

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

CARLOS WEST and)	
MICHAEL MCCLEENAN,)	
)
Plaintiffs,)	
)
v.)	JURY TRIAL DEMANDED
)
VILLAGE OF DOLTON, Tiffany)	
Heynard as Mayor of Dolton,)	Case No.: 22-cv-4673
Dolton Officer Lacey and other)	
Unknown Dolton police officers,)	
)
)
Defendants.)	

COMPLAINT

NOW COMES Plaintiffs, CARLOS WEST and MICHAEL MCCLEENAN, by and through their counsel, SHAMBEER LAW OFFICE, LTD, complaining of Defendants VILLAGE OF DOLTON, TIFFANY HEYNARD as MAYOR OF DOLTON, OFFICER LACEY and other UNKNOWN DOLTON POLICE OFFICERS. Plaintiffs seek to hold Defendants accountable for their First Amendment retaliation, false seizure, false arrest, and related state law violations of Plaintiffs while Plaintiffs were exercising their First Amendment rights to speak and voice his concerns regarding police violence. In support, Plaintiffs WEST and MCCLEENAN alleges as follows:

INTRODUCTION

On July 27, 2021, Village of Dolton police officers killed Alexis Wilson, a Black woman, by shooting her seven times, including twice in the head. The Village of Dolton did not apologize to Ms. Wilson's family, take any action against the police officer who killed her or take any responsibility whatsoever for yet another killing of a Black woman.

Many people were concerned and upset about the Village of Dolton's police actions and the Villages lack of response to the killing and wanted to voice their opinion about the killing.

Plaintiffs were a couple of those people. On September 1, 2021, the mayor of Dolton made a public appearance at an outdoor meeting at city hall.

Plaintiffs was one of several dozen peaceful protestors who attempted to voice his concern and opposition to the actions of the Village of Dolton and the individual police officer involved in the killing of Ms. Wilson.

Instead of being able to peacefully voice his opinion, Defendant officers roughly seized and arrested Plaintiffs, held them for several hours and issued them a false ticket alleging that Plaintiff was interfering with a public meeting. On the eve of trial, after prosecuting the tickets for months, the Village of Dolton dismissed the tickets.

PARTIES

1. Plaintiff Carlos West is a resident of Illinois who lives in Chicago.
2. Plaintiff Michael McCleenan is a resident of Illinois who lives in Chicago.
3. Defendant Village of Dolton (Dolton) is a is a municipal corporation duly incorporated under the laws of the State of Illinois and is the employer and principal of the individual Defendant Officers.
4. Defendant Tiffany Heynard is the mayor of the Village of Dolton.
5. Defendants Lacey and other unknown Village of Dolton officers are employed by Dolton Police Department located in the Village of Dolton, Dolton, Illinois.

JURISDICTION AND VENUE

6. This Court has jurisdiction of the action pursuant to 28 U.S.C. § 1331.
7. Venue is proper under 28 U.S.C. § 1391(b). Plaintiff resides in this judicial district and Defendant Dolton is a municipal corporation located here. Additionally, the events giving rise to the claims asserted herein occurred within this judicial district.
8. Individual Defendant officers engaged in the conduct complained of in the course and

scope of their employment and under color of law.

FACTS

9. On September 1, 2021, around 5:00 P.M., protesters gathered on the sidewalks near Dolton Village Hall on Chicago Rd. near 142nd street in Dolton.
10. The Mayor of Dolton, Defendant Tiffany Heynard, was appearing at a public outdoor meeting outside the City Hall.
11. In order to protest the police shooting and killing of Alexis Wilson by a Dolton Police Officer and the lack of termination and prosecution of that officer, several protestors, including the Plaintiffs, appeared.
12. These protestors were from three different organizations and amounted to over 20 persons.
13. The protestors assembled in a peaceful protest near the public outdoor meeting.
14. The Dolton Police Department barricaded the streets off from the protestors, in an attempt to prevent them from getting near the meeting.
15. At no time was there a lawful basis to prevent protestors from approaching the public meeting.
16. At or around 5:00 PM, police officers refused to let the protestors approach the public meeting and ordered them to move back.
17. The protestors, including Plaintiffs, complied with that order and moved away from the outdoor meeting while still standing and walking on the sidewalk.
18. The protestors asked why they needed to move back if they were on a public sidewalk, but the police provided no legal justification or explanation.
19. A protestor asked for clarification on where they were supposed to go to comply with police commands and still be able to exercise their First Amendment rights.
20. The police did not answer that person and continued to instruct the protestors to move

back without legal justification or explanation.

21. At approximately 5:55 PM, police again issued instructions to the protestors to move further back.
22. Once again, the protestors, including Plaintiffs, complied with police orders and moved back.
23. At or around 5:57 PM, when police issued another order to move back even further, Plaintiff and the other protestors complied.
24. At or around 5:58 PM, protestors asked for clarification as to where they were to move to protest and express their First Amendment rights.
25. Police again failed to respond, and continued to physically advance on the unarmed, peaceful protestors.
26. Plaintiff peaceably exercised his First Amendment right to criticize the officers.
27. Plaintiff presented no threat.
28. Plaintiff spoke at a distance from the police.
29. Plaintiff did not advance on or threaten the police in anyway.
30. Plaintiff made no threats of physical violence through the bullhorn, nor did he attempt to incite physical violence from the other protestors.
31. At or around 5:40 PM, while still on the sidewalk and far removed from the outdoor meeting, Dolton police ordered the protestors to move even further back.
32. At or around 5:56 PM, while the protestors complied with police orders by moving further back and away, the police made their first arrest of a protestor, seizing a protestor who was filming the protest and the officers.
33. Protestors in the group asked the police why they arrested the man, but the police did not answer.

34. As the protestors moved back, police made their second arrest of a protestor, seizing a protestor as she spoke through a bullhorn.
35. Defendant officers extinguished Plaintiffs' free speech activities.
36. No Dolton village police officer ever gave Plaintiffs an order to disperse or a warning that they would be placed under arrest if they didn't leave.
37. A dispersal order would not have been legal under the circumstances.
38. At no time did Defendants or other Dolton police officers advise Plaintiff that they were interfering with a public meeting.
39. Plaintiffs were not interfering with a public meeting.
40. When Defendants arrested Plaintiffs, they were not violating any law.
41. None of the Defendant officers had probable cause to believe Plaintiffs were violating any law.
42. Plaintiffs complied with every order to move back that Defendants and other Dolton police issued.
43. Defendant police officers arrested Plaintiffs, took them into custody and kept them in custody even though they were breaking no law.
44. Defendants arrested Plaintiffs to intimidate them, to punish them, and to discourage them and others from exercising their First Amendment rights and expressing their First Amendment protected views.
45. Plaintiffs was cited for interference with a public meeting for which an in-person hearing was required.
46. Plaintiffs appeared in person for the hearing.
47. Instead of dismissing the case, Defendants continued the case for trial.
48. Defendants' decision to continue with prosecution of the case resulted in Plaintiffs

engaging an attorney to represent them.

49. Plaintiffs' attorney then engaged in discovery and investigation of the criminal case.

50. Months later, on the eve of trial, Dolton dismissed the matter.

51. Defendants engaged in their misconduct on September 1, 2021 in an attempt to silence and stop peaceful protests in Dolton opposing police brutality and killings.

52. They did so also to protect the Mayor from voices of opposition and concern about the conduct of the police and their racist killings.

53. On information and belief there was no discipline or remedial action taken with regard to the officers who engaged in the violation of Plaintiff's rights, despite the existence of the video showing their unlawful actions, and their actions were ratified by the Village of Dolton.

Facts Specific to Plaintiff Carlos West

54. Plaintiff reincorporates paragraphs 1 though 53 as if restated fully herein.

55. Plaintiff West is a known civil rights activist in the Dolton area.

56. Just weeks prior to the September 1, 2021 protest, Plaintiff West protested nearly everyday at a Shell gas station in Dolton for the beating of a woman inside the station by an employee at said station.

57. There were days that Plaintiff West protested alone and there were days where he was joined by other protestors, including Plaintiff McCleenan.

58. During said gas station protest, Plaintiff West was approached by the Dolton police on several occasions, including Defendant Officer Lacey.

59. On some occasions, Plaintiff West was threatened with arrest for his protest outside the gas station.

60. On September 1, 2021, while protesting with three organizations against the killing of

Alexis Wilson outside the village hall of Dolton, Plaintiff West was placed under arrest by Dolton police department.

61. Defendant Officer Lacey gave the orders for the arrest, which was without reasonable or probable cause.
62. At or about 5:23pm, Plaintiff West was place under arrest for protesting.
63. Plaintiff West was placed in the police squad car for nearly twenty (20) minutes.
64. Plaintiff West not informed why he was being detained.
65. Subsequently, Plaintiff West was taken to the station and placed in a dark interrogation room for several hours, without being processed or informed why he was being detained.
66. Plaintiff West was also denied access to the lavatory while in custody for hours.
67. Eventually, Plaintiff West was released without charges, after the protest had ended.
68. Several weeks later, Plaintiff West received a ticket in the mail citing a violation of a local ordinance, Interference with a Public Meeting, which was eventually dismissed the eve of trial.

Facts Specific to Rabbi Michael McCleenan

69. Plaintiff reincorporates paragraphs 1 though 68 as if restated fully herein.
70. Plaintiff McCleenan is a known activist in the Chicagoland area.
71. Just weeks prior to the September 1, 2021 protest, Plaintiff McCleenan attended and participated in a protest at a Shell gas station in Dolton for the beating of a woman inside the station by an employee at said station.
72. On September 1, 2021, while protesting with three organizations against the killing of Alexis Wilson outside the village hall of Dolton, Plaintiff McCleenan was placed under arrest by Dolton police department at approximately 5:57pm.
73. Plaintiff was arrested after complying to illegal police orders to step back from protesting

in a public place at a public meeting.

74. While attending the protest with other protestors from three civil rights organizations, Plaintiff was unlawfully prevent from exercising his First Amendment Right without our reasonable cause.

75. Plaintiff McCleenan was arrested on the orders of Defendant Officer Lacey.

76. At all times relevant, Plaintiff was exercising his First Amendment Right while peacefully protesting against the police shooting and killing of a young, black woman named Alexis Wilson.

77. Plaintiff McCleenan was arrested without reasonable or probable cause by the Defendant officers.

78. Plaintiff McCleenan was violently seized by the defendant officers while recording the arrest and the protest.

79. Plaintiff McCleenan was placed in handcuffs and placed in the back of a police squad car, where he sat alone for approximately ten (10) minutes.

80. Later, another protestor, Shabbir Manjee, was placed in the back of the police squad car next to Plaintiff McCleenan.

81. The two protestors continued to sit in the back of the police squad car for an additional ten (10) minutes.

82. Subsequently, the two protestors were taken to the police station.

83. While in the vehicle, Plaintiff McCleenan asked the officer why they were being arrested, to which no answer was given.

84. While at the station, Plaintiff McCleenan was taken to an interrogation room, where he stayed for approximately ten (10) minutes, before being released.

85. Before being released, Plaintiff McCleenan was cited by the Dolton Police Department

with Interference with a Public Meeting.

86. Plaintiff McCleenan was release after the protest ended.

COUNT I
FIRST AMENDMENT RETALIATION
42 U.S.C. § 1983
(ALL DEFENDANTS)

87. Plaintiff reincorporates paragraphs 1 though 86 as if restated fully herein.

88. As a l l e g e d a b o v e , Defendants' conduct towards Plaintiffs were designed to and did chill Plaintiffs, each a person of ordinary firmness, from expressing their First Amendment rights.

89. Plaintiffs were engaged in lawful First Amendment activity in Dolton and was acting reasonably within time, place and manner restrictions and Defendants did not provide Plaintiffs any alternative channels of expression.

90. Defendants targeted and arrested Plaintiffs because they refused to leave the area and questioned the police actions during a peaceful protest.

91. While speaking, Plaintiffs continued to comply with Defendants' orders to move back.

92. Plaintiffs presented no threat while engaging in Constitutionally protected behavior, yet Defendants falsely seized, arrested and held them in custody.

93. Defendants' actions were objectively unreasonable and undertaken with willfulness and/or reckless indifference to the rights of Plaintiffs.

94. Defendants' actions were directly responsible for the violation of Plaintiffs' First Amendment rights and the physical suffering and mental anguish they suffered.

WHEREFORE, pursuant to 42 U.S.C. § 1983, Plaintiffs demands actual and compensatory damages plus the costs of this action and attorney fees from Defendants; in addition, Plaintiffs demand punitive damages against Defendants since they acted willfully, wantonly and/or in

reckless disregard of Plaintiffs' rights and for whatever additional relief this Honorable Court deems equitable and just.

COUNT II

**42 U.S.C. § 1983 - UNREASONABLE SEIZURE IN VIOLATION OF THE FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION
(INDIVIDUAL DEFENDANTS)**

95. Plaintiff reincorporates paragraphs 1 though 94 as if restated fully herein.

96. The actions and conduct of the individual Defendants, as set forth above, in seizing Plaintiffs' person without probable cause or other lawful basis violated Plaintiffs' Fourth Amendment right to be free from unreasonable seizure. Defendants should be held liable for doing so pursuant to 42 U.S.C. § 1983.

97. Defendants described actions and conduct were the direct and proximate cause of Defendants' violations of Plaintiffs' Fourth Amendment rights and caused Plaintiffs emotional distress, fear, anguish, humiliation, trauma and loss of liberty as set forth above.

WHEREFORE, pursuant to 42 U.S.C. § 1983, Plaintiffs demand compensatory damages, plus the costs of this action and attorney fees, from Defendants; in addition, Plaintiffs demand punitive damages against Defendants since they acted willfully, wantonly and/or in reckless disregard of Plaintiff's rights, and whatever additional relief this Honorable Court deems equitable and just.

COUNT III

**FALSE ARREST AND IMPRISONMENT IN VIOLATION OF THE FOURTH AMENDMENT OF THE UNITED STATES CONSTITUTION,
42 U.S.C. § 1983
(INDIVIDUAL DEFENDANTS)**

98. Plaintiff reincorporates paragraphs 1 though 97 as if restated fully herein.

99. Individual Defendants' actions and conduct, as set forth above, in falsely arresting Plaintiffs on September 1, 2021 under color of law and without probable cause violated

their Fourth Amendment right to be free from unreasonable arrest and the individual Defendants should be held liable for doing so pursuant to 42 U.S.C. § 1983.

100. Defendants' actions and conduct were the direct and proximate cause of the violation of Plaintiffs' Fourth Amendment rights and caused them emotional distress, fear, anguish, trauma, and loss of liberty as set forth more fully above.

WHEREFORE, pursuant to 42 U.S.C. § 1983, Plaintiffs demand actual or compensatory damages plus the costs of the action and attorneys' fees; in addition, they demand punitive damages because Defendants acted out of malice and/or in reckless disregard of their rights and for whatever additional relief the Court deems equitable and just.

COUNT V
STATE MALICIOUS PROSECUTION
(ALL DEFENDANTS)

101. Plaintiff reincorporates paragraphs 1 though 100 as if restated fully herein.
102. To effectively state a claim for malicious prosecution, Plaintiffs must allege: (1) the commencement or continuance of an original criminal or civil judicial proceeding by the defendant; (2) the termination of the proceeding in favor of the plaintiff; (3) the absence of probable cause for such proceeding; (4) malice; and (5) damages.
103. After individual Defendants unlawfully arrested Plaintiffs to silence their expression of their First Amendment rights, Defendants cited Plaintiffs for interference with a public meeting.
104. After appearing for a hearing and setting this matter for trial, the Village of Dolton and Defendant Lacey indicated they wished to prosecute this matter against Plaintiffs.
105. Yet, on the eve of trial, Dolton dismissed these claims against Plaintiffs.
106. The ticket's dismissal establishes that the arrest was made without probable cause

and that Defendants executed the arrest, as alleged above, to silence Plaintiffs.

107. The Defendant's targeting of Plaintiffs shows malice.

108. The unlawful arrest caused them emotional distress, fear, anguish, trauma and loss of liberty as set forth more fully above.

109. Defendant Officers acted under the color of law and under the authority of one or more interrelated *de facto* policies, practices, and/or customs of the Dolton Police Department to violate Plaintiffs' rights as set forth above.

WHEREFORE, Plaintiff demands a judgment against Defendants for compensatory damages, plus costs and attorneys' fees and whatever additional relief this court finds equitable and just.

COUNT VI
STATE LAW CLAIMS FOR ASSAULT AND BATTERY
(INDIVIDUAL DEFENDANTS)

110. Plaintiff reincorporates paragraphs 1 through 109 as if restated fully herein.

111. The acts of the individual Defendant officers in falsely arresting the Plaintiffs without reasonable or probable cause, caused a harmful and offensive touching of another without consent, and those actions were performed in a willful and wanton manner.

112. These actions of Defendant officers were deliberate and threatened to and did cause an unpermitted contact of an offensive and harmful nature to which Plaintiff did not consent and thus which constituted assault and battery under the laws of the State of Illinois.

WHEREFORE, Plaintiff demands actual or compensatory damages plus the costs of the action and attorneys' fees; in addition, he demands punitive damages because Defendant Officers acted out of malice and/or and in reckless disregard of his rights and for whatever additional relief the Court deems equitable and just.

COUNT VII
CLAIM FOR INDEMNIFICATION
(DOLTON)

113. Plaintiff reincorporates paragraphs 1 though 112 as if restated fully herein.
114. Illinois law, 735 ILCS 10/9-102, provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities. Defendant Lacey and other Dolton officers were employees of Defendant and acting within the scope of their employment in committing the misconduct described herein.
115. Moreover, Plaintiff is a third-party beneficiary of a contract and or agreement between Defendant Dolton and the union(s) representing the individual Defendants in which contract Defendant Dolton has obligated itself to pay for all judgments for compensatory damages, attorney fees and costs against Defendants Lacey and the other individual officers.

WHEREFORE, Plaintiff requests that judgment be entered in favor of him and against Defendant Dolton for the amounts of any compensatory and/or punitive damages, attorneys fees and costs awarded against Defendants Lacey and other individual officers.

PLAINTIFFS DEMAND TRIAL BY A JURY.

Dated: August 31, 2022

Submitted by:

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