

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

ELMER DEAN BINKLEY,)
)
 Plaintiff,)
)
 v.)
)
 STATE OF TENNESSEE,)
 TENNESSEE HIGHWAY PATROL,)
 ONE UNIDENTIFIED THP SUPERIOR OFFICER,)
 and PATROLMAN RYAN NICHOLS,)
)
 Defendants.)

Case No. 1:25-cv-00250

Jury Demanded

AMENDED COMPLAINT

I. INTRODUCTION

Plaintiff, Elmer Dean Binkley brings this action for damages pursuant to and authorized by, but not necessarily limited to, provisions under the Second, Fourth, Fifth, and Fourteenth Amendments to the United States Constitution and under federal law, specifically 42 U.S.C. §1983 and 1988 for willful malicious prosecution, false arrest, false imprisonment, outrageous conduct and emotional distress, and therefore Plaintiff asks this Court to exercise pendent jurisdiction over all state law claims.

This action is also properly brought against the State of Tennessee, Tennessee Highway Patrol, for its failure to properly train and supervise Defendant Tennessee Highway Patrolman Ryan Nichols in proper and appropriate police practices and procedures, which caused Plaintiff, Elmer Dean Binkley, to suffer deprivation of constitutional rights and other damages.

II. JURISDICTION AND VENUE

1. This Honorable Court has jurisdiction over the subject matter of this action pursuant

to 28 U.S.C. §1331 and §1343, and venue is proper in the United States District Court for the Eastern District of Tennessee pursuant to 28 U.S.C. §1391.

2. The causes of action set forth herein arise from acts and/or omissions committed by the Defendants within this Judicial District.

3. Upon information and belief, the individual Defendant Patrolman Ryan Nichols, resides within this judicial district. At least in part, this action is brought against the State of Tennessee, Tennessee Highway Patrol, for its failure to properly train and supervise the officer Defendant, Patrolman Ryan Nichols, in proper police practices and procedures.

III. PARTIES

4. Plaintiff, Elmer Dean Binkley, (hereinafter Plaintiff) was at all material times a citizen and resident of Tennessee, whose residence address is 2346 Old David Crockett Highway, Belvidere, Tennessee 37306.

5. The Defendant, State of Tennessee, Tennessee Highway Patrol (hereinafter Defendant THP), is a governmental entity with whom Defendant, Patrolman Ryan Nichols (hereinafter Defendant Nichols) was at all times referenced herein employed and can be served upon the Secretary of State for the State of Tennessee. The Defendant unidentified THP Superior officer as well as Defendant Nichols can be served through the Tennessee Highway Patrol office located at 4120 Cummings Highway, Chattanooga, Tennessee 37419. The unidentified Defendant Superior officer as well as Defendant Nichols were at all times material to the facts of this complaint, acting in their capacity as a THP Patrolmen employed by the State of Tennessee, and were acting under color of state law.

6. The Defendant, THP, is responsible for establishing, implementing and enforcing policies, practices, procedures, and customs used by Tennessee Highway Patrolman employed by

the State of Tennessee regarding investigations, stops and arrests for the purpose of lawful arrests.

IV. STATEMENT OF FACTS

7. On August 7, 2024, Plaintiff, Elmer Dean Binkley, a retired Franklin County, Tennessee Deputy Sheriff, was traveling Southwest on the Highway 64 connector going from Pelham toward Decherd, Tennessee.

8. Plaintiff, who is a diabetic, had applied for a Dexcom 7 transmitter through his insurance company, said devise being for purposes of detecting high and/or low blood sugar. The Plaintiff is insulin dependent. This devise was denied by his insurance company up until the incident complained of herein.

9. Plaintiff's blood sugar levels dropped exceedingly low within a very short period of time while he was driving his white SUV. As a result, Plaintiff, Elmer Dean Binkley, began to slowly swerve back and forth across the highway dividing lines ultimately leaving the road and coming to rest on the right-hand side of the highway in the service lane.

10. The Tennessee Highway Patrol was called by a traveler who viewed Plaintiff swerving on the road.

11. When THP officer Defenant Nichols arrived at the scene, he found Plaintiff, Elmer Dean Binkley, in a diabetic stupor. Plaintiff asked for sugar and trooper Nichols gave Plaintiff a piece of candy from inside Plaintiff's vehicle.

12. By the time the EMT's arrived Plaintiff's blood sugar was up to 54.

13. The EMT's, upon examination of Plaintiff, gave Plaintiff another piece of candy, further helping to revive Plaintiff. The EMT's advised Defendant Nichols that Plaintiff was suffering from a diabetic issue. Previous to the arrival of the EMT's Plaintiff told Defendant

Nichols that he was a diabetic.

14. Upon examination, no open containers were found in Plaintiff's vehicle.

15. The bodycam audio/video of a local Franklin County Deputy Sheriff who arrived on the scene recorded Defendant Nichols stating that from his training, Plaintiff portrayed a classic example of driving under the influence. The Deputy Sheriff told officer Nichols that he understood that Plaintiff suffered from diabetes. Defendant Nichols insisted on pursuing a DUI arrest.

16. Plaintiff Binkley was transported to a local hospital where blood was drawn for purposes of determining whether he was under the influence.

17. Upon information and belief, Defendant Nichols, on the advice of the Defendant unidentified superior officer, willfully and maliciously pursued a DUI prosecution of Plaintiff Binkley, even after being advised by Plaintiff, the deputy Sheriff on the scene, as well as the EMT's of the diabetic state that Plaintiff was in.

18. Plaintiff Binkley was taken from the hospital to the Franklin County Jail where he was arrested, booked and ultimately made bond.

19. Subsequently, the charges against Plaintiff were dismissed.

20. During the course of Defendant Nichols investigation at the scene he found that Plaintiff was in possession of a weapon in his vehicle. This weapon was seized. Plaintiff had to travel to Chattanooga, Tennessee, to the Tennessee Highway Patrol offices in order to retrieve his weapon sometime later.

21. Plaintiff subsequently tried to purchase a weapon during the eight (8) months following the incident and the dismissal of his charges. Plaintiff was denied his Second (2nd) Amendment right and was told by TBI that this was a result of him being arrested with a weapon. Ultimately, Plaintiff was able to have his record expunged.

22. Plaintiff avers, upon recently acquired information and belief, that the Tennessee Highway Patrol has an unwritten policy whereby THP patrol officers are rewarded for DUI arrests. Plaintiff avers that his personal case set forth herein smacks of the alleged reward system.

V. **CAUSES OF ACTION**

Count II

**Violation of Civil Rights Pursuant to Title 42 U.S.C. §1983
(General Violations)**

23. Plaintiff realleges and incorporates herein by reference the allegations of the Complaint previously set forth herein.

24. In committing the actions and omissions complained of herein, the unidentified superior officer and Defendant Nichols acted under color of state law to deprive Plaintiff of certain constitutionally protected rights under the Second, Fourth, Fifth, and Fourteenth Amendments to the Constitution of the United States, including, but not necessarily limited to:

- (a) The right to not be deprived of liberty without due process of law;
- (b) The right to not be deprived of property without due process of law;
- (c) The right to be free from false arrests;
- (d) The right to be free from prosecution without probable cause;
- (e) The right to be free from false imprisonment; and

25. In violating the rights of Plaintiff, as set forth above, Defendant Nichols acted under color of state law when he affected the unlawful and false arrest of Plaintiff on the advice of the unidentified Superior officer.

26. As a direct and proximate result of the violation of his constitutional rights by The Defendant officers, both named and unnamed, Plaintiff suffered general and special damages as alleged in this Complaint and is entitled to relief under 42 U.S.C. §1983.

27. The conduct of the Defendant officers was willful, malicious, oppressive and outrageous and was of such nature that punitive damages should be imposed in an amount commensurate with the wrongful acts alleged herein.

Count II
Violation of Civil Rights Pursuant to Title 42 U.S.C. §1983
(False Arrest)

28. Plaintiff realleges and incorporates herein by reference the allegations set forth of this Complaint.

29. In committing the acts complained of herein, the unidentified Defendant Superior officer and Defendant Nichols acted under color of state law by causing Plaintiff to be falsely and unlawfully arrested based upon false information provided in his official report, resulting in Plaintiff suffering mental and emotional injuries, as well as financial pecuniary damage.

30. In violating Plaintiff's right to be free from false arrest, said Defendants violated Plaintiff's rights under the Second, Fourth, Fifth, and Fourteenth Amendments to the Constitution of the United States.

31. As a direct and proximate result of the violation of his constitutional rights to be free from false arrest by said Defendants, Plaintiff suffered economic losses and other special damages as alleged in this Complaint and is entitled to relief under 42 U.S.C. §1983.

32. The conduct of these Defendants was willful, malicious, oppressive and/or reckless and was of such nature that punitive damages should be imposed in an amount commensurate with the wrongful acts alleged herein.

Count III
Violation of Civil Rights Pursuant to Title 42 U.S.C. §1983
(False Imprisonment)

33. Plaintiff realleges and incorporates herein by reference the allegations set forth of

this Complaint.

34. In violating Plaintiff's right to be free from false imprisonment, the unidentified Defendant Superior officer, and Defendant Nichols violated his rights under the Fourth, Fifth, and Fourteenth Amendments to the Constitution of the United States.

35. As a direct and proximate result of the violation of his constitutional right to be free from unlawful detention/false arrest by Defendant Nichols at the direction of the unnamed Defendant Superior officer, Plaintiff suffered economic losses and other special damages as alleged in this Complaint and is entitled to relief under 42 U.S.C. §1983.

36. The conduct of said Defendants was willful, malicious, oppressive and outrageous and was of such nature that punitive damages should be imposed in an amount commensurate with the wrongful acts alleged herein.

Count IV
Violation of Civil Rights Pursuant to Title 42 U.S.C. §1983
(Malicious Prosecution)

37. Plaintiff realleges and incorporates herein by reference the allegations set forth of this Complaint.

38. In committing the acts complained of herein, the unidentified Defendant Superior officer and Defendant Nichols acted under color of state law by maliciously, wantonly, recklessly, wrongfully and outrageously conducting a prosecution of Plaintiff based upon false information provided on official documents. This malicious, wanton, reckless, wrongful and outrageous prosecution led to Plaintiff's unlawful detention.

39. As a result of the false arrest resulting from the false information provided by Defendant Nichols, at the direction of the unnamed Defendant, Plaintiff was unlawfully and maliciously prosecuted for the criminal offense of driving under the influence without probable

cause in violation of the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution. Plaintiff suffered a deprivation of liberty without probable cause.

40. As is described herein, the underlying malicious prosecution against Plaintiff that forms the basis of this case has been resolved in Plaintiff's favor. The General Sessions Court of Franklin County, Tennessee at Winchester, acknowledged Plaintiff's innocence and ordered a dismissal of the charge brought against him.

41. As a direct and proximate result of the violation of his constitutional right to be free from malicious prosecution without probable cause by said Defendants, Plaintiff suffered economic losses and other special damages as alleged in this Complaint and is entitled to relief under 42 U.S.C. §1983.

42. The conduct of said Defendants was willful, malicious, oppressive and/or reckless and was of such nature that punitive damages should be imposed in an amount commensurate with the wrongful acts alleged herein.

Count V
Violation of Civil Rights Pursuant to Title 42 U.S.C. §1983
(Failure to Implement Appropriate Policies, Customs and Practices)

43. Plaintiff realleges and incorporates herein by reference the allegations set forth of this Complaint previously herein.

44. Defendant THP, and the Defendant State of Tennessee implicitly or explicitly failed to adopt and implement policies, customs or practices to ensure that employees and officers of THP are properly trained in the use of appropriate police practices and procedures.

45. Defendant THP implicitly or explicitly failed to adopt and implement policies, customs or practices or failed to see that the proper policies, customs or practices for affecting a lawful arrest were followed by employees and officers of THP to prevent members of the public

like Plaintiff from being wrongfully and outrageously arrested and prosecuted. Further, said Defendants failed, implicitly or explicitly, to instruct employees and officers of THP that their job is to serve the public, of which Plaintiff is a member.

46. The failure of Defendants THP and the State of Tennessee to adequately train and supervise the unidentified Defendant Superior officer as well as Defendant Nichols amounts to deliberate indifference to the rights of Plaintiff to be free from unreasonable seizure and unlawful arrest without due process under the Fourth, and Fourteenth Amendments to the Constitution of the United States. Further, the failure of these Defendants to prevent and/or irradiate the reward system within THP based upon THP officer's number of DUI arrests, leading upon information and belief, to rewards of special overtime hours, new patrol vehicles and promotions, represents deliberate indifference to the rights of Plaintiff and the general public at large.

47. As a direct and proximate result of the violation of his constitutional rights by the Defendants, Plaintiff suffered general and special damages as alleged in this Complaint and is entitled to relief under 42 U.S.C. §1983.

48. The conduct of the unidentified individual Defendants was willful, malicious, oppressive and outrageous and was of such nature that punitive damages should be imposed in an amount commensurate with the wrongful acts alleged herein.

COUNT VI
MALICIOUS PROSECUTION

49. Plaintiff incorporates fully all averments stated previously in his Complaint as if fully set out herein and avers that such actions and/or admissions as delineated herein on the part of the unnamed Defendant Superior officer, and Defendant Nichols constitutes a malicious prosecution of the plaintiff in violation of the common law of the State of Tennessee.

COUNT VII
FALSE ARREST AND FALSE IMPRISONMENT

50. Plaintiff incorporates fully all averments previously stated in his Complaint as if fully set out herein and avers that such actions and/or omissions on the part of the individual Defendant officers constitute a false arrest and false imprisonment of the Plaintiff in violation of the common law of the State of Tennessee.

COUNT VIII
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

51. Plaintiff incorporates fully all averments previously stated in his Complaint as if fully set out herein and avers that such negligent actions and/or admissions as exemplified on the part of the individual Defendant officers caused the infliction of emotional distress upon the plaintiff and said acts were in violation of the common law of the State of Tennessee.

DAMAGES

52. The individual Defendant officers acted under color of law in their official capacities, to deprive Plaintiff of his right to freedom from unlawful arrest, unlawful detention, and malicious prosecution. All of these rights are secured to Plaintiff by the Fourth, Fifth and Fourteen Amendments to the Constitution of the United States and by 42 U.S.C. §§1983 and 1988.

53. Since the time of Plaintiff's unlawful false arrest and detention by Defendant Nichols, at the direction of the unidentified Defendant Superior officer, his ability to perform and enjoy his usual activities, including family and work-related activities, has been impaired. In addition, Plaintiff suffers from emotional distress and mental anguish affecting his psychological well-being as a result of the trauma of his outrageous illegal arrest, detention and prosecution.

54. As a direct and proximate result of the intentional and/or negligent acts of all of the Defendants, Plaintiff suffers from mental and emotional injury that otherwise would not have

occurred.

55. As a further direct and proximate result of the intentional and/or negligent acts of all of the Defendants, Plaintiff suffered economic losses as outlined herein.

56. Plaintiff is entitled to compensation for the constitutional harms that the Defendants inflicted upon him, including injuries sustained as a result of his loss of liberty, loss of property, or the use thereof.

57. The conduct of the Defendants was willful, malicious, oppressive and/or reckless, and in the instance of the unidentified Defendant superior officer and Defendant Nichols, outrageous, and was of such a nature that punitive damages should be imposed in an amount commensurate with the wrongful acts alleged herein.

PRAYER FOR RELIEF

WHEREFORE, the above premises considered, Elmer Dean Binkley, respectfully requests:

1. That process issue to the all Defendants and they be required to answer within the time allowed by law;
2. That judgment be rendered in favor of Elmer Dean Binkley, and against the Defendants on all causes of action asserted herein;
3. That Elmer Dean Binkley be awarded those damages to which it may appear he is entitled by the proof submitted in this cause for his false arrest and malicious prosecution resulting in mental pain and suffering, both past, present and future; loss of enjoyment of life; public embarrassment and loss of personality; in the amount of \$250,000.00;
4. That Elmer Dean Binkley be awarded punitive damages in a like amount against the Defendants.

5. That Plaintiff, Elmer Dean Binkley, be awarded reasonable expenses incurred in this litigation, including reasonable attorney and expert fees, pursuant to 42 U.S.C. §1988 (b) and (c);

6. That Plaintiff, Elmer Dean Binkley, receive any further and general relief to which it may appear he is entitled; and

7. A jury for the trial of this matter.

/s:/Russell L. Leonard

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CERTIFICATE OF SERVICE

I hereby certify that on October 24th 2025, a copy of the foregoing Complaint was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by U.S. Mail. Parties may access this filing through the Court's electronic filing system.

/s:/Russell L. Leonard

RUSSELL L. LEONARD