

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

FILED  
U.S. DISTRICT COURT  
BRUNSWICK DIV.  
2024 JAN 11 P 4:39  
Gmk  
CLERK CV 224-0006

EDWARD SHANE LUCAS

Plaintiff,

Case No.

Vs.

§1983 CONSTITUTIONAL  
RIGHTS CLAIM RYAN

*RYAN*  
MULCAHY, a

LONG COUNTY DEPUTY SHERIFF,  
Individual Capacity,

COMPLAINT In His

Defendant.

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Plaintiff, a pro se party, files this Complaint against Defendant RYAN MULCAHY, in his individual and personal capacity, acting as a Long County Sheriff's Office deputy under Color of Georgia State law, and says

JURISDICTION AND VENUE

1. The undersigned Pro Se Plaintiff's cause of action, to be pled infra, originated in Ludowici, Georgia, Long County, therefore in the Southern District of Georgia's federal jurisdiction, and as such, U.S. District Courts have original jurisdiction of all 42 U.S.C. § 1983 "Section 1983" actions.
2. Defendant, RYAN MULCAHY, from hence forth, "the Defendant" was employed by the Long County Sheriff's Office, and committed his knowing unconstitutional actions against the Plaintiff in the Southern District of Georgia therefore this Court has personal and subject matter jurisdiction.

## FACTS

3. The undersigned Plaintiff has been subjected to multiple instances of unlawful and unconstitutional instances of law enforcement abuse within the past four (4) years, in the relatively small County of Long in the State of Georgia which has resulted in the Plaintiff's arrests and court related criminal justice consequences which all resolved favorably for the Plaintiff. This action is premised upon a third (3<sup>rd</sup>) unprovoked unlawful stop, seizure, and arrest based upon the lack of arguable cause on the evening of March 21, 2019 to prompt the Defendant's stop of the Plaintiff, but which resulted in the dismissal of the Plaintiff's criminal charges on January 25, 2022.
4. On the night of March 21, 2019, the undersigned Plaintiff was driving on Darwell Long Road, in Ludowici, Georgia, approaching the 4-Way Stop sign at the intersection of Monticello and Lanier Road, when the Defendant, in his patrol cruiser, on his way to patrol the Rye Patch area of town, admittedly, in his own words, initially had no reason to suspect the Plaintiff of any unlawful or inappropriate driving conduct, yet nonetheless suspended his patrol intentions for the Rye Patch area in order to get behind and purposefully follow the Plaintiff.
5. With no reasonable, probable, or arguable suspicion prompted by any observation in his capacity as a Deputy Sheriff, he stopped the undersigned

by turning on his siren lights, all premised upon the notion that the Defendant saw the undersigned Plaintiff “pull-off” the road, and that’s why the Defendant got behind the Plaintiff, to thereafter observe the Plaintiff drive left of center, to which he reacted resulting in the arrest of the Plaintiff for driving under the influence of alcohol on March 21, 2019, and weaving across the lane(s) of traffic.

6. The Defendant also charged the Plaintiff with possession of cocaine and cannabis based upon this same traffic stop which State Court Judge Charles P. Rose, Jr., in looking at the video taken from the Defendant’s patrol car on March 21, 2019, stated that he did not see the Plaintiff’s car leave the roadway nor, drive left of center, an easy objective observation of fact that negated any good faith arguable cause assertion by Defendant.
7. Arguable good faith on the part of the Defendant was additionally refuted per his own testimony trying to establish a “pull-off”, or “snatch off the road”, which the Defendant was said to have observed as the Defendant was getting in place behind the Plaintiff to tail him, to which the Defendant thereafter tried to assert in court showed the Plaintiff driving on the shoulder and on the dirt driving which Defendant said was observable in the video to Judge Charles P. Rose, Jr., at which time the Defendant had already begun to

follow the Plaintiff, as the Defendant did NOT indicate that he had observed two (2) distinct and different “pull-offs” or “snatch-offs to the right hand shoulder of the road, to which Judge Rose watched the Defendant’s video and in back and forth exchanges of questions and answers, the Court stated that he did not see the Plaintiff drive off the right shoulder of the road, an objectively recorded fact, nor did he see the Plaintiff ever cross the center of the line.

8. The Defendant subsequently refuted all good faith implications of arguable cause per audio and visual recordings taken and/or made at the time of the arrest and events connected thereto, per real and actual recordings of the

Defendant wherein he makes the following admissions and/or statements:

- a. “We gonna have to get dirty, to get this mother fucker”.
- b. In telling another law enforcement officer, Deputy Horton why he wanted to burden the Plaintiff with trouble because it related to his personal knowledge of the Plaintiff facing a forthcoming court date due to a previous unrelated traffic stop, which should not be a relevant consideration for the instant stop, search, and seizure; “Yes let’s do that, yes! because he’s got a court date coming up and I’m gonna search it down, you know fruits of the crime!”
- c. Relative to the true underlying conditions in a small town where the Sheriff has communicated his intentions to his deputies to

knowingly use their power under Color of Georgia State law to use pretenses and pretextual fabrications of fact to target the Plaintiff with unconstitutional stops, searches, and seizures where no arguable cause otherwise exists; “And It’s known!! Sheriff said, to be looking for him I guess he was night hunting one time.”

9. An arrest without probable cause is unconstitutional, per a Section 1983 action, and only if the officers can show good faith arguable probable cause are they allowed qualified immunity for their arrest. *Lindsey v. Storey*, 936 F.2d 554, 562 (11th Cir. 1991); *Marx v. Gumbinner*, 905 F.2d 1503, 1505 (11th Cir. 1990). Where an officer arrests without even arguable probable cause, he violates the arrestee's clearly established Fourth Amendment right to be free from unreasonable seizures. *Carter v.*

*Butts Cnty.*, 821 F.3d 1310, 1319-20 (11th Cir. 2016).

10. Per the Defendant’s own admissions that nothing caused him to have any arguable cause to begin tailing the Plaintiff, followed by the Defendant’s failure to establish his observations of the alleged suspicious movements of the Plaintiff’s vehicle which the Defendant tried to establish had been correctly video-recorded per the camera on his cruiser, concluding with the Defendant’s stated admissions whereby he indicated the likelihood that he would eventually find a basis to charge the Plaintiff with a felony arrest by

using this stop/arrest as the pretense to find “fruits of the crime” by conducting a full search of the Plaintiff’s vehicle and a blood/biological forcibly taken specimen by reporting other false facts like the Plaintiff having likely consumed a few alcoholic drinks and driving under the influence, as the linchpin to engage in the unconstitutional violations against the Plaintiff’s known and recognized right to be free under the 4<sup>th</sup> Amendment of such unlawful stop, searches, and seizures, as the Defendant advised of his intent to getting “dirty to get this motherfucker” through Color of State law because it was already known to him that the Sheriff had endorsed such knowing unconstitutional violations to be acceptable when directed against the Plaintiff.

11. Plaintiff has suffered damages and injuries based upon the foregoing constitutional violations, knowingly committed by the Defendant, the legal and proximate causes, resulting in criminal liability proceedings, anxiety, mental anguish, and compensatory damages, and as such the Plaintiff has pled a prima facie Section 1983 claim and cause of action against the Defendant for his knowing and intended unconstitutional uses and violations of the Plaintiff’s 4<sup>th</sup> Amendment right without objective arguable cause.

WHEREFORE, EDWARD SHANE LUCAS, prays for Judgment for any and all damages recoverable under law against DEFENDANT RYAN

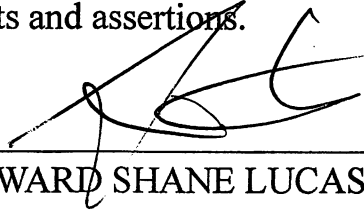
MULCAHY in his Individual Capacity as a Deputy of the Long County Sheriff's Office including general compensatory damages, taxable costs and attorney's fees, in the event Plaintiff should later retain legal counsel, and all relief in equity or otherwise available at law that this Court can grant as just. Plaintiff demands a jury trial.

Attached: Exhibits (1,2,3,4)

Dated this 10<sup>th</sup> day of January 2024.

VERIFICATION OF PETITIONER

The undersigned Plaintiff has read all of the foregoing statements as contained herein, above and supra, and as such affirms the truth and correctness of these statements and assertions.



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EDWARD SHANE LUCAS, PRO SE, Plaintiff  
68 Wheeler Road Northeast  
Hinesville, GA 31313  
(912) 876-7676 Opinion 4  
dms73rrk@gmail.com

