

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**DEVON ARMSTRONG**

vs.

**CITY OF TAFT, TEXAS; and  
KLAUS MANSION, *Individually***

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**CIVIL ACTION NO. 2:17-cv-377  
JURY TRIAL**

**PLAINTIFF'S ORIGINAL COMPLAINT**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COMES** Plaintiff, Devon Armstrong, filing this, his *Plaintiff's Original Complaint*, bringing this action against the City of Taft, Texas, and Klaus Mansion, individually, as said Defendants have denied Plaintiff his rights as guaranteed by the Constitution and laws of the United States of America and/or the State of Texas.

**JURISDICTION AND VENUE**

1. This court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343(3) (civil rights). This court also has supplemental jurisdiction pursuant to 28 U.S.C. § 1367 to hear the state claims that will be set forth in this complaint. Venue is proper in the Southern District of Texas, Corpus Christi Division, as this is the district where the claim arose in accordance to 29 U.S.C. § 1391(b).

**PARTIES**

2. Plaintiff Devon Armstrong (hereinafter "Armstrong" or Plaintiff) was at all times relevant to this complaint a resident of Taft, Texas, until he was forcibly removed by Defendants to the State of California.

3. Defendant City of Taft, Texas, (hereinafter “City”), is a political subdivision of the State of Texas and can be served with summons upon City of Taft, Texas, Mayor Pedro “Pete” Lopez, 501 Green Ave, Taft, Texas 78390.

4. Defendant Klaus Mansion was at all times material to this suit, an officer employed by the Corpus Christi Police Department. Each of the acts complained of herein arises from the conduct of Defendant while acting under color of state law, and were committed during his employment and authority with the City of Taft Police Department. Defendant may be served with citation at his place of employment, Taft Police Department, 501 Green Ave, Taft, Texas 78390.

#### **FACTS**

5. Whenever, in this complaint it is alleged that any Defendant and/or person employed by Defendant did any act, thing, and/or omission, it is meant that Defendant and/or Defendant’s officers, agents, servants, employees or representatives did such act, thing and/or omission and that at the time it was done with full authorization and/or ratification of Defendant.

6. On or about November 2016, Plaintiff was having problems with his ex-girlfriend’s family and went to the police department and made a report that he was being threatened. When Plaintiff arrived at the police department he was taken directly to Defendant Mansion. Defendant Mansion told Plaintiff that he had two options that either Plaintiff could leave or he will arrest his ex-girlfriend’s mother. Because Plaintiff still had feelings for his ex-girlfriend, he did not want for her mother to be arrested. Plaintiff informed Defendant Mansion that he would go. Defendant Mansion had a police officer escort Plaintiff to a shelter in Corpus Christi and sent Plaintiff a bus ticket.

7. Thereafter, Plaintiff’s ex-girlfriend contacted Plaintiff to inform him that a job that he had applied for called and said that he was scheduled to work the next day and asked Plaintiff to return

to the City of Taft. Accordingly, Plaintiff returned to the City of Taft to pursue employment.

8. Thereafter, Plaintiff returned to the Public Library in the City of Taft, Texas. Plaintiff was approached by Officer Kaufman – an officer with the Taft Police Department – and Officer Kaufman asked Plaintiff to step outside, Plaintiff did so. Once outside Officer Kaufman told Plaintiff to put his hand on the hood of his patrol vehicle, promptly put Plaintiff in handcuffs, put him in the back of the patrol vehicle and took Plaintiff to the police station. Plaintiff was informed that he had been issued a criminal trespass warning for the City of Taft and could not return. Apparently, the criminal trespass warning had been issued by Chief Mansion. At that time, Defendant Mansion told Plaintiff that he was banned from the City of Taft and that if Plaintiff was spotted there in “his town” again that he would be arrested. Defendant Mansion, further told him that Plaintiff “has no place to go around here, to get a bus ticket and go home to California.” During the conversation, Defendant Mansion further told Plaintiff needed to find another library to hang out in California library or Corpus Christi library “that you are not hanging out in ours, not in this town.” Defendant Mansion goes on further to say “there is a big sign when you came into town didn’t it, it said Taft that means stay the hell away, you are not welcome here, you gotta go, turn around, go back, however you want to interpret it, it’s the same thing, you are not welcome here.” Further, Defendant Mansion he ordered that Officer Kaufman take Plaintiff to the bus stop and make sure “this boy gets on the bus.”

9. Deciding that he did nothing wrong to warrant Defendant Mansion’s issuance of a criminal trespass warning against him, Plaintiff returned to the City of Taft within the week. Upon his return to the City of Taft, Defendant Mansion continually harassed Plaintiff.

10. Due to the continuance harassment by Defendant Mansion Plaintiff attempted suicide by hanging himself. Officers arrived at the scene and Plaintiff thought better about this and jumped

down from the tree at which time an officer kned Plaintiff in his back and body and slammed Plaintiff to the ground, while a different female officer jumped on Plaintiff's back.

Soon thereafter, Plaintiff finally succumbed to the continued harassment and was shipped off by Defendant Mansion for the final time.

11. At all pertinent times, Defendant City of Taft – by and through the Taft Police Department – authorized and ratified the wrongful and tortuous acts and/or omissions of its officers.

**FIRST CLAIM FOR RELIEF — §1983**

12. **Section 1983.** The Civil Rights Act of 1871 (Ku Klux Klan Act), now codified as 42 U.S.C. § 1983 as federal law provides: “Every person who, under color of any statute, ordinance, regulation, custom or usage, of any state or territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or any other person within the jurisdiction thereof to the deprivation of any laws, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.” 42 U.S.C. § 1983.

13. The state action requirement for standing under 42 U.S.C. § 1983 has more commonly been referred to as “color of state law,” from the statute itself. Plaintiff is informed and believes, and thereupon alleges that in committing said acts and/or omissions, each Defendant was the agent and employee of each other Defendant and was acting within such agency and employment and that each Defendant was acting under color of state law.

14. 42 U.S.C. §1983 requires that the conduct complained of must have deprived the person of some privilege or immunity secured by the Constitution or laws of the United States. As such, Plaintiff alleges that Defendants, jointly and/or severally deprived him of his Fourth Amendment rights and those rights, privileges, and immunities secured by the Fourth and/or Fifth Amendments

to the Constitution incorporated and applied to the states through the Fourteenth Amendment.

Defendants violated this provision by the following actions, *inter alia*, and/or omissions:

- a) by detaining Plaintiff in violation of his Fourth Amendment expectation of privacy and guarantee to security from unreasonable search and seizure without reasonable suspicion and/or probable cause; and
- b) by failing to intervene, where such intervention would have prevented the violations and/or injuries of Plaintiff; and
- c) by retaliating against Plaintiff for expressing complaints and protected by the First Amendment to the U.S. Constitution; and
- d) by banishing Plaintiff from the City of Taft and/or the State of Texas in violation of Plaintiff's right to live where he desires and/or his pursuit of happiness.

15. The Fourth Amendment guarantees security from unreasonable search and seizure. It includes the expectation of privacy, the right to be free from arrests without probable cause to believe the arrested person committed a crime. Accordingly, Plaintiff alleges that he was subjected to an unreasonable search and seizure, had his expectation of privacy violated, and was detained without reasonable suspicion and/or probable cause.

16. **§ 1983 - Search & Seizure**. Furthermore, when a person, such as Plaintiff is seized and is not a "suspect" and has committed no crime, but is forced to undergo police escalation and banished to another state simply because of a desire that Plaintiff not live in Taft, the importance of the governmental interests alleged to justify the intrusion is necessarily diminished. As such, the actions and/or omissions of Defendants cannot be justified under the circumstances of the instant case.

17. **§ 1983 - Municipal Liability**. It is also well-established that municipalities are liable under 42 U.S.C. § 1983 for constitutional torts that are in compliance with the municipality's customs, practices, policies or procedures. A municipality is liable for constitutional deprivations

visited pursuant to governmental custom even though such custom has not received formal approval through the body's official decision making channels. In this case, the City of Corpus Christi is liable because it sanctioned the custom, practice and/or policy or procedure of illegal searches, illegal seizures, excessive force and/or violating their rights to be free of unwanton search and seizure. Defendants' actions were a customary practice and/or policy or procedure that was sanctioned by the City of Taft out of which deprived Plaintiff of his civil rights by statute and by both the Texas and United States Constitutions. Liability for the City of Taft is established under §1983 because the assault and use of excessive force, with little or no justification, and/or to overstep the bounds of search and seizures is a persistent, widespread practice of city/county employees — namely police officers — that, although not authorized by officially adopted policy, is so common and well settled as to constitute a custom that fairly represents official municipal policy. The City of Taft has actual or constructive knowledge of this practice, custom, and/or policy or procedure and sufficiently numerous prior incidents of Chief Mansion's racial slurs, and harassment establishes custom and accession to that custom by the City's policy makers. The City of Taft's unspoken policy of using racial slurs and harassing its citizens is a decision that reflects deliberate indifference to the risk that a violation of a particular constitutional or statutory rights will follow the decision. In the alternative, the City of Taft is liable under §1983 for failure to adopt a policy precluding officers from beating citizens because such failure to adopt such a policy is one of intentional choice.

18. Moreover, the City of Taft is liable for inadequate training of police officers under §1983. Liability attaches to the City of Taft because the City's failure to train amounts to deliberate indifference to the rights of the persons with whom the police come in contact. In particular, Plaintiff alleges that the training program in relation to the tasks the particular officer must perform

is inadequate in the respect that the program fails to teach new police persons that beating citizens violates citizens' constitutional rights. As such, the deficiency in training actually caused Defendants to violate Plaintiff's constitutional rights.

19. **§1983 - False Arrest and/or False Imprisonment.** Plaintiff further alleges that Defendants, jointly and/or severally, have violated his Fourth Amendment rights when he was falsely detained. Plaintiff pleads a §1983 claim for false imprisonment under the Fourth Amendment as Defendants arrested her without probable cause. Chief Mansion did not have probable cause to detain Plaintiff because the facts and circumstances within his knowledge was not reasonably sufficient to warrant a prudent officer to believe that he had committed or was committing an offense. On an objective basis, it is obvious that no reasonably competent officer would have concluded that a mere conversation warranted Plaintiff's detention

20. At all pertinent times, Defendant City authorized and/or ratified the wrongful and tortious acts and/or omissions described herein.

**SECOND CLAIM FOR RELIEF —Texas — False Arrest and False Imprisonment**

21. The claims brought by Plaintiff under this section only apply to Mansion in his individual capacity. Any reference to "Defendant(s)" in this section only applies to Mansion and does not include Defendants City. Furthermore, said claims are brought in the alternative should it be found that Mansion was not working within his capacity as a law enforcement officers.

22. As a pendent state cause of action, at all times material and relevant herein, Mansion, by acts and/or omissions and under color of state law, willfully detained Plaintiff without the consent of him and without authority of law. Plaintiff pleads false imprisonment as Mansion had the intent to confine him, and carried out the intent by putting Plaintiff in a position so that he could not move, let alone leave. Plaintiff was conscious most of the confinement and said confinement

resulted in harmful detention, without consent, and without authority of law.

**THIRD CLAIM FOR RELIEF — Texas — Intentional Infliction of Emotional Duress**

23. The claims brought by Plaintiff under this section only apply to Mansion in his individual capacity. Any reference to “Defendant(s)” in this section only applies to Mansion and does not include Defendants City. Furthermore, said claims are brought in the alternative should it be found that Mansion was not working within his capacity as a law enforcement officers.

24. As a pendent state cause of action, at all times material and relevant herein, Mansion, by acts and/or omissions and under color of state law, intentionally and/or recklessly inflicted emotional duress upon Plaintiff, thereby he claims the tort of intentional infliction of emotional distress. Plaintiff alleges that Mansion acted intentionally and/or recklessly when beating him and further alleges that such conduct was extreme and outrageous. The actions of the individual Defendants caused Plaintiff to suffer emotional distress; and the emotional distress suffered by him was so severe that it required treatment – no reasonable person should be expected to endure such.

**DAMAGES**

25. As a result of the foregoing unlawful and wrongful acts of Defendants, jointly and severally, Plaintiff has been caused to suffer general damages which include but are not limited to the following: both physical and emotional injury, including but not limited to pain and suffering, emotional and mental distress, and personal humiliation and shock.

26. Said injuries have caused Plaintiff to incur special damages which include but are not limited to: past medical expenses, lost profits and the occurrence of attorneys’ fees associated with his criminal charges.

27. Pursuant to the Civil Rights Attorney's Fees Award Act, 42 U.S.C. § 1988, a prevailing

party in a §1983 case is entitled to recover his attorney's fees. Hence, Plaintiff further prays for all costs and attorney fees associated with bringing the present case to trial.

28. In addition, Plaintiff prays for punitive damages against Mansion. Punitive damages are designed to punish and deter persons such as Defendant who has engaged in egregious wrongdoing. Punitive damages may be assessed under § 1983 when a Defendant's conduct is shown to be motivated by evil motive or intent, or when it involves reckless or callous indifference to the federally-protected rights of others. While municipal defendants are absolutely immune from § 1983 awards of punitive damages, such damages may be awarded against a public employee or official in their individual capacity. Therefore, Plaintiff alleges and prays for punitive damages against Mansion, as such Defendant actually knew that his conduct was unconstitutional, and/or was callously indifferent to its legality.

**WHEREFORE PREMISES CONSIDERED**, Plaintiff prays that upon trial of the merits, he recover compensatory damages against Defendants, jointly and severally; that Plaintiff also recover punitive damages against the individual Defendants in an amount to punish and/or deter and to make an example of those Defendants in order to prevent similar future conduct; and, that Plaintiff recover against each Defendant all reasonable and necessary attorney's fees, court costs and expenses in regards to the present suit in litigation. Moreover, Plaintiff prays for all pre-judgement and post judgement interest that can be assessed against the Defendants in the event of recovery; and that Plaintiff recover against each Defendant any and all other general or specific relief to which he proves himself justly entitled.

Respectfully submitted,

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**Demand for Jury Trial**

Plaintiff hereby demands a trial by jury pursuant to Fed.R.Civ.P. 38(b).