



they can discover during the course of this practice. Plaintiff James Morrow is one citizen victim of this practice.

2. The Defendants' actions challenged herein are in violation of at least the 4<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution, made actionable 42 U.S.C §1983.

3. Plaintiff Morrow, on his own behalf and on behalf of a putative class of similarly situated persons, seeks only equitable relief sufficient to remedy the practices complained of, along with all costs of suit authorized by 42 U.S.C. § 1988.

#### JURISDICTION

4. This Court has jurisdiction of these disputes pursuant to 28 U.S.C. § 1331.

#### PARTIES

5. Plaintiff James Morrow, is a United States citizen and a resident of Pine Bluff, Arkansas.

6. Defendant Barry Washington is at this time sued only in his official capacity as a City of Tenaha Deputy Marshal. Defendant Washington lives in Panola County, Texas. He can be served at his office at 122 N. Center St., Tenaha, Texas 75974.

7. Defendant George Bowers is at this time sued only in his official capacity as the Mayor of the City of Tenaha. He can be served at 122 N. Center St., Tenaha, Texas 75974.

8. Defendant Linda K. Russell is at this time sued only in her official capacity as the District Attorney of Shelby County, Texas. She can be served at her office at 200 San Augustine Street, Center, Texas 75935.

9. Defendant Randy Whatley is at this time sued only in his official capacity as the Shelby County Precinct 4 Constable. He can be served at 368 FM 2669, Tenaha, Texas 75974.

FACTS

10. On or about August 31, 2007, Plaintiff Morrow was driving through Tenaha, Texas, when he was stopped by Defendant Washington, who had no truthful legal justification for the stop.

11. Defendant Washington ordered Plaintiff Morrow to get out of his car, without any legal justification.

12. Defendant Washington searched Plaintiff Morrow's car, without any legal justification.

13. Defendant Whatley arrived on the scene with a dog and also searched Plaintiff's car without legal justification.

14. Defendant Washington also interrogated Plaintiff Morrow, without any legal justification.

15. Defendant Washington discovered no evidence suggesting any criminal activity as a result of the searches and interrogation.

16. Defendant Washington asked Plaintiff Morrow if he had any money and Plaintiff Morrow truthfully said he had about \$3900 in his wallet.

17. Defendants Washington and Whatley then seized, without legal justification, approximately \$3969 from Plaintiff Morrow as well as two cell phones.

18. Defendant Washington arrested Plaintiff Morrow, for what he claimed was "money laundering." Defendant Washington had no reason to believe Plaintiff Morrow was guilty of money laundering.

19. Defendants Washington and Russell told Plaintiff Morrow they would hold him prisoner and prosecute him for money laundering unless he would agree to forfeit the \$3969. Under this duress and these threats, Defendants Washington and Russell forced Plaintiff Morrow to execute documents memorializing the forfeiture, and released him, and warned him to not hire a lawyer or try to get his money back.

20. Defendants never had reason to, or really intended to, prosecute Plaintiff Morrow. Any charges have been dismissed, "in the interest of justice."

21. It is Plaintiff's information and belief that the seized money and property was intended to, and perhaps did, benefit these Defendants and the governmental entities they worked for.

22. It is Plaintiff Morrow's information and belief that for the last two years these Defendants have similarly mistreated other persons similarly situated to Plaintiff Morrow, and that they will continue to do so. As a result, Plaintiff Morrow and others are reasonably compelled to avoid traveling in or through Tenaha, Texas.

23. Defendants' actions and omissions described above were undertaken under color of state law, although their actions represent an abuse of authority.

24. Plaintiff Morrow, and others similarly situated, have suffered harm and continue to suffer harm as a result of the Defendants' actions described above.

25. Defendants' conduct described above constitute violations of 4<sup>th</sup> and 14<sup>th</sup> Amendment rights to be free from unreasonable seizures.

RELIEF SOUGHT

26. Plaintiff Morrow on his own behalf and on behalf of others, seeks the full measure of equitable relief, including declaratory relief and injunctive relief, to remedy the wrongs suffered and to prevent the Defendants from continuing the practices described above.

27. Plaintiff Morrow seeks all costs of suit authorized by 42 U.S.C. § 1988.

Respectfully submitted,

/S/ David J. Guillory

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/S/ Timothy B. Garrigan

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ATTORNEYS FOR PLAINTIFF

**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 THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

James Morrow

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

**DEFENDANTS**

City of Tenaha Deputy City Marshal Barry Washington et al.

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

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

(c) Attorney's (Firm Name, Address, and Telephone Number)  
Timothy B. Garrigan, Stuckey Garrigan & Castetter Law Offices  
P O Box 631902, Nacogdoches TX 75963-1902  
phone: 936-560-6020

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)

- |   |                            |                            |   |                            |                            |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input 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)

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 (Excl 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	<b>PERSONAL INJURY</b> <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	<b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <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"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY	FEDERAL TAX SUITS
<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	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input checked="" type="checkbox"/> 791 Empl Ret Inc Security Act	<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))	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input checked="" 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
- 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Due process lawsuit for violations of the 4<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$** none specified **CHECK YES only if demanded in complaint: JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE 7-24-08 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLICABLE IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG JUDGE \_\_\_\_\_