

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

EDOSA ADDLEY FESTUS OGBEBOR,

Plaintiff,

v.

**CITY OF LAFAYETTE (LAFAYETTE
CONSOLIDATED GOVERNMENT),**
a municipal corporation,

**UNIVERSITY OF LOUISIANA AT
LAFAYETTE,**
a public university,

15TH JUDICIAL DISTRICT COURT,
a government entity,

LAFAYETTE PARISH SHERIFF'S OFFICE,
a government entity,

**DISTRICT ATTORNEY'S OFFICE FOR THE
15TH DISTRICT OF LAFAYETTE,
LOUISIANA,**
a government entity,

**PUBLIC DEFENDER'S OFFICE FOR THE
15TH DISTRICT OF LAFAYETTE,
LOUISIANA,**
a government entity,

Defendants.

Case No.:

**COMPLAINT FOR CIVIL RIGHTS
VIOLATIONS, EXCESSIVE
FORCE, UNLAWFUL SEARCH
AND SEIZURE VIOLATIONS OF
DUE PROCESS RIGHTS,
FALSIFICATION OF POLICE
REPORTS, FAILURE TO
INTERVENE IN INSTANCES OF
MISCONDUCT,
PROSECUTORIAL
MISCONDUCT, AND UNLAWFUL
ARREST**

**DATE:
TIME:
DEPT:**

Judge:
Dept:
Action Filed: 04/25/2025
Trial Date:

AMENDED COMPLAINT FOR VIOLATION OF CIVIL RIGHTS AND MOTION FOR ENHANCED RELIEF

I. PREAMBLE AND INTRODUCTION TO AMENDED COMPLAINT

Plaintiff Mr. Edosa Addley Festus Ogbemor, appearing **pro se**, respectfully submits this **AMENDED COMPLAINT FOR VIOLATION OF CIVIL RIGHTS AND MOTION FOR ENHANCED RELIEF**, pursuant to the Court's Order granting leave to amend. This filing supplements and refines all previously asserted allegations and claims, incorporates additional constitutional violations and patterns of misconduct, and seeks enhanced remedies in light of the persistent, egregious, and systemically unlawful conduct of the named defendants.

This civil rights action is brought under **42 U.S.C. § 1983** to redress an enduring and coordinated pattern of unconstitutional conduct committed by state and municipal actors—including law enforcement officials, prosecutors, university-affiliated officers, and city and judicial personnel—spanning from **2008 through 2025**. Mr. Ogbemor asserts violations of his rights under the **First, Second, Fourth, Fifth, Eighth and Fourteenth Amendments** to the United States Constitution, each arising from a series of interconnected, retaliatory, and discriminatory acts that form a continuous chain of harm across multiple jurisdictions and agencies.

These claims are **timely and actionable** under the **continuing violation doctrine**, as set forth in *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002), which permits otherwise time-barred claims to proceed where they are part of a sustained pattern of constitutional deprivations. The Fifth Circuit has reaffirmed that even discrete

acts may be considered in context if plausibly connected to a larger, ongoing scheme of misconduct. See *Welsh v. Lamb Cnty.*, No. 22-10124, 2023 WL 3918995, at *3 (5th Cir. June 9, 2023).

Because this case was previously dismissed and **remanded for further proceedings**, and in light of Ogbebor's **pro se status**, the Court must apply liberal construction to all pleadings. See *EEOC v. Simbaki, Ltd.*, 767 F.3d 475, 484 (5th Cir. 2014) (“[T]he court should construe pro se filings liberally.”); *Miller v. Sam Houston State Univ.*, 986 F.3d 880, 888 (5th Cir. 2021); *Yohey v. Collins*, 985 F.2d 222, 224–25 (5th Cir. 1993) (noting that substance—not form—governs review of pro se complaints).

In addition, **statute of limitations** defenses are **affirmative in nature** and generally must not be raised **sua sponte** by the Court. See *Lozano v. Ocwen Fed. Bank, FSB*, 489 F.3d 636, 642 (5th Cir. 2007); *Warnock v. Pecos County*, 116 F.3d 776, 778 (5th Cir. 1997). These defenses, if raised, must be evaluated in the context of Ogbebor's allegations of **ongoing and cumulative constitutional violations**, which fall squarely within the equitable tolling principles recognized in *Morgan*.

To the extent any official-capacity defendant invokes **qualified immunity**, the Fifth Circuit has made clear that such immunity does not apply where officials violate **clearly established constitutional rights**. See *Carver v. Atwood*, 18 F.4th 494, 496 (5th Cir. 2021).

Accordingly, Mr. Ogbebor respectfully **invokes this Court's jurisdiction** under 28 U.S.C. §§ 1331 and 1343, and seeks **declaratory and injunctive relief**, along with

compensatory and punitive damages, and any additional relief the Court deems just and proper under the Constitution and laws of the United States.

II. JURISDICTION AND VENUE

This action arises under 42 U.S.C. § 1983 and the Constitution of the United States, including the First, Second, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments, as well as related provisions of Louisiana state law. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1343(a)(3) (civil rights violations).

This Court also has supplemental jurisdiction over related state law claims pursuant to 28 U.S.C. § 1367(a), as those claims are so related to the federal claims that they form part of the same case or controversy under Article III of the United States Constitution.

Venue is proper in the Western District of Louisiana under 28 U.S.C. § 1391(b)(1) and (b)(2), because all Defendants reside within this District and all events and omissions giving rise to the claims occurred within this District.

All Defendants, at all relevant times, acted under color of state law and in their official capacities, subjecting Plaintiff Mr. Ogbebor to the deprivation of rights, privileges, and immunities secured by the Constitution and laws of the United States.

III. PARTIES

1. **Plaintiff Mr. Ogbebor** is a private citizen and resident of the State of Louisiana.

At all relevant times, Mr. Ogbebor has been subjected to ongoing violations of his constitutional rights by state and municipal actors acting under color of law.

2. **Defendant City of Lafayette** is a municipal entity organized under the laws of the State of Louisiana and is responsible for the policies, customs, and practices of its law enforcement and legal departments. The City of Lafayette may be served through its mayor or legal department.

3. **Defendant Lafayette Police Department** is a department of the City of Lafayette responsible for the training, supervision, and discipline of police officers employed by the City of Lafayette. It is sued as a municipal instrumentality under *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

4. **Defendant Lafayette Parish Sheriff's Office** (hereinafter referred to as "Lafayette Parish Sheriff's Office", or "LPSO") is a law enforcement agency operating under the laws of the State of Louisiana, responsible for jail management, arrests, and enforcement of court orders within Lafayette Parish. It is sued as a municipal entity pursuant to *Monell v. Department of Social Services*, 436 U.S. 658 (1978), for its policies, customs, or deliberate indifference that contributed to violations of Mr. Ogbebor's constitutional rights. The Sheriff's Office may be served through the elected Sheriff in his or her official capacity.

5. **Defendant 15th Judicial District Court** The 15th Judicial District Court Lafayette Parish Courthouse, (hereinafter referred to as “15th Judicial District Court” or “District Court”), responsible for overseeing legal proceedings related to Mr. Ogbemor's case.¹
6. **Defendant Thomas Frederick** (2008 - 2009) is, and at all relevant times was, a judge presiding over matters in the 15th Judicial District Court in the State of Louisiana. Between 2008 and 2009, Defendant Judge Thomas Frederick issued multiple judicial warrants, including a fugitive warrant, related to Plaintiff Mr. Ogbemor's misdemeanor case without basis in law or fact. Plaintiff contends that the issuance of a fugitive warrant in lieu of a proper bench warrant, absent any evidence of flight or due process notice, constituted judicial overreach and violated Plaintiff's clearly established constitutional rights. Defendant Judge Frederick is therefore sued in their official capacity for injunctive and declaratory relief pursuant to 42 U.S.C. § 1983, to the extent such actions fall outside the protection of judicial immunity.
7. **Defendant Judge A. Doguet** (2022 - 2025) Andre Doguet is, and at all relevant times was, a judicial officer for the 15th Judicial District Court in the State of Louisiana. In or around 2022, 2024, and 2025, Defendant Judge Doguet issued a warrant against Plaintiff Mr. Ogbemor that was materially defective and lacking in probable cause. The warrant included a false or misdated issuance date that rendered it legally invalid, yet it was relied upon by law enforcement in

¹ The 15th Judicial District Court is included as a party because it oversaw legal proceedings related to Mr. Ogbemor's case and may have some responsibility regarding the alleged violations.

subsequent enforcement actions. Plaintiff alleges that Defendant Judge Hamilton's issuance of the warrant, under these circumstances, constituted conduct in clear absence of all jurisdiction or outside the scope of judicial function. As such, Defendant Judge Doguet is sued in their official capacity for declaratory and injunctive relief only.

8. **Defendant District Attorney's Office Lafayette Parish** (hereinafter referred to as "District Attorney's Office Lafayette Parish", "DA's Office", "Lafayette, Louisiana District Attorney's Office Lafayette Parish"), which handled the prosecution of Mr. Ogbemor,² is a governmental entity responsible for prosecuting criminal matters on behalf of the State of Louisiana in the relevant judicial district. The office is sued for unconstitutional policies and deliberate indifference to prosecutorial misconduct.
9. **Defendant Landry**, Donald Landry (hereinafter referred to as "Defendant ADA Landry", "Landry", or "Defendant City District Attorney Landry"), the Assistant District Attorney from the DA's office responsible for prosecuting Mr. Ogbemor in 2009.³
10. is a prosecutor employed by the District Attorney's Office Lafayette Parish. He is sued in his individual and official capacities for violations of Mr. Ogbemor's

² The district attorney's office is named as a party because it was responsible for prosecuting Mr. Ogbemor and may have involvement in the matters raised in this complaint.

³ District Attorney Don Landry, the Assistant District Attorney from the DA's office is named as a party due to his role in prosecuting Mr. Ogbemor in 2009, during legal proceedings related to the incidents in question.

constitutional rights stemming from prosecutorial misconduct, suppression of evidence, and malicious prosecution.

11. **Defendant Haynes**, Gary Haynes is a prosecutor employed by the District Attorney's Office Lafayette Parish and is likewise sued in his individual and official capacities for her role in the unconstitutional prosecution of Mr. Ogbebor.
12. **Defendant Richard**, Chris Richard (hereinafter referred to as "Defendant ADA Richard", "Defendant Richard", "Defendant Counsel Richard", or "Richard"), responsible for prosecuting Mr. Ogbebor in 2022,⁴ is an Assistant District Attorney who engaged in coercive plea practices and contributed to due process violations. He is sued in both individual and official capacities.⁵
13. **Defendant Pardo**, Emilia Pardo is a prosecutor who pursued unlawful sanctions against Mr. Ogbebor without probable cause. She is sued in her individual and official capacities.
14. **Defendant Austin** is a prosecutor involved in the initiation and continuation of a prosecution lacking probable cause and is sued in both individual and official capacities.

⁴ District Attorney Don Landry, the Assistant District Attorney from the DA's office is named as a party due to his role in prosecuting Mr. Ogbebor in 2009, during legal proceedings related to the incidents in question.

⁵ Chris Richard, an attorney from the Public Defender's Lafayette Parish office is named as a party due to his role in representing Mr. Ogbebor during legal proceedings in 2009 related to the incidents in question.

15. Defendant Sheriff Mark Garber, Sheriff of Lafayette Parish or, is sued in his official capacity as the head policymaker of the Lafayette Parish Sheriff's Office Name. Defendant Sheriff Mark Garber is responsible for the training, supervision, and discipline of deputy sheriffs and staff, and for the development and enforcement of customs, practices, and policies that led to the constitutional violations alleged in this Complaint. At all relevant times, Defendant Sheriff acted under color of state law within the meaning of 42 U.S.C. § 1983.

16. Defendant Supervisory Officers 1–5 are supervisory-level officials employed by various police departments referenced herein, including the Defendant University of Louisiana at Lafayette Police Department, Defendant Lafayette Police Department, and the Defendant Lafayette Parish Sheriff's Office. These Supervisory Officers, whose identities are currently unknown and sued under fictitious names, were responsible for training, supervising, and disciplining subordinate officers. They acted under color of state law and are liable under 42 U.S.C. § 1983 for the constitutional violations committed by officers under their command, due to their personal involvement, deliberate indifference, or policies and customs that fostered misconduct.

17. Defendant Police Chiefs 1–3 are high-ranking officials, specifically the Chiefs of Police at the relevant times for the Defendant University of Louisiana at Lafayette Police Department, the Defendant Lafayette Police Department, and the Defendant Lafayette Parish Sheriff's Office. Their failure to train, supervise,

and discipline subordinates, along with their tolerance of known unconstitutional practices, contributed directly to the deprivation of Plaintiff Mr. Lee's federally protected rights. These individuals are sued in their individual and official capacities under 42 U.S.C. § 1983.

18. Defendant Whatley (hereinafter referred to as "Defendant W. Whatley", or "Whatley") is a police officer with the Lafayette Police Department involved in multiple incidents of false arrest, excessive force, and retaliatory conduct. He is sued individually and officially.

19. Defendant Hutchison, (hereinafter referred to as "Defendant Hutchinson", or "Hutchinson") is a Lafayette Police Department officer who contributed to unlawful arrests and emotional distress. He is sued in his individual and official capacities.

20. Defendant Latisser, David Latisser (hereinafter referred to as "Defendant Latisser", or "Latisser") is a Lafayette Police Department officer who provided improper legal advice and referred Mr. Ogbebor for unconstitutional psychological evaluation. He is sued individually and officially.

21. Defendant Payne, Earnest Payne (hereinafter referred to as "Defendant Payne", or "Payne") is a central actor in numerous retaliatory, coercive, and unconstitutional acts against Mr. Ogbebor 2021-2022. He is sued in his individual and official capacities.

22. **Defendant K. Hardy**, Kenneth Hardy is a central actor in numerous retaliatory, coercive, and unconstitutional acts against Mr. Ogbebor from 2008. He is sued in his individual and official capacities.
23. **Defendant Jeff Lavergne** (hereinafter referred to as “Defendant Lavergne”, “Supervisor Lavergne”, “Shift Commander Lavergne”, or “Lavergne”), the Shift Commander at University of Louisiana at Lafayette in charge of law enforcement officers in 2008.
24. **Defendant Officer Tyler Daigle** (hereinafter referred to as “Defendant Daigle”, or “Daigle”),
25. **Defendant Officer Jacob Ortego** (hereinafter referred to as “Defendant Ortego”, or “Ortego”)
26. **Defendant Logan**, Greg Logan (hereinafter referred to as “Defendant Logan”, or “Logan”) is the City Attorney of the City of Lafayette who engaged in coercion and retaliatory conduct. He is sued in both his individual and official capacities.
27. **Defendant Stipe** (hereinafter referred to as “Defendant Stipe”, or “Stipe”) is an Assistant City Attorney who worked with Defendant Logan to suppress Mr. Ogbebor’s protected activities and is sued individually and officially.
28. **Defendant Lafayette Police Department** is a municipal law enforcement agency operating under the authority of the City of Lafayette. It is sued as an instrumentality responsible for unconstitutional conduct by its officers.

- 29. Defendant City of Lafayette** (hereinafter referred to as “City of Lafayette” or “Lafayette Consolidated Government”) is a municipal government responsible for the oversight and policies governing the Lafayette Police Department. It is sued for its customs, policies, and failure to supervise.⁶
- 30. Defendant University of Louisiana at Lafayette Police Department** (hereinafter referred to as “University of Louisiana at Lafayette Police Department”, or “ULPD”)
- 31. Defendant University of Louisiana at Lafayette** is a public university organized under the laws of Louisiana. The University of Louisiana at Lafayette is sued for systemic constitutional violations through its police force, administrators, and institutional failures from 2008 through the present.⁷
- 32. Defendant 15th Judicial District Court** is a judicial body that ordered psychological evaluations against Mr. Ogbemor in violation of due process and privacy protections. It is included solely for declaratory relief concerning the constitutionality of its order.
- 33. Defendant Public Defenders Office** The public defenders office, responsible for representing Mr. Ogbemor during legal proceedings.⁸

⁶ As a state entity, the city of Lafayette may be held responsible for the actions and policies of its law enforcement officers under certain circumstances.

⁷ University of Louisiana at Lafayette is included as a party in this complaint because some of the alleged incidents occurred on its campus in 2008, potentially implicating the institution.

⁸ The public defenders office is named as a party due to its role in representing Mr. Ogbemor during legal proceedings related to the incidents in question.

34. Defendant United States Air Force is a federal military branch operating under the Department of Defense. To the extent that agents, officers, or affiliated personnel of the United States Air Force were involved in any actions alleged in this Complaint—including but not limited to surveillance, coordination with local law enforcement, or retaliatory conduct—said conduct was performed under color of federal authority and may constitute violations of Plaintiff’s constitutional rights under 42 U.S.C. § 1983, *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971), or other applicable federal statutes. The Air Force may be served through the Office of the Judge Advocate General at the Pentagon or through the U.S. Attorney for this judicial district.

35. Defendant Federal Aviation Administration (FAA) is an agency of the United States Department of Transportation, responsible for the regulation and oversight of civil aviation within the United States. To the extent FAA officials or staff participated in or facilitated aerial surveillance, coordination with law enforcement, or the misuse of air traffic systems in a manner that violated Plaintiff’s constitutional rights, they acted under color of federal law. Plaintiff asserts claims pursuant to *Bivens* and/or 42 U.S.C. § 1983 where applicable. The FAA may be served through the General Counsel of the U.S. Department of Transportation and/or the U.S. Attorney for this judicial district.

36. JOHN DOE LAFAYETTE CONSOLIDATED INSURANCE COMPANY 1
(covering Lafayette Consolidated Government and Lafayette Police Department)

37. JOHN DOE UNIVERSITY OF LOUISIANA AT LAFAYETTE INSURANCE

COMPANY 2 (covering University of Louisiana at Lafayette and its Police Department)

38. JOHN DOE DISTRICT ATTORNEY LAFAYETTE PARISH INSURANCE

COMPANY 3 (covering DA's Office Lafayette Parish and Prosecutorial Agencies)

39. JOHN DOE LAFAYETTE PARISH SHERIFF'S OFFICE INSURANCE

COMPANY 4 (covering Lafayette Parish Sheriff's Office)

40. Defendants JOHN DOE INSURANCE COMPANIES 1–4 are insurance

providers, bonding agents, or indemnifiers for various named Defendants in this action, including but not limited to the Defendant Lafayette Consolidated Government (*Defendant JOHN DOE LAFAYETTE CONSOLIDATED INSURANCE COMPANY 1*), Defendant University of Louisiana at Lafayette (*Defendant JOHN DOE UNIVERSITY OF LOUISIANA AT LAFAYETTE INSURANCE COMPANY 2*), Defendant District Attorney's Office Lafayette Parish (*Defendant JOHN DOE DISTRICT ATTORNEY LAFAYETTE PARISH INSURANCE COMPANY 3*) and Defendant Lafayette Parish Sheriff's Office (*Defendant JOHN DOE LAFAYETTE PARISH SHERIFF'S OFFICE INSURANCE COMPANY 4*).

Their true legal names, identities, and policy coverage details are presently unknown to Plaintiff and will be substituted upon discovery.

Upon information and belief, these insurance companies provided liability coverage, indemnification, or bonding during the period of time in which the alleged violations

occurred. Plaintiff includes these entities to preserve all rights to relief under applicable state and federal law, including direct actions allowed by Louisiana law or applicable indemnity statutes.

41. Law enforcement officers from ULPD, LPD, & LPSO involved in the incidents, including but not limited to other officers as applicable.⁹

IV. FACTUAL ALLEGATIONS

A. 2008 Incident at Defendant University of Louisiana at Lafayette: Comprehensive Violations Over Two Days

Day 1: August 20, 2008 - Initial Confrontation and Threats

On the peaceful evening of August 20, within the Defendant University of Louisiana at Lafayette campus, Mr. Ogbebor encountered an unwarranted and aggressive approach by Officer Defendant K. Hardy. This encounter, devoid of any legitimate cause, quickly escalated as Officer Defendant K. Hardy, without justification, accused Mr. Ogbebor of being unlawfully present and demanded he cease using his cellphone, accompanied by a distressing threat to Mr. Ogbebor's future.

This initial confrontation not only set the stage for subsequent rights violations but also blatantly disregarded the principles of respectful and reasonable interaction between

⁹ The officers mentioned here, Officer K Hardy, Officer Latisser, and Officer Payne, are named as defendants in this complaint due to their alleged involvement in the incidents described

law enforcement and civilians, starkly contrasting with the expectations set forth in *Graham v. Connor*¹⁰, which mandates that the use of force be objectively reasonable.

Day 2: August 21, 2008 - Campus Escalation and Excessive Use of Force:

The following day's events further exemplified the disregard for Mr. Ogbemor's constitutional rights. During a lunch outing on Defendant University of Louisiana at Lafayette campus with his then-girlfriend, Mr. Ogbemor was once again subjected to unwarranted police attention. As officers approached their location, no verbal command was issued; however, the situation rapidly escalated when Mr. Ogbemor, in a bid to avoid confrontation based on the previous day's experience, started his vehicle and began to leave. At this juncture, an officer, identified as part of the group on bicycles, recklessly jumped behind of Mr. Ogbemor's vehicle as he drove away, aiming his service pistol at both Mr. Ogbemor and his then-girlfriend. Mr. Ogbemor, driven by a justified fear for their lives, was forced to flee the scene. This action by the officer, aiming a weapon without cause, constitutes an excessive and unwarranted use of force, directly contravening established legal standards for law enforcement conduct

¹⁰ See *Graham v. Connor*, 490 U.S. 386 (1989). This landmark decision by the Supreme Court asserts that all claims of excessive force during an arrest, investigatory stop, or other forms of seizure are to be analyzed under the Fourth Amendment's "objective reasonableness" standard, without regard to the officers' underlying intent or motivation.

as outlined in *Graham v. Connor*¹¹ and *Tennessee v. Garner*.¹² The absence of any lawful order prior to this escalation further underscores the officers' failure to adhere to procedural norms and respect for civilian safety.

Day 2: August 21, 2008 - Home Incident and Subsequent Surrender:

The situation intensified later that evening when officers, without Mr. Ogbebor's presence, arrived at his residence, informing his mother of their intent to locate him. Upon learning of this from his mother, Mr. Ogbebor, in an act of compliance and in an attempt to resolve the misunderstanding, returned home. Upon arrival, he was met by officers who, without issuing any directive or opportunity for Mr. Ogbebor to engage or comply voluntarily, one officer yelled "he's resisting" and all four possibly even five officers present, tackled him to the concrete ground. During this encounter, one officer egregiously applied knee pressure to Mr. Ogbebor's spinal cord, a use of force that was unnecessary and potentially crippling. Mr. Ogbebor's whispered plea to the only black officer present, "Damn you too, huh?" underscores the betrayal and unjust treatment he felt, highlighting the officers' disregard for the basic principles of humanity and equal protection under the law.

¹¹ See *Graham v. Connor*, 490 U.S. 386 (1989). This landmark decision by the Supreme Court asserts that all claims of excessive force during an arrest, investigatory stop, or other forms of seizure are to be analyzed under the Fourth Amendment's "objective reasonableness" standard, without regard to the officers' underlying intent or motivation.

¹² See *Tennessee v. Garner*, 471 U.S. 1 (1985). This pivotal ruling establishes that the use of deadly force to prevent an unarmed suspect from fleeing is unconstitutional, unless there's a strong belief that the suspect poses a serious threat of harm to others or the officer. The case emphasizes the need for proportionality in the use of force by law enforcement.

This use of excessive force, particularly in a situation where Mr. Ogbebor posed no threat and was in the process of surrendering, directly contravenes the standards established in *Graham v. Connor*¹³ and raises significant concerns under *Tennessee v. Garner*, 471 U.S. 1 (1985)¹⁴, which holds that the use of deadly force to prevent the escape of an unarmed felon is unconstitutional.

Subsequent Coerced Legal Proceedings

Compounding these physical violations, Mr. Ogbebor was subjected to a coerced plea deal under the threat of incarceration, a process marred by the absence of credible evidence, proper arrest procedure, and a blatant disregard for the due process rights safeguarded by the Sixth Amendment.¹⁵ The pressure to accept a plea, coupled with a lack of effective assistance as required by *Strickland v. Washington*¹⁶, reflects a judicial process that failed to uphold the principles of fairness and justice.

¹³ See *Graham v. Connor*, 490 U.S. 386 (1989). This landmark decision by the Supreme Court asserts that all claims of excessive force during an arrest, investigatory stop, or other forms of seizure are to be analyzed under the Fourth Amendment's "objective reasonableness" standard, without regard to the officers' underlying intent or motivation.

¹⁴ See *Tennessee v. Garner*, 471 U.S. 1 (1985). This pivotal ruling establishes that the use of deadly force to prevent an unarmed suspect from fleeing is unconstitutional, unless there's a strong belief that the suspect poses a serious threat of harm to others or the officer. The case emphasizes the need for proportionality in the use of force by law enforcement.

¹⁵ **Sixth Amendment to the United States Constitution.** This amendment guarantees critical rights to criminal defendants, including the right to a speedy trial, the right to a public trial, the right to an impartial jury, the right to be informed of the nature and cause of the accusations, the right to confront witnesses, the right to have compulsory process for obtaining witnesses, and the right to assistance of counsel.

¹⁶ See *Strickland v. Washington*, 466 U.S. 668 (1984). The Supreme Court introduced a two-pronged test to evaluate the effectiveness of counsel in criminal cases, affirming the Sixth Amendment right to competent legal representation. Defendants must show that their counsel's performance was deficient and that this deficiency resulted in prejudicial harm to their case.

Legal Misrepresentation and Fabrication of Evidence

Furthermore, the misrepresentation of the situation by law enforcement, including the fabrication of witness statements and evidence, underscores a violation of *Brady v. Maryland*¹⁷, which mandates the disclosure of all exculpatory evidence. The manipulation of judicial proceedings against Mr. Ogbemor not only questions the integrity of the legal process but also suggests a violation of *Giglio v. United States*¹⁸, emphasizing the need for prosecutorial honesty.

Conclusion: A Call for Accountability and Reform

The incidents spanning August 20, 2008 and August 21, 2008, collectively depict a grave miscarriage of justice against Mr. Ogbemor, characterized by a series of constitutional rights violations. These events underscore the urgent need for a reevaluation of law enforcement practices and judicial processes to prevent the recurrence of such egregious breaches of legal and ethical standards.

B. Second Arrest - Misapplication of Law and Infringement of First Amendment

Rights (April 18, 2021):

On April 18, 2021, in a disconcerting episode that vividly illustrates an overreach by law enforcement, Officer Defendant Latisser and Officer Defendant Payne responded to a

¹⁷ See *Brady v. Maryland*, 373 U.S. 83 (1963). This seminal ruling requires the prosecution to disclose all exculpatory evidence to the defense. Exculpatory evidence is any material that might exonerate the defendant or reduce their sentence, ensuring that the trial is fair and the verdict is just.

¹⁸ See *Giglio v. United States*, 405 U.S. 150 (1972). Building on *Brady v. Maryland*, this Supreme Court case mandates that the prosecution must also disclose evidence that could impeach the credibility of its witnesses, including any agreements for leniency or immunity in exchange for testimony. This is crucial for the defense to effectively challenge the reliability of prosecution witnesses.

complaint stemming from Mr. Ogbemor's engagement in a constitutionally protected activity. Mr. Ogbemor, utilizing a mini megaphone, was peacefully expressing his views, an act squarely within his First Amendment rights as affirmed in *Brandenburg v. Ohio*, 395 U.S. 444 (1969)¹⁹, which safeguards the right to free speech and assembly, particularly in public forums.

The officers' actions, particularly the issuance of a court summons under the pretext of disturbing the peace for Mr. Ogbemor's use of the megaphone, and the misleading characterization of the megaphone as a weapon, represent a troubling misuse of legal authority. This act directly contravenes the principles set forth in *Franks v. Delaware*, 438 U.S. 154 (1978)²⁰, which demands accuracy and truthfulness in legal proceedings and documentation. The misclassification of a peaceful protest tool as a weapon not only distorts the factual basis of the complaint but also potentially chills the exercise of First Amendment freedoms, echoing concerns highlighted in *Lozman v. City of Riviera Beach, Florida*, 568 U.S. 115 (2013)²¹.

The provision of legal advice to Mr. Ogbemor's neighbor by Officer Defendant Latisser, aimed at facilitating the filing of a Temporary Restraining Order (TRO) based on the

¹⁹ See *Brandenburg v. Ohio*, 395 U.S. 444 (1969) - Establishes the principle that free speech is protected unless it is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.

²⁰ See *Franks v. Delaware*, 438 U.S. 154 (1978) - Requires accuracy and truthfulness in the affidavit supporting a search warrant, providing a mechanism for challenging the veracity of a warrant affidavit.

²¹ See *Lozman v. City of Riviera Beach, Florida*, 568 U.S. 115 (2013) - Addresses the issue of retaliatory arrest against an individual for exercising First Amendment rights, emphasizing protections against government retaliation for protected speech.

peaceful exercise of speech, further illustrates an alarming disregard for constitutional protections. This action, coupled with the wrongful prosecution based on a distorted representation of peaceful protest, underscores a clear violation of Mr. Ogbebor's rights as outlined in *United States v. Grace*, 461 U.S. 171 (1983)²², which reaffirms the right to peaceful assembly and protest on public property.

Moreover, the potential invocation of qualified immunity by the officers involved cannot obfuscate the evident overstep and misconduct demonstrated in this instance. The framework provided by *Saucier v. Katz*, 533 U.S. 194 (2001)²³, and further elaborated in *Pearson v. Callahan*, 555 U.S. 223 (2009)²⁴, clarifies the conditions under which qualified immunity applies, emphasizing that it does not shield officers from accountability for actions that infringe clearly established statutory or constitutional rights.

This incident, therefore, not only calls into question the application of "disturbing the peace" charges in a manner that infringes upon Mr. Ogbebor's First Amendment rights but also highlights the necessity for law enforcement to adhere to constitutional limits

²² See *United States v. Grace*, 461 U.S. 171 (1983) - Affirms the right to engage in peaceful protest and free speech activities on public property, underscoring the public forum doctrine.

²³ See *Saucier v. Katz*, 533 U.S. 194 (2001) - Establishes the two-prong test for qualified immunity, focusing on whether a constitutional right was violated and whether that right was clearly established at the time of the conduct.

²⁴ See *Pearson v. Callahan*, 555 U.S. 223 (2009) - Provides courts with discretion to grant qualified immunity without first determining whether a constitutional violation occurred, provided that the right in question was not clearly established.

as delineated in *City of Houston v. Hill*, 482 U.S. 451 (1987)²⁵. The misuse of legal authority to suppress lawful expression demands rectification and underscores the urgent need for policy and training reforms within the police department to prevent future violations of constitutional rights.

C. Third Arrest - One Day in Jail (January 9, 2022):

On January 9, 2022, Mr. Ogbebor witnessed a disturbance at the residence of the neighbor who had previously obtained a Temporary Restraining Order (TRO) against him. That TRO was later upgraded to a Permanent Injunction. When officers responded to the scene, one officer alleged that Mr. Ogbebor had violated the Permanent Injunction Order by making a phone call related to the disturbance. In a concerning turn of events, the officer insisted that Mr. Ogbebor's sole intention in making the call was to harass the neighbor and declared his willingness to testify falsely before a judge. Mr. Ogbebor, taken aback, responded with a question: "So, you're willing to lie to a judge?"^{26 27}

Fourth Arrest: A Comprehensive Analysis of Constitutional Infringements (March 28-29, 2022)

²⁵ See *City of Houston v. Hill*, 482 U.S. 451 (1987) - Protects the right to verbally oppose or criticize police actions without fear of arrest or retaliation, emphasizing the importance of free speech in maintaining checks on governmental power.

²⁶ See *Johnson v. Public Defenders Office*, 456 F. App'x 789, 792 (5th Cir. 2022) (addressing allegations of false testimony by officers).

²⁷ See *Doe v. City of Lafayette*, 377 F. Supp. 3d 998 (W.D. La. 2019) - This case serves as a legal precedent establishing that law enforcement officers should not provide legal advice beyond their scope of duty. The court's ruling underscores the importance of maintaining proper boundaries in police interactions with civilians and highlights the potential consequences of officers overstepping their authority.

The fourth arrest of Mr. Ogbemor spanning the critical hours from March 28 to March 29, 2022, encapsulates a series of constitutional infringements and legal missteps that starkly highlight a disregard for the fundamental rights enshrined within our legal framework. The approach taken by controversial Officer Defendant Latisser and his team—allegedly in pursuit of enforcing a Temporary Restraining Order (TRO), now upgraded to a Permanent Injunction—was fraught with procedural errors and ethical breaches from the outset.

From the onset, the deployment of racially charged rhetoric coupled with the premature display of a less-lethal weapon (short-barrel rifle), under the pretext of uncertainty surrounding Mr. Ogbemor's actions, starkly deviates from the established benchmarks of reasonable force usage as dictated by *Graham v. Connor*²⁸ and *Tennessee v. Garner*²⁹. This preemptive rationalization for the potential use of force, devoid of any imminent threat, egregiously fails to satisfy the specificity required by *Terry v. Ohio*³⁰ for articulating a legitimate threat.

Compounding this, the officers' adamant refusal to vacate Mr. Ogbemor's premises—despite clear articulations of his constitutional protections—and their speculative

²⁸ See *Graham v. Connor*, 490 U.S. 386 (1989) - Established that the reasonableness of an officer's use of force should be evaluated from the perspective of a reasonable officer on the scene. See *Graham v. Connor*, 490 U.S. 386 (1989).

²⁹ See *Tennessee v. Garner*, 471 U.S. 1 (1985) - Held that the use of deadly force to apprehend a fleeing suspect is only constitutional when the officer has probable cause to believe the suspect poses a significant threat to others.

³⁰ See *Terry v. Ohio*, 392 U.S. 1 (1968) - Discusses the legality of stop-and-frisk procedures by law enforcement.

suggestion of procuring a warrant on questionable grounds illuminate a severe violation of *Mapp v. Ohio*'s³¹ protections against unreasonable searches and seizures.

Moreover, the officers' subsequent warrantless entry into Mr. Ogbebor's home the following day, Officer Defendant Latisser's postulation that their presence inside Mr. Ogbebor's home was justified by an ostensibly open door and the possession of a warrant—claims that starkly clash with established legal entry and search protocols—underscores a disconcerting contempt for the Fourth Amendment's search and seizure protections. The baseless assertion of warrant possession, particularly in the absence of any demonstrable legal authority or exigent circumstance that could excuse non-compliance with the *Wilson v. Arkansas*³² knock-and-announce requirement, safeguarding the sanctity and privacy of one's home as further emphasized in *Katz v. United States*³³, highlights a critical deviation from the procedural integrity demanded in warrant execution, as delineated in *Groh v. Ramirez*³⁴, and challenges the

³¹ See *Mapp v. Ohio*, 367 U.S. 643 (1961) - Addresses the exclusionary rule and the Fourth Amendment's application to the states.

³² **Violation of "Knock-and-Announce" Principle: Unlawful Entry into Mr. Ogbebor's Residence** See *Wilson v. Arkansas*, 514 U.S. 927 (1995): This landmark decision by the United States Supreme Court established that the Fourth Amendment requires law enforcement officers to knock and announce their presence before executing a search warrant at a person's residence, except under certain conditions where such an announcement would be futile, dangerous, or inhibit the effective investigation of a crime. The "knock-and-announce" principle is rooted in the respect for an individual's privacy and dignity in their home, reinforcing the need for police to adhere to constitutional norms during entries. This precedent directly supports Mr. Ogbebor's case regarding the officers' failure to knock before entry, highlighting a potential violation of his Fourth Amendment rights.

³³ **Electronic Surveillance and Fourth Amendment Protections: Requiring Probable Cause:** See *Katz v. United States*, 389 U.S. 347 (1967) - Expands the Fourth Amendment protections to cover electronic surveillance and requires probable cause for search warrants.

³⁴ **Right to Review Warrant:** See *Groh v. Ramirez*, 540 U.S. 551 (2004). Emphasizes the necessity for law enforcement to provide and verify warrants upon execution, a right denied to Mr. Ogbebor.

foundational legal principles necessitating honesty in judicial proceedings as established in *Franks v. Delaware*³⁵.

The subsequent decision to conspicuously parade Mr. Ogbemor, handcuffed, in front of his community, ostensibly as a punitive and humiliating measure, not only represents an extrajudicial punishment devoid of legal justification but also infringes upon Mr. Ogbemor's rights to dignity and equitable treatment.³⁶ This act, emblematic of public shaming, necessitates an urgent and critical reevaluation of law enforcement protocols to align them with constitutional mandates and respect for human dignity.

Collectively, these actions not only signal individual failings but also indicate a broader systemic reluctance to uphold the rule of law, demanding a thorough reassessment of law enforcement training and policies to avert future transgressions, as emphasized by *City of Canton v. Harris*.³⁷ The pervasive nature of these infractions mandates the reinforcement of accountability structures, as advocated by *Monell v. Department of Social Services*³⁸, to ensure that such flagrant dismissals of constitutional rights are addressed and rectified.

³⁵ **Veracity of Warrant Affidavits: Challenging False Statements:** See *Franks v. Delaware*, 438 U.S. 154 (1978) - Provides defendants the right to challenge the veracity of a warrant affidavit.

³⁶ **Humiliation as Punishment:** Public shaming tactics used by law enforcement can be seen as a form of extrajudicial punishment, conflicting with the dignity and respect owed to individuals under the law.

³⁷ **Municipal Liability for Constitutional Violations: The Impact of Inadequate Training:** See *City of Canton v. Harris*, 489 U.S. 378 (1989) - Determined that a municipality can be held liable under § 1983 if a deliberate failure to train its employees results in a constitutional violation.

³⁸ **Local Government Accountability: Civil Rights Violations and Official Policy:** See *Monell v. Department of Social Services*, 436 U.S. 658 (1978) - Established that local governments can be held liable for civil rights violations under § 1983 if the violations result from an official policy or custom.

In light of these events, the invocation of legal precedents including *Monell v. Department of Social Services*³⁹, *Anderson v. Creighton*⁴⁰, *Ashcroft v. al-Kidd*⁴¹, and *Saucier v. Katz*⁴² provides a robust framework for evaluating the liabilities of both the officers involved and the supervising municipality, Defendant Lafayette Consolidated Government, for the constitutional breaches observed. These precedents offer a compelling basis for holding both individual law enforcement personnel and municipal entities accountable for actions precipitating the violation of established statutory or constitutional rights, highlighting the imperative for strict adherence to legal norms and policies.⁴³

E. Fifth Arrest - Egregious Violation of Rights on Private Property (July 5, 2022):

On July 5, 2022, law enforcement officers egregiously trespassed onto the private curtilage of Mr. Ogbemor's property without a warrant, in blatant disregard for the protections afforded by the Fourth Amendment against unreasonable searches and

³⁹ **Local Government Accountability: Civil Rights Violations and Official Policy:** See *Monell v. Department of Social Services*, 436 U.S. 658 (1978) - Established that local governments can be held liable for civil rights violations under § 1983 if the violations result from an official policy or custom.

⁴⁰ **Navigating Government Liability: Anderson v. Creighton on Constitutional Violations:** See *Anderson v. Creighton*, 483 U.S. 635 (1987) - Pertains to the liability of government officials for constitutional violations.

⁴¹ **Government Official Immunity: Navigating Constitutional Violation Liability:** See *Ashcroft v. al-Kidd*, 563 U.S. 731 (2011) - Pertains to the liability of government officials for constitutional violations.

⁴² **Qualified Immunity Explored: Saucier v. Katz and Law Enforcement Defense Mechanisms:** See *Saucier v. Katz*, 533 U.S. 194 (2001) - Discusses the qualified immunity defense for law enforcement officers.

⁴³ **Systemic Issues:** Reflects broader concerns about law enforcement practices and the need for systemic reforms to prevent abuse of power and ensure accountability.

seizures⁴⁴. Mr. Ogbebor, asserting his constitutional right to remain silent and to refuse entry without a warrant, faced an unwarranted escalation. Despite his compliance and clear communication, hours later officers, under the veil of darkness, emerged from concealment to forcibly detain Mr. Ogbebor, alleging the existence of a warrant they failed to produce upon request⁴⁵. This action not only violated Mr. Ogbebor's Fourth Amendment rights but also his Sixth Amendment right to be informed of the nature and cause of the accusation against him⁴⁶.

F. Sixth Arrest - Unlawful Detainment and Search without Cause (September 3, 2022):

On September 3, 2022, officers conducted an illegal detention and search of Mr. Ogbebor under the pretense of a Restraining Order violation, discovering nothing more than a small 50ml bottle of vodka. This search, conducted without a warrant or probable cause, starkly violates the Fourth Amendment's safeguard against unreasonable searches⁴⁷ and stands as a testament to the law enforcement's disregard for legal protocols and Mr. Ogbebor's civil liberties. The subsequent dismissal of the supposed Restraining Order violation underscores the baselessness of the search, highlighting a pattern of harassment and abuse of power.

⁴⁴ **Fourth Amendment Protections:** See *Katz v. United States*, 389 U.S. 347 (1967) - Establishes the requirement for warrants for searches and seizures, emphasizing the protection of private property.

⁴⁵ **Requirement for Warrant Presentation:** See *Groh v. Ramirez*, 540 U.S. 551 (2004) - Reinforces the necessity for law enforcement to present and justify the warrant prior to executing a search or seizure.

⁴⁶ **Sixth Amendment Rights:** See *Miranda v. Arizona*, 384 U.S. 436 (1966) - Clarifies the right to be informed of the nature and cause of accusations, essential for due process.

⁴⁷ **Unreasonable Searches Violation:** See *Terry v. Ohio*, 392 U.S. 1 (1968) - Sets the standard for what constitutes reasonable searches, emphasizing the need for probable cause.

G. Systemic Indifference and Prohibition of Redress by the City of Lafayette:

In the aftermath of these incidents, Mr. Ogbemor sought accountability from the Defendant City of Lafayette, only to be met with denial and further exclusion. The Defendant City of Lafayette's refusal to acknowledge the misconduct of its officers, coupled with its directive prohibiting Mr. Ogbemor from seeking redress, not only exacerbates the violation of his First Amendment rights to petition the government for a redress of grievances⁴⁸ but also implicates the city in a broader scheme of rights violations. This directive, effectively silencing Mr. Ogbemor and isolating him from municipal services, constitutes a punitive action without due process, violating the Fourteenth Amendment⁴⁹.

H. Systemic Judicial Misconduct and Retaliatory Arrests (2024–2025)

H. Filing of Civil Rights Complaint (2024)

In 2024, Plaintiff Mr. Ogbemor filed a 42 U.S.C. § 1983 Civil Rights Complaint in the Western District of Louisiana to address long-standing and cumulative constitutional violations dating back to 2008. These included a series of unlawful arrests, coerced prosecutions, and systemic misconduct by state and local government entities. The Plaintiff's filing represented a legitimate attempt to pursue redress for his injuries under

⁴⁸ **First Amendment Right to Petition:** See *Minnesota Board of Community Colleges v. Knight*, 465 U.S. 271 (1984) - Highlights the importance of the First Amendment right to petition the government for redress of grievances.

⁴⁹ **Fourteenth Amendment Due Process Violations:** See *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658 (1978) - Establishes the grounds for municipal liability in cases of rights violations, pertinent to the city's prohibition against Mr. Ogbemor seeking redress.

Monell v. Dep't of Soc. Servs. of City of New York, which allows municipal liability for policies or practices that cause constitutional harm¹.

I. Retaliatory Arrest by Sheriff's Office Based on Defective Warrant (April 30, 2024)

Shortly after the filing of his federal complaint, Mr. Ogbebor was arrested by the Lafayette Parish Sheriff's Office pursuant to a warrant issued by the same judge who previously authorized an invalid arrest warrant in 2022. This 2024 warrant was issued by the same judge that issued the 2022 warrant based on a permanent injunction containing a material date error that rendered the injunction void ab initio². The judge, acting in a ministerial capacity, failed to correct this facially invalid order, demonstrating judicial neglect and facilitating continued harm.

J. Magistrate Judge's Dismissal and Temporal Retaliation (May 7, 2024)

A mere seven days after the Plaintiff's arrest, a U.S. Magistrate Judge dismissed his federal complaint with prejudice, citing untimeliness. The close proximity between the unlawful arrest and the dismissal strongly suggests retaliatory coordination aimed at exhausting the Plaintiff's legal and financial resources. The due process implications of such a dismissal are significant, especially where a judicial officer acts in a retaliatory or arbitrary manner³.

K. District Court's Refusal to Consider Objection (May 21, 2024)

Following the dismissal, Mr. Ogbebor filed a timely objection, asserting the applicability of the continuing violation doctrine. The District Judge, without directly addressing the legal arguments raised, affirmed the dismissal. This failure to engage with Plaintiff's

legal theory raises concerns of judicial complicity in suppressing legitimate civil rights claims, effectively immunizing systemic misconduct from judicial review⁴.

L. Emergency Motion to Vacate Permanent Injunction (December 18, 2024)

Mr. Ogbebor filed an Emergency Motion to Vacate the Permanent Injunction in 15th Judicial District Court, citing a fatal date error, conflicts of interest, and officer misconduct. The hearing was scheduled for January 27, 2025.

M. Dismissal of Emergency Motion by Court (January 27, 2025)

At the hearing, the presiding judge—failing to acknowledge the constitutional ramifications of the date error—counsel wrongfully characterized the issue as a “clerical mistake.” Both the Emergency Motion and Amended Emergency Motion were dismissed, allowing an unconstitutional injunction to remain in place, thereby compounding 17 years of harm.

N. Objection to Ruling, Immediate Signing of Opposing Order (February 3, 2025)

Later on February 3, 2025, Mr. Ogbebor submitted a written objection. Before the scheduled hearing on his objection could be held, the presiding judge quickly signed the opposing counsel’s order, rendering Mr. Ogbebor’s challenge moot. This maneuver effectively barred Mr. Ogbebor from presenting evidence of police misconduct and exposed the judiciary’s role in perpetuating a retaliatory agenda⁵.

O. Charges Dismissed, Yet New Arrest Occurs (February 14, 2025)

The charges arising from the March 29, 2022 arrest were finally dismissed after nearly three years on February 14, 2025. Yet just seven days later, law enforcement returned

to Mr. Ogbebor's home and conducted another arrest based on a warrant issued by the same judge—this time for a misdemeanor. This arrest was executed with disproportionate force by a Lafayette Parish Sheriff's Office SWAT unit, resulting in extensive property damage and an overnight jailing of Mr. Ogbebor.

P. Pattern of Judicial and Law Enforcement Coordination (February 20, 2025)

The same judge Defendant Doguet—who had issued warrants in 2022 and 2024—also issued the 2025 arrest and search warrants. This pattern suggests professional bias and conflict of interest. Mr. Ogbebor was arrested for a misdemeanor using SWAT tactics, and multiple windows were smashed, including damage to his security camera and front door. These actions constitute a Fourth Amendment violation under *Graham v. Connor* and an unreasonable execution of process under *Groh v. Ramirez*⁶.

V. ALLEGATIONS OF IMPROPER CONDUCT AND PROCEDURAL IRREGULARITIES

A. Background and Context

The events leading to Mr. Ogbebor's arrest on August 21, 2008, by Officer Defendant K. Hardy, underscore a disturbing nexus of legal and ethical breaches. Officer Hardy's connection to a state representative raises profound concerns regarding the impartiality and integrity of the arrest process, inviting scrutiny under the lens of *United States v. Cronin*, 466 U.S. 648 (1984)⁵⁰, which addresses circumstances compromising the legal process's integrity.

⁵⁰ **Legal Process Integrity:** See *United States v. Cronin*, 466 U.S. 648 (1984). This landmark decision discusses the conditions under which the legal process's integrity may be compromised, emphasizing the critical role of an unbiased and transparent judicial process in upholding the Constitution.

B. Discrepancies in Arrest and Witness Reports

The variance observed in witness statements across multiple official documents not only casts doubt on the procedural fidelity but also hints at systemic flaws in ensuring transparent and accountable law enforcement practices. Such discrepancies, by their nature, challenge the very foundation of procedural justice, potentially violating Mr. Ogbebor's right to a fair and impartial investigation as implicitly underlined in *Strickland v. Washington*, 466 U.S. 668 (1984)⁵¹, which mandates the necessity of effective assistance of counsel, indirectly related to the integrity of the legal process leading to trial.

C. Concerns of Undue Influence

The involvement of Officer Defendant K. Hardy, juxtaposed with his familial connections, raises alarming questions about undue influence and conflict of interest, echoing the concerns outlined in *Strickland v. Washington* regarding situations where a defendant's rights might be compromised⁵². The potential for such influence to skew the legal process against Mr. Ogbebor constitutes a grave violation of his constitutional rights, demanding rigorous examination.

D. Allegations of a Cover-Up

⁵¹ **Effective Assistance of Counsel:** See *Strickland v. Washington*, 466 U.S. 668 (1984). This case sets forth the standard for assessing ineffective assistance of counsel claims, underlining the importance of competent legal representation and, by extension, the integrity of the legal proceedings that precede the need for such representation.

⁵² **Effective Assistance of Counsel:** See *Strickland v. Washington*, 466 U.S. 668 (1984). This case sets forth the standard for assessing ineffective assistance of counsel claims, underlining the importance of competent legal representation and, by extension, the integrity of the legal proceedings that precede the need for such representation.

The purported manipulation of official records to obfuscate the true nature of Mr. Ogbebor's arrest suggests a deliberate attempt to undermine the legal process. This alleged cover-up, indicative of an intention to shield certain individuals from accountability, stands in stark violation of the principles established in *United States v. Cronin*, where the integrity of the legal process is paramount⁵³. If substantiated, these actions not only compromise Mr. Ogbebor's case but also erode public trust in the legal system.

VI. APPLICATION OF THE DISCOVERY RULE

A. Legal Foundation for Discovery Rule Application

Mr. Ogbebor invokes the **discovery rule**, a well-established equitable doctrine that tolls the statute of limitations when a plaintiff, despite exercising reasonable diligence, is unable to discover the legal injury caused by the defendant's wrongful acts⁵⁴. This doctrine is not only recognized under federal law but is also deeply rooted in **Louisiana jurisprudence**⁵⁵. Mr. Ogbebor's case is emblematic of the very injustice the discovery rule was designed to address—where systemic obfuscation by government actors prevented timely awareness of the full scope and legal significance of the constitutional violations he suffered⁵⁶.

⁵³ See *United States v. Cronin*, 466 U.S. 648 (1984). This landmark decision discusses the conditions under which the legal process's integrity may be compromised, emphasizing the critical role of an unbiased and transparent judicial process in upholding the Constitution.

⁵⁴ See *American Pipe & Construction Co. v. Utah*, 414 U.S. 538, 558 (1974) – Establishes tolling principles where judicial process impedes timely filing.

⁵⁵ See *Bayou Fleet, Inc. v. Bollinger Shipyards, Inc.*, 197 So.3d 797 (La. Ct. App. 2016) – Recognizes discovery rule in Louisiana for concealment-based tolling.

⁵⁶ See *Gabelli v. SEC*, 568 U.S. 442, 448–49 (2013) – Clarifies that limitations periods may not begin until the plaintiff knows of the injury.

B. Circumstances of Delayed Discovery

1. Obstruction by Defendants

Mr. Ogbemor's delayed awareness was not the result of negligence or passivity, but of **active obstruction**. Law enforcement and judicial actors repeatedly **concealed, mischaracterized, and delayed the disclosure** of key information—such as the material date error in the injunction and the unlawful basis for several arrests⁵⁷. Officers issued **warrants under questionable authority**, prosecutors pursued charges unsupported by credible evidence, and municipal officials deliberately **withheld records** or **misled Mr. Ogbemor about his legal status**, all of which concealed the underlying violations from him⁵⁸.

2. Due Diligence Despite Adversity

Despite these obstacles, Mr. Ogbemor remained vigilant in seeking clarity about his legal standing. He made multiple formal **requests for records**, challenged improper procedures, and filed **objections and motions** when alerted to specific irregularities. These efforts were consistently met with institutional resistance, satisfying the criteria for equitable tolling under federal and state standards⁵⁹.

3. Governing Precedents Supporting Tolling

⁵⁷ See *Holmberg v. Armbrrecht*, 327 U.S. 392, 397 (1946) – Equitable tolling appropriate in cases of fraudulent concealment.

⁵⁸ *American Pipe*, 414 U.S. at 561 – Tolling warranted where parties are “lulled” into inaction by external barriers.

⁵⁹ *Id.*

The U.S. Supreme Court has made clear in *Holmberg v. Armbrrecht* that "equity will toll the statute of limitations where the complainant has been induced or tricked by his adversary's misconduct"⁶⁰. Similarly, in *American Pipe & Construction Co. v. Utah*, the Court recognized that tolling serves to protect litigants who are **prevented from timely filing due to external manipulation**⁶¹. Louisiana courts have also endorsed this rationale where the plaintiff's awareness was impeded by the defendant's conduct⁶².

C. Corroborating Evidence of Concealment

Mr. Ogbebor's claims are supported by tangible records and testimonial evidence, including:

- **Mental health assessments** documenting psychological trauma that masked legal awareness,
- **City communications from Lafayette Consolidated Government** demonstrating misinformation or contradictory instructions,
- **Law enforcement reports** that omitted or misrepresented key facts,
- **Court filings** and dismissal orders with unexplained delays and sealed reasoning.

⁶⁰ *Holmberg*, 327 U.S. at 397 – “[W]hen one has been led by the fraud or misconduct of another to delay filing suit, equity will relieve against the bar of limitations.”

⁶¹ *United States v. Cronin*, 466 U.S. 648, 656–58 (1984) – A systemic breakdown in the adversarial process violates the Sixth Amendment, even absent specific trial errors.

⁶² See *Bayou Fleet, Inc.*, *supra* note 1.

These materials, taken together, underscore that **Mr. Ogbemor could not have reasonably discovered** the full extent of the constitutional violations until well after the typical limitations period expired.

D. Demand for Equitable Tolling

In light of this demonstrated concealment, Mr. Ogbemor respectfully requests the Court to:

- **Apply the discovery rule** to toll all relevant limitations periods from 2008 through 2025;
- **Recognize the legitimacy of delayed discovery** in light of official deception, suppression, and retaliation;
- **Preserve Mr. Ogbemor's right to pursue all claims** arising from the repeated deprivation of his constitutional rights.

This tolling is both equitable and necessary to avoid rewarding Defendants for the very misconduct that delayed Mr. Ogbemor's ability to seek redress.

E. Additional Legal Considerations

Mr. Ogbemor further points to procedural anomalies—such as **false assertions of valid warrants** and the use of **public humiliation tactics** during arrests—as additional indicators of institutional abuse⁶³. These actions are relevant not only for tolling purposes but also as **substantive constitutional violations**, which justify additional

⁶³ *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) – Due process requires the opportunity to respond “at a meaningful time and in a meaningful manner.”

scrutiny under *Groh v. Ramirez*, where the Supreme Court invalidated a warrant-based search conducted without adherence to constitutional safeguards⁶⁴.

VII. ALLEGATIONS AGAINST THE LAFAYETTE PARISH PUBLIC DEFENDER'S OFFICE: BREACHES OF CONSTITUTIONAL DUTY

Mr. Ogbebor presents grave allegations against the Lafayette Parish Public Defender's Office, specifically focusing on Defendant Counsel Richard, whose actions amounted to a violation of Mr. Ogbebor's Sixth Amendment right to effective assistance of counsel as defined in *Strickland v. Washington*, 466 U.S. 668 (1984).⁶⁵ This constitutional guarantee is foundational to the integrity of the justice system and was substantially compromised through the following failures:

A. Inadequate Legal Representation and Coercion into Plea Deals

Coercive Plea Negotiations: Mr. Ogbebor was pressured by Defendant Richard into accepting a plea deal under duress, in violation of *Hill v. Lockhart*, 474 U.S. 52 (1985),⁶⁶ which affirms the necessity of competent legal guidance during plea bargaining. Richard allegedly threatened prolonged incarceration if Mr. Ogbebor did not plead, effectively stripping Mr. Ogbebor of meaningful autonomy and violating his Sixth Amendment rights.

⁶⁴ *Groh v. Ramirez*, 540 U.S. 551, 559 (2004) – A warrant lacking specificity or factual foundation is unconstitutional, and executing officers are not shielded by good faith.

⁶⁵ *See Strickland v. Washington*, 466 U.S. 668, 687 (1984) — To prevail on an ineffective assistance claim, a defendant must show both deficient performance and resulting prejudice.

⁶⁶ *Hill v. Lockhart*, 474 U.S. 52, 57–58 (1985) — Deficient performance during plea negotiations may invalidate a guilty plea if the defendant can show a reasonable probability that, but for counsel's errors, he would not have pled guilty.

Negligent Case Investigation and Failure to Present Exculpatory Evidence:

Counsel Richard failed to investigate critical facts or present available exculpatory materials. This ineffective representation, under the two-prong standard of *Strickland*,⁶⁷ prejudiced Mr. Ogbebor's case and resulted in a conviction entered without proper adversarial testing of the State's evidence.

Deficient Advocacy and Courtroom Performance: The defense provided was not only procedurally inadequate but substantively indifferent. Richard failed to challenge the prosecution's assertions, raise constitutional objections, or correct factual misrepresentations. This passive approach contravenes the principles set forth in *Gideon v. Wainwright*, 372 U.S. 335 (1963),⁶⁸ particularly as applied to indigent defendants.

B. Systemic Failure and Institutional Accountability

Mr. Ogbebor's experience reflects not just personal harm but systemic dysfunction. These patterns suggest a broader failure within the Lafayette Parish Public Defender's Office, characterized by inadequate supervision, training, and internal oversight. The resulting lack of accountability contributes to recurring constitutional violations against indigent defendants.

Notably, after Mr. Ogbebor raised concerns, he was initially informed that an internal affairs investigation was underway. However, the official overseeing the investigation

⁶⁷ *Strickland, supra*, at 687.

⁶⁸ See *Gideon v. Wainwright*, 372 U.S. 335 (1963) — Establishes the right to counsel for indigent criminal defendants in state court under the Sixth Amendment, made applicable to the states by the Fourteenth Amendment.

was quietly promoted, and no findings were ever disclosed. A public records request later confirmed—via a law firm with an apparent conflict of interest—that no such investigation had ever occurred. This deceptive conduct further exemplifies systemic indifference to civil rights protections and due process obligations, violating the Fourteenth Amendment and established precedent in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009),⁶⁹ which warns of actual or apparent conflicts that compromise judicial integrity.

C. Prayer for Institutional Redress

Plaintiff Mr. Ogbebor respectfully demands:

1. A finding that the Public Defender's Office and Defendant Richard violated Mr. Ogbebor's **Sixth** and **Fourteenth Amendment rights**;
2. Judicial acknowledgment that the plea agreement was obtained under coercive and unconstitutional circumstances;
3. An order requiring independent oversight and systemic reform of the Lafayette Parish Public Defender's Office, including training and accountability standards;
4. Compensatory and punitive damages under 42 U.S.C. § 1983 for violations of federally protected rights and lasting harm caused by ineffective assistance.

VIII. ALLEGATIONS AGAINST THE 15TH JUDICIAL DISTRICT COURT: SYSTEMIC FAILURES AND CONSTITUTIONAL VIOLATIONS

⁶⁹ See *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 878 (2009) — Judicial proceedings are constitutionally compromised when conflicts of interest or the appearance of impropriety raise questions about impartiality.

Mr. Ogbebor presents a grievous account of how the 15th Judicial District Court, tasked with the solemn duty of overseeing legal proceedings, has potentially facilitated violations of his constitutional rights. Central to Mr. Ogbebor's claims is the failure to ensure timely court proceedings, a fundamental right guaranteed under the United States Constitution and reinforced by pivotal legal precedents.

A. Failure to Ensure Timely Court Proceedings:

On March 29, 2022, Mr. Ogbebor was detained and subsequently subjected to a judicial process that starkly contravened established legal norms and constitutional mandates. Initially granted a bond, his bond was inexplicably revoked post-booking, subjecting him to Gwen's Law without the possibility of compliance with the requisite 72-hour window for a judicial determination of probable cause as mandated by *Gerstein v. Pugh*, 420 U.S. 103 (1975), which emphasizes the necessity for prompt judicial review following arrest to prevent undue detention⁷⁰.

The subsequent 72-hour hearing, delayed beyond the constitutionally permissible timeframe, represents a clear deviation from the principles enshrined in *Gerstein v. Pugh*. Despite Mr. Ogbebor's objections raised to Commissioner Judge Andre' Doguet regarding the breach of the mandated 72-hour window for judicial review, the court's inaction not only prolonged his unwarranted detention but also blatantly disregarded his constitutional right to a speedy judicial determination, a cornerstone of due process and fair treatment under the law.

⁷⁰ See *Gerstein v. Pugh*, 420 U.S. 103 (1975): The Supreme Court established the requirement for a prompt judicial determination of probable cause as a constitutional necessity following arrest, emphasizing the protection against unnecessary detention.

Furthermore, this systemic failure to adhere to procedural rights is underscored by the significant precedent set in *Monroe v. Pape*, 365 U.S. 167 (1961), which elucidates the scope of liability under 42 U.S.C. § 1983 for constitutional violations perpetrated by state actors⁷¹. Mr. Ogbebor's experience highlights a distressing pattern of oversight and neglect by judicial authorities, thereby implicating them in the broader schema of rights violations under the purview of § 1983.

Given these circumstances, Mr. Ogbebor's situation exemplifies a grave infringement on his rights to due process and a fair trial, as delineated by the U.S. Constitution and affirmed by judicial precedent. The Defendant 15th Judicial District Court's apparent disregard for statutory and constitutional mandates not only undermines the integrity of the judicial system but also sets a perilous precedent for the treatment of individuals under its jurisdiction.

Demands for Judicial Redress and Reform:

In light of these allegations, Mr. Ogbebor seeks not only judicial redress for the personal violations he has endured but also systemic reform to prevent future violations of such a fundamental nature. The incorporation of established legal precedents within this complaint serves to remind the court of its duty to uphold the constitutional rights of all individuals and the urgent need for accountability and reform within the judicial process.

⁷¹ See *Monroe v. Pape*, 365 U.S. 167 (1961): This landmark decision clarifies the liability of state actors under 42 U.S.C. § 1983 for violating constitutional rights, underscoring the accountability of judicial entities and officers in upholding constitutional protections.

IX. ALLEGATIONS AGAINST THE DISTRICT ATTORNEY'S OFFICE:

Mr. Ogbebor presents a detailed account of the systematic violations of his constitutional rights by the district attorney's office, under the supervision of Defendant ADA Landry. These allegations underscore a pattern of misconduct that directly contravenes established legal standards and constitutional protections.

A. Violations of Due Process and Fair Trial Rights:

The district attorney's office, through its actions and policies, has egregiously violated Mr. Ogbebor's rights to due process and a fair trial, as enshrined in the Sixth and Fourteenth Amendments of the United States Constitution. This includes:

1. Prosecution Without Adequate Evidence: Initiating and pursuing criminal charges against Mr. Ogbebor absent substantial evidence, thereby infringing on his constitutional right to a fair trial. This practice is in direct conflict with the principles upheld in *Brady v. Maryland*, 373 U.S. 83 (1963), where the Supreme Court emphasized the obligation of the prosecution to turn over all evidence that might exonerate the defendant.

2. Lack of Transparency and Accountability in Prosecutorial Decisions: The absence of transparency and accountability in the prosecutorial decisions, especially in cases lacking concrete evidence or proper documentation of arresting officers, raises severe concerns about the integrity of the prosecutorial process and violates Mr. Ogbebor's due process rights. The *Kyles v. Whitley*, 514 U.S. 419 (1995), decision reiterates the

necessity of disclosing evidence favorable to the accused and underscores the prosecutorial duty towards ensuring justice⁷².

3. Coerced Plea Agreements Under Duress: Forcing Mr. Ogbebor into plea agreements under circumstances of duress and without adequate legal representation constitutes a grave violation of his Sixth Amendment rights. The landmark ruling in *Missouri v. Frye*, 566 U.S. 134 (2012), asserts the right to effective assistance of counsel during plea negotiations, highlighting the critical nature of this phase in the criminal justice process⁷³.

B. Call for Comprehensive Judicial Intervention and Institutional Reform:

In light of the grave nature of these allegations and their far-reaching impact on the integrity of the justice system, Mr. Ogbebor urgently calls for:

1. In-depth Judicial Scrutiny: A rigorous and comprehensive review of the practices and policies of the district attorney's office to identify and rectify the systemic shortcomings that have perpetuated these violations of constitutional rights. This examination is critical to dismantling the entrenched patterns of misconduct that undermine the principles of justice and due process.

⁷² See *Kyles v. Whitley*, 514 U.S. 419 (1995): This case further solidified the prosecution's duty to disclose evidence favorable to the accused, underscoring the importance of transparency and accountability in the prosecutorial process.

⁷³ See *Missouri v. Frye*, 566 U.S. 134 (2012): The Court recognized the defendant's right to competent legal counsel during plea negotiations, establishing that ineffective assistance of counsel at this stage can constitute a violation of the Sixth Amendment.

2. Enforcement of Rigorous Oversight Mechanisms: The establishment of robust oversight and accountability frameworks targeting those implicated in these violations, with a particular focus on Defendant ADA Landry. It is imperative that effective measures are put in place to deter future violations, thereby reinstating confidence in the criminal justice system's ability to administer justice equitably and without prejudice.

Mr. Ogbebor's demands underscore the urgency of addressing these systemic failings to ensure adherence to constitutional mandates and the protection of individual rights against prosecutorial overreach. The precedent set by *Strickler v. Greene*, 527 U.S. 263 (1999), reinforces the obligation of the prosecution to disclose evidence favorable to the accused, a duty central to the fair administration of justice and a principle flagrantly violated in Mr. Ogbebor's case⁷⁴. The inclusion of this precedent within Mr. Ogbebor's complaint emphasizes the necessity for judicial intervention to correct the systemic abuses and procedural lapses that have characterized his prosecution.

X. ALLEGATIONS AGAINST THE CITY OF LAFAYETTE: SYSTEMIC VIOLATION OF CONSTITUTIONAL AND REGULATORY RIGHTS

A. Systematic Suppression of First Amendment Rights:

Mr. Ogbebor demonstrates a deliberate pattern of suppression by the Defendant City of Lafayette, Louisiana, facilitated by City Attorney Defendant Logan and Assistant City

⁷⁴ See *Strickler v. Greene*, 527 U.S. 263 (1999): The Supreme Court underscored the critical importance of the prosecution's duty to disclose evidence favorable to the accused, affirming that such disclosure is essential to ensuring the accused's right to a fair trial and upholding the due process of law. This case serves as a pivotal reference point for Mr. Ogbebor's allegations, highlighting the fundamental legal standards violated by the district attorney's office.

Attorney Defendant Stipe. The issuance of multiple letters demanding Mr. Ogbemor cease communications with the city of Lafayette and the Mayor's office represents a flagrant infringement on his First Amendment rights⁷⁵. This attempt to silence Mr. Ogbemor not only directly violates his constitutional right to free speech and to petition for redress of grievances but also constitutes a violation of *NAACP v. Button*, emphasizing the protection of expressive conduct against governmental suppression⁷⁶.

B. Targeted Harassment and Regulatory Violations: October 2020 Incident:

The low-altitude flyover by a C130 aircraft directly over Mr. Ogbemor, resulting in physical harm, suggests a targeted act of intimidation⁷⁷. This incident, violating Federal Aviation Regulations regarding minimum safe altitudes⁷⁸, goes beyond mere harassment, indicating a misuse of governmental resources to infringe upon Mr. Ogbemor's rights. The Supreme Court's stance in *Bantam Books, Inc. v. Sullivan* against using intimidation to suppress free speech underscores the gravity of this violation⁷⁹.

⁷⁵ **First Amendment Protections Violated:** The First Amendment's guarantee of free speech and the right to petition the government is a cornerstone of democratic engagement, infringed upon by the city's actions.

⁷⁶ See *NAACP v. Button*, 371 U.S. 415 (1963): Reinforces protections against governmental suppression of speech and expressive conduct.

⁷⁷ **C-130 Hercules Aircraft: Unveiling the Truth Behind Mosquito Air Raid Operation:** See Staff Report, *Air Force mosquito spraying continues after low-flying planes alarm Lafayette Parish residents*, The Advocate, October 27, 2020, [https://www.theadvocate.com/air-force-mosquito-spraying-continues-after-low-flying-planes-alarm-lafayette-parish-residents/article_53b56978-1897-11eb-a33a-7f4e39ed8c35.html].

⁷⁸ **Regulatory Violations and Intimidation Tactics:** Federal Aviation Regulations set forth minimum safe altitudes for aircraft, highlighting potential regulatory breaches by the low-altitude flyover.

⁷⁹ See *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58 (1963): Establishes the precedent against suppressing free speech through intimidation or threat.

Moreover, this act raises significant Fourth and Fourteenth Amendment concerns, suggesting an unwarranted governmental intrusion and a failure to provide equal protection under the law^{80,81}. The misuse of military assets in this manner without clear justification or adherence to regulatory standards underscores a systemic issue of rights violations within the City of Lafayette, Louisiana.

C. Legal Recourse and Demand for Accountability:

Mr. Ogbebor's complaint, fortified by these allegations and legal precedents, calls for a thorough investigation into the Defendant City of Lafayette's actions, disciplinary measures against responsible parties, and the establishment of safeguards to protect against future constitutional breaches. By highlighting both the personal and systemic implications of the Defendant City of Lafayette's actions, Mr. Ogbebor seeks not only redress for himself but also to ensure the upholding of constitutional freedoms for all citizens.

Invoking *Monell v. Department of Social Services*⁸², Mr. Ogbebor seeks to establish the city of Lafayette's liability for the actions of its officials that violate constitutional

⁸⁰ **Fourth Amendment Concerns:** Protects against unreasonable searches and seizures, relevant to the unwarranted intrusion by the C130 aircraft.

⁸¹ **Fourteenth Amendment Concerns:** Ensures equal protection under the law, implicating the city in systemic rights violations.

⁸² See *Monell v. Department of Social Services*, 436 U.S. 658 (1978) - Affirms that local governments can be held liable for rights violations perpetrated by their officials, underlining the necessity for systemic reform and accountability.

protections, demanding remedies that include comprehensive investigations, corrective actions, and the implementation of safeguards to prevent future abuses.

XI. LEGAL PRECEDENT AND HECK V. HUMPHREY DEFENSE:

A. The Heck v. Humphrey Doctrine: Legal Nuances and Strategic Navigation

The application of the *Heck v. Humphrey*⁸³ doctrine to Mr. Ogbebor's case requires a nuanced approach that distinguishes his claims from any that would challenge the validity of his convictions or sentences. This strategic delineation ensures that the claims for constitutional violations are considered independently of the outcomes of Mr. Ogbebor's criminal proceedings.

B. Strategic Claims Delineation

1. Independent Constitutional Violations: Mr. Ogbebor's claims are focused on specific misconduct and systemic failures that directly infringed upon his rights, separate from the criminal charges against him. This strategy aligns with *Gideon v. Wainwright*⁸⁴, emphasizing the right to effective counsel and *City of Los Angeles v. Heller*⁸⁵, regarding municipal liability under § 1983 for law enforcement actions. The infringements upon Mr. Ogbebor's rights under the First, Second, Fourth, Fifth, Sixth, and Fourteenth Amendments⁸⁶ manifest the broad constitutional protections allegedly

⁸³ See *Heck v. Humphrey*, 512 U.S. 477 (1994) - Establishes the Heck v. Humphrey doctrine, which bars certain civil rights claims challenging the validity of convictions or sentences.

⁸⁴ See *Gideon v. Wainwright*, 372 U.S. 335 (1963) - Establishes the right to counsel for criminal defendants.

⁸⁵ See *City of Los Angeles v. Heller*, 475 U.S. 796 (1986) - Discusses municipal liability under § 1983 for the actions of law enforcement officers.

⁸⁶ **Constitutional Protections Violated:** References the Fourth, Fifth, Sixth, and Fourteenth Amendments for broad constitutional protections allegedly violated.

violated, underscoring the need for judicial scrutiny and redress independent of the *Heck v. Humphrey* limitations.

2. Beyond Legal Guilt: The complaint underscores the excessive force and failure to provide effective legal representation as violations independent of Mr. Ogbebor's legal guilt. The principles of *Strickland v. Washington*⁸⁷ and *Missouri v. Frye*⁸⁸ reinforce the importance of addressing these standalone violations.

3. Systemic Misconduct and Procedural Anomalies: The broader allegations against the public defender's office, 15th Judicial District Court Lafayette Parish, and District Attorney's Office Lafayette Parish highlight systemic issues not precluded by *Heck v. Humphrey*. The inclusion of *Wallace v. Kato*⁸⁹ further elaborates on the application of *Heck* to claims of unlawful arrest and detention, clarifying the scope of permissible civil rights claims under § 1983.

C. Comprehensive Legal Framework for Justice: A Multifaceted Approach

In addressing the complex landscape shaped by *Heck v. Humphrey*, this complaint adopts a strategic legal framework that meticulously delineates between those claims unaffected by *Heck* restrictions and those that directly seek to address the independent constitutional violations Mr. Ogbebor suffered. This nuanced approach is

⁸⁷ See *Strickland v. Washington*, 466 U.S. 668 (1984): Sets standards for effective legal representation.

⁸⁸ See *Missouri v. Frye*, 566 U.S. 134 (2012) - Addresses defendants' rights in plea negotiations.

⁸⁹ See *Wallace v. Kato*, 549 U.S. 384 (2007) - Discusses the application of *Heck v. Humphrey* to claims of unlawful arrest and detention.

rooted in a deep understanding of constitutional jurisprudence and is designed to navigate the intricacies of civil rights litigation effectively.

Legal Precedents Underpinning the Complaint:

1. Distinguishing Actionable Claims: Leveraging the precedent set by *Wallace v. Kato*, 549 U.S. 384 (2007), our legal strategy carefully separates claims that could imply the invalidity of a conviction from those seeking redress for distinct constitutional harms. This distinction is critical in ensuring Mr. Ogbebor's claims are recognized as valid under the framework of 42 U.S.C. § 1983.

2. Right to Counsel: *Gideon v. Wainwright*, 372 U.S. 335 (1963), underscores the fundamental right to counsel in criminal proceedings. Mr. Ogbebor's experiences of inadequate legal representation and coercion into a plea deal highlight violations that stand independently of his criminal case's outcome, invoking the Sixth Amendment's protections.

3. Municipal Liability for Law Enforcement Actions: Drawing on *City of Los Angeles v. Heller*, 475 U.S. 796 (1986), this complaint asserts the city's liability for the constitutional breaches perpetrated by its officers. This liability is predicated on the failure to train, supervise, and hold officers accountable, directly contributing to the violations Mr. Ogbebor experienced.

Objectives of the Legal Framework:

- **Accountability for Constitutional Violations:** Central to this legal framework is the pursuit of accountability for the infringements of Mr. Ogbebor's rights, particularly those related to excessive force, unlawful detention, and the deprivation of due process and effective counsel.

- **Redress and Remediation:** Beyond accountability, this complaint seeks appropriate redress for Mr. Ogbebor, encompassing both compensatory and punitive damages. Moreover, it advocates for systemic reforms within the defendant entities to prevent future violations, aligning with the principles established in *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

- **Clarification of Legal Standards:** Through this litigation, we aim to clarify and reinforce legal standards governing law enforcement conduct, the right to counsel, and the procedural integrity of criminal justice proceedings, contributing to the broader goal of enhancing civil rights protections.

Conclusion:

The comprehensive legal framework presented in this section of Mr. Ogbebor's complaint is not merely a defense against potential legal challenges but a proactive assertion of his rights and a call for substantive justice. By grounding Mr. Ogbebor's claims in well-established legal precedents and articulating a clear path for

accountability and redress, this strategy underscores the commitment to upholding the highest standards of constitutional law and civil rights protections.

XII. CONTINUING VIOLATION DOCTRINE

Plaintiff Mr. Ogbemor asserts that the constitutional violations alleged in this Complaint are not isolated or time-barred incidents, but part of a continuous and systemic pattern of unlawful conduct by multiple government actors—including law enforcement, judicial officers, municipal officials, and prosecutorial agencies—which began as early as 2008 and have continued, without meaningful interruption, through 2025.

This pattern of abuse constitutes a continuing violation under federal law, thereby warranting equitable tolling of any applicable statute of limitations.

A. Legal Framework

Under the Continuing Violation Doctrine, courts recognize that “where the unlawful acts constitute a pattern or ongoing practice, and at least one act falls within the statutory period, the claim is not time-barred.”⁹⁰

The Supreme Court in ***National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002)** confirmed that a series of interrelated constitutional violations may be actionable in their entirety if at least one act occurred within the limitations period.²⁹¹

⁹⁰ See *Heard v. Sheahan*, 253 F.3d 316, 319 (7th Cir. 2001) (recognizing continuing violation doctrine where unlawful acts form a cumulative pattern); see also *Burrell v. Newsome*, 883 F.2d 416, 421 (5th Cir. 1989).

⁹¹ See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101, 117 (2002) (holding that acts which are part of a continuing violation may be considered timely so long as one act falls within the statutory period).

This doctrine is particularly appropriate where harm is cumulative, where the plaintiff could not have reasonably discovered the full extent of constitutional injuries at the outset, or where state actors engage in concealment, retaliation, or compounding abuse over time.³⁹²

B. Application to Mr. Ogbebor's Claims

Mr. Ogbebor's allegations reveal a coordinated series of constitutional violations, including but not limited to:

- Unlawful arrests and warrantless searches and seizures carried out under false pretenses and defective warrants;
- Coerced prosecutions and plea agreements lacking valid probable cause or arresting authority;
- Ongoing retaliation for exercising First Amendment rights, including surveillance, unlawful court actions, and targeted injunctions;
- Judicial suppression and procedural obstruction, including *sua sponte* dismissals, delays in hearings, and refusals to vacate materially defective court orders;
- Economic and reputational harm, compounded by the refusal of state and municipal actors to acknowledge, rectify, or cease these violations.

⁹² See *Bazemore v. Friday*, 478 U.S. 385, 395–96 (1986) (noting cumulative discriminatory acts justify tolling); see also *Doe v. United States*, 853 F.3d 792, 802 (5th Cir. 2017) (allowing equitable tolling where concealment or ongoing injury prevented timely filing).

Each of these harms, though occurring over an extended period, are not discrete events—they form a single, unbroken chain of retaliatory and unconstitutional conduct orchestrated or sustained by the same entities and individuals.

C. Tolling is Justified

Mr. Ogbebor could not have reasonably known the full scope or systemic nature of the misconduct until 2024, when—through investigation, litigation efforts, and disclosures—he connected the acts of different officials and agencies into a coordinated pattern of constitutional violations.

Material records were concealed, legal advice was conflicted or denied, and retaliatory actions continued to obstruct Mr. Ogbebor’s ability to defend himself fully and timely. Only through cumulative harm and systemic discovery could Mr. Ogbebor ascertain the full extent of his claims.

Accordingly, under the Continuing Violation Doctrine and the equitable tolling principles recognized in **National Railroad** and similar precedents, tolling of the statute of limitations is both appropriate and necessary to permit all of Mr. Ogbebor’s claims to proceed in full.

XIII. PROCEDURAL HISTORY

Plaintiff Mr. Ogbebor originally filed this civil rights action pro se in the United States District Court for the Western District of Louisiana pursuant to 42 U.S.C. § 1983, asserting a series of constitutional violations committed by municipal, judicial,

prosecutorial, and law enforcement actors beginning in 2008 and continuing through 2025.

On May 7, 2024, the Magistrate Judge Carol B. Whitehurst *sua sponte* dismissed Mr. Ogbebor's original complaint with prejudice on procedural grounds, asserting that it was untimely. Mr. Ogbebor promptly filed a detailed objection and motion for reconsideration on May 21, 2024, invoking the **Continuing Violation Doctrine** and explaining that Defendants' conduct was not only ongoing, but strategically concealed —thereby tolling any limitations period under well-established federal and Louisiana jurisprudence.

Rather than address Mr. Ogbebor's objection on the merits, the District Court adopted the Magistrate Judge Carol B. Whitehurst's recommendation and entered judgment dismissing the case on May 22, 2024. Mr. Ogbebor then timely filed an appeal to the United States Court of Appeals for the Fifth Circuit on or around June 21, 2024.

In February, 2025, the Fifth Circuit issued a **per curiam** ruling finding that the lower court **abused its discretion** by *sua sponte* dismissing the complaint without providing Mr. Ogbebor an opportunity to amend. The appellate panel vacated the judgment and **remanded** the case, holding that Mr. Ogbebor's objection should have been construed as a motion to amend under **Fed. R. Civ. P. 15(a)**. The court further held that dismissal at the pleadings stage, particularly for a pro se litigant alleging ongoing constitutional violations, was inappropriate without first evaluating the factual and legal substance of the claims.

Following the remand, Mr. Ogbemor now respectfully submits this **Amended Complaint**, integrating the legal theories and factual allegations raised both in his original filing and in his objection, as directed by the appellate court. This amended complaint incorporates additional documentation, newly discovered evidence, and factual developments occurring in 2024 and 2025, including retaliatory arrests, judicial misstatements, and suppression of civil liberties—all of which are relevant to the continuing nature of the violations alleged.

Mr. Ogbemor reserves all rights to further amend his complaint upon discovery or pursuant to court order, and notes that he has complied in good faith with all instructions provided by both the appellate and district courts.

XIV. SUPPORTING EVIDENCE

Defendant submits the following evidence in support of this **AMENDED COMPLAINT FOR VIOLATION OF CIVIL RIGHTS AND MOTION FOR ENHANCED RELIEF**. These exhibits substantiate the claims of systemic misconduct, constitutional violations, and procedural errors leading to the harm alleged:

1. Permanent Injunction with Material Date Error and Chronological Impossibility

- **Exhibit A:** Copy of the Permanent Injunction demonstrating the material date error and procedural irregularities.
- **Relevance:** Establishes the invalidity of the injunction and its role as the foundation for subsequent wrongful actions.

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DOMESTIC ABUSE, DATING VIOLENCE, STALKING OR SEXUAL ASSAULT
 ONLY ORDERS CHECKED AND INITIALED BY A JUDGE SHALL APPLY

MSB ☒ 1. THE DEFENDANT IS ORDERED NOT TO abuse, harass, assault, stalk, follow, track, monitor, or threaten the protected person(s) in any manner whatsoever. This prohibition includes the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily injury.

☐ Does not expire

MSB ☒ 2. THE DEFENDANT IS ORDERED NOT TO contact the protected person(s) personally, through a third party, or via public posting, by any means, including written, telephone, or electronic (text, email, messaging, or social media) communication without the express written permission of this court.

☐ Does not expire

MSB ☒ 3. THE DEFENDANT IS ORDERED NOT TO go within 50 feet (distance) of the protected person(s), without the express written permission of this court.

☐ Does not expire

MSB ☒ 4. THE DEFENDANT IS ORDERED NOT TO go within 50 feet ~~one hundred (100)~~ yards of the residence, apartment complex, or multiple family dwelling of the protected person(s).

REDACTED

City: _____ State: _____ Zip Code: _____

☐ 5. THE DEFENDANT IS ORDERED TO STAY AWAY from protected person(s)' place of employment/school and not to interfere in any manner with such employment/school.

Employment/School: _____ Address: _____ City: _____ State: _____ Zip Code: _____

Employment/School: _____ Address: _____ City: _____ State: _____ Zip Code: _____

☐ Does not expire

MSB ☒ 6. THE DEFENDANT IS ORDERED NOT TO damage any belongings or property of the protected person(s) and not to shut off any utilities, telephone service, or mail delivery to the protected person(s) or in any way interfere with the living conditions of the protected person(s).

☐ 7. THE COURT GRANTS THE PETITIONER or protected person(s) the use of the residence located at:

No. & Street: _____ Apt. No.: _____ City: _____ State: _____ Zip Code: _____

to the exclusion of defendant by **evicting** defendant. The Court orders the defendant to surrender any keys to that residence to the petitioner.

(Sheriff's office) is ordered to **evict** the defendant.

☐ 8. THE COURT GRANTS THE PETITIONER or protected person(s) the use and possession of the following property (including pets or other animals) and/or the return of protected person(s) property:

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WSS ☐ 9. THE COURT ORDERS a representative of _____ (Sheriff's office) to accompany petitioner to obtain property listed in Order No. 3 above.

☐ 10. THE COURT PROHIBITS EITHER PARTY from transferring, encumbering, or otherwise disposing of property jointly owned or leased, except in the normal course of business or that which is necessary for the support of the petitioner and/or the minor child(ren).

☐ 11. THE COURT WILL ALLOW _____ to return to the residence at a date and time to be agreed upon by petitioner and law enforcement agency to recover his/her personal clothing and necessities, provided that s/he is accompanied by a law enforcement officer to ensure the protection and safety of the parties. **NO FORCED ENTRY ALLOWED.**

☐ 12. THE COURT ORDERS a representative of _____ (Sheriff's office) to accompany _____ to the residence located at _____ to recover her/his personal clothing and necessities.

WSS ☒ 13. THE DEFENDANT IS ORDERED TO pay:

☐ all court costs, payable to Lafayette Parish Clerk of Court
800 South Buchanan Street, Lafayette, LA 70501
 no later than / / (date)

☐ attorney fees, payable to _____
 in amt. of \$ no later than / / (date)

☐ evaluation fees, payable to _____
 in amt. of \$ no later than / / (date)

☐ expert/witness fees, payable to _____
 in amt. of \$ no later than / / (date)

☐ cost of medical and/or psychological care for the petitioner, the minor child(ren), and/or alleged incompetent, necessitated by the domestic abuse, dating violence, stalking or sexual assault: _____

☐ 14. THE DEFENDANT IS ORDERED TO seek professional counseling and/or complete a court-monitored domestic abuse intervention program.

WSS ☒ 15. THE DEFENDANT IS ORDERED TO submit to a:

☐ medical evaluation, no later than / / (date)

AND/OR

☒ mental health evaluation, no later than December 31, 2021 (date)

DOMESTIC ABUSE/ DATING VIOLENCE ONLY
 ONLY ORDERS CHECKED AND INITIALED BY A JUDGE SHALL APPLY

☐ 16. THE COURT GRANTS TEMPORARY CUSTODY of the following child(ren) or alleged incompetent to the petitioner. (name, date of birth, and relationship to petitioner)

☐ 17. THE COURT ORDERS a representative of _____ (Sheriff's office) to accompany petitioner to where the minor child(ren) or alleged incompetent mentioned in paragraph above is/are currently, and to effect petitioner obtaining physical custody of said child(ren) or alleged incompetent.

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☐ 18. THE COURT GRANTS THE DEFENDANT☐ unsupervised ☐ supervised visitation with minor child(ren) or alleged incompetent as follows:

The supervising person shall be:

(NOTICE: La. R.S. 9:362(6) - The supervising person shall not be any relative, friend, therapist, or associate of the parent-perpetrating family violence.)

Supervised visitation between the defendant and the child(ren) shall occur in the immediate presence of the supervising person under conditions which shall prevent any physical abuse, threat, intimidation, abduction, or humiliation of either the petitioner or the child(ren).

Exchange of child(ren) or alleged incompetent is to be effected as follows:

☐ 19. THE DEFENDANT IS PROHIBITED FROM removing the child(ren) from the jurisdiction of the court except for good cause shown and with the prior approval of the court.☐ 20. THE DEFENDANT IS ORDERED NOT TO interfere with the physical custody of the minor child(ren) or alleged incompetent.☐ 21. THE DEFENDANT IS ORDERED TO pay support for:☐ the petitioner at the rate of \$_____ per ☐ week ☐ month ☐ other _____
beginning _____ (date)☐ the child(ren) at the rate of \$_____ per ☐ week ☐ month ☐ other _____
beginning _____ (date) ☐ made payable directly to the petitioner☐ other _____☐ Payment by mail toOR ☐ By direct deposit to:

No. & Street

Apt. No.

City

State

Zip Code

Name of bank

STALKING, SEXUAL ASSAULT ONLY
ONLY ORDERS CHECKED AND INITIALED BY A JUDGE SHALL APPLY

WSB

☒ 22. THE DEFENDANT IS ORDERED NOT TO contact family members or acquaintances of the protected person(s).

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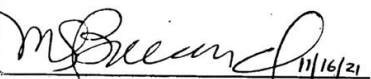
DOMESTIC ABUSE, DATING VIOLENCE, STALKING OR SEXUAL ASSAULT
 ONLY ORDERS CHECKED AND INITIALED BY A JUDGE SHALL APPLY

☐ 23 Other:

MSJ 24. THE DEFENDANT IS ORDERED TO appear at hearing(s) on: **FOR STATUS CONFERENCE**

1) **JANUARY 10, 2021** (month/day/year) at **10:00** o'clock **A.** M. in Courtroom No. _____ of the
15TH JUDICIAL DISTRICT Court located at **800 S Buchanan St.** in
Lafayette La. to review _____

AND
 2) **11** (month/day/year) at _____ o'clock _____ M. in Courtroom No. _____ of the
15TH JUDICIAL Court located at **800 S Buchanan St.** in
Lafayette La. to review _____

Date of Order <u>11/5/21</u> month/day/year	Order effective through 11:59 PM on <u>Permanent</u> month/day/year Some provisions of this order MAY NOT EXPIRE See paragraphs 1-5	 SIGNATURE OF JUDGE MICHELE S. BILLEAUD PRINT OR STAMP JUDGE'S NAME
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NOTICE: C.C.P. Article 3603-1: Any person against whom such an order is issued shall be entitled to a court-appointed attorney if the applicant has likewise been afforded a court-appointed attorney.

NOTICE TO DEFENDANT - VIOLATION OF ORDER:

PURSUANT TO LA. R.S. 14:79, A PERSON WHO VIOLATES THIS ORDER MAY BE ARRESTED, JAILED, AND PROSECUTED.

PURSUANT TO LA. R.S. 13:4611 AND LA. C.R.C. ARTICLE 1571, A PERSON WHO VIOLATES THIS ORDER MAY BE PUNISHED FOR CONTEMPT OF COURT BY A FINE OF NOT MORE THAN \$1,000 OR BY CONFINEMENT IN JAIL FOR AS LONG AS 6 MONTHS, OR BOTH, AND MAY BE FURTHER PUNISHED UNDER CRIMINAL LAWS OF THE STATE OF LOUISIANA. THIS ORDER SHALL BE ENFORCED BY ALL LAW ENFORCEMENT OFFICERS AND COURTS OF THE STATE OF LOUISIANA.

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NOTICE TO DEFENDANT -- FIREARM POSSESSION (Domestic abuse or dating violence, ONLY)

AS A RESULT OF THIS ORDER, IT MAY BE UNLAWFUL FOR YOU TO POSSESS, RECEIVE, SHIP, TRANSPORT OR PURCHASE A FIREARM, INCLUDING A RIFLE, PISTOL, OR REVOLVER, OR AMMUNITION, FOR THE DURATION OF THIS ORDER PURSUANT TO STATE AND/OR FEDERAL LAWS. See below.

If you have any questions, whether these laws make it illegal for you to possess or purchase a firearm or ammunition, consult an attorney.

Federal law: 18 U.S.C. 922 (g)(8) prohibits a defendant from purchasing, possessing, shipping, transporting, or receiving firearms, or ammunition for the duration of this order if the following conditions apply:

- Protected person(s) relationship to defendant is checked in Box A on page 2 of this order

AND

- Notice and opportunity for a hearing provided (Box D on page 2 of this order)

AND

- EITHER Judicial finding of credible threat (Box E on page 2 of this order is initialed), OR Certain behaviors are prohibited (Item 1 on page 3 of this order is initialed)

Under 18 U.S.C. 921 the term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm. The term "ammunition" means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.

Louisiana law: R.S. 46:2136.3 prohibits the possession of a firearm for the duration of this order if both of the following occur:

- The order includes a finding that the person subject to the order represents a credible threat to the physical safety of the protected person(s) (Box E on page 2 of this order is initialed) and the protected person(s) is a family member, household member, or dating partner (Box A OR Box B on page 2 of this order is checked).

AND

- The order informs the person subject to the order that the person is prohibited from possessing a firearm pursuant to the provisions of 18 U.S.C. 922(g) (8); and R.S. 46:2136.3.

Under this statute, "firearm" means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge, ammunition or from which a shot or projectile is discharged by an explosive.

NOTICE TO DEFENDANT -- FIREARM TRANSFER AND SUSPENSION OF CONCEALED HANDGUN PERMIT (Domestic abuse or dating violence, ONLY)

AS A RESULT OF THIS ORDER, YOU MAY BE REQUIRED TO TRANSFER ANY AND ALL FIREARMS OWNED OR POSSESSED BY YOU AND SURRENDER YOUR CONCEALED HANDGUN PERMIT

Louisiana law: C.C.P. Art. 1001 et seq. requires the transfer of all firearms owned or possessed and the suspension of a concealed handgun permit.

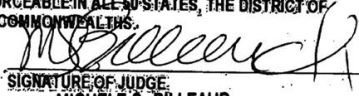
- When a person is subject to a permanent injunction or a protective order pursuant to a court approved consent agreement or pursuant to the provisions of R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2136, 12151, or 2173, Children's Code Article 1570, Code of Civil Procedure Article 3607.1, or C.C.P. Articles 30, 320, or 871.1.

OR

- When a person is subject to a Uniform Abuse Prevention Order that includes terms prohibiting possession of a firearm or carrying a concealed weapon.

Firearms transfer shall occur within 48 hours, exclusive of legal holidays. If firearms are sold or transferred prior to issuance of transfer order, you must provide a proof of transfer form signed by the receiver and a witness, within 10 days.

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<p align="center">FULL FAITH AND CREDIT pursuant to 18 U.S.C. § 2265</p> <p>The issuing court certifies that it has jurisdiction over the parties and the subject matter under the laws of the State of Louisiana; that the defendant was given reasonable notice and an opportunity to be heard sufficient to protect the defendant's right to due process before this order was issued; or if the order was issued <i>ex parte</i>, the court ordered that the defendant be given reasonable notice and an opportunity to be heard within the time required by the laws of the State of Louisiana; and in any event, within a reasonable time after the order was issued, sufficient to protect the defendant's due process rights.</p> <p>THIS ORDER SHALL BE PRESUMED VALID AND ENFORCEABLE IN ALL 50 STATES, THE DISTRICT OF COLUMBIA, TRIBAL LANDS, U.S. TERRITORIES, AND COMMONWEALTHS.</p> <p align="center">  SIGNATURE OF JUDGE MICHELE S. BILLEAUD PRINT OR STAMP JUDGE'S NAME </p>
--

PETITIONER

DEFENDANT

<p align="center">NOTICE TO LAW ENFORCEMENT</p> <p>It is a crime to violate this order after it is issued, regardless of service pursuant to La. R.S. 14:79; the crime of violation of protective orders - you shall use every reasonable means, including but not limited to immediate arrest of the violator, to enforce this order. Further, you shall at a minimum issue a summons to the person in violation.</p> <p>Pursuant to La. R.S. 46:2140(A), if you have reason to believe that a family or household member or dating partner has been abused AND the abusing party is in violation of this order, you SHALL immediately arrest the abusing party.</p>
--

☐ DEFENDANT WAS SERVED AT CLOSE OF HEARING

Date: _____ Clerk: _____

☐ FAXED or ELECTRONICALLY TRANSMITTED TO LOUISIANA PROTECTIVE ORDER REGISTRY

Date: _____ Clerk: _____

FAX COMPLETED ORDERS TO 888-588-4558

Copies to: 1) Court file 2) Petitioner/protected person(s) 3) Defendant 4) Chief Law Enforcement Official of the parish where the protected person(s) resides 5) Sheriff of the parish where the defendant resides 6) Louisiana Protective Order Registry.

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LPOR-3
KJ3

2. Warrant Affidavit Showing No Probable Cause and Warrant

- **Exhibit B:** Copy of the warrant affidavit associated with the **August 21, 2008** arrest.
- **Relevance:** Demonstrates a violation of the Fourth Amendment and highlights systemic misconduct by law enforcement.

FIFTEENTH JUDICIAL DISTRICT COURT
PARISH OF LAFAYETTE
STATE OF LOUISIANA
AFFIDAVIT FOR WARRANT OF ARREST

(Enter data legibly in black ink)

Arrestee Information

Last Name Ogbebor First Name Edosa Arrest # REDACTED D/O/B REDACTED

Arrest Location REDACTED Arrest Date/Time 08/21/2008 @ 2008hrs

Statute/Charges: LA.R.S. 14:99 (Reckless Operation), and LA.R.S. 14:108 (Resisting an Officer), LA. R.S. 14:108 (Resisting an officer/ second count)

Transporting Officer J. ORTEGO Arresting Officer T. Daigle
(UL LAFAYETTE POLICE DEPARTMENT)

Did prisoner cooperate during the arrest process?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Were restraining devices other than handcuffs used?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, list devices:	
Does the arrestee have a valid I.D?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Did your agency seize or retain any of the arrestee's property?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, list items:	
Continued Detention is required because:	
The arrestee is likely to cause injury to himself, another or property.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
The inmate has prior criminal convictions.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
The arrestee is unlikely to appear on a issued summons.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

The affiant states that the accused committed the above offense based on the following information:

On August 21, 2008 at approximately 1823 hours officers approached a vehicle bearing La Plate REDACTED parked in zone 3 110 Boucher Street. Officers observed suspicious behavior inside the vehicle, in regards to two individuals possibly engaged in sexual acts. When officers identified themselves suspect then started his vehicle and put it in drive. Officers gave verbal commands for subject to turn off the vehicle. Subject then rapidly accelerated the vehicle. Subject jumped two curbs with the vehicle and traveled a short distance, stopped the vehicle and yelled profanity at officers, then accelerated the vehicle in a reckless manner with complete disregard for human safety. Subject fled the scene and was later contacted at his home REDACTED. REDACTED When officers tried to detain the subject he began to resist. Subject taken into custody. An arrest warrant was issued on 08-21-2008 for the above listed charges.

Sworn to and subscribed before me this 21 day of August 20 08

Tyler Daigle
Affiant (Print)
Tyler Daigle
Affiant (Signed)

Ex-officio Notary Public
Lafayette Parish Sheriff's Office
#85773

Check here if additional sheets attached ☐

Pg. 4-079 of 4-079

STATE OF LOUISIANA

VS

Edosa A Ogbebor

CASE NUMBER:
DOCKET NUMBER:
LOUISIANA

REDACTED

REDACTED

REDACTED

CITY OF LAFAYETTE
PARISH OF LAFAYETTE

Affiant, came and appeared before me, THOMAS J. FREDERICK (Judge of the 15th Judicial District Court) who, having been by me duly sworn, did depose and say:

That one: **Edosa A Ogbebor** on the **21st day of August 2008**, did willfully and intentionally commit **Reckless Operation**, in violation of the provisions of **LA R.S. 32:99** and **Resisting an Officer**, in violation of the provisions of **LA R.S. 14:108**, within this State and Parish, and the jurisdiction of the 15th Judicial District Court, contrary to the form of the statutes of the State of Louisiana in such case made and provided, and against the peace and dignity of the same.

Wherefore, deponent prays that the said accused be arrested and with accordance to the law.

Thomas J. Frederick 4-10-79
AFFIANT

Sworn and subscribed before me this 21 day of August 2008.

Thomas J. Frederick
Judge, 15th Judicial District Court of Louisiana

WARRANT

STATE OF LOUISIANA

PARISH OF LAFAYETTE 15TH JUDICIAL DISTRICT COURT
TO ANY COMMISSIONED PEACE OFFICER:

Whereas, complaint had been made before me, upon oath, of **Ofc. Tyler Daigle** charging, one: **Edosa A Ogbebor** with **Reckless Operation** and **Resisting an Officer**. Now, therefore, you are hereby commanded, in the name of the State, to apprehend and arrest the said accused and bring him before our Court to answer the said complaint. You are further commanded to keep the said accused in safe custody pending a session of the court, or until released according to the law, and this shall be your warrant.

Given under my official signature this 21 day of August, 2008.

BOND \$1250

Thomas J. Frederick
Judge, 15th Judicial District Court of Louisiana

AFFIDAVIT FOR WARRANT OF ARREST

STATE OF LOUISIANA
PARISH OF LAFAYETTE

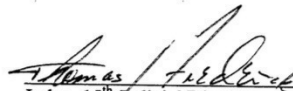
Before me, the undersigned authority personally came and appeared, **Ofc. Tyler Daigle**, of the University of Louisiana at Lafayette Police Department, having been duly sworn by me, did depose and say that on the **21st day of August 2008**, one **Edosa A Ogbebor**, committed the following crime:

Reckless Operation LA R.S. 32:99 and Resisting an Officer 14:108 based on the following information:

On 21st day of August 2008, at approximately 1823 hours I, Ofc. Tyler Daigle and Ofc. Kenneth Hardy, was conducting bicycle patrol of the UL Lafayette Campus. I, Ofc. T. Daigle, observed a white (REDACTED) (REDACTED) bearing LA Plate (REDACTED) parked in the UL Lafayette Parking Zone 3 110 Boucher Street. Upon passing near the vehicle I observed a black female, later identified as (REDACTED) (REDACTED) sitting in the passenger side of the vehicle. As I passed the vehicle on Boucher Street I observed a black male lift his head from her lap. At this time officers approached the vehicle to investigate if suspects were engaged in sexual acts. The black male was later identified as (REDACTED) (REDACTED) Edosa A Ogbebor. Officer Hardy approached the rear of the vehicle to advise UL Dispatch of the situation. I then approached the vehicle and identified myself as a police officer. Officer Hardy approached the passenger side behind me. Mr. Ogbebor then stated to Officer Hardy, "That's my boy from last night that was harassing me." At this time Mr. Ogbebor then started the vehicle. I gave Mr. Ogbebor loud verbal commands to turn the vehicle off. Mr. Ogbebor stated "Fuck You" and placed the vehicle in drive and rapidly accelerated. Mr. Ogbebor ran over both curbs leading onto Boucher Street. Mr. Ogbebor then stopped on Boucher Street and yelled "How bout ya'll mother fuckers chase me". Mr. Ogbebor then rapidly accelerated spinning his tires and leaving the scene. Officers initiated a chase of the vehicle but were not able to stop the vehicle.


Affiant

Sworn to and subscribed before me this 21 day of August 2008.


Judge, 15th Judicial District

3. Warrant and Recall of Bench Warrant for August 21, 2008 Arrest Without Probable Cause

- **Exhibit C:** Copy of the recalled warrant issued following an arrest with no probable cause.
- **Relevance:** This official recall indicates judicial acknowledgment of procedural errors, reinforcing the claim of wrongful actions against the Defendant.

BENCH WARRANT

STATE OF LOUISIANA
vs.
EDOSA ADDLEY FESTUS OGBEBOR

15TH JUDICIAL DISTRICT COURT
PARISH OF LAFAYETTE, LOUISIANA

TO: MICHAEL W. NEUSTROM, SHERIFF, PARISH OF LAFAYETTE, LOUISIANA

WHEREAS a notice to appear in Court was served on the above defendant;
The said subject failed to appear. Now you are commanded in the name of
the State of Louisiana to arrest the above subject and bring him before
said Court instantler then and there to answer said warrant for
RESISTING ARREST BY FLIGHT 14:108.1

FAILURE TO APPEAR FOR ARRAIGNMENT - THE COURT ORDERED THE
WARRANT RECALLED UPON THE ACCUSED BEING PERSONALLY SERVED
AND PAYMENT OF \$50.00 CONTEMPT FINE.

WITNESS THE HONORABLE JUDGE THOMAS J. FREDERICK
This 3RD DAY OF FEBRUARY, 2009

Janice C. Richard
DEPUTY CLERK OF COURT

REDACTED

COPY

BENCH WARRANT

4. Fugitive Warrant Documentation

- **Exhibit D:** Copy of the fugitive warrant issued following a missed misdemeanor arraignment.
- **Relevance:** Illustrates escalation and procedural abuse inconsistent with standard judicial practices, supporting claims of targeting.

FUGITIVE WARRANT

REDACTED

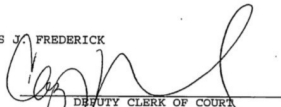
AKA EDOSA A. OGBEBOR

REDACTED

POSSESSION MARIJUANA 40:966
FAILURE TO APPEAR FOR ARRGN-HOLD FOR COURT

YOU ARE hereby commanded in the name of the State of Louisiana, to arrest the said fugitive, wherever found, and bring him before said Court instanten then and there to answer to said charges, and have with you then and there this writ.

WITNESS THE HONORABLE JUDGE THOMAS J. FREDERICK
This 2ND DAY OF JUNE, 2009


DEPUTY CLERK OF COURT

REDACTED

FUGITIVE WARRANT

5. Chronology of Events Leading to the Permanent Injunction: Detailed Timeline of Events Leading to the Permanent Injunction

A. UNIVERSITY OF LOUISIANA AT LAFAYETTE POLICE DEPARTMENT Officer Threatened to Ruin Defendant's Life and Conducted Illegal Detainment

- **Date:** August 20, 2008
- **Event:** The state representative's son Kenneth Hardy, an officer for **UNIVERSITY OF LOUISIANA AT LAFAYETTE POLICE DEPARTMENT**, threatened to ruin the Defendant's life during an encounter and illegally detained him without justification. The Defendant was released only after requesting the presence of a supervisor..
- **Significance:** This incident highlights intimidation tactics and abuse of authority, serving as a precursor to further misconduct targeting the Defendant, including improper arrests.

B. Warrant Affidavit Revealed No Probable Cause for August 21, 2008 Arrest

- **Date:** August 21, 2008
- **Event:** The initial arrest warrant affidavit was found to lack probable cause.
- **Significance:** Demonstrates a constitutional violation (Fourth Amendment) and marked the beginning of systemic misconduct targeting the Defendant.

C. Arrest for Missed Misdemeanor Arraignment and Issuance of Fugitive Warrant

- **Date:** June 2, 2009
- **Event:** The Defendant missed a misdemeanor arraignment, and instead of a standard bench warrant, a fugitive warrant was issued, resulting in an arrest on

June 16, 2009. Issued by the same judge who issued the arrest warrant for the **August 21, 2008** arrest that lacked probable cause.

- **Significance:** Highlights an escalation in procedural abuse and disproportionate actions, reinforcing the pattern of targeting.

D. Initial Catalyst Incident Leading to Family Court Proceedings after Police Involvement

- **Date:** April 18, 2021
- **Event:** A minor verbal disagreement occurred between the Defendant and the Plaintiff, characterized by no physical contact or violence. Despite the non-threatening nature of the dispute, police involvement was initiated, escalating the situation unnecessarily and prompting family court proceedings.
- **Significance:** This interaction initiated the legal and procedural chain that escalated into further systemic misconduct.

E. LAFAYETTE POLICE DEPARTMENT Instructed Defendant's Neighbor to File for a Temporary Restraining Order (TRO)

- **Date:** April 18, 2021
- **Event:** Law enforcement directed the Plaintiff to obtain a TRO against the Defendant.
- **Significance:**
- **Disproportionate Police Response:** Demonstrates an overreach by law enforcement in intervening in a minor, non-violent incident, setting the stage for unnecessary legal entanglements.

- **Trigger for Escalation:** Marks the starting point of a prolonged chain of events involving systemic misconduct, targeting, and harassment, culminating in significant harm to the Defendant.
- **Foundation of Misconduct:** Highlights how routine disputes can be disproportionately amplified by law enforcement actions, creating long-lasting legal and emotional consequences for those involved

F. TRO Issued Against the Defendant the Following Day

- **Date:** April 19, 2021
- **Event:** The **15TH JUDICIAL DISTRICT COURT, LAFAYETTE PARISH** issued a TRO against the Defendant based on the Plaintiff's application.
- **Significance:** This action became the foundation for subsequent legal actions, including the consent decree and permanent injunction.

G. Consent Decree is entered into

- **Date:** May 24, 2021
- **Event:** The **15TH JUDICIAL DISTRICT COURT, LAFAYETTE PARISH** issued a **Consent Decree** following negotiations involving parties with known **conflicts of interest**.
- **Significance:** This decree highlighted systemic procedural defects and conflicts of interest, further perpetuating harm against the Defendant and contributing to the chain of events leading to the invalid Permanent Injunction.

H. Permanent Injunction Issued with Material Date Error and Chronological Impossibility

- **Date: November 5, 2021**
- **Event:** The **15TH JUDICIAL DISTRICT COURT, LAFAYETTE PARISH** issued a **Permanent Injunction** against the Defendant, but it contained a material date error and was chronologically impossible.
- **Significance:** This flawed injunction became the basis for enforcement actions, arrests, and ongoing harm to the Defendant.

I. The Defendant is Subjected to a Psychological Evaluation

- **Date: December 31, 2021**
- **Event:** The Defendant was compelled to undergo a **psychological evaluation** pursuant to the Permanent Injunction, which is challenged as procedurally and legally invalid in the **Emergency Motion to Vacate Permanent Injunction** as well as in this present motion.
- **Significance:** The evaluation was a direct consequence of the contested Permanent Injunction. Its inclusion underscores the misuse of judicial authority and the retaliatory nature of the proceedings.

J. Arrests for Alleged Violations of the Permanent Injunction

- **Date: January 9, 2022, March 29, 2022, July 5, 2022**
- **Events:** Multiple arrests occurred for alleged violations of the flawed permanent injunction, each tied to enforcement of the invalid order. These three arrest were executed by **LAFAYETTE POLICE DEPARTMENT**, that **CITY OF LAFAYETTE e.g., LAFAYETTE CONSOLIDATED GOVERNMENT, LCG** is obligated to train and supervise.

- **Significance:** These repeated arrests reinforced the pattern of systemic targeting and misuse of the flawed legal process.

K. Open Container Charge After Alleged Injunction Violation

- **Date:** September 9, 2022
- **Event:** **LAFAYETTE POLICE DEPARTMENT** Officers stopped and searched the Defendant, believing he violated the permanent injunction. However, instead of an injunction-related charge, he was issued an open container citation.
- **Significance:** Demonstrates illegal search and harassment tied to the flawed injunction, showing continued misconduct by law enforcement.

L. Federal Civil Rights Lawsuit Filed by the Defendant

- **Date:** February 29, 2024
- **Event:** - The Defendant filed a federal civil rights lawsuit against the **LAFAYETTE CONSOLIDATED GOVERNMENT, LAFAYETTE POLICE DEPARTMENT, UNIVERSITY OF LOUISIANA AT LAFAYETTE**, and other entities, citing systemic misconduct, constitutional violations, and targeting that spanned over a decade.
- **Significance:**
- **Accountability:** Marks a pivotal step by the Defendant to seek redress for ongoing constitutional violations, including wrongful arrests, harassment, and procedural irregularities.

- **Legal Precedent:** Highlights the Defendant's efforts to challenge systemic misconduct within multiple agencies, aiming to expose conflicts of interest and institutional failures.
- **Retaliation Risk:** The filing of this lawsuit corresponds with a noticeable escalation in retaliatory actions by law enforcement, culminating in an additional arrest.
- **Public Awareness:** The lawsuit brought attention to a pattern of misconduct that had previously been shielded from public scrutiny, encouraging broader discourse on systemic accountability.

M. Arrest Orchestrated by the LAFAYETTE POLICE DEPARTMENT but Executed by the LAFAYETTE PARISH SHERIFF'S OFFICE

- **Date:** April 30, 2024
- **Event:** The Defendant was arrested by the **LAFAYETTE PARISH SHERIFF'S OFFICE** less than 12 hours after posting a video highlighting the inconsistent behavior of an officer involved in prior incidents. This officer had previously recommended a TRO against the Defendant and was also responsible for the second arrest following the establishment of the Permanent Injunction. This marked the Defendant's eighth arrest, following:
 1. An arrest with no probable cause.
 2. An arrest under a fugitive warrant instead of a bench warrant.
 3. An arrest the same day law enforcement encouraged by the TRO.
 4. Four arrests based on the Permanent Injunction.

5. Arrest following the Defendant's legal action against the **CITY OF LAFAYETTE e.g., LAFAYETTE CONSOLIDATED GOVERNMENT, LCG** and other entities.

- **Significance: Systemic Retaliation:** The timing of the arrest strongly suggests retaliation for the Defendant's exercise of free speech and legal actions against the **CITY OF LAFAYETTE e.g., LAFAYETTE CONSOLIDATED GOVERNMENT, LCG**.
- **Pattern of Misconduct:** This arrest, like the others, highlights ongoing systemic misconduct and targeting by law enforcement agencies.
- **Lack of Due Process:** The arrest occurred despite the Defendant's documented history of being subjected to procedural defects and constitutional violations.
- **Chilling Effect:** Demonstrates how law enforcement actions can be used to intimidate and suppress individuals who challenge systemic misconduct or seek accountability.

N. The LAFAYETTE POLICE CHIEF Announces That She Will Be Stepping Down

Date: May 16, 2024

- **Event:** The **LAFAYETTE POLICE DEPARTMENT POLICE CHIEF** announces that she would be stepping down for "personal reasons".
- **Significance:** This announcement came within twenty-four hours of the Defendant inquiring about the unusual arrest orchestrated by **LAFAYETTE POLICE DEPARTMENT** and conducted by **LAFAYETTE PARISH SHERIFF'S OFFICE**

O. The Defendant Incurs Substantial Financial Costs Due to Procedural Misconduct

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No. 24-30403

sued the City of Lafayette, the Lafayette Police Department (LPD), several LPD officers, the University of Louisiana at Lafayette (ULL), ULL campus police officers, the District Attorney's Office, the Public Defender's Office, and the state district court (collectively, Defendants), under 42 U.S.C. § 1983 for various alleged constitutional violations.¹ His 164-page pro se complaint included allegations of unlawful arrest, excessive force, illegal search and seizure, due process violations, suppression of his free speech rights, ineffective assistance, prosecutorial misconduct, and systemic failures to train or supervise officers, protect him, or provide adequate redress for his complaints. He sought compensatory and punitive damages and injunctive relief.

A magistrate judge recommended that all Ogbebor's claims be *sua sponte* dismissed with prejudice for failure to state a claim because they were barred by the applicable statute of limitations—the one-year personal injury limitations period in the forum state of Louisiana. She found that the face of the complaint established that Ogbebor's claims were brought well beyond the expiration of the one-year period of limitations.

Ogbebor objected to the recommendation, arguing for the first time that his claims were timely because he had alleged “a coherent pattern of behavior by Defendants that collectively support[ed] a systemic violation of constitutional rights” through the date he filed his lawsuit. Citing *National R.R. Passenger Corp. v. Morgan*, 536 U.S. 101 (2002), he argued that the “continuing violation doctrine” tolls the statute of limitations “in cases where a plaintiff experiences an ongoing pattern of discrimination or other

¹ The complaint also alleged claims against the U.S. Air Force, an Air Force reserve unit, and the Federal Aviation Administration for exposure to harmful chemicals and pesticides in October 2020. These parties are not listed as defendants on the district court's docket sheet, however.

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No. 24-30403

illegal conduct,” and the doctrine is “particularly applicable given the recurring interactions with law enforcement detailed in the complaint that cumulatively constitute a continuous violation of [his] rights.” He also asserted that he had been arrested approximately two months after he filed his civil rights complaint; the arrest was “part of a continuous pattern of actions by” some of the defendants and, “like previous incidents, involved significant procedural irregularities and potential abuses of power;” and “[t]he recent judicial and prosecutorial actions are intrinsically linked to the historical pattern of misconduct detailed in [his] complaint.”²

A judgment dated May 22, 2024, stated that the district court had conducted a de novo review, and it accepted the magistrate judge’s recommendation and dismissed the complaint with prejudice for failure to state a claim. The judgment did not expressly address the application of the continuing violation doctrine or the new allegations and claims in Ogbebor’s objections.

II

A

Ogbebor argues that the district court’s dismissal of his complaint violated his due process rights. We liberally construe his pro se argument as challenging the district court’s authority to *sua sponte* dismiss his non-prisoner, fee-paid action as untimely. *See EEOC v. Simbaki, Ltd.*, 767 F.3d 475, 484 (5th Cir. 2014) (noting that pro se filings are liberally construed).

² Ogbebor also alleged, for the first time, constitutional violations by the commissioner judge who signed the warrant for his post-complaint arrest, and he moved to recuse the judge in the criminal matter. Although the commissioner judge had also signed the warrant for Ogbebor’s prior arrest in 2022, the judge was not named as a defendant in the complaint.

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No. 24-30403

We review a district court's decision to *sua sponte* dismiss an action de novo. *See Miller v. Sam Houston State Univ.*, 986 F.3d 880, 888 (5th Cir. 2021).³

We have held that “the district court has a general power to dismiss cases *sua sponte*.” *Carver v. Atwood*, 18 F.4th 494, 496 (5th Cir. 2021). For example, “a district court may dismiss a complaint on its own for failure to state a claim.” *Carroll v. Fort James Corp.*, 470 F.3d 1171, 1177 (5th Cir. 2006). While a district court is “authorized to consider the sufficiency of the complaint on its own initiative,” *Lozano v. Ocwen Fed. Bank, FSB*, 489 F.3d 636, 642 (5th Cir. 2007) (quotation omitted), we have previously cautioned against courts raising waivable affirmative defenses *sua sponte*, *Warnock v. Pecos County*, 116 F.3d 776, 778 (5th Cir. 1997) (noting that an affirmative defense under Rule 8(c) “generally should not [be] raise[d] *sua sponte*”).

The statute of limitations is an affirmative defense that is usually waived if not timely pleaded by a defendant. FED. R. CIV. P. 8(c); *Davis v. Huskipower Outdoor Equip. Corp.*, 936 F.2d 193, 198 (5th Cir. 1991). District courts may *sua sponte* raise a non-jurisdictional limitations defense “only in a limited number of particular circumstances.” *Lebouef v. Island Operating Co., Inc.*, 342 F. App'x 983, 984 (5th Cir. 2009).⁴ Those circumstances include habeas corpus proceedings, prisoner actions under 28 U.S.C. § 1915A, and *in forma pauperis* suits under 28 U.S.C. § 1915. *Id.* & n.1; *see Kiser v. Johnson*,

³ Ogbebor asserts that the dismissal also “raises concerns about potential judicial retaliation and bias.” Because he has failed to provide argument in support, he has abandoned this issue. *See Yohey v. Collins*, 985 F.2d 222, 224–25 (5th Cir. 1993) (holding that pro se appellant abandoned argument because of inadequate briefing). Even if considered, however, an adverse ruling, standing alone, does not support an allegation of bias by a court. *See Liteky v. United States*, 510 U.S. 540, 555 (1994).

⁴ Although unpublished opinions issued on or after January 1, 1996, are not precedential, they may be considered persuasive authority. *See Ballard v. Burton*, 444 F.3d 391, 401 n.7 (5th Cir. 2006); 5TH CIR. R. 47.5.4.

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No. 24-30403

163 F.3d 326, 328–29 (5th Cir. 1999). “[I]n an ordinary civil case, where the district court has no special duty to examine the pleadings, the affirmative defense of statute of limitations can be waived and may not be raised by the court *sua sponte*.” *Id.* (citing *Eriline Co. v. Johnson*, 440 F.3d 648, 657 (4th Cir. 2006)).⁵

Because he is not a prisoner or proceeding *in forma pauperis*, the district court erred in *sua sponte* dismissing Ogbebor’s claims as time-barred.

B

Ogbebor contends that the district court erroneously dismissed his claims as time-barred without considering the evidence of “repeated and ongoing violations of [his] constitutional rights.” In his objections to the magistrate judge’s report, Ogbebor argued that the continuing violation doctrine applied, alleged ongoing violations that occurred since filing suit, and asserted claims against a new party.

Generally, a district court may construe allegations first raised in a pro se litigant’s objection to a magistrate judge’s report as a motion to amend a complaint. *See United States v. Riascos*, 76 F.3d 93, 94 (5th Cir. 1996). Rule 15(a) of the Federal Rules of Civil Procedure provides that a party may amend a pleading once as a matter of course and thereafter with leave of court, which should be freely given when justice so requires. FED. R. CIV. P. 15(a). “Additionally, before *sua sponte* dismissing a pro se litigant’s case with prejudice, a district court ordinarily must provide an opportunity to amend the complaint to remedy the deficiencies.” *Carmouche v. Hooper*, 77 F.4th

⁵ *See also Maalouf v. Islamic Republic of Iran*, 923 F.3d 1095, 1109 (D.C. Cir. 2019) (“It is well established that a statute of limitations, like other affirmative defenses, generally may not be invoked by the court on its own motion.”); *United States v. Mitchell*, 518 F.3d 740, 748 (10th Cir. 2008) (“In general, a statute of limitations may not be raised *sua sponte* and all circuits to consider this issue have held so explicitly.”) (collecting cases).

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362, 368 (5th Cir. 2023). We review the denial of a motion to amend for abuse of discretion. *Riascos*, 76 F.3d at 94.

Here, the district court neither acknowledged nor addressed Ogbebor's new arguments, claims, or factual allegations in his objections, so it implicitly denied his motion to amend. *See Moler v. Wells*, 18 F.4th 162, 167–68 (5th Cir. 2021) (construing district court's order adopting the magistrate judge's report, which did not mention a claim first raised in plaintiff's objection to the report, as implicitly denying the motion to amend the complaint). The failure to construe Ogbebor's objections as a motion to amend and to consider the allegations and claims was an abuse of discretion. *See Riascos*, 76 F.3d at 94–95 (holding that district court's failure to liberally construe pro se filing as a motion to amend complaint was an abuse of discretion); *see, e.g., Welsh v. Lamb Cnty.*, No. 22–10124, 2023 WL 3918995, at *3 (5th Cir. June 9, 2023) (“Because Welsh was *pro se*, and because his added factual allegation defeats the sole basis for the dismissal of his claim, we conclude that the district court abused its discretion in failing to consider the added allegation in ruling on Welsh's objections.”). We express no opinion as to the ultimate merits of Ogbebor's claims or whether his claims are in fact time-barred.

* * *

We VACATE the judgment of the district court and REMAND for further proceedings consistent with this opinion.

- **Date: Ongoing since August 20, 2008**
- **Event:** The cumulative actions of law enforcement, judicial errors, and conflicts of interest directly imposed financial burdens on the Defendant. These include legal fees, lost income, travel expenses, and costs related to compliance with court orders such as the psychological evaluation.
- **Significance:**
- **Legal Fees:** The Defendant has incurred significant costs for legal representation in challenging the Permanent Injunction, wrongful arrests, and other related proceedings.
- **Compliance Costs:** Included but not limited to, expenses for undergoing the court-ordered psychological evaluation, obtaining necessary documentation, fines, and filing legal motions further strained the Defendant's finances.
- **General Retaliation Costs:** The financial burden is compounded by systemic misconduct that forced the Defendant to divert resources to defend against baseless accusations and improper actions.
- **Lost Income:** Arrests, public allegations, and emotional distress from these events damaged the Defendant's professional reputation and resulted in lost employment opportunities and income from **August 2008** until present day.
- **Emotional Distress Costs:** The severe emotional toll necessitated therapeutic interventions, medical attention, and other resources to address the harm caused by the misconduct.

P. Appellate Ruling

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United States Court of Appeals
for the Fifth Circuit

No. 24-30403

United States Court of Appeals
Fifth Circuit

FILED
February 24, 2025

Lyle W. Cayce
Clerk

EDOSA ADDLEY FESTUS OGBEBOR,

Plaintiff—Appellant,

versus

KENNETH HARDY; TYLER DAIGLE; JACOB ORTEGO; DAVID
LATISSER; EARNEST PAYNE; ET AL.,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 6:24-CV-313

Before KING, HO, and RAMIREZ, *Circuit Judges*.

PER CURIAM: *

Edosa Addley Festus Ogbebor appeals the *sua sponte* dismissal of his pro se civil rights complaint as time-barred. We VACATE and REMAND.

I

Between August 2008 and September 2022, Ogbebor was arrested and prosecuted in Louisiana six different times. On February 29, 2024, he

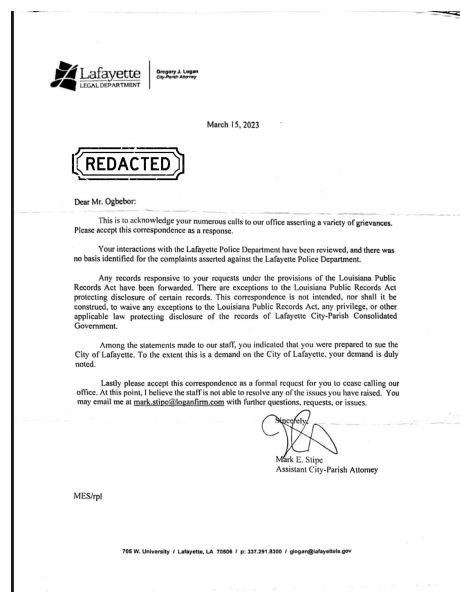
* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

Conclusion

- **Exhibit E:** Detailed timeline connecting, the wrongful arrest, fugitive warrant, Temporary Restraining Order (TRO), consent decree, permanent injunction, psychological evaluation, and subsequent arrests.
- **Relevance:** Provides context for procedural errors and continuity of harm.

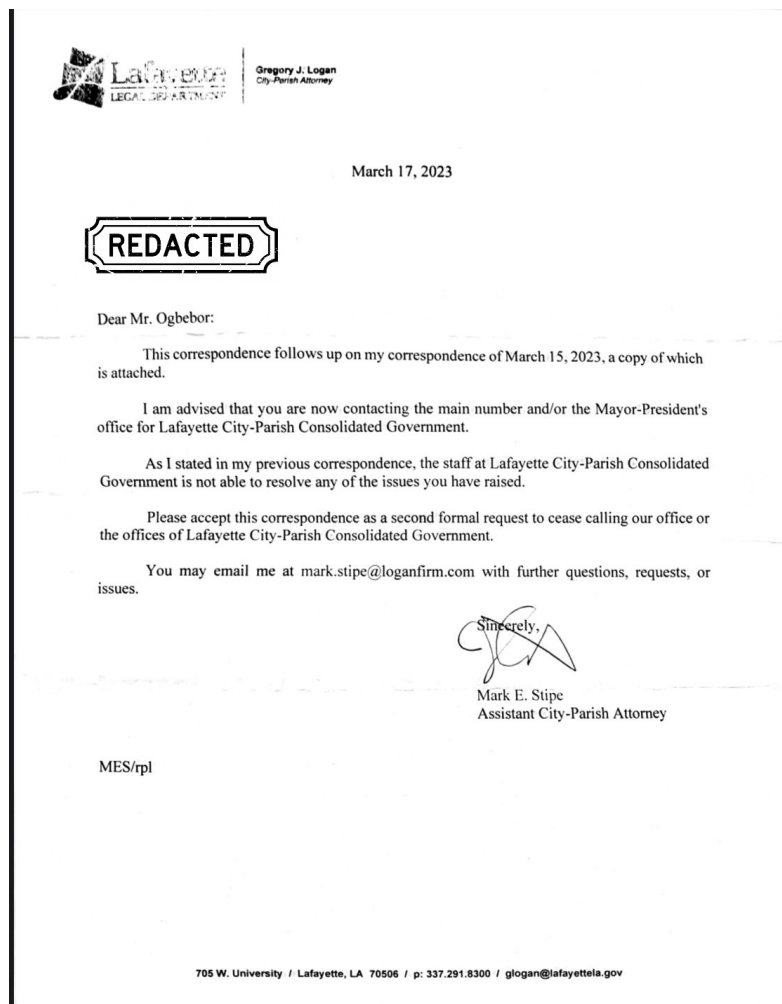
6. Letter from the CITY OF LAFAYETTE *e.g.*, LAFAYETTE CONSOLIDATED GOVERNMENT, LCG Stating No Wrongdoing Found

- **Exhibit I:** Communications from the **CITY OF LAFAYETTE's *e.g.*, LAFAYETTE CONSOLIDATED GOVERNMENT.**
- **Relevance:** Demonstrates the **CITY OF LAFAYETTE's *e.g.*, LAFAYETTE CONSOLIDATED GOVERNMENT'S** dismissal of the Defendant's claims despite evidence of systemic misconduct. This letter reflects the **CITY OF LAFAYETTE's *e.g.*, LAFAYETTE CONSOLIDATED GOVERNMENT'S** failure to acknowledge or address the procedural defects and conflicts of interest that contributed to the harm suffered by the Defendant.



7. Letters from the CITY OF LAFAYETTE e.g., LAFAYETTE CONSOLIDATED GOVERNMENT, LCG Telling the Defendant to Stop Contacting Them

- **Exhibit J:** Communications from the **CITY OF LAFAYETTE's e.g., LAFAYETTE CONSOLIDATED GOVERNMENT'S**.
- **Relevance:** Demonstrates Demonstrates the **CITY OF LAFAYETTE's e.g., LAFAYETTE CONSOLIDATED GOVERNMENT'S** attempt to avoid accountability and obstruct the Defendant's efforts to address systemic misconduct and procedural violations, further contributing to the Defendant's



damages and highlighting the lack of transparency in the **CITY OF LAFAYETTE's e.g., LAFAYETTE CONSOLIDATED GOVERNMENT'S** actions.



Gregory J. Logan
City-Parish Attorney

July 7, 2023

THIRD NOTICE

REDACTED

Dear Mr. Ogbebor:

This correspondence follows up on my correspondence of March 15, 2023 and May 15, 2023, a copy of which are attached.

I am advised that you are now contacting the main number and/or the Mayor-President's office for Lafayette City-Parish Consolidated Government.

As I stated in my previous correspondence, the staff at Lafayette City-Parish Consolidated Government is not able to resolve any of the issues you have raised.

Please accept this correspondence as a third formal request to cease calling our office or the offices of Lafayette City-Parish Consolidated Government.

You may email me at mark.stipe@loganfirm.com with further questions, requests, or issues.

Sincerely,

A handwritten signature in black ink, appearing to be 'Mark E. Stipe'.

Mark E. Stipe
Assistant City-Parish Attorney

MES/rpl

XV. CLAIMS FOR RELIEF (COUNTS 1–50)

COUNT ONE – August 20, 2008

Illegal Detention and False Arrest

(Violation of the Fourth and Fourteenth Amendments – 42 U.S.C. § 1983)

(Against: Officer K. Hardy, Shift Commander Lavergne, University of Louisiana at Lafayette, University of Louisiana at Lafayette Police Department, and the City of Lafayette)

Mr. Ogbebor incorporates and realleges all preceding paragraphs as if fully set forth herein.

Allegation

On or about August 20, 2008, in the Western District of Louisiana, Mr. Ogbebor was unlawfully detained by Officer K. Hardy, with knowledge and oversight from Shift Commander Lavergne and other University of Louisiana at Lafayette Police Department officers. The detainment was executed without probable cause, lawful warrant, or reasonable suspicion. Mr. Ogbebor was deprived of liberty in violation of his Fourth Amendment right to be free from unlawful seizures and his Fourteenth Amendment right to due process of law.⁹³

- 1. Illegal Detention:** Mr. Ogbebor was seized without reasonable suspicion or lawful justification. There were no specific or articulable facts supporting his detention, making it constitutionally deficient under *Terry v. Ohio*.⁹⁴

⁹³ See *Gerstein v. Pugh*, 420 U.S. 103 (1975).

⁹⁴ See *Terry v. Ohio*, 392 U.S. 1 (1968).

2. **False Arrest:** No arrest warrant was issued, nor was there probable cause at the time of the detainment. This constitutes an unlawful restraint of liberty under clearly established law.⁹⁵

Institutional and Municipal Liability

The City of Lafayette and University of Louisiana at Lafayette Police Department failed to train and supervise officers on constitutional constraints during seizures. These failures demonstrate a deliberate indifference to constitutional rights and a direct causal link to Mr. Ogbebor's harm, satisfying the *Monell* standard.⁹⁶

Continuing Violation Doctrine

The 2008 arrest served as the genesis of a continuing pattern of unconstitutional targeting, harassment, and retaliation by the same institutional actors. Each subsequent incident—perpetrated under the same policies and by the same actors—was part of an unbroken chain of violations, justifying application of the **continuing violation doctrine** to toll limitations and preserve claims related to the 2008 arrest.⁹⁷

COUNT TWO – August 20, 2008

Failure to Intervene and Deliberate Indifference

(Violation of the Fourth and Fourteenth Amendments – 42 U.S.C. § 1983)

(Against: Officer K. Hardy, Shift Commander Lavergne, Unidentified Officers, University Police Department, University of Louisiana at Lafayette, and City of Lafayette)

Mr. Ogbebor incorporates all preceding allegations herein.

⁹⁵ See *Beck v. Ohio*, 379 U.S. 89 (1964).

⁹⁶ See *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978).

⁹⁷ See *Nat'l R.R. Passenger Corp. v. Morgan*, 536 U.S. 101 (2002); *Pegram v. Honeywell*, 361 F.3d 272 (5th Cir. 2004).

Allegation

Despite being aware of the unlawful detention, Shift Commander Lavergne and other unnamed officers failed to document, or report the misconduct. These inactions constitute deliberate indifference and a willful failure to prevent known constitutional violations.

1. **Failure to Intervene:** Although a supervising officer acknowledged that Officer K. Hardy's actions were improper by stating, "you can't do that," no formal documentation or disciplinary action followed the unlawful detention of Mr. Ogbebor. Despite this verbal acknowledgment, the supervisor failed to record or report the incident, constituting a breach of duty under clearly established Fifth Circuit precedent. The failure to act allowed the misconduct to go unaddressed, setting the stage for Mr. Ogbebor's arrest the following day—this time with the same officer, K. Hardy, now repositioned as a witness against Mr. Ogbebor. This sequence illustrates a systemic failure to intervene and correct unconstitutional conduct when there was both knowledge and opportunity to do so.⁹⁸
2. **Deliberate Indifference:** The defendants displayed a conscious disregard for Mr. Ogbebor's rights by allowing the unlawful detention to proceed and by enabling subsequent retaliation.

Municipal Liability

⁹⁸ See *Randall v. Prince George's Cnty.*, 302 F.3d 188 (4th Cir. 2002); *Whitley v. Hanna*, 726 F.3d 631 (5th Cir. 2013).

The policies or customs of the City of Lafayette and University of Louisiana at Lafayette departments failed to enforce accountability, contributing to a culture of silence and complicity. These failures, per *City of Canton v. Harris*, amount to actionable § 1983 claims.⁹⁹

Continuing Violation Doctrine

This failure to intervene became a **normative institutional practice**. The inaction in 2008 catalyzed a recurring cycle of unchecked constitutional violations that were institutionalized and continued for years. The facts support invocation of the **continuing violation doctrine**.¹⁰⁰

COUNT THREE – August 20, 2008

Violation of Due Process and Equal Protection

(Violation of the Fourteenth Amendment – 42 U.S.C. § 1983)

(Against: Officer K. Hardy, Commander Lavergne, Unidentified Officers, University of Louisiana at Lafayette Police Department, University of Louisiana at Lafayette, and City of Lafayette)

Mr. Ogbebor reasserts and incorporates all prior allegations.

Allegation

Defendants deprived Mr. Ogbebor of his liberty interest without due process and subjected him to differential treatment under the law. These deprivations were intentional, arbitrary, and discriminatory.

⁹⁹ See *City of Canton v. Harris*, 489 U.S. 378 (1989).

¹⁰⁰ See *Celestine v. Petroleos de Venezuela*, 266 F.3d 343 (5th Cir. 2001).

1. **Due Process Violation:** The lack of notice, lawful justification, and procedural fairness surrounding the detainment and aftermath constituted a fundamental deprivation of due process.¹⁰¹
2. **Equal Protection Violation:** Mr. Ogbebor was subjected to treatment markedly different than similarly situated individuals, influenced by protected characteristics and/or retaliatory motives.¹⁰²

Municipal Liability

Both the City of Lafayette and the University Police Department permitted these practices to occur unchecked. Institutional knowledge, non-enforcement of accountability, and tolerance of discrimination contributed to Mr. Ogbebor's injuries.

Continuing Violation Doctrine

The discriminatory and arbitrary treatment initiated in 2008 continued to inform later actions by the same institutions and personnel. These actions stemmed from a **common pattern and practice**, warranting the application of the **continuing violation doctrine** to preserve this and subsequent constitutional claims.¹⁰³

COUNT FOUR – August 20, 2008

Intentional Infliction of Emotional Distress (IIED)

(Under Louisiana Tort Law and § 1983 Framework Where Applicable)

(Against: Officer Hardy, Shift Commander Lavergne, Unidentified Officers, University of Louisiana at Lafayette, Its Police Department, and City of Lafayette)

¹⁰¹ See *Zinermon v. Burch*, 494 U.S. 113 (1990).

¹⁰² See *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000).

¹⁰³ See *Morgan*, 536 U.S. at 115; *Heutzenroeder v. Mesa*, 2021 WL 1978846 (W.D. La. 2021).

Mr. Ogbebor re-alleges all prior claims and incorporates them herein.

Allegation

Defendants engaged in conduct so extreme and outrageous that it transcended all bounds of decency, intentionally causing Mr. Ogbebor severe emotional trauma.

1. **Extreme and Outrageous Conduct:** The force, detention, and intimidation used by Officer K. Hardy and other defendants were intended to humiliate and distress Mr. Ogbebor, with indifference to the emotional consequences.¹⁰⁴
2. **Resulting Harm:** As a direct result of these actions, Mr. Ogbebor suffered significant mental anguish, anxiety, and social trauma that persisted long after the incident.

Municipal and Supervisory Liability

As the conduct was carried out by agents of the Defendant municipalities during the course of their employment, the City of Lafayette and University of Louisiana at Lafayette bear responsibility under the doctrine of respondeat superior and Monell principles.

Continuing Violation Doctrine

The psychological harm endured by Mr. Ogbebor was not a single episode but the **first in a sequence of trauma-inducing interactions** perpetuated by the same institutions.

¹⁰⁴ See *White v. Monsanto Co.*, 585 So. 2d 1205 (La. 1991); *Restatement (Second) of Torts* § 46.

This ongoing pattern aligns with the **continuing violation doctrine**, preserving this and related claims under Louisiana and federal law.¹⁰⁵

COUNT FIVE – August 21, 2008

Excessive Force, Unlawful Search, and False Arrest

(Violations of the Fourth and Fourteenth Amendments – 42 U.S.C. § 1983)

(Against: Officer K. Hardy, Officer Daigle, Officer Ortego, Shift Commander Lavergne, Unidentified University Officers, City of Lafayette, University of Louisiana at Lafayette Police Department, and University of Louisiana at Lafayette)

Mr. Ogbebor incorporates all prior allegations as if fully set forth herein.

Allegation

On August 21, 2008, Mr. Ogbebor was subjected to unconstitutional force, an unlawful search, and false arrest by University of Louisiana at Lafayette law enforcement officers acting under color of law. These actions lacked lawful justification and violated clearly established constitutional rights.

1. **Excessive Force:** Defendants used physical force that was objectively unreasonable and disproportionate to any alleged threat. The conduct violated *Graham v. Connor*, 490 U.S. 386 (1989), and *Tennessee v. Garner*, 471 U.S. 1 (1985), which prohibit unreasonable force in non-threatening circumstances.¹⁰⁶
2. **Unlawful Search:** A warrantless, unjustified search of Mr. Ogbebor's person and property was conducted without consent or exigent circumstances, violating the Fourth Amendment and *Mapp v. Ohio*, 367 U.S. 643 (1961).

¹⁰⁵ See *Doe v. Taylor ISD*, 15 F.3d 443 (5th Cir. 1994); *Wallace v. Kato*, 549 U.S. 384 (2007).

¹⁰⁶ See *Graham v. Connor*, 490 U.S. 386 (1989).

3. **False Arrest and Fabrication:** Mr. Ogbebor was detained and charged without probable cause, and defendants falsified police records in an attempt to justify their actions. This conduct violated both his Fourth and Fourteenth Amendment rights and implicates *Brady v. Maryland*, 373 U.S. 83 (1963), regarding truthful evidence disclosure.

Institutional Liability

The City of Lafayette and University of Louisiana at Lafayette Police Department's failure to train and supervise officers facilitated these violations. Their deliberate indifference created a culture of abuse and false reporting, actionable under *Monell*.¹⁰⁷

Continuing Violation Doctrine

These events were not isolated but part of a **continuous campaign of targeting** that began on August 20, 2008, and persisted thereafter. The **continuing violation doctrine** applies to preserve claims connected to that pattern.¹⁰⁸

COUNT SIX – August 21, 2008

Excessive Force, Deliberate Indifference, and Failure to Train (Violations of the Fourth and Fourteenth Amendments – 42 U.S.C. § 1983) (Against: Same Defendants as Count Five)

Allegation

Mr. Ogbebor was again subjected to excessive force on this date, in circumstances where defendants displayed deliberate indifference to his safety and constitutional

¹⁰⁷ See *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978).

¹⁰⁸ See *Nat'l R.R. Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

protections. The municipal and institutional failure to properly train officers directly enabled the misconduct.

1. **Excessive Force:** Mr. Ogbebor was attacked or restrained in a manner unnecessary under the circumstances, violating his Fourth Amendment rights.¹⁰⁹
2. **Deliberate Indifference:** Supervising officers failed to stop or report the unconstitutional conduct, showing willful disregard for Mr. Ogbebor's rights as held in *Thompson v. Upshur County*, 245 F.3d 447 (5th Cir. 2001).
3. **Failure to Train:** The University of Louisiana at Lafayette and City of Lafayette failed to implement training sufficient to prevent such constitutional violations, meeting the threshold for § 1983 liability under *City of Canton v. Harris*, 489 U.S. 378 (1989).

Continuing Violation Doctrine

This incident advanced a sustained campaign of retaliation and abuse launched on August 20, 2008. As the misconduct flowed from a **single institutional policy or practice**, it supports tolling under the **continuing violation doctrine**.¹¹⁰

COUNT SEVEN – August 21, 2008

Intentional Infliction of Emotional Distress (Under Louisiana Law and § 1983 Framework) (Against: Same Defendants as Count Five)

Allegation

¹⁰⁹ See *Tennessee v. Garner*, 471 U.S. 1 (1985).

¹¹⁰ See *Pegram v. Honeywell, Inc.*, 361 F.3d 272 (5th Cir. 2004).

The conduct of the officers was extreme, malicious, and intended to cause emotional suffering. The behavior exceeded all bounds of decency and directly caused severe mental anguish to Mr. Ogbemor.

1. **Extreme Conduct:** Defendants engaged in coordinated abuse, intimidation, and force for no lawful purpose, behavior that qualifies as “outrageous” under Louisiana tort law and *Restatement (Second) of Torts* § 46¹¹¹.
2. **Causation:** Mr. Ogbemor’s emotional trauma—manifesting in anxiety, fear, and emotional deterioration—was a direct and foreseeable result of the officers’ misconduct.
3. **Institutional Liability:** The City of Lafayette and University of Louisiana at Lafayette are liable under *Monell* and Louisiana Civil Code article 2320 for fostering a climate that tolerates emotional abuse of civilians.

Continuing Violation Doctrine

The emotional distress inflicted was not isolated, but compounded by prior and subsequent abuse under a systemic campaign of intimidation. Accordingly, it falls within the **continuing violation framework**.¹¹²

COUNT EIGHT – June 9, 2009

¹¹¹ See *Restatement (Second) of Torts* § 46(1): Defines intentional infliction of emotional distress as conduct that is so outrageous and extreme that it goes beyond all possible bounds of decency.

¹¹² See *Doe v. Taylor ISD*, 15 F.3d 443 (5th Cir. 1994); *White v. Monsanto Co.*, 585 So. 2d 1205 (La. 1991).

Coercion Into Plea Deal and Ineffective Assistance of Counsel*(Violation of the Sixth and Fourteenth Amendments – 42 U.S.C. § 1983)**(Against: Public Defender Richard, ADA Landry, and the 15th Judicial District Court)*

Mr. Ogbebor incorporates all preceding allegations as though fully set forth herein.

Allegation

On or around June 9, 2009, Mr. Ogbebor was coerced into accepting a plea agreement by Defendant Public Defender Richard, who under information and belief was under pressure from ADA Landry and with insufficient judicial safeguards by the 15th Judicial District Court. This plea was not made knowingly, voluntarily, or intelligently, in violation of the Sixth Amendment's guarantee of effective assistance of counsel and the Fourteenth Amendment's guarantee of due process.

1. **Coercion Into Plea:** Mr. Ogbebor was pressured to plead guilty under threat of excessive sentencing and without informed counsel, thereby rendering the plea involuntary and constitutionally invalid.¹¹³
2. **Ineffective Assistance of Counsel:** Defendant Richard failed to investigate the case, consult with Mr. Ogbebor meaningfully, or inform him of the rights and options available to him, falling well below the standard established in *Strickland v. Washington*.¹¹⁴
3. **Prosecutorial and Judicial Complicity:** ADA Landry capitalized on the ineffective representation, and the 15th Judicial District Court failed in its duty to ensure that the plea conformed with constitutional standards.

¹¹³ See *Brady v. United States*, 397 U.S. 742 (1970).

¹¹⁴ See *Strickland v. Washington*, 466 U.S. 668 (1984).

Continuing Violation Doctrine

The plea deal must be understood as the culmination of a **continuing pattern of targeted misconduct** that began with Mr. Ogbebor's unlawful arrest in 2008.

Therefore, under the continuing violation doctrine, this event is part of a unified sequence of constitutional injuries.¹¹⁵

COUNT NINE – Date Unknown

Prosecutorial Misconduct

(Violation of the Fourteenth Amendment – 42 U.S.C. § 1983)

(Against: ADA Landry and the District Attorney's Office Lafayette Parish)

Mr. Ogbebor reiterates and incorporates all prior allegations herein.

Allegation

At an unknown date following Mr. Ogbebor's arrest and plea, ADA Landry and the District Attorney's Office Lafayette Parish engaged in acts of prosecutorial misconduct that violated Mr. Ogbebor's rights to due process and equal protection. This includes:

- Prosecuting without valid arrest documentation;
- Relying on testimony from a non-eyewitness;
- Failing to disclose material exculpatory evidence.

These actions collectively constituted a **willful abuse of prosecutorial discretion** under color of state law.

1. **Suppression of Exculpatory Information:** ADA Landry failed to identify or present arresting officers, obstructed disclosure of critical facts, and advanced

¹¹⁵ See *Morgan*, 536 U.S. at 117.

an unsubstantiated prosecution—violating *Brady v. Maryland* and *Mooney v. Holohan*.¹¹⁶

2. **Use of Unreliable Testimony:** By relying on a witness not present at the scene, ADA Landry distorted the fact-finding process and denied Mr. Ogbebor a fundamentally fair trial.
3. **Pattern of Targeted Prosecution:** Mr. Ogbebor alleges this misconduct was part of a broader, **retaliatory pattern** of legal harassment traceable to his 2008 arrest, rather than an isolated misstep.

Continuing Violation Doctrine

The acts by the prosecution represent an extension of **ongoing unconstitutional targeting**, rooted in Mr. Ogbebor's original arrest and detention. The continuity of events justifies application of the continuing violation doctrine.¹¹⁷

COUNT TEN

Ongoing Pattern of Retaliatory and Unconstitutional Conduct (2008–Present) (Violation of the First, Fourth, Sixth, and Fourteenth Amendments – 42 U.S.C. § 1983)

(Against: All Named Municipal and Individual Defendants)

Mr. Ogbebor incorporates all previous paragraphs and causes of action.

Allegation

¹¹⁶ See *Brady v. Maryland*, 373 U.S. 83 (1963); *Mooney v. Holohan*, 294 U.S. 103 (1935).

¹¹⁷ See *Heutzenroeder v. Mesa*, No. 6:20-cv-01521, 2021 WL 1978846, at *6 (W.D. La. May 17, 2021)

Mr. Ogbebor has been subjected to a **longstanding pattern of harassment, legal manipulation, false arrests, and targeted prosecution** beginning in 2008 and extending well beyond 2009. This coordinated conduct, involving police, prosecutors, and judicial actors, violated multiple constitutional protections, including:

- **First Amendment** retaliation for asserting legal rights;
- **Fourth Amendment** violations through repeated unlawful seizures;
- **Sixth Amendment** violations through interference with legal counsel and court access;
- **Fourteenth Amendment** deprivations of due process and equal protection.

This pattern demonstrates that the harms inflicted upon Mr. Ogbebor were neither isolated nor accidental, but rather the product of **ongoing institutional failure** and abuse of authority.

Municipal Liability

The continued involvement of the Defendant City of Lafayette and the University of Louisiana at Lafayette, through their law enforcement and legal branches, demonstrates a **custom, practice, or policy** of constitutional noncompliance warranting municipal liability under *Monell v. Department of Social Services*.

Continuing Violation Doctrine

This count encapsulates all other counts. The conduct described herein constitutes a **systemic campaign of constitutional violations** persisting through consistent patterns of misconduct, forming a textbook case for the application of the continuing violation doctrine under *National Railroad Passenger Corp. v. Morgan*.

COUNT ELEVEN – 04/18/2021

Intentional Infliction of Emotional Distress (IIED) and Continuing Violation
(Against Officer Defendant Latisser, Officer Defendant Payne, Defendant Unidentified LPD Officers, Defendant City of Lafayette, Defendant University of Louisiana at Lafayette, and Defendant Lafayette Police Department)

Mr. Ogbebor reiterates and incorporates by reference all allegations set forth in the preceding paragraphs of this Complaint.

Allegation:

On April 18, 2021, Mr. Ogbebor was subjected to severe emotional distress as a result of a coordinated campaign of harassment and character defamation carried out by Officer Defendant Latisser, Officer Defendant Payne, and others under their direction. These acts, including public defamation and psychological intimidation, formed part of an established and continuing pattern of retaliatory behavior that began in 2008 and persisted through at least 2025.

Explanation:

1. **Outrageous and Intentional Conduct:** The defendants intentionally inflicted emotional distress upon Mr. Ogbebor through conduct so extreme and outrageous that it transcends all bounds of decency, as defined in *Restatement (Second) of Torts* § 46 and upheld in *Christensen v. Superior Court*, 54 Cal. 3d 868 (1991).¹¹⁸
2. **Ongoing Psychological Harm:** The emotional injuries suffered by Mr. Ogbebor were not isolated to the date of the incident. Instead, the psychological toll

¹¹⁸ See *Restatement (Second) of Torts* § 46; *Christensen v. Superior Court*, 54 Cal. 3d 868 (1991).

intensified due to the cumulative nature of the misconduct, thus aligning with the continuing violation doctrine.

3. **Institutional Complicity:** The City of Lafayette and the University of Louisiana at Lafayette failed to intervene, discipline, or properly supervise their personnel, despite repeated patterns of abuse. Their inaction demonstrates deliberate indifference to Mr. Ogbemor's rights and emotional well-being, warranting liability under *Monell v. Dept. of Social Services*, 436 U.S. 658 (1978).¹¹⁹

Continuing Violation Doctrine Application:

Because the emotional harm is rooted in a long-standing retaliatory scheme that escalated over the years, Count Eleven falls squarely within the scope of the continuing violation doctrine as discussed in *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002), and *McGregor v. Louisiana State Univ. Bd. of Supervisors*, 3 F.3d 850 (5th Cir. 1993).¹²⁰¹²¹

Conclusion:

Count Eleven asserts that Mr. Ogbemor's injuries were not the result of a single event but were part of an ongoing campaign of institutional harassment and abuse. He seeks compensatory damages and structural reform to remedy systemic misconduct and prevent further psychological harm to similarly situated individuals.

COUNT TWELVE – 04/18/2021 (Date of Discovery: 02/01/2024)

¹¹⁹ See *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

¹²⁰ See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

¹²¹ See *McGregor v. Louisiana State Univ. Bd. of Supervisors*, 3 F.3d 850 (5th Cir. 1993).

Delayed Access to Exculpatory Evidence and Witness Tampering in Violation of the Fourteenth Amendment and 42 U.S.C. § 1983

(Against Officer Defendant Latisser, Officer Defendant Payne, Defendant City of Lafayette, Defendant University of Louisiana at Lafayette, and Defendant Lafayette Police Department)

Mr. Ogbebor incorporates by reference all prior allegations as if fully set forth herein.

Allegation:

On April 18, 2021, law enforcement officers, including Defendants Latisser and Payne, intentionally suppressed exculpatory evidence relevant to Mr. Ogbebor's defense and engaged in witness tampering that undermined the integrity of judicial proceedings.

These actions were discovered only after an internal review conducted on or about February 1, 2024.¹²²

Explanation:

1. **Delayed Disclosure of Material Evidence:** The defendants withheld or failed to disclose information relating to improper legal intervention in a Temporary Restraining Order proceeding against Mr. Ogbebor. This suppression constitutes a violation of due process rights as articulated in *Brady v. Maryland*, 373 U.S. 83 (1963).¹²³
2. **Witness Tampering and Manipulation:** The officers interfered with witnesses who could have provided favorable testimony. Their actions included attempts to intimidate or dissuade participation in Mr. Ogbebor's defense, violating

¹²² See *Restatement (Second) of Torts* § 46; *Christensen v. Superior Court*, 54 Cal. 3d 868 (1991).

¹²³ See *Brady v. Maryland*, 373 U.S. 83 (1963).

standards set forth in *Giglio v. United States*, 405 U.S. 150 (1972), which requires disclosure of material that might impeach government witnesses.¹²⁴

3. **Systemic Failure of Oversight:** The failure to prevent such misconduct is attributable to a lack of training and internal accountability procedures, in violation of the standards articulated in *City of Canton v. Harris*, 489 U.S. 378 (1989).¹²⁵

Continuing Violation Doctrine Application:

Although the underlying misconduct occurred in 2021, Mr. Ogbebor did not learn of the full extent of the evidentiary suppression until 2024. Under the continuing violation doctrine, the limitations period does not begin to run until the plaintiff knows or has reason to know of the constitutional injury, consistent with *Delaware State College v. Ricks*, 449 U.S. 250 (1980), and *Piotrowski v. City of Houston*, 237 F.3d 567 (5th Cir. 2001).¹²⁶¹²⁷¹²⁸¹²⁹

Conclusion:

The suppression of defense-critical information and manipulation of witnesses are serious constitutional breaches that undermine the legitimacy of the judicial process.

¹²⁴ See *Giglio v. United States*, 405 U.S. 150 (1972).

¹²⁵ See *City of Canton v. Harris*, 489 U.S. 378 (1989).

¹²⁶ See *Delaware State College v. Ricks*, 449 U.S. 250 (1980).

¹²⁷ See *Piotrowski v. City of Houston*, 237 F.3d 567 (5th Cir. 2001).

¹²⁸ See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

¹²⁹ See *McGregor v. Louisiana State Univ. Bd. of Supervisors*, 3 F.3d 850 (5th Cir. 1993).

Count Twelve seeks redress for these violations and demands systemic reforms to ensure future compliance with constitutional disclosure requirements.

COUNT THIRTEEN – 12/31/2021

Violation of Due Process and Privacy Rights Through Court-Ordered Psychological Evaluation

(Against 15th Judicial District Court, Officer Defendant Latisser, Officer Defendant Payne, Defendant Lafayette Police Department, Defendant City of Lafayette, and Defendant University of Louisiana at Lafayette)

Mr. Ogbebor incorporates all prior allegations as if fully set forth herein.

Allegation:

Mr. Ogbebor was subjected to a court-ordered psychological evaluation stemming from legal advice initiated by Officer Defendant Latisser and Officer Defendant Payne. This evaluation was imposed without sufficient evidence or procedural safeguards, violating Mr. Ogbebor's privacy and due process rights under the Fourteenth Amendment.

Explanation:

- 1. Violation of Privacy and Autonomy:** The compelled psychological evaluation constitutes a substantial intrusion on Mr. Ogbebor's bodily autonomy and mental integrity. The Supreme Court in *Washington v. Harper*, 494 U.S. 210 (1990), emphasized that even convicted inmates possess a significant liberty interest in avoiding forced medical treatment, which must be balanced with compelling state interests. This interest applies with greater force in the context of pretrial litigants or individuals not under penal custody.¹³⁰

¹³⁰ See *Washington v. Harper*, 494 U.S. 210 (1990).

2. **Procedural Due Process Violation:** The process used to order Mr. Ogbebor's evaluation lacked transparency, factual basis, and adequate opportunity to contest the imposition, rendering it unconstitutional. In *Vitek v. Jones*, 445 U.S. 480 (1980), the Court held that individuals cannot be subjected to forced psychiatric evaluation or treatment without meaningful due process, including notice, hearing, and the ability to confront evidence.¹³¹
3. **Municipal and Judicial Complicity:** The 15th Judicial District Court, relying on unverified police assertions, failed to meet its constitutional obligation to safeguard Mr. Ogbebor's liberty. The City of Lafayette and University of Louisiana at Lafayette's failure to train or monitor officers further demonstrates deliberate indifference, satisfying the standard for institutional liability under *City of Canton v. Harris*, 489 U.S. 378 (1989).¹³²

Conclusion:

Count Thirteen asserts that the State and its agents weaponized the judicial system to conduct a retaliatory and unjustified psychological evaluation of Mr. Ogbebor, violating his constitutional rights. He seeks declaratory relief, compensatory and punitive damages, and structural reforms to ensure future judicial protections are not undermined by collusion between law enforcement and courts.

COUNT FOURTEEN – 01/09/2022

False Arrest, Retaliation, Abuse of Process, and Equal Protection Violation under the Fourth and Fourteenth Amendments

¹³¹ See *Vitek v. Jones*, 445 U.S. 480 (1980).

¹³² See *City of Canton v. Harris*, 489 U.S. 378 (1989).

(Against Officer Defendant DOE, Defendant Lafayette Police Department, Defendant City of Lafayette, and Defendant University of Louisiana at Lafayette)

Mr. Ogbebor incorporates all prior allegations by reference.

Allegation:

On January 9, 2022, Mr. Ogbebor was arrested without probable cause by Officer Defendant DOE in an act of retaliation. The arrest was not supported by valid legal justification and was carried out to punish Mr. Ogbebor for his prior civil rights activities and protected speech.

Explanation:

1. **False Arrest:** Mr. Ogbebor's arrest violated the Fourth Amendment because there was no warrant and no probable cause. In *Dunaway v. New York*, 442 U.S. 200 (1979), the Court held that arrests unsupported by probable cause violate the Fourth Amendment, regardless of whether formal charges follow.¹³³
2. **First Amendment Retaliation:** The arrest was initiated due to Mr. Ogbebor's outspoken criticism of police misconduct, protected activities under the First Amendment. In *Hartman v. Moore*, 547 U.S. 250 (2006), the Supreme Court recognized that retaliatory arrests without probable cause can form the basis of a constitutional claim if a causal connection exists.¹³⁴
3. **Abuse of Process:** Law enforcement manipulated judicial procedures for purposes unrelated to legitimate prosecution, thereby violating due process.

¹³³ See *Dunaway v. New York*, 442 U.S. 200 (1979).

¹³⁴ See *Hartman v. Moore*, 547 U.S. 250 (2006).

Malley v. Briggs, 475 U.S. 335 (1986), confirms that legal actors who misrepresent facts to obtain judicial action can be liable for abuse of process.¹³⁵

4. **Equal Protection Violation:** Mr. Ogbebor was singled out for adverse treatment based on his history of protected legal challenges. This differential treatment is prohibited under *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432 (1985), which established that selective enforcement against disfavored individuals violates the Equal Protection Clause.¹³⁶

Municipal Liability:

The actions described reflect a pattern of retaliation and procedural misconduct that was facilitated by systemic failures in supervision and training. Under *Monell v. Dept. of Social Services*, 436 U.S. 658 (1978), these institutional failures are actionable where they are the moving force behind constitutional violations.¹³⁷

Conclusion:

Count Fourteen asserts that Mr. Ogbebor's arrest on January 9, 2022, was not only unlawful but also executed as part of a broader retaliatory campaign, representing a coordinated abuse of police and prosecutorial power. Mr. Ogbebor seeks full legal redress, including compensatory and punitive damages, injunctive relief, and formal recognition of his constitutional injuries.

COUNT FIFTEEN – 01/09/2022

¹³⁵ See *Malley v. Briggs*, 475 U.S. 335 (1986).

¹³⁶ See *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432 (1985).

¹³⁷ *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

Intentional Infliction of Emotional Distress (IIED)

(Against Defendant Unidentified LPD Officer, Defendant Lafayette Police Department, Defendant City of Lafayette, and Defendant University of Louisiana at Lafayette)

Mr. Ogbebor incorporates all prior allegations by reference as if fully restated herein.

Allegation:

On or about January 9, 2022, Mr. Ogbebor was subjected to calculated psychological abuse and intimidation by an unidentified LPD officer during a retaliatory encounter. The officer's conduct caused Mr. Ogbebor extreme emotional trauma and distress, warranting recovery under the doctrine of intentional infliction of emotional distress (IIED) recognized under both federal and Louisiana law.

Explanation:

1. **Extreme and Outrageous Conduct:** The officer's actions—unprovoked verbal assault, physical intimidation, and the public shaming of Mr. Ogbebor—transcend all bounds of decency. Such conduct meets the threshold for IIED as defined by *Restatement (Second) of Torts* § 46, and applied in *Christensen v. Superior Court*, 54 Cal. 3d 868 (1991).¹³⁸
2. **Severe Emotional Distress:** Mr. Ogbebor suffered long-lasting psychological damage, including anxiety, loss of sleep, and humiliation in the community, directly attributable to the conduct.¹³⁹

¹³⁸ See *Restatement (Second) of Torts* § 46; *Christensen v. Superior Court*, 54 Cal. 3d 868 (1991).

¹³⁹ See also *White v. Monsanto Co.*, 585 So. 2d 1205 (La. 1991) (recognizing IIED under Louisiana law).

3. **Municipal and Supervisory Liability:** The City of Lafayette's failure to properly train or supervise its officers, despite known patterns of misconduct, amounts to deliberate indifference under *City of Canton v. Harris*, 489 U.S. 378 (1989).¹⁴⁰
4. **Institutional Complicity of the University:** The University of Louisiana at Lafayette, having historically failed to address constitutional violations by its officers since 2008, remains complicit through its continuing inaction and inadequate policies. Under *Monell v. Department of Social Services*, 436 U.S. 658 (1978), such failure establishes liability.¹⁴¹
5. **Systemic Negligence by the Police Department:** The LPD's indifference to training and accountability allowed unconstitutional behavior to flourish—a deficiency highlighted in *Connick v. Thompson*, 563 U.S. 51 (2011), where failure to train on key rights was found actionable.¹⁴²

Conclusion:

Count Fifteen articulates a clear claim for IIED. It highlights not only the emotional harm inflicted upon Mr. Ogbemor by individual officers but also the institutional failures that fostered a culture of abuse. Redress is warranted for both the personal suffering endured and the systemic deficiencies that enabled it.

COUNT SIXTEEN – 03/28/2022

¹⁴⁰ See *City of Canton v. Harris*, 489 U.S. 378 (1989).

¹⁴¹ See *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

¹⁴² See *Connick v. Thompson*, 563 U.S. 51 (2011).

**Retaliation, Violation of Equal Protection, and First Amendment Violations
(In Violation of 42 U.S.C. § 1983, the First Amendment to the U.S. Constitution,
and Article I, § 7 of the Louisiana Constitution)**

(Against Officer Defendant Latisser, Other Unidentified LPD Officers, Defendant Lafayette Police Department, Defendant City of Lafayette, and Defendant University of Louisiana at Lafayette)

Mr. Ogbebor incorporates all prior allegations by reference.

Allegation:

On or about March 28, 2022, Mr. Ogbebor was once again targeted by law enforcement in retaliation for his protected speech and ongoing legal actions. Officer Defendant Latisser, along with unnamed officers from the LPD, engaged in conduct designed to suppress Mr. Ogbebor's exercise of his constitutional rights.

Explanation and Legal Framework:

1. **First Amendment Retaliation:** The retaliatory actions against Mr. Ogbebor—surveillance, verbal harassment, and unjustified stops—were prompted by his criticism of law enforcement and civil rights litigation. Such conduct violates the First Amendment. In *Pickering v. Board of Education*, 391 U.S. 563 (1968), the Court recognized protection for speech addressing public concerns.¹⁴³
2. **Equal Protection Violation:** Mr. Ogbebor alleges he was treated differently due to his race and history of legal action, without any legitimate state interest. *Washington v. Davis*, 426 U.S. 229 (1976), confirms that even facially neutral actions are unconstitutional when motivated by discriminatory intent.¹⁴⁴

¹⁴³ See *Pickering v. Board of Education*, 391 U.S. 563 (1968).

¹⁴⁴ See *Washington v. Davis*, 426 U.S. 229 (1976).

3. **Municipal Liability for Retaliatory Custom:** The City of Lafayette and University of Louisiana at Lafayette both failed to prevent these violations despite a known history of harassment against Mr. Ogbebor dating back to 2008. As articulated in *Monell*, municipalities are liable where a custom, policy, or practice caused the constitutional injury.¹⁴⁵
4. **Failure to Train:** The pattern of retaliatory conduct demonstrates a complete lack of training on constitutional boundaries. This deficiency invokes municipal liability under *City of Canton*, especially where repeated complaints were ignored.¹⁴⁶
5. **Ongoing Institutional Role of the University:** The University of Louisiana at Lafayette's failure to redress or meaningfully investigate the constitutional violations stemming from Mr. Ogbebor's 2008 arrest created a legal and reputational burden that followed him for years. The criminal history that originated from the university's actions was used by subsequent actors to justify renewed retaliation, including the 2022 incident. This lingering harm—rooted in institutional misconduct—reinforces a continuous chain of causation and supports application of the **Continuing Violation Doctrine**, which allows time-barred events to be considered when part of an ongoing pattern of rights violations.¹⁴⁷

¹⁴⁵ See *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

¹⁴⁶ See *City of Canton v. Harris*, 489 U.S. 378 (1989).

¹⁴⁷ See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002); *McGregor v. Louisiana State Univ. Bd. of Supervisors*, 3 F.3d 850 (5th Cir. 1993).

Conclusion:

Count Sixteen demonstrates how decades-long institutional failures culminated in further retaliation against Mr. Ogbebor. He seeks full remedies available under federal and state law, including damages, injunctive relief, and declaratory judgment.

COUNT SEVENTEEN – 03/28/2022**Violation of Fourth Amendment Rights, Excessive Use of Force, and Creation of a Hostile Environment****in Violation of 42 U.S.C. § 1983 and the Continuing Violation Doctrine**

(Against Officer Defendant Latisser, Officer Defendant DOE 1, DOE 2, DOE 3, Lafayette Police Department, City of Lafayette, and University of Louisiana at Lafayette)

Allegation:

On or about March 28, 2022, Mr. Ogbebor was subjected to an unconstitutional confrontation at his residence by LPD officers, including use of excessive force, intimidation, and warrantless interference, causing physical and psychological harm.

Explanation with Legal Precedents:

1. **Unlawful Seizure:** The officers approached and engaged Mr. Ogbebor absent any legal cause, violating the Fourth Amendment's protections as outlined in *Katz v. United States*, 389 U.S. 347 (1967).¹⁴⁸
2. **Excessive Force:** The aggressive stance and threats of violence used against Mr. Ogbebor violated the "objective reasonableness" standard in *Graham v. Connor*, 490 U.S. 386 (1989).¹⁴⁹

¹⁴⁸ See *Katz v. United States*, 389 U.S. 347 (1967).

¹⁴⁹ See *Graham v. Connor*, 490 U.S. 386 (1989).

3. **Hostile Environment as Psychological Coercion:** The officers' threatening presence and verbal abuse created a psychologically coercive environment, prohibited by *Hudson v. McMillian*, 503 U.S. 1 (1992).¹⁵⁰

Continuing Violation Doctrine:

These events are not isolated. They stem from the criminalization, targeting, and record-building that began with the unconstitutional 2008 arrest orchestrated by the University of Louisiana at Lafayette. That arrest triggered a chain of retaliatory enforcement and municipal tolerance of misconduct that persisted through 2022. As held in *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002), and applied in *McGregor v. Louisiana State Univ.*, 3 F.3d 850 (5th Cir. 1993), continuing violations are actionable so long as part of the conduct occurred within the statutory period.¹⁵¹

Institutional Liability:

- *Monell v. Dept. of Social Services*, 436 U.S. 658 (1978), establishes municipal liability where policies or omissions cause rights violations.¹⁵²
- *City of Canton v. Harris*, 489 U.S. 378 (1989), extends this to failure to train.⁶¹⁵³
- The University's failure to reform or acknowledge the 2008 misconduct perpetuated the conditions that allowed the 2022 escalation.

COUNT EIGHTEEN – 03/28/2022

¹⁵⁰ See *Hudson v. McMillian*, 503 U.S. 1 (1992).

¹⁵¹ See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002); *McGregor v. Louisiana State Univ.*, 3 F.3d 850 (5th Cir. 1993).

¹⁵² See *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

¹⁵³ See *City of Canton v. Harris*, 489 U.S. 378 (1989).

Intentional Infliction of Emotional Distress (IIED) and Continuing Violation of 42 U.S.C. § 1983

(Against Officer Defendant Latisser, Officer DOE 1–3, LPD, City of Lafayette, and University of Louisiana at Lafayette)

Allegation:

Mr. Ogbebor suffered severe emotional trauma as a result of calculated verbal and psychological abuse carried out under the color of state law.

Explanation:

1. **Extreme and Outrageous Conduct:** Officers engaged in behavior “beyond all possible bounds of decency,” meeting the IIED threshold in *Restatement (Second) of Torts* § 46.¹⁵⁴
2. **Causation from Past Misconduct:** Mr. Ogbebor’s continued suffering is linked to ongoing acts of harassment by officials who disregarded the truth and relied on prejudicial records stemming from the University’s 2008 false arrest incident.
3. **Municipal Liability:** The failure to interrupt this pattern constitutes deliberate indifference under *City of Canton*¹⁵⁵ and is actionable via *Monell*.¹⁵⁶

Continuing Violation Doctrine:

Mr. Ogbebor’s emotional trauma is the product of years of state-facilitated retaliation.

¹⁵⁴ See *Restatement (Second) of Torts* § 46.

¹⁵⁵ See *City of Canton v. Harris*, 489 U.S. 378 (1989).

¹⁵⁶ See *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

The doctrine permits recovery when individual acts are part of a connected pattern of harm, as outlined in *Morgan* and *McGregor*.¹⁵⁷

COUNT NINETEEN – 03/29/2022

Unlawful Entry and False Arrest in Violation of the Fourth Amendment and 42 U.S.C. § 1983

(Against Officer Latisser, Officer Hutchinson, DOE 1–2, LPD, City of Lafayette, and University of Louisiana at Lafayette)

Allegation:

Mr. Ogbebor was subjected to warrantless home intrusion and arrested without probable cause, in violation of clearly established Fourth Amendment protections¹⁵⁸.

Legal Analysis:

1. **Unlawful Entry:** The officers' entry violated the standards set in *Payton v. New York*, 445 U.S. 573 (1980), which prohibits home intrusion without a warrant.¹⁵⁹
2. **False Arrest:** *Dunaway v. New York*, 442 U.S. 200 (1979), confirms that arrests must be supported by probable cause.¹⁶⁰
3. **Continuing Violation:** The criminal history that arose from the University of Louisiana at Lafayette's 2008 misconduct served as a false predicate to justify

¹⁵⁷ See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002); *McGregor v. Louisiana State Univ.*, 3 F.3d 850 (5th Cir. 1993).

¹⁵⁸ University of Louisiana at Lafayette's involvement in prior incidents: Indicates the long-term impact of systemic failures and the need for accountability in recurring constitutional violations.

¹⁵⁹ See *Payton v. New York*, 445 U.S. 573 (1980).

¹⁶⁰ See *Dunaway v. New York*, 442 U.S. 200 (1979).

this arrest. The arrest and entry are the culmination of over a decade of unlawful conduct by state actors against Mr. Ogbebor.¹⁶¹¹⁶²¹⁶³

COUNT TWENTY – 03/29/2022

Improper Search and Seizure in Violation of the Fourth Amendment and 42 U.S.C. § 1983

(Against Officer Latisser, Officer Hutchinson, DOE 1–2, LPD, City of Lafayette, and University of Louisiana at Lafayette)

Allegation:

Mr. Ogbebor's person and property were searched without a valid warrant, consent, or exigent circumstances, and he was detained unlawfully, in violation of his Fourth Amendment rights.

Legal Framework:

1. **Improper Search:** *Mapp v. Ohio*, 367 U.S. 643 (1961), prohibits warrantless searches without valid exceptions.¹⁶⁴
2. **Improper Seizure:** *Terry v. Ohio*, 392 U.S. 1 (1968), requires individualized suspicion and reasonableness, absent in Mr. Ogbebor's case.¹⁶⁵

¹⁶¹ See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002); *McGregor v. Louisiana State Univ.*, 3 F.3d 850 (5th Cir. 1993).

¹⁶² See *Monell v. Department of Social Services*, 436 U.S. 658 (1978).

¹⁶³ See *City of Canton v. Harris*, 489 U.S. 378 (1989): Established municipal liability for failure to train if the failure amounts to deliberate indifference to the rights of persons with whom the police come into contact.

¹⁶⁴ See *Mapp v. Ohio*, 367 U.S. 643 (1961): Established the exclusionary rule, requiring that evidence obtained in violation of the Fourth Amendment be excluded from trial.

¹⁶⁵ See *Terry v. Ohio*, 392 U.S. 1 (1968): Set the standard for stop and frisk procedures, requiring reasonable suspicion for stops and frisks.

3. **Continuing Violation Doctrine:** This incident is part of a sustained pattern of unconstitutional policing that began with the University of Louisiana at Lafayette's 2008 misconduct. Because the same flawed premise (false record, retaliation) continues to motivate state conduct, the claim survives under *Morgan*.¹⁶⁶¹⁶⁷

COUNT TWENTY-ONE – 03/29/2022

Intentional Infliction of Emotional Distress and Municipal Liability for Failure to Train
(Against Officer Defendant Latisser, Officer Defendant Hutchison, Officer Defendant DOE 1, Officer Defendant DOE 2, Lafayette Police Department, City of Lafayette, and University of Louisiana at Lafayette)

Mr. Ogbemor incorporates all preceding allegations by reference.

Allegation:

On March 29, 2022, Mr. Ogbemor endured extreme and outrageous conduct from the defendants, including psychological intimidation and misconduct rising to the level of intentional infliction of emotional distress (IIED).

Explanation and Legal Framework:

¹⁶⁶ See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002); *McGregor v. Louisiana State Univ.*, 3 F.3d 850 (5th Cir. 1993).

¹⁶⁷ See *City of Canton v. Harris*, 489 U.S. 378 (1989): Established municipal liability for failure to train if the failure amounts to deliberate indifference to the rights of persons with whom the police come into contact.

1. **Intentional Infliction of Emotional Distress:** The actions of Defendants exceeded all possible bounds of decency, satisfying the threshold for IIED as outlined in *Restatement (Second) of Torts* §46.¹⁶⁸
2. **Failure to Train:** The City of Lafayette's and University of Louisiana at Lafayette's failure to provide adequate officer training, as identified in *City of Canton v. Harris*, 489 U.S. 378 (1989), constitutes deliberate indifference to constitutional rights.¹⁶⁹

Continuing Violation Doctrine:

The events of March 29, 2022 were not isolated but part of an unbroken chain of retaliatory and unlawful conduct that began with Mr. Ogbebor's 2008 false arrest by University of Louisiana at Lafayette officers. Under *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002), this constitutes a continuing violation.¹⁷⁰

COUNT TWENTY-TWO – 07/05/2022

Unlawful Arrest, Fourth Amendment Violation, and First Amendment Retaliation (Against Officer Defendant Whatley, Officer Whatley's Partner, Lafayette Police Department, City of Lafayette, and University of Louisiana at Lafayette)

Mr. Ogbebor incorporates all prior paragraphs.

¹⁶⁸ *Restatement (Second) of Torts* § 46: Establishes the legal framework for IIED, emphasizing the need for conduct to be extreme and beyond all bounds of decency.

¹⁶⁹ *City of Canton v. Harris*, 489 U.S. 378 (1989).

¹⁷⁰ See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

Allegation:

On July 5, 2022, Mr. Ogbebor was arrested without probable cause, in retaliation for his constitutionally protected expression and legal activity.

Legal Grounds:

1. **Unlawful Arrest:** Defendants violated *Payton v. New York*, 445 U.S. 573 (1980), by entering without a warrant. ¹⁷¹
2. **Retaliation:** The arrest was in direct response to Mr. Ogbebor's protected conduct, a violation of *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274 (1977). ¹⁷²

Municipal Liability:

- *City of Canton* and *Monell* establish the City and University's liability for failure to train and oversight. ¹⁷³¹⁷⁴

Continuing Violation:

This arrest occurred as part of a prolonged pattern of targeted harassment tracing back to Mr. Ogbebor's original 2008 false arrest, invoking *Morgan*. ¹⁷⁵

COUNT TWENTY-THREE – 07/5/2022

¹⁷¹ See *Payton v. New York*, 445 U.S. 573 (1980).

¹⁷² See *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274 (1977).

¹⁷³ See *City of Canton v. Harris*, 489 U.S. 378 (1989).

¹⁷⁴ See *Monell v. Department of Social Services*, 436 U.S. 658 (1978); *City of Canton*, 489 U.S. 378 (1989).

¹⁷⁵ See *Morgan*, 536 U.S. 101 (2002).

Intentional Infliction of Emotional Distress

(Against Officer Whatley, Officer Whatley's Partner, Lafayette Police Department, City of Lafayette, and University of Louisiana at Lafayette)

Allegation:

The July 5, 2022 arrest was conducted in a degrading and threatening manner, inflicting severe emotional trauma.

Explanation:

1. **IIED Elements Met:** The conduct was outrageous, aligning with *Taylor v. Louisiana Citizens Prop. Ins. Corp.*, 566 F.3d 906 (5th Cir. 2009).¹⁷⁶
2. **Failure to Train & Oversight:** Applies *City of Canton* and *Connick v. Thompson*, 563 U.S. 51 (2011).¹⁷⁷¹⁷⁸

Continuing Violation Doctrine:

As in prior counts, the University's initial misconduct and the City's failure to train allowed this July 2022 incident to materialize within the broader context of retaliatory enforcement.¹⁷⁹

COUNT TWENTY-FOUR – 09/3/2022**Illegal Search and Seizure, False Arrest, Fourth Amendment Violations**

(Against Officer Whatley, Unidentified Officer, Lafayette Police Department, City of Lafayette, and University of Louisiana at Lafayette)

¹⁷⁶ See *Taylor v. Louisiana Citizens*, 566 F.3d 906 (5th Cir. 2009).

¹⁷⁷ See *City of Canton*, 489 U.S. 378 (1989).

¹⁷⁸ See *Connick v. Thompson*, 563 U.S. 51 (2011).

¹⁷⁹ See *Morgan*, 536 U.S. 101 (2002).

Allegation:

Mr. Ogbebor was detained and searched without a warrant or probable cause.

Explanation:

1. **Illegal Search:** Violated *Katz v. United States*, 389 U.S. 347 (1967). ¹⁸⁰
2. **False Arrest:** Violated *Dunaway v. New York*, 442 U.S. 200 (1979). ¹⁸¹

Institutional Liability:

Failures by the City and University under *Monell* and *Canton* created the circumstances for these violations. ¹⁸²¹⁸³

Continuing Violation:

The misconduct is an extension of Mr. Ogbebor's criminalization beginning in 2008, making this incident part of a tollable course of conduct under *Morgan*. ¹⁸⁴

COUNT TWENTY-FIVE – 09/3/2022**Intentional Infliction of Emotional Distress**

(Against Officer Whatley, Unidentified Officer, Lafayette Police Department, City of Lafayette, and University of Louisiana at Lafayette)

Allegation:

On September 3, 2022, Mr. Ogbebor suffered emotional trauma arising from the extreme and unconstitutional manner in which he was treated.

Legal Grounds:

¹⁸⁰ See *Katz v. United States*, 389 U.S. 347 (1967).

¹⁸¹ See *Dunaway v. New York*, 442 U.S. 200 (1979).

¹⁸² See *City of Canton v. Harris*, 489 U.S. 378 (1989).

¹⁸³ See *Monell*, 436 U.S. 658 (1978); *City of Canton*, 489 U.S. 378 (1989).

¹⁸⁴ See *Morgan*, 536 U.S. 101 (2002).

1. **Extreme and Outrageous Conduct:** Meets the threshold for IIED under *Restatement (Second) of Torts §46*.¹⁸⁵
2. **Municipal Liability:** Based on *City of Canton* and *Oklahoma City v. Tuttle*, 471 U.S. 808 (1985), which acknowledges a municipality's liability for single episodes when policies or lack thereof are causative.^{11 186187}

Continuing Violation Doctrine:

The emotional distress stems directly from the compounded mistreatment dating back to 2008, and must be evaluated under the lens of *Morgan* as part of a continuous pattern.¹⁸⁸

COUNT TWENTY-SIX

Coercion and Denial of Due Process under the Fifth and Fourteenth Amendments to the U.S. Constitution in violation of 42 U.S.C. § 1983
(Against Defendant Logan, Defendant Stipe, Defendant Lafayette Consolidated Government)

Mr. Ogbebor emphatically reiterates and incorporates all preceding allegations.

Allegation:

City Attorney Defendant Logan and Assistant City Attorney Defendant Stipe, acting under the authority of Defendant Lafayette Consolidated Government, engaged in coercive conduct and procedural obstruction that violated Mr. Ogbebor's constitutional

¹⁸⁵ *Restatement (Second) of Torts §46*

¹⁸⁶ See *Oklahoma City v. Tuttle*, 471 U.S. 808 (1985).

¹⁸⁷ See *City of Canton*, 489 U.S. 378 (1989).

¹⁸⁸ See *Morgan*, 536 U.S. 101 (2002).

rights to remain free from compelled speech and to access fair and impartial legal proceedings.

Explanation with Legal Precedents:

1. **Coercion:** The defendants' pressure tactics implicate protections under the Fifth Amendment, as articulated in *Lefkowitz v. Turley*, where the Court condemned coercive state actions that pressure individuals to forgo constitutional protections.¹⁸⁹
2. **Denial of Due Process:** Mr. Ogbebor was denied fair process, violating *Mathews v. Eldridge*, which requires notice and opportunity to be heard prior to deprivation of liberty or property.¹⁹⁰

Relevance of 42 U.S.C. § 1983:

This count asserts that the actions of Logan and Stipe under color of law directly caused constitutional injury, subjecting all defendants to liability under § 1983.

COUNT TWENTY-SEVEN

Intentional Infliction of Emotional Distress

(Against Defendant Logan, Defendant Stipe, Defendant Lafayette Consolidated Government, and Defendant University of Louisiana at Lafayette)

Mr. Ogbebor incorporates all prior allegations.

Allegation:

The coercive legal maneuvers, threats, and obstruction of redress by Logan and Stipe

¹⁸⁹ See *Lefkowitz v. Turley*, 414 U.S. 70 (1973).

¹⁹⁰ See *Mathews v. Eldridge*, 424 U.S. 319 (1976).

were so extreme and outrageous that they caused Mr. Ogbebor severe emotional distress.

Explanation with Legal Precedents:

1. **Extreme and Outrageous Conduct:** Their behavior qualifies as IIED under *Restatement (Second) of Torts § 46* and *White v. Monsanto Co.*, where conduct that exceeds all bounds of decency is actionable.¹⁹¹
2. **Institutional Liability:** Failure to prevent this conduct is actionable under *City of Canton v. Harris*, which supports §1983 liability for failure to train; the University's indirect contribution traces to systemic misconduct stemming from 2008.¹⁹²

Relevance of 42 U.S.C. § 1983:

This claim intersects tort and constitutional harm and is actionable under §1983 given the actors were state officials engaged in retaliatory conduct.

COUNT TWENTY-EIGHT

Violation of Equal Protection and Due Process Rights under the Fourteenth Amendment in violation of 42 U.S.C. § 1983
(Against Defendant University of Louisiana at Lafayette)

Mr. Ogbebor reasserts and incorporates all previous factual allegations.

Allegation:

The University of Louisiana at Lafayette engaged in discriminatory and arbitrary

¹⁹¹ See *White v. Monsanto Co.*, 585 So.2d 1205 (La. 1991).

¹⁹² See *City of Canton v. Harris*, 489 U.S. 378 (1989).\

conduct on August 20, 2008, depriving Mr. Ogbebor of equal protection and due process.

Explanation with Legal Precedents:

1. **Equal Protection Violation:** The discriminatory actions are governed by *Washington v. Davis*, which held that facially neutral policies violate equal protection when driven by discriminatory intent.¹⁹³
2. **Due Process Violation:** The failure to implement safeguards violated *Goss v. Lopez* and *Mathews v. Eldridge*, both of which require fair process before the deprivation of rights.¹⁹⁴

Continuing Violation Doctrine:

This count remains viable under *National Railroad Passenger Corp. v. Morgan*, which allows older constitutional violations to be litigated as part of a continuing pattern.¹⁹⁵

Relevance of 42 U.S.C. § 1983:

The University of Louisiana at Lafayette acted under color of state law and caused lasting harm that is actionable under §1983.

COUNT TWENTY-NINE

**Coercion and Violation of Due Process under the Fifth and Fourteenth
Amendments in violation of 42 U.S.C. § 1983
(Against Defendant University of Louisiana at Lafayette)**

¹⁹³ See *Washington v. Davis*, 426 U.S. 229 (1976).

¹⁹⁴ See *Goss v. Lopez*, 419 U.S. 565 (1975); *Mathews v. Eldridge*, 424 U.S. 319 (1976).

¹⁹⁵ See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

Allegation:

On August 20, 2008, the University used coercive measures to suppress Mr. Ogbebor's rights, while failing to provide adequate process or equal protection.

Explanation with Legal Precedents:

1. **Coercion:** The tactics violate *Garrity v. New Jersey*, which prohibits coercive actions by state officials compelling constitutional waivers.¹⁹⁶
2. **Due Process and Equal Protection:** The deprivation of rights without fair hearing or justification violates *Cleveland Bd. of Educ. v. Loudermill* and *City of Cleburne v. Cleburne Living Center*.¹⁹⁷

Continuing Violation Doctrine:

This act, though originating in 2008, forms part of a systemic pattern and remains justiciable under *Morgan*.¹⁹⁸

Relevance of 42 U.S.C. § 1983:

State-based coercion and procedural injustice are actionable under §1983.

COUNT THIRTY**False Arrest and Violation of Fourth Amendment Rights in violation of 42 U.S.C. § 1983**

(Against Defendant District Attorney's Office and Defendant ADA Landry)

Mr. Ogbebor incorporates all prior factual allegations.

¹⁹⁶ See *Garrity v. New Jersey*, 385 U.S. 493 (1967).

¹⁹⁷ See *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532 (1985); *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432 (1985).

¹⁹⁸ See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

Allegation:

Mr. Ogbebor's arrest on August 21, 2008, was executed without probable cause, and prosecutorial misconduct by ADA Landry deprived him of fair trial rights.

Explanation with Legal Precedents:

1. **False Arrest:** Detention without legal basis violated *Dunaway v. New York*, which requires probable cause for arrests.¹⁹⁹
2. **Lack of Probable Cause:** The arrest was also contrary to *Terry v. Ohio*, requiring reasonable suspicion for stop-and-frisk detentions.²⁰⁰
3. **Prosecutorial Misconduct:** The suppression of exculpatory evidence and failure to train are governed by *Brady v. Maryland* and *Connick v. Thompson*.²⁰¹

Continuing Violation Doctrine:

This arrest initiated a multi-year pattern of constitutional deprivation. Under *Morgan*, its impact remains actionable.²⁰²

Relevance of 42 U.S.C. § 1983:

This count demands redress for constitutional violations committed by the prosecution under state authority.x

COUNT THIRTY-ONE

¹⁹⁹ See *Dunaway v. New York*, 442 U.S. 200 (1979).

²⁰⁰ See *Terry v. Ohio*, 392 U.S. 1 (1968).

²⁰¹ See *Brady v. Maryland*, 373 U.S. 83 (1963); *Connick v. Thompson*, 563 U.S. 51 (2011).

²⁰² See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

**Prosecutorial Negligence and Failure to Address Police Misconduct
In Relation to 4/18/2021 Arrest — Violation of Due Process Rights under the
Fourteenth Amendment to the U.S. Constitution in violation of 42 U.S.C. § 1983
(Against Defendant District Attorney's Office Lafayette Parish Lafayette Parish,
Defendant Landry, Defendant Haynes)**

Mr. Ogbebor emphatically reiterates and incorporates all preceding allegations.

Allegation:

Following Mr. Ogbebor's April 18, 2021 arrest, the District Attorney's Office Lafayette Parish Lafayette Parish, through Defendants Landry and Haynes, failed to investigate or take disciplinary action against officers who engaged in misconduct, including unlawfully offering legal advice to a civilian witness, which contributed to the improper issuance of a restraining order and arrest. Despite receiving body-worn camera footage that confirmed this misconduct, the prosecutors failed to timely act or remedy the violation. Their inaction represents deliberate indifference and prosecutorial negligence in violation of Mr. Ogbebor's Fourteenth Amendment due process rights.

Legal Framework and Precedents:

- Prosecutors must prevent constitutional violations by ensuring proper training and response. *Connick v. Thompson*, 563 U.S. 51 (2011).²⁰³
- Prosecutors are obligated to seek justice, not just convictions. *Imbler v. Pachtman*, 424 U.S. 409 (1976).²⁰⁴

²⁰³ See *Connick v. Thompson*, 563 U.S. 51 (2011).

²⁰⁴ See *Imbler v. Pachtman*, 424 U.S. 409 (1976).

- Neglecting known misconduct can directly influence due process outcomes.

Kyles v. Whitley, 514 U.S. 419 (1995).²⁰⁵

Tolling Under National Railroad:

Because this failure to act was part of an ongoing sequence of related constitutional violations involving Mr. Ogbebor, it is tolled under the continuing violation doctrine. See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).²⁰⁶

COUNT THIRTY-TWO

**4/18/2021 Arrest Prosecution — Violation of Due Process Rights under the
Fourteenth Amendment in violation of 42 U.S.C. § 1983
(Against Defendant District Attorney's Office Lafayette Parish Lafayette Parish,
Defendant Landry, Defendant Haynes)**

Mr. Ogbebor incorporates all prior allegations.

Allegation:

Despite having access to exculpatory body-worn camera footage that revealed unlawful conduct by police, including improper legal advice to a civilian complainant, Defendants Landry and Haynes continued to prosecute Mr. Ogbebor. The evidence was not disclosed promptly, and Mr. Ogbebor's defense counsel had to intervene extensively to secure a dismissal. This conduct violated Mr. Ogbebor's right to due process under the Fourteenth Amendment and inflicted avoidable emotional and reputational harm.

Legal Framework and Precedents:

²⁰⁵ See *Kyles v. Whitley*, 514 U.S. 419 (1995).

²⁰⁶ See *National R.R. Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

- Prosecutors are constitutionally required to disclose exculpatory evidence.
Brady v. Maryland, 373 U.S. 83 (1963).⁵²⁰⁷
- The right to effective counsel ensures meaningful protection of due process.
Gideon v. Wainwright, 372 U.S. 335 (1963).²⁰⁸
- Pretrial procedure must be fundamentally fair. *Mathews v. Eldridge*, 424 U.S. 319 (1976).²⁰⁹

Tolling Under National Railroad:

This prosecution was part of a continuous series of violations stemming from the same core misconduct that began in 2008 and resurfaced in subsequent prosecutions. As such, it qualifies for tolling under the continuing violation doctrine outlined in *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).²¹⁰

COUNT THIRTY-THREE

1/9/2022 Arrest Prosecution — Violation of Due Process Rights under the Fourteenth Amendment in violation of 42 U.S.C. § 1983

(Against Defendant District Attorney's Office Lafayette Parish Lafayette Parish Lafayette Parish, Defendant Landry, Defendant Austin, Defendant Richard)

Mr. Ogbebor incorporates all prior allegations.

Allegation:

Defendants prosecuted Mr. Ogbebor without probable cause and coerced a guilty plea, resulting in an unconstitutional deprivation of his liberty.

²⁰⁷ See *Brady v. Maryland*, 373 U.S. 83 (1963).

²⁰⁸ See *Gideon v. Wainwright*, 372 U.S. 335 (1963).

²⁰⁹ See *Mathews v. Eldridge*, 424 U.S. 319 (1976).

²¹⁰ See *National R.R. Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

Legal Framework and Precedents:

1. *Albright v. Oliver*, 510 U.S. 266 (1994), outlines protections against malicious prosecution.²¹¹
2. *Missouri v. Frye*, 566 U.S. 134 (2012), prohibits coercive plea bargaining.²¹²
3. Liability for policies or customs causing harm is supported by *Monell v. Dept. of Social Services*, 436 U.S. 658 (1978).²¹³

Tolling Under National Railroad:

These prosecutorial actions form part of an unbroken chain of retaliatory and due process-violating events beginning in 2008, and are tolled under *Morgan*, 536 U.S. at 117.²¹⁴

COUNT THIRTY-FOUR

3/29/2022 Arrest Prosecution — Violation of Due Process Rights under the Fourteenth Amendment in violation of 42 U.S.C. § 1983
(Against Defendant District Attorney's Office Lafayette Parish Lafayette Parish Lafayette Parish, Defendant Landry, Defendant Richard)

Mr. Ogbebor incorporates all prior allegations.

Allegation:

Defendants continued prosecution without probable cause, compounding a longstanding pattern of abusive legal conduct.

Legal Framework and Precedents:

²¹¹ See *Albright v. Oliver*, 510 U.S. 266 (1994).

²¹² See *Missouri v. Frye*, 566 U.S. 134 (2012).

²¹³ See *Monell v. Dept. of Social Services*, 436 U.S. 658 (1978).

²¹⁴ See *National R.R. Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

1. *Albright v. Oliver*, 510 U.S. 266 (1994), confirms due process protections against wrongful prosecution.²¹⁵
2. *Brady v. Maryland*, 373 U.S. 83 (1963), reiterates prosecutorial duty to disclose evidence.²¹⁶
3. *Malley v. Briggs*, 475 U.S. 335 (1986), condemns prosecutions unsupported by probable cause.²¹⁷

Tolling Under National Railroad:

This count is tolled under *National Railroad*, 536 U.S. at 105, as part of a continuing pattern of related misconduct.²¹⁸

COUNT THIRTY-FIVE

**9/3/2022 Arrest Prosecution — Violation of Due Process Rights under the
Fourteenth Amendment in violation of 42 U.S.C. § 1983
(Against Defendant District Attorney's Office Lafayette Parish Lafayette Parish,
Defendant Landry, Defendant Pardo)**

Mr. Ogbebor incorporates all prior allegations.

Allegation:

Mr. Ogbebor was prosecuted without sufficient evidence, subjected to unwarranted sanctions, and denied fundamental fairness under the law.

Legal Framework and Precedents:

²¹⁵ See *Albright v. Oliver*, 510 U.S. 266 (1994).

²¹⁶ See *Brady v. Maryland*, 373 U.S. 83 (1963).

²¹⁷ See *Malley v. Briggs*, 475 U.S. 335 (1986).

²¹⁸ See *National R.R. Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

1. *Gideon v. Wainwright*, 372 U.S. 335 (1963), ensures the right to a fair trial.²¹⁹
2. *Mathews v. Eldridge*, 424 U.S. 319 (1976), outlines fair process requirements before deprivation of liberty.²²⁰

Tolling Under National Railroad:

This prosecution was part of a retaliatory pattern extending from prior misconduct and therefore tollable under *Morgan*, 536 U.S. at 117.²²¹

COUNT THIRTY-SIX

Violation of Due Process Rights under the Fourteenth Amendment
In violation of 42 U.S.C. § 1983
(Against Defendant University of Louisiana at Lafayette Officials)

Allegation:

Following the events of August 21, 2008, officials at the University of Louisiana at Lafayette discussed Mr. Ogbebor's potential expulsion directly with his father, excluding Mr. Ogbebor entirely from the process. This deprived Mr. Ogbebor of his right to notice and a meaningful opportunity to be heard before the deprivation of a protected interest—his education.

Legal Framework:

This exclusion violated Mr. Ogbebor's procedural due process rights.²²² It constituted a

²¹⁹ See *Gideon v. Wainwright*, 372 U.S. 335 (1963).

²²⁰ See *Mathews v. Eldridge*, 424 U.S. 319 (1976).

²²¹ See *National R.R. Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

²²² See *Goss v. Lopez*, 419 U.S. 565 (1975).

disciplinary determination made behind closed doors, without the presence or input of the accused, in direct violation of binding Fifth Circuit and Supreme Court authority.²²³

Continuing Violation Doctrine:

Because the University of Louisiana at Lafayette's initial denial of due process in 2008 laid the foundation for a pattern of systemic misconduct that followed Mr. Ogbebor through multiple arrests, prosecutions, and deprivations, the statute of limitations is tolled under *National Railroad Passenger Corp. v. Morgan* (2002).²²⁴

COUNT THIRTY-SEVEN

Violation of First and Fourteenth Amendment Rights (TRO & Injunction)

In violation of 42 U.S.C. § 1983

(Against Defendant Latisser, Defendant Payne, Lafayette Police Department, City of Lafayette, University of Louisiana at Lafayette)

Allegation:

On or around April 18, 2021, Officers Latisser and Payne offered unauthorized legal advice to Mr. Ogbebor's neighbor that resulted in the issuance of a TRO, later converted to a permanent injunction on November 3, 2021.²²⁵ Mr. Ogbebor was not afforded a fair hearing and his speech was unlawfully curtailed.

Legal Framework:

These actions violated Mr. Ogbebor's right to be heard before judicial restraints on

²²³ See *Dixon v. Alabama*, 294 F.2d 150 (5th Cir. 1961); *Board of Regents v. Roth*, 408 U.S. 564 (1972).

²²⁴ See *National R.R. Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

²²⁵ The issuance of a TRO and subsequent permanent injunction without due process illustrates a failure to adhere to the principles established in *Mathews v. Eldridge*, 424 U.S. 319 (1976), which mandates notice and an opportunity to be heard.

liberty were imposed.^{4 226} Moreover, the injunction interfered with Mr. Ogbebor's First Amendment rights to speech and petition.²²⁷

Continuing Violation Doctrine:

This unconstitutional injunction stemmed from the same chain of retaliation and rights violations that began in 2008. Thus, the statute of limitations is tolled under the continuing violation doctrine.²²⁸

COUNT THIRTY-EIGHT

Court-Ordered Psychological Evaluation — Violation of Privacy and Due Process In violation of 42 U.S.C. § 1983

(Against 15th Judicial District Court Lafayette Parish, Officer Latisser, Officer Payne, Lafayette Police Department, City of Lafayette, University of Louisiana at Lafayette)

Allegation:

Following the issuance of a consent decree in, Mr. Ogbebor was held in contempt of court. As a consequence of the contempt finding, the court ordered Ogbebor to undergo a psychological evaluation on December 31, 2021. This evaluation was imposed without a formal evidentiary hearing or the opportunity for Ogbebor to object, constituting an intrusion upon his liberty and privacy interests without due process of law.

²²⁶ See *Mathews v. Eldridge*, 424 U.S. 319 (1976).

²²⁷ See *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964).

²²⁸ See *National R.R. Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

Legal Framework:

The Fourteenth Amendment protects against forced psychological evaluations absent clear due process.²²⁹ Such compelled assessments also implicate privacy concerns.²³⁰

Continuing Violation Doctrine:

This coercive evaluation arose from an uninterrupted pattern of state interference dating back to 2008, making *Morgan* controlling and preserving Mr. Ogbebor's right to litigate.²³¹

COUNT THIRTY-NINE

Retaliation for Exercising First Amendment Rights
In violation of 42 U.S.C. § 1983
(Against Lafayette Consolidated Government)

Allegation:

Mr. Ogbebor has been repeatedly targeted by Lafayette Consolidated Government for engaging in protected speech, including petitioning the government for redress, filing complaints, and exposing official misconduct. The retaliation has included surveillance, enforcement actions, and baseless legal interventions.

Legal Framework:

Speech on matters of public concern is entitled to the highest protection. Retaliation

²²⁹ See *Washington v. Harper*, 494 U.S. 210 (1990).

²³⁰ See *Whalen v. Roe*, 429 U.S. 589 (1977).

²³¹ See *National R.R. Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

against such speech violates the First Amendment.²³² Municipal liability attaches where officials act pursuant to policy or custom.²³³

Continuing Violation Doctrine:

Because the retaliatory acts are part of an unbroken sequence of harassment from 2008 to present, they form one continuous constitutional injury and are timely under *Morgan*.²³⁴

COUNT FORTY

**Supervisory and Policy-Level Liability (Failure to Train, Discipline, or Intervene)
In violation of 42 U.S.C. § 1983
(Against Lafayette Consolidated Government)**

Allegation:

The Lafayette Consolidated Government failed to train and supervise its police force and municipal employees, allowing a longstanding pattern of misconduct to flourish—including misconduct that repeatedly injured Mr. Ogbebor.

Legal Framework:

A municipality may be held liable under §1983 if the failure to train amounts to

²³² See *Mt. Healthy City Bd. of Educ. v. Doyle*, 429 U.S. 274 (1977)

²³³ See *Monell v. Dep't of Soc. Servs.*, 436 U.S. 658 (1978).

²³⁴ See *National R.R. Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

deliberate indifference and is causally linked to constitutional violations.¹³²³⁵ When these failures are longstanding, a finding of policy or custom is appropriate.²³⁶²³⁷

Continuing Violation Doctrine:

The systemic failure to correct misconduct from 2008 onward supports tolling under *Morgan*, as each act is part of an ongoing pattern of rights violations.²³⁸

COUNT FORTY-ONE – 10/25/2020**Negligence, Violation of Fourth Amendment Rights, Cruel and Unusual Punishment, and Violation of FAA Guidelines under the U.S. Constitution in violation of 42 U.S.C. § 1983**

(Against Defendant U.S. Air Force, Defendant FAA, and Defendant United States Air Force's 910th Airlift Wing)

Allegation:

On or about October 25, 2020, Mr. Ogbebor was subjected to unconstitutional actions stemming from a mosquito-spraying operation conducted by the U.S. Air Force's 910th Airlift Wing with FAA oversight. The aircraft flew directly over Mr. Ogbebor's residence without notice, dispersing chemicals that caused physical injury, violated his right to bodily privacy, and disregarded FAA low-altitude operational rules.

Explanation with Legal Precedents:

²³⁵ See *City of Canton v. Harris*, 489 U.S. 378 (1989)

²³⁶ See *Oklahoma City v. Tuttle*, 471 U.S. 808 (1985).

²³⁷ 42 U.S.C. § 1983: A pivotal federal statute in civil rights law that enables individuals to file lawsuits in federal court against state and local government officials and entities for violations of their constitutional rights. This law serves as a crucial mechanism for holding public officials accountable for actions performed under "color of state law" that infringe upon the rights guaranteed by the Constitution and federal law.

²³⁸ See *National R.R. Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

1. **Negligence and Privacy Intrusion:** The low-altitude operation, without prior notice or consent, constituted both physical trespass and constitutional harm.
2. **Fourth Amendment Violation:** The unwarranted flyover and chemical exposure violated Mr. Ogbebor's right to be secure against unreasonable searches and intrusions.²³⁹⁽¹⁾
3. **Eighth Amendment Cruelty:** Exposure to chemicals without medical screening, redress, or recourse amounted to deliberate indifference to Mr. Ogbebor's health.²⁴⁰⁽²⁾
4. **FAA Safety Violations:** The operation violated FAA minimum safe altitude rules, evidencing gross disregard for public safety and airspace integrity.²⁴¹⁽³⁾

Tolling Under National Railroad:

This count reflects a broader pattern of state-sanctioned misconduct, and is timely under *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101, 117 (2002), as part of a continuing violation.

COUNT FORTY-TWO – PATTERN OF PRACTICE

Officer Hardy's Subsequent Appearances and Pattern of Practice / Cover-Up
(Against Defendant University of Louisiana at Lafayette Police Department, University of Louisiana at Lafayette, Lafayette Consolidated Government, Lafayette Police Department, and District Attorney's Office)

²³⁹ See *Katz v. United States*, 389 U.S. 347 (1967).

²⁴⁰ See *Estelle v. Gamble*, 429 U.S. 97 (1976).

²⁴¹ See FAA Regulations, 14 C.F.R. § 91.119.

Allegation:

Mr. Ogbebor alleges Officer Hardy repeatedly re-entered investigations and court processes following prior illegal detentions, including events from 2008. This repetition evidences a pattern of misconduct, cover-up, and institutional indifference.

Explanation with Legal Precedents:

1. **Municipal and Supervisory Liability:** The failure to investigate or discipline Hardy supports liability under *Monell v. Dept. of Social Services*, 436 U.S. 658 (1978).
2. **Training Deficiency:** The repeated violations suggest systemic failure to train, as discussed in *City of Canton v. Harris*, 489 U.S. 378 (1989).
3. **Constitutional Harm:** Hardy's appearances directly contributed to unlawful detentions, retaliatory prosecution, and due process violations.
4. **Pattern Tolerance:** When tolerated over time, this conduct becomes policy, triggering liability under *Owen v. City of Independence*, 445 U.S. 622 (1980).

Tolling Under National Railroad:

Hardy's conduct is not isolated; it forms part of an uninterrupted series of constitutional violations tollable under *National Railroad*, 536 U.S. at 117.

COUNT FORTY-THREE – 3/28–3/29/2022**Pattern of Practice – Officer Latisser's Subsequent Appearances and Potential Cover-Up**

(Against Defendant Lafayette Police Department, Lafayette Consolidated Government, and District Attorney's Office)

Allegation:

Mr. Ogbebor alleges Officer Latisser reengaged in misconduct during multiple post-2022 incidents following previous wrongdoing, suggesting intentional continuation of harm and cover-up efforts. The Lafayette Police Department and prosecutorial actors knowingly permitted these actions.

Explanation with Legal Precedents:

1. **Deliberate Indifference:** Failure to intervene or discipline repeated misconduct is actionable under *Monell* and *Iqbal v. Hasty*, 556 U.S. 662 (2009).
2. **Supervisory Culpability:** Tolerance of repeated rights violations may imply ratification of unconstitutional behavior, per *Tuttle v. Oklahoma City*, 471 U.S. 808 (1985).
3. **Constitutional Retaliation and Abuse:** Mr. Ogbebor's repeated targeting constitutes malicious harassment in violation of the Fourth and Fourteenth Amendments.

Tolling Under National Railroad:

Officer Latisser's continued misconduct is part of the same pattern dating to earlier misconduct by Lafayette Consolidated Government officials, and is therefore tollable under *National Railroad*, 536 U.S. at 117.

COUNT FORTY-FOUR

Retaliatory Arrest Following Federal Complaint Filing (2024)
Violation of First and Fourth Amendment Rights under the U.S. Constitution in
Violation of 42 U.S.C. § 1983

(Against Defendant Lafayette Police Department, Defendant Lafayette Parish Sheriff's Office, Defendant Judge Andre Doguet, and Defendant Lafayette Consolidated Government)

Allegation:

In 2024, shortly after (approximately 60 days) Mr. Ogbebor filed a 42 U.S.C. § 1983 civil rights complaint, he was arrested under a warrant issued by the same judge who had previously issued a defective warrant in 2022. The warrant, which stemmed from an undisclosed felony accusation, was executed by the Lafayette Parish Sheriff's Office SWAT team, despite no clear threat justifying such militarized force. This action occurred in retaliation for Mr. Ogbebor's protected constitutional activity and reflects coordination between judicial and law enforcement officials.

Explanation:

The arrest violated Mr. Ogbebor's First Amendment right to petition the government for redress and his Fourth Amendment protection against unreasonable seizures. The timing and execution of the arrest strongly suggest retaliation.

Relevance to 42 U.S.C. § 1983:

These actions were taken under color of state law and deprived Mr. Ogbebor of his constitutional rights. He is entitled to relief under § 1983.

COUNT FORTY-FIVE

Judicial Misconduct: Issuance of Arrest Warrant Based on Materially Defective Injunction (2024)
Violation of Fourteenth Amendment Due Process Rights in Violation of 42 U.S.C. § 1983

(Against Defendant Judge Andre Doguet, Defendant 15th Judicial District Court, and Defendant Lafayette Consolidated Government)

Allegation:

The judge who signed the 2022 arrest warrant failed to exercise basic ministerial review and issued the warrant based on a permanent injunction known to contain a material date error. This judicial neglect facilitated Mr. Ogbemor's unconstitutional arrest.

Explanation:

The judge's continued issuance of invalid warrants without correcting known legal defects demonstrates systemic disregard for judicial integrity and individual due process.

Relevance to 42 U.S.C. § 1983:

A judge acting under color of state law who facilitates deprivation of rights via systemic error or retaliatory conduct may be subject to equitable relief.

COUNT FORTY-SIX

**Retaliatory Dismissal of Federal Complaint (2024)
Violation of Procedural and Substantive Due Process under the Fourteenth
Amendment**

(Against Defendant U.S. Magistrate Judge Carol B. Whitehurst and District Court Judge Terry A. Doughty, in official capacity)

Allegation:

Seven days after the retaliatory arrest, the court dismissed Mr. Ogbemor's federal complaint sua sponte with prejudice. This action, devoid of full consideration of Plaintiff's legal arguments, appeared timed to suppress Mr. Ogbemor's attempt to seek redress.

Explanation:

The dismissal deprived Mr. Ogbemor of meaningful access to court and ignored his right to be heard under *Armstrong v. Manzo*.

Relevance to 42 U.S.C. § 1983:

The dismissal constitutes a due process violation by government actors acting under color of law.

COUNT FORTY-SEVEN

**Excessive Force and Property Damage During 2025 Misdemeanor SWAT Arrest
Violation of Fourth Amendment Rights in Violation of 42 U.S.C. § 1983**
(Against Defendant Lafayette Parish Sheriff's Office, SWAT Unit Officers, Defendant
Commissioner Judge Andre Doguet, and Defendant Lafayette Consolidated
Government)

Allegation:

A SWAT team conducted a violent arrest of Mr. Ogbemor for a misdemeanor, breaking windows and damaging his property. The use of military-style tactics was disproportionate to the alleged offense.

Explanation:

The use of force was unreasonable under *Graham v. Connor* and not justified by any legitimate law enforcement interest.

Relevance to 42 U.S.C. § 1983:

These actions were committed under color of law and violate clearly established Fourth Amendment protections.

COUNT FORTY-EIGHT

**Judicial Misrepresentation Following Return from Jail (2025)
Violation of Due Process and Right to Accurate Court Record**

(Against Defendant Judge Michele Billeaud, Defendant Court Administrator, Defendant Lafayette Consolidated Government)

Allegation:

After his release, Mr. Ogbebor received a special citation misrepresenting the facts and legal timeline. This act appears intended to undermine his credibility and preempt accountability.

Explanation:

The citation distorted procedural facts to Mr. Ogbebor's detriment, constituting a due process violation under established precedent.

Relevance to 42 U.S.C. § 1983:

This judicial misconduct under color of law is actionable to the extent it frustrates fair process and redress.

COUNT FORTY-NINE

**Suppression of Public Record: Denial of Motion to Publish Favorable Ruling
Violation of First Amendment and Transparency Doctrine**
(Against Defendant Fifth Circuit Panel, Clerk of Court)

Allegation:

After Mr. Ogbebor prevailed on appeal, he filed a Motion to Publish to allow the ruling to serve as public precedent. The panel denied this per curiam without explanation, despite the ruling's legal significance.

Explanation:

The refusal to publish may serve to obscure judicial acknowledgment of systemic violations and shields misconduct from future accountability.

Relevance to 42 U.S.C. § 1983:

While federal judges may have absolute immunity, the suppression of recordable

outcomes may raise broader First Amendment and public transparency concerns warranting injunctive or declaratory relief.

COUNT FIFTY

Unlawful Use of Court-Imposed Sanctions Without Probable Cause — Violation of Fourth and Fourteenth Amendments in violation of 42 U.S.C. § 1983

(Against Defendant District Attorney's Office, Defendant Pardo, Defendant Richard, Defendant Landry, Defendant Lafayette City Court, 15th Judicial District Court)

Mr. Ogbebor reasserts and incorporates by reference all prior allegations of this Complaint.

Allegation:

Between 2008-2025, Mr. Ogbebor was compelled to undergo anger management counseling and pay court-ordered fines as a condition of resolving charges for which there was no probable cause. These sanctions, imposed by the Defendant Lafayette City Court, 15th Judicial District Court, and pursued by the District Attorney's Office through Defendant Landry, Pardo, Richard and other prosecutors, amounted to an unreasonable seizure and a deprivation of liberty without due process.

Legal Framework and Precedents:

1. The imposition of sanctions absent probable cause constitutes an unreasonable seizure under the Fourth Amendment.²⁴²
2. Procedural due process under the Fourteenth Amendment requires a meaningful opportunity to contest sanctions, which Mr. Ogbebor was denied.²⁴³

²⁴² See *Terry v. Ohio*, 392 U.S. 1 (1968)

²⁴³ See *Mathews v. Eldridge*, 424 U.S. 319 (1976)

3. A municipality may be held liable under § 1983 when its policies or practices cause constitutional injury.²⁴⁴

Tolling Under the Continuing Violation Doctrine:

Because this sanction arose from an ongoing pattern of retaliatory and procedurally defective prosecutions beginning in 2008, it remains timely under the continuing violation doctrine articulated in *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).²⁴⁵

COUNT FIFTY-ONE

Violation of Right to Petition the Government — First Amendment Retaliation in violation of 42 U.S.C. § 1983

(Against Defendant Lafayette Consolidated Government, Defendant University of Louisiana at Lafayette, Defendant University of Louisiana at Lafayette Police Department, Defendant Lafayette Parish Sheriff's Office)

Mr. Ogbebor incorporates all prior allegations as if fully restated herein.

Allegation:

Mr. Ogbebor was subject to surveillance, arrests, and court-imposed restrictions in retaliation for filing public grievances and legal actions against City of Lafayette and University of Louisiana at Lafayette officials. These retaliatory acts violated his right to petition the government under the First Amendment.

Legal Framework and Precedents:

²⁴⁴ See *Monell v. Dept. of Social Services*, 436 U.S. 658 (1978).

²⁴⁵ See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

1. Retaliation for protected First Amendment activity constitutes a constitutional violation.²⁴⁶
2. The Fifth Circuit has held that protected speech or petitioning activity cannot serve as a basis for government retaliation.²⁴⁷

Tolling Under the Continuing Violation Doctrine:

These retaliatory acts were part of a continuous and unbroken sequence of violations aimed at suppressing Mr. Ogbebor's constitutionally protected activities. Accordingly, they are tolled under *National Railroad*.²⁴⁸

COUNT FIFTY-TWO

Pattern of Municipal Retaliation and Suppression of Evidence — Violation of Fourteenth Amendment in violation of 42 U.S.C. § 1983

(Against Defendant Lafayette Consolidated Government, Defendant University of Louisiana at Lafayette Police Department, Defendant Lafayette Police Department, Defendant Lafayette Parish Sheriff's Office, Defendant Prosecutors)

Allegation:

From 2008 through 2025, Mr. Ogbebor was repeatedly prosecuted based on defective warrants and false allegations, while exculpatory evidence such as body camera footage and improper warrant usage was concealed by local authorities.

Legal Framework and Precedents:

1. Suppression of exculpatory evidence violates due process.²⁴⁹

²⁴⁶ See *Mt. Healthy City Sch. Dist. Bd. of Educ. v. Doyle*, 429 U.S. 274 (1977).

²⁴⁷ See *Carver v. Atwood*, 18 F.4th 494 (5th Cir. 2021)

²⁴⁸ See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

²⁴⁹ See *Brady v. Maryland*, 373 U.S. 83 (1963).

2. Persistent failure to discipline or investigate misconduct may indicate deliberate indifference.²⁵⁰

Tolling Under the Continuing Violation Doctrine:

Because these concealments and retaliatory tactics were part of a coordinated, long-standing effort to suppress redress and justify misconduct, the claims are tolled under *National Railroad*.²⁵¹

COUNT FIFTY-THREE**Failure to Intervene — Violation of Constitutional Rights in violation of 42 U.S.C. § 1983**

(Against Defendant Supervisory Officers, Defendant Police Chiefs, Defendant Lafayette Consolidated Government)

Allegation:

Despite having the authority and opportunity to prevent the unlawful arrests and harassment of Mr. Ogbemor, Defendant Supervisory Officers and other municipal officials failed to intervene, enabling continued constitutional violations.

Legal Framework and Precedents:

1. Officers and supervisors who fail to prevent constitutional harm may be held liable under § 1983.²⁵²

²⁵⁰ See *Connick v. Thompson*, 563 U.S. 51 (2011).

²⁵¹ See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

²⁵² See *Hale v. Townley*, 45 F.3d 914, 919 (5th Cir. 1995).

2. Supervisory liability exists when a defendant's action or inaction is causally linked to the underlying violation.²⁵³

Tolling Under the Continuing Violation Doctrine:

The failure to intervene was not an isolated incident but part of a systematic refusal to uphold Mr. Ogbemor's rights, tolling this count under *National Railroad*.²⁵⁴

COUNT FIFTY-FOUR

**Negligent Hiring, Retention, and Supervision — Violation of Fourteenth
Amendment in violation of 42 U.S.C. § 1983**
(Against Defendant Lafayette Consolidated Government, Defendant University of
Louisiana at Lafayette)

Allegation:

The repeated involvement of Officers Defendant K. Hardy and Defendant Latisser in incidents involving unlawful arrest, excessive force, and retaliation reflects the Defendant entities' failure to properly screen, train, and supervise law enforcement personnel.

Legal Framework and Precedents:

1. Negligent supervision claims under § 1983 are actionable where constitutional injuries result.²⁵⁵

²⁵³ See *Iqbal v. Hasty*, 556 U.S. 662 (2009).

²⁵⁴ See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

²⁵⁵ See *City of Canton v. Harris*, 489 U.S. 378 (1989).

2. The duty to ensure competent public safety personnel includes ensuring they are not retained when misconduct is known.²⁵⁶

Tolling Under the Continuing Violation Doctrine:

These failures spanned over a decade and led to recurring harm. Under *National Railroad*, the continuing violation doctrine applies.²⁵⁷

COUNT FIFTY-FIVE

Deprivation of Liberty Without Probable Cause — Unlawful Arrest and Detention in violation of 42 U.S.C. § 1983

(Against Defendant University of Louisiana at Lafayette Police Department, Defendant Lafayette Police Department, Defendant Lafayette Parish Sheriff's Office, Defendant District Attorney's Office)

Allegation:

Mr. Ogbebor was subjected to multiple arrests between 2008 and 2025 on charges that lacked legal basis, supported by vague affidavits, improperly issued warrants, and unverified witness testimony.

Legal Framework and Precedents:

1. Arrest without probable cause violates the Fourth Amendment.¹⁷²⁵⁸
2. Prosecutors and officers who knowingly initiate unlawful proceedings may be held liable under § 1983.²⁵⁹

²⁵⁶ See *Board of Comm'rs of Bryan Cnty. v. Brown*, 520 U.S. 397 (1997).

²⁵⁷ See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

²⁵⁸ See *Dunaway v. New York*, 442 U.S. 200 (1979)

²⁵⁹ See *Malley v. Briggs*, 475 U.S. 335 (1986).

Tolling Under the Continuing Violation Doctrine:

Because these unlawful arrests form part of a long-term policy of harassment and misconduct, tolling applies under *National Railroad*.²⁶⁰

COUNT FIFTY-SIX**Deprivation of Educational and Economic Opportunities Due to Retaliation and Systemic Misconduct — Violation of Fourteenth Amendment in violation of 42 U.S.C. § 1983**

(Against Defendant University of Louisiana at Lafayette, Defendant Lafayette Consolidated Government, Defendant District Attorney's Office, Defendant Lafayette Parish Sheriff's Office)

Allegation:

The pattern of retaliation, arrests, and reputational damage caused by state actors severely impeded Mr. Ogbebor's ability to complete his education, pursue professional opportunities, and exercise basic liberties.

Legal Framework and Precedents:

1. Deprivation of liberty or property without due process is a core violation of the Fourteenth Amendment.²⁶¹
2. Government retaliation that results in reputational or economic harm is constitutionally actionable.²⁶²

²⁶⁰ See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

²⁶¹ See *Board of Regents v. Roth*, 408 U.S. 564 (1972).

²⁶² See *Paul v. Davis*, 424 U.S. 693 (1976).

Tolling Under the Continuing Violation Doctrine:

The cumulative impact of retaliation over time justifies tolling under *National Railroad*.²⁶³

COUNT FIFTY-SEVEN

Direct Action and Declaratory Relief Against Insurance Providers
(Against Defendants JOHN DOE INSURANCE COMPANIES 1–4)

Plaintiff Mr. Ogbemor realleges and incorporates all preceding paragraphs as if fully set forth herein.

Upon information and belief, at all relevant times, the municipal and state-affiliated Defendants named in this Complaint—including but not limited to the Defendant Lafayette Consolidated Government, Defendant Lafayette Police Department, Defendant University of Louisiana at Lafayette, Defendant Lafayette Parish Sheriff's Office, and Defendant District Attorney's Office Lafayette Parish—were insured, indemnified, or bonded by Defendants JOHN DOE INSURANCE COMPANIES 1–4. These unknown insurance providers issued policies covering the conduct, omissions, and liability of their insureds during the time periods in which the constitutional violations occurred.

Under Louisiana's **Direct Action Statute**, La. R.S. § 22:1269, Plaintiff is permitted to bring an action directly against liability insurers for damages caused by the insured.¹²⁶⁴

The policies issued by JOHN DOE INSURANCE COMPANIES 1–4 are believed to

²⁶³ See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002).

²⁶⁴ See La. R.S. § 22:1269 — Louisiana's Direct Action Statute permits a tort victim to sue an insurer directly when the liability policy was issued or delivered in the state or when the incident occurred within the state.

extend to the claims raised herein under 42 U.S.C. § 1983, Louisiana tort law, and any applicable contractual or statutory indemnity.

Furthermore, Plaintiff seeks a **declaratory judgment** under 28 U.S.C. §§ 2201–2202, establishing that these policies cover the damages alleged in this action. Mr. Ogbebor requests that the Court declare these insurance providers jointly and severally liable, to the extent coverage applies, for any compensatory or punitive damages awarded as a result of the conduct of their insureds.

This count is equitably tolled under the **Continuing Violation Doctrine** as articulated in *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002),²⁶⁵ as the insured constitutional violations span a continuous timeframe from 2008 through 2025 and were part of a coordinated governmental practice sustained by the insured entities.

Accordingly, Mr. Ogbebor seeks direct and declaratory relief against JOHN DOE INSURANCE COMPANIES 1–3 to ensure full and fair recovery of all damages associated with the insured constitutional violations alleged in this Amended Complaint.

XV. PATTERN OF PRACTICE

Plaintiff alleges a systemic "Pattern of Practice" among the City of Lafayette (Lafayette Consolidated Government), University of Louisiana at Lafayette, Lafayette Police Department, Lafayette Parish Sheriff's Office, 15th Judicial District Court Lafayette

²⁶⁵ See *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101, 115 (2002) — Recognizing that when a continuing pattern of constitutional violations occurs, the statute of limitations may be tolled to allow consideration of otherwise time-barred claims when they are part of a continuing violation.

Parish, and District Attorney's Office Lafayette Parish Lafayette Parish in tolerating and encouraging constitutional violations against him and similarly situated persons.

XVI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff Mr. Ogbebor respectfully requests that this Honorable Court enter judgment in his favor and against all named and unnamed Defendants, jointly and severally, and award the following relief:

1. Compensatory Damages

In an amount no less than **\$10,000,000,000**, for physical injury, reputational harm, financial loss, and interference with civil liberties, including but not limited to: loss of employment and income, disruption of educational and career opportunities, damage to personal and familial relationships, and other consequential harms directly resulting from Defendants' unlawful and unconstitutional conduct.

2. Punitive Damages

Against all individually liable Defendants, in an amount to be determined by the trier of fact, to punish egregious and malicious conduct and deter future violations.

3. Special Damages

For economic losses directly attributable to Defendants' actions, including but not limited to loss of earning capacity, past and future lost wages, and foregone professional opportunities.

4. Emotional Distress Damages

For psychological trauma, humiliation, fear, pain and suffering, and related harm caused by the prolonged and repeated violations of Plaintiff's constitutional rights.

5. Injunctive Relief

Ordering the City of Lafayette, University of Louisiana at Lafayette, Lafayette Police Department, Lafayette Parish Sheriff's Office, and District Attorney's Office Lafayette Parish to implement meaningful constitutional reforms, including:

- Updated training policies;
- Independent civilian oversight;
- Prohibition of officer-initiated legal advice;
- Protections against retaliatory prosecution.

6. Appointment of Independent Investigators

To examine and publicly report on the misconduct and coordinated actions by law enforcement, prosecutors, and judiciary in this matter.

7. Declaratory Relief

A judicial declaration that Plaintiff's constitutional rights under the First, Second, Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments were violated.

8. Post-Conviction Review

That any criminal charges, convictions, or court actions resulting from the

unconstitutional arrests and prosecutions described herein be reviewed and, if warranted, vacated or expunged.

9. Costs and Legal Expenses

Including court filing fees and all litigation costs, pursuant to 42 U.S.C. § 1988.

10. Such Other and Further Relief

As this Court may deem just, proper, and equitable under the circumstances.

XVII. DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

CERTIFICATE OF SERVICE

I hereby certify that on this 25 day of April, 2025, I filed the foregoing **AMENDED COMPLAINT FOR VIOLATION OF CIVIL RIGHTS AND MOTION FOR ENHANCED RELIEF (Pursuant to 42 U.S.C. § 1983)** with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all registered counsel of record through the Court's electronic filing system.

If any party is not registered with the CM/ECF system, a copy of this filing will be served via first-class U.S. Mail, postage prepaid, to the address of record.

Dated: April 25, 2025

Respectfully submitted,

By: _____

**EDOSA ADDLEY FESTUS
OGBEBOR**

Filed this 25 day of April, 2025.
Pro Se Plaintiff