

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

DENNIS BUCKINGHAM

CIVIL ACTION NO.

VERSUS

JUDGE

MARSHAL CALDWELL, IN HIS
OFFICIAL AND INDIVIDUAL
CAPACITIES

MAGISTRATE JUDGE

COMPLAINT

This is a civil action for legal, equitable, and injunctive relief.

PARTIES

1.

Plaintiff is DENNIS BUCKINGHAM, a person of the age of majority domiciled in the state of Louisiana, and a former deputy of the Shreveport City Marshal, Charlie Caldwell.

Defendant is CHARLIE CALDWELL, the elected City Marshal for the City of Shreveport and the former employer of the plaintiff, Dennis Buckingham.

2.

JURISDICTION AND VENUE

This Court has jurisdiction as the plaintiff's claims arise under the laws of the United States and the United States Constitution. This Court has supplemental jurisdiction to hear and decide those claims arising from the same facts and circumstances and asserted under Louisiana

law. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b) because the acts giving rise to the claims asserted in this lawsuit occurred in this judicial district.

FACTUAL BACKGROUND

3.

Dennis Buckingham is a former deputy of Defendant Charlie Caldwell, the elected City Marshal for the City of Shreveport.

4.

Defendant Caldwell terminated Buckingham's employment on August 30, 2011.

5.

Prior to the termination of employment plaintiff Buckingham had engaged in protected acts and protected speech. The protected conduct included, but was not limited to refusing to give false testimony in support of the Marshal, testifying against Marshal Caldwell in the civil trial of Cornel Wilson in late February, early March, 2011, and opposing unlawful policies of the City Marshal.

6.

Marshal Caldwell was sued by a former deputy, Cornel Wilson ("Wilson"). Wilson alleged that he had been fired in violation of his rights under the First Amendment to the United States Constitution.

7.

Deputy Buckingham testified against the Marshal in Wilson's civil trial.

8.

Prior to the trial, and upon the belief that Buckingham's testimony would be adverse, Marshal Caldwell undertook to intimidate Buckingham by threatening his employment. He did so in an attempt to persuade Buckingham to modify his testimony. Buckingham refused.

9.

After Buckingham testified in the Wilson trial, Marshal Caldwell began to build a “paper trail” of documentation on deputy Buckingham for the purpose of concealing his retaliatory motive for terminating Buckingham’s employment.

10.

On August 30, 2011, Marshal Caldwell terminated the employment of deputy Dennis Buckingham. He alleged that Buckingham had violated departmental policy. This was pretext. The real reason was to retaliate against Buckingham because Buckingham had given testimony adverse to the Marshal in the Wilson civil trial.

FIRST AMENDMENT RETALIATION

11.

Buckingham’s testimony and statements against the Marshal were protected by the First Amendment to the United States Constitution.

12.

Buckingham’s protected conduct motivated Marshal Caldwell, in whole or in part, to retaliate against Buckingham by terminating Buckingham’s employment as a deputy marshal.

13.

Marshal Caldwell acted under color of law and with intent to violate Buckingham’s right to free speech. Alternatively, Marshal Caldwell acted with reckless disregard of Buckingham’s right to free speech.

14.

Marshal Caldwell’s retaliatory acts caused Buckingham economic injury, including lost wages and benefits of employment, and caused injury to Buckingham’s professional reputation.

15.

The conduct of the Marshal is actionable under 42 U.S.C. §1983. Pursuant to the provisions of this statute Buckingham seeks, and is entitled to recover, compensatory and punitive damages for violations of his First Amendment right to free speech.

16.

Buckingham is also entitled to reimbursement of his costs and attorney's fees.

LA. CONST. ART. I, §7

17.

Plaintiff incorporates herein in by reference, as if set out in full, the allegations of paragraph 1 - 16, above.

18.

Marshal Caldwell's retaliatory conduct violated Buckingham's right to freedom of expression, a right protected by Article 1, section 7 of the Louisiana Constitution.

19.

Buckingham seeks, and is entitled to recover, damages from Marshal Caldwell in Caldwell's official and personal capacities for injuries Buckingham has sustained due to Caldwell's violations of Buckingham's rights under the Louisiana Constitution.

20.

Plaintiffs seek pre-judgment and post-judgment interest, as provided by law; and any and all further legal and equitable relief as this Court deems necessary, just and proper.

21.

Plaintiffs request a jury trial.

By: s/ Pamela R. Jones

Pamela R. Jones, Bar Roll No. 19640

416 Travis Street, Suite 1104
Shreveport, Louisiana 71101

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ATTORNEY FOR PLAINTIFF

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

DENNIS BUCKINGHAM

DEFENDANTS

CHARLIE CALDWELL, IN HIS OFFICIAL CAPACITY AS SHREVEPORT CITY MARSHAL, AND IN HS PERSONAL CAPACITY

(b) County of Residence of First Listed Plaintiff CADDO (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed CADDO (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorney's (Firm Name, Address, and Telephone Number) PAMELA R. JONES, ATTORNEY AT LAW, LLC 416 TRAVIS STREET, SUITE 1104 SHREVEPORT, LOUISIANA 71101

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in one Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, DEF 1, DEF 2, DEF 3, DEF 4, DEF 5, DEF 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 main categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Each category contains a list of legal codes with checkboxes.

V. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from another district (specify), 6 Multidistrict Litigation, 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

(Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 U.S.C. SECTION 1983, FIRST AMENDMENT RETALIATION

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$

CHECK YES only if demanded in complaint: JURY DEMAND: x Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JS 44 Reverse (Rev. 12/96)

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-44

Authority For Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

© Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States, are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS-44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section IV below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a) Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS-44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

