title XVI	☐ 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	☐ 462 Naturalization Application	☐ 865 RSI (405(g))	☐ 891 Agricultural Acts
☐ 210 Land Condemnation	☒ 440 Other Civil Rights	☐ 465 Other Immigration Actions	FEDERAL TAX SUITS	☐ 893 Environmental Matters
☐ 220 Foreclosure	☐ 441 Voting		☐ 870 Taxes (U.S. Plaintiff or Defendant)	☐ 895 Freedom of Information Act
☐ 230 Rent Lease & Ejectment	☐ 442 Employment		☐ 871 IRS—Third Party 26 USC 7609	☐ 896 Arbitration
☐ 240 Torts to Land	☐ 443 Housing/Accommodations			☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
☐ 245 Tort Product Liability	☐ 445 Amer. w/Disabilities - Employment			☐ 950 Constitutionality of State Statutes
☐ 290 All Other Real Property	☐ 446 Amer. w/Disabilities - Other			
	☐ 448 Education			
	PRISONER PETITIONS			
	☐ 440 Other Civil Rights			
	☐ 461 Alien Detainee			
	☐ 510 Motions to Vacate Sentence			
	☐ 530 General			
	☐ 535 Death Penalty			
	Other:			
	☐ 540 Mandamus & Other			
	☐ 550 Civil Rights			
	☐ 555 Prison Condition			
	☐ 560 Civil Detainee - Conditions of Confinement			

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):

42 U.S.C. Sect 1983

Brief description of cause:
deprivation of rights

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 Hon. Michael J. Truncale

DOCKET NUMBER 9:24-cv-00051

DATE

Apr 9, 2024

SIGNATURE OF ATTORNEY OF RECORD

Jason Byrd

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE