

1 STANLEY GOFF (Bar No. 289564)
LAW OFFICE OF STANLEY GOFF
2 15 Boardman Place Suite 2
San Francisco, CA 94103
3 Telephone: (415) 571-9570
Email: scraiggoft@aol.com

4 Attorney for Plaintiffs

5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF CALIFORNIA

7 RONNIE LEWIS and CANDACE EVANS

8 Plaintiffs,

9 v.

10 CITY OF VALLEJO, ROSENDO MESA,
11 JEREMY CALLINAN AND DOES 1-50

12 Defendants.

Case No.

COMPLAINT FOR DAMAGES

DEMAND FOR JURY TRIAL

1
2 Plaintiffs, demanding a jury trial, brings this action against Defendants CITY OF
3 VALLEJO, ROSENDO MESA, JEREMY CALLINAN AND DOES 1-50 inclusive, for general,
4 consequential, compensatory, punitive and statutory damages, costs and attorneys' fees resulting
5 from defendants' unconstitutional and tortious conduct, and as grounds therefore allege as
6 follows:

7
8 **I. PARTIES**

9 1. Plaintiffs RONNIE LEWIS and CANDACE EVANS, were at all times relevant to this
10 complaint, living in the City of Vallejo, which is located within the Eastern District of California.

11 2. Defendant CITY OF VALLEJO is a legal entity established under the laws of the state of
12 California with all the powers specified and necessarily implied by the Constitution and laws of
13 the State of California, and is a municipality located within the Eastern District of California.

14 3. Defendant ROSENDO MESA was employed by Defendant City of Vallejo as a police
15 officer at the time of the incident in question. This individual is being sued in his individual
16 capacity.

17 4. Defendant JEREMY CALLINAN was employed by Defendant City of Vallejo as police
18 officer Sergeant at the time of the incident in question who was in a supervisory position over
19 Vallejo Officers at the scene. This individual is being sued in his individual and official
20 capacities.

21 5. Defendants DOES 1-50 were employed by Defendant City of Vallejo as police officers at
22 the time of the incident in question. The identities and capacities of these DOE defendants are
23 unknown at this time to the Plaintiffs. These Doe Defendants are being sued in their individual
24 capacities.

25 6. All defendants acted under the color of law as it pertains to this complaint.

1 **II. JURISDICTION AND VENUE**

2 7. This action is brought pursuant to 42 U.S.C. §§ 1983, 1988 and 12132 and the Fourth and
3 Fourteenth Amendments to the United States Constitution, made applicable to Defendants
4 through the Fourteenth Amendment to the United States Constitution. This Court has jurisdiction
5 over plaintiffs' claims under 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a). This Court has further
6 pendent jurisdiction over plaintiffs' state law claims under 28 U.S.C. § 1367 as those claims
7 form part of the same case and controversy under Article III of the United States Constitution.

8 8. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because the events giving rise
9 to this action occurred in the City of Vallejo which is located in this district.

10 **III. STATEMENT OF FACTS**

11 9. On May 18, 2024, Defendant ROSENDO MESA was working as a Vallejo patrol officer.
12 At approximately 0040 hours, he was dispatched to a carjacking that occurred at the Carquinez
13 Inn, located at 160 Lincoln Road East. The victim, Joseph Waters, advised VPO dispatch that he
14 was robbed at gun point by an unknown black male adult, wearing **all black clothing** and that
15 the suspect fled the scene in the victim's vehicle. Joseph Waters **never informed dispatch that**
16 **there was a female involved or present during his robbery.**

17 10. Defendant ROSENDO MESA made contact with Joseph Waters, he stated the
18 following: At approximately 0030 hours, Joseph Waters was at the Carquinez Inn. At the time of
19 the incident, he was transient and lived out of his vehicle, a gray 2013 Dodge Durango.

20 11. Joseph Waters told Defendant MESA that he went to the Carquinez Inn in an attempt to
21 use an unoccupied room to take a shower and that while looking into a window of a room, he
22 was approached by an unknown black male adult, who Joseph Waters described as "short",
23 (5'10"). **wearing all black clothing**, a black facemask that was pulled down, allowing the Waters
24 to only see that the suspect had a goatee. Joseph Waters **never informed** Defendant MESA **that**
there was a female involved or present during his robbery. Joseph Waters told Mesa that all
he could see of his assailant's face was that he was an African American male and had a goatee
beard.

1 12. Joseph Waters told Defendant ROSENDO MESA that the suspect presented a handgun
2 and demanded Waters empty out his pockets. Waters initially did not comply and the suspect
3 struck him on the right temple with the pistol. Fearing that if he did not comply with the suspect's
4 demands, he would be seriously injured or killed, Waters emptied out his pockets, turning
5 over his wallet, phone and keys to the above-mentioned vehicle to the suspect.

6 13. After taking Joseph Waters' report, Defendant ROSENDO MESA was conducting an
7 area check and he located Joseph Waters' vehicle **parked unoccupied**, at 433
8 Admiral Callaghan Lane, Vallejo California.

9 14. Defendant MESA observed Plaintiff Ronnie Lewis (who is African American) walking
10 in the area where Joseph Waters' vehicle was parked and entering into the driver's seat of
11 a Nissan Rouge, with his fiancé Plaintiff Candace Evans in the passenger seat.

12 15. At the time of Mesa's observation, Plaintiff Ronnie Lewis was wearing a gray Addidas
13 sweat top with a clearly distinctive white Addidas emblem on the chest area, with distinctive
14 white stripes on both sleeves, a white t-shirt underneath and light-colored blue jeans.

15 16. Despite the fact that the clothing worn by Plaintiff Ronnie Lewis, did not match the
16 "**all black clothing**" description provided by Waters and that there was a female in the passenger
17 seat. Defendant MESA pulled behind the Nissan to conduct a felony car stop of the Plaintiffs.
18 Defendant Mesa later wrote in his report that the Plaintiff was wearing "dark" clothing. It is
19 alleged that Defendant Mesa knowingly and intentionally misrepresented the Plaintiff's clothing
20 in his police report to align with the Waters description "**all black clothing**".

21 17. Defendant MESA gave commands for the Plaintiff to turn the vehicle off and place his
22 hands and keys out of the window. Plaintiff complied with these orders. Once Defendant
23 Callinan arrived, Defendant MESA un-holstered his firearm, pointed it at Plaintiff and
24 commanded him exit the vehicle at gunpoint.

25 18. The Plaintiff walked toward the back of his vehicle as ordered by Defendants with his
26 hands on his head. The Defendants then approached the Plaintiff to place him in handcuffs.

27 19. The Plaintiff clearly stated he did not do anything three times in protest to being detained
28 and or arrested. At that moment, Defendant MESA pulled out his taser and tased the Plaintiff in
29 his left ribcage area. The Plaintiff was placed in handcuffs and was seated in the back of a police
30 patrol car.

1 20. Defendants Callinan and MESA, then ordered the Plaintiff Candace Evans out of the
2 passenger side of the vehicle. As she exited the vehicle, she was recording her interactions with
the Defendants with her cell phone.

3 21. The Defendants then approached the Plaintiff placed her in handcuffs, tackled her and
4 began placing her in the back of a patrol car. Without making sure that the Plaintiff's legs were
5 safely inside the patrol car, intentionally slammed the patrol car door shut hitting the Plaintiff's
6 knee, causing injuries. The Defendants told Plaintiff Candace Evans that she was being detained
and arrested for carjacking.

7 22. The Plaintiffs' vehicle was searched by Defendant Callinan without consent or probable
8 cause that the car was involved in a crime.

9 23. Defendant Callinan brought Joseph Waters to the scene to do an infield show up. The
10 officers presented the Plaintiff for the show up approximately 30-50 feet away from Joseph
11 Waters, while he was handcuffed with a knit cap hat and hoodie on his head obscuring his face,
standing next to a patrol car and an armed police officer.

12 24. During the infield show up, Plaintiff Ronnie Lewis was wearing a gray Addidas sweat
13 top with a clear distinctive white Addidas emblem on the chest area, with distinctive white
14 stripes on both sleeves, a white t-shirt underneath and light-colored blue jeans and not "**all black**
clothing.

15 25. At the in-field line up, the victim Joseph Waters initially told the Defendants that he
16 couldn't really identify the Plaintiff as the person who robbed him. That Joseph Water told
17 officers that all he could see of his assailant's face was that he was an African American male
and had a goatee beard.

18 26. The officers then instructed Waters to walk up to the patrol car containing Plaintiff
Candace Evans. Joseph Waters did not identify the Plaintiff as being involved with his robbery.

19 27. Both Plaintiffs were arrested and taken to jail with Plaintiff Ronnie Lewis being charged
20 with carjacking and Plaintiff Candace Evans being charged with obstructing an investigation/
21 resisting arrest. Plaintiff Candace Evans charges were subsequently dismissed, however, Plaintiff
Ronnie Lewis was prosecuted for over twelve months before his case was dismissed.

22 28. A government tort claim form was filed against the City of Vallejo and the tort claim was
23 not timely rejected by the City of Vallejo.

IV. CAUSES OF ACTION
FIRST CLAIM

(Violation of the Fourth Amendment 42 U.S.C §1983 Excessive Force– As to Defendants)

29. Plaintiffs incorporate herein by reference the preceding paragraphs 1-28 of this complaint as fully set forth herein.

Plaintiff Ronnie Lewis

30. That Defendant ROSENDO MESA, with the assistance of Defendant JEREMY CALLINAN as an integral participant and supervisory officer, acting under color of law, used unreasonable and excessive force on Ronnie Lewis, when he deliberately and intentionally pointed his firearm at the Plaintiff. That at the time this force was used on Plaintiff's person (i) Plaintiff did not fit the description of the robbery suspect (ii) Plaintiff was unarmed; (iii) Plaintiff did not pose any threat to any of the defendants or bystanders; (iv) Plaintiff was not attempting to flee or evade arrest, (v) other alternative methods were available to effectuate a seizure.

31. That Defendant ROSENDO MESA, with the assistance of Defendant JEREMY CALLINAN as an integral participant and supervisory officer, used unreasonable and excessive force on Ronnie Lewis when he deliberately and intentionally tased the Plaintiff after he was already in officer control causing Plaintiff to suffer extreme unnecessary pain. That at the time this force was used on Plaintiff's person (i) Plaintiff did not fit the description of the robbery suspect (ii) Plaintiff was unarmed; (iii) Plaintiff did not pose any threat to any of the defendants or bystanders; (iv) Plaintiff was not attempting to flee or evade arrest, (v) other alternative methods were available to effectuate a seizure.

Plaintiff Candace Evans

32. That Defendant JEREMY CALLINAN, as a supervisory officer, acting under color of law used unreasonable and excessive force on Candace Evans when he deliberately and intentionally closed a patrol car door on the Plaintiff's legs, as she was sitting in the patrol car handcuffed, causing Plaintiff to suffer extreme unnecessary pain. That Defendants ROSENDO MESA and JEREMY CALLINAN tackled her and began placing her in the back of a patrol car.

That at the time these levels of force was used on Plaintiff's person (i) Plaintiff did not fit the description of the robbery suspect (ii) Plaintiff was unarmed; (iii) Plaintiff did not pose

1 any threat to any of the defendants or bystanders; (iv) Plaintiff was not attempting to flee or
2 evade arrest, (v) other alternative methods were available to effectuate a seizure.

SECOND CLAIM

**(Violation of the Fourth Amendment 42 U.S.C §1983 Against Defendants for Unlawful
Detention/ Terry Stop)**

3
4
5 33. Plaintiffs incorporate herein by reference the preceding paragraphs 1-32 of this
6 complaint as fully set forth herein.

Plaintiff Ronnie Lewis

7 34. That Defendant ROSENDO MESA, with the assistance of Defendant JEREMY
8 CALLINAN as an integral participant and supervisory officer, acting under color of law,
9 unlawfully seized the Plaintiff in violation of the Fourth Amendment by deliberately and
10 intentionally detaining the Plaintiff in an unlawful manner.

11 35. That Plaintiff was ordered out of his car at gunpoint during the defendant officers'
12 investigation.

13 36. Plaintiff was handcuffed behind his back during the defendant officers' investigation.

14 37. Plaintiff was not wearing any clothing that matched the description of the robbery
15 suspect.

16 38. Plaintiff was locked in a patrol car during the defendant officers' investigation.

Plaintiff Candace Evans

17 39. That Defendant JEREMY CALLINAN with the assistance of Defendant ROSENDO
18 MESA, acting under color of law, unlawfully seized the Plaintiff in violation of the Fourth
19 Amendment by deliberately and intentionally detaining the Plaintiff in an unlawful manner

20 40. That Plaintiff was ordered out of her car during the defendant officers' investigation.

21 41. Plaintiff was handcuffed behind her back during the defendant officers' investigation.

22 42. Plaintiff did not matched the description of the robbery suspect.

23 43. Plaintiff was locked in a patrol car during the defendant officers' investigation.

THIRD CLAIM

(Violation of the Fourth Amendment 42 U.S.C §1983 Against Defendants for False Arrest)

44. Plaintiffs incorporate herein by reference the preceding paragraphs 1-43 of this complaint as fully set forth herein.

Plaintiff Ronnie Lewis

45. That Defendant ROSENDO MESA, with the assistance of Defendant JEREMY CALLINAN as an integral participant and supervisory officer, acting under color of law, unlawfully seized the Plaintiff in violation of the Fourth Amendment by deliberately and intentionally placing the Plaintiff under arrest.

46. That Plaintiff was arrested when he was placed in handcuffs and was not free to leave.

47. Plaintiff had not committed any crime

48. Plaintiff was not wearing any clothing that matched the description of the robbery suspect.

49. At the in-field line up, the victim Joseph Waters initially told the Defendants that he couldn't really identify the Plaintiff as the person who robbed him. That Joseph Water told officers that all he could see of his assailant's face was that he was an African American male and had a goatee beard.

50. No probable caused existed that the Plaintiff had committed any crime.

51. Defendants did not have an arrest warrant to arrest the Plaintiff.

Plaintiff Candace Evans

52. That Defendant JEREMY CALLINAN with the assistance of Defendant ROSENDO MESA, acting under color of law, unlawfully seized the Plaintiff in violation of the Fourth Amendment by deliberately and intentionally placing the Plaintiff under arrest.

53. That Plaintiff was arrested when she was placed in handcuffs and was not free to leave, placed in a patrol car and transferred to the local police station.

54. Plaintiff had not committed any crime

55. Plaintiff did not match the description of the robbery suspect.

56. At the in-field line up, the victim Joseph Waters specifically told the Defendants that he did not recognize the Plaintiff (Black female) as the person who robbed him.

57. No probable caused existed that the Plaintiff had committed any crime.

58. Defendants did not have an arrest warrant to arrest the Plaintiff.

FOURTH CLAIM

(Violation of the Fourth Amendment 42 U.S.C §1983 Ronnie Lewis Against Defendant Mesa for *Malicious Prosecution*)

59. Plaintiff incorporates herein by reference the preceding paragraphs 1-58 of this complaint as fully set forth herein.

60. That Defendant ROSENDO MESA, acting with malice, caused the initiation of false charges to be filed against the Plaintiff subjecting the Plaintiff to malicious prosecution which deprived him of his right to be free from unreasonable seizure of his person under the Fourth Amendment to the United States Constitution.

61. That the Defendants were actively involved in causing the Plaintiff to be prosecuted for carjacking.

62. That the criminal proceedings brought against the Plaintiff for carjacking terminated in Plaintiff's favor when his criminal case was dismissed.

63. That no reasonable officer in Defendant's position would have believed that there were grounds for causing the Plaintiff to be arrested and prosecuted for carjacking because Joseph Waters initially told the Defendants that he couldn't really identify the Plaintiff as the person who robbed him and that he could not make an identification.

64. That Defendant acted primarily for a purpose other than to bring the Plaintiff to justice because he had knowledge that the Plaintiff had not committed the crime of carjacking and yet arrested the Plaintiff and charged him with this crime anyway. Further, Defendant MESA knowingly and intentionally misrepresented the color of Plaintiff's clothing in his police report as "dark clothing" to align with Waters description that the suspect who robbed him was wearing **"all black clothing"**.

65. That the Plaintiff was harmed based on this malicious prosecution because he was initially incarcerated and prosecuted for over a year (loss of his liberty) and

66. That the Defendant's conduct was a substantial factor in causing Plaintiff's harm.

FIFTH CLAIM

(Violation of the Fourth Amendment 42 U.S.C §1983 Ronnie Lewis Against Defendants for Deliberate Fabrication of Evidence)

67. Plaintiff incorporates herein by reference the preceding paragraphs 1-66 of this complaint as fully set forth herein.

68. That Defendants ROSENDO MESA and JEREMY CALLINAN, acting under color of law, engaged in the fabrication of evidence by continuing the investigation and prosecution of the Plaintiff despite knowing Plaintiff was innocent due their knowledge of the unreliability of Joseph Waters identification of Plaintiff as the person who carjacked him.

69. The officers presented the Plaintiff for the show up approximately 30-50 feet away from Joseph Waters, while he was handcuffed with a knit cap hat and hoodie on his head obscuring his face, standing next to a patrol car and an armed police officer.

70. During the infield show up, Plaintiff Ronnie Lewis was wearing a gray Addidas sweat top with a clear distinctive white Addidas emblem on the chest area, with distinctive white stripes on both sleeves, a white t-shirt underneath and light-colored blue jeans and not **“all black clothing.”**

71. Joseph Waters initially told the Defendants that he couldn't really identify the Plaintiff as the person who robbed him and that he could not make an identification.

72. That Defendant ROSENDO MESA, acting under color of law, engaged in the direct fabrication of evidence knowingly and intentionally misrepresented the color of Plaintiff's clothing in his police report as “dark clothing” to align with Waters description that the suspect who robbed him was wearing **“all black clothing”**.

73. At the time of Mesa's observation, Plaintiff Ronnie Lewis was wearing a gray Addidas sweat top with a clearly distinctive white Addidas emblem on the chest area, with distinctive white stripes on both sleeves, a white t-shirt underneath and light-colored blue jeans.

74. That the Defendant's conduct was a substantial factor in causing Plaintiff's harm.

1
2 **SIXTH CLAIM**
3 **(Battery – As to all Defendant officers and Vallejo)**

4 75. Plaintiffs incorporate herein by reference the preceding paragraphs 1-74 of this
5 complaint as fully set forth herein.

6 **Plaintiff Ronnie Lewis**

7 76. That Defendant ROSENDO MESA, with the assistance of Defendant JEREMY
8 CALLINAN as an integral participant and supervisory officer, acting under color of law, used
9 unreasonable and excessive force (BATTERY) on Ronnie Lewis, when he deliberately and
10 intentionally pointed his firearm at the Plaintiff. That at the time this force was used on
11 Plaintiff's person (i) Plaintiff did not fit the description of the robbery suspect (ii) Plaintiff was
12 unarmed; (iii) Plaintiff did not pose any threat to any of the defendants or bystanders; (iv)
13 Plaintiff was not attempting to flee or evade arrest, (v) other alternative methods were available
14 to effectuate a seizure.

15 77. That Defendant ROSENDO MESA, with the assistance of Defendant JEREMY
16 CALLINAN as an integral participant and supervisory officer, used unreasonable and excessive
17 force (BATTERY) on Ronnie Lewis when he deliberately and intentionally tased the Plaintiff
18 after he was already in officer control causing Plaintiff to suffer extreme unnecessary pain. That
19 at the time this force was used on Plaintiff's person (i) Plaintiff did not fit the description of the
20 robbery suspect (ii) Plaintiff was unarmed; (iii) Plaintiff did not pose any threat to any of the
21 defendants or bystanders; (iv) Plaintiff was not attempting to flee or evade arrest, (v) other
22 alternative methods were available to effectuate a seizure.
23
24

1
2 **Plaintiff Candace Evans**

3 78. That Defendant JEREMY CALLINAN, as a supervisory officer, acting under color
4 of law used unreasonable and excessive force (BATTERY) on Candace Evans when he
5 deliberately and intentionally closed a patrol car door on the Plaintiff's legs, as she sitting in the
6 patrol car handcuffed, causing Plaintiff to suffer extreme unnecessary pain. That Defendants
7 ROSENDO MESA and JEREMY CALLINAN tackled her and began placing her in the back of
8 a patrol car. That at the time this force was used on Plaintiff's person (i) Plaintiff did not fit the
9 description of the robbery suspect (ii) Plaintiff was unarmed; (iii) Plaintiff did not pose any
10 threat to any of the defendants or bystanders; (iv) Plaintiff was not attempting to flee or evade
11 arrest, (v) other alternative methods were available to effectuate a seizure.

12 79. Defendants are liable for all injuries caused by their acts, to the same extent as a private
13 person pursuant to California Government Code Section 820(a).

14 80. Defendants as public employees are not exonerated or immune from liability for Battery
15 for causing the Plaintiffs to suffer harm pursuant to California Government Code Section 820.8.

16 81. Because Defendants were acting as employees of the City of Vallejo at the time of the
17 incident, and because they were acting within the scope and course of their employment and
18 under the direct control and supervision of the City of Vallejo at the time of the incidents in
19 question, Vallejo is liable to the Plaintiffs for Battery pursuant to California Government Code
20 §815.2.

21 **SEVENTH CLAIM**

22 **(BANE ACT VIOLATION – As to all Defendant officers and Vallejo)**

23 82. Plaintiffs incorporate herein by reference the preceding paragraphs 1-81 of this complaint
24 as fully set forth herein.

83. Defendants interfered with Plaintiffs' Fourth Amendment right to be free from the
unlawful seizure of their person through the exercise of excessive force.

84. That upon observing Defendants using excessive force upon their person, the Plaintiffs
reasonably believed that if they exercised their right to be free from the unlawful use of
excessive force upon their person, that Defendants would commit violence against them.

1
2 85. That Defendants injured the Plaintiffs to prevent them from exercising these
rights.

3 86. That Plaintiffs were harmed because they suffered physical injuries, as well as severe
4 emotional stress as a result of the violent acts imposed on them by Defendants
5 and;

6 89. Defendants' use of excessive force to prevent the Plaintiffs from exercising their rights
was a substantial factor in causing their harm.

7 90. Because Defendants were acting as employees of the City of Vallejo at the time of the
8 incident, and because they were acting within the scope and course of their employment and
9 under the direct control and supervision of the City of Vallejo at the time of the incidents in
10 question, Vallejo is liable to the Plaintiff for violating the Bane Act pursuant to California
Government Code §815.2.

11 **EIGHTH CLAIM**

(Negligence – Ronnie Lewis and Candace Evans as to all Defendant officers and Vallejo)

12 91. Plaintiffs incorporate herein by reference the preceding paragraphs 1-90 of this complaint
13 as fully set forth herein.

14 92. By virtue of the foregoing, Defendants owed Plaintiffs a duty of due care and that this
15 duty was breached by the Defendants' failure to exercise due care in their handling of the
Plaintiffs pursuant to the conduct described above.

16 93. By virtue of the foregoing, Defendants owed Ronnie Lewis a duty of due care and this
17 duty was breached by the Defendants' failure to properly adhere to California Penal Code
Section 859.7.

18 94. As a direct and proximate cause of the aforementioned acts of Defendants, Plaintiffs were
19 injured as set forth above and are entitled to compensatory damages according to proof at the
20 time of trial.

21 95. Defendants are liable for all injuries caused by their acts, to the same extent as a private
person pursuant to California Government Code Section 820(a).

22 96. Defendants as public employees are not exonerated or immune from liability for
23 negligence for causing the Plaintiffs to suffer harm pursuant to California Government Code

1 Section 820.8.

2 97. Because Defendants were acting as employees of the City of Vallejo at the time of the
3 incident, and because they were acting within the scope and course of their employment and
4 under the direct control and supervision of the City of Vallejo at the time of the incidents in
5 question, Vallejo is liable to the Plaintiffs for negligence pursuant to California Government
6 Code §815.2.

7 **NINTH CLAIM**
8 ***(False Imprisonment Claim against Defendant Officers and Vallejo)***

9 98. Plaintiffs incorporate herein by reference the preceding paragraphs 1-97 of this complaint
10 as fully set forth herein.

11 **Plaintiff Ronnie Lewis**

12 99. That Defendant ROSENDO MESA, with the assistance of Defendant JEREMY
13 CALLINAN as an integral participant and supervisory officer, acting under color of law,
14 unlawfully seized the Plaintiff (*committing False Imprisonment*) by deliberately and intentionally
15 placing the Plaintiff under arrest.

16 100. That Plaintiff was arrested when he was placed in handcuffs and was not free to
17 leave.

18 101. Plaintiff had not committed any crime

19 102. Plaintiff was not wearing any clothing that matched the description of the robbery
20 suspect.

21 103. At the in-field line up, the victim Joseph Waters initially told the Defendants that he
22 couldn't really identify the Plaintiff as the person who robbed him and that he could not
23 make an identification. That Joseph Water told officers that all he could see of his
24 assailant's face was that he was an African American male and had a goatee beard.

104. No probable caused existed that the Plaintiff had committed any crime.

105. Defendants did not have an arrest warrant to arrest the Plaintiff.

25 **Plaintiff Candace Evans**

26 106. That Defendant JEREMY CALLINAN with the assistance of Defendant ROSENDO
27 MESA, acting under color of law, unlawfully seized the Plaintiff (*committing False*
28 *Imprisonment*) by deliberately and intentionally placing the Plaintiff under arrest.

29 107. That Plaintiff was arrested when she was placed in handcuffs and was not free to
30 leave, place in a patrol car and transferred to the local police station.

- 1 108. Plaintiff had not committed any crime
2 109. Plaintiff did not match the description of the robbery suspect.

- 3 110. At the in-field line up, the victim Joseph Waters specifically told the Defendants that
4 he did not recognize the Plaintiff (Black female) as the person who robbed him.
5 111. No probable cause existed that the Plaintiff had committed any crime.
6 112. Defendants did not have an arrest warrant to arrest the Plaintiff.

7 113. That because Defendants were acting as employees of the City of Vallejo at the time of
8 the incident, and because they were acting within the scope and course of their employment and
9 under the direct control and supervision of the City of Vallejo at the time of the incidents in
10 question, Vallejo is liable to the Plaintiffs for *false imprisonment* pursuant to California
11 Government Code § 815.2.

12 **TENTH CLAIM**

13 **(42 U.S.C. Section 1983 DENIAL OF DUE PROCESS RIGHT TO A FAIR)**
14 **TRIAL/Impermissibly Suggestive Identification (Ronnie Lewis Against Defendants)**

15 114. Plaintiff incorporates herein by reference the preceding paragraphs 113 of this complaint
16 as fully set forth herein.

17 115. That Defendant ROSENDO MESA, with the assistance of Defendant JEREMY
18 CALLINAN as an integral participant and supervisory officer, acting under color of law,
19 obtained and used an impermissibly suggestive identification of Plaintiff as the person who carjacked
20 Waters.

21 116. That the identification procedures used by Defendants to elicit an identification from
22 Waters, was so **impermissibly suggestive** that it led to the misidentification of Plaintiff as the person
23 who carjacked Waters in violation of the Plaintiff's due process rights.

24 117. That Defendant Callinan brought Joseph Waters to the scene to do an infield show up.
25 The officers presented the Plaintiff for the show up approximately 30-50 feet away from Joseph
26 Waters, at night while Plaintiff was handcuffed with a knit cap hat and hoodie on his head
27 obscuring his face, standing next to a patrol car and an armed police officer.

28 118. During the infield show up, Plaintiff Ronnie Lewis was wearing a gray Addidas sweat

1 top with a clear distinctive white Addidas emblem on the chest area, with distinctive white
2 stripes on both sleeves, a white t-shirt underneath and light-colored blue jeans and not “**all black**
3 **clothing**”, which was the description that Waters gave the officers of his assailant.

4 119. That Joseph Water told officers that all he could see of his assailant’s face was that he
5 was an African American male and had a goatee beard.

6 120. That Joseph Waters initially told the Defendants that he couldn’t really identify the
7 Plaintiff as the person who robbed him and that he could not make an identification.

8 **ELEVENTH CLAIM**

9 **(42 U.S.C. Section 1983 UNLAWFUL SEARCH (Against Defendants))**

10 121. Plaintiffs incorporate herein by reference the preceding paragraphs 120 of this
11 complaint as fully set forth herein.

12 122. That Defendant ROSENDO MESA, with the assistance of Defendant JEREMY
13 CALLINAN as an integral participant and supervisory officer, acting under color of law,
14 unlawfully searched the Plaintiff’s Candace Evans vehicle without a warrant, consent or probable
15 cause or reasonable suspicion in violation of the Fourth Amendment.

16 **V. PRAYER FOR RELIEF**

17 Plaintiffs pray for judgment against defendants as follows:

- 18 1. For compensatory damages and other special damages according to proof;
- 19 2. For general damages according to proof;
- 20 3. For punitive damages against all individual defendants according to proof;
- 21 4. The prejudgment interest at the legal rate according to proof;
- 22 5. For costs and reasonable attorneys’ fees as provided by law; and
- 23 6. For such other relief as the Court may deem fit and proper.

24 7.

VI. JURY DEMAND

Plaintiffs demand a jury trial in this action.

LAW OFFICE OF STANLEY GOFF

Dated: May 11, 2026

/s/ Stanley Goff

STANLEY GOFF

Attorney for Plaintiffs

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 NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

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

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

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)

- PTF DEF Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

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

Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 210 Land Condemnation, 310 Airplane, 440 Other Civil Rights, 463 Alien Detainee, 625 Drug Related Seizure, 710 Fair Labor Standards Act, 820 Copyrights, 870 Taxes (U.S. Plaintiff or Defendant), 375 False Claims Act, etc.

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 - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: 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

Case 2:26-at-00837 Document 1-1 Filed 05/18/26 Page 2 of 2

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.)
- (c) 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.Cv.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; **NOTE: 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 there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- 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.
 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 – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- 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 actual dollar amount 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.