

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

|  |                         |
|--|-------------------------|
| JOHN DOE, A MINOR, BY AND )                    | CASE NO.:               |
| THROUGH HIS PARENT AND NATURAL )               |                         |
| GUARDIAN THEODORE JENKINS Jr., )               | JUDGE                   |
| 3611 Mt. Herman Avenue )                       |                         |
| Cleveland, OH 44115 )                          |                         |
| )  | <b><u>COMPLAINT</u></b> |
| Plaintiff, )                                   |                         |
| )  |                         |
| v. )   |                         |
| )  |                         |
| CLEVELAND POLICE DEPARTMENT )                  |                         |
| 1300 Ontario Street )                          |                         |
| Cleveland, OH 44113 )                          |                         |
| )  |                         |
| and )  |                         |
| )  |                         |
| DOROTHY A. TODD, Individually and in )         |                         |
| her official capacity as Cleveland Police )    |                         |
| Department Chief )                             |                         |
| 1300 Ontario Street )                          |                         |
| Cleveland, OH 44113 )                          |                         |
| )  |                         |
| and )  |                         |
| )  |                         |
| JOHN DOE, Cleveland Police Officer )           |                         |
| individually and in his official capacity )    |                         |
| )  |                         |
| and )  |                         |
| )  |                         |
| JUSTIN BIBB, Individually and in his )         |                         |
| official capacity as City of Cleveland Mayor ) |                         |
| 601 Lakeside Avenue )                          |                         |
| Cleveland, OH 44114 )                          |                         |

Defendants.

Now comes Plaintiff JOHN DOE (“Plaintiff”), by and through undersigned counsel, and for his Complaint against Defendant Cleveland Police Department, Defendant Dorothy A. Todd, Defendant John Doe, Cleveland Police Officer, and Defendant Justin Bibb states the following:

**PRELIMINARY STATEMENT**

1. This is a **civil-rights action** brought under **42 U.S.C § 1983** seeking compensatory **damages**.

First, this case alleges that Defendant Cleveland Police Department and Defendant John Doe, Cleveland Police Officer used excessive force against Plaintiff, causing **substantial injury**. Second, that Defendant Cleveland Police Department, along with Defendant Dorothy A. Todd and Defendant Justin Bibb, violated the Fourth and Fourteenth Amendments of the United States Constitution by adopting customs and policies that encouraged police officers to use excessive force against people of color.

### **PARTIES**

2. At all times relevant, Plaintiff JOHN DOE was a resident of the City of Cleveland, located in Cuyahoga County, Ohio.
3. Defendant Cleveland Police Department is, and was at all relevant times herein, a police department incorporated under the laws of the State of Ohio, located in Cuyahoga County, Ohio.
4. Defendant Cleveland Police Department is a “person” subject to suit within the meaning of 42 U.S.C. § 1983.
5. Defendants Dorothy A. Todd, Cleveland Police Department Chief, was and still is police chief of the Cleveland Police Department, and is a “person” subject to suit within the meaning of 42 U.S.C. § 1983.
6. Defendant Justin Bibb, City of Cleveland Mayor, was and still is City of Cleveland Mayor, and is a “person” subject to suit within the meaning of 42 U.S.C. § 1983.
7. Defendant John Doe, Cleveland Police Officer, was and still is an active-duty police officer in the Cleveland Police Department, and is a “person” subject to suit within the meaning of 42 U.S.C. § 1983.

### **JURISDICTION AND VENUE**

8. Jurisdiction over federal claims under 42 U.S.C. §§ 1983 and 1988, which provides for attorney and expert fees for vindication of civil-rights claim, is asserted under 28 U.S.C. §§ 1331 and 1343.
9. This Court has personal jurisdiction over the Defendants and venue is proper in this Court under 28 U.S.C. § 1391 because the events giving rise to Plaintiff's claim took place within the Court's jurisdiction.

### **FACTS**

10. On **March 12, 2025**, Plaintiff was outside of Tower City in downtown Cleveland socializing with friends after school.
11. A **disturbance** broke out in the area where Plaintiff was, which Plaintiff was not involved in.
12. Cleveland Police Officers responded to the disturbance.
13. When Cleveland Police Officers responded to the disturbance, responding officers noticed a **female police officer** on the ground.
14. Responding officers thought the female officer on the ground said Plaintiff was the one who tripped her.
15. The responding officers then targeted Plaintiff who was not involved and posed not threat to the officers.
16. **Defendant John Doe, Cleveland Police Officer struck Plaintiff in the head with a baton even though Plaintiff did not do anything to provoke such a reaction by the officers.**
17. **Right after Defendant John Doe struck Plaintiff on the head, the female officer informed Defendant that he misheard her and Plaintiff did not trip her.**

18. Plaintiff suffered injuries to the head, including a concussion and various musculoskeletal injuries.
19. Plaintiff is a dedicated student-athlete with good grades and aspirations to attend college.
20. Plaintiff is also a member of a competitive AAU basketball team.
21. Plaintiff's head injury has caused him to not be able to fully participate in his academics and his athletics.
22. Plaintiff also suffered mental and emotional injury due to this traumatic event as he is suffering from a traumatic brain injury.

### **COUNT I**

#### **Fourth and Fourteenth Amendment violation under 42 U.S.C. § 1983 for the officers' use of excessive force against Plaintiff.**

23. Plaintiff incorporates all previous allegations by reference.
24. Defendants Cleveland Police Department and John Doe, Cleveland Police Officer used excessive force against Plaintiff when they struck him in the back of the head after he posed no threat to the officers or others around him.
25. In fact, the female officer told Defendant John Doe, Cleveland Police Officer that Plaintiff was not involved in the disturbance.
26. Under the doctrine of respondent superior, the Defendants were operating within the scope of their employment as officers under the Cleveland Police Department.
27. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff suffered and will continue to suffer damages for which the Defendants are liable, including, but not limited to, mental, emotional, and physical pain and suffering.

### **COUNT II**

#### **Fourth and Fourteenth Amendment violation under 42 U.S.C. § 1983 for a custom, policy, or practice of using excessive force.**

28. Plaintiff incorporates all previous allegations by reference.
29. Defendants Cleveland Police Department, Dorothy A. Todd, and Justin Bibb, **permitted, tolerated, and was deliberately indifferent to a pattern a practice of excessive force by its police officers at and around the time of Plaintiff's injury. This widespread tolerance of excessive force by police officers constituted a municipal policy, practice, or custom and led to Plaintiff's assault and injury.**
30. By permitting, tolerating, and sanctioning a persistent and widespread policy, practice, and custom of excessive force under which Plaintiff was assaulted, Defendants deprived Plaintiff of rights, remedies, privileges, and immunities guaranteed to every citizen of the United States, secured by **42 U.S.C. § 1983**, including, but not limited to, the right to be free from gratuitous and excessive force guaranteed by the Fourth and Fourteenth Amendment to the United States Constitution.
31. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff suffered and will continue to suffer damages for which the Defendants are liable, including, but not limited to, mental, emotional, and physical pain and suffering.

### **PRAYER FOR RELIEF**

For the reasons stated above, Plaintiff respectfully requests the following relief from the Court.

- A. Declare that Defendants' acts and conduct constitute violations of the Fourth and Fourteenth Amendments of the U.S. Constitution under 42 U.S.C. § 1983;
- B. Judgement in Plaintiff's favor as to all claims for relief;
- C. Special and general damages to compensate for the injuries Plaintiff sustained to the Defendants' unconstitutional customs, policies, and practices including damages for medical costs, pain, suffering, humiliation, and emotional distress;
- D. Award attorney's fees to the Plaintiff; and

- E. All other relief in law or equity to which Plaintiff is entitled and that the Court deems equitable, just, or proper.

**JURY DEMAND**

Plaintiff hereby **demands a trial by jury** of all issues triable by jury.

**WHEREFORE**, Plaintiff demands judgment be rendered against the Defendant in amount in excess of \$75,000 for compensatory damages, **punitive damages**, plus any other relief this Court deems equitable and fair including costs and attorney's fees of this action.

Respectfully submitted,

/s/ Bruce D. Taubman

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