

gYUfW.YX'; fUmhc'cVhU]b` \]g.]XYbh]Z]Wh]cbž'UbX'hi fbYX'cZZ; fUmj'Wa YfU'hc' prevent him from filming the officer misconduct.

2. After Officer Harold Shoffeitt joined in the detention, both officers interrogated and berated Gray before eventually releasing **him**.

3. But when Gray sought to return to his advocacy, Lt. Furr banned Gray indefinitely from the area, prohibit

8. By preventing Gray from filming portions of their interaction, Lt. Furr violated Gray's clearly established First Amendment right to film law enforcement activity in public. *Gray v. Furr*, 212 F.3d 1332, 1333 (11th Cir. 2000).

9. When Lt. Furr indefinitely banned Gray from the public square without procedural due process, he implemented prior restraints in violation of clearly established First and Fourteenth Amendment rights.

Gray v. Furr, 212 F.3d 1231, 1236 (11th Cir. 2000);

Gray v. Furr, 658 F.3d 1260, 1267 (11th Cir. 2011).

10. And in detaining, arresting, and searching Gray without reasonable articulable suspicion of a crime, the officers violated Gray's clearly established Fourth Amendment right to be free from unreasonable search and seizure. *Terry v. Ohio*, 392 U.S. 1, 9 (1968);

12. This action arises under the First, Fourth, and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201-02.

13. This Court has jurisdiction over the federal claims asserted under 28 U.S.C. §§ 1331 and 1343.

14. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1) because the City of Alpharetta resides in this district and, on information and belief, the individual defendants reside in the State of Georgia.

15. Venue is also proper in this Court under 28 U.S.C. § 1391(b)(2) because the events []j]b['f]gY'hc'D`U]bh]Zj'WU]a g'occurred in Fulton County, which is located in the Atlanta Division of the Northern District of Georgia.

16. Plaintiff Jeffrey Gray is a United States citizen and a resident of St. Johns County, Florida. As a veteran of the United States Army, he believes in raising awareness of the plight of homeless veterans, protecting constitutional rights, and ensuring that law enforcement officers honor their oath to gi ddcfh'UbX'XYZbXI`the United States Constitution. On January 27, 2022, officers employed by the City of Alpharetta ignored that oath when they detained, arrested, and searched Gray for engaging in alleged

Gray's speech, unjustly forced him to identify himself, terminated his filming of the City of Alpharetta's misconduct, and indefinitely banned him from the public sidewalks outside of City Hall.

17. Defendant City of Alpharetta is a municipal corporation organized under the laws of the State of Georgia. Through its police, the City of Alpharetta has implemented a policy, practice, or custom of prohibiting the City of Alpharetta from speaking in public spaces without a meaningful opportunity to contest the deprivation of their rights. Pursuant to this policy, it also implements a regime of prior restraint through verbal and written bans excluding people, like Gray, from speaking in public spaces without a meaningful opportunity to contest the deprivation of their rights. Alpharetta police enforced this policy against Gray in violation of his First and Fourteenth Amendment rights.

18. Defendant Arick Furr is a lieutenant employed by the Department of Public Safety of the City of Alpharetta. On January 27, 2022, Furr confronted Gray for allegedly panhandling outside Alpharetta City Hall, and consequently detained and arrested Gray, searched him to obtain his identity, turned his camera off to prevent him from further filming the encounter, and then banned Gray from sharing his protected message on the public sidewalks in front of Alpharetta City Hall. When Lt. Furr detained, arrested, searched, and banned Gray from sharing his protected message on the public sidewalks in front of Alpharetta City Hall, he violated Gray's First and Fourteenth Amendment rights.

5`d\UfYhUj'Ubh]-panhandling policy,]b`j]c`Uh]cb`cZ; fUmj:]fgh, Fourth, and Fourteenth Amendment rights. At all times relevant to the Complaint, Defendant Furr acted under the color of law. He is sued in his individual capacity.

19. Defendant Harold Shoffeitt is a police officer employed by the Department of Public Safety of the City of Alpharetta. Officer Shoffeitt assisted Lieutenant Furr in detaining Gray under 5`d\UfYhUj'Ubh]-

23. Gray peacefully stood with his sign for less than five minutes.
24. Gray did not engage in disorderly conduct.
25. Gray did not ask any person for money or other charitable support while in Alpharetta.
26. One of the people Gray greeted was Dan Merkel, an Alpharetta city councilman.
27. Before entering City Hall, Councilman Merkel told Gray, "No panhandling up here."
28. Upon entering City Hall, Councilman Merkel approached Lt. Furr, who was sitting inside the front corridor.

33. Moments later, Gray greeted a woman entering City Hall with

34. After entering City Hall, the woman spoke to Lt. Furr gesturing outside.

35. The woman complained to Lt. Furr about Gray

41.

49. Although Gray did not ask anyone for charitable support, when Gray asked Lt. Furr why he thought Gray was panhandling, Lt. Furr answered that

58. @h": i fffj'WUJa 'h\Uh\Y'hi fbYX'h\Y'WJa YfU'cZZ'hc'dfYgYfve its battery was a pretext.

59. Lt. Furr intended to prevent Gray from further recording their interaction.

60. According to the subsequent Alpharetta police disciplinary report following an investigation or @h": i fffj' actions, Lt. Furr told his supervisor h\Uh\Y'hi fbYX'cZZ; fUmj'WJa YfU'VYWU' gY\Y'k Ug'Zfi gnfUhYX' by Gray.

61. According to the same written report, Lt. Furr conceded to his

66. Shortly after, Officer Shoffeitt joined Lt. Furr in his detention of Gray.

67. Officer Shoffeitt refused to discuss the details of the events.

68. Officer Shoffeitt told Lt. Furr that there is panhandling.

69. Officer Shoffeitt repeatedly asked Gray to describe the incident.

70. Lt. Furr asked Gray to cause the incident.

75. Officer Shoffeitt told Gray, "I'm not going to let you go until we have a clear picture of what happened. You're going to stay here until we can get a clear picture of what happened."

76. Officer Shoffeitt told Gray that Lt. Furr reported that he had seen Gray talking to another person in the area.

77. Lt. Furr conducted a second search of Gray, removed the handcuffs, and walked away, leaving Gray in the custody of Officer Shoffeitt.

78. Lt. Furr went to his cruiser to contact dispatch and use a radio to determine whether Gray had any outstanding warrants.

79. Officer Shoffeitt then told Gray that he had a picture that fits the description of the person you are looking for.

80. Gray asked Officer Shoffeitt if he could see the picture of the person for whom he was being searched.

81. Officer Shoffeitt responded that he could show Gray the picture on his phone, but that he would need to go to a private area to do so.

82. With his hands now free, Gray turned his camera on so it could film the remainder of the interaction.

83. Lt. Furr returned and told Gray that he had found the person who was being searched for.

84. Lt. Furr again told Gray h\Uhmci 'ŦWbŦidUb\UbX`Y`]b`h\Y`City of 5`d\UfYhU"i

85. After Gray again explained that he was not panhandling, Lt. Furr responded h\Uh'; fUmk Ug'Ŧ'Ŧ gh'hfm]b['hc`Wli gY`VčbZfcbhUh]cb"i

86. @h": i ff`VčbWXYX`h\Uh`\Y'ŦX]XbŦigYY`[Gray] mY``]b['Uh'dYcd`Yž' Vi higU]X'Ŧ'dYcd`Y`UfY`Vča]b['bžgUm]b['[Gray was] mY``]b['Uh'h\Ya "i

87. Gray explained that he had not yelled at anyone, but was just gUm]b['Ŧ[ccX'a cfb]b[ž; cX`V`Ygg`the \ca Y`Yggj YhYfUbg"i

88. Lt. Furr told Gray that \Y`g\ci `X'Ŧh]b_`UVci h`XY`j YfmUbX`\ck` dYcd`Y`UfY`[cbbU`fYW]j Y`h\Uh'a YggU[Y"i

89. Gray asked if he was free to leave and Lt. Furr said he was free to go.

90. Gray then Ug_YX`@h": i ff'ŦCan I continue what I was doing?i

Lt. Furr documents the encounter in a "Criminal Trespass Warning."

94. After Lt. Furr detained and indefinitely banned Gray, he purported to document the incident.

95. The trespass warning states that Lt. Furr told Lt. Furr that Gray was

96. Lt. Furr wrote that a third witness who yelled at people and asking for money.

97. The January 27, 2022, video and audio in front of City Hall before and during the encounter with Lt. Furr confirm that Gray did not yell or ask for money.

98. The video and audio recordings of Lt. Furr from inside City Hall, as well as a video recording of Lt. Furr from inside City Hall, confirm that Lt. Furr only spoke to two people before detaining Gray.

99. As the video and audio recordings show, there was no third witness who spoke to Lt. Furr.

107. About a month later, Gray learned of the written trespass warning after an uninvolved person received a copy of it via a public records request and forwarded it to him.

After Gray posts video of the encounter to YouTube, Lt. Furr writes a "revised" memo.

108. On the morning of February 5, 2022, Gray posted a video documenting a portion of the January 27, 2022, encounter to YouTube. The video, like many others created by Gray showing his positive and negative interactions with law enforcement, contrasted 5`d\UfYhUg`fYgdcbgY`k]h\`h\Y` positive interaction he had with a law enforcement officer in Roswell, Georgia. This video is available at <https://bit.ly/JeffGrayRoswell>.

109. On the same day Gray posted the comparison video, members of h\Y`di V`]WY[Ub`VcbhUv]b[`5`d\UfYhUg`Y`YWX`cZZ]WU`g, arguing that the dc`]W`\UX]j]c`UhYX`; fUmŋ;]fgh`5a YbXa Ybh`f][\hg"

110. On information and belief, Alpharetta Mayor Jim Gilvin viewed the video and then sent an email to Alpharetta Police Chief John Robison UggYfh]b[`h\UhÎ]h`cc_g`_]Y`cbY`cZci f`cZZ]Wfg`a Um\Uj Y`Ufrested a man for gc`]W]h]b[`a cbYm]b`Zfcbh`cZci f`W]m\U`"i

111. Chief Robison responded by telling Gilvin via email that Lt. Furr Î\UX`hk c`k]hbYggYg`hY``\]a `O fUmQk Ug`Ug_]b[`Zcf`a cbYm`i

112. Chief Robison later emailed Mayor Gilvin asserting that

100 YfYñ 1 gh' bch\]b['hc'h\]gi' UbX'h\ Uh@h": i ffÎdi h'h\Y'[i m]b'W Zg'VYWli gY'
\Y'k Ug'd`Um]b['[Ua Yg'UVci h'VYQb[Q]XYbh]Z]YX"i

113.

121. On or about March 3, 2022, the Alpharetta Department of Public Safety disciplined Lt. Furr following an investigation into his conduct on January 27, 2022.

122. The Alpharetta Department of Public Safety [redacted] Lt. Furr [redacted] concluded that:

- (a) [redacted] and [redacted];
- (b) Lt. Furr [redacted] Councilman Merk [redacted];
- (c) [redacted] [redacted];
- (d) [redacted] [redacted];
- (e) [redacted] [redacted];
- (f) [redacted] [redacted];
- (g) Lt. Furr should have investigated the complaints about [redacted] [redacted]

123. [redacted] that the trespass notice was without a lawful basis, it has not rescinded the written notice or [redacted] order indefinitely banning Gray from returning to Alpharetta City Hall.

124. Gray has relatives who reside in the area north of Atlanta and occasionally travels to the area around Alpharetta. Gray has purposefully return, taking different routes to avoid the City of Alpharetta.

Alpharetta has a policy, practice, or custom of chilling and punishing "panhandling" speech.

125. custom of harassing, threatening, detaining, arresting, and/or citing for trespass members of the di asking people for monetary or other charitable support on public property, despite the absence of reasonable suspicion that the individuals violated any law.

126. anti-panhandling policy is ung 0.0009n.60.002

128. Among Alpharetta police officers, there is a consistent practice of telling people that solicitation or panhandling is unlawful, regardless of the location or manner in which they seek assistance.

129. Among Alpharetta police officers, there is a consistent practice of harassing, threatening, detaining, arresting, and/or citing people for trespass for engaging in solicitation or panhandling, regardless of the location or manner in which they seek assistance.

130. According to Alpharetta police reports, over 40 Alpharetta police officers filed more than 100 reports related to individuals allegedly panhandling or soliciting between January 6, 2020, and October 25, 2022.

131. Many of these reports reflect a consistent custom of criminalizing speakers who engage in First Amendment protected speech, such as asking others for monetary or other support.

132. For example, on March 1, 2020, Officer Alvizua-Flores wrote in a police report that he told the

134.

145. Pursuant to Alpharetta Department of Public Safety Policy No. 03-07, reports approved by a supervisor are then submitted to a centralized records system.

146. Mayor Gilvin knew and knows [redacted]-panhandling policy.

147. Mayor Gilvin has continued to make clear [redacted] despite knowing [redacted] that he does not want people panhandling in Alpharetta.

148. At a May 2, 2022 City Council meeting, in discussing a proposal

151. The anti-panhandling policy is so well understood among Alpharetta officials that the mention of panhandling from Councilman A Yf_Y`gdi ffYX`ja a YX]UhY`UW]cb Zfca `@h": i ff`hc`W]``; fUm]g`dfchYWYX` speech.

152. 5`d\UfYhU]g`dc`]W`cZ]Wfg`Wcb]bi Y`hc`YbZcfW`]hg`Ubh]- dUb\UbX`]b[`dc`]W]Yj Yb`UZhf`h\Y`W]m]g`Yb]cf`YUXYfg\]d`VYW]a Y`Uk UfY`cZ`@h" : i ff]g`unlawful detention and arrest of Gray, and the subsequent discipline of Lt. Furr.

153. On June 15, 2022, Officer Kimbel detained a woman and three W]`XfYb`VYWi`gY`g\Y`Y`X`U`g][b`gUm]b[`g\Y`UX`I'`W]`XfYb`UbX`bYX`~`hc` \Y`d`k`j]h`fYbh`i`=b`\]g`fYdcfhz`C`Z]Wf`Kimbel noted that he told the woman I`bch`hc`Ug`_`Zcf`a`cbYm]U[U]bI`VYWi`gY`h\Y`; Ycf[]U`8`]j`]g]cb`cZ: Ua`]`m]UbX` 7\`]`XfYb`GYfj`]W]g`k`Ug`]bj`c`j`YX`UbX`]h`k`ci`X`VY`I`U]`Zcf`h`Ya`]Z]h`Ym]W]a`Y` VUW`"i

154. C b`C`W]cVYf`&)`ž&\$&&ž`C`Z]Wf`?`ja`VY`fYdcfhYX`h\Uh`Y`I`V`i`bh`mi told [a juvenile] that the next time they are panhandling in Alpharetta they k`ci`X`VY`UffYghYX`UbX`[c`hc`U]`"i

155. The City of Alpharetta and the conduct of its sworn law enforcement officers injured Gray| injuries that continue to this day|

because Alpharetta

States Constitution.

162. In the past they are ongoing.

163. Alpharetta police continue to enforce anti-panhandling policy against speech they perceive to be panhandling, and there is a substantial risk that Alpharetta officers will engage in such speech.

164. In addition, Gray's ban of Gray burdened and ability to engage in protected speech of any kind in Alpharetta, particularly in front of Alpharetta City Hall, and forces him to feel as though he cannot travel through or within Alpharetta.

165. Gray wants to continue advocating for homeless veterans in continued enforcement of its anti-panhandling caused and continue to cause Gray to fear detention, arrest, invasion of privacy, and imprisonment for exercising his First Amendment right to engage in such advocacy.

172. ; fUmŋj YfVU`W]h]Wga`cZthe authority and conduct of Lt. Furr and Officer Shoffeitt is protected by the First Amendment.

173. @h": i ff`UbX`C Z]Wf`G\cZY]hŋ actions would be sufficient to deter a person of ordinary firmness from exercising their First Amendment rights. These actions included:

- (a) Physically detaining Gray;
- (b) Placing Gray in handcuffs;
- (c) Terminatin[; fUmŋj]XYc`fYw`fX]b[/
- (d) Requiring Gray to provide identification;
- (e) Attempting to learn whether Gray could be detained on an unrelated warrant;
- (f) Searching Gray;
- (g) Prohibiting Gray from continuing to engage in expressive activity; and
- (h) Requiring Gray to leave and not return to the ÎXck bhck b` UfYUĭ` around Alpharetta City Hall for at least one year.

174. Lt. Furr and Officer Shoffeitt falsely asserted that panhandling is prohibited by Alpharetta ordinance.

175. Lt. Furr and Officer G\cZY]hŋ conduct was motivated by their cV`Yw]cbg`hc`h`Y`W`cb`h`b`h`c`Z; fUmŋj g][b, by \]g] cW`]nUh]cb`c`Z`h`Y`k`cfXgĭ; cX` bless the \ca`Y`Ygg]`Yhgž`Vm; fUmŋj W]h]Wga`cZLt. Furr, Vm; fUmŋj YfVU`

WU`Yb[Y'hc'@h': i fffj'Ui h\cf]mžUbX`Vm; fUmj'UhYa dh'hc'film @h': i fffj' response to his expressive activity.

176. As further alleged in paragraphs 280 through 288, , Lt. Furr and Officer Shoffeitt lacked reasonable suspicion, arguable reasonable suspicion, probable cause, or arguable probable cause to detain or arrest Gray.

177. At the conclusion of the cZZ]WfgN interaction with Gray, Lt. Furr prevented Gray from continuing to engage in expressive activity, curtailing and chilling ; fUmj' protected speech.

178. Lt. Furr had no lawful basis to prohibit Gray from continuing to engage in expressive activity.

179. Actions taken by Lt. Furr and Officer Shoffeittl including detaining, arresting, and searching Grayl]b'fYhU`]Uh]cb`Zcf'; fUmj'Yl dfYgg]j Y' activity damaged Gray by depriving him of his well-established constitutional right to engage in expressive activity on the public sidewalk outside of City Hall, a traditional public forum, entitling Gray to declaratory relief and compensatory damages, including at least nominal damages, against Lt. Furr and Officer Shoffeitt.

180. Because the retaliatory actions taken by Lt. Furr and Officer G\cZY]h'h'k YfY'a U`]Wci gž'cddfYgg]j Yž'UbX`]b'fYW`Ygg`X]gfY[UfX`cZ; fUmj'k Y`-

established First Amendment rights, Gray is entitled to punitive damages against Lt. Furr and Officer Shoffeitt.

181. Plaintiff re-alleges and incorporates paragraphs 165 and 168 of this Complaint as if repeated here.

182. It is well settled that a municipality may be subject to Section 1983 liability for the unconstitutional actions of its employees if (1) the municipality has a custom or policy that constituted deliberate indifference to that constitutional right; and (3) that the policy or custom caused the violation.

, 392 F.3d 1283, 1289 (11th Cir. 2004) (citing , 489 U.S. 378, 388 (1989)).

183. The City of Alpharetta, through its police department, maintains

184. Alpharetta police officers have repeatedly instructed members of

solicitation on public property is prohibited in the City of Alpharetta.

¶¶ 128–42, 152] 54.

185. Alpharetta police officers have repeatedly threatened to cite or arrest individuals for panhandling in Alpharetta.

186. These instructions are reflected in numerous reports to superior officers, for incidents between January 6, 2020, and October 25, 2022.

187. City of Alpharetta Police Department's Panhandling Policy states that City Safety maintains no written policy contradicting or deterring this policy, practice, or custom.

188. It is well established that asking others for charity is whether it is an expression protected by the First Amendment. *United States v. U.S. Gypsum Co.*, 340 U.S. 82, 177 F.3d at 956.

189. City of Alpharetta policymakers know or should know that maintaining a policy, practice, or custom of prohibiting any and all panhandling is in violation of the well-established First Amendment right to free expression, but were supportive of or deliberately indifferent to the existence and enforcement of the anti-panhandling policy.

190. Lt. Furr and Officer Shoffeitt acted pursuant to the City of

against Lt. Furr and Officer Shoffeitt.

207. Plaintiff re-alleges and incorporates paragraphs 11 165, 168 70, and 182 99 of this Complaint as if repeated here.

208. The First Amendment generally prohibits regulations that target speech because of the content or viewpoint expressed.

, 515 U.S. 819, 829 30 (1995).

209. 5 'a i b]VdU` [cj Yfba YbhÎ\Ug'bc'dck Yf'hc'fYghf]Vh'YI dfYgg]cb VYVWi gY'cZ]hg'a YggU[Yž]hg']XYUgž]hg'gi V'YVh'a UhhYfž'cf']hg'VcbhYbh'i`

, 576 U.S. 155, 163 (2015) (quoting

, 408 U.S. 92, 95 (1972)).

210. Content-VUgYX'fYghf]Vh]cbg'cb'gdYYVW'ÎUfY'dfYgi a dh]j Y`mi unconstitutional and may be justified only if the government proves that they UfY'bUffck`mhU]'cfYX'hc'gyfj Y'Vta dY``]b['ghUhY']bhYfYghg'i`

218. Without declaratory and injunctive relief from this Court, 8 YZYbXUbhgñi bWc constitutional policy, practice, or custom will continue and Gray will continue to suffer irreparable harm.

219. 5g'U'X]fYWñiUbX'dfcl]a UhY'fYgi`h'cZ'h\Y'7]hmicZ'5`d\UfYhñi'g'dc`]Wñ' dfUWñ]Wž'cf`W ghca`cZ'dfc\]V]h]b[`Í'dUb\UbX`]b[`Í`]b`5`d\UfYhñi'g'dc`]Wñ' suffered and continues to suffer irreparable injury, including being deprived of his constitutional right to free speech, entitling Gray to declaratory and compensatory damages, including at least nominal damages, against the City of Alpharetta, and injunctive relief enjoining the City of Alpharetta from continuing to enforce its policy, practice, or custom.

220. Plaintiff re-alleges and incorporates paragraphs 11 124, 155 65, and 167 78 of this Complaint as if repeated here.

221. The First Amendment protects the right of speakers

222. The First Amendment also protects the right to refrain from speaking, just as it protects the right to speak. *Shaw v. Reno*, 430 U.S. 705, 714 (1977).

223. Compulsory identification of a speaker requires, at a minimum, sufficient cause. *Compulsory Identification of a Speaker*, 525 U.S. 182, 200 (1999).

224. Gray was unlikely to be recognized by any person in Alpharetta.

225. C b]b Zcfa Uh]cb `UbX`VY`]YZ; fUmj`]XYbh]hmk Ud

244. In turning the camera lens away and then turning the camera off to avoid being filmed, Lt. Furr injured Gray by depriving him of his well-established constitutional right to film police officers carrying out their

, 658 F.3d 1260, 1267 (69

261. Lt. Furr did not inform Gray of any process by which he could challenge the trespass warning.

262. The City of 5`d\UfYhUñ'gmhYa `cZ]ggi]b[`hfYgdUgg'bch]Wg`X]X` not provide an avenue for prompt judicial review of the decision by Lt. Furr to bar Gray from a public space.

263. The verbal trespass warning to Gray did not serve a legitimate

, 424 U.S. 319, 333 (1976) (quoting _____, 380 U.S. 545, 552 (1965)).

271. The trespass warning was issued without pre-deprivation opportunity to be heard.

272. On information and belief, there is no established procedure to be heard concerning a trespass warning issued by the Alpharetta Department of Public Safety.

273. H\Y`f]g_`cZUb`YffcbYci g`XYdf]j Uh]cb`cZ; fUm]`]bhYfYgh`]g` substantial because Alpharetta police officers may issue warnings without any procedure to challenge or rescind the warning. _____, 658 F.3d at 1267.

274. The fiscal and administrative burdens attendant with a procedure to challenge or rescind the warning are minimal.

275. The fiscal and administrative burdens attendant with a prior restraint, including the availability of prompt judicial review and the [cj Yfba Ybh]Vi fXYb`hc`]b]h]UhY`↑ X]WU`fYj]Yk žUfY`a andated by the First Amendment. _____, 212 F.3d at 1238.

276. Gray]Z bXUa YbhU`UbX`dfcWXi fU`Xi Y`dfcWgg`f][\hg have been injured by being verbally and formally forbidden, by Lt. Furr, from the public sidewalk in front of Alpharetta City Hall.

277. In implementing, and applying to Gray, a system of prior restraints in the form of verbal and written trespass warnings without a meaningful opportunity to be heard, the City of Alpharetta and Lt. Furr damaged Gray by depriving him of his Fourteenth Amendment right to due process, entitling Gray to declaratory and compensatory damages, including at least nominal damages.

278. Plaintiff re-alleges and incorporates paragraphs 165 and 175 of this Complaint as if repeated here.

279. Gray had a right under the Fourth Amendment, as incorporated against the State of Georgia and its municipalities by the Fourteenth Amendment, to be free from unreasonable seizure by Lt. Furr and Officer Shoffeitt.

281. @h": i ffñj'XYhYbh]cb'cZ; fUmik Ug'i bfYUgcbUV`Y"

282. 5`gY]ni fY`a i gh'VY'î'î gh]ZYX`Uh]hg']bWdh]cb"î` , 392 U.S.
at &%"5 b`]bj Ygh][Uh]j Y`ghcd`]g'dYfa]gg]V`Y`cb`mik \YfY`Ub`cZZ]Wf`\Ug'îUb`
cV`YW]j Y`mfYUgcbUV`Y`gi gd]Wcbî`h\Uh'Ub`]bX]j]Xi U`î\UX`Yb[U[YXž'cf`k Ug`
UVci h'hc`Yb[U[Yž]b`U`W]a Y"î` , 363 F.3d 1141, 1145
(11th Cir. 2004).

283. 5`îfYUgcbUV`Y`cZZ]cer in the same circumstances and possessing

probable cause existed to arrest Gray. *Gray*, 51 F.3d 988, 996 (11th Cir. 1995); *Gray*, 954 F.3d at 1319.

288. Plaintiff alleges that the officers' actions were without arguable probable cause.

289. In detaining and arresting Gray without adequate cause, Lt. Furr and Officer Shoffeitt damaged Gray by depriving him of his well-established Fourth Amendment right to be free of unreasonable seizure, entitling Gray to declaratory relief and compensatory damages, including at least nominal damages.

290. Because the officers' actions were without arguable probable cause, Gray is entitled to punitive damages against Lt. Furr and Officer Shoffeitt.

291. Plaintiff re-alleges and incorporates paragraphs 165 and 167, 175, and 279, 288 of this Complaint as if repeated here.

292. Gray had a right under the Fourth Amendment, as incorporated

