

67216

CAUSE NO. _____

KENDRICK BATES,
Plaintiff,

V.

CITY OF SOUR LAKE, TEXAS;
AARON BURLESON; AND MARCELO
MOLFINO,
Defendants

§ IN THE DISTRICT COURT OF
§
§
§ 88TH
§ _____ JUDICIAL DISTRICT
§
§
§
§ HARDIN COUNTY, TEXAS
§

PLAINTIFF'S ORIGINAL PETITION AND JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff Kendrick Bates files this Original Petition against the City of Sour Lake, Texas, Aaron Burleson individually, and Sour Lake police officer, Marcelo Molfino, individually, and respectfully shows:

I. PARTIES,

1. Plaintiff Kendrick Bates is an individual residing in Hardin County, Texas.
2. Defendant City of Sour Lake is a Texas municipality located in Hardin County and may be served through an authorized municipal officer.
3. Defendant Aaron Burleson was at all relevant times Chief of Police of the Sour Lake Police Department and is sued individually.
4. Defendant Marcelo Molfino, Sour Lake police officer who participated in the encounter and is sued individually.

II. JURISDICTION, AND VENUE

5. Defendants acted under color of state law. This action arises under 42 U.S.C. § 1983 and the Fourth and Fourteenth Amendments. Texas district courts possess concurrent jurisdiction over § 1983 claims.
6. Venue is proper in Hardin County under Texas Civil Practice and Remedies Code § 15.002 because the events occurred there.
7. Plaintiff requests a Level 2 discovery control plan and demands a jury trial.

III. FACTUAL ALLEGATIONS

8. On or about October 8, 2026, Bates drove his pickup truck to his residence in Sour Lake.
9. He did not run either of the two or three stop signs subsequently alleged by officers, or commit any crime.
10. Bates parked his pickup truck in his driveway and was welcomed home before the officers arrived by his significant other.
11. He was not fleeing or evading law enforcement.
12. Chief Aaron Burleson and another officer arrived in an unmarked vehicle, dressed in civilian clothing, without emergency lights or sirens.
13. They had not been directly behind Bates attempting an identifiable traffic stop.
14. The officers initially failed to identify themselves or adequately explain their presence. They immediately physically restrained Bates against his truck, each controlling one arm behind his back.

15. The officers repeatedly ordered Bates to stop resisting although Bates was not resisting, tensing his body, attempting to flee or assault them and they already controlled his arms.
16. Ms. Shelburne, a witness at the scene, protested that Bates had been in his driveway before their arrival and was not resisting.
17. Burleson put his hand against the front of Bates's neck and throat, interfering with his breathing, despite the officers' existing control of his arms and the absence of an immediate threat.
18. Ms. Shelburne repeatedly objected to Burleson's hand on Bates's neck and his force against the truck and stated that she had captured the conduct on video.
19. Burleson reached into Bates's pocket without obtaining consent.
20. Bates objected "You're going in my pocket, sir. You didn't ask me for any consent."
21. An officer replied that he wanted Bates's driver's license; Bates did not consent.
22. When Bates challenged the officers and indicated he would contact a judge, Burleson asserted: "I'm the police chief, so deal with me."
23. Bates ultimately received two citations for alleged stop-sign violations.
24. He was not arrested.

IV. COUNT ONE — UNREASONABLE SEIZURE AND DETENTION

25. Plaintiff incorporates the preceding allegations.
26. Defendants intentionally seized Bates by physical restraint. Plaintiff alleges that the officers lacked reasonable suspicion that he had committed the alleged traffic

offenses and that the scope and manner of the detention were unreasonable, including forcibly restraining a nonfleeing, nonthreatening individual against his truck.

27. Defendants' conduct violated Bates's Fourth Amendment rights and caused damages.

28. Burleson and Molfino are responsible for their respective personal participation in the unlawful detention and seizure, resulting in damages.

V. COUNT TWO — EXCESSIVE FORCE (42 U.S.C. § 1983)

29. Plaintiff incorporates the preceding allegations.

30. The officers physically restrained Bates against his truck while each controlled one arm; Burleson additionally applied pressure to Bates's throat.

31. The alleged offenses were minor traffic violations; Bates posed no immediate threat and was not actively fleeing or resisting. The force was objectively unreasonable under *Graham v. Connor*, 490 U.S. 386 (1989).

32. Burleson and Molfino are responsible for their respective personal participation in the use of force, resulting in damages.

VI. COUNT THREE — UNREASONABLE SEARCH (42 U.S.C. § 1983;

33. Plaintiff incorporates the preceding allegations.

34. Burleson intruded into Bates' pocket without a warrant or consent while Bates was not under arrest. Plaintiff alleges no exception to the warrant requirement justified this search.

35. An officer's request for a driver's license did not by itself authorize a search of Bates's pockets. The intrusion violated the Fourth Amendment.

**VI. COUNT FOUR — MUNICIPAL LIABILITY (42 U.S.C. § 1983; CITY OF
SOUR LAKE)**

36. Plaintiff incorporates the preceding allegations.

37. The City of Sour Lake is a municipality subject to § 1983 liability for constitutional injuries caused by official municipal policy, custom, or the deliberate decisions of a final municipal policymaker.

38. At all relevant times, Aaron Burleson was Chief of Police and, Plaintiff alleges, the City's final municipal policymaker in the area of law enforcement, including investigatory detention, searches, physical restraint, use of force, and officer conduct.

39. Plaintiff alleges that the Sour Lake City Council and Mayor delegated final policymaking authority concerning the relevant law-enforcement operations and practices to Burleson.

40. Plaintiff alleges that this delegation vested Burleson with final municipal policymaking authority concerning the specific practices challenged, not merely day-to-day operational discretion or ordinary supervisory authority.

41. Exercising that delegated authority, Burleson personally directed and participated in the detention, restraint, neck force, and pocket search of Bates.

42. When Bates challenged the conduct and expressed his intention to contact a judge, Burleson declared, "I'm the police chief, so deal with me," asserting command authority over the encounter.

43. Plaintiff alleges that Burleson deliberately selected and implemented the challenged course of conduct as an exercise of delegated final policymaking authority and that those decisions constituted official municipal policy attributable to the City.
44. A single deliberate decision of an official possessing final policymaking authority may constitute municipal policy under *Pembaur v. City of Cincinnati*, 475 U.S. 469 (1986), and *Monell v. Department of Social Services*, 436 U.S. 658 (1978).
45. The decisions attributable to the City were the moving force behind the alleged Fourth Amendment violations. Plaintiff seeks direct municipal liability, not respondeat superior liability.
46. The identity and authority of final municipal policymakers are determined by applicable law, including municipal enactments and delegation instruments. Plaintiff alleges delegation by the Council and Mayor and seeks the City's ordinances and governing records relevant to that delegation.

VII. DAMAGES

47. Plaintiff seeks proven compensatory damages for physical injury, pain, mental anguish, medical expenses if incurred, and other recoverable injury; nominal damages as appropriate; punitive damages against the individual Defendants only if supported by proof; reasonable attorney's fees under 42 U.S.C. § 1988; costs; and interest allowed by law.
48. Plaintiff does not seek punitive damages against the City.

VIII. PRAYER

Plaintiff requests that Defendants be cited to answer and that judgment be entered for compensatory and nominal damages as proven, punitive damages against the individual Defendants where authorized, reasonable attorney's fees and costs, interest, and all further relief to which Plaintiff is entitled.

Respectfully submitted,
By: /s/ U.A. Lewis
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Associated Case Party: KendrickBates

Name	BarNumber	Email	TimestampSubmitted	Status
Kendrick Bates		bates.kendrick25@gmail.com	10/21/2026 1:06:26 PM	SENT
UA Lewis		office@thelewislaw.com	10/21/2026 1:06:26 PM	ERROR