

1 **Troy P. Owens, Jr. (SBN 298619)**
 2 THE LAW OFFICE OF TROY P. OWENS, JR., A.P.C.
 3 2400 FENTON STREET, SUITE 216
 4 CHULA VISTA, CA 91914
 5 TELEPHONE: (619) 765-5000
 6 FACSIMILE: (619) 599-8181
 7 TROYOWENS@TROYOWENSLAW.COM

8 Attorneys for Plaintiff AMAURIE JOHNSON

9 UNITED STATES DISTRICT COURT
 10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

11
 12 AMAURIE JOHNSON, an individual,
 13 Plaintiff,

14 v.

15 CITY OF LA MESA, a municipal
 16 entity, MATT DAGES, an individual,
 17 and DOES 1-6, inclusive,
 18 Defendants.

19 Case No.: '20CV1461 JM RBB

20 **COMPLAINT FOR:**

- 21 1. Arrest Without Probable Cause
- 22 – 42 U.S.C. section 1983
- 23 2. Negligence
- 24 3. Excessive Force – 42 U.S.C.
- 25 section 1983
- 26 4. Violence Because of Race – The
- 27 Ralph Act Civil Code §51.7
- 28 5. Excessive Force – The Bane Act
- Civil Code §52.1
- 6. *Monell* Liability

1 COMES NOW, Plaintiff AMAURIE JOHNSON, by and through his
2 attorney of record, THE LAW OFFICE OF TROY P. OWENS, JR., A.P.C., by
3 Troy P. Owens, Jr., Esq., and alleges as follows:

4 **I.**

5 **JURISDICTION AND VENUE**

6 1. The United States District Court, in and for the Southern District of
7 California, has original jurisdiction over the civil rights cause of action pled herein
8 under 42 U.S.C. § 1983, and pursuant to 28 U.S.C. § 1343(a)(3), and by the federal
9 questions raised therein pursuant to 28 U.S.C. § 1331. Venue of this controversy is
10 proper in the Southern District of California pursuant to 28 U.S.C. 1391(b)(2)
11 because a substantial part of the events or omissions giving rise to the claims
12 herein occurred in the Southern District of California.

13 **II.**

14 **GENERAL ALLEGATIONS**

15 2. At all times relevant to this Complaint, plaintiff AMAURIE
16 JOHNSON, was an individual residing in San Diego County, California.

17 3. At all times relevant to this Complaint, Defendant CITY OF LA
18 MESA was a municipal corporation, incorporated in 1912, under the general laws
19 of the state of California, which derives its municipal authority from the general
20 laws of the state of California in respects not governed by city ordinance.

21 4. At all times relevant to this Complaint, defendant MATT DAGES was
22 employed by the CITY OF LA MESA as a La Mesa Police Officer and was an
23 individual and a resident of San Diego County, California.

24 5. Plaintiff is ignorant of the true names, identities, and capacities of
25 DOES 1 through 10, inclusive. Therefore, plaintiff sues these defendants under the
26 fictitious designations of DOES 1 through 10. Plaintiff will amend this complaint
27 once their identities have been ascertained as well as the facts giving rise to their
28

1 liability.

2 **III.**
3 **FACTS**

4 6. On Wednesday, May 27, 2020, Plaintiff AMAURIE JOHNSON
5 (hereafter “Mr. JOHNSON”) was a 23-year-old black male who was standing in
6 front of the parking lot to “The District.” “The District” is a luxury apartment
7 complex in the City of La Mesa. Mr. JOHNSON had just arrived at the premises to
8 visit friends who are residents of “The District.” Mr. JOHNSON’s friends were
9 returning from a local store.

10 7. Defendant MATT DAGES (hereafter “Officer DAGES”), along with
11 a team of other La Mesa Police Officers, were performing enforcement at a nearby
12 trolley station.

13 8. Officer DAGES walked away from the trolley station, crossed a street,
14 and approached Mr. JOHNSON who was standing in front of the apartment
15 complex waiting for his friends.

16 9. Officer DAGES asked Mr. JOHNSON why he was standing in front
17 of the complex. Mr. JOHNSON explained to Officer DAGES that he was waiting
18 for his friends to arrive. Officer DAGES asked Mr. JOHNSON if he was smoking
19 weed and Mr. JOHNSON said he was not. Officer DAGES told Mr. Johnson that
20 he didn’t believe him and ordered him to get his friends on the phone. Mr.
21 JOHNSON complied and called his friends. As Mr. JOHNSON’s call was in
22 progress, his friends pulled up to the scene and stopped their vehicle.

23 10. Mr. JOHNSON tried to walk away from Officer DAGES and end
24 their interaction. Officer DAGES refused to allow Mr. JOHNSON to leave. Officer
25 DAGES pushed Mr. JOHNSON to prevent him from going to his friends. Officer
26 DAGES then grabbed Mr. JOHNSON by the jersey that Mr. JOHNSON was
27 wearing and held him in place. Mr. JOHNSON explained that Officer DAGES had
28

1 no right to keep him detained and that he is leaving. Officer DAGES violently
2 grabbed Mr. JOHNSON's arm, forcefully jerked Mr. JOHNSON's body, and
3 aggressively pushed Mr. JOHNSON into a seated position. Officer DAGES kept
4 control of Mr. JOHNSON by placing him in an arm-bar.

5 11. Mr. JOHNSON again tried to get up and go to his friends, asserting
6 his right to leave as Officer DAGES had no authority to detain him. Officer
7 DAGES repeatedly pushed Mr. JOHNSON down onto a concrete bench. This time,
8 several other officers that were at the nearby trolley station had come to serve as
9 backup for Officer DAGES. A backup officer [DOES 1] assisted Officer DAGES
10 in handcuffing Mr. JOHNSON.

11 12. Officer DAGES then claims that Mr. JOHNSON "smacked" him. Mr.
12 JOHNSON immediately denies doing this and reminds Officer DAGES that the
13 entire interaction is on film. Several bystanders were recording the video on their
14 cellular phones.

15 13. Officer DAGES arrested Mr. JOHNSON and drove him from the
16 scene to the La Mesa Police Department. Officer DAGES issued Mr. JOHNSON a
17 citation for Assault on a Peace Officer in violation of California Penal Code
18 §243(b), and resisting/obstructing/delaying a Peace Officer in violation of
19 California Penal Code §148(a). Officer DAGES then told Mr. JOHNSON to leave
20 the police station.

21 14. On June 3, 2020, the City of La Mesa held a press conference about
22 the incident. The Chief of the La Mesa Police Department stated that Mr.
23 JOHNSON was contacted for a smoking in public at the platform area.

24 15. On the date of the incident, Mr. JOHNSON was never on the trolley
25 platform. Mr. JOHNSON was not smoking. Mr. JOHNSON had no smoking
26 paraphernalia on his person at the time of his arrest. There was no smoke on, or
27 around, Mr. JOHNSON.
28

1 16. On June 5, 2020, the La Mesa Police Department announced that it
2 will not seek prosecution of Mr. JOHNSON.

3 **IV.**

4 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

5 17. Mr. JOHNSON filed his governmental claim with the CITY OF LA
6 MESA on June 9, 2020. The statutory period has expired for the CITY OF LA
7 MESA to respond and Mr. JOHNSON has exhausted his administrative remedies
8 by operation of law.

9 **V.**

10 **FIRST CAUSE OF ACTION**

11 **Arrest Without Probable Cause – 42 U.S.C. §1983**

12 **[Against Officer DAGES]**

13 Mr. JOHNSON incorporates by reference all prior allegations pled in this
14 complaint.
15

16 18. Mr. JOHNSON had a firmly established right under the Fourth
17 Amendment to the Constitution of the United States to be free from arrest without
18 probable cause. Defendant Officer DAGES arrested Mr. JOHNSON without a
19 warrant and without probable cause to believe that a crime had been committed
20 despite the fact that Mr. JOHNSON had committed no crime.

21 19. At the time Officer DAGES arrested Mr. JOHNSON without a
22 warrant and without probable cause to believe a crime had been committed, he was
23 acting under color of state law as a uniformed police officer within the course and
24 scope of his employment for the CITY OF LA MESA.

25 20. Officer DAGES, in arresting Mr. JOHNSON without probable cause,
26 deprived Mr. JOHNSON of the rights, privileges, and immunities secured to him
27 by the Fourth Amendment to the Constitution of the United States.

28 21. Officer DAGES’ arrest of Mr. JOHNSON without probable cause was

1 the moving force that caused general or non-economic damage to Mr. JOHNSON
2 including physical pain, suffering, and emotional distress.

3 22. The conduct of Officer DAGES constituting false arrest, justifies the
4 imposition of punitive damages against him in order to punish him for his conduct,
5 and to deter him from engaging in similar conduct in the future, because the
6 conduct was malicious, oppressive and/or in reckless disregard of Mr.
7 JOHNSON's rights. The conduct was malicious because it was accompanied by ill
8 will, spite and/or for the purpose of injuring Mr. JOHNSON. The conduct was
9 oppressive because it injured and/or damaged Mr. JOHNSON and/or violated Mr.
10 JOHNSON's rights with unnecessary harshness and/or severity, and it was a
11 misuse or abuse of the authority or power by the defendant. The conduct was with
12 a conscious disregard of Mr. JOHNSON's rights because, under the circumstances,
13 it reflected a complete indifference to Mr. JOHNSON's safety or rights.
14

15 **VI.**

16 **SECOND CAUSE OF ACTION**

17 **Negligence**

18 **[Against the CITY OF LA MESA, Officer DAGES and DOES 1]**

19 Mr. JOHNSON incorporates by reference all prior allegations pled in this
20 complaint.

21 23. Officer DAGES and DOES 1 had a duty to Mr. JOHNSON under
22 California law to exercise ordinary care and prudence in their conduct and actions
23 so as not to cause harm or injury to others, including Mr. JOHNSON.

24 24. Officer DAGES and DOES 1 breached the duty they owed to Mr.
25 JOHNSON to exercise ordinary care by arresting Mr. JOHNSON for doing
26 nothing more than standing by an apartment complex. Officer DAGES and DOES
27 1 had special training to identify whether someone was in violation of California
28 law and knew, or should have known, that Mr. JOHNSON was not.

1 25. Officer DAGES' and DOES 1's breach of the duty they owed to Mr.
2 JOHNSON was the direct, proximate, legal, and foreseeable cause of harm to Mr.
3 JOHNSON which includes emotional distress, mental suffering, and
4 inconvenience.

5 26. The CITY OF LA MESA is vicariously liable for the damages on Mr.
6 JOHNSON's state law claims under the doctrine of *respondeat superior* and
7 California Government Code §815.2(a) because the officers were acting within the
8 course and scope of their employment with the CITY OF LA MESA.

9 VII.

10 THIRD CAUSE OF ACTION

11 Excessive Force – The Bane Act – Civil Code §52.1

12 [Against Officer DAGES, and DOES 1-6]

13 Mr. JOHNSON incorporates by reference all prior allegations pled in this
14 complaint.
15

16 27. Defendants Officer DAGES, and DOES 1-6, whether or not acting
17 under color of state law, interfered by threat, intimidation, or coercion, or
18 attempted to interfere by threat, intimidation, or coercion, with Mr. JOHNSON's
19 exercise and/or enjoyment of his rights secured by the Fourth Amendment to the
20 Constitution of the United States to be free from unreasonable searches and
21 seizures caused by the use of objectively unreasonable and excessive force against
22 Mr. JOHNSON. The excessive force is evidenced by repeatedly pushing Mr.
23 Johnson, placing him in an arm bar, pushing his body onto concrete, and being
24 strong-armed by two officers in order to be handcuffed. The force was used
25 without cause, when Mr. JOHNSON was not a threat to the safety of officers or
26 others. The force used against Mr. JOHNSON far outweighed any governmental
27 interest in the use of force.

28 28. Officer DAGES' and DOES 1-6's use of unreasonable and excessive

1 force against Mr. JOHNSON was the moving force that caused general or non-
2 economic damages to Mr. JOHNSON, including past physical pain, past and future
3 suffering, and emotional distress. Officer DAGES' and DOES 1-6's use of
4 unreasonable and excessive force against Mr. JOHNSON was the moving force
5 that caused special or economic damages to Mr. JOHNSON, including future
6 medical expenses.

7 29. The conduct of Officer DAGES and DOES 1-6, constituting the use of
8 excessive force, justifies the imposition of punitive damages against Officer
9 DAGES and DOES 1-6 to punish them for their conduct, and to deter them from
10 engaging in similar conduct in the future, because the conduct was malicious,
11 oppressive and/or in reckless disregard of Mr. JOHNSON's rights. The conduct
12 was malicious because it was accompanied by ill will, spite and/or for the purpose
13 of injuring Mr. JOHNSON. The conduct was oppressive because it injured and/or
14 damaged Mr. JOHNSON and/or violated Mr. JOHNSON's rights with unnecessary
15 harshness and/or severity, and it was a misuse or abuse of the authority or power
16 by the defendant. The conduct was with a conscious disregard of Mr. JOHNSON's
17 rights because, under the circumstances, it reflected a complete indifference to Mr.
18 JOHNSON's safety or rights.
19

20 **VIII.**

21 **FOURTH CAUSE OF ACTION**

22 **Violence Because of Race – The Ralph Act – Civil Code §51.7**

23 **[Against Officer DAGES and DOES 1-6]**

24 Mr. JOHNSON incorporates by reference all prior allegations pled in this
25 complaint.

26 30. Officer DAGES and DOES 1, whether or not acting under color of
27 state law, interfered with Mr. JOHNSON's right to be free from any violence, or
28 intimidation by threat of violence, committed against him because of political

1 affiliation or on account of his race.

2 31. Mr. JOHNSON is a black male that was wearing athletic gear and
3 standing in front of a luxury apartment complex. Officer DAGES contacted Mr.
4 JOHNSON for those reasons alone, despite the deceptive reasons claimed later.

5 32. Officer DAGES refused to believe that the black man in athletic gear
6 would have friends that live in a luxury apartment complex. Officer DAGES
7 challenged Mr. JOHNSON to call his friends to prove his reason for being there.
8 This conduct was done on reasons rooted in the fact that Mr. JOHNSON is black.

9 33. Officer DAGES and DOES 1-6 intentionally interfered with Mr.
10 JOHNSON's right to be free from any violence, or intimidation by threat of
11 violence, committed against him because of political affiliation, or on account of
12 his race, by Officer DAGES' repeated pushing Mr. Johnson, placing him in an arm
13 bar, pushing his body onto concrete, and being strong-armed by two officers in
14 order to be handcuffed. The force was used without cause, when Mr. JOHNSON
15 was not an immediate threat to the safety of the officers or others. The force used
16 against Mr. JOHNSON far outweighed any governmental interest in the use of
17 force.
18

19 34. The violence, or intimidation by threat of violence, was committed
20 against Mr. JOHNSON because of his race. This is demonstrated by the way
21 Officer DAGES treated other white citizens present differently. Officer DAGES
22 did not approach any of the white citizens and demand that they justify their
23 presence. Officer DAGES did not think that Mr. JOHNSON belonged solely
24 because of his race. That was the basis for initiating the entire encounter, and the
25 reason that force was used to continue the unlawful encounter.

26 35. Officer DAGES' and DOES 1-6's use of violence or threat of
27 violence against Mr. JOHNSON by using unreasonable and excessive force against
28 Mr. JOHNSON was the moving force that caused general or non-economic

1 damages to Mr. JOHNSON including past physical pain, past and future suffering,
2 and emotional distress and special or economic damages to Mr. JOHNSON
3 including future medical expenses.

4 36. Due to Officer DAGES' and DOES 1-6's use of violence or
5 intimidation by threat of violence against Mr. JOHNSON because of his race, Mr.
6 JOHNSON is entitled to a statutory civil penalty of \$25,000 for each violation of
7 California Civil Code §51.7 pursuant to California Civil Code §52.

8 37. The conduct of Officer DAGES and DOES 1-6, constituting the use of
9 excessive force, justifies the imposition of punitive damages against Officer
10 DAGES and DOES 1-6 to punish them for their conduct, and to deter them from
11 engaging in similar conduct in the future, because the conduct was malicious,
12 oppressive and/or in reckless disregard of Mr. JOHNSON's rights. The conduct
13 was malicious because it was accompanied by ill will, spite and/or for the purpose
14 of injuring Mr. JOHNSON. The conduct was oppressive because it injured and/or
15 damaged Mr. JOHNSON and/or violated Mr. JOHNSON's rights with unnecessary
16 harshness and/or severity, and it was a misuse or abuse of the authority or power
17 by the defendant. The conduct was with a conscious disregard of Mr. JOHNSON's
18 rights because, under the circumstances, it reflected a complete indifference to Mr.
19 JOHNSON's safety or rights.
20

21 **IX.**

22 **FIFTH CAUSE OF ACTION**

23 **Excessive Force – The Bane Act – Civil Code §52.1**

24 **[Against Officer DAGES and DOES 1-6]**

25 Mr. JOHNSON incorporates by reference all prior allegations pled in this
26 complaint.

27 38. Officer DAGES and DOES 1-6, whether or not acting under color of
28 state law, interfered by threat, intimidation, or coercion, or attempted to interfere

1 by threat, intimidation, or coercion, with Mr. JOHNSON's exercise and/or
2 enjoyment of his rights secured by the Fourth Amendment to the Constitution of
3 the United States to be free from unreasonable searches and seizures caused by the
4 use of objectively unreasonable and excessive force against Mr. JOHNSON. The
5 force is evidenced by Officer DAGES' repeated pushing Mr. Johnson, placing him
6 in an arm bar, pushing his body onto concrete, and being strong-armed by two
7 officers in order to be handcuffed. The force was used without cause, when Mr.
8 JOHNSON was not an immediate threat to the safety of the officers or others. The
9 force used against Mr. JOHNSON far outweighed any governmental interest in the
10 use of force.

11 39. Officer DAGES' and DOES 1-6's use of violence or threat of
12 violence against Mr. JOHNSON by using unreasonable and excessive force against
13 Mr. JOHNSON was the moving force that caused general or non-economic
14 damages to Mr. JOHNSON including past physical pain, past and future suffering,
15 and emotional distress and special or economic damages to Mr. JOHNSON
16 including future medical expenses.

17 40. The conduct of Officer DAGES and DOES 1-6, constituting the use of
18 excessive force justifies in the imposition of punitive damages against Officer
19 DAGES and DOES 1-6 to punish them for their conduct, and to deter them from
20 engaging in similar conduct in the future, because the conduct was malicious,
21 oppressive and/or in reckless disregard of Mr. JOHNSON's rights. The conduct
22 was malicious because it was accompanied by ill will, spite and/or for the purpose
23 of injuring Mr. JOHNSON. The conduct was oppressive because it injured and/or
24 damaged Mr. JOHNSON and/or violated Mr. JOHNSON's rights with unnecessary
25 harshness and/or severity, and it was a misuse or abuse of authority or power by
26 the defendants. The conduct was with a conscious disregard of Mr. JOHNSON's
27 rights because, under the circumstances, it reflected a complete indifference to Mr.
28

1 JOHNSON's safety or rights.

2 X.

3 SIXTH CAUSE OF ACTION

4 *Monell Liability*

5 [CITY OF LA MESA]

6 Mr. JOHNSON incorporates by reference all prior allegations pled in this
7 complaint.

8 41. Defendant CITY OF LA MESA has created a *de facto* policy and
9 atmosphere of lawlessness and discrimination, encouraging excessive force by its
10 officers by failing to supervise, review, and discipline its officers' use of force
11 against citizens. Based on information and belief, the CITY OF LA MESA had
12 knowledge of excessive force used by its officers for which the CITY OF LA
13 MESA routinely ignored and failed to meaningfully investigate and discipline its
14 officers, and failed to take any meaningful action on complaints made on
15 governmental claim forms such as the one submitted by Mr. JOHNSON. This
16 failure to supervise, investigate, and discipline officers that had government tort
17 claims act complaints filed against them has created an attitude of lawlessness
18 regarding the use of force within the police force and its longstanding practice has
19 made the conduct of Officer DAGES and DOES 1-6 standard operating procedure
20 and custom within the La Mesa Police Department.

21 42. Defendant CITY OF LA MESA's *de facto* policy and atmosphere of
22 lawlessness and discrimination, encouraging excessive force by its officers, by
23 failing to supervise, review, and discipline its officers' use of force against citizens,
24 and failure to investigate citizen complaints of excessive force, thereby creating an
25 atmosphere condoning use of force because officers knew there would be no
26 repercussion or discipline, was the moving force behind the damage done to Mr.
27 JOHNSON.
28

1 43. Defendant CITY OF LA MESA’s *de facto* policy and atmosphere of
2 lawlessness has resulted in over 142 use of force incidents from 2016 to 2020.
3 Only 23 of these use of force incidents resulted in discussions with the officers.
4 Only two of these use of force incidents prompted further investigation. This
5 includes a 2018 incident in which La Mesa Police Officer Scott Wulfing repeatedly
6 slammed a handcuffed teenage girl. Officer Wulfing is reportedly still employed
7 and without discipline as a result of that incident.

8 44. Defendant CITY OF LA MESA’s *de facto* policy and atmosphere of
9 lawlessness is well-known to its citizenry. There have been days of protesting by
10 those who demand that change take place and that officers be held accountable.
11 Defendant CITY OF LA MESA is well aware of the atmosphere and has pledged
12 transparency and appropriate action. Previous pledges of this nature have gone
13 unfulfilled.

14 45. As a result of the CITY OF LA MESA’s custom and policy regarding
15 the use of force, Mr. JOHNSON has sustained damages. He has sustained general
16 or non-economic damages, including past physical pain, past and future suffering,
17 and emotional distress and special or economic damages to Mr. JOHNSON
18 including future medical expenses.
19

20
21
22 WHEREFORE, plaintiff AMAURIE JOHNSON, prays for relief as follows:

- 23 1. General damages according to proof at the time of trial;
24 2. Special damages according to proof at the time of trial;
25 3. Attorney fees pursuant to 42 U.S.C. § 1988,
26 4. Attorney fees pursuant to California Civil Code §52.a(h),
27 5. Punitive damages against MATT DAGES and DOES 1-6,
28 6. Costs of suit incurred herein and interest; and

1 7. Any further equitable or legal relief that this Court deems just and
2 appropriate.

3
4 DATED: July 29, 2020

THE LAW OFFICE OF TROY P. OWENS, JR.

5
6 /s/ TROY P. OWENS, JR., ESQ.
7 Troy P. Owens, Jr., Esq., attorney
8 for plaintiff AMAURIE JOHNSON
9 troyowens@troyowenslaw.com
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JS 44 (Rev. 09/19)

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

AMAUURIE JOHNSON

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

(c) Attorneys (Firm Name, Address, and Telephone Number)
The Law Office of Troy P. Owens, Jr., A.P.C.
2400 Fenton Street, Suite 216, Chula Vista, CA 91914
(619) 765-5000

DEFENDANTS

CITY OF LA MESA, MATT DAGES

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

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

Attorneys (If Known)

'20CV1461 JM RBB

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 | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 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
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

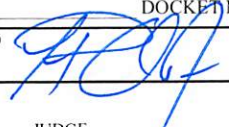
- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

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. §1983

Brief description of cause:
Arrest Without Probable Cause

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: 07/29/2020 SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY: RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

1 **Troy P. Owens, Jr. (SBN 298619)**
 2 THE LAW OFFICE OF TROY P. OWENS, JR., A.P.C.
 3 2400 FENTON STREET, SUITE 216
 4 CHULA VISTA, CA 91914
 5 TELEPHONE: (619) 765-5000
 6 FACSIMILE: (619) 599-8181
 7 TROYOWENS@TROYOWENSLAW.COM

8 Attorneys for Plaintiff AMAURIE JOHNSON

9 UNITED STATES DISTRICT COURT
 10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

11
 12 AMAURIE JOHNSON, an individual,
 13 Plaintiff,

14 v.

15 CITY OF LA MESA, a municipal
 16 entity, MATT DAGES, an individual,
 17 and DOES 1-6, inclusive,
 18 Defendants.

Case No.:

DEMAND FOR JURY TRIAL

19
 20
 21 COMES NOW, Plaintiff AMAURIE JOHNSON, by and through his
 22 attorney of record, THE LAW OFFICE OF TROY P. OWENS, JR., A.P.C., by
 23 Troy P. Owens, Jr., Esq., and hereby demands a trial by jury on all the issues so
 24 triable pursuant to Federal Rules of Civil Procedure, Rule 38, and the Local Rules
 25 of Practice for the United States District Court for the Southern District of
 26 California, Rule 38.1.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: July 29, 2020

THE LAW OFFICE OF TROY P. OWENS, JR.

/s/ TROY P. OWENS, JR., ESQ.
Troy P. Owens, Jr., Esq., attorney
for plaintiff AMAURIE JOHNSON
troyowens@troyowenslaw.com