

UNITED STATES DISTRICT COURT

for the

District of Arizona

Case No. _____

(to be filled in by the Clerk's Office)

Samuel D. Ellis

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

City of Globe

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Trial: *(check one)* Yes No

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Samuel D Ellis		
Address	PO BOX 127		
	Globe	AZ	85501
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Gila		
Telephone Number	602-742-7887		
E-Mail Address	legal@justified.capital		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person’s job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	City of Globe		
Job or Title <i>(if known)</i>	City Attorney, William J Sims III		
Address	2100 North Central Avenue Suite 220		
	Phoenix	AZ	85004
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Gila		
Telephone Number	602-772-5501		
E-Mail Address <i>(if known)</i>	wjsims@simsmackin.com		

Individual capacity
 Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

The Defendant violated the Plaintiff's 4th Amendment rights by conducting a warrantless arrest according to an abusive invocation of "probable cause."

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

The Defendant abusively arrested and jailed the Plaintiff under probable cause: meaning that a reasonable person would believe that a crime was in the process of being committed, had been committed, or was going to be committed. Where- in the case of the alleged crime in question: "Hit-and-Run," a reasonable person would never conclude said crime had been committed if the customer returned to the scene of the accident and threw an amount of cash on the ground likely to overcompensate the damage.

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

W Ash Street and W Oak Street in Globe AZ 85501.

B. What date and approximate time did the events giving rise to your claim(s) occur?

~2:30 PM MST on 2/23/2026

C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

On March 19, 2025- Arizona Police incorrectly invoked Arizona State Legislation Section 36-526 “Emergency admission; examination; petition for court-ordered evaluation” by coloring a written letter the Plaintiff gave to a corporation as dangerous without having any material evidence that the Plaintiff met the ARS 36-526 emergency requirement of: “...likely without immediate hospitalization to suffer serious physical harm or serious illness or to inflict serious physical harm on another person.”

Given that the Police violated the Plaintiff’s 4th Amendment rights by conducting a warrantless seizure according to an abusive invocation of ARS 36-52, the Plaintiff filed a civil rights claim. A claim underpinned by the City of Scottsdale Police abusing their power over a consumer-facing company and municipal facility to unfairly incarcerate the Plaintiff. Establishing the precedent of the Police using their influence to set and maintain a trap for the Plaintiff.

Just as the City of Scottsdale Police leveraged a shoe store where the Plaintiff had visited before, the City of Globe Police used the Big O tire store where the Plaintiff had been a customer to set a trap for effectively violating the Plaintiff’s 4th Amendment rights.

In a past transaction at the Big O tire store in Globe, AZ- the Plaintiff was served by a young employee who drives a lowered BMW with aftermarket modifications. He and the Plaintiff discussed the maximal size of BFG All Terrain tires for his truck. The Plaintiff broached the idea of getting all new tires of the bigger size next time he had a need for tires.

On February 23, 2025- the Plaintiff saw a pickup truck that similar to his own with four large tires in the truck-bed which looked very close to the ones in his looming need for new tires. Then, a short while later, the Plaintiff saw the exact same truck parked in front of him in a way that clearly triggered the subconscious need to visit Big O to purchase 4 new tires.

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Upon arriving at Big O tires in Globe, AZ, the Plaintiff was met with a full parking lot that appeared to have exactly one open space on the opposite side of the lot. Accessed only through a narrow channel created by two parallel borders: a row of parked cars and a large truck with a trailer in front of the parked cars. Leaving a narrow lane to the open spot that only left a few inches of clearance.

The Plaintiff proceeded to backup through the narrow channel and saw the previously-referenced Big O employee emerge in his rearview where the Plaintiff expected the very common courtesy of the employee guiding the reversing vehicle through the tight spot with hand signals. But instead- the employee had his phone out to take a picture and was not being the least bit helpful.

The employee proceeded to take a picture and immediately start yelling at the Plaintiff to stop because he was barely touching the store manager's red pickup truck.

The Plaintiff became angered by the fact that the employee did not attempt to back the Plaintiff into the spot, in favor of taking an entrapping picture.

The employee became heated based on the visible frustration of the Plaintiff and yelled at the Plaintiff not to move because he was barely up against the other pickup truck.

Knowing that he would have to move to inspect the alleged damage, the Plaintiff did not comply with the Big O employee's verbal commands, and then drove his truck out of the narrow channel. Meanwhile, the employee gathered his boss and other employees where they surrounded the Plaintiff to increase his frustration and stress as the employee ranted with a sour attitude.

In the heat, threats were exchanged but there were no physical altercations other than the Plaintiff insisting (with a grabbing motion) that the employee show the photo evidence that he was so diligent to collect instead of helping the Plaintiff back-in.

After looking at the pickup truck in question, there appeared to be a trivial, but noticeable amount of damage on the corner of the chrome-like bumper.

The Plaintiff then opened a dialog with the truck's owner (store manager) to figure out how much he could compensate him for the damage. Implying that the damage was small enough to find it impractical to run through the rigor of insurance exchange leading to a claim with strict requirements and a probable rate increase. Relying on a similar notion expected by counselors to make their best effort to handle issues outside of motion and court practice.

The Plaintiff was shocked to hear that the store manager did not want any money to repair his vehicle. At which point, the Plaintiff became further angered at the mockery of the contrived situation where the store manager clearly only wanted Police issues for the Plaintiff.

The Plaintiff then accused the manager of very clearly contriving the scenario and working with the Police, as one of the employees summoned the Defendant, the City of Globe Police. The Plaintiff proceeded to drive off in his vehicle to a near-by ATM to withdraw cash to compensate the manager for the very minor damage.

The Plaintiff drove back to Big O, pulled into the parking lot, and threw approximately \$300 out the window because the manager very clearly stated he did not want money. But the Plaintiff refused to leave damage without appropriate compensation, knowing that would create legal issues.

The Plaintiff proceeded eastbound on US-60 for a few miles before seeing a the Defendant in his rearview mirror. At which point, the Plaintiff immediately pulled over to a dirt lot, so that he could address the Defendant.

The Plaintiff parked his truck facing US-60 and then got out of the car to approach an official representative of the Defendant, Officer Rosser. At which point the Plaintiff asked the officer if he had a warrant approximately three times. Seeing that he had an intention of arresting him without a warrant on a misled prima facie basis.

Officer Rosser then stated that he did not need a warrant because of a crime. At which point he aggressively closed the distance between him and the Plaintiff and drew his handcuffs.

Officer Rosser grabbed the wrist of the Plaintiff at which point the Plaintiff defensively spun his wrist away from the officer in hopes of stepping back and diffusing the situation with the assaulting officer.

The officer and his partner pursued the Plaintiff aggressively. Taking several steps at a run, chasing a back-peddling the Plaintiff. Before winding up and delivering a punch to the chin of the Plaintiff at his full power with the intention of putting the Plaintiff on the ground, likely unconscious.

The Plaintiff stumbled back after getting crushed on the chin, at which point he dropped his smartphone and proceeded to back-peddle away from the bellicose Police officer. Eventually turning around and moving into a full on sprint away from the officer.

While running across US-60, the Plaintiff loudly pleaded for help as he was being abusively captured by the Defendant. Eventually realizing nobody around was going to help him, the Plaintiff peacefully laid down on the concrete across from US-60 and proceeded to follow the instructions of the commanding Police officer.

The Plaintiff was then taken to the county jail where he was booked for a hit-and-run and aggravated assaulted. But knowing that the booking was dubious, the Plaintiff asked the booking officer (Smotherman) to please read him the formal definition of a hit-and-run, in the spirit of improving the clarity and rigor of the booking, as well as addressing the potential legal liability that comes with this case.

Officer Smotherman- an official representative of the Defendant- refused to read the definition with complete apathy, as he was actively dismissive about arresting and booking an innocent person. He further absolved himself of responsibility saying that he was not the one who picked the Plaintiff up and it was simply his job to write the booking based on the anecdotal report of the other officer via phone. Again- complete indifference for facts and evidence like body cam footage. He simply wrote the report, ignored the Plaintiff's legal concerns, and threw the Plaintiff in the county jail.

For convenience, the relevant hit-and-run definitions that officer Smotherman refused to look up follow:

28-662. Accidents involving damage to vehicle; failure to stop; autonomous vehicles; neighborhood occupantless electric vehicles; violation; classification; driver license suspension; alcohol or other drug screening

A. The driver of a vehicle involved in an accident on public or private property resulting only in damage to a vehicle that is driven or attended by a person shall:

1. Immediately stop the vehicle at the scene of the accident or as close to the accident scene as possible but shall immediately return to the accident scene.
2. Remain at the scene of the accident until the driver has fulfilled the requirements of section 28-663.
3. Make the stop without obstructing traffic more than is necessary.

28-663. Duty to give information and assistance; autonomous vehicles; neighborhood occupantless electric vehicles; violation; classification; alcohol or other drug screening

A. The driver of a vehicle involved in an accident on public or private property resulting in injury to or death of a person or damage to a vehicle that is driven or attended by a person shall:

1. Give the driver's name and address and the registration number of the vehicle the driver is driving.
2. On request, exhibit the person's driver license to the person struck or the driver or occupants of or person attending a vehicle collided with.
3. Render reasonable assistance to a person injured in the accident, including making arrangements for the carrying of the person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if the carrying is requested by the injured person.

Based on the such definitions, paired with the following facts, the Plaintiff objectively did not commit a hit-and-run:

1. The Plaintiff immediately stopped the vehicle and stayed at the scene.
2. The Plaintiff is a customer of Big O, so they had his name, address, and vehicle information on file.
3. The Big O manager did not request the driver license of the Plaintiff.
4. The Big O manager was not in the vehicle, so there was no bodily risk or injury.
5. The Plaintiff pulled out of the Big O lot after the accident without obstructing traffic in order to retrieve cash.
6. The Plaintiff paid more than enough for an experienced and connected Big O manager to fix the damage, making any insurance or information exchange moot.

Given that the accident was clearly not a hit-and-run, there was never a crime committed that merited an arrest. Corroborating the fact that the City of Globe Police violated the 4th Amendment rights of the Plaintiff.

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Plaintiff has sustained material yet undiagnosed and untreated emotional and mental damage. The Defendant has made the Plaintiff practically paranoid of professional therapeutic help to the point where they have a need for a therapist or psychiatrist but have too much anxiety about entrapment to be seen. Left to contend with the equivalent of a mental and emotional gunshot wound that's leaked blood and insufficiently healed. Hidden behind clothing and grimaces, the true damage is unknown because a professional has not been able to examine and treat.

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Based on the identical nature of this claim and the referenced precedent claim against the City of Scottsdale, the requested relief scales by the percentage of the city's Police budget. So 4.9852% of the City of Globe's \$6,525,091 Police expenditure works out to \$325,290 to be remitted for relief by the City of Globe.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk’s Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk’s Office may result in the dismissal of my case.

Date of signing: April 1, 2026

Signature of Plaintiff _____
Printed Name of Plaintiff Samuel Ellis

B. For Attorneys

Date of signing: _____

Signature of Attorney _____
Printed Name of Attorney _____
Bar Number _____
Name of Law Firm _____
Address _____

City State Zip Code

Telephone Number _____
E-mail Address _____