

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

MALIKAH ASANTE-CHIOKE	:	CIVIL ACTION NO. 22-4587
	:	JUDGE _____
VERSUS	:	MAG JUDGE _____
NICHOLAS DOWDLE, JONATHON DOWNING, GERARD DUPLESSIS, JOHN DOES, COL. LAMAR A. DAVIS, CHIEF ROBERT GARNER AND THE STATE OF LOUISIANA THROUGH THE DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS	: : : : : : :	

COMPLAINT

Plaintiff, Malika Asante-Chioke, individually, and on behalf of her father, Jabari Asante-Chioke, herein files this action against the defendants named below.

INTRODUCTION

1. This suit involves the unnecessary use of excessive force by police officers on a black man suffering a mental health crisis.

2. On November 21, 2021, during a mental health crisis, Mr. Jabari Asante-Chioke encountered Louisiana State Police (“LSP”) Officer Nicholas Dowdle, and East Jefferson Levee District (“EJLD”) Officers Jonathon Downing, and Gerard Duplessis (all three referred herein and collectively as “Officer Defendants”). The ill-trained, ill-disciplined, and ill-supervised Officer Defendants failed to de-escalate the encounter and failed to use less-than-lethal methods in accordance with training and state and federal law to subdue Mr. Asante-Chioke. Sadly, the scene ended in a firing squad when the Officer Defendants shot Mr. Asante-Chioke twenty-four times in

an unjustifiably excessive application of deadly force. Many of the gunshots suffered by Mr. Asante-Chioke impacted him after he was disarmed, heavily wounded, and incapacitated.

3. Each shot after when Mr. Asante-Chioke was subdued reflects a separate instance of excessive force and, at a minimum, negligence on the part of the Officer Defendants.

4. LSP has a long history of violence, discrimination, and police misconduct against Black people and people of color.¹ In 2019, 49-year-old Ronald Greene was killed by LSP officers during an arrest and violent beat down. A subsequent cover-up by LSP sparked national outrage and multiple calls for a federal Department of Justice (“DOJ”) probe.² Moreover, external investigations have revealed a long pattern of racist violence and corruption by LSP.³ On June 9, 2022 the DOJ officially opened a “pattern and practice” investigation into LSP regarding racially discriminatory policing practices in cases of excessive force, stating in a news release that “[t]his civil investigation will assess whether LSP uses excessive force and whether it engages in racially discriminatory policing. The investigation will include a comprehensive review of LSP policies, training, supervision, and force investigations, as well as LSP’s systems of accountability, including misconduct complaint intake, investigation, review, disposition, and discipline.”⁴ Ronald Greene’s death, along with countless other less publicized cases, shed light on the rampant misconduct and brutality that has plagued LSP for years.⁵

¹ See, e.g., Timothy Bella, State troopers texted about the ‘whoopin’ they gave a Black man, records show: ‘He’s gonna have nightmares,’ The Washington Post (Mar. 13, 2021, 4:29 PM), <https://www.washingtonpost.com/nation/2021/03/13/louisiana-police-black-man-text/>; Jim Mustian et al., Beatings, buried videos a pattern at Louisiana State Police, AP News (Sept. 8, 2021), <https://apnews.com/article/police-beatings-louisiana-video-91168d2848b10df739d73cc35b0c02f8>

² Alanah Odoms et al., Pattern-or-Practice Investigation into Louisiana State Police, ACLU Louisiana (Aug. 27, 2021), https://www.laclu.org/sites/default/files/8.27.21_letter_to_doj_re_lsp_investigation.pdf.

³ *Id.*

⁴ U.S. Dep’t of Justice, *Justice Department Announces Investigation of the Louisiana State Police*, Office of Public Affairs: Justice News. (June 9, 2022), <https://www.justice.gov/opa/pr/justice-department-announces-investigation-louisiana-state-police>.

⁵ Jim Mustian, AP: Use of slurs not ‘isolated’ at Louisiana State Police, AP News (Oct. 30, 2020), <https://apnews.com/article/race-and-ethnicity-louisiana-baton-rouge-racial-injusticed7f77f196571892d71bd010ce4109677>.

5. A review by the Associated Press of internal records and videos related to at least a dozen cases revealed that, over the past decade, LSP officers or supervisors ignored or concealed evidence of beatings, including turning off body cameras, rubberstamping use-of-force reports without reviewing body camera footage, and lying about suspects being violent to justify use of excessive force.⁶

6. Individuals with mental illness make up a disproportionate number of those killed at the very first step of the criminal justice process, and Mr. Asante-Chioke's unfortunate death is yet another representation of the failure of law enforcement agencies to utilize de-escalation techniques and training when dealing with persons suffering from severe mental illness.

7. Mr. Asante-Chioke is just one of many other victims who has suffered violence at the hands of LSP and the EJLD. Now Plaintiff, Mr. Asante-Chioke's surviving child, seeks to hold these officers accountable for violating Mr. Asante-Chioke's constitutional rights by using excessive force against him, and brutally taking his life without legal justification.

JURISDICTION AND VENUE

8. This Court has jurisdiction under 28 U.S.C. sections 1331, 1343, and 1988.

9. Plaintiff further invokes this Court's supplemental jurisdiction pursuant to 28 U.S.C. section 1367 to adjudicate claims arising under state law.

10. Venue is proper in the Eastern District of Louisiana under 28 U.S.C. section 1391 as a substantial part of the events or omissions of which Plaintiffs complain occurred in Jefferson Parish, Louisiana, which sits in this Court's jurisdiction.

PARTIES

⁶ Beatings And Buried Videos Are A Pattern With The Louisiana State Police, NPR (Sept. 9, 2021), <https://www.npr.org/2021/09/09/1035446605/louisiana-state-police-bodycam-videos-beatings>.

11. Plaintiff is the surviving, lawful and biological descendant of decedent Mr. Asante-Chioke and appears individually as Mr. Asante-Chioke's surviving daughter.

Officer Defendants

12. **Defendant Officer Nicholas Dowdle** was at all pertinent times acting under the color of state law and the authority of the Louisiana State Police, and, upon information and belief, is a citizen within this Court's jurisdiction. Defendant **Nicholas Dowdle** is named in his individual capacity and is liable jointly, severally, and *in solido* with the other defendants for the unconstitutional and tortious conduct set forth below in those claims in which he is named.

13. **Defendant Officer Jonathon Downing** was at all pertinent times acting under the color of state law and the authority of the East Jefferson Levee District Police Department, and, upon information and belief, is a citizen within this Court's jurisdiction. Defendant **Jonathon Downing** is named in his individual capacity and is liable jointly, severally, and *in solido* with the other defendants for the unconstitutional and tortious conduct set forth below in those claims in which he is named.

14. **Defendant Officer Gerard Duplessis** was at all pertinent times acting under the color of state law and the authority of the East Jefferson Levee District Police Department, and, upon information and belief, is a citizen within this Court's jurisdiction. Defendant **Gerard Duplessis** is named in his individual capacity and is liable jointly, severally, and *in solido* with the other defendants for the unconstitutional and tortious conduct set forth below in those claims in which he is named.

15. At all times relevant hereto, **Defendant John Doe Officers** ("Defendant John Does") were officers at LSP or EJLD. Plaintiff is not aware of the true names of Defendant John Does, and therefore sues them by such fictitious name. On information and belief, Defendant **John**

Does reside in the Eastern District of Louisiana. Defendant **John Does** are sued in their individual capacity, and at all relevant times, they were acting under the color of law of the State of Louisiana. Plaintiff will amend this complaint to state the true name of Defendant **John Does** when they have been ascertained.

Supervisor Defendants

16. **Defendant Colonel Lamar A. Davis** serves as the Superintendent of the Louisiana State Police, and, upon information and belief, is a citizen within this Court's jurisdiction. Defendant **Lamar A. Davis** is named in his individual capacity and is vicariously liable under state law for the negligent acts and omissions of the defendants operating under his supervision.

17. **Defendant Robert Garner** serves as the Police Chief of the East Jefferson Levee District, and, upon information and belief, is a citizen within this Court's jurisdiction. Defendant **Robert Garner** is named in his individual capacity and is vicariously liable under state law for the negligent acts and omissions of the defendants operating under his supervision.

18. **The State of Louisiana through the Louisiana Department of Public Safety & Corrections ("DPSC")** pursuant to La. R.S. 36:401, a statutorily created and established body corporate having the power to sue and be sued, the domicile of which is the Parish of East Baton Rouge in the State of Louisiana, which is the governing authority over the Louisiana State Police and East Jefferson Levee District. The DPSC is the lawful employer of the Officer Defendants and the Supervisor Defendants, and is therefor responsible for their acts of negligence pursuant to La. C.C. arts. 2315, 2317, and 2320.

FACTS

Initial Encounter

19. On November 21, 2021, at approximately 10:00 PM, Mr. Asante-Chioke, a 52-year-old Black man, was spotted by a concerned citizen at the intersection of Airline Drive and North Causeway Boulevard in Jefferson Parish, Louisiana.

20. Mr. Asante-Chioke was visibly distressed and was traveling along the highway on foot carrying in his hands what was later identified as a gun and a knife.

21. The passer-by who saw Mr. Asante-Chioke thought he might be experiencing a mental health crisis and subsequently flagged down a police officer directing traffic around a nearby construction site.

22. Two Louisiana State Police Department (“LSP”) officers and two East Jefferson Levee District Police Department (“EJLD”) officers, including Officers Dowdle, Downings, and Duplessis, located Mr. Asante-Chioke at the intersection under the bridge and parked their vehicles along the Airline Drive roadway.

23. The officers then attempted to approach and apprehend Mr. Asante-Chioke as he jogged slowly away from them southbound in the northbound lanes of U.S. Highway 61.

The Chase

24. Witnesses driving by the scene caught via cellphone video the critical fifty-seven second segment of the interaction between Mr. Asante-Chioke and police officers where he was fatally shot. The video was later uploaded by the filming witness to the social media platform Instagram with a caption that read “Omg Be [sic] Could Have Been A Person With Mental Health Problems.”

25. The video footage—filmed from a car traveling in the westbound lane of Airline Drive—begins where Mr. Asante-Chioke slowly jogging westbound along the edge of the eastbound lane. At one point, Mr. Asante-Chioke was observed putting the gun he was carrying to his own head.

26. In the background a cacophony of officers are screaming continuously for Mr. Asante-Chioke to “get on the ground.” One exasperated officer screams as Mr. Asante-Chioke slowly jogs away from him, “you better fucking stop!” and then, “get on the fucking ground! I swear to God I’ll fucking shoot you!” Another officer is heard screaming “I will fucking kill you!”

27. The next frames of the video show that approximately fifty feet in front of Mr. Asante-Chioke, parked in the middle of the eastbound lane, was a white police truck with its emergency lights flashing.

28. One officer is seen exiting on the driver’s side of the vehicle as Asante-Chioke jogs past the vehicle, and another officer is standing at the back bed of the truck pointing his weapon at Mr. Asante-Chioke.

29. The officer at the truck instructed Mr. Asante-Chioke to “get on the ground” twice while the officer standing at the truck bed also clearly stated, “get on the ground” twice as Mr. Asante-Chioke approached and slowly jogged past.

30. The third officer then comes into the frame where the truck is, jogging behind Mr. Asante-Chioke, about ten feet width distance away and twenty feet behind him. Once Mr. Asante-Chioke clears the truck he slows to a walk, still walking away from the scene with his head to the ground.

31. The officer in pursuit stopped about 10 feet from Mr. Asante-Chioke and advanced, stepping forward with his weapon sharply drawn and pointed at Mr. Asante-Chioke. This officer screamed again “get on the ground.”

The Failure to Deescalate

32. Upon this command Mr. Asante-Chioke, without turning or making any direct eye contact, raised his arms parallel to the ground and then dropped them before raising his right arm with the gun in hand in the direction of the third officer.

33. When Mr. Asante-Chioke’s right arm reached a forty-five-degree angle the third officer opened fire on Mr. Asante-Chioke.

34. Almost immediately, Mr. Asante-Chioke dropped the gun in his hand, and was no longer armed or a threat. Nevertheless, the officers continued to fire at Mr. Asante-Chioke.

Death, Autopsy, & Aftermath

35. After suffering several bullet wounds, Mr. Asante-Chioke fell to the ground. Nevertheless, officers continued to fire their weapons at Mr. Asante-Chioke, even as he was incapacitated as he was slumped over and motionless on the ground.

36. A subsequent investigation conducted by Louisiana State Police determined that a total of thirty-six rounds were fired by Defendants Dowdle, Downing, and Duplessis at Mr. Asante-Chioke.

37. A subsequent autopsy of Mr. Asante-Chioke revealed that he was shot twenty-four times. He had six gunshot wounds on his right and left arms, eight gunshot wounds on his right and left legs, and ten gunshot wounds on his torso.

38. These gunshots fractured his left leg; fractured his ribs, pierced his lungs, and caused a litany of other fatal wounds.

39. A spokesperson for LSP stated publicly in a news broadcast that the officer who initially shot at Mr. Asante-Chioke attempted to tase him, but the results of the autopsy revealed that Mr. Asante-Chioke's body did not have marks consistent with taser-use.

Institutional Failures

40. Indeed, LSP and EJLD are known and frequently sued for alleged violations of the Fourth Amendment for unreasonable searches and seizures, and excessive force, including deadly force.

41. LSP, the agency responsible for conducting internal investigations on police excessive force incidents, is itself under a federal "pattern and practice" investigation for both police brutality and potential coverups, including LSP's proclivity for deflecting blame and impugning victims. A recent Associated Press investigation has revealed that LSP has an extensive history of rubberstamping its investigations. According to a recent Associated Press report:

When [excessive force] footage is recorded, the agency [LSP] routinely refuses to release it. And a recently retired [LSP] supervisor who oversaw a particularly violent clique of troopers told internal investigators this year that it was his "common practice" to rubber-stamp officers' use-of-force reports without reviewing body-camera video.⁷

42. None of the body camera footage obtained to date demonstrates that the Officer Defendants were legally justified in shooting and killing Mr. Asante-Chioke. Instead, it demonstrates that this violent outcome could have been entirely avoided with even a modicum of professional competence or compassion, and that the actions of the Officer Defendants were completely negligent.

⁷Jim Mustian and Jake Bleiberg, *Beatings, buried videos a pattern at Louisiana State Police*, <https://apnews.com/article/police-beatings-louisiana-video-91168d2848b10df739d73cc35b0c02f8> (last visited September 27, 2021). *See also* Associated Press & Jim Mustian, *Louisiana state police undergo review after string of beatings of Black motorists*, <https://www.wwltv.com/article/news/crime/la-state-police-undergo-outside-review/289-d40aaa9c-91a3-49e2-8f3a-3cb2c7883dcb> (last visiting March 24, 2021) ("The Louisiana State Police have hired an outside consultant to conduct a top-to-bottom review of the scandal-plagued agency....").

43. The failure of the Officer Defendants to utilize any de-escalation tactics or approach Mr. Asante-Chioke in a manner consistent with handling of persons with mental illness clearly demonstrates that the Officer Defendants did not receive proper training on de-escalation tactics and the proper use of force in situations regarding persons with severe mental illness, and as such were negligent in the exercise of their duties. As law enforcement agents often encounter and interact with persons suffering from mental illness, training on how to interact with persons suffering from severe mental illness is critical. Nearly one in four of all fatal police shootings involve a person suffering from a severe mental illness.⁸

44. As such, the risk of being killed during a police incident is 16 times greater for individuals with untreated mental illness than for other civilians approached or stopped by officers.⁹ Where official government data regarding police shootings and mental illness have been analyzed – in one U.S. city and several other Western countries – the findings indicate that mental health disorders are a factor in as many as 1 in 2 fatal law enforcement encounters.¹⁰

45. The Supervisor Defendants either know or should have reasonably known that persons with severe mental illness are vastly overrepresented in fatal police encounters.

46. The Supervisor Defendants, as the chief policy makers of LSP and EJLD, are responsible for setting the training and oversight standards of the officers under their supervision.

47. The Supervisor Defendants are responsible for failing to institute adequate training and policies regarding the handling of persons with severe mental illness, and how to de-escalate those encounters without resorting to deadly force. Had the Supervisor Defendants competently

⁸ Treatment Advocacy Center, *Overlooked and Undercounted: The Role of Mental Illness in Fatal Law Enforcement Encounters*, <https://www.treatmentadvocacycenter.org/storage/documents/overlooked-in-the-undercounted.pdf> (last visited on November 17, 2022).

⁹ Kesic, D. (2013). The role of mental disorders in use of force incidents between the police and the public. In D. Chappell (Ed.), *Policing and the mentally ill: International perspectives* (pp. 153–170). Boca Raton, FL: CRC Press.

¹⁰ Clifford, K. (2013). Mental health crisis and interventions and the politics of police use of deadly force. In D. Chappell (Ed.), *Policing and the mentally ill: International perspectives* (pp. 171–195). Boca Raton, FL: CRC Press.

instituted these policies and training, or, in the alternative, enforced the policies and training already nominally required, Mr. Asante-Chioke would still be alive. Had the Supervisor Defendants properly supervised their subordinates, Mr. Asante-Chioke would still be alive.

CAUSES OF ACTION

Count I – 42 U.S.C. § 1983 Excessive Force (Against Officer Defendants Dowdle, Downing, Duplessis, and Does)

48. Plaintiff hereby incorporates by reference the preceding paragraphs as though fully set forth herein.

49. With no legal cause, the Officer Defendants used repeated, excessive, and deadly force against Mr. Asante-Chioke, a person of color experiencing a mental health crisis, by shooting him multiple times even after he was disarmed and incapacitated.

50. A use of force that is reasonable at one moment can become unreasonable in the next if the justification for the use of force has ceased. Each of the shots that struck Mr. Asante-Chioke after he was incapacitated represents a separate, legally distinct exercise of excessive and deadly force, each of which was alone capable of fully incapacitating (or killing) Mr. Asante-Chioke.

51. It is clearly established law that after an individual has been incapacitated a law enforcement officer may not continue to use deadly force. The Fifth Circuit has recently affirmed this in its ruling in *Roque v. Harvel*, 993 F.3d 325 (5th Cir. 2021), a case that also involved the deadly officer shooting of a person of color in mental crisis, by denying the police officers qualified immunity.

52. The Officer Defendants, who were acting under the color of state law, and acting with deliberate indifference, deprived Mr. Asante-Chioke of the rights, privileges, and immunities

afforded to him under the Constitution and laws of the United States, including those under the Fourth and Fourteenth to the Constitution.

53. The actions of the Officer Defendants reflect their reckless disregard for Mr. Asante-Chioke's constitutional rights and his humanity; and, the willful, cruel, and unconscionable actions of the Officer Defendants warrant both compensatory and punitive damages for the incredible suffering caused to Plaintiff as a result of the completely unnecessary death of her father.

**Count II – Wrongful Death
(Against Officer Defendants Dowdle, Downing, Duplessis, and Does)**

54. Plaintiff hereby incorporates by reference the preceding paragraphs as though fully set forth herein.

55. The Officer Defendants are liable jointly, severally, and *in solido* for wrongfully causing Mr. Asante-Chioke's death. They each used unjustifiable deadly force against him multiple times with deliberate indifference to his constitutional rights and humanity, including their callous disregard for his medical needs for every shot after he was incapacitated.

56. The actions of the Officer Defendants were the proximate cause of the damages suffered by Mr. Asante-Chioke and Plaintiff, Ms. Malikah Asante-Chioke. The repeated uses of excessive and deadly force by the Officer Defendants proximately caused Mr. Asante-Chioke to be physically injured to the point of death and experience conscious pain and suffering, and severe emotional distress before he died.

57. Plaintiff, the daughter of Mr. Asante-Chioke, is entitled to recover for Mr. Asante-Chioke's wrongful death, including general damages and other compensable injuries. These damages and compensable injuries include pecuniary losses such as funeral and burial expenses. Plaintiff has also suffered damages in the form of loss of love, affection, and support from her father, with whom she was exceptionally close. Additionally, the willful, cruel, and

unconscionable actions of the Officer Defendants warrant punitive damages for the incredible suffering caused to Plaintiff.

Count III – Survival Action
(Against Officer Defendants Dowdle, Downing, Duplessis, and Does)

58. Plaintiff hereby incorporates by reference the preceding paragraphs as though fully set forth herein.

59. Plaintiff, as Mr. Asante-Chioke's surviving child, has standing to bring this claim under to La. C.C. Art. 2315.1 A(1) ("If a person who has been injured by an offense or quasi offense dies, the right to recover all damages for injury to that person, his property or otherwise, caused by the offense or quasi offense, shall survive for a period of one year from the death of the deceased in favor of: The surviving spouse and child or children of the deceased, or either the spouse or the child or children.").

60. The Officer Defendants, who were acting under the color of state law, deprived Mr. Asante-Chioke of the rights, privileges, and immunities afforded to him under the Constitution and laws of the United States by subjecting him to unreasonable and repeated excessive and deadly force.

61. As explained above, the Officer Defendants' conduct ultimately caused Mr. Asante-Chioke's death. These Officer Defendants not only lacked any regard for Mr. Asante-Chioke's humanity, but they also acted in callous disregard and with deliberate indifference to the rights afforded to him under the Constitution, including to be free from excessive and deadly force. Their wrongful acts and omissions not only caused Mr. Asante-Chioke's wrongful death, but were willful, oppressive, malicious, and shocking to ordinary citizens' conscience, all of which warrant an award of punitive damages against each of the Officer Defendants.

62. Plaintiff has suffered, and continues to suffer, damages as result of the wrongful death of her father, including pain and suffering, grief, loss of enjoyment of life, severe emotional distress, loss of support, and other similar damages.

**Count IV – Battery
(Against Officer Defendants Dowdle, Downing, Duplessis, and Does)**

63. Plaintiff hereby incorporates by reference the preceding paragraphs as though fully set forth herein.

64. Plaintiff, as Mr. Asante-Chioke’s surviving child, has standing to bring this claim under to La. C.C. Art. 2315.1 A(1) (“If a person who has been injured by an offense or quasi offense dies, the right to recover all damages for injury to that person, his property or otherwise, caused by the offense or quasi offense, shall survive for a period of one year from the death of the deceased in favor of: The surviving spouse and child or children of the deceased, or either the spouse or the child or children.”).

65. The Officer Defendants battered Mr. Asante-Chioke, causing his death. As explained above, the Officer Defendants intentionally and without Mr. Asante-Chioke’s consent used harmful and offensive conduct against him when they unlawfully shot him shot him twenty-four times. Each of these uses of force beyond that needed to subdue him constitute a battery on Mr. Asante-Chioke by the Officer Defendants.

66. In doing so, the Officer Defendants injured Mr. Asante-Chioke and Plaintiff, who is therefore entitled to general and compensatory damages.

**Count V – Negligence
(Against Officer Defendants Dowdle, Downing, Duplessis, and Does)**

67. Plaintiff hereby incorporates by reference the preceding paragraphs as though fully set forth herein.

68. Plaintiff seeks relief pursuant to La. C. C. Art. 2315. The Officer Defendants were negligent in their duties as law enforcement officers and in their training insofar as they clearly failed to adhere to proper training standards that clearly dictate that uses of force are to cease when a suspect has ceased all resistance. In this case, the Officer Defendants continued to shoot Mr. Asante-Chioke even after he was disarmed and incapacitated, thus acting with extreme negligence in the exercise of their lawful duties to protect and serve the public.

69. In doing so, the Officer Defendants injured Mr. Asante-Chioke and Plaintiff, who is therefore entitled to general and compensatory damages.

**Count VI – Negligent Supervision & Training
(Against Supervisor Defendants Davis and Garner)**

70. Plaintiff hereby incorporates by reference the preceding paragraphs as though fully set forth herein

71. The supervisor defendants knew or should have known that the officers under their supervision were routinely receiving insufficient training and insufficient supervision regarding de-escalation tactics employed in incidents with citizens with mental illness, and that that poor training and lack of supervision was leading to unnecessary, negligent, and deadly uses of force.

72. The above-described widespread lack of proper supervision and training were allowed to exist because the Supervisor Defendants, who are policymakers with authority over their acts, exhibited deliberate indifference to the problem, thereby effectively ratifying it. This failure to act was negligent under Louisiana law, and Plaintiff herein seeks relief under La. C.C. Art. 2315.

73. As such, the Supervisor Defendants injured Mr. Asante-Chioke and Plaintiff, who is therefore entitled to general and compensatory damages.

Count VII – Supervisory Liability
(Against the State of Louisiana through the Department of Public Safety & Corrections)

74. Plaintiff hereby incorporates by reference the preceding paragraphs as though fully set forth herein.

75. An employer is liable pursuant to the doctrine of *respondeat superior* for the tortious acts committed against third parties by its employees during the course and scope of employment and while under its control, direction and supervision pursuant to La. C.C. arts. 2315, 2317, and 2320.

76. As the employer of the Officer Defendants and Supervisor Defendants, DPSC is responsible for the negligent actions of the Officer Defendants and for the negligent supervision and training of the Officer Defendants by the Supervisor Defendants.

77. As such, the State through DPSC injured Mr. Asante-Chioke and Plaintiff, who is therefore entitled to general and compensatory damages.

78. Plaintiff further expressly requests trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that after due proceedings, this Honorable Court enter judgment in their behalf and against all Defendants, jointly, severally, and *in solido*, as follows:

1. Compensatory damages, including funeral and burial costs for Mr. Jabari Asante-Chioke;
2. Reasonable attorneys' fees and costs;
3. Punitive damages; and
4. All other relief that this Court deems just and proper.

/s/ E. Bridget Wheeler

ACLU FOUNDATION OF LOUISIANA

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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

Malikah Asante-Chioke

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

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

E. Bridget Wheeler, ACLU of LA, 1340 Poydras St. Ste
2160, New Orleans, LA 70112, 504-522-0628**DEFENDANTS**

Dowdle, et al.

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 ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 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 | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PRISONER PETITIONS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability LABOR <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

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 ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. Section 1983

Brief description of cause:

Excessive Force, Wrongful Death, Survival Action, Battery, Negligence, Negligent Sup & Training, Sup Liability

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$
0

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

11/18/2022

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

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.

Eastern District of Louisiana

Civil Action No. 2:22-cv-04587

To: *(Defendant's name and address)* State of Louisiana through the DPSC
Department of Public Safety & Corrections HQ
504 Mayflower Street, Baton Rouge, Louisiana 70802

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Eric Bridget Wheeler

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* State of Louisiana through the DPSC
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Eastern District of Louisiana

Civil Action No. 2:22-cv-04587

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Robert Garner
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Eastern District of Louisiana

Civil Action No. 2:22-cv-04587

To: *(Defendant's name and address)* Gerard Duplessis
Department of Public Safety & Corrections HQ
504 Mayflower Street, Baton Rouge, Louisiana 70802

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Eric Bridget Wheeler

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Gerard Duplessis
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Jonathon Downing
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Eastern District of Louisiana

Civil Action No. 2:22-cv-04587

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Nicholas Dowdle
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* Lamar A. Davis
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: