

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

JOSHUA BILLS,)	
)	
Plaintiff,)	
)	
v.)	No. 18-cv-784
)	
)	JURY TRIAL DEMANDED
JORDAN M. NELSON,)	
)	
)	
Defendant.)	

COMPLAINT

1. Plaintiff, Joshua Bills, seeks judgment against Defendant, Jordan M. Nelson, under the Fourth Amendment to the United States Constitution and 42 U.S.C. § 1983 for approaching him under color of law while he stood still and silent on a sidewalk with his empty hands open and extended away from his body and then using excessive force by kicking his legs out from under him and smashing his face into the concrete.

Jurisdiction and Venue

2. This action arises under the Constitution of the United States and the provisions of 42 U.S.C. § 1983. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331 and 1343(a).

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and L.R. 3.2(b)(2) because a substantial part of the events or omissions giving rise to the claims occurred in Jackson County, Missouri, which is located in this judicial district.

4. Venue is proper in the Western Division pursuant to L.R. 3.2(a)(1)(A).

Parties

5. Plaintiff, Joshua Bills, is a resident of the State of Missouri.

6. Defendant Jordan M. Nelson was an employee and commissioned law enforcement officer of the Kansas City, Missouri Police Department at all times relevant to this complaint. He is sued in his individual capacity only.

7. Defendant acted under color of state law at all times relevant to this complaint.

Facts

8. In the evening of December 6, 2013, officers from the Kansas City, Missouri Police Department (KCPD) were dispatched to 2106 E. 34th St. to investigate the report of a “suspicious person.”

9. Mr. Bills was walking on the sidewalk near the address identified to police dispatch when the police arrived in the area and allegedly matched the description (a tall black male in black clothing) of the reported “suspicious person.”

10. At least two KCPD vehicles pulled up and parked near Mr. Bills, with their lights shining in his direction.

11. Five officers approached Mr. Bills.

12. Mr. Bills stopped walking and put his empty hands out and to his sides at a 45-degree angle.

13. KCPD officers fanned out around Mr. Bills and approached him from several different directions.

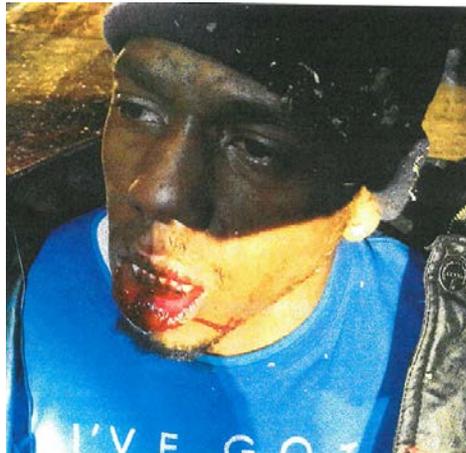
14. Verbal commands, if any, given by the approaching officers were unclear to Mr. Bills under the circumstances.

15. Mr. Bills slowly turned his body as the multiple officers approached, and he continued to stand calmly with his empty hands open and extended from his body at a 45-degree angle.

16. Other than slowly turning his body, Mr. Bills did not change his physical position in any way and remained calm as the officers approached him on foot.

17. After just seconds, Officer Nelson stated “all right dude,” yanked Mr. Bills by his extended open hand, kicked his legs out from under him (i.e., performed a “leg sweep”), and—pulled him down by the hand—executing a takedown of his person.

18. Because Officer Nelson was forcing Mr. Bills’s body forward down toward the ground while he maintained hold of Mr. Bills, the takedown was especially forceful and smashed Mr. Bills’s face directly into the concrete, causing injury to his face:



19. Officer Nelson did not attempt to place Mr. Bills in handcuffs or ask him to put his hands over his head or behind his back before initiating the takedown. After the takedown, the five officers restrained Mr. Bills, including one officer who knelt on his back, and he was placed in handcuffs.

20. At no time did Mr. Bills resist arrest or act aggressively toward the officers during the incident, including when Officer Nelson grabbed him by the hand and smashed his face into the concrete.

21. Approximately three minutes after the takedown, as Mr. Bills was lying on the ground but before any medical personnel responded to the scene, Officer Nelson re-enacted the takedown for his fellow officers some ten feet from Mr. Bills's prone body.

COUNT I
42 U.S.C. § 1983
Excessive Force

22. Plaintiff Joshua Bills incorporates herein by reference the allegations made in each preceding paragraph as if each were set forth here verbatim.

23. The use of excessive force when effecting an arrest is a violation of the individual's Fourth Amendment rights against unreasonable seizures of the person.

24. An officer cannot use more force than is objectively reasonable under the particular circumstances to facilitate an arrest.

25. On December 6, 2013, Officer Nelson used objectively unreasonable force against Mr. Bills.

26. A reasonable and prudent officer would have known that, under the circumstances, kicking Mr. Bills's legs out from under him and forcing him face first onto a concrete sidewalk when he was standing still and silent with his empty hands open and extended away from his body was excessive.

27. Officer Nelson intentionally injured Mr. Bills without just cause.

28. Mr. Bills' right to be free of excessive force was clearly established at the time of the incident.

29. Mr. Bills suffered damages, including physical injury and pain, as a result of Officer Nelson's use of excessive force against him.

WHEREFORE, Plaintiff Joshua Bills prays this Court:

- A. Enter judgment in favor of Plaintiff and against Defendant;
- B. Award Plaintiff nominal, compensatory, and punitive damages against Defendant for violation of Plaintiff's constitutional rights under color of state law;
- C. Award Plaintiff reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable provisions of law; and
- D. Allow such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Anthony E. Rothert
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