

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

KIRBY LLOYD

PLAINTIFF

VS.

NO:

**OFFICERS B. MCRAE and
JOHNATHAN OVERLY and
CITY OF MEMPHIS AND WILLIE HERENTON MAYOR**

DEFENDANTS'

COMPLAINT FOR DAMAGES

Comes now your Plaintiff and would show he is a resident of Memphis, Tennessee that Officers B. McRae and Jonathan Overly are residents of Memphis, Tennessee and employees/agents of the City of Memphis, that the City of Memphis is a municipal corporation and that Willie Herenton is the duly elected mayor.

FACTS

On December 19th, 2005, your Plaintiff was parking his tractor at his mothers residence at 196 East Brooks Road Memphis, Tennessee then he started his 1994 Mazda. After going into his mother's residence he returned to his vehicle to travel to his residence when he was accosted by Officers B. McRae and Jonathan Overly. While he was lawfully upon his mother's property Officers B. McRae and Jonathan Overly threw the Plaintiff to the surface of his mother's driveway causing the injuries and damages herein below alleged.

Plaintiff would show that the Defendant Officer B. McRae and Jonathan Overly unlawfully arrested him and charged him on fictitious offenses which they knew or

should have known were false. Plaintiff would show that his rights under 11 U.S.C. 1983 were violated along with his constitutional rights by the Defendants'. The officer's used excessive force and fictitious charges.

Plaintiff alleges that while these officers were acting in their scope of employment and as agents of the City of Memphis they committed the above alleged acts and that the City of Memphis knew or should have known that these officers had the ability to use excessive force in performance of their duties as Memphis Police Officers.

Plaintiff alleges that because of the concurrent acts of the Defendant's he sustained abrasions and contusions on his body including his back, neck, arms and legs, that he was unlawfully detained in the Shelby County Jail that he has suffered mental pain and anguish, incurred medical expenses and lost earnings from his employment.

Wherefore, Plaintiff sues the Defendants for \$300,000.00 and demands a jury to try the cause.

/s/ Edwin C. Lenow
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