

UNITED STATES of AMERICA 5TH CIRCUIT AUSTIN DIVISION COURT

FILED  
2025 MAR -7 PM 4:58  
CLERK, US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY: *SM*  
REBITV

Julian Reyes  
Plaintiff

v.

§  
§  
§  
§  
§  
§

Case no. 1:25 CV 00347 ADA

CITY OF AUSTIN, INC.,  
AUSTIN POLICE DEPARTMENT,  
OFFICERS SPEES, PITRE,  
PIORONNE, ET AL, OTHER  
PARTIES TO BE LISTED  
ALL DEFENDANTS  
INDIVIDUALLY AND IN THEIR  
OFFICIAL CAPACITIES,  
RESPECTIVELY  
Defendants

**Civil Rights Complaint**

1. Plaintiff: Pro Se, Julian Reyes 10900 Research Blvd Ste 160C Box 147  
Austin, Texas 78759 mailbox.

2. Defendants being: CITY OF AUSTIN, INC., AUSTIN POLICE  
DEPARTMENT, AND THE FOLLOWING CITY OF AUSTIN PUBLIC  
SERVICE EMPLOYEES: OFFICERS SPEES, PITRE, PIORONNE, ET. AL.  
More to be named later after proper discovery and release by the City of Austin  
of the officers' names and all responsible parties. All defendants individually  
and in their official capacities. Address to City of Austin Law Department is at

301 E 2nd Street, Austin, Texas 78701. Austin Police Department is at 715 E. 8th Street, Austin, Texas 78701.

These are proper addresses to the best of my knowledge at this time.

3. This incident and complaint happened in Austin, Texas, which this Court has jurisdiction over. As the 5th Circuit encompasses all of Texas, Louisiana and Mississippi, federally, under jurisdiction of law. This complaint brings up critical Constitutional issues, that are novel and important. Therefore I request the Western District Court of the U.S.A. in Austin, to try my Civil Complaint in court involving 1st, 4th, 14th, 8th Constitutional Amendments both in the State of Texas and similar Constitutional Rights amendments of the United States of America, all as deprivation of those rights violates section U.S.C. 42 1983. As well as section 1985 Conspiracy of Parties. As multiple agents of Municipal and Corporate government did conspire to deprive me of my rights. They were all involved in this crime against myself and essentially the rights afforded to all the Citizens and of their Free Press.

4. In this latest civil complaint, on or about March 10th 2023, in the City of Austin, Travis County, Texas, U.S.A.. Under this Court's functional and legal jurisdiction, Officers Spees, Pitre, Pironne, and others did conspire together and with others to deprive me of my rights.

For several years now I have been an artist and musician in Austin, Texas. I have performed many times in Austin, and often I protest the killings by Austin police of unarmed people and our dogs. Since the City repeatedly tries to hide this information from the public through various means, media, web, information requests, and by arresting people speaking about police abuse, police killings, dog killings by police, and targeting members of the Press for arrests when they are in the process of recording video or protesting Austin police and their public interactions.

So you see, I had been speaking to people around the City of Austin's downtown area and other areas thorough my music and voice to give voice to the unheard and the voiceless victims of police use of lethal force in Austin for some time.

On this date I had played some music and listed several people that had been shot and killed by Austin police, specifically Landon Nobles, Larry Eugene, Kevin Brown, Daniel Rocha, Pickle, Raj Moonshing, Aquantis Givens, and others, while playing electric guitar. I also mentioned puppyicides by Austin Police including my beloved Shiner Bock, Cisco and others. I was informing the public of the news, through artistic music format, while filming also. I also had 2 other people with me filming and documenting. At some point I was about to pack up and transition to only filming police interactions with the general public for the rest of the night with my film crew. I informed them as such and was winding down my rock set.

When an officer, Pioronne, I believe, came up and said I would have to stop playing music and speaking or I would be ticketed. I said ok, I'll take a ticket. And then ofc. Pioronne said that he would go get his ticket book and return to ticket me if I was still playing and speaking. I told him to go ahead, and expedite it. He left to go get backup to arrest, not ticket me, pre textually making up probable cause in advance.

I then unplugged and powered off my equipment, began packing things up and unplugging all sound and power adapter cables. The main amp was off, there was no amplified music when the officers (SPEES, PITRE, PIORONNE, ET AL) arrived and they played the game that I was refusing to comply. I informed them that I was unplugged and packing up, not playing or singing about anything. And then Spees said that I refused to comply and misusing the APD General Orders, APD Police Policy, he then did lie, and conspire with the other officers to crate a false arrest and declare that I failed to comply with a "City noise ordinance and General Orders to comply" and that the ticket was now an arrest for Free Speech and Freedom of the Press. The officers arrested me, accosted others that were filming, continued to harass and threaten people that were filming the incident and arrest. And furthermore I was arrested for a class C Misdemeanor crime of noise, a non-arrest able offense. The officers had to lie and some committed perjuries on the affidavits of arrest in order to silence and chill our filming, music and freedoms

of speech, etc. They conspired and perjured to falsely arrest a compliant person exercising his God-given rights to Rock in Austin!

The case was dismissed quite a while later. I was pro se defendant in that case. Dismissed in Municipal Court by Municipal Prosecutors in the interest of Justice.

I have filed many police complaints, and I believe on this case as well, with the APD and City of Austin's Office of Police Oversight. To date, I have been unable to determine the result, if any, and the City will not communicate this issue with me.

Therefore I pray that the Court accepts my Civil Suit under 42 U.S.C. 1983 and 1985.

Filming, Music, and expressive Speech are not crimes in a Democracy like ours. The officers listed arrested me and harassed me for what I do to inform the Public as an artist and member of the Free Press. They violated the Privacy Protection Act of 1980 when they seized me with my camera equipment. You can beat the rap, but you can't beat the ride....in other words the police can retaliate when they want to if you are playing music, speaking or filming them even if you are the press, even if it's illegal what they are doing, it's how the police can retaliate and you still lose your rights and are deprived and injured and

traumatized. To deprive you and prevent you and others from being informed about police murders, puppycide, realizing their rights, freedoms and protections of law. Over and over again. Until there are no rights remaining for us. Erosion of freedom is real. Justice is needed on this case a novel case with important constitutional questions and implications to our freedoms and rights in this Country. See Turner v Driver Glick v Cunliffe, Buehler v City of Austin, etc,

The officers at APD all have to comply with Austin Police Department's Policy. The Policy says they must "know and comply" with the law, statutes, ordinances and the Constitutions of the State of Texas and the United States of America.

See APD Police Policy <https://www.austintexas.gov/sites/default/files/files/General%20Orders.pdf>

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#### 900.1.1 RESPONSIBILITY TO KNOW AND COMPLY

The rules of conduct set forth in this order do not serve as an all-inclusive list of requirements, limitations, or prohibitions on employee conduct and activities; employees are required to know and comply with all Department policies, procedures, and written directives.

(a) Employees will maintain a working knowledge and comply with the laws, ordinances, statutes, regulations, and APD written directives which pertain to their assigned duties.

(b) Employees who do not understand their assigned duties or responsibilities will read the relevant directives and guidelines, and will consult their immediate supervisor for clarification and explanation.

(c) A lack of knowledge of an APD written directive is not a defense to disciplinary action.

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### 100.3 CONSTITUTIONAL REQUIREMENTS

All employees shall observe and comply with every person's clearly established rights under the United States and Texas Constitutions.

Under current City Policy the City has removed the officers' discretion to arrest people in retaliation for class c, non-violent, fine-only offenses.

Clearly established law like the rights to film, to personal freedom, property rights, due process, freely travel, freely associate, free speech, political beliefs, freely assemble, and to film the police in public.

A non-violent person is not supposed to be arrested for a class c misdemeanor in Austin, according to City Council's directives to APD.

See: [https://www.ilrc.org/sites/default/files/resources/2019.08\\_ilrc\\_freedom\\_city\\_policies-final.pdf](https://www.ilrc.org/sites/default/files/resources/2019.08_ilrc_freedom_city_policies-final.pdf)

Not to mention there is an ongoing pattern and practice of bias and targeting against people of color and the indigenous, like myself. And people like me should not be cruelly, repeatedly targeted by police and punished for showing and stating this information or opinions.

Discovery of evidence is required. This is also the second time I've been arrested or ticketed by APD for free speech in retaliation for my musical expression.

I believe that I have filed a complaint with the Police Oversight Office previously. Nothing was done. I have no access to their files, they consider it "APD protected personnel records." I hope to attain more information form discovery about their failures to hold the police accountable and transparent to the public. As is their charge and oath.

All while holding this misdemeanor case, without merits, over my head for around 2 years. Increasing the stress and burdens on my freedom, happiness, and my pursuit of life.

5. Julian Reyes, a pro se plaintiff, and am seeking full damages in the amount of \$500,000 U.S.A. dollars for all losses, of lost time, stolen freedoms and rights, and for the Constitutional and other violations specified below and in other later amendments to this complaint, as more information becomes available and through discovery of evidence to come. And censure, punishments and charges for the responsible parties. And injunctions to protect Citizens' rights whether unhoused on the streets of Austin or members of the Press to protect us from future targeting, stalking, retaliation, false arrest, deprivation of rights, harassment, threats by the Austin Police Department, City of Austin, inc., and their agents, acting alone or in groups, most especially those involved in filming police interactions in public or defending their established domiciles from theft under color of law by 'The State.' Reyes is also seeking reformatory justice, remedy, and mediation on the issues of training, injustice, patterns and practice of police abuses that led up to this egregious incident by Austin Police Department, the City of Austin and the defendants. To again protect our expression of music, free speech and free Press in this Country, bolster and defend our rights under law and force of law.

In fact I was arrested about prior for exercising my rights and filming. And for advocating for real housing solutions instead of cruel and unusual punishment by APD prior to this arrest. I was previously arrested for a class c, fine only, misdemeanor this Sunday October 24th, 2021, for my free speech on a public sidewalk. And this is one of over a dozen or so arrests by Austin Police agents, acting together, to deprive me of my rights to free speech and free press, transparency of government, accountability of police, and due process rights. My cameras have been seized and the Austin Police Officer, Detective Stitler and Municipal Court Judge Meyerson are tougher still refusing to give me back my primary work equipment and evidence to defend myself in court, even though it has been about 2 months since the unlawful seizure of these items. I cannot do the work of the free press here in Austin without my work tools. There has been a clear pattern of deprivation of rights in a similar manner in this case.

This deprivation and punishment also gives me more PTSD and causes me inability to work, including a long criminal history for my free speech which is also a barrier. I believe that he federal civil courts are the venue for seeking justice and protections of law for all people in this matter. And is ongoing, causing me harm and loss of not only rights and freedoms but pursuit of happiness. This long

history of multiple APD/City of Austin retaliatory arrests and cases are very time consumptive, stressful and makes it hard to keep them active and straight. They get mixed up often by me and others. It's hard to have this many retaliative cases against me and still live and there are too many cases. An ongoing pattern and practice of deprivations and abuse by the Austin Police Department and the City of Austin with their agents enforcing laws in a retaliatory and unlawful manner.

That is why I filed this complaint in this case, as no other means of accountability of justice worked. This court has the responsibility for justice and access to law in this case. And also this Court has the jurisdiction in this case.

There are unresolved complicated but very important inalienable constitutional issues and basic rights at risk in this case, including but not limited to first amendment rights of free speech and free press, transparency of government, accountability of public servants and a right to a redress of grievances should we have our rights deprived by public servants. Freedom to Speech, Expression, Music and recording police, without retaliation or targeting for doing so.

Who can film whom without fear? Should the people also be without fear to film the police. Or should the people be in fear of the police for filming and free speech like I am now? It is a one-way relationship with the government and it's agents empowered with these inalienable rights and not the the same for the people? Who

serves whom, with regard to filming and free speech? That is the basic question as I see it now.

These defendants and others are working as confederates together in conspiracy of parties against our rights.

All of these public servants swore an Oath to defend the people and Constitutional law of the U.S.A. and yet are those Oaths being fulfilled fully in this incident? We must review and scrutinize this issue to truly have freedom, rights and justice for all in the U.S.A. for the people that the law is meant to serve, the citizen, the indigent, the regular Joes of America, like myself.

Current case law is in jeopardy as these are our fundamental rights at risk in this case. Well-established personal, property and speech protected rights have been taken including freedom to travel freely, freedom of assembly, free speech, freedom of the press, protection from unlawful arrest, search and seizure, protection from police retaliation, abuse, cruel and unusual punishment, due process of law, conspiracy of parties and 42 U.S.C. section 1983 originally called the Klu Klux Klan Act which was the Congress' law to curb deprivation of Rights for people in the U.S.A. created post Civil War, Civil Rights era of United States of American history. These rights are not only fundamental, they protect our persons, property, abilities, and our very lives are at risk because of this type of arrests and retaliation by the City, the Police and their co-conspirators, working together.

See Turner v Driver, Glick v Cunliffe

I am just a layman and pro se, without legal counsel trying to do my best to get this civil rights complaint filed in time and as accurately as I am able.

In the interests of Justice and in the interests of the Court to process and progress this case to it's due justice and equitable access to Justice and resolution of these issues of law that impact many citizens' inalienable rights, transparency of government, accountability and justice for all, including indigent pro se litigants like me.

If a hearing would be necessary, I pray for that opportunity to show and state my case as to why I cannot keep up with this case as if I had the abilities and access of legal advice or counsel. **Oral Argument Requested.** No rights waived, all rights reserved.

Jury Demand

I pray the Court allow a Trial by Jury on this case, as it progresses.

SIGNED this 7th day of March, 2025.

Respectfully submitted,



/S/ Julian Reyes, pro se

Signature Pro Se

Mr. Julian Reyes  
512 785-1749  
10900 Research Blvd  
Suite 160c Box 147  
Austin, Texas, U.S.A. 78759  
justicenowpeople@protonmail.com

Attachment 7 - Civil Cover Sheet & Instructions

JS 44 (Rev. 06/17)

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 Reyes, Prose  
 Travis

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

(c) Attorneys (Firm Name, Address, and Telephone Number)  
 Prose 10900 Research Blvd  
 Ste 1600 Bldg 147  
 Austin TX 78759

DEFENDANTS City of Austin, Inc.  
 APD, ofcs Spees, Poranne, Pitre, etc  
 County of Residence of First Listed Defendant Travis  
 (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)

Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding  
 2 Removed from State Court  
 3 Remanded from Appellate Court  
 4 Reinstated or Reopened  
 5 Transferred from Another District (specify)  
 6 Multidistrict Litigation - Transfer  
 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 USC Sections 1983 & 1985 etc.

Brief description of cause:  
 Federal deprivation of Rights + Conspiracy of Parties

VII. REQUESTED IN COMPLAINT:

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

DEMAND \$ 500,000

CHECK YES only if demanded in complaint:  
 JURY DEMAND:  Yes  No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE 3-7-2025

SIGNATURE OF ATTORNEY OF RECORD Julian Reyes AS RE

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

FILED  
2025 MAR -7 PM 4:56  
CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY *[Signature]*  
DEPUTY

**Attachment 5 - Application to Proceed In Forma Pauperis and Financial Affidavit in Support (Austin Division ONLY)**

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

§  
Julian Reyes, prose §  
V. City of Austin, Inc, §  
Austin Police Dept, §  
Officers Spees, Pitre, §  
Pirronne, et al. §

1:25 CV 00347 ADA

Case No. \_\_\_\_\_

**APPLICATION TO PROCEED IN FORMA PAUPERIS  
AND FINANCIAL AFFIDAVIT IN SUPPORT**

I, Julian Reyes

declare that I am the Applicant in the above-entitled proceeding. I am requesting permission to proceed without being required to prepay fees, costs, or give security therefor. In support of my application, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefor and I believe I am entitled to relief. The nature of my action is briefly stated as follows:

Civil Rights Complaint Deprivation of Rights under color of Law

In further support of this application, I answer the following questions:

Applicant's Name: Julian Reyes

Applicant's Home Address: 10900 Research Blvd ste 160c Box 147  
Austin TX 78759

**Questions Regarding Ability to Pay**

**Employment:**

Are you now employed? Yes  No  Am Self Employed

If yes, how much do you earn per month? \$ varies approx. \$200

If no, give month and year of last employment: \_\_\_\_\_

How much did you earn per month? \$ \_\_\_\_\_

Name and Address of current or prior employer: Self-employed as Press  
for Challenger Street Newspaper (501c3) + Stronger  
If married, state Spouse's name: \_\_\_\_\_

Is your Spouse employed? Yes  No

If working, how much does your spouse earn? \$ \_\_\_\_\_

Do you receive any funds from relatives or for child support? If so, how much per month do you receive? \$ \_\_\_\_\_

**Other Income:**

Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments (such as Social Security benefits), or other sources, including government benefits (such as A.F.D.C. or Social Security disability benefits)? Yes  No

If yes, give the amount and identify the sources:

<u>Received</u>	<u>Sources</u>
\$ _____	_____
\$ _____	_____
\$ _____	_____
\$ _____	_____

**Cash:**

Have you any cash on hand or money in savings or checking accounts? Yes  No

If yes, state total amount: \$ 65

If neither you nor your spouse receive income of any kind, how are you able to pay for food and shelter?

I stay in my car + couch-surf.

**Property:**

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes  No

If yes, give value and describe it and say in whose name the property is registered.

<u>Value</u>	<u>Description</u>
\$ <u>unk</u>	<u>94 Food Bank Project, has not run since</u>
\$ <u>unk</u>	<u>2007 Toyota Prius, does not run well, wrecked &gt; 5 years</u>
\$ <u>unk</u>	<u>2003 Chrysler Van, mostly parked, doesn't run well, brakes parked</u>
\$ _____	_____

**Family Status and Dependents:**

Marital Status: Single  Married  Widowed  Separated  or Divorced

Total Number of Dependents: 0

Are any of your dependents employed? If so, where:  
\_\_\_\_\_

How much do your dependent(s) earn monthly? \$ \_\_\_\_\_

List persons you actually support, your relationship to them:

---

Do you pay alimony or child support or any other court-ordered payments? Yes  No

If yes, list how much and describe:

---

**Monthly Debts of Applicant and/or Dependents**

Type of Debt

Name of Creditor  
Total Debt  
Payment

Medical debts from APD, etc.  
cannot pay

Serraval St. Davids  
\$ 8000+  
\$ \_\_\_\_\_

Student Loans  
cannot pay

unk  
\$ unk  
\$ 30,000+?

---



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\$ \_\_\_\_\_  
\$ \_\_\_\_\_

---



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\$ \_\_\_\_\_  
\$ \_\_\_\_\_

**Monthly Expenses of Applicant and/or Dependents**

Rent or House Payment:

\$ 299 /mo Storage

Electric & Water Bills:

\$ 0

Gas:

\$ 100 @ PAX.

Phone:

\$ 60 @ PAX.

Insurance:

\$ 0

For what purpose: Cars not running

Prescriptions: \$ \_\_\_\_\_

For what purpose: \_\_\_\_\_

Transportation/Car Payments: \$ \_\_\_\_\_

For what purpose: \_\_\_\_\_

Medical Bills: \$ \_\_\_\_\_

For what purpose: \_\_\_\_\_

Legal Bills: \$ \_\_\_\_\_

For what purpose: \_\_\_\_\_

Loans: \$ \_\_\_\_\_

For what purpose: \_\_\_\_\_

Miscellaneous: \$ \_\_\_\_\_

For what purpose: \_\_\_\_\_

Is there any more information the Court should consider in making its determination?

Long-term chronically un/underemployed  
and homeless for over 20 years in Texas.  
I cannot afford counsel or legal  
fees / filing fees at this time.  
Thank you

\_\_\_\_\_

\_\_\_\_\_

**AFFIDAVIT OF APPLICANT**

I declare under penalty of perjury the above answers and statements to be true and correct to the best of my knowledge. I understand that this affidavit will become an official part of the United States District Court files and that any false or dishonest answer or statements knowingly made by me in this Financial Affidavit are illegal and may subject me to criminal penalties, including any applicable fines or imprisonment, or both.

Signature:  \_\_\_\_\_

Printed Name: Julian Reyes  
Prose

Date: 3-7-2025

Name: Julian Reyes  
Address: 10900 Research Blvd  
ste 160c box 147, Austin, Texas, 78759  
Phone Number: (512) 785-1749  
Email Address: justicenowpeople@protonmail.com  
Pro Se

FILED  
2025 MAR -7 PM 4:58  
CLERK, US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY *SJU*  
REBITY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

Julian Reyes, pro se  
  
PLAINTIFF(S)  
v.  
CITY OF AUSTIN, INC., AUSTIN POLICE  
DEPARTMENT, OFFICERS SPEES, PITRE,  
PIORONNE ET AL.  
DEFENDANT(S)

CASE NUMBER  
1:25 CV 00347 ADA

APPLICATION FOR PERMISSION  
TO FILE ELECTRONICALLY

As the  Plaintiff  Defendant in the above-captioned matter, I respectfully ask the Court for permission to participate in electronic filing ("e-filing") in this case. I hereby affirm that:

1. I have reviewed the Administrative Policies and Procedures for Electronic Filing in Civil and Criminal Cases and the Local Court Rules available on the Court's website at [www.txwd.uscourts.gov](http://www.txwd.uscourts.gov).
2. I understand that once I register for e-filing, I will receive notices and documents in this instant case only by e-mail and not by U.S. mail.
3. I understand that if my use of the Court's e-filing system is unsatisfactory, my e-filing privileges may be revoked and I will be required to file documents in paper, but will continue to receive documents via e-mail.
4. I understand that I may not e-file on behalf of any other person in this case.
5. I have regular access to the technical requirements necessary to e-file successfully:

Check all that apply.

- A Computer with internet access.
- An email account on a daily basis to receive notifications from the Court and notices from the e-filing system.
- A scanner to convert documents that are only in paper format into electronic files.
- A printer or copier to create required paper copies such as chambers copies.
- A word-processing program to create documents; and
- A PDF reader and a PDF writer to convert word processing documents into PDF format, the only electronic format in which documents can be e-filed.

Date: 03/07/2025

Signature: *Julian Reyes, Pro Se*

**FILED**

February 27, 2025

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

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

BY: Alicia Davis  
DEPUTY

**IN RE: COURT DOCKET  
MANAGEMENT**

§  
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**FOR AUSTIN DIVISION**

**MAGISTRATE REFERRAL ORDER**

Under Rule 1 of the Local Rules for the Assignment of Duties to United States Magistrate Judges, Appendix C of the Local Court Rules of the United States District Court for the Western District of Texas, **IT IS HEREBY ORDERED** that the Clerk of the Court shall refer all civil matters assigned to the Honorable Alan D Albright to a United States Magistrate Judge for the Austin Division, allocated pursuant to the Clerk of the Court’s standard procedure, except the following:

- Cases brought under 28 U.S.C. §§ 2241, 2254, and 2255;
- Cases brought by detainees and prisoners under 42 U.S.C. § 1983 and *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 430 U.S. 388 (1971);
- Cases brought under 35 U.S.C. § 1 et seq. (patent cases);
- Cases designated as “830 Patent” and “835 Patent (ANDA)”; and
- Cases that include *ex parte* applications for temporary restraining orders.

**IT IS FURTHER ORDERED** that the Clerk of the Court shall refer all criminal matters for the Austin Division assigned to the Honorable Alan D Albright to a United States Magistrate Judge for the Austin Division, allocated pursuant to the Clerk of the Court’s standard procedure. The matters are referred for disposition of all non-dispositive pretrial matters as provided in 28 U.S.C. § 636(b)(1)(A) and for findings and recommendations on all case-dispositive motions as provided in 28 U.S.C. § 636(b)(1)(B).

**SIGNED** this 27th day of February, 2025.

  
ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

JULIAN REYES,  
*Plaintiff*

v.

CITY OF AUSTIN, et al.,  
*Defendants*

§  
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§

No. 1:25-CV-00347-ADA

**ORDER AND REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

TO: THE HONORABLE ALAN D. ALBRIGHT  
UNITED STATES DISTRICT JUDGE

The undersigned submits this report and recommendation to the United States District Judge pursuant to 28 U.S.C. § 636(b) and Rule 1 of Appendix C of the Local Court Rules of the United States District Court for the Western District of Texas, Local Rules for the Assignment of Duties to United States Magistrate Judges.

Before the Court is Plaintiff Julian Reyes’s Application to Proceed *In Forma Pauperis*. Dkt. 2. Because Reyes is requesting permission to proceed *in forma pauperis*, the undersigned must review and make a recommendation on the merits of his claims pursuant to 28 U.S.C. § 1915(e).

**I. REQUEST TO PROCEED *IN FORMA PAUPERIS***

The Court has reviewed Reyes’s financial affidavit and determined Reyes is indigent and should be granted leave to proceed *in forma pauperis*. Accordingly, the Court hereby GRANTS Reyes’s request for *in forma pauperis* status, Dkt. 2. The Clerk of the Court shall file the complaint without payment of fees or costs or giving

security therefor pursuant to 28 U.S.C. § 1915(a). This indigent status is granted subject to a later determination that the action should be dismissed if the allegation of poverty is untrue or the action is found frivolous or malicious pursuant to 28 U.S.C. § 1915(e). Reyes is further advised that, although he has been granted leave to proceed *in forma pauperis*, a court may, in its discretion, impose costs of court at the conclusion of this lawsuit, as in other cases. *Moore v. McDonald*, 30 F.3d 616, 621 (5th Cir. 1994).

## II. REVIEW OF THE MERITS OF THE CLAIM

Because Reyes has been granted leave to proceed *in forma pauperis*, the undersigned is required by statute to review the Complaint. Section 1915(e)(2) provides in relevant part that “the court shall dismiss the case at any time if the court determines that ... the action or appeal (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915(e)(2). A complaint is frivolous if it “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Siglar v. Hightower*, 112 F.3d 191, 193 (5th Cir. 1997). A claim lacks an arguable basis in law when it is “based on an indisputably meritless legal theory.” *Neitzke*, 490 U.S. at 327.

Pro se complaints are liberally construed in favor of the plaintiff. *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972). However, pro se status does not offer a plaintiff an “impenetrable shield, for one acting pro se has no license to harass others, clog the

judicial machinery with meritless litigation, and abuse already overloaded court dockets.” *Ferguson v. MBank Houston N.A.*, 808 F.2d 358, 359 (5th Cir. 1986).

Reyes initiated this lawsuit pursuant to sections 1983 and 1985 based on alleged violations of his First, Fourth, Eighth, and Fourteenth Amendment rights. Dkt. 1, at 2. In his complaint, Reyes alleges that at least three Austin Police Department (“APD”) officers, sued in their individual and official capacities, violated Reyes’s constitutional rights by arresting him after he complied with an APD request “to stop playing music and speaking” on a public street. *Id.* at 3-4. Reyes’s criminal case was dismissed, but he maintains that the APD officers “conspired and perjured to falsely arrest a compliant person exercising his God-given rights to Rock in Austin!” *Id.* at 5. Based on these allegations, Reyes seeks \$500,000 in damages, as well as “injunctions to protect Citizens’ rights” and “reformatory justice, remedy, and mediation on the issues of training, injustice, patterns and practice of police abuses[.]” *Id.* at 9.

Initially, Reyes’s claims against APD and official-capacity claims against the named APD officers, construed as claims against the City of Austin, should be dismissed for failure to state a claim. *See Neal v. Flanery*, No. A-20-CV-1217-RP, 2021 WL 164555, at \*2 (W.D. Tex. Jan. 19, 2021) (“The Austin Police Department is not a legal entity capable of being sued.”); *Bustillos v. El Paso Cnty. Hosp. Dist.*, 226 F. Supp. 3d 778, 789 (W.D. Tex. 2016), *aff’d*, 891 F.3d 214 (5th Cir. 2018) (“A claim against a municipal official in his or her official capacity is tantamount to a suit against the municipal entity.”). To state a claim against a municipality under section

1983, a plaintiff must allege a constitutional violation resulting from a municipal custom or policy. *Monell v. Dept. of Soc. Servs.*, 436 U.S. 658, 690-94 (1978). Apart from several passing references to an “ongoing pattern and practice of bias and targeting against people of color and the indigenous, like myself,” Reyes does not identify with “similarity and specificity” any prior incidents demonstrating a pattern or practice of discrimination as alleged in his complaint. *See* Dkt. 1, at 8-11; *see also Peterson v. City of Fort Worth, Tex.*, 588 F.3d 838, 851 (5th Cir. 2009) (“A pattern requires similarity and specificity; [p]rior indications cannot simply be for any and all ‘bad’ or unwise acts, but rather must point to the specific violation in question.” (quoting *Estate of Davis ex rel. McCully v. City of North Richland Hills*, 406 F.3d 375, 383 (5th Cir. 2005))). Accordingly, Reyes’s claims against the APD and two of its officers in their official capacity—construed as claims against the City of Austin—should be dismissed.<sup>1</sup>

As to Reyes’s individual-capacity claims against the APD officers, the undersigned finds that Reyes sufficiently stated at least one non-frivolous claim for retaliatory arrest in violation of the First Amendment. To state a claim for retaliatory arrest, a plaintiff must plead that: (1) he was engaged in constitutionally protected activity, (2) defendants caused him to suffer an injury that would chill a person of ordinary firmness from continuing to engage in that activity; and (3) defendants’ adverse actions were substantially motivated by the plaintiff’s exercise of

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<sup>1</sup> Any conspiracy claims against the City of Austin brought under section 1985 should also be dismissed since “municipalities cannot be liable in actions brought pursuant to Section 1985.” *Batiste v. City of Beaumont*, 421 F. Supp. 2d 969, 986 (E.D. Tex. 2005).

constitutionally protected conduct. *Grisham v. Valenciano*, 93 F.4th 903, 909 (5th Cir. 2024) (citing *Keenan v. Tejada*, 290 F.3d 252, 258 (5th Cir. 2002)). Here, Reyes alleges that he was arrested while engaging in a constitutionally protected activity by “speaking to people around the City of Austin’s downtown area and other areas through [his] music and voice,” that his arrest and the confiscation of his music equipment injured Reyes by “silenc[ing] and chill[ing] our filming, music, and freedoms of speech,” and that the officers targeted Reyes for arrest “in retaliation for [his] musical expression.” Dkt. 1, at 3-4, 8. Because Reyes has stated at least one non-frivolous claim against the individual defendants, the undersigned determines that Reyes’s claims against the individual defendants should not be dismissed at this time.

### III. ORDER AND RECOMMENDATION

The undersigned hereby **GRANTS** Reyes’s Application to Proceed *In Forma Pauperis*. Dkt. 2, and **ORDERS** the Clerk of the Court to issue summons and the United States Marshal to commence service of process, including service of Reyes’s complaint upon the individual defendants<sup>2</sup> under Rules 4 and 5 of the Federal Rules of Civil Procedure. The undersigned **RECOMMENDS** the District Judge **DISMISS** with prejudice Reyes’s causes of action against the Austin Police Department, City of Austin, and individual defendants sued in their official capacities pursuant to 28 U.S.C. § 1915(e)(2)(B).

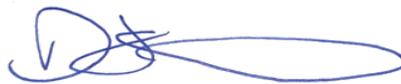
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<sup>2</sup> Reyes identifies the individual defendants as APD Officers Spees, Pitre, and Pioronne, Dkt. 1, at 1.

#### IV. WARNINGS

The parties may file objections to this report and recommendation. A party filing objections must specifically identify those findings or recommendations to which objections are being made. The District Judge need not consider frivolous, conclusive, or general objections. *See Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987). A party's failure to file written objections to the proposed findings and recommendations contained in this report within fourteen days after the party is served with a copy of the report shall bar that party from *de novo* review by the District Judge of the proposed findings and recommendations in the report and, except upon grounds of plain error, shall bar the party from appellate review of unobjected-to proposed factual findings and legal conclusions accepted by the District Judge. *See* 28 U.S.C. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 150-53 (1985); *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc).

SIGNED April 3, 2025.



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DUSTIN M. HOWELL  
UNITED STATES MAGISTRATE JUDGE

U.S. Postal Service™

CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee

\$

Julian Reyes  
10900 Research Blvd Ste 160C, Box 147  
Austin, TX 78759

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, January 2023 PSN 7530-02-000-9047

See Reverse for Instructions

00347-ADA-DH Document 6 Filed 04/07/25

9589 0710 5225 2121 5126 9275 69

## Certified Mail service provides the following benefits:

- A receipt (this portion of the Certified Mail label).
- A unique identifier for your mailpiece.
- Electronic verification of delivery or attempted delivery.
- A record of delivery (including the recipient's signature) that is retained by the Postal Service™ for a specified period.

### Important Reminders:

- You may purchase Certified Mail service with First-Class Mail®, First-Class Package Service®, or Priority Mail® service.
- Certified Mail service is *not* available for international mail.
- Insurance coverage is *not* available for purchase with Certified Mail service. However, the purchase of Certified Mail service does not change the insurance coverage automatically included with certain Priority Mail items.
- For an additional fee, and with a proper endorsement on the mailpiece, you may request the following services:
  - Return receipt service, which provides a record of delivery (including the recipient's signature). You can request a hardcopy return receipt or an electronic version. For a hardcopy return receipt, complete PS Form 3811, *Domestic Return Receipt*; attach PS Form 3811 to your mailpiece;

for an electronic return receipt, see a retail associate for assistance. To receive a duplicate return receipt for no additional fee, present this USPS®-postmarked Certified Mail receipt to the retail associate.

- Restricted delivery service, which provides delivery to the addressee specified by name, or to the addressee's authorized agent.
- Adult signature service, which requires the signee to be at least 21 years of age (not available at retail).
- Adult signature restricted delivery service, which requires the signee to be at least 21 years of age and provides delivery to the addressee specified by name, or to the addressee's authorized agent (not available at retail).
- To ensure that your Certified Mail receipt is accepted as legal proof of mailing, it should bear a USPS postmark. If you would like a postmark on this Certified Mail receipt, please present your Certified Mail item at a Post Office™ for postmarking. If you don't need a postmark on this Certified Mail receipt, detach the barcoded portion of this label, affix it to the mailpiece, apply appropriate postage, and deposit the mailpiece.

**IMPORTANT: Save this receipt for your records.**



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
501 West Fifth Street, Suite 1100  
Austin, Texas 78701

PHILIP J. DEVLIN  
CLERK OF COURT

ANNETTE FRENCH  
CHIEF DEPUTY

May 13, 2025

**Julian Reyes**

10900 Research Blvd Ste 160C, Box 147  
Austin, TX 78759

RE: **Reyes v. City of Austin, Inc. et al**  
**1:25-cv-00347-ADA-DH**

To whom it may concern,

The court has granted your motion for permission to file electronically. If you have not already set up your filing permissions, please submit a Support Desk Ticket on our website:

[www.TXWD.USCourts.gov](http://www.TXWD.USCourts.gov)

Once on the website, select the **CM/ECF** option on the blue bar at the top (third option from the right). On the CM/ECF page, under the **General** section (first paragraph in the left column) please click on the blue hyperlink for the **Support Desk**:

**General**

Please note that you may e-file **at any time**, but **CM/ECF support (ECF Support Desk)** is only offered Monday through Friday, 9:00 a.m. to 6:00 p.m. **CST**, excluding court holidays. No after hours support is available. **When relevant, please include the Case Number and the Judge's initials in the Subject: line of all e-mails to the court.**

The link will open an email window. Please complete the email in order to submit the ticket requesting assistance with filing permissions. Be sure to include your name and case number.

The ticket will be assigned and a representative from the help desk will contact you directly. Please note: the district clerk's office does not have the ability to set up electronic filing for you. It must be processed through the Support Desk.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip J. Devlin".

Deputy Clerk

U.S. Department of Justice  
United States Marshals Service

**PROCESS RECEIPT AND RETURN**

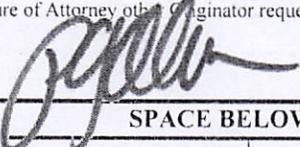
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF JULIAN REYES	COURT CASE NUMBER 1:25-cv-00347-ADA-DH
DEFENDANT City of Austin, Inc. et al.	TYPE OF PROCESS CIVIL COMPLAINT
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN APD Officer Pitre
	715 E. 8th Street, Austin, Texas 78701

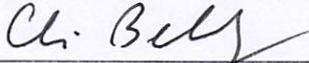
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285 1
	Number of parties to be served in this case 3
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

FILED  
 2025 JUL -9 AM 10:11  
 JPC

Signature of Attorney or Originator requesting service on behalf of: 	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 512-391-8707	DATE 06/16/2025
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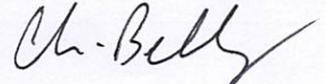
**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. <i>(Sign only for USM 285 if more than one USM 285 is submitted)</i>	Total Process 1	District of Origin No. 80	District to Serve No. 80	Signature of Authorized USMS Deputy or Clerk 	Date 6/23/25
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I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	Date 6/26/25	Time 10:02	<input checked="" type="checkbox"/> am <input type="checkbox"/> pm
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Address (complete only different than shown above)	Signature of U.S. Marshal or Deputy 
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Costs shown on attached USMS Cost Sheet >>

REMARKS

USPS CMRR: 9589 0710 5270 2145 6218 57

RECEIVED  
 U.S. MARSHALS SERVICE  
 2025 JUN 23 AM 9:20  
 WESTERN DISTRICT/TXAS  
 AUSTIN DIVISION

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

Civil Action No. 1:25-cv-00347-ADA-DH

**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)* APD officer Pitre  
was received by me on *(date)* 6/23/25.

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)*:

USPS CMR#: 9589 0710 5270 2145 6218 57

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: 6/26/25

Ch. Bellamy  
*Server's signature*

Chris Bellamy  
*Printed name and title*

501 W 5th St, Austin TX, 78701  
*Server's address*

Additional information regarding attempted service, etc:

U.S. Department of Justice  
United States Marshals Service

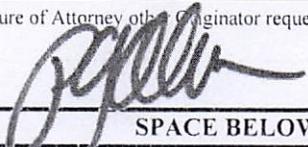
**PROCESS RECEIPT AND RETURN**  
See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF JULIAN REYES	COURT CASE NUMBER 1:25-cv-00347-ADA-DH
DEFENDANT City of Austin, Inc. et al.	TYPE OF PROCESS CIVIL COMPLAINT
SERVE AT {	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN APD Officer Spees
	715 E. 8th Street, Austin, Texas 78701

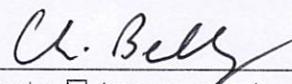
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285 1
	Number of parties to be served in this case 3
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

FILED  
2025 JUL -9 AM 10:15  
JPC

Signature of Attorney or Originator requesting service on behalf of: 	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 512-391-8707	DATE 06/16/2025
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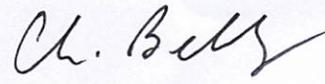
**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. <i>(Sign only for USM 285 if more than one USM 285 is submitted)</i>	Total Process 1	District of Origin No. 80	District to Serve No. 80	Signature of Authorized USMS Deputy or Clerk 	Date 6/23/25
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I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	Date 6/30/25	Time 10:12	<input checked="" type="checkbox"/> am <input type="checkbox"/> pm
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Address (complete only different than shown above)	Signature of U.S. Marshal or Deputy 
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Costs shown on attached USMS Cost Sheet >>

REMARKS

USPS CMRR: 9589 0710 5270 2145 6218 40

RECEIVED  
U.S. MARSHALS SERVICE  
2025 JUN 23 AM 9:20  
WESTERN DISTRICT/TEXAS  
AUSTIN DIVISION

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

Civil Action No. 1:25-cv-00347-ADA-DH

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) APD Officer Spees  
was received by me on (date) 6/23/25.

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):  
USPS CMRR: 9589 0710 5270 2145 6218 40

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: 6/30/25

Chris Bellamy  
Server's signature

Chris Bellamy  
Printed name and title

501 W 5th St, Austin TX 78701  
Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset



Austin, and officers sued in their official capacity, while allowing the lawsuit against Officers Spees, Pitre, and Pierron in their individual capacities to proceed.<sup>1</sup> Doc. 5.

3. On Sunday July 20, 2025, Officer Pitre emailed the City of Austin Law Department that she had just received service of a lawsuit. Officer Pitre discovered the lawsuit summons in her mailbox at APD headquarters. Officer Pitre had been on medical leave the entire month of June and has been on light duty during the month of July. Under the conditions of this leave, she does not go into the office. It was only a coincidence that she spur of the moment stopped by the office and located the mailing containing this lawsuit.
4. Officer Spees has also been out on administrative leave since December 2024 and has not been available to check his mail at APD headquarters or go into the office. He was unaware of this lawsuit and service until undersigned counsel reached out to him after receiving the email from Officer Pitre.
5. Officer Pierron<sup>2</sup> is on military leave until September 30, 2025 and does not have to ability to check his mailbox at APD headquarters. He was unaware of this lawsuit until the undersigned counsel reached out to him after receiving the email for Officer Pitre. It does not appear that Officer Pierron has been served in this lawsuit therefore he is not requesting an extension.
6. On July 9, 2025 an executed summons return was filed with the Court showing that Officer Pitre was served via certified mail by dropping off the mailing at the reception

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<sup>1</sup> Judge Howell also finds that the lawsuit against Officer Pioronne may proceed, however it does not appear that Officer Pioronne has been successfully served yet and no return of service has been filed.

<sup>2</sup> The correct spelling for this officer's name is Pierron. This motion will use the correct spelling.

- area or the front desk of the Austin Police Department on June 26, 2025, making the answer due July 17, 2025. Doc. 8.
7. On July 10, 2025 an executed summons return was filed with the Court showing that Officer Spees was served via certified mail by dropping off the mailing at the reception area or the front desk of the Austin Police Department on June 30, 2025, making the answer due July 21, 2025. Doc. 9
  8. While service was effectuated on the Austin Police Department reception area or front desk, due to both officers being on leave, neither received actual notice that they had been served with a lawsuit. The mailing containing the lawsuit was placed in the officers' respective boxes unopened.
  9. Given the timing of the receipt of the lawsuit, the undersigned counsel requires additional time to evaluate the Plaintiff's pleadings, the appropriate response, and the availability of any potential motions.
  10. This extension is not sought for mere purposes of delay but that the interests of justice may be served. Plaintiff will not be prejudiced if leave is granted to late file an answer. This is especially true given there is not yet a final order on the Report and Recommendation of the United States Magistrate Judge and other defendants have not yet been served.

#### **PRAYER**

Accordingly, Defendants Pitre and Spees respectfully requests that the Court grant this motion for leave to file a response out of time and extend the deadline for Defendant to answer or otherwise respond to Plaintiff's Original Complaint to August 13, 2025. A proposed form of order is being submitted in connection with this motion.

RESPECTFULLY SUBMITTED,

DEBORAH THOMAS, CITY ATTORNEY  
SARA SCHAEFER, ACTING DIVISION CHIEF

/s/ Sara Schaefer  
SARA SCHAEFER  
State Bar No. 24086598  
City of Austin  
P. O. Box 1546  
Austin, Texas 78767-1546  
[sara.schaefer@austintexas.gov](mailto:sara.schaefer@austintexas.gov)  
Telephone (512) 974-1536

**ATTORNEYS FOR DEFENDANTS  
CITY OF AUSTIN**

**CERTIFICATE OF CONFERENCE**

I certify that on July 24, 2025, I emailed Julian Reyes (pros se plaintiff) at the email address on his original complaint. As of filing, I have not received a response, so I am designating this request as opposed.

**CERTIFICATE OF SERVICE**

This is to certify that I have served a copy of the foregoing on all parties or their attorneys of record, in compliance with the Federal Rules of Civil Procedure, this 24th day of July 2025.

**Via CM/ECF:**

Julian Reyes  
10900 Research Blvd  
Suite 160c Box 147  
Austin, teas 78759  
[justicenowpeople@protonmail.com](mailto:justicenowpeople@protonmail.com)  
(512) 785-1749

**PLAINTIFF PRO SE**

*/s/ Sara Schaefer*  
SARA SCHAEFER

U.S. Department of Justice  
United States Marshals Service

**PROCESS RECEIPT AND RETURN**

See "Instructions for Service of Process by U.S. Marshal"

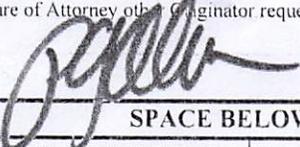
PLAINTIFF JULIAN REYES	COURT CASE NUMBER 1:25-cv-00347-ADA-DH
DEFENDANT City of Austin, Inc. et al.	TYPE OF PROCESS CIVIL COMPLAINT

**SERVE AT** { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN  
APD Officer Pioronne  
715 E. 8th Street, Austin, Texas 78701

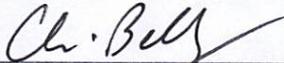
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to served with this Form
	Number of parties to be served in this case 3
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

FILED  
 2025 JUL 22 PM 3:48  
 WESTERN DISTRICT OF TEXAS  
 AUSTIN DIVISION

Signature of Attorney or Originator requesting service on behalf of: 	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER 512-391-8707	DATE 06/16/2025
--	---	----------------------------------	--------------------

**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY - DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process <u>1</u>	District of Origin No. <u>80</u>	District to Serve No. <u>80</u>	Signature of Authorized USMS Deputy or Clerk 	Date <u>6/23/25</u>
---	---------------------------	-------------------------------------	------------------------------------	--	------------------------

I hereby certify and return that I  have personally served,  have legal evidence of service,  have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the on the individual, company, corporation, etc. shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm
--	------	--

Address (complete only different than shown above)	Signature of U.S. Marshal or Deputy
--	-------------------------------------

Costs shown on attached USMS Cost Sheet >>

REMARKS

- USPS CMRR: 9589 0710 5270 2145 6218 64

- No access to delivery location

RECEIVED  
 U.S. MARSHALS SERVICE  
 2025 JUN 23 AM 9:20  
 WESTERN DISTRICT/TEXAS  
 AUSTIN DIVISION

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

Civil Action No. 1:25-cv-00347-ADA-DH

**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)* APD OFFICER Pioronne  
was received by me on *(date)* 6/23/25.

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 No access to delivery location; 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: 7/13/25

Chris Bellamy  
\_\_\_\_\_  
*Server's signature*

Chris Bellamy  
\_\_\_\_\_  
*Printed name and title*

501 W 5th St, Austin TX 78701  
\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# USPS Tracking®

FAQs >

Tracking Number:

## 9589071052702145621864

Remove X

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

### Latest Update

We could not access the delivery location to deliver your package at 6:24 pm on July 13, 2025 in AUSTIN, TX 78704. We will redeliver on the next delivery day. No action needed.

Get More Out of USPS Tracking:

USPS Tracking Plus®

#### Alert

##### No Access to Delivery Location

AUSTIN, TX 78704  
July 13, 2025, 6:24 pm

##### Arrived at Post Office

AUSTIN, TX 78701  
July 12, 2025, 5:25 pm

See All Tracking History

Feedback

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus®



Product Information



SENDER

Compl  
Print y  
so that  
Attach  
or on t  
Article

APD  
715  
AUS

Article  
9

9589 0710 5270 2145 6218 64

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Certified Mail Fee

\$

- Return R
- Return R
- Certified
- Adult Sig
- Adult Sig

**APD OFFICER PIORONNE**

**715 E. 8TH STREET**

**AUSTIN, TX 78701**

Postage

\$

Total Posta

\$

Sent To

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

Form 3800, July 2020 PSN 7530-02-000-9053

DELIVERY

Agent

Addressee

C. Date of Delivery

from item 1?  Yes

ess below:  No

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Signature Confirmation™

Signature Confirmation Restricted Delivery

Delivery

Domestic Return Receipt



Out of an abundance of caution, the following Defendants generally deny each and every allegation asserted against City of Austin (“the City”), the Austin Police Department, and individual defendants sued in their official capacities and respectfully submit that any and all such claims should be dismissed with prejudice for the reasons stated in the ORDER AND REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE [Dkt 5], which is fully adopted and incorporated herein by reference. p.3-5 (“Initially, Reyes’s claims against APD and official-capacity claims against the named APD officers, construed as claims against the City of Austin, should be dismissed for failure to state a claim. *See Neal v. Flanery*, No. A-20-CV-1217-RP, 2021 WL 164555, at \*2 (W.D. Tex. Jan. 19, 2021) (“The Austin Police Department is not a legal entity capable of being sued.”); *Bustillos v. El Paso Cnty. Hosp. Dist.*, 226 F. Supp. 3d 778, 789 (W.D. Tex. 2016), *aff’d*, 891 F.3d 214 (5th Cir. 2018) (“A claim against a municipal official in his or her official capacity is tantamount to a suit against the municipal entity.”)).

### **ORIGINAL ANSWER**

Pursuant to Federal Rule of Civil Procedure 8(b), the above referenced Defendants respond to each of the specific averments in Plaintiff’s Civil Rights Complaint [Dkt 1] as set forth below. To the extent that the Defendants do not address a specific averment made by Plaintiff, the Defendants expressly deny that averment.<sup>1</sup>

1. Upon information and belief, Defendants admit the allegations contained in Paragraph 1 of the Original Complaint.
2. Defendants deny the allegations contained in Paragraph 2 of the Original Complaint. The allegations of this paragraph state conclusions of law or fact without stating a claim upon which

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<sup>1</sup> Paragraph numbers in Defendant’s Answer correspond to the paragraphs in Plaintiffs’ Original Complaint.

relief can be granted, and for which no response is required as stated. To the extent any response is required, the Defendants deny any allegations asserting fault or liability.

3. Defendants deny the allegations contained in Paragraph 3 of the Original Complaint.
4. Defendants deny the allegations contained in Paragraph 4 of the Original Complaint including all subparts thereof.
5. Defendants deny the allegations contained in Paragraph 5 of the Original Complaint including all subparts thereof.

#### Jury Demand

Defendants acknowledge and do not oppose Plaintiff's request for a jury.

#### **AFFIRMATIVE DEFENSES**

1. Defendants assert the affirmative defense of qualified/official immunity for actions taken in the course and scope of their employment.
2. Defendants assert the affirmative defense of contributory negligence. Plaintiff's claims are barred in whole or in part by Plaintiff's contributory negligence. Plaintiff, by his actions, failed to exercise ordinary care for his safety. His actions contributed at least fifty-one percent to his alleged injuries and the damages asserted in this case.
3. Defendants affirmatively plead that the Plaintiff's claims are barred in whole or in part since Plaintiff's intentional acts were the proximate cause, or a proximate contributing cause, of his alleged injuries and damages asserted in this case.
4. Defendants assert the affirmative defense that Plaintiff failed to mitigate damages, if any, and asserts this failure to mitigate as both an affirmative defense and as a reduction in the damage amount, if any, due Plaintiff.

5. Defendants affirmatively plead that the Plaintiff's action is barred by the applicable statute of limitations.
6. Defendants affirmatively plead insufficient service of process.
7. Defendant City of Austin asserts the affirmative defense of governmental immunity as a municipal corporation entitled to immunity while acting in the performance of its governmental functions, absent express waiver.
8. Defendant City of Austin asserts the affirmative defense of governmental immunity since its employees are entitled to qualified/official immunity for actions taken in the course and scope of their employment, absent express waiver.
9. Defendants reserve the right to assert additional affirmative defenses throughout the development of the case.
10. Defendants deny any deprivation under color of statute, ordinance, custom, or abuses of any rights, privileges, or immunities secured to the Plaintiff by the United States Constitution, or any applicable federal or state law, including but not limited to 42 U.S.C. § 1983, et seq, 1985 (Conspiracy of Parties), Privacy Protection Act of 1980, etc.
11. To the extent Defendants did not address a specific averment made by Plaintiff, Defendants expressly deny all such averments.
12. Defendants reserve the right to assert additional affirmative defenses as may be applicable throughout the development of the case, including immunity, estoppel, illegality, laches, waiver, or any other matter which may constitute an avoidance or affirmative defense.
13. Defendants plead legal justification for each and every action taken.
14. Defendants assert that punitive damages are not available and would be contrary to the

protections of the United States Constitution by allowing a jury or fact finder standardless discretion.

15. Plaintiff has failed to state a cause of action against these defendants and the lawsuit should be dismissed against them, individually.
16. If appropriate, and subject to withdrawal, Defendant[s] assert that Plaintiff's claim should be dismissed, with all attorney's fees, other expenses and costs of this action taxed against Plaintiff. Plaintiff's claims are without substantial justification, frivolous, groundless in fact and law, meritless, unnecessary, and vexatious.

#### **DEFENDANTS' PRAYER**

Defendants pray that all relief requested by Plaintiff be denied, that the Court dismiss this case with prejudice, and that the Court award Defendants costs and attorney's fees, and any additional relief to which they are entitled under law or equity.

RESPECTFULLY SUBMITTED,

DEBORAH THOMAS, CITY ATTORNEY  
SARA SCHAEFER, ACTING LITIGATION CHIEF

/s/ Monte L. Barton Jr.  
MONTE L. BARTON JR.  
State Bar No. 24115616  
[monte.barton@austintexas.gov](mailto:monte.barton@austintexas.gov)  
Assistant City Attorney  
City of Austin  
P. O. Box 1546  
Austin, Texas 78767-1546  
Telephone (512) 974-2409  
Facsimile (512) 974-1311

**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I certify that on the 13<sup>th</sup> day of August 2025, I served a copy of the foregoing *Answer and Affirmative Defenses* on all parties in compliance with the Federal Rules of Civil Procedure.

**Via CM/ECF:**

Mr. Julian Reyes  
10900 Research Blvd  
Suite 160c Box 147  
Austin, Texas 78759  
justicenowpeople@protonmail.com  
(512) 785-1749  
**PLAINTIFF PRO SE**

**/s/ Monte L. Barton Jr.**  
Monte L. Barton Jr.

FILED

UNITED STATES of AMERICA 5TH CIRCUIT AUSTIN DIVISION COURT

2025 AUG 29 PM 3:22

Julian Reyes  
Plaintiff

CLERK, US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY JRE

v.

§  
§  
§

Case no. 1:25-cv-00347-ADA-DH

CITY OF AUSTIN, INC,  
AUSTIN POLICE DEPARTMENT,  
OFFICERS SPEES, PITRE,  
PIORONNE, ET AL, OTHER  
PARTIES TO BE LISTED  
ALL DEFENDANTS  
INDIVIDUALLY AND IN THEIR  
OFFICIAL CAPACITIES,  
RESPECTIVELY

§  
§  
§

Defendants

**Motion for Leave to file motions amend complaint and seek Counsel**

1. As I do not currently have access to a lawyer on this case or to case law. And am a laymen without legal training and access to legal staff like the City of Austin, Inc. have access to. The City being the employer of the officers that deprived me of my Constitutional Rights on this date.

As such I would like to request a motion to stay or leave, whichever is technically appropriate in this court, for this case, and on any responses to this court on this case for at least 60 days while I seek legal attention on these matters, and before the defendants and court are able to further deprive me of access to my rights and law.

2. I apologize, after looking through the original complaint, I need to correct these errors, and file a new amended complaint as this case is difficult for me to work and understand all the case law and how the City and Polices' qualified immunity works. And if it is qualified that they are not perjuring themselves to fabricate

probable cause for the arrest, like they did in this incident as well as others I have witnessed. So I would like to correct my original complaint as it was filed at the last minute, with errors. And there are corrections and specifications that need to be amended to the complaint. Which I am not sure how that process works having the City attorneys already try to dismiss this case without due process in their answer recently. If I had legal counsel they would know the law and process of the Court and all the right legal terms. Which is why I am asking for leave also.

I also apologize if I have filed this motion under the wrong title or category on CM/ECF e-file system. I was confused when I looked at all the categories there also.

3. I am a simple pro se Citizen that has been repeatedly, frequently abused, arrested for filming police, targeted as Press during my Press work, which is an abuse of law, for my constitutional exercises of filming the Austin police, and city crews, which is free speech as well as freedom of the press as I am a long-standing (over 12 years), credentialed member of the Challenger Street Newspaper, a 501c3 nonprofit and the City's agents are well aware of this fact, as well as the Mayor and City Council and officers listed in this suit as we have regular interactions and they see me with my Press badge filming their public interactions with Citizens. They are both aware of my journalist status and of the status of the Challenger Street Newspaper, the local street press. Print and online distribution and sales. Including being distributed by street vendors that are resident unhoused People of Austin. With local, State, National and International subscribers, viewers and news reach.

4. As I am operating without counsel and the incidents of false arrest and deprivation of rights are frequent and often get confused. Others parties to be named later through the proper discovery of evidence, all all defendants individually and in their official capacities are responsible for this incident on this date. And only through proper discovery of evidence will we actually know the extent of this targeting, incidents, and witnesses. To dismiss and give immunity at this early stage is an injustice under color of law. It would better serve the people and serve justice to revisit all qualified immunities issues after the evidence is presented, to make sure that the truth comes out and the facts, under the law. Not above the law.

5. This incident and complaint happened in Austin, Texas, which this Court has jurisdiction over. As the 5th Circuit encompasses all of Texas, Louisiana and Mississippi. These are Constitutional issues, that are novel and important.

Therefore I request the Western District Court of the U.S.A. in Austin, to try my Civil Complaint involving 1st, 4th, 14th, 8th Constitutional Amendments both in the State of Texas and similar Constitutional Rights amendments of the United States of America, violations under section U.S.C. 42 1983 as well as section 1985 Conspiracy of Parties. Because multiple agents of Municipal and Corporate government did conspire to deprive me of my rights and they were all involved in this crime against myself and essentially the rights afforded to all the Citizens and the Free Press.

Making this case difficult and complex, and the evidence and investigation complex beyond my means to achieve Justice. And that is a furtherance of APD's ongoing practices racist targeting of persons and the same targeting of me repeatedly by the City and its agents acting together with the desired goals to deprive me of my rights, falsely arrest me repeatedly, make a mockery of the Constitution and cause me to not be able to defend my rights in Court. As the City and its employees have countless funds and lawyers to protect these unlawful agents and these actions. The City and police also know about my indigency, health issues, and mental strain that they have caused me.

The City and Police know the Challenger Newspaper and I are important source of Press, news from the streets of Austin, Texas. News that otherwise would not be spoken. Breaking news.

Many are life or death stories and struggles of real people living in Austin or on the poor streets of wealthy Austin. People and stories that the City and police would rather not be heard or seen by the public.

I have spoken to several Chiefs of Police of APD and informed them of this ongoing issue, of targeting, of interference with 1st amendment constitutional rights of filming police, of protesting, and that I am in fear for my life and that of other activists and filmers. Yet the pattern and practice of targeting and false arrests only continues and escalates.

In fact I have done my duty as a concerned Citizen and have filed many police complaints regarding this issue, and have not had any justice or change in their obedience of the law in these regards. Thus showing that the policies and practices of several departments are being used to enable targeting, false arrest, harassment, police abuse, and utilizing the law to do so. Under color of law they violate the constitutions and my rights. As the harassment and targeting, threats and arrests

continue. Causing an undue burden which interferes with this and other cases that I have currently and in the past.

I have also spoken many times about this police targeting and abuse to the Office of Police Oversight, to the entire City Council including 3 Mayors of Austin and City Managers also of these issues and their responsibility if they did not prevent further illicit targeting of myself and others. And have informed the Judge on this case of the perjury in Municipal Court and he stated that perjury would be handled later for the Officer and the Prosecutor. To date, no accountability has been achieved related to this unlawful arrest, without probable cause. With malice to chill my Freedom of Speech and stop the Public from hearing the names of people in Austin and dogs also murdered by Austin Police Department agents acting under color of law for the People. As Public Servants.

6. Not to mention Austin Police have harassed and even arrested me again since this incident many times, and all those cases except the most recent were also dismissed by the City's Prosecutors at City Legal Dept. I am still facing at least one case for filming the police on Memorial Day this year. The case is ongoing and there has not been a single appearance yet for the defendant, just attorney appearances only. Which is not the subject of this case, just shows what the difficulty is when you face the corruption of policing and prosecutors that will not let you be, even while in a current Civil Suit for freedom of speech as well.

These previous criminal case dismissals are because the City Prosecutors and police lacked prima facie evidence and the Police lacked probable cause to deny and deprive me of my Constitutional Rights. Also they realized that the officer would have to further perjure himself in trial. As I had made the presiding Judge in that Court also aware of the continued pattern of false arrests, targeting, police abuse and the fact that the City and Police were involved in a perjury on this case.

Specifically that I had refused to stop playing music and speaking about police murders on the microphone. Which was a lie, that I informed the police of, on video, and which all the video evidence showed was also a lie to create a false arrest. These false arrests and targeting cause me stress, keep me limited on energy to fight for Justice and chill my freedom of speech including filming the police and publishing information to the Public regarding this issue. As well as harm my ability to work these cases like this one, which are above my head.

This has created a chilling effect on free speech and filming in public of police in Austin and my street advocacy work for the people.

7. I request a Leave or Stay for this case, whichever is more suited, because the City and it's police are continually keeping me busy in court defending my rights and my person from unlawful and unnecessary retaliatory imprisonment and punishment for clearly and well established constitutional rights. This time and energy keeps me from working on this case and talking to more lawyers for assistance with this case.

I believe that the federal civil courts are the venue for seeking justice and protections of law for all people in this matter.

I believe that the quality of Justice in general would be improved with leave for these purposes.

I believe that the functioning of law in the Court will also benefit from having leave and counsel.

I also believe that the National and State BARs have instructed and informed the attorneys of the above facts of counsel and courts.

8. I request leniency on this case and a stay/leave order, to allow time to seek counsel and file motions. please consider this my request if necessary. As I am just a layman and pro se, without legal counsel trying to do my best to get this civil rights complaint and motions filed in time and as accurately as I am able. To defend the people and our Constitution, in effect.

I am not sure what motion to file, leave, stay, or some of the other titles under the CM/ECF e-file category of motions that seem to apply would be motion for extension of time to answer, to amend complaint, etc. I am not sure, as I am not an attorney, I would like the right to speak to an attorney that is familiar with this and Civil Rights law, etc. to assist with the Justice in this case.

9. See exhibits A and B and you will see that I tried to also file this motion electronically on this case and could not, as the case number was not yet input into the system for me to bring up on the page. So that caused delays on this filing and I eventually got help with the technical support of the Court's e-file system to have them populate that case into the drop-down where there was no field to manually enter or search to select this Civil Rights Case in this Austin Federal District Court.

In exhibit C you can see how I had issues uploading the PDFs due to technical issues with the e-file system and tried to work the issue out also with technical support.

So I also request leniency on this filing and this Civil Rights case regarding answering the City of Austin's attorneys, this stay/leave order, with to allow time to me to continue to seek adequate counsel and file motions. Please consider my request.

10. I would also like the opportunity to amend my complaint as there may have been errors that made a recommendation that was not guided by the actual facts as they occurred. It's hard to keep up all these cases yet Justice must be made for all. Not just using "Justice" to protect the police, their leadership and trainers.

11. If a hearing would be necessary, I pray for that opportunity to show and state my case as to why I need time for this case and how I cannot keep up with this case as if I had the abilities and access of legal advice or counsel. **Oral Argument Requested.** No rights waived, all rights reserved.

12. The Court granted the City of Austin, Inc. and co-defendants additional time to answer this complaint.

I am now asking for leave as well. And would like to be also considered for leave to file motions and seek legal counsel.

I have also informed the City attorneys as best I can and have not received a response. One was emailed yesterday as well with no response. So I will probably mark this motion as 'contested' if the electronic filing system requires that response, only because the emails have not been answered yet by the defendants' attorneys.

13. Jury Demand

I again pray the Court allow a Trial by Jury on this case, as it progresses, in the Interest of protecting the Constitutional Rights of the People. Also in the interests of Justice for All and the interest of Justice as bedrock principles of the United States of America.

SIGNED this 29th August, 2025.

Respectfully submitted,



/S/ Julian Reyes, pro se

Signature (pro se)

Mr. Julian Reyes  
512 785-1749  
10900 Research Blvd  
Suite 160c Box 147  
Austin, Texas, U.S.A. 78759  
justicenowpeople@protonmail.com

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Motion has been served on the defendants' attorneys on **8/29/2025**, in accordance with the rules. This was through the CM/ECF e-file system automatically when uploaded on that page. As I am told.

**Julian Reyes, *pro se***

A handwritten signature in blue ink, appearing to read "Julian Reyes", is written over a horizontal line.

X           /S/ Julian Reyes          . *pro se*

**EXHIBIT A: Emails from Julian Reyes to the Pacer and CM/ECF Help desk**

[2] Can't locate my newest civil rights Case to e-file motions. 1:25-cv-00347-ADA-DH

From justicenowpeople@protonmail.com ☆ 10:09 AM  
To [pacer@psc.uscourts.gov](mailto:pacer@psc.uscourts.gov)

Hello,

I am trying to file a motion and it is not showing up on CMEFS for the court. only my other cases show up. So that means I'll be late to file my motions potentially and have to hand deliver them to the Federal Court Clerk in Austin District.

See screen shot. My case that I am working on is 1:25-cv-00347-ADA-DH  
The one's that show up are \*989, \*908 and \*387 not \*347.

Can you help correct this or refer me to the proper help?

Thank you, For the People,

Julian Reyes  
512 785-1749  
[justicenowpeople@protonmail.com](mailto:justicenowpeople@protonmail.com)

813.60 KB 1 file attached

Screenshot 2025-08-29 at 10.04.11AM.png 813.60 KB

From justicenowpeople@protonmail.com ☆ 11:42 AM  
To [twrd\\_ccf\\_help@twrd.uscourts.gov](mailto:twrd_ccf_help@twrd.uscourts.gov)

Hello, I am not seeing the case 1:25-cv-00347-ADA-DH in the efile page listing. Please see attached email and screenshot. I need to file motions. including leave to file motions and seek counsel. Not sure how many days I have to do so.

Thank you, For the People,

Julian Reyes  
512 785-1749

Videographer, Reporter, legal documentarist, street advocate, etc.  
Challenger Street Newspaper  
Alamo Media Group  
Stringer for Corporate Media Outlets.

*"There is no time but now, there is no one but you and me. Winds blow, change is ever."*

Sent with Proton Mail secure email.

...

1.69 MB 2 files attached

Screenshot 2025-08-29 at...AM.png 813.60 KB Screenshot 2025-08-29 at...AM.png 813.60 KB

From  txwd\_ecf\_help@txwd.uscourts.gov  
To justiciorowpeople@protonmail.com

  11:58 AM



Good morning, Mr. Reyes.

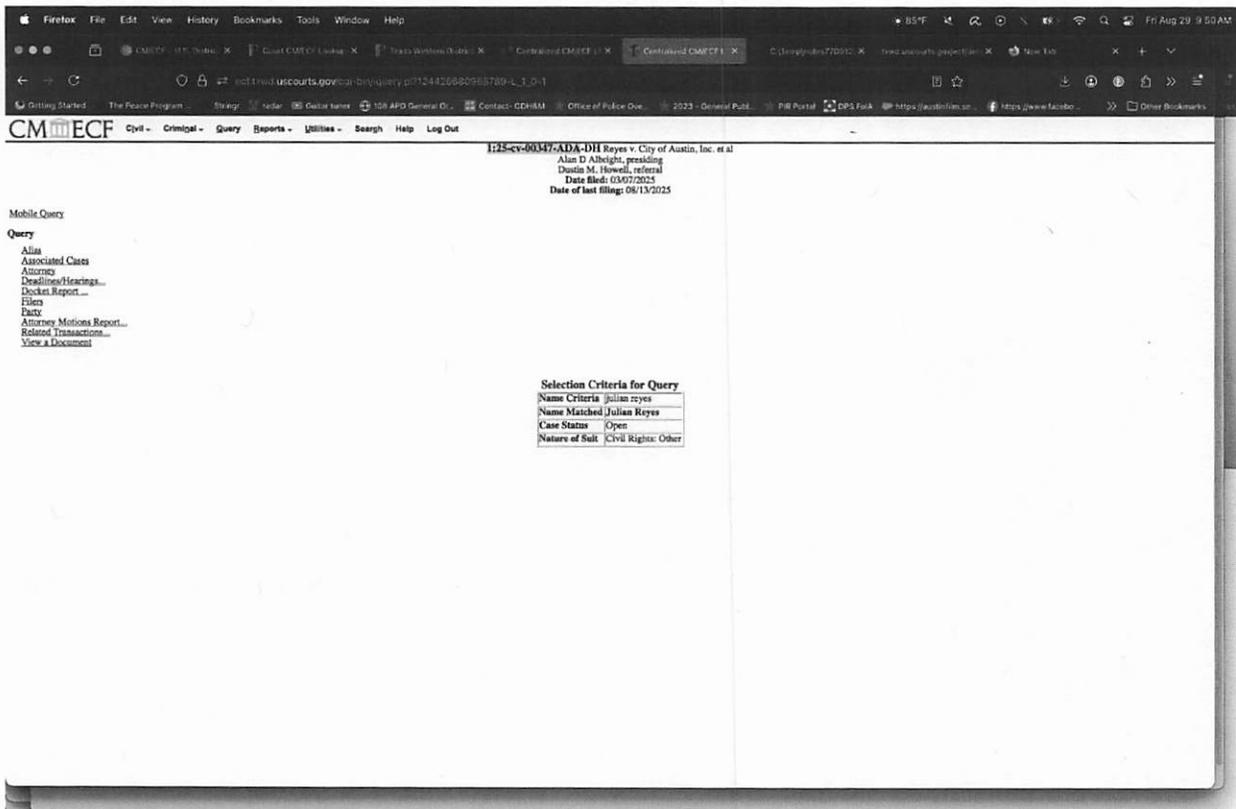
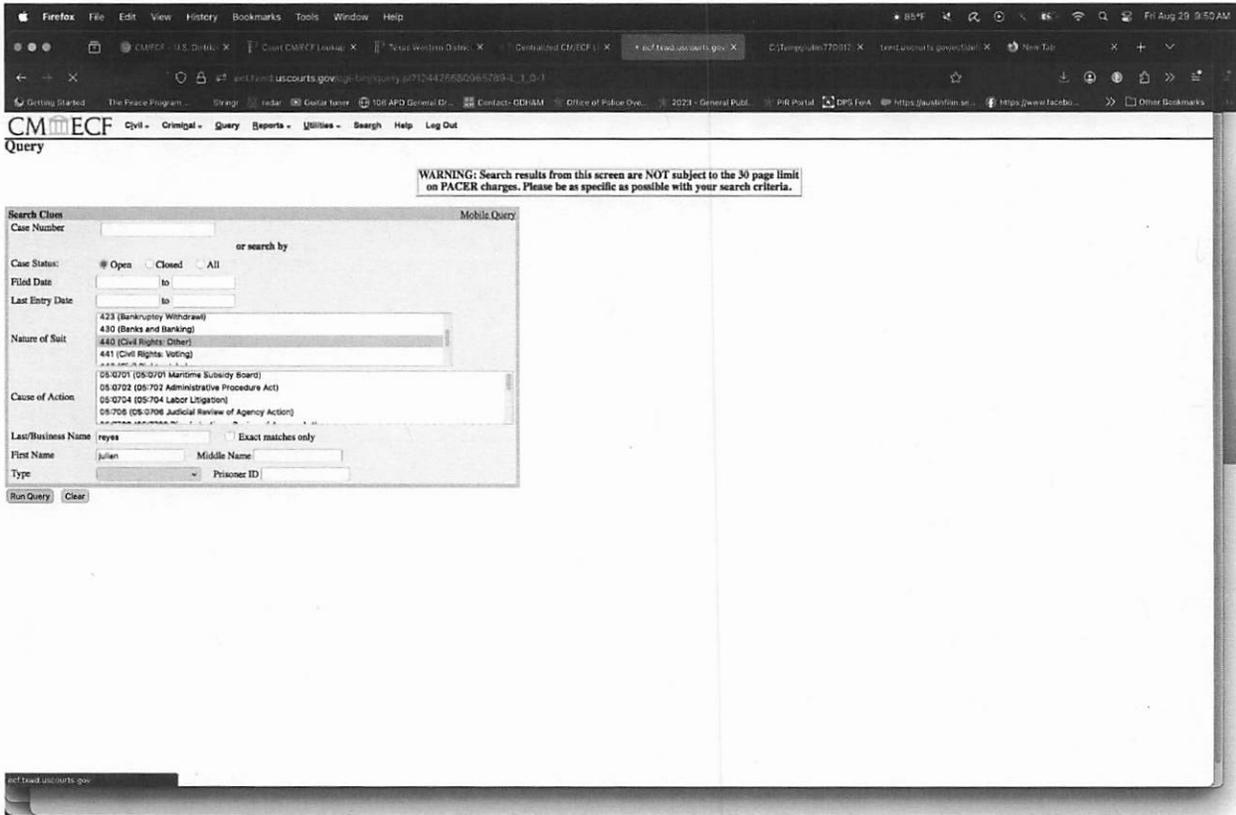
We have properly linked your accounts so that case 1:25cv347 shows up on your side. You may have to refresh your session to notice the change.

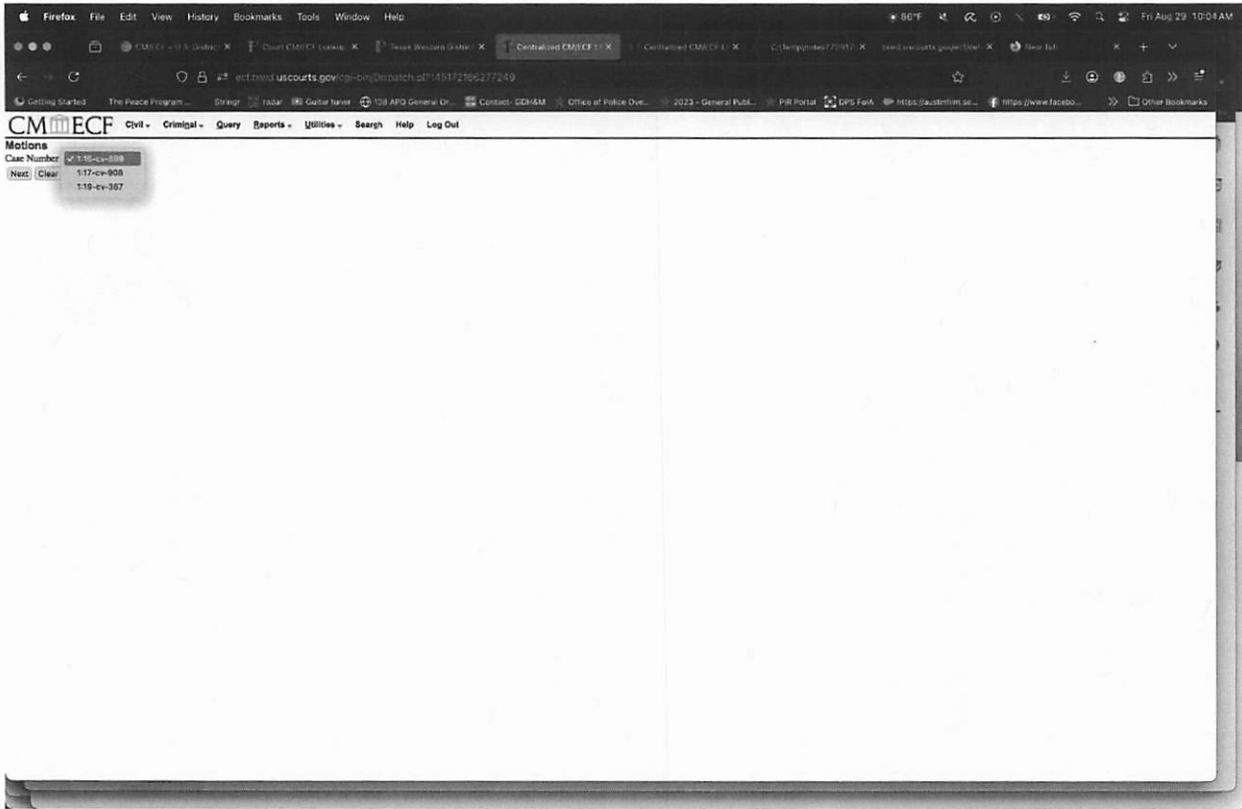
Let us know if you need anything else.

Thank you,

TXWD ECF Help Desk  
U.S. District Court  
Western District of Texas  
Support Hours: 6am - 6pm CT  
Please visit our website: [www.bwd.uscourts.gov](http://www.bwd.uscourts.gov)

**EXHIBIT B: Screenshots from CM/ECF of issue with case filing**





**EXHIBIT C: Screenshots from CM/ECF of issue with PDF filing**

**CM/ECF** Civil Criminal Query Reports Utilities Search Help Log Out

**Motions**

1:25-cv-00347-ADA-DH Reyes v. City of Austin, Inc. et al

ASREF

RROR: Document is malformed or contains code which may cause an external action (such as launching an application). This PDF document cannot be accepted.

lick [here](#) for more information.

you need further assistance, please contact the court.

ror File: C:\fakepath\Final Motion for Leave REYES V SPEES, APD, etc 08292025-2.pdf

**Submitted Entries**

File Type	Filename	Category	Description
Main Document	C:\fakepath\Final Motion for Leave REYES V SPEES, APD, etc 08292025-2.pdf	-	-
Attachment #1	C:\fakepath\Exhibit A Motion for Leave REYES V SPEES, APD, etc 08292025-A.pdf	Exhibit	Exhibit A to motion
Attachment #2	C:\fakepath\Exhibit B Motion for Leave REYES V SPEES, APD, etc 08292025-B.pdf	Exhibit	Exhibit B to motion

[Back](#)

**From:** Justice Now People <justicenowpeople@protonmail.com>  
**Sent:** Friday, August 29, 2025 1:34 PM  
**To:** TXWD\_ECF\_help <txwd\_ecf\_help@txwd.uscourts.gov>  
**Subject:** RE: Can't locate my newest civil rights Case to e-file motions. 1:25-cv-00347-ADA-DH

**CAUTION - EXTERNAL:**

Ok well I am downloading adobe acrobat reader now. All I have is a mac, which I've been filing from a mac and making pdfs in pages and e-filing them on this server before, without having these errors.

I'll try the adobe work around as I do not see a pdf printer option on pages, just export to pdf.

Thank you, For the People,

Julian Reyes, pro se plaintiff

*"There is no time but now, there is no one but you and me. Winds blow, change is ours."*

Sent with [Proton Mail](#) secure email.

On Friday, August 29th, 2025 at 1:20 PM, TXWD\_ECF\_help <[txwd\\_ecf\\_help@txwd.uscourts.gov](mailto:txwd_ecf_help@txwd.uscourts.gov)> wrote:

Thank you for your inquiry. We are providing two ways to address the malformed document(s):

The simplest way to address most PDF upload rejections is to flatten the PDF and then upload it. 1. Open your PDF in Adobe Acrobat or another tool that lets you work with PDF documents. 2. Print the PDF file to your PDF printer (File > Print > select Adobe PDF or another PDF printer listed in the drop-down list). 3. Save the printed PDF and upload it for filing.

If you are using a Mac and printing to pdf, it does not work (on a Mac with Preview), but compressing the file with Adobe did work.

Or,

You should compress your PDF in Adobe Acrobat and submit your document again by following the steps below:

1. Open your PDF document in Adobe Acrobat
2. Click on **File**, then **Print**
3. In the Print pop-up window, select **Adobe PDF** from the Printer drop-down menu
4. Click on **Properties** button next to the Printer drop-down menu
5. In the Adobe PDF Document Properties pop-up window, click on the **Paper/Quality** tab
6. Click on the **Advanced** button
7. Under Graphic, next to Print Quality, click on 1200 dpi and select **300 dpi** from the drop-down menu
8. Click on the **OK** button twice to return to the Print pop-up window
9. Click on the **Print** button
10. Type in your file name in and click on the **Save** button
11. Log in to CM/ECF and file your document

TXWD ECF Help Desk  
U.S. District Court  
Western District of Texas  
Support Hours: 8am - 6pm CT  
Monday - Friday (excluding holidays)

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case, the parties are required to explore the feasibility of ADR between themselves as well. If the parties elect not to participate in an early ADR effort, the Court may nonetheless require a settlement conference shortly before trial.

In addressing the Rule 26(a)(1) disclosures, the parties shall discuss the appropriate timing, form, scope or requirement of the initial disclosures, keeping in mind that Rule 26(a)(1) contemplates that disclosures will be made by the date of the Rule 16(b) initial scheduling conference and will include at least the categories of information listed in the rule. Rule 26 affords the parties flexibility in the scope, form and timing of disclosures under both Rule 26(a)(1) (initial disclosures) and Rule 26(a)(2) (expert witness disclosures), but the parties' agreement on disclosures is subject to approval by the undersigned. In their discussion of disclosures, counsel shall address issues of relevance in detail, with each party identifying what it needs and why. The discussion shall include the sequence and timing of follow-up discovery, including whether that discovery should be conducted informally or formally and whether it should be conducted in phases to prepare for filing of particular motions or settlement discussions.

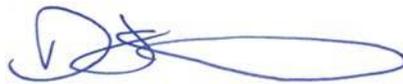
In addressing electronic discovery, the parties shall discuss what electronic sources each party will search, difficulty of retrieval, preservation of records, the form of production (electronic or hard-copy, format of production, inclusion of meta-data, etc.), cost of production and which party will bear the cost, privilege/waiver issues, and any other electronic discovery issues present in the case. Before engaging in the Rule 26 discussion, the parties should determine who is most familiar with the client's computer system, what electronic records the client maintains, how the client's electronic records are stored, the difficulty/ease of retrieving various records, the existence and terms of the client's document

retention/destruction policy, and whether the client has placed a “litigation hold” preventing destruction of potentially relevant records.

The Court would also like to relay the following to the parties:

- (1) The Court has recently faced a spate of discovery objections that do not track the 2015 amendments to the Federal Rules. Please remember that boilerplate objections are unacceptable.
- (2) Speaking objections during depositions are improper. Other than to evaluate privilege issues, counsel should not confer with a witness while a question is pending. Counsel may confer with witnesses during breaks in a deposition without waiving any otherwise applicable privilege.
- (3) Parties shall promptly notify the Court if they reach a settlement in a case and request to stay any deadlines.

**SIGNED** this 3<sup>rd</sup> day of September, 2025.



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DUSTIN M. HOWELL  
UNITED STATES MAGISTRATE JUDGE

# APPENDIX A

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

	§	
	§	
	§	
Plaintiffs,	§	Case No.
	§	
v.	§	
	§	<b>Jury Trial Demanded</b>
	§	
	§	
Defendants.	§	
	§	

**JOINT PROPOSED SCHEDULING ORDER**

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court **ORDERS** that the following schedule will govern deadlines up to and including the trial of this matter:

Date	Event
	Discovery commences on all issues.
	All motions to amend pleadings or to add parties shall be filed on or before this date.
	Fact Discovery Deadline. Any discovery requests must be propounded so that the responses are due by this date.
	The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before this date. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further ORDERED to retain the written offers of settlement and responses as the Court will use these in assessing attorney’s fees and court costs at the conclusion of trial.
	Parties with burden of proof to designate Expert Witnesses and provide their expert witness reports, to include all information required by Rule 26(a)(2)(B).
	Each opposing party shall respond, in writing, to the written offer of settlement made by the parties asserting claims for relief by this date. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further ORDERED to retain the written offers of settlement and responses as the Court will use these in assessing attorney’s fees and court costs at the conclusion of trial.
	Parties shall designate Rebuttal Expert Witnesses on issues for which the parties do not bear the burden of proof, and provide their expert witness reports, to include all information required by Rule 26(a)(2)(B).

	Expert Discovery Deadline. Expert discovery must be completed by this date.
	Any objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, not later than 14 days of receipt of the written report of the expert's proposed testimony or not later than 14 days of the expert's deposition, if a deposition is taken, whichever is later. <b>The failure to strictly comply with this paragraph will be deemed a waiver of any objection that could have been made pursuant to Federal Rule of Evidence 702</b>
	All dispositive motions shall be filed and served on all other parties on or before this date and shall be limited to 25 pages. Responses shall be filed and served on all other parties not later than 14 days after the service of the motion and shall be limited to 20 pages. Any replies shall be filed and served on all other parties not later than 7 days after the service of the response and shall be limited to 10 pages, but the Court need not wait for the reply before ruling on the motion.  Each party shall complete and file the attached "Notice Concerning Reference to United States Magistrate Judge"
	By this date the parties shall meet and confer to determine pre-trial deadlines, including, <i>inter alia</i> , exchange of exhibit lists, designations of and objections to deposition testimony, and exchange of demonstratives.
	By this date the parties shall exchange a proposed jury charge and questions for the jury. By this date the parties will also exchange draft Motions in Limine to determine which may be agreed.
	By this date the parties shall exchange any objections to the proposed jury charge, with supporting explanation and citation of controlling law.
	By this date the parties shall also submit to the Court their Motions in Limine.
	By this date the parties will submit to the Court their Joint Pre-Trial Order, including the identification of issues to be tried, identification of witnesses, trial schedule provisions, and all other pertinent information. By this date the parties will also submit to the Court their oppositions to Motions in Limine.
	Final Pre-Trial Conference. The parties shall provide to the Court an agreed jury charge with supported objections of each party, and proposed questions for the jury, at the final Pre-Trial Conference. This date should be at least three months after the dispositive motions deadline and two months before the proposed trial date, and ideally on a Friday.
	The Court will attempt to schedule Jury Selection on a day during the week of _____. Otherwise, Jury Selection shall begin at 9:00 a.m. on _____. These dates should be during the week before the trial date.
	Jury Trial Commences at 9:00 a.m. The trial should start on the Monday of the first or third week of the month.

**SIGNED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Dustin M. Howell  
United States Magistrate Judge

AGREED:

By: \_\_\_\_\_

By: \_\_\_\_\_

Attorneys for Plaintiffs

Attorneys for Defendants