



Fourth Amendment to the United States Constitution, made applicable to the Defendants through the Fourteenth Amendment to the United States Constitution. This Court has jurisdiction over Plaintiff's claims under 28 U.S.C. § 1331 (federal question) and under 28 U.S.C. § 1343 (civil rights).

3. Venue lies in U.S. Northern District of Texas, Dallas division, the district and division, in which the claim arose, pursuant to 28 U.S.C. § 1391(b).

### **PARTIES**

4. Plaintiff Jeremiah Ramos is an individual residing in Rice, Texas.

5. Defendant Austin Palmer (Defendant Palmer) is an individual residing in Dallas County, Texas. The acts and omissions complained of herein arise from the conduct of Defendant Palmer while he was acting under color of state law, and each act and omission was committed pursuant to Defendant Palmer's employment and authority as a deputy sheriff with the Dallas Sheriff's department.

### **FACTUAL BACKGROUND**

6. On October 1, 2019, Defendant Palmer attempted to serve a felony warrant on Jeremiah Ramos.

7. Upon approaching a pickup truck, Defendant Palmer believed he saw Mr. Ramos. Defendant Palmer approached the truck. The person in the truck backed up, sped away to leave the scene, almost hitting Defendant Palmer in the process.

8. The person driving the truck was not Mr. Ramos, nor was Ramos in the truck.

9. Nevertheless, Defendant Palmer believe Mr. Ramos was the person who had almost ran him over.

10. On October 7, 2019, Defendant Palmer returned for his revenge. He

approached Mr. Ramos, asking if Mr. Ramos remembered him. When Mr. Ramos said no, Defendant Palmer responded “whatever.” Defendant Palmer and his partner Deputy Koenig arrested Mr. Ramos, placed him in handcuffs, and led him to their police car.

11. While Mr. Ramos was still in the police car and handcuffed with his hands behind his back, Defendant Palmer again asked Mr. Ramos whether he remembered him. Mr. Ramos again stated that he did not. Defendant Palmer told Mr. Ramos that Mr. Ramos had almost killed him the week before.

12. Mr. Ramos continued to deny knowing Defendant Palmer or almost killing him, because Mr. Ramos was not the person in the truck on October 1, 2019.

13. As Mr. Ramos continued to deny knowing Defendant Palmer, Defendant Palmer took his taser from his waistband, turned towards Mr. Ramos, and put the taser to Mr. Ramos’ stomach for 15-20 seconds, electronically shocking him that entire time.

14. At the time Defendant Palmer shocked Mr. Ramos, Mr. Ramos was handcuffed, compliant, was not resisting arrest and was not aggressive to the officers at any time. The tasing left Mr. Ramos in excruciating pain and caused him to black out temporarily. The tasing also left several scars on Mr. Ramos’ body.

15. After tasing Mr. Ramos in his stomach, Defendant Palmer then placed the taser on Mr. Ramos’ genitals and throat and informed Mr. Ramos that he would deploy the taser to Ramos’ genitals and throat if Ramos said another word.

16. After deploying the taser to Mr. Ramos, Defendant Palmer did not file a use of force report as he was required to. Defendant Palmer and his partner also deliberately turned off their body-worn cameras prior the unconstitutional use of excessive force against Mr. Ramos.

17. Defendant Palmer’s partner, Deputy Koenig, was also interviewed by

law enforcement. Deputy Koenig confirmed that Defendant Palmer tased Mr. Ramos in the stomach. Deputy Koenig also admitted that Mr. Ramos was not resisting in any way.

18. The deployment of Defendant Palmer's taser against Mr. Ramos' bare skin caused him several burn and cuts to his stomach. Mr. Ramos recalls the smell of his flesh being burned. He also suffers severe anxiety upon seeing police officers due to his treatment at the hand of Defendant Palmer.

**COUNT 1: PLAINTIFF'S CIVIL RIGHTS CLAIM FOR USE  
OF EXCESSIVE AND UNNECESSARY FORCE AGAINST  
DEFENDANT PALMER UNDER 42 U.S.C. § 1983**

19. Mr. Ramos repeats and realleges each of the facts alleged in paragraphs 1-18.

20. Plaintiff brings a claim against Defendant Palmer for use of excessive and unnecessary force, pursuant to 42 U.S.C. § 1983.

21. Force is excessive, and therefore violates the Fourth Amendment, if it is not reasonable in light of the circumstances facing the officer. *See Graham v. Connor*, 490 U.S. 386, 398 (1989). The facts and circumstances of this case show that the Defendant Palmer's actions here were clearly unreasonable.

22. Specifically, it was unreasonable for Defendant Palmer to tase Mr. Ramos while he was handcuffed and not resisting arrest in any way. It was further unreasonable for Defendant Palmer to threaten to tase Mr. Ramos in the genitals and throat.

23. Therefore, by using excessive and unnecessary force while acting under color of state law, Defendant Palmer violated Mr. Ramos' rights under the Fourth and Fourteenth Amendments to the United States Constitution and caused his physical injuries, his mental and emotional distress and injuries, lost income, and pain and suffering. Defendants are therefore liable to Plaintiff for all compensatory and exemplary damages and his attorneys' fees and costs.

24. Defendants' actions violated clearly established constitutional law and Defendants are not entitled to qualified immunity.

**REQUEST FOR ATTORNEYS' FEES UNDER 42 U.S.C. § 1988**

25. Plaintiff is entitled to his attorneys' fees and costs in this action under 42 U.S.C. § 1988. Plaintiff therefore requests that the Court and jury grant his request for attorneys' fees and costs.

**JURY DEMAND**

26. Plaintiff respectfully requests a jury trial under Federal Rule of Civil Procedure 8(b).

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that Defendant be cited to appear and answer herein, and that Plaintiff have judgment against Defendant, for actual damages above the jurisdictional minimum of the Court; exemplary damages; pre-judgment interest; post-judgment interest, costs of court, attorney's fees and expenses and all other relief to which Plaintiff is justly entitled, at law or in equity.

Respectfully submitted,

/s/ Dimitri Dube

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