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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

MILLA LEILANI PAYNE,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

Case No. 3:26-cv-1139

COMPLAINT

Federal Tort Claims Act (28 U.S.C. § 2674)

**Assault
Battery**

NATURE OF THE CASE

1. Milla Leilani Payne brings this action to recover for injuries she sustained when a Federal Protective Services (“FPS”) officer sprayed her directly in the face with a chemical irritant in retaliation for exercising her First Amendment right to free speech. The conduct the officer engaged in has been expressly and explicitly prohibited by the Ninth Circuit for more than two decades. But the officer was not trained in basic Constitutional rules regulating law enforcement use of force

against protesters and was directly encouraged to engage in unlawful uses of force by the chief executive of the United States, so the officer assaulted Payne anyway.

JURISDICTION

2. This court has jurisdiction over the subject matter under 28 U.S.C. §§ 2674, 1331, and 1346(b).

VENUE

3. Venue is proper within the District of Oregon because all the events giving rise to these claims occurred in this judicial district. 28 U.S.C. § 1391(b).

PARTIES

4. Plaintiff was, at all relevant times, a resident of the State of Oregon. At the time of the assault, she was 19 years old.

5. Defendant is the United States of America. All the officers referenced in this complaint were federal law enforcement officers acting within the scope of their employment. Therefore, the United States of America is the appropriate defendant. 28 U.S.C. § 2674.

FACTUAL ALLEGATIONS

6. Within days of taking office in January of 2025, President Trump began enacting an aggressive “mass deportation” policy.

7. To effectuate that policy, President Trump’s Department of Homeland Security (“DHS”) authorized a variety of federal law enforcement officers to aid Immigrations and Customs Enforcement (“ICE”) in carrying out immigration raids across the country.

8. Following the passage of the One Big Beautiful Bill Act in July 2025, with \$30 billion at its disposal for hiring and training, DHS rapidly expanded its forces. In doing so, it lowered the minimum age for agents to 18, utilized questionable recruitment strategies and lowered

screening protocols—resulting in the hiring of agents with ties to violent extremist groups—and made drastic cuts to training.

9. DHS cut 240 hours from a 584-hour training program for ICE cadets, including in critical areas such as the Constitution and legal system, firearms training, the legal standard for use of force, lawful arrest and proper detention, the limits of their authority, and the rights of protestors, which was cut from two hours to a mere ten minutes. DHS allowed agents who used excessive force in training exercises to pass.

10. These inadequately trained agents were sent across the country to raid private homes, schools, churches, and hospitals. They abducted individuals – including United States citizens and legal permanent residents – off of sidewalks and street corners, while driving unmarked cars, wearing plain clothes, and donning facial coverings to hide their identities.

11. On June 2, 2025, for the first time, federal authorities arrested an asylum-seeker at Immigration Court in Portland. Subsequently, small public protests occurred at Portland’s ICE facility, located at 4310 S. Macadam Avenue.

12. In early September, President Trump told a reporter that when he sent troops to Portland, “we’re gonna wipe them out. They’re going to be gone and they’re going to be gone fast. They won’t even stand the fight.”

13. On multiple days in September, President Trump publicly disparaged the city Portland and the protestors there, calling them “out of control” and “crazy,” claiming that they were “anarchists” and yet, inexplicably, also “professional agitators,” who were trying “every night” to “burn down buildings, including federal buildings.” President Trump claimed that these alleged activities had been happening every night for years. He thus promised to do a “pretty big number” on the “people in Portland who are doing that.”

14. On September 27, 2025, President Trump posted a message on his Truth Social account explaining that he was directing so-called “Secretary of War,” Pete Hegseth, to provide troops to protect “War ravaged Portland” from “Antifa, and other domestic terrorists” and authorizing “Full force, if necessary.”

15. On October 1, 2025, President Trump took to Truth Social once again, claiming, falsely, that “conditions [in Portland] continue to deteriorate into lawless mayhem,” that “ANTIFA and the Radical Left Anarchists have been viciously attacking our Federal Law Enforcement Officers” who “are simply doing their job,” and that “[w]e will never allow MOBS to take over our streets, burn our Cities, or destroy America.”

16. On October 2, 2025, Plaintiff was protesting outside the ICE building in Portland Oregon.

17. Plaintiff was engaged in protected speech. She was voicing her disagreement with the policies of the Defendant government.

18. Plaintiff was intentionally complying with all directives given to her or the crowd generally on the evening of October 2.

19. At around 8:40 PM, Plaintiff, complying with a directive to clear the sidewalk in front of the building, stepped back into the street.

20. Plaintiff stood in the street as directed talking to two FPS officers. These two officers bore badge numbers 1723 and 1450. All three people were simply standing still in the street.



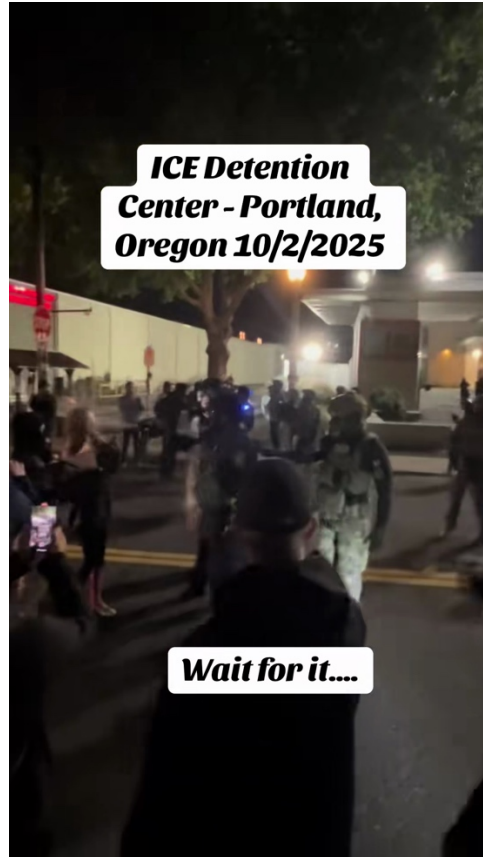
21. Neither officer nor anyone else directed Plaintiff to move from where she was.

22. Plaintiff did not threaten either officer or anyone else with her words or her conduct.

23. Plaintiff, in contrast with the Trump supporter standing two people to her right, was not armed in any way.

24. Plaintiff was voicing her objection to the treatment of a fellow protester who, in her view, had been unjustifiably assaulted by federal officers earlier.

25. Without warning or instigation, a third officer (badge number 1164) stepped between officers 1723 and 1450, raised a can of chemical irritant, and sprayed Plaintiff point blank in the face. This screenshot from a video posted on the internet, taken from the opposite perspective from the photo above, captures the moment Plaintiff is sprayed:



26. After spraying Plaintiff in the face, all three officers simply turned around and walked away, retreating back into the ICE facility.

27. Plaintiff, meanwhile, was in extreme pain. Her eyes, face, throat, and lungs felt as if they were on fire. She felt like she could not breathe and was screaming in agony.¹

28. A nearby Portland Police Bureau member was so concerned for Plaintiff's well-being that he called for an ambulance.

29. Plaintiff's throat and stomach remained irritated for several days after the assault, preventing her from eating and drinking normally.

¹ KATU News captured both the unprovoked attack and Plaintiff's screams of agony thereafter:

<https://www.youtube.com/shorts/8TKGAnE6TeU>

FIRST CAUSE OF ACTION

(FTCA - Assault)

30. Plaintiff realleges and incorporates by reference Paragraphs 1-29 above.

31. At all relevant times, FPS Officer 1164 was employed by the United States of America and was acting within the course and scope of his employment.

32. FPS Officer 1164 intentionally attempted to cause harmful or offensive physical contact to Plaintiff.

33. FPS Officer 1164 had the present ability to carry his intention to cause harmful or offensive physical contact to Plaintiff into effect.

34. As a direct result of FPS Officer 1164's actions, Plaintiff has suffered, continues to suffer, and may in the future suffer from emotional distress and physical pain.

THIRD CAUSE OF ACTION

(FTCA - Battery)

35. Plaintiff realleges and incorporates by reference Paragraphs 1-29 above.

36. At all relevant times, FPS Officer 1164 was employed by the United States of America and was acting within the course and scope of his employment.

37. FPS Officer 1164 intended to and did cause harmful or offensive physical contact to Plaintiff when he sprayed her in the face with a chemical irritant at point blank range.

38. As a direct result of FPS Officer 1164's actions, Plaintiff has suffered, continues to suffer, and may in the future suffer from emotional distress and physical pain.

PRAYER FOR RELIEF

WHEREFORE, plaintiff prays for relief as follows:

- a. For judgment in favor of Plaintiff against Defendants for noneconomic damages in the amount of \$350,000.
- b. For such other and further relief as may appear just, equitable, and appropriate.

DATED this 5th day of June, 2026.

By: s/ Jesse Merrithew
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Attorney for Plaintiff