

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

|            |   |                            |
|------------|---|----------------------------|
| FLEMISHED, | ) |                            |
|            | ) |                            |
| Plaintiff, | ) | CIVIL ACTION NO. 4:20-2392 |
| v.         | ) |                            |
|            | ) | Hon. NicolasRFulton        |
| IMNDAVID,  | ) |                            |
|            | ) |                            |
| Defendant. | ) |                            |
| _____      | ) |                            |

**COMPLAINT FOR INJUNCTIVE AND OTHER PROSPECTIVE RELIEF**

Plaintiff Flemished, represented by United States Solicitor General LewisFPowellJr, alleges as follows:

1. Plaintiff brings this suit in order to obtain injunctive and other prospective relief against defendant ImnDavid, who committed false imprisonment under the violation of Pub. L. No. 81-16, § 3(e) and committed deprivation of rights under 42 U.S.C. § 1983.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over this action under 28 U.S.C. § 1331 and 42 U.S.C. § 1983.

3. Venue is proper in this district under 28 U.S.C. § 1391(b) because the actions and omissions giving rise to plaintiff's allegations occurred in the District of Columbia, and both the Plaintiff and the Defendant reside and/or do business in the District of Columbia.

## **FACTUAL ALLEGATIONS**

4. Plaintiff Flemished is part of Sponge Gang, a notorious group of individuals that dress up as character from the popular TV show *Spongebob SquarePants* and intentionally exposes the weakness of law enforcement officers in the District of Columbia. Flemished states that because law enforcement in the District of Columbia has been severely debilitated but are still “haughty,” he decided to join the Sponge Gang. Flemished, for his part, dresses up as Gary the Snail.

5. Defendant ImnDavid is a special deputy marshal for the United States Marshals Service, a Deputy Correctional Officer for the Bureau of Prisons, Officer First Class of the Metropolitan Police Department, public defender for the Department of Justice, and employee of the Department of Transportation. At the time of the incident, defendant was acting as an officer of the Metropolitan Police Department.

6. On December 10<sup>th</sup>, 2020, at about 4:45 PM Eastern Daylight Time, plaintiff was participating in a Sponge Gang raid along with his friends. Flemished was repeatedly arrested falsely by certain officers who had mistakenly believed that he was an attacker at some points, when it was his buddies that had shot at the officers.

7. After bailing from the prison, Flemished had bought a medkit, thus removing his forcefield from the game. Flemished was preparing to buy an MP5 and Barret .50 cal when defendant tazed the Plaintiff. He moved to plaintiff and applied handcuffs, and then arrested plaintiff.

8. After arriving in prison, Flemished checked arrest logs and found that he was arrested for murder.

**CAUSE OF ACTION: NATIONAL FEDERAL TORTS ACT OF 2020**

9. By the actions and statements described above, the Defendant has committed one count of false imprisonment under the National Federal Torts Act of 2020, Pub. L. No. 81-16, § 3(e).

a. The tort of false imprisonment is defined as the act of

“Any person who acts under the color of law or private security and, [who] without justifiability nor consent, detains, deploys a tazer on or arrests another person.” Pub. L. No. 81-16, § 3(e).

Defendant was aware that there were attackers near the visitor spawn. He was aware that Flemished was part of this group of attackers. However, Flemished had just spawned into the game after bailing from a previous arrest. Flemished also did not have any tools, and thus could not have murdered anyone in the short period before he was returned to the prison as part of the second arrest. This meant that the defendant detained plaintiff without proper legal justification. The fact that defendant was acting as Officer First Class for the Metropolitan Police Department at the time of the incident meant that he acted “under the color of law” in order to falsely detain the plaintiff.

**CAUSE OF ACTION: 42 U.S.C. § 1983**

10. By the actions and statements described above, the Defendant has violated Plaintiff’s Fourth Amendment rights.

a. The Fourth Amendment protects against unreasonable “searches and *seizures* without probable cause.” U.S. Const., Amend. IV. Defendant, as a current law enforcement officer, especially maliciously cuffed plaintiff, and without hesitation arrested him for “murder.” The footage of the evidence clearly shows that plaintiff did not have items in his inventory at the time of the incident, which could not have resulted in murder. Defendant therefore unreasonably detained plaintiff without justification, violating his Fourth Amendment right from unreasonable searches and seizures.

11. By the actions and statements described above, the Defendant has violated Plaintiff’s Fifth Amendment right against arbitrary deprivation of life, liberty, and property.

a. By unlawfully detaining the Plaintiff, defendant first deprived Plaintiff of his right to liberty without any sort of justification. He did not let plaintiff explain that he had just spawned in and could not have killed defendant. Defendant then caused plaintiff to be arrested, and plaintiff was forced to bail in order to avoid spending time, which would have been a deprivation of liberty. Instead, by bailing, defendant has subjected plaintiff to an arbitrary deprivation of property.

### **PRAYER FOR RELIEF**

WHEREFORE, plaintiff requests that the Court enter an Order that:

a. Permanently enjoins the Defendant from coming into contact with the Plaintiff while defendant is discharging his duties as an officer for any law enforcement agency, protective agency, or intelligence agency.

- b. Requires an apology to the plaintiff by defendant for his unlawful deprivation of plaintiff's rights and false imprisonment if relief under subsection A of this paragraph is unable to be issued for the plaintiff. See *RichoCaldwell v. D\_ayydream*, 9 U. S. 73 (2020).

Dated: December 11<sup>th</sup>, 2020

Respectfully submitted,

/s/LewisFPowellJr

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