IN THE SUPERIOR COURT FOR THE STATE OF RIDGEWAY
IN AND FOR RIDGEWAY COUNTY

FILTURAES, Plaintiff,	CIVIL DIVISION CASE NO.: 05-2024-RSC-CV-2949
v.	JUDGE: HON. ALEXJCABOT
POLICE12W, in their quasi-official capacity as Private in the Ridgeway National Guard, Defendant.	

_____/

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Defendant's Motion to Dismiss. For the reasons that follow, the Court hereby **ORDERS** that the Motion to Dismiss is **DENIED**.

I. BACKGROUND

On May 28, 2024, Plaintiff Filturaes was standing on a sidewalk outside of the Sterling Community Park in Ridgeway County, Ridgeway, when he was involuntarily restrained by use of handcuffs by Ridgeway National Guard Private Defendant Police12w. Following a brief window, Defendant suddenly removed the handcuffs from Plaintiff and allowed him to leave. Defendant neither explained the basis for the detention nor acted under reasonable suspicion of a crime. Plaintiff brought the above action against Defendant on May 30, 2024, for official misconduct and claims that Defendant violated his right to be free from unreasonable seizures under the Fourth Amendment to the U.S. Constitution.

Defendant, acting by the Solicitor General, filed a Motion to Dismiss for failure to state a

claim upon which relief can be granted on May 30, 2024. Defendant asserts that no relief can be entered against him because he is shielded from liability to civil damages under qualified immunity. The Court finds Defendant's argument to be without merit. In determining whether an official is entitled to qualified immunity, a court asks whether a constitutional right was violated and whether that right was clearly established. Included in the Fourth Amendment's inexorable command against unreasonable seizures, is a constitutional right to be free from investigative stops absent reasonable suspicion of criminal activity.

While Plaintiff was standing on the sidewalk, he was going about his business and exuded no suspicious or inherently unlawful activity. The Complaint alleges that neither reasonable suspicion nor probable cause existed for the detention. In so alleging, Plaintiff has set forth facts that state a claim for relief. Indeed, Defendant would not be entitled to qualified immunity for detaining Plaintiff without lawful cause. Such a theory of unbridled discretion to conduct investigative stops falls flat in face of the Fourth Amendment. In so determining, the Court need not consider whether reasonable suspicion or probable cause *actually* existed, but only whether the Complaint *on its face* states a proper claim. The Court finds that it does.

II. LEGAL STANDARD

A complaint should be dismissed for "failure to state a claim upon which relief can be granted[.]" See Rid. R. Civ. P. 12(a); see generally LargeTitanic2, Gov. of Rid. v. Nevplaysgames, et al., 1 Rid. 98 (2023) ("[W]e have held that federal doctrines . . . are incorporated into our system of laws and therefore federal precedent relating to such may be used as precedent.") A failure-to-state-a-claim motion tests the "legal sufficiency" of a complaint. See Navarro v. Block, 250 F. 3d 729 (9th Cir.2001); see also Balistreri v. Pacifica

Police Dept., 901 F.2d 696, 699 (9th Cir.1988).

Under Rid. R. Civ. P. 12(a), a complaint fails to state a claim if "it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Conley v. Gibson, 355 U.S. 41, 45-46 (1957). In deciding such a motion, the Court must view all allegations in the complaint in the light most favorable to the plaintiff and must accept all material allegations—as well as any reasonable inferences—as true. Balistreri, 901 F.2d 696, 699 (9th Cir.1988). Dismissal is proper only where there is no cognizable legal theory or an absence of sufficient facts alleged to support a cognizable legal theory. Ibid.

III. ANALYSIS

The qualified immunity doctrine "shields government officials from civil damage liability for discretionary action that does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." See Harlow v. Fitzgerald, 457 U.S. 800, 457 U.S. 818 (1982). Qualified immunity is not available "if an official knew or reasonably should have known that the action he took within his sphere of official responsibility would violate the constitutional rights of the [individual], or if he took the action with the malicious intention to cause a deprivation of constitutional rights or other injury." Harlow, 457 U.S. 815 (quoting Wood v. Strickland, 420 U.S. 308, 420 U.S. 322 (1975)) (internal citations omitted).

The qualified immunity standard gives ample room for mistaken judgments by protecting all officials except "the plainly incompetent or those who knowingly violate the law." Hunter v. Bryant, 502 U.S. 224, 502 U.S. 229 (1991) (internal quotations omitted). In determining whether an official is entitled to qualified immunity, courts have employed a two-step analysis that asks the following questions: (1) whether the alleged facts, when viewed in the light most favorable to

the plaintiff, demonstrate that the official's conduct violated a constitutional right; and (2) whether the constitutional right being asserted is clearly established. See County of Sacramento v. Lewis, 523 U.S. 833, 841 n. 5 (1998).

The Court may address either question first. See Boude v. City of Raymore, 855 F.3d 930, 933 (8th Cir. 2017) (citing Pearson v. Callahan, 555 U.S. 223, 555 U.S. 236 (2009)). "If either question is answered in the negative, the public official is entitled to qualified immunity." Norris v. Engles, 494 F.3d 634, 637 (8th Cir. 2007) (quoted case omitted). The Supreme Court has "stressed the importance of resolving immunity questions at the earliest possible stage in litigation." Pearson v. Callahan, 555 U.S. 223, 555 U.S. 232 (2009) (quotation omitted). To avoid pretrial dismissal, a plaintiff must present facts showing the violation of a constitutional right that was clearly established. Id. at 232-33, 236.

Under the Fourth Amendment, the test for determining whether an investigative stop is lawful is clearly established. See Terry v. Ohio, 392 U.S. 1 (1968). In *Terry*, it was held that an official may conduct a brief, investigatory stop when the official has a reasonable, articulable suspicion that criminal activity is afoot. 392 U.S. at 30. While "reasonable suspicion" is a less demanding standard than probable cause and requires a showing considerably less than preponderance of the evidence, the Fourth Amendment requires at least a minimal level of objective justification for making the stop. United States v. Sokolow, 490 U. S. 1, 7 (1989).

The official must be able to articulate more than an "inchoate and unparticularized suspicion or `hunch' " of criminal activity. Terry v. Ohio, *supra*, 392 U.S. 27. In *Terry*, the conduct justifying the stop was ambiguous and susceptible of an innocent explanation. The official observed two individuals pacing back and forth in front of a store, peering into the window and periodically conferring. Id. at 5-6. All of this conduct was by itself lawful, but it

also suggested that the individuals were casing the store for a planned robbery. *Terry* recognized that the officers could detain the individuals to resolve the ambiguity.

In allowing investigative stops based on reasonable suspicion, *Terry* admittedly "accepts the risk that officers may stop innocent people." Illinois v. Wardlow, 528 U.S. 119 (2000). "Indeed, the Fourth Amendment accepts that risk in connection with more drastic police action; persons arrested and detained on probable cause to believe they have committed a crime may turn out to be innocent. The Terry stop is a far more minimal intrusion, simply allowing the officer to briefly investigate further. If the officer does not learn facts rising to the level of probable cause, the individual must be allowed to go on his way. " Ibid.

In the case at bar, Plaintiff Filturaes was simply standing on a sidewalk and going about his business, Compl. ¶ 1, when Ridgeway National Guard Private Defendant Police12w approached Plaintiff without any reasonable suspicion or probable cause. Id. ¶ 2. Defendant proceeded to place Plaintiff in handcuffs without further explanation and after a brief window he removed the handcuffs from Plaintiff and allowed him to leave Id. ¶ 3-4. The Complaint repeatedly emphasizes that Defendant did not provide any explanation for why he detained Plaintiff and the basis for the detention remains unclear till this day.

The *Terry* doctrine is clearly established and accordingly Defendant knew or reasonably should have known that his detention of Plaintiff without reasonable suspicion of criminal activity would fall squarely within prohibition under the Fourth Amendment. While the qualified immunity standard is considerably low, it has never been held to protect "the plainly incompetent or those who knowingly violate the law[,]" Hunter v. Bryant, 502 U.S. 224, 502 U.S. 229, *supra*, and Defendant will similarly be denied its protections lest the Court should "invite intrusions upon constitutionally guaranteed rights based on nothing more substantial than inarticulate

hunches . . . ." Terry v. Ohio, *supra*, 392 U. S., at 22.

It is a well-established rule of law that a complaint should only be dismissed for failure to state a claim upon which relief can be granted if it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.'" Conley v. Gibson, *supra*, 355 U.S. 41, 355 U.S. 45-46; see also Hughes v. Rowe, 449 U.S. 10 (1980); Haines v. Kerner, 404 U.S. 519 (1972). Having found that Defendant is not entitled to qualified immunity, the Court finds that the Complaint sufficiently alleges facts that, if taken as true, would entitle Plaintiff to relief. The qualified immunity doctrine cannot, and indeed does not, protect officials who conduct unfounded investigative stops of random bystanders.

IV. CONCLUSION

For the foregoing reasons, the Court finds that the Complaint states a claim upon which relief can be granted. The Court therefore **ORDERS** that the Motion to Dismiss is **DENIED**.

SO ORDERED, ADJUDGED, AND DECREED in chambers in Palmer, Ridgeway County, Ridgeway, this 30th day of May, 2024.

BY: /s/ _____
ALEX J. CABOT
Ridgeway Superior Court Judge

Copies to: Filturaes
Police12w
Stickza, Solicitor General