

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

GEORIGACARRY.ORG, INC.)	
And)	
JASON STUBBS)	
)	
Plaintiffs,)	CIVIL ACTION FILE NO.
)	
v.)	<u>4-13-cv-181 (CDL)</u>
)	
KEVIN L. BALDWIN)	
And)	
R.S. MILLS)	
)	
Defendants.)	

COMPLAINT

I. INTRODUCTION

1. This is in action under 42 U.S.C. § 1983 for various violations of Plaintiffs’ constitutional rights. Plaintiff GeorgiaCarry.Org, Inc. seeks declaratory and injunctive relief. Plaintiff Stubbs seeks damages and declaratory and injunctive relief.

II. JURISDICTION & VENUE

2. This Court has jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. 1343.
3. Venue is proper because Defendants are located in this District and in this Division.
4. Joinder of the Defendants is proper because the claims against them arise under the same series of transactions or occurrences and there are common questions of law and fact in the claims against them.

III. PARTIES

5. Plaintiff GeorgiaCarry.Org, Inc. (“GCO”) is a non-profit corporation organized under the laws of the State of Georgia.
6. GCO’s mission is to foster the rights of its members to keep and bear arms.
7. Plaintiff Stubbs is a citizen of the United States and a resident of the State of Alabama.
8. Stubbs is a member of GCO.
9. Defendants are police officers with the City of Columbus, Georgia, Police Department.
10. Defendants were acting in their capacities as police officers for all purposes germane to this Complaint.

11. Defendants are sued in their individual capacities for damages to Stubbs. Defendants are sued in their official and individual capacities for declaratory and injunctive relief by both Plaintiffs.

IV. FACTUAL BACKGROUND

12. On July 9, 2012, Stubbs was dining in a McDonald's restaurant in Columbus, Georgia with his wife and minor children.
13. While dining, Stubbs was armed with a handgun readily visible in a holster on his waistband.
14. Stubbs was in possession of an Alabama weapons carry license.
15. Georgia recognizes Alabama weapons carry licenses as valid in Georgia as though they were Georgia weapons carry licenses ("GWLs") issued pursuant to O.C.G.A. § 16-11-129.
16. In addition, Stubbs was exempt from firearms carry laws generally, pursuant to O.C.G.A. § 16-11-130(a)(3), because he was in the military service of the state or of the United States.
17. Defendants also were dining in McDonalds, a couple tables away from Stubbs.
18. After several minutes of both parties' dining separately in the same restaurant without interaction, Defendants accosted Stubbs.

19. Defendants demanded to know if he had a GWL.
20. Stubbs told Defendants he had a GWL and also had an exemption from the requirement for having one.
21. Stubbs refused to provide Defendants with his GWL.
22. Defendants then approached McDonald's personnel, presumably to ask if they wanted Stubbs to leave the restaurant.
23. Defendants then told Stubbs McDonalds wanted Stubbs to leave, so Stubbs began packing up his belongings.
24. Defendants told Stubbs is was too late for that, and they arrested him.
25. Defendants searched Stubbs and seized his firearm.
26. Defendants issued a municipal citation to Stubbs for disorderly conduct.
27. Defendants also swore out a warrant against Stubbs for state charges of trespassing and obstructing an officer.
28. On or about July 30, 2012, the Solicitor General of Muscogee County filed, in the State Court of Muscogee County, criminal accusations against Stubbs for trespassing and obstruction of an officer, pursuant to the warrant sworn out against Stubbs.

29. On September 25, 2012, the Recorder's Court for the Consolidated Government of Columbus – Muscogee County, Georgia dismissed the municipal citation.
30. On March 13, 2013, the State Court of Muscogee County, Georgia dismissed the state criminal charges against Stubbs.
31. Defendants had no reasonable articulable suspicion to detain Stubbs.
32. Defendants had no probable cause to arrest Stubbs.
33. Defendants had no probable cause to obtain an arrest warrant against Stubbs.
34. GCO has other members that work in, live in, or visit Columbus-Muscogee County, Georgia, who wish to exercise their rights to carry firearms without fear of harassment, detention, search and arrest by Defendants.
35. Stubbs was damaged by his arrest and defense of the criminal charges against him.

Count 1 – Violations of Fourteenth Amendment

36. By detaining Stubbs without reasonable articulable suspicion, Defendants violated Stubbs's right to be free from unreasonable seizures, as guaranteed by the 4th Amendment applicable to Defendants by the 14th Amendment.
37. By arresting Stubbs without probable cause to believe Stubbs had committed an offense for which he could be arrested under Georgia law, Defendants violated

Stubbs's right to be free from unreasonable seizures, as guaranteed by the 4th Amendment applicable to Defendants by the 14th Amendment.

38 . By searching Stubbs and seizing his firearm, Defendants violated Stubbs's right to be free from unreasonable searches and seizures, as guaranteed by the 4th Amendment applicable to Defendants by the 14th Amendment.

39 . By detaining Stubbs solely on account of his openly carrying a firearm, Defendants have imposed a chilling effect on Stubbs's and GCO's other members' exercise of their rights to keep and bear arms, as guaranteed by the 2nd Amendment applicable to Defendants by the 14th Amendment.

40 . By searching and seizing Stubbs on account of Stubbs's exercise of his right to keep and bear arms, Defendants have infringed on Stubbs's right to keep and bear arms guaranteed by the 2nd Amendment applicable to Defendants by the 14th Amendment.

Prayer for Relief

Plaintiffs demand the following relief:

41 . Damages to Stubbs in an amount to be determined at trial.

