

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION AT FRANKFORT
CASE NO. _____

NICHOLAS NGEH

PLAINTIFF

v.

COMPLAINT

MYRON JACKSON, in his individual capacity
Serve: 1250 Louisville Road
Frankfort, Kentucky 40601

DEFENDANT

INTRODUCTION

On the night of May 1, 2024, Kentucky State Police Trooper Myron Jackson pulled over Nicholas Ngeh, a Cameroonian immigrant and a naturalized United States citizen, for allegedly failing to use his turn signal when pulling into Papa Johns for his job as a DoorDash delivery driver. On this simple traffic stop, Trooper Jackson ordered Nicholas out of his car without explanation. Trooper Jackson then pulled Nicholas out of his car and arrested him for “obstructing governmental operations” because Nicholas asked “why” and froze with fear. Kentucky law is clear that a person does not obstruct governmental operations unless there is affirmative use or threat of “violence, force, or physical interference.” Trooper Jackson’s body camera showed that Nicholas did none of those things. Despite this, Trooper Jackson forcefully arrested Nicholas and took him to jail under this baseless charge.

JURISDICTION AND VENUE

1. This Complaint seeks remedies pursuant to 42 U.S.C. § 1983 for violations of Plaintiff’s First and Fourth Amendment rights as well as violations of the laws of the Commonwealth of Kentucky.
2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 and 1334.

3. Supplemental jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1367.
4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Plaintiff, Nicholas Ngeh, is a resident of Franklin County, Kentucky at all times relevant hereto.
6. Defendant, Trooper Myron Jackson, at all times relevant herein, was an employee of the Kentucky State Police.
7. At all times relevant herein, Trooper Myron Jackson acted under the color of the laws, statutes, and regulations of the Commonwealth of Kentucky.
8. All matters contained herein occurred in Franklin County, Kentucky.

FACTS

9. Nicholas Ngeh is an American citizen who recently immigrated to Kentucky from Cameroon.
10. On the evening of May 1, 2024, Nicholas was driving to Papa John's on East Main Street in Frankfort to pick up an order for his DoorDash job.
11. As Nicholas was pulling into Papa John's, Trooper Jackson pulled over Nicholas' car.
12. Trooper Jackson told Nicholas that he was being stopped for failing to use his turn signal when moving into the turning lane.
13. During the interaction, Nicholas was quiet and began gathering his documents to give to Trooper Jackson.
14. When Trooper Jackson asked Nicholas, "Where are you coming from tonight?" Nicholas responded, "I'm not answering any questions."

15. Trooper Jackson felt this was inappropriate, so he asked, “What’s the attitude for?”
16. Nicholas handed over registration and insurance to Trooper Jackson.
17. After being given the insurance, Trooper Jackson placed it back into Nicholas’ car and demanded that he exit the car.
18. Nicholas responded by asking, “Why?”
19. Trooper Jackson responded by saying, “Because I’m telling you to get out. You don’t have a choice.”
20. Nicholas did not use or threaten violence.
21. Nicholas did not use or threaten force.
22. Nicholas did not use or threaten physical interference.
23. Nicholas did not affirmatively interfere with the traffic stop.
24. Nicholas was simply seated in his car when Trooper Jackson opened the car door.
25. Trooper Jackson grabbed Nicholas and pulled him out of the car.
26. The vehicle was not in park, so when Nicholas was taken out of the car, the vehicle idled forward.
27. Trooper Jackson had to run to the car and jump in it to keep it from rolling away.
28. Trooper Jackson never asked or demanded that Nicholas put the car in park or turn it off.
29. Instead, Trooper Jackson pulled Nicholas out of the car knowing it was in drive because he was “not think[ing] it through.”
30. Trooper Jackson then told Nicholas, “If I tell you to do something you do it.”

31. Shortly after, Trooper Jackson handcuffed Nicholas and said he was being detained.
32. Trooper Jackson then asked, “Are you normally like this?” and “Are you trying to go to jail tonight?”
33. Nicholas remained silent when Trooper Jackson made these comments.
34. Nicholas was not Mirandized at this point.
35. When Trooper Jackson asked for Nicholas’ address, Nicholas told him “It’s on my ID.”
36. Immediately after this comment, Trooper Jackson announced, “You’re under arrest.”
37. Trooper Jackson charged Nicholas with violating KRS 519.020 Obstructing Governmental Operations.
38. Trooper Jackson then transported Nicholas to the Franklin County Regional Jail where he was incarcerated until he was administratively released the next day.
39. Nicholas walked miles back to his vehicle to get home.
40. When Trooper Jackson began writing the citation he wrote about concerns of intoxication.
41. However, Trooper Jackson did not conduct any field sobriety tests nor conduct a preliminary breath test on Nicholas.
42. Trooper Jackson did not have any suspicion of impaired driving and only wrote it as a pretext to justify the order to get of the car.
43. Trooper Jackson knew that the arrest for Obstructing governmental operations lacked probable cause.

44. Despite this, Trooper Jackson did not inform the prosecuting authority, or anyone else, that the arrest lacked probable cause.
45. The Obstructing Governmental Operations charge was dismissed on July 18, 2024.

COUNT I

Malicious Prosecution in Violation of the First Amendment of the United States Constitution

46. Plaintiff incorporates by reference the allegations in the preceding paragraphs of the Complaint.
47. Defendant Jackson at all times relevant hereto, was acting under the color of state law in his capacity as a law enforcement officer.
48. Defendant Jackson's actions were not in good faith and were in violation of clearly established law.
49. Defendant Jackson retaliated against Plaintiff and violated his constitutional rights by arresting him, at least in part, due to his assertion of his Fifth Amendment right to refuse to answer Trooper Jackson's questions.
50. Plaintiff was engaged in clearly protected First and Fifth Amendment conduct by refusing to answer Trooper Jackson's questions.
51. As a direct and proximate result of Defendant Jackson's conduct, Plaintiff has suffered and continues to suffer substantial past and future damages, both compensatory and general, including, but not limited to, deprivation of rights, medical bills, attorney's fees, loss of income, severe emotional distress, mental anguish, embarrassment, humiliation, and physical pain and suffering.
52. Because Defendant Jackson's actions were "motivated by evil motive or intent" and/or "involve[d] a reckless or callous indifference to the federally protected

rights of [the Plaintiff]," an award of punitive damages is appropriate to the fullest extent permitted by law. See *Smith v. Wade*, 461 U.S. 30 (1983).

COUNT II

Malicious Prosecution in Violation of the Fourth Amendment of the United States Constitution

53. Plaintiff incorporates by reference the allegations in the preceding paragraphs of the Complaint.
54. Defendant Jackson at all times relevant hereto, was acting under the color of state law in his capacity as a law enforcement officer.
55. Defendant Jackson's actions were not in good faith and were in violation of clearly established law.
56. Defendant Jackson intentionally and maliciously initiated criminal proceedings against the Plaintiff based on the arrest that occurred on May 1, 2024.
57. The criminal proceedings were dismissed in the Plaintiff's favor.
58. No probable cause existed to charge the Plaintiff with the aforementioned criminal charges.
59. As a consequence of Defendant's conduct, Plaintiff has suffered substantial mental pain and suffering, an unjustified deprivation of his liberty, and a criminal prosecution that Defendant maliciously initiated and continued. Plaintiff is entitled to recover from Defendant the actual monetary damages required to compensate him for mental pain and suffering, the loss of his liberty, and the expenses, inconvenience and distress he experienced in the course and as a consequence of his criminal prosecution.
60. As a direct and proximate result of Defendant Jackson's intentional and unlawful conduct, Plaintiff has suffered and continues to suffer substantial past and future

damages, both compensatory and general, including, but not limited to, medical bills, attorney's fees, loss of income, severe emotional distress, mental anguish, embarrassment, humiliation, and physical pain and suffering.

COUNT III

State Law Malicious Prosecution

61. Plaintiff incorporates by reference the allegations in the preceding paragraphs of the Complaint.
62. Trooper Jackson initiated, continued, and procured a criminal proceeding against Plaintiff that lacked probable cause.
63. In doing so, Trooper Jackson acted with malice or otherwise acted with such a purpose other than to bring an offender to justice.
64. The criminal proceeding terminated in Plaintiff's favor.
65. As a consequence of Defendant's conduct, Plaintiff has suffered substantial mental pain and suffering, an unjustified deprivation of his liberty, and a criminal prosecution that Defendant maliciously initiated and continued. Plaintiff is entitled to recover from Defendant the actual monetary damages required to compensate him for mental pain and suffering, the loss of his liberty, and the expenses, inconvenience and distress he experienced in the course and as a consequence of his criminal prosecution.
66. As a direct and proximate result of Defendant Jackson's intentional and unlawful conduct, Plaintiff has suffered and continues to suffer substantial past and future damages, both compensatory and general, including, but not limited to, medical bills, attorney's fees, loss of income, severe emotional distress, mental anguish, embarrassment, humiliation, and physical pain and suffering.

COUNT IV

Punitive Damages

67. Plaintiff incorporates by reference the allegations in the preceding paragraphs of the Complaint.

68. Plaintiff seeks punitive damages as to all counts and wherever permitted by law to punish Defendant and deter any repetition of the mistreatment to which Plaintiff was subjected.

WHEREFORE, the Plaintiff respectfully requests trial by jury, an award of actual and punitive damages, costs and attorney's fees pursuant to 42 U.S.C. §1988, interest on all such sums at the maximum legal rate until paid, and all other relief to which he is entitled.

Respectfully submitted,



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