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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
ROWE DIVISION

JERSEY JACKSON, an individual,  
  
Plaintiff,

v.

MARLOWE NAVARRO, in Navarro's  
official capacity as an officer of the Rowe  
Police Department,  
  
Defendant.

Case No. 3:20-cv-00101-CC

**COMPLAINT**

42 U.S.C. § 1983

JURY TRIAL DEMANDED

**I. INTRODUCTION**

1. Plaintiff Jersey Jackson ("Jackson") brings this action against Marlowe Navarro ("Navarro") for violating Jackson's clearly established constitutional rights. On January 15, 2020, Navarro, an officer of the Rowe Police Department ("RPD"), wrongfully arrested Jackson during a demonstration in downtown Rowe. Navarro did so in violation of Jackson's Fourth Amendment rights and in retaliation for Jackson's protected exercise of Jackson's First Amendment rights. Jackson seeks compensatory damages, punitive damages, and other relief.

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## II. JURISDICTION AND VENUE

2. This Court has jurisdiction over Jackson's claims by virtue of 28 U.S.C. §§ 1331 and 1343, *i.e.*, because this case involves a violation of Jackson's federal civil and constitutional rights.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, *i.e.*, because the events giving rise to Jackson's claims against Navarro occurred in the judicial district in which this Court is situated.

## III. PARTIES

4. Jackson is an individual who resides in Rowe, Oregon.

5. Navarro is an individual employed as a police officer by RPD and a resident of Rowe, Oregon. At all material times herein, Navarro was acting within the course and scope of Navarro's employment with RPD.

## IV. FACTS

6. Jackson is a journalist employed by *The Rowegonian*.

7. On December 20, 2019, Jackson attended a public demonstration at the Digby Theater in downtown Rowe. The demonstration concerned the Rowe City Council's decision authorizing the theater owner to demolish the building, which is an historic landmark. Jackson attended the demonstration because Jackson had recently written a story about the theater's demolition and was continuing to report on the matter.

8. At the demonstration, Jackson approached a protester named "Danger" Smith, who appeared willing to provide a quote to Jackson about the reasons for the demonstration.

9. Navarro was on duty for RPD at the demonstration. A few seconds after Jackson began speaking with Smith, Navarro approached them and threatened to arrest Smith.

10. As far as Jackson was aware, Smith was doing nothing illegal. Jackson said as much to Navarro, in response to which Navarro became angry. Navarro turned toward Jackson and yelled: "You're blocking traffic, you're blocking these bulldozers, and now you're interfering with my job as police officer!" Navarro then threatened to arrest Jackson as well. Like Smith, Jackson was doing nothing illegal.

11. A few moments later, word came down that the Rowe City Council had decided to postpone its authorization of the demolition; due to Jackson's reporting, the City had decided to investigate a number of irregularities in the inspection that had led it to authorize the theater owner's plans.

12. Several weeks later, the Rowe City Council issued another decision criticizing the original inspection but reaffirming its approval of the demolition.

13. The City's decision sparked another public demonstration, which occurred outside the Digby Theater on January 15, 2020. Again, because Jackson was continuing to report for *The Rowegonian* on the matter, Jackson attended the demonstration. Jackson wore a bright blue t-shirt with the word "Press" emblazoned in yellow on both the front and back.

14. Smith was again participating in the demonstration. Shortly after the demonstration began, Jackson heard Smith yell: “Let’s barricade ourselves in! They can’t knock it down if we’re inside!” Smith then grabbed a rock from the ground and started to move toward the Digby’s front door, which is made of stained glass. It looked to Jackson like Danger was going to smash the window. Jackson ran over to Smith, yelled “Stop!” and grabbed the rock out of Smith hand. At no point during the January 15th demonstration did Jackson do anything illegal.

15. A moment after Jackson grabbed the rock from Smith, Navarro tackled Jackson and arrested Jackson. Navarro knew that Jackson was doing nothing wrong, but Navarro arrested Jackson anyway. As Navarro tackled Jackson, Navarro said: “You again, huh? And I expect you’ll say you were doing nothing illegal either?”

16. Jackson was released within a few hours. The Chinook County District Attorney’s Office charged Jackson with disorderly conduct but dropped the charges shortly afterward.

## **V. CLAIM FOR RELIEF**

### **42 U.S.C. § 1983—Retaliatory Arrest in Violation of First Amendment**

17. Jackson incorporates and realleges each of the preceding paragraphs as if fully set forth herein.

18. As described above, Jackson engaged in protected speech, both when Jackson challenged Navarro’s threat to arrest Smith and otherwise.

19. Navarro later took action against Jackson by arresting Jackson.

20. As evidenced in part by Navarro’s comments to Jackson during the arrest, Jackson’s protected speech was a substantial or motivating factor in Navarro’s decision to arrest Jackson.

21. Navarro arrested Jackson without probable cause. Navarro also declined to arrest other similarly situated individuals who were not engaged in the same sort of protected speech, even though Navarro had ample opportunity to do so.

22. Navarro was acting under color of law when Navarro arrested Jackson.

23. As a result of the above, Jackson is entitled to an award of economic, noneconomic, and punitive damages against Navarro in amounts to be determined at trial.

24. Pursuant to 42 U.S.C. § 1988, Jackson is entitled to recover the attorneys’ fees and costs that Jackson incurs in bringing this action.

## **VI. PRAYER FOR RELIEF**

WHEREFORE, Jackson prays for relief as follows:

a) An award of economic, non-economic, and punitive damages against Navarro in amounts to be determined at trial;

- b) An award of the reasonable attorneys' fees and costs that Jackson incurs in bringing this action;  
and  
c) Such other relief as may be just and proper.

DATED: August 24, 2020.

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