

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JULIAN ROQUE,

Plaintiff,

V.

**CITY OF AUSTIN,
AUSTIN POLICE DEPARTMENT,
THE SOHO LOUNGE LLC AND
JOHN DOE OFFICERS
1-10**

Defendants.

Civil Action No. 1:25-cv-02025

Jury Requested

PLAINTIFF'S ORIGINAL COMPLAINT AND JURY DEMAND

3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343(a)(3) as this action arises under the Constitution and laws of the United States.
4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because the events giving rise to this action occurred in Austin, Travis County, Texas, within this judicial district.

III. PARTIES

5. Plaintiff JULIAN ROQUE is a 24-year-old female who, at all times relevant hereto, was a resident of Harris County, Texas.
6. Defendant CITY OF AUSTIN is a municipal corporation organized and existing under the laws of the State of Texas. At all times relevant hereto, the City of Austin was responsible for the policies, practices, customs, and training of the Austin Police Department ("APD").
7. Defendant AUSTIN POLICE DEPARTMENT is a law enforcement agency of the City of Austin, Texas, responsible for police services within the city limits.
8. Defendant THE SOHO LOUNGE LLC is a business entity operating a nightclub located on 6th Street in Austin, Texas. Upon information and belief, THE SOHO LOUNGE LLC is organized and existing under the laws of the State of Texas and conducts business in Travis County, Texas.
9. Defendants JOHN DOE OFFICERS 1-10 are Austin Police Department officers whose true names are currently unknown to Plaintiff but will be determined through discovery. At all times relevant hereto, these officers were acting under color of state law and within the scope of their employment with the City of Austin.

IV. FACTUAL ALLEGATIONS

A. The Incident

10. On or about December 16, 2023, at approximately 12:00AM. Plaintiff JULIAN ROQUE was lawfully present as a patron inside THE SOHO LOUNGE LLC, located on 6th Street in Austin, Texas, waiting to gain entry to the establishment.
11. At said time and place, an employee of THE SOHO LOUNGE LLC encountered a customer and refused entry to the establishment because the employee assumed the would-be customer possessed a weapon.
12. The SOHO LOUNGE LLC employee called the Austin Police Department to report the incident involving the would-be customer.
13. APD officers responded to the scene and confronted the customer who was standing outside the establishment on the public sidewalk.
14. The area was crowded with members of the public and bar patrons, including Plaintiff JULIAN ROQUE, who posed no threat to the officers or anyone else and were lawfully present on the public sidewalk.
15. Despite the presence of innocent bystanders in the immediate vicinity, including Plaintiff, the Defendant Officers failed to secure the area or take reasonable steps to protect bystanders before confronting the individual.
16. The situation escalated to a point where the Defendant Officers discharged their weapons by firing at the would-be customer.
17. Without regard for the safety of innocent bystanders, including Plaintiff, the Defendant Officers opened fire in the crowded area.
18. As a direct and proximate result of Defendants' actions, Plaintiff JULIAN ROQUE was struck in the left leg by a bullet, causing permanent damage to his left leg.

19. The Defendant Officers' decision to use deadly force in a crowded area with numerous innocent bystanders present was objectively unreasonable under the circumstances.
20. THE SOHO LOUNGE LLC's actions in calling police based on an unfounded assumption about a customer possessing a weapon, without reasonable basis, contributed to the escalation that resulted in Plaintiff's injuries.
21. THE SOHO LOUNGE LLC, despite believing a dangerous condition existed that warranted police intervention, failed to warn or protect the numerous innocent bystanders, including Plaintiff JULIAN ROQUE, who were waiting in line outside the establishment.
22. THE SOHO LOUNGE LLC had actual knowledge of the crowded conditions on the sidewalk adjacent to its establishment and the presence of prospective customers, including Plaintiff, yet failed to take any reasonable steps to ensure their safety before or after calling police.
23. THE SOHO LOUNGE LLC employees were in a position to observe the escalating situation and the arrival of armed police officers, yet failed to warn customers or direct them to safety.

B. Constitutional Violations

24. The Defendant Officers' conduct violated Plaintiff's rights under the Fourth Amendment to be free from unreasonable seizure and excessive force.
25. The Defendant Officers' conduct violated Plaintiff's rights under the Fourteenth Amendment to substantive due process and equal protection under the law.
26. At the time of the incident, it was clearly established that law enforcement officers cannot use excessive force or act with deliberate indifference to the safety of innocent bystanders.

C. Municipal Liability - Policies, Practices, and Customs

27. Defendant City of Austin, through the Austin Police Department, maintained policies, practices, and customs that caused or contributed to the constitutional violations alleged herein.

28. Upon information and belief, the City of Austin failed to adequately train APD officers regarding:

- a. The proper use of force in crowded public areas;
- b. De-escalation techniques;
- c. Crowd control and bystander safety protocols;
- d. Constitutional limitations on the use of deadly force.

29. Upon information and belief, the City of Austin has a custom or practice of tolerating excessive force by its officers and failing to discipline officers who endanger innocent bystanders.

D. Pattern of Constitutional Violations

30. The incident involving Plaintiff was not an isolated occurrence, but rather part of a pattern of excessive force and constitutional violations by APD officers that demonstrates the City's deliberate indifference to citizens' constitutional rights.

31. Upon information and belief, APD officers have been involved in numerous incidents of excessive force and endangerment of innocent bystanders, including but not limited to:

a. **Jason Roque (May 2, 2017):** On May 2, 2017, Jason Roque, a Hispanic twenty-year-old man, was shot and killed by APD officer James Harvel. The APD officer was responding to a 911 call regarding Mr. Roque's mental health and observed Mr. Roque standing in the street with a BB gun. Like Ms. Roque, the APD officer opened fire against Mr. Roque less than a second after he ordered Mr. Roque to "put the gun down," and while Mr. Roque had not aimed the BB gun at any other

person. Again, like Ms. Roque, Mr. Roque dropped the BB gun, complying with the police command, but was shot by the APD officer an additional two times. Mr. Roque subsequently died from the APD officer's gunshots in front of his mother. Mr. Roque's family subsequently sued the City Defendant and the APD officer who fatally shot Mr. Roque. The City Defendant settled the lawsuit with Mr. Roque's family for \$2.25 million.

b. Landon Nobles (May 7, 2017): On May 7, 2017, Landon Nobles, a twenty-four-year-old Black man, was shot in the back and killed by APD officers Richard Egal and Maxwell Johnson outside a bar on East Sixth Street. Like Ms. Roque, the APD officers approached Mr. Nobles after a gunshot was fired. However, Mr. Nobles was unarmed. Mr. Nobles then ran down the street before another APD officer tripped him with a bicycle. Mr. Nobles fell to the ground on his stomach. The APD officers proceeded to open fire against Mr. Nobles as he was on the ground and posed no immediate threat of serious or significant harm. The City Defendant ultimately settled a lawsuit with Mr. Noble's family for \$3.3 million.

c. Mauris Nishanga DeSilva (July 26, 2019): On July 26, 2019, APD officers Karl Krycia and Christopher Taylor shot and killed Mauris Nishanga DeSilva, a forty-six-year-old Sri Lankan neuroscientist, as he was experiencing a mental health crisis. The APD officers were called to respond to the mental health crisis and approached Dr. DeSilva as he stood over ten feet away from them in a hallway. At that time, Dr. DeSilva turned towards the officers, holding a knife to his own throat. The APD officers then ordered Dr. DeSilva to drop the knife. Dr. DeSilva proceeded to bring the knife down to his side. Like Ms. Roque, Dr. DeSilva was not given an opportunity to drop the knife as the APD officers immediately opened fire despite Dr. DeSilva posing no immediate threat of serious and significant harm to the officers who stood ten feet away.

The APD officers involved were later indicted for first-degree murder. Krycia is awaiting trial. Taylor was convicted for deadly conduct on October 5, 2024.

d. Michael Ramos (April 24, 2020): On April 24, 2020, Michael Ramos, a forty-two-year-old Black man, was fatally shot by APD Officer Christopher Taylor in the parking lot of an apartment building. Officer Taylor is the same APD officer who killed Dr. DeSilva. Before the fatal shooting, Mr. Ramos exited his vehicle with his hands up in the air and was visibly unarmed. Despite the absence of any immediate threat of serious or significant harm, APD officers aimed their firearms at Mr. Ramos.

32. These incidents demonstrate a pattern of: a. Using deadly force without sufficient justification or immediate threat; b. Failing to allow subjects reasonable time to comply with commands; c. Shooting individuals who are complying with police commands or pose no threat; d. Inadequate de-escalation training and implementation; e. Disproportionate use of force against minorities and individuals in mental health crisis; f. Repeated involvement of the same officers (such as Officer Christopher Taylor) in multiple fatal shootings.
33. The City of Austin's payment of substantial settlements totaling at least \$5.55 million in the Roque and Nobles cases alone demonstrates the City's knowledge of constitutional violations by its officers.
34. Despite knowledge of these fatal incidents, criminal indictments of officers, and multi-million dollar settlements, the City of Austin failed to implement adequate policies, training, or disciplinary measures to prevent future violations.

35. The fact that Officer Christopher Taylor was involved in multiple fatal shootings (DeSilva and Ramos) and was allowed to remain on duty demonstrates the City's deliberate indifference to constitutional violations and public safety.
36. The City of Austin's deliberate indifference to this pattern of constitutional violations demonstrates that its policies, practices, customs, and/or failures were the moving force behind the violation of Plaintiff's constitutional rights.
37. The City of Austin's failure to properly train, supervise, and discipline its officers, despite notice of repeated constitutional violations, demonstrated deliberate indifference to the constitutional rights of citizens.

V. CAUSES OF ACTION

COUNT I - 42 U.S.C. § 1983 - Fourth Amendment Excessive Force (Against Individual Officers)

38. Plaintiff incorporates by reference all preceding paragraphs.
39. The Defendant Officers, acting under color of state law, used excessive force against Plaintiff in violation of the Fourth Amendment to the United States Constitution.
40. The Defendant Officers' use of deadly force in a crowded area with innocent bystanders present was objectively unreasonable under the circumstances.
41. As a direct and proximate result of Defendants' conduct, Plaintiff suffered significant physical, emotional, and economic damages.

COUNT II - 42 U.S.C. § 1983 - Fourteenth Amendment Substantive Due Process (Against Individual Officers)

42. Plaintiff incorporates by reference all preceding paragraphs.

43. The Defendant Officers' conduct shocked the conscience and violated Plaintiff's substantive due process rights under the Fourteenth Amendment.

44. The Defendant Officers acted with deliberate indifference to Plaintiff's safety and constitutional rights.

COUNT III - 42 U.S.C. § 1983 - Municipal Liability (Against City of Austin)

45. Plaintiff incorporates by reference all preceding paragraphs.

46. The City of Austin, through its policies, practices, customs, and/or deliberate indifference, violated Plaintiff's constitutional rights.

47. The City of Austin's failure to adequately train, supervise, and discipline APD officers was the moving force behind the constitutional violations.

48. The City of Austin maintained customs and practices that encouraged or condoned constitutional violations by its officers.

COUNT IV - Negligence Under Texas Tort Claims Act (Against City of Austin)

49. Plaintiff incorporates by reference all preceding paragraphs.

50. This Court has supplemental jurisdiction over this state law claim pursuant to 28 U.S.C. § 1367.

51. The City of Austin waived governmental immunity for this claim under Chapter 101 of the Texas Civil Practice and Remedies Code (Texas Tort Claims Act).

52. At all times relevant hereto, the Defendant Officers were employees of the City of Austin acting within the scope of their employment.

53. The City of Austin, through its employees, owed Plaintiff a duty to exercise ordinary care in the use of force and to refrain from conduct that would foreseeably endanger innocent bystanders.

54. The City of Austin, through its officers, breached this duty by:

- e. Failing to secure the area before confronting an armed individual;
- f. Using deadly force in a crowded area with numerous innocent bystanders present;
- g. Failing to consider the safety of innocent bystanders before taking action;
- d. Acting in a manner that created an unreasonable risk of harm to members of the public.

55. The City of Austin's breach of duty was a proximate cause of Plaintiff's injuries and damages.

56. The City of Austin's liability is limited to monetary damages as provided by the Texas Tort Claims Act, and Plaintiff seeks damages within such statutory limits.

COUNT V - Assault Under Texas Law (Against Individual Officers)

57. Plaintiff incorporates by reference all preceding paragraphs.

58. This Court has supplemental jurisdiction over this state law claim pursuant to 28 U.S.C. § 1367.

59. The Defendant Officers intentionally caused Plaintiff to be placed in imminent apprehension of harmful or offensive contact by discharging firearms in Plaintiff's immediate vicinity.

60. Alternatively, the Defendant Officers intentionally caused harmful or offensive contact with Plaintiff through their use of deadly force in a crowded area.

61. The Defendant Officers' conduct constituted assault under Texas law.

62. The Defendant Officers acted with malice and/or gross negligence, justifying an award of exemplary damages under Texas Civil Practice and Remedies Code Chapter 41.

63. As a direct and proximate result, Plaintiff suffered the damages alleged herein.

COUNT VI - Alternative Negligence Claim

65. Plaintiff incorporates by reference all preceding paragraphs.

66. This Court has supplemental jurisdiction over this state law claim pursuant to 28 U.S.C. § 1367.

67. In the alternative, if the Defendant Officers' conduct does not constitute intentional conduct, they were negligent in their actions.

68. The Defendant Officers owed Plaintiff a duty to exercise reasonable care in the performance of their law enforcement duties.

69. The Defendant Officers breached this duty by using deadly force in a manner and location that created an unreasonable risk of harm to innocent bystanders, including Plaintiff.

70. The Defendant Officers' negligence was a proximate cause of Plaintiff's injuries and damages.

71. Plaintiff incorporates by reference all preceding paragraphs.

72. This Court has supplemental jurisdiction over this state law claim pursuant to 28 U.S.C. § 1367.

73. THE SOHO LOUNGE LLC owed Plaintiff and other members of the public a duty to exercise reasonable care in its operations and to refrain from conduct that would foreseeably endanger innocent bystanders.

74. THE SOHO LOUNGE LLC breached this duty by: a. Making unfounded assumptions about a customer possessing a weapon without reasonable basis; b. Calling police based on speculation rather than actual observation of criminal activity; c. Failing to attempt reasonable de-

escalation or alternative measures before involving law enforcement; d. Creating or contributing to a dangerous situation that foreseeably could result in harm to innocent bystanders.

75. THE SOHO LOUNGE LLC's breach of duty was a proximate cause of the police response and subsequent shooting that injured Plaintiff.

76. THE SOHO LOUNGE LLC knew or should have known that calling police based on unfounded suspicions could lead to an escalated confrontation that would endanger innocent bystanders in the crowded area.

COUNT VII - Premises Liability (Against THE SOHO LOUNGE LLC)

77. Plaintiff incorporates by reference all preceding paragraphs.

78. This Court has supplemental jurisdiction over this state law claim pursuant to 28 U.S.C. § 1367.

79. THE SOHO LOUNGE LLC, as the operator of a business establishment, owed Plaintiff and other prospective customers a duty to maintain reasonably safe premises and approaches to its establishment, and to warn of or protect against known dangerous conditions.

80. THE SOHO LOUNGE LLC breached this duty by:

- h. Creating or contributing to a dangerous condition on or near its premises;
- i. Failing to warn prospective customers, including Plaintiff, of the dangerous condition they believed warranted police intervention;
- j. Failing to take reasonable steps to protect customers waiting in line outside the establishment;
- k. Allowing customers to remain in harm's way despite knowing of the potential danger;

1. Failing to direct customers to safety or clear the area before or during the police response.

81. THE SOHO LOUNGE LLC had actual or constructive knowledge of the dangerous condition, as evidenced by their decision to call police, yet failed to warn or protect the innocent bystanders who were lawfully present on the public sidewalk adjacent to its establishment.

82. THE SOHO LOUNGE LLC's actions and omissions created an unreasonably dangerous condition for prospective customers and other members of the public, including Plaintiff.

83. As a direct and proximate result of THE SOHO LOUNGE LLC's breach of its duty, Plaintiff suffered the injuries and damages alleged herein.

VI. COMPLIANCE WITH TEXAS TORT CLAIMS ACT

84. Plaintiff provided proper notice to the City of Austin as required by Texas Civil Practice and Remedies Code § 101.101 by United States Postal Mail via Certified Letter, Tracking No. 9589 0710 5270 0500 5576 36 and by email correspondence to lawclaims@austintexas.gov.

85. At least six months have elapsed since Plaintiff JULIAN ROQUE provided the required notice to the City of Austin.

86. Plaintiff's claims against the City of Austin are brought within the two-year statute of limitations provided by the Texas Tort Claims Act.

87. As a direct and proximate result of Defendants' conduct, has suffered and continues to suffer:

- a. Emotional distress
- b. Loss of his ability to fully participate in activities
- c. Loss of consortium, companionship, and society.

VII. DAMAGES

88. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered and continues to suffer:

- a. Permanent damages to his left leg;
- b. Physical pain and suffering;
- c. Mental anguish and emotional distress;
- d. Medical expenses, both past and future;
- e. Lost wages and diminished earning capacity;
- f. Permanent disability and disfigurement;
- g. Loss of enjoyment of life;
- h. Need for ongoing medical care and adaptive equipment.

89. Defendants' conduct was willful, wanton, and malicious, justifying an award of punitive damages against the individual Defendants under federal law.

90. The individual Defendants' conduct constituted malice and/or gross negligence under Texas law, justifying an award of exemplary damages pursuant to Texas Civil Practice and Remedies Code Chapter 41.

91. Plaintiff's damages against the City of Austin exceed \$1,000,000.00.

VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff JULIAN ROQUE respectfully requests that this Court:

- A. Assume jurisdiction over this matter;
- B. Award Plaintiff compensatory damages in an amount to be determined at trial, subject to the statutory caps under the Texas Tort Claims Act as to claims against the City of Austin;
- C. Award Plaintiff punitive damages against the individual Defendants under federal law;

- D. Award Plaintiff exemplary damages against the individual Defendants under Texas law;
- E. Award Plaintiff reasonable attorneys' fees and costs pursuant to 42 U.S.C. § 1988;
- F. Grant such other and further relief as this Court deems just and proper.
- G. Award compensatory damages for loss of consortium;

IX. JURY DEMAND

Plaintiff JULIAN ROQUE hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

THE COX PRADIA LAW FIRM

/s/:Jonathan H. Cox

Jonathan H. Cox

State Bar No. 24007047

Federal Bar No. 28983

Jhc@coxpradialaw.com

eservejhc@coxpradialaw.com

Troy J. Pradia

State Bar No. 24011945

2402 Rosedale St.

Houston, TX 77004

Telephone: (713) 739.0402

Facsimile: (713) 752.2812

tjp@coxpradialaw.com

eservetjp@coxpradialaw.com

ATTORNEYS FOR PLAINTIFF

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

Julian Roque

(b) County of Residence of First Listed Plaintiff Harris County

(EXCEPT IN U.S. PLAINTIFF CASES)

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

Jonathan H. Cox and Troy J. Pradia

The Cox Pradia Law Firm

2402 Rosedale St., Houston TX 77004. P:713.752.2300

DEFENDANTS

City of Austin,

Austin Police Department, The Shoho Lounge LLC and John Doe
Officers 1-10County of Residence of First Listed Defendant Travis County

(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 | ☒ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☒ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 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
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☒ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 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 ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 198

Brief description of cause:

APD used excessive and unreasonable force in a crowded public area, endangering Plaintiff

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

5,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

12/10/2025

SIGNATURE OF ATTORNEY OF REC

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Texas

JULIAN ROQUE

Plaintiff(s)

v.

CITY OF AUSTIN, AUSTIN POLICE DEPARTMENT,
THE SHOHO LOUNGE LLC AND JOHN DOE
OFFICERS 1-10

Defendant(s)

Civil Action No. 1:25-cv-02025

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* City of Austin, Austin Police Department And John Doe Officers 1-10
The Office of the City Clerk, Austin City Hall, 301 W. Second St., Austin, TX 78701

The Shoho Lounge LLC
Brandon RK Burleson
1211 Mountain View Drive
San Marco, TX 78666

A lawsuit has been filed against you.

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: Jonathan H. Cox and Troy J. Pradia
The Cox Pradia Law Firm
2402 Rosedale St.
Houston, TX 77004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT, PHILIP J. DEVLIN

Date: _____

Signature of Clerk or Deputy Clerk



Civil Action No. 1:25-cv-02025

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)* _____
 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:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Texas

JULIAN ROQUE

Plaintiff(s)

v.

CITY OF AUSTIN, AUSTIN POLICE DEPARTMENT,
THE SHOHO LOUNGE LLC AND JOHN DOE
OFFICERS 1-10

Defendant(s)

Civil Action No. 1:25-cv-02025

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* City of Austin, Austin Police Department And John Doe Officers 1-10
The Office of the City Clerk, Austin City Hall, 301 W. Second St., Austin, TX 78701

The Shoho Lounge LLC
Brandon RK Burleson
1211 Mountain View Drive
San Marco, TX 78666

A lawsuit has been filed against you.

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: Jonathan H. Cox and Troy J. Pradia
The Cox Pradia Law Firm
2402 Rosedale St.
Houston, TX 77004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT, PHILIP J. DEVLIN

Date: _____

Signature of Clerk or Deputy Clerk



Civil Action No. 1:25-cv-02025

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)* _____
 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 _____ .

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:

United States District Court
Western District of Texas
Austin
Deficiency Notice

To: Cox, Jonathan H.
From: Court Operations Department, Western District of Texas
Date: Friday, December 12 2025
Re: 01:25-CV-02025-RP / Doc # 1 / Filed On: 12/10/2025

Pursuant to the Administrative Policies and Procedures for Electronic Filing in Civil and Criminal Cases, the following pleading has been filed. However, it is deficient in the area(s) checked below. Please correct the deficiency(ies), as noted below, and re-file document IMMEDIATELY. When re-filing document, other than a motion, please ensure you add 'corrected' to the docket text. If the document you are re-filing is a motion, select 'corrected' from the drop-down list.

If an erroneous filing results in failure to meet a deadline, you will need to seek relief, for any default, from the presiding judge.

The requested summons cannot be issued because you listed multiple defendants on the same summons. Each defendant is issued a separate summons. Please resubmit your request with one summons per defendant. You may include multiple summonses within a single PDF document/request.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Texas

JULIAN ROQUE

Plaintiff(s)

v.

CITY OF AUSTIN, AUSTIN POLICE DEPARTMENT,
THE SHOHO LOUNGE LLC AND JOHN DOE
OFFICERS 1-10

Defendant(s)

Civil Action No. 1:25-cv-02025

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* City of Austin, Austin Police Department And John Doe Officers 1-10
The Office of the City Clerk, Austin City Hall, 301 W. Second St., Austin, TX 78701

The Shoho Lounge LLC
Brandon RK Burleson
1211 Mountain View Drive
San Marco, TX 78666

A lawsuit has been filed against you.

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: Jonathan H. Cox and Troy J. Pradia
The Cox Pradia Law Firm
2402 Rosedale St.
Houston, TX 77004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT, PHILIP J. DEVLIN

Date: _____

Signature of Clerk or Deputy Clerk



Civil Action No. 1:25-cv-02025

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)* _____
 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 _____.

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:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Texas

JULIAN ROQUE

Plaintiff(s)

v.

CITY OF AUSTIN, AUSTIN POLICE DEPARTMENT,
THE SHOHO LOUNGE LLC AND JOHN DOE
OFFICERS 1-10

Defendant(s)

Civil Action No. 1:25-cv-02025

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* City of Austin, Austin Police Department And John Doe Officers 1-10
The Office of the City Clerk, Austin City Hall, 301 W. Second St., Austin, TX 78701

The Shoho Lounge LLC
Brandon RK Burleson
1211 Mountain View Drive
San Marco, TX 78666

A lawsuit has been filed against you.

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: Jonathan H. Cox and Troy J. Pradia
The Cox Pradia Law Firm
2402 Rosedale St.
Houston, TX 77004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT, PHILIP J. DEVLIN

Date: _____

Signature of Clerk or Deputy Clerk



Civil Action No. 1:25-cv-02025

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)* _____
 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 _____.

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:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Texas

JULIAN ROQUE

Plaintiff(s)

v.

CITY OF AUSTIN, AUSTIN POLICE DEPARTMENT,
THE SHOHO LOUNGE LLC AND JOHN DOE
OFFICERS 1-10

Defendant(s)

Civil Action No. 1:25-cv-02025

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* City of Austin, Austin Police Department And John Doe Officers 1-10
The Office of the City Clerk, Austin City Hall, 301 W. Second St., Austin, TX 78701

The Shoho Lounge LLC
Brandon RK Burleson
1211 Mountain View Drive
San Marco, TX 78666

A lawsuit has been filed against you.

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: Jonathan H. Cox and Troy J. Pradia
The Cox Pradia Law Firm
2402 Rosedale St.
Houston, TX 77004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT, PHILIP J. DEVLIN

Date: _____

Signature of Clerk or Deputy Clerk



Civil Action No. 1:25-cv-02025

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)* _____
 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 _____ .

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:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Texas

JULIAN ROQUE

Plaintiff(s)

v.

CITY OF AUSTIN, AUSTIN POLICE DEPARTMENT,
THE SHOHO LOUNGE LLC AND JOHN DOE
OFFICERS 1-10

Defendant(s)

Civil Action No. 1:25-cv-02025

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* City of Austin, Austin Police Department And John Doe Officers 1-10
The Office of the City Clerk, Austin City Hall, 301 W. Second St., Austin, TX 78701

The Shoho Lounge LLC
Brandon RK Burleson
1211 Mountain View Drive
San Marco, TX 78666

A lawsuit has been filed against you.

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: Jonathan H. Cox and Troy J. Pradia
The Cox Pradia Law Firm
2402 Rosedale St.
Houston, TX 77004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT, PHILIP J. DEVLIN

Date: _____

Signature of Clerk or Deputy Clerk



Civil Action No. 1:25-cv-02025

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)* _____
 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 _____.

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:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Texas

JULIAN ROQUE

Plaintiff(s)

v.

CITY OF AUSTIN, AUSTIN POLICE DEPARTMENT,
THE SHOHO LOUNGE LLC AND JOHN DOE
OFFICERS 1-10

Defendant(s)

Civil Action No. 1:25-cv-02025

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* City of Austin, Austin Police Department And John Doe Officers 1-10
The Office of the City Clerk, Austin City Hall, 301 W. Second St., Austin, TX 78701

The Shoho Lounge LLC
Brandon RK Burleson
1211 Mountain View Drive
San Marco, TX 78666

A lawsuit has been filed against you.

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: Jonathan H. Cox and Troy J. Pradia
The Cox Pradia Law Firm
2402 Rosedale St.
Houston, TX 77004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT, PHILIP J. DEVLIN

Date: _____

Signature of Clerk or Deputy Clerk



Civil Action No. 1:25-cv-02025

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)* _____
 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 _____ .

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:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Texas

JULIAN ROQUE

Plaintiff(s)

v.

CITY OF AUSTIN, AUSTIN POLICE DEPARTMENT,
THE SOHO LOUNGE LLC AND JOHN DOE
OFFICERS 1-10

Defendant(s)

Civil Action No. 1:25-cv-02025-RP

DOC RECEIVED AT
MAR 19 '26 AM 10:59

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) John Doe Officers 1-10
The Office of the City Clerk, Austin City Hall, 301 W. Second St., Austin, TX 78701

A lawsuit has been filed against you.

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:

Jonathan H. Cox and Troy J. Pradia
The Cox Pradia Law Firm
2402 Rosedale St.
Houston, TX 77004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 12/19/2025



CLERK OF COURT, PHILIP J. DEVLIN

Philip J. Devlin

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 1:25-cv-02025-RP

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)* _____
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:

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JULIAN ROQUE,

Plaintiff,

v.

CITY OF AUSTIN, AUSTIN POLICE
DEPARTMENT, THE SOHO LOUNGE,
LLC, and JOHN DOE OFFICERS 1–10,

Defendants.

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1:25-CV-2025-RP

ORDER

On December 10, 2025, Plaintiff Julian Roque (“Plaintiff”) filed his Complaint in this action. (Compl., Dkt. 1). The Court issued Summonses as to Defendants John Doe Officers 1–10 and The Soho Lounge LLC on December 19, 2025.¹ (Summonses, Dkt. 9). Though Plaintiff also requested issuances of summons for Defendants City of Austin and Austin Police Department, (Dkt. 6), the Clerk of Court entered a deficiency notice, as multiple defendants cannot be listed on the same summons. (Deficiency Notice Dated Dec. 19, 2025). Though this deficiency notice told Plaintiff to “Please resubmit summons for each individual defendant,” Plaintiff has not done so. To date, there is no indication on the docket that any Defendants have been served.

“If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). More than 90 days have passed since Plaintiff filed his complaint.

Accordingly, **IT IS ORDERED** that Plaintiff shall show cause in writing on or before **March 27, 2026**, as to why the claims against Defendants should not be dismissed for failure to

¹ Though Plaintiff also requested issuances of summons for Defendants City of Austin and Austin Police Department, (Dkt. 6), the Clerk of Court entered a deficiency notice, as multiple defendants cannot be listed on the same summons. (Deficiency Notice Dated Dec. 19, 2025). Though this deficiency notice told Plaintiff to “Please resubmit summons for each individual defendant,” Plaintiff has not done so.

timely effectuate service. Failure to do so may result in the dismissal of this action. *See* Fed. R. Civ. P. 41(b) (action may be dismissed for want of prosecution or failure to comply with court order); *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998) (district court has authority to dismiss case for want of prosecution or failure to comply with court order).

SIGNED on March 13, 2026.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Texas

JULIAN ROQUE

Plaintiff(s)

v.

CITY OF AUSTIN, AUSTIN POLICE DEPARTMENT,
THE SOHO LOUNGE LLC AND JOHN DOE
OFFICERS 1-10*Defendant(s)*

Civil Action No. 1:25-cv-02025-RP

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* THE SOHO LOUNGE
217 E 6th St.
Austin, TX 78701

A lawsuit has been filed against you.

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: Jonathan H. Cox and Troy J. Pradia
The Cox Pradia Law Firm
2402 Rosedale St.
Houston, TX 77004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 12/19/2025



CLERK OF COURT, PHILIP J. DEVLIN

Signature of Clerk or Deputy Clerk

Civil Action No. 1:25-cv-02025-RP

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)* THE SOHO LOUNGE was received by me on *(date)* Mar 16, 2026, 4:10 pm.

- ☐ 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: The Soho Lounge is no longer located at 217 East 6th Street, Austin, TX 78701 - it's now occupied by a live music venue called Bentley's ATX ; or
- ☐ Other: _____; or

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

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

Date: March 18, 2026



Server's signature

William Hoagland PSC-6549

Printed name and title

1260 Verna Brooks Way, Kyle, TX 78640

Server's address

Additional information regarding attempted service, etc.:

Bad Address / Unsuccessful Attempt: Mar 18, 2026, 12:05 pm CDT at COMPANY: 217 East 6th Street, Austin, TX 78701

This address is for Bentley's ATX, a live music venue. They were not open yet for the day, as it seems they're open from 7:00 P.M. - 2:00 A.M. According to the internet, this venue just opened at this location in 2026.

I attempted to serve The Soho Lounge in January 2026 for another matter and was told by a maintenance man that they'd recently vacated this address.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Texas

JULIAN ROQUE

Plaintiff(s)

v.

CITY OF AUSTIN, AUSTIN POLICE DEPARTMENT,
THE SOHO LOUNGE LLC AND JOHN DOE
OFFICERS 1-10*Defendant(s)*

Civil Action No. 1:25-cv-02025-RP

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* John Doe Officers 1-10
 The Office of the City Clerk, Austin City Hall, 301 W. Second St., Austin, TX 78701

A lawsuit has been filed against you.

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:

Jonathan H. Cox and Troy J. Pradia
 The Cox Pradia Law Firm
 2402 Rosedale St.
 Houston, TX 77004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 12/19/2025



CLERK OF COURT, PHILIP J. DEVLIN

Signature of Clerk or Deputy Clerk

Civil Action No. 1:25-cv-02025-RP

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)* John Doe Officers 1-10 was received by me on *(date)* Mar 16, 2026, 3:40 pm.

- ☐ 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)* The Office of the City Clerk through the Assistant City Clerk, Davetta Edwards, who is designated by law to accept service of process on behalf of *(name of organization)* John Doe Officers 1-10 on *(date)* Thu, Mar 19 2026, 10:57 am CDT at 301 W. Second St, Austin, TX 78701; or
- ☐ I returned the summons unexecuted because: _____; or
- ☐ Other: _____; or

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

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

Date: March 19, 2026

William T. Hoagland

Server's signature

William Hoagland PSC-6549

Printed name and title

1260 Verna Brooks Way, Kyle, TX 78640

Server's address

Western District of Texas

Civil Action No. 1:25-cv-02025



Civil Action No. 1:25-cv-02025

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)* _____
 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 _____ .

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:

Western District of Texas

Civil Action No. 1:25-cv-02025



Civil Action No. 1:25-cv-02025

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)* _____
 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 _____ .

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:

27 MAR 26
 WMA 6549
 WMA &

UNITED STATES DISTRICT COURT

for the

Western District of Texas

JULIAN ROQUE

Plaintiff(s)

v.

CITY OF AUSTIN, AUSTIN POLICE DEPARTMENT,
 THE SHOHO LOUNGE LLC AND JOHN DOE
 OFFICERS 1-10

Defendant(s)

Civil Action No. 1:25-cv-02025-RP

OCC RECEIVED AT
 MAR 27 '26 AM 10:33

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Austin Police Department
 The Office of the City Clerk, Austin City Hall, 301 W. Second St., Austin, TX 78701

A lawsuit has been filed against you.

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: Jonathan H. Cox and Troy J. Pradia
 The Cox Pradia Law Firm
 2402 Rosedale St.
 Houston, TX 77004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 3/20/2026



CLERK OF COURT, PHILIP J. DEVLIN

Christian Rodriguez
 Signature of Clerk or Deputy Clerk

Civil Action No. 1:25-cv-02025-RP

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)* _____
 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:

Print

Save As...

Reset

Western District of Texas

JULIAN ROQUE

Plaintiff(s)

v.

CITY OF AUSTIN, AUSTIN POLICE DEPARTMENT,
THE SHOHO LOUNGE LLC AND JOHN DOE
OFFICERS 1-10

Defendant(s)

Civil Action No. 1:25-cv-02025-RP

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* City of Austin
The Office of the City Clerk, Austin City Hall, 301 W. Second St., Austin, TX 78701

A lawsuit has been filed against you.

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: Jonathan H. Cox and Troy J. Pradia
The Cox Pradia Law Firm
2402 Rosedale St.
Houston, TX 77004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 3/20/2026



CLERK OF COURT, PHILIP J. DEVLIN

Christian Rodriguez

Civil Action No. 1:25-cv-02025-RP

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)* _____
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:

Print

Save As...

Reset

UNITED STATES DISTRICT COURT

for the

Western District of Texas

JULIAN ROQUE

Plaintiff(s)

v.

CITY OF AUSTIN, AUSTIN POLICE DEPARTMENT,
THE SHOHO LOUNGE LLC AND JOHN DOE
OFFICERS 1-10*Defendant(s)*

Civil Action No. 1:25-cv-02025-RP

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Austin Police Department
The Office of the City Clerk, Austin City Hall, 301 W. Second St., Austin, TX 78701

A lawsuit has been filed against you.

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: Jonathan H. Cox and Troy J. Pradia
The Cox Pradia Law Firm
2402 Rosedale St.
Houston, TX 77004

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date:

3/20/2026



CLERK OF COURT, PHILIP J. DEVLIN

Signature of Clerk or Deputy Clerk

Civil Action No. 1:25-cv-02025-RP

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)* Austin Police Department was received by me on *(date)* Mar 20, 2026, 3:00 pm.

- ☐ 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)* The Office of the City Clerk, Austin City Hall - Accepted by Acting Assistant City Clerk, Bethany Smith, who is designated by law to accept service of process on behalf of *(name of organization)* Austin Police Department on *(date)* Fri, Mar 27, 10:30 am CDT 2026 at 301 W. Second St., Austin, TX 78701; or
- ☐ I returned the summons unexecuted because: _____; or
- ☐ Other: _____; or

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

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

Date: March 27, 2026



Server's signature

William Hoagland, PSC-6549

Printed name and title

1260 Verna Brooks Way, Kyle, TX 78640

Server's address

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

JULIAN ROQUE,

Plaintiff,

V.

Civil Action No. 1:25-cv-02025

**CITY OF AUSTIN,
AUSTIN POLICE DEPARTMENT,
THE SOHO LOUNGE LLC AND
JOHN DOE OFFICERS
1-10**

Jury Requested

Defendants.

PLAINTIFF'S RESPONSE TO ORDER TO SHOW CAUSE

TO THE HONORABLE JUDGE:

Plaintiff JULIAN ROQUE, by and through undersigned counsel, respectfully submits this Response to the Court's Order to Show Cause dated March 13, 2026 (Dkt. 10), and in support thereof states as follows:

I. INTRODUCTION

Plaintiff respectfully submits that good cause exists to excuse the delay in effectuating service upon Defendants City of Austin, Austin Police Department, and The Soho Lounge LLC, and that dismissal of this action is not warranted. Since the Court's Order to Show Cause was entered, Plaintiff has made substantial progress in remedying the service deficiencies identified therein. Defendants John Doe Officers 1–10 have been served, and Defendants City of Austin and Austin Police Department were served as of March 27, 2026, with the Proof of Service forthcoming. Service upon Defendant The Soho Lounge LLC has not yet been accomplished due

to a change in the business's physical location; however, Plaintiff is actively investigating the correct address and is prepared to effectuate service promptly upon obtaining it. Plaintiff respectfully requests that this Court grant a reasonable extension of time to complete service on The Soho Lounge LLC pursuant to Federal Rule of Civil Procedure 4(m).

II. FACTUAL BACKGROUND

1. Plaintiff filed his Original Complaint on December 10, 2025. (Dkt. 1).
2. On the same date, Plaintiff requested the issuance of summonses for all named Defendants. (Dkts. 2, 3).
3. On December 12, 2025, the Clerk of Court issued a deficiency notice advising that multiple defendants could not be listed on a single summons and directing Plaintiff to resubmit a separate summons for each individual defendant. (Deficiency Notice, Dkt. 4).
4. Counsel's office promptly resubmitted summons requests on December 16, 2025. (Dkt. 5). The Clerk again issued a deficiency notice on December 17, 2025, reiterating that each defendant required a separate summons. (Deficiency Notice re Dkt. 5).
5. Counsel's office made a third attempt and submitted additional summons requests on December 19, 2025. (Dkts. 6, 7, 8). Although the Clerk again noted a deficiency as to Docket 6, the Clerk simultaneously issued summonses as to Defendants John Doe Officers 1–10 and The Soho Lounge LLC on December 19, 2025. (Dkt. 9).
6. The summonses issued on December 19, 2025 did **not** include summonses for Defendants City of Austin and Austin Police Department, as those requests remained flagged by the Clerk's deficiency notice.
7. The events described in paragraphs 3 through 6 above occurred during the final weeks of December 2025, a period encompassing the Christmas and New Year's holiday season. During

this period, counsel's office experienced reduced staffing and limited operational capacity, consistent with standard year-end office closures. As a result, when new summonses were issued on December 19, 2025, counsel's office inadvertently failed to recognize that separate summonses for the City of Austin and Austin Police Department had not yet been issued and remained outstanding.

8. This oversight was not the product of neglect or a lack of intention to pursue this matter, but rather an inadvertent administrative error that occurred during a uniquely demanding time of year, compounded by the repeated back-and-forth with the Clerk's office over the summons deficiency issues.
9. Following the Court's Order to Show Cause, counsel's office immediately took corrective action. On March 19, 2026, Defendants John Doe Officers 1–10 were served through the Office of the City Clerk, Austin City Hall, 301 W. Second Street, Austin, Texas 78701, via the Assistant City Clerk, Davetta Edwards, who is designated by law to accept service of process on behalf of those Defendants.
10. On March 27, 2026, Defendants City of Austin and Austin Police Department were served. City of Austin and Austin Police Department were listed on the same summons; accordingly, service upon one constitutes service upon both. The Proof of Service for this service is forthcoming and will be filed with the Court promptly upon receipt.
11. With respect to Defendant The Soho Lounge LLC, the process server was unable to effectuate service at the address listed on the summons, 217 East 6th Street, Austin, Texas 78701, because The Soho Lounge LLC no longer occupies that location. The process server confirmed on March 18, 2026, that the premises are now occupied by a different business, Bentley's ATX, a live music venue that opened at that location in 2026. Counsel's office is actively investigating

The Soho Lounge LLC's current business address and will effectuate service promptly upon confirming the correct location.

III. ARGUMENT

A. Substantial Progress Has Been Made in Remediating the Service Deficiencies.

Since the issuance of the Court's Order to Show Cause, Plaintiff has diligently pursued service on all Defendants. Three of the four named defendant groups have now been served: John Doe Officers 1–10 (served March 19, 2026), and City of Austin and Austin Police Department (served March 27, 2026, Proof of Service forthcoming). The only remaining unserved defendant is The Soho Lounge LLC, whose failure of service is attributable solely to a change in the business's physical location, a circumstance entirely outside Plaintiff's control.

With respect to The Soho Lounge LLC, the process server, William Hoagland (PSC-6549), received the summons on March 16, 2026, and made an attempt at service on March 18, 2026, at 12:05 p.m. CDT at the address listed on the summons, 217 East 6th Street, Austin, Texas 78701. Upon arrival, the process server confirmed that The Soho Lounge LLC no longer occupies that location; the premises are now occupied by Bentley's ATX, a live music venue that opened at that address in 2026. The process server further noted that he had previously attempted service on The Soho Lounge LLC at this same address in January 2026 in connection with a separate matter, at which time a maintenance man confirmed that The Soho Lounge LLC had recently vacated the premises. The summons was accordingly returned unexecuted and has been filed with the Court. (Dkt. 11). Plaintiff is actively investigating The Soho Lounge LLC's current business address and will effectuate service promptly upon confirming the correct location.

B. Good Cause Exists to Extend the Time for Service Under Rule 4(m).

Federal Rule of Civil Procedure 4(m) provides that if a defendant is not served within 90 days of the filing of the complaint, the court must either dismiss the action without prejudice or "order that service be made within a specified time." Fed. R. Civ. P. 4(m). Importantly, "if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." *Id.*

The Fifth Circuit has recognized that good cause for an extension of time exists where the failure to serve was the result of circumstances beyond the plaintiff's control or where there is a reasonable explanation for the delay that does not reflect a lack of diligence. *Sys. Signs Supplies v. U.S. Dep't of Justice*, 903 F.2d 1011, 1013 (5th Cir. 1990).

Good cause is established here by the following:

- Counsel's office made multiple, diligent attempts to obtain issuance of summonses beginning on the date the Complaint was filed;
- The Clerk of Court issued repeated deficiency notices between December 12 and December 19, 2025, requiring multiple resubmissions;
- The partial issuance of summonses occurred on December 19, 2025, during a period of reduced staffing and heightened administrative demands in counsel's office;
- The failure to timely resubmit individualized summonses for City of Austin and Austin Police Department was an inadvertent oversight, not a deliberate decision to delay prosecution, and has now been corrected;
- The failure to serve The Soho Lounge LLC resulted from the business's relocation to an unknown address, a circumstance entirely beyond Plaintiff's control; and

- No defendant has suffered prejudice from the delay, as this matter remains in its earliest stages and no scheduling order or discovery deadlines have been entered.

C. Even Absent a Finding of Good Cause, This Court Has Discretion to Extend Time for Service.

Even where a plaintiff cannot establish good cause, district courts retain discretionary authority to extend the time for service under Rule 4(m). *Thompson v. Brown*, 91 F.3d 20, 21 (5th Cir. 1996). Courts consider factors such as whether the applicable statute of limitations would bar refiling, whether the defendant has evaded service, and whether the defendant would suffer actual prejudice. *Id.*

Here, dismissal without prejudice could effectively bar Plaintiff's civil rights claims, as the statute of limitations under § 1983 may pose a significant obstacle to refiling. Plaintiff suffered serious and permanent injuries as a result of the Defendants' alleged use of excessive force, and dismissal on a procedural ground would be a severe sanction disproportionate to the nature of the oversight at issue. The balance of equities strongly favors granting Plaintiff a reasonable extension of time to complete service on The Soho Lounge LLC.

IV. PLAINTIFF'S PROPOSED CORRECTIVE ACTION

As set forth above, service has been accomplished on Defendants John Doe Officers 1–10 and City of Austin/Austin Police Department. The Proof of Service for City of Austin and Austin Police Department will be filed with the Court promptly upon receipt. With respect to The Soho Lounge LLC, Plaintiff respectfully requests that this Court grant an extension of no less than thirty (30) days from the date of this Court's Order within which to locate The Soho Lounge LLC's current business address and effectuate service.

V. CONCLUSION

For the foregoing reasons, Plaintiff JULIAN ROQUE respectfully requests that this Court find that good cause exists to excuse the delay in service, deny dismissal of this action, acknowledge that service has been accomplished on Defendants John Doe Officers 1–10 and City of Austin/Austin Police Department, and grant Plaintiff a reasonable extension of time, no less than thirty (30) days from the date of this Court's Order, within which to complete service on Defendant The Soho Lounge LLC. Plaintiff further requests any other relief to which he may be justly entitled.

Respectfully submitted,

THE COX PRADIA LAW FIRM

/s/:Jonathan H. Cox

Jonathan H. Cox

State Bar No. 24007047

Federal Bar No. 28983

[Jhc@coxpradialaw.com](mailto:jhc@coxpradialaw.com)

eservejhc@coxpradialaw.com

Troy J. Pradia

State Bar No. 24011945

2402 Rosedale St.

Houston, TX 77004

Telephone: (713) 739.0402

Facsimile: (713) 752.2812

tjp@coxpradialaw.com

eservetjp@coxpradialaw.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of March 2026, a true and correct copy of the foregoing document was filed with the Court via the CM/ECF filing system, which will provide electronic notice to all counsel of record.

/s/:Jonathan H. Cox
Jonathan H. Cox