

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

UNITED STATES DISTRICT COURT

for the
Western District of Texas

____ AUSTIN ____ Division

2026 JAN 22 PM 3:53

CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

JAMES MICHAEL SAILORS

Case No.

1:26 CV 00165 DAE

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

SEE ATTACHED

Jury Trial: (check one) ☒ Yes ☐ No

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Non-Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	James Michael Sailors		
Address	1300 w 24th st B109		
	austin	tx	78705
	City	State	Zip Code
County	travis		
Telephone Number	512-200-1215		
E-Mail Address	james.sailors22@gmail.com		

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name	Stg. ALEXANDER LOMOVSTEV #6317		
Job or Title (if known)	sargent - austin police department auto theft unit		
Address			
	austin	tx	
	City	State	Zip Code
County	travis		
Telephone Number			
E-Mail Address (if known)	Alexander.Lomovstev@austintexas.gov		
☒ Individual capacity ☐ Official capacity			

Defendant No. 2

Name	Det. JULIAN OGLE # 7787		
Job or Title (if known)	detective - Austin Police Department auto theft unit		
Address			
	austin	tx	
	City	State	Zip Code
County	travis		
Telephone Number			
E-Mail Address (if known)	Julian.Ogle@austintexas.gov		
☒ Individual capacity ☐ Official capacity			

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

Defendant No. 3

Name Det. KYLE JENNINGS #7076
 Job or Title (if known) Detective - Austin Police Department auto theft unit
 Address
 austin tx
 City State Zip Code
 County Travis
 Telephone Number
 E-Mail Address (if known) Kyle.Jennings@austintexas.gov

☒ Individual capacity ☐ Official capacity

Defendant No. 4

Name ADA. WILLIA COCKSHUT
 Job or Title (if known) assistant district attorney - Travis County District Attorneys office
 Address
 austin tx 78701
 City State Zip Code
 County travis
 Telephone Number
 E-Mail Address (if known) Willa.Cockshutt@traviscountytexas.gov

☒ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials? see attached

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
see attached

III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
Austin Texas , Travis county
- B. What date and approximate time did the events giving rise to your claim(s) occur?
SEE ATTACHED
- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)
SEE ATTACHED

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

IV. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.
SEE ATTACHED

V. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.
SEE ATTACHED

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 01/21/2026

Signature of Plaintiff

Printed Name of Plaintiff

JAMES MICHAEL SAILORS

James M Sailors

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

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

JAMES MICHAEL SAILORS,

Plaintiff,

v.

Civil Action No. 1:26 CV 00165 DAE

OFC. KYLE JENNINGS #7076,
SGT. ALEXANDER LOMOVSTEV ##6317,
OFC. JULIAN OGLE # 7787,
OFC. VINCENT NGUYEN #9583,
OFC. JOE AGUILAR #8267,
OFC. JONATHON BYNUM #5611,
ADA WILLIA COCKSHUT,
Each in their Individual Capacity,
Defendants.

PLAINTIFF'S ORIGINAL COMPLAINT
(42 U.S.C. §§ 1983 and 1985)

I. JURISDICTION AND VENUE

1. This action arises under 42 U.S.C. §§ 1983 and 1985 for violations of the Fourth and Fourteenth Amendments.
2. This Court has subject-matter jurisdiction under 28 U.S.C. §§ 1331 and 1343.
3. Venue is proper under 28 U.S.C. § 1391(b) because the operative events occurred in Travis County, Texas.

II. PARTIES

4. Plaintiff James Michael Sailors is a resident of Austin, Texas and the lawful title holder of the vehicles at issue.
5. Defendants are law-enforcement officers or state officials acting under color of state law. Defendants are sued in their individual capacities as specified in the caption.

III. STATEMENT OF FACTS

A. The Mazda CX5

6. On September 11, 2023, Plaintiff acquired a Mazda CX5 and submitted a completed title transfer application under Tex. Transp. Code § 501.029, constituting prima facie legal proof of ownership for law-enforcement purposes.
7. Plaintiff provided Defendant Jennings with documentary proof of ownership and a 311 report #2333621, showing that the prior owner threatened to file a knowingly false theft report.
8. Defendant Jennings possessed actual knowledge of the falsity of the theft allegation and that Plaintiff was the lawful owner.
9. Despite statutory proof and actual knowledge of Plaintiff's ownership, Defendant Jennings maintained a law-enforcement hold on the vehicle. And did seize the vehicle on December 26th, 2023
10. On February 1, 2024, without a warrant, probable cause, notice, or any forfeiture proceeding under Chapter 59 of the Texas Code of Criminal Procedure, Defendants seized the Mazda and facilitated a summary transfer to a third party, after which the vehicle was destroyed.
11. Defendants acted pursuant to an established departmental practice of "hold and release," rather than any random or unauthorized deviation from policy.

B. The Mercedes AMG

12. On November 6, 2023, Plaintiff lawfully purchased a 2021 Mercedes AMG GT 63 S.

13. Defendants Lomovstev and Ogle, acting in coordination with Defendants Aguilar and Bynum, relied on a demonstrably false civil assertion that Plaintiff was deceased to justify a warrantless seizure.
14. Defendants Aguilar and Lomovstev, while acting under color of state law, facilitated coordination between Horizon Bank and other law-enforcement defendants in connection with the seizure.
15. On January 25, 2024, Defendant Lomovstev admitted on recorded video that Plaintiff was the registered owner, yet Defendants forcibly seized the vehicle and keys by display of authority and threat of arrest.
16. No forfeiture petition was filed within the thirty-day statutory period required by Texas law, no notice was served, and no judicial authorization was obtained. Defendants facilitated an extrajudicial transfer of Plaintiff's property to private actors without hearing.
17. Defendants filed no forfeiture petition, served no notice, and conducted no hearing.
18. Defendants transferred the Mercedes to private actors through an extrajudicial process, effectuating a de facto forfeiture without judicial review.

IV. CAUSES OF ACTION

Count I – Fourth Amendment – Unreasonable Seizure (§1983)

19. Defendants seized Plaintiff's vehicles without a warrant, probable cause, or exigent circumstances.
20. Once Defendants possessed statutory proof and actual knowledge of Plaintiff's ownership, any continued seizure was objectively unreasonable under clearly established law.

Count II – Fourteenth Amendment – Procedural Due Process (§1983)

21. Plaintiff possessed substantial protected property interests in both vehicles.
22. Defendants failed to initiate any judicial forfeiture proceeding or obtain judicial authorization prior to disposition of the vehicles, despite Texas law requiring prompt filing and service upon known owners before property may be retained or transferred.

23. The absence of process created an intolerable risk of erroneous deprivation, particularly where Defendants relied on false claims and bypassed mandatory statutory safeguards.

Count III – Civil Conspiracy (§1985 (3))

24. Defendants reached a meeting of the minds to misuse state authority to accomplish a private deprivation not lawfully attainable through civil process.
25. Overt acts included warrantless seizures, suppression of ownership documentation, and coordinated extrajudicial transfers.
26. These acts were interdependent, directed toward a common unconstitutional objective, and caused direct injury to Plaintiff.

Count IV – Failure to Intervene (§1983)

27. Defendants Ogle, Nguyen, and Bynum observed the unconstitutional seizures, possessed a realistic opportunity to intervene, and failed to do so.
28. Their deliberate inaction constituted affirmative participation in constitutional deprivations.

V. LIMITATIONS AND PROCEDURAL SAFEGUARDS

29. Plaintiff's claims are timely under the applicable Texas two-year personal-injury limitations period.
30. This action is not barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), because Plaintiff challenges unconstitutional property deprivations independent of any criminal conviction or sentence.
31. The *Parratt/Hudson* doctrine does not apply because Defendants did not engage in random or unauthorized conduct.
32. Instead, Defendants acted pursuant to an established departmental practice of maintaining law-enforcement 'holds' and releasing vehicles to third parties without initiating judicial forfeiture proceedings.
33. Because this practice predictably resulted in deprivation of property without pre-deprivation process, and because available post-deprivation

remedies were neither prompt nor capable of preventing destruction of the property, procedural due process was required and denied.”

VI. IMMUNITY AND LIABILITY CLARIFICATIONS

34. Defendant Cockshut is sued only for acts outside the scope of protected prosecutorial advocacy, including administrative or investigative conduct not entitled to absolute immunity.
35. No claim is based on respondeat superior. Each Defendant is liable only for personal participation or deliberate failure to intervene.
36. Defendants’ conduct violated clearly established constitutional rights. Defendants therefore bear the burden of demonstrating entitlement to qualified immunity based on objective reasonableness.

VII. MONELL RESERVATION

37. Plaintiff reserves the right to amend this complaint to assert municipal liability under *Monell v. Department of Social Services*, 436 U.S. 658 (1978), upon discovery of the full scope of the policies, customs, and training failures that caused the constitutional violations.

VIII. PRAYER FOR RELIEF

Plaintiff respectfully requests:

- A) Compensatory damages for economic and non-economic loss; Punitive damages for reckless and callous indifference.
- I. **KYLE JENNINGS: DET. AT AUSTIN POLICE DEPARTMENT: AUSTIN, TRAVIS COUNTY TX)**
Economic Damage: 200,000\$ loss of property, living costs, lost wages, attorney fees, court cost, & pro se litigation cost. Non-Economic Damage: 150,000\$ mental anguish and PTSD. Punitive Damage: 5,000,000\$ for gross negligence
 - II. **ALEXANDER LOMOVSTEV: STG. AT AUSTIN POLICE DEPARTMENT: AUSTIN, TRAVIS COUNTY TX)** Economic Damage: 1,500,00\$ loss of property, living costs, lost wages, attorney fees, court cost, & pro se litigation cost. Non-Economic Damage: 500,000\$ mental anguish and PTSD. Punitive Damage: 15,000,000\$ for gross negligence
 - III. **JULIAN OGLE: DET. AT AUSTIN POLICE DEPARTMENT: AUSTIN, TRAVIS COUNTY TX)**
Economic Damage: 500,000\$ loss of property, living costs, lost wages, attorney fees, court

cost, jail time, bond, & pro se litigation cost. **Non-Economic Damage:** 150,000\$ mental anguish and PTSD. **Punitive Damage:** 10,000,000\$ for gross negligence

- IV. **VINCENT NGUYEN: OFC. AT AUSTIN POLICE DEPARTMENT: AUSTIN, TRAVIS COUNTY TX)**
Economic Damage: 100,000\$ loss of property, living costs, lost wages, attorney fees, court cost, & pro se litigation cost. **Non-Economic Damage:** 50,000\$ mental anguish and PTSD.
Punitive Damage: 5,000,000\$ for gross negligence
- V. **JOE AGUILAR: OFC. AT AUSTIN POLICE DEPARTMENT, AUSTIN: TRAVIS COUNTY TX)**
Economic Damage: 100,000\$ loss of property, living costs, lost wages, attorney fees, court cost, & pro se litigation cost. **Non-Economic Damage:** 50,000\$ mental anguish and PTSD.
Punitive Damage: 5,000,000\$ for gross negligence
- VI. **JONATHON BYNUM: DET. AT AUSTIN POLICE DEPARTMENT: AUSTIN, TRAVIS COUNTY TX)**
Economic Damage: 100,000\$ loss of property, living costs, lost wages, attorney fees, court cost, pro se litigation cost. **Non-Economic Damage:** 50,000\$ mental anguish and PTSD.
Punitive Damage: 5,000,000\$ for gross negligence
- VII. **ADA WILLIA COCKSHUT: STATE PROSECUTOR AT TRAVIS COUNTY DA OFFICE: AUSTIN, TRAVIS COUNTY TX)** **Economic Damage:** 1,000,000\$ loss of property, living costs, lost wages, attorney fees, court cost, & pro se litigation cost. **Non-Economic Damage:** 150,000\$ mental anguish and PTSD. **Punitive Damage:** 10,000,000\$ for gross negligence
- B) Declaratory judgment that Defendants' conduct violated the Fourth and Fourteenth Amendments;
- C) An award of reasonable attorney's fees incurred by counsel, if retained, and taxable costs pursuant to 42 U.S.C. § 1988.;
- D) Trial by jury;
- E) All other relief the Court deems just and proper.

/s/

Respectfully submitted,

James Michael Sailors
Pro Se
1300w 24th St B109
Austin, Texas 78705
512-200-1215
James.sailors22@gmail.com

01-22-2026

Date: _____

X  _____

PLAINTIFF

MAG. RUDGE

FILED

2026 JAN 22 PM 3:55

Attachment 5 - Application to Proceed In Forma Pauperis and Financial Affidavit in Support (Austin Division ONLY)CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY

CR
DEPUTYIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISIONJAMES MICHAEL SAILORS

V.

§

§

§

Case No.

1:26 CV 00165 DAE

§

§

OFC. KYLE JENNINGS #7076, SGT. ALEXANDR LOMOVSTEV ##6317, OFC.
JULIAN OGLE # 7787, OFC. VINCENT NGUYEN #9583, OFC.
JOE AGUILAR #8267, OFC. JONATHON BYNUM #5611, ADA WILLIA COCKSHUT,**APPLICATION TO PROCEED IN FORMA PAUPERIS
AND FINANCIAL AFFIDAVIT IN SUPPORT**I, JAMES MICHAEL SAILORS

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:

42 U.S.C 1983 CIVIL RIGHTS COMPLAINT FOR VIOLATIONS OF 4TH AND 14TH AMENDMENT RIGHTS

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

Applicant's Name: JAMES MICHAEL SAILORS**Applicant's Home Address:** 1300W 24TH ST, B109, AUSTIN , TX , 78705**Questions Regarding Ability to Pay****Employment:**Are you now employed? Yes ☐ No ☐ Am Self Employed ☒If yes, how much do you earn per month? \$ 2,300

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 - SAME AS HOME ADDRESS

If married, state Spouse's name: N/A

Is your Spouse employed? Yes ☐ No ☒

If working, how much does your spouse earn? \$ 0

Do you receive any funds from relatives or for child support? If so, how much per month do you receive? \$ 0

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: \$ _____

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

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>
\$ _____	_____
\$ _____	_____
\$ _____	_____
\$ _____	_____

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:

NO

How much do your dependent(s) earn monthly? \$ 0

List persons you actually support, your relationship to them:

VENESSA AND SHEPARD SAILORS : EX-WIFE AND SON

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

If yes, list how much and describe:

900 A MONTH IN CHILD SUPPORT

Monthly Debts of Applicant and/or Dependents

Type of Debt

Name of Creditor
Total Debt
Payment

CHILD SUPPORT

TEXAS A.G OFFICE

\$ 20,000

\$ 900

IRS- BACK TAXES

IRS

\$ 43,000

\$ 3,200

\$

\$

\$

\$

Monthly Expenses of Applicant and/or Dependents

Rent or House Payment: \$ 890

Electric & Water Bills: \$ 140

Gas: \$ 40

Phone: \$ 25

Insurance: \$ 35

For what purpose: RENTERS INSURANCE

Prescriptions: \$ 1,978.28

For what purpose: ADHD MEDICATION

Transportation/Car Payments: \$ 150

For what purpose: UBER - BASIC NEEDS

Medical Bills: \$ 500

For what purpose: PTSD TREATMENT

Legal Bills: \$ 500

For what purpose: REPAYMENT FOR LAYWER FEES, COURT COSTS

Loans: \$ _____

For what purpose: _____

Miscellaneous: \$ _____

For what purpose: _____

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

I WAS DETAINED IN COUNTY JAIL FOR 4 MONTHS OF THE LAST 12. THE ISSUES RESULTING
FROM MY CLAIM HAVE PREVENTED ME FROM EARNING A STABLE INCOME. MY COST OF LIVING
IS MORE THEN I MAKE AND I HEAVLY DEPEND ON THE GIFT CONTRIBUTIONS FOR MY BILLS
BY MY FRIENDS AND FAMILY. I'AM ALREADY UNABLE TO PAY MY DEBTS AND BARELY COVER MY MOST BASIC
NEEDS BY MYSELF. I LIVE JOB TO JOB AND NEVER HAVE MONEY TO SAVE OR PUT TO MY DEBTS

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: James M Sailors

Printed Name: JAMES MICHAEL SAILORS

Date: 01-22-2026

Attachment 4 - Motion to Proceed in Forma Pauperis

AO 240 (Rev. 01/09) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

UNITED STATES DISTRICT COURT

for the

WESTERN District of TEXASJAMES MICHAEL SAILORS*Plaintiff*OFC. KYLE JENNINGS #7076,SGTYALEXANDR LOMOVSTEV ##6317,OFC.JULIAN OGLE # 7787,OFC. VINCENT NGUYEN #9583,OFC.JOE AGUILAR #8267,OFC. JONATHON BYNUM #5611,ADA WILLIA COCKSHUT,*Defendant*

Civil Action No.

**APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)**

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: N/A

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My take-home pay or wages are: 2,300 per (specify pay period) MONTH.

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- | | | |
|--|---|--|
| (a) Business, profession, or other self-employment | ☒ Yes | ☐ No |
| (b) Rent payments, interest, or dividends | ☐ Yes | ☒ No |
| (c) Pension, annuity, or life insurance payments | ☐ Yes | ☒ No |
| (d) Disability, or worker's compensation payments | ☐ Yes | ☒ No |
| (e) Gifts, or inheritances | ☐ Yes | ☒ No |
| (f) Any other sources | ☐ Yes | ☒ No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

AO 240 (Rev. 01/09) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

4. Amount of money that I have in cash or in a checking or savings account:

0

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (*describe the property and its approximate value*):

N/A

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (*describe and provide the amount of the monthly expense*):

RENT: 890
UTILITYS: 180
FOOD: 200
TRANSPORTATION: 150
PROBATION: 85
HYGIENE: 60
CELL PHONE: 25
CHILD SUPPORT: 900

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

N/A

8. Any debts or financial obligations (*describe the amounts owed and to whom they are payable*):

CHILD SUPPORT BACK PAYMENTS: 20,000

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: 01-22-2026


Applicant's signature

JAMES MICHAEL SAILORS

Printed name

Name: JAMES MICHAEL SAILORS
 Address: 1300 W 24TH ST B109
AUSTIN, TX, 78705
 Phone Number: 512-200-1215
 Email Address: JAMES.SAILORS22@GMAIL.COM
 Pro Se

FILED
 2026 JAN 22 PM 3:56
 CLERK, US DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 BY CR

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS

JAMES MICHAEL SAILORS

CASE NUMBER

1:26 CV 00165 DAE

PLAINTIFF(S)

v.

OFC. KYLE JENNINGS #7076,
 SGT. ALEXANDER LOMOVSTEV ##6317,
 OFC. JULIAN OGLE # 7787,

DEFENDANT(S)

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.
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: 01-22-2026

Signature: _____

James M Sailors

February 06, 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASIN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISIONBY: Alicia Davis
DEPUTYIN RE: COURT DOCKET §
MANAGEMENT §
 §
FOR AUSTIN DIVISION §ORDER

In accordance with the authority vested in the United States Magistrate Judge pursuant to Rule 1 of the Local Rules for the Assignment of Duties to United States Magistrates, Appendix C of the Local Court Rules of the United States District Court for the Western District of Texas, it is **ORDERED** that, with regard to cases assigned to the Honorable David A. Ezra, the following matters shall be referred to a United States Magistrate Judge for the Austin Division, allocated pursuant to the Clerk of the Court's standard procedure, for the types of actions listed below:

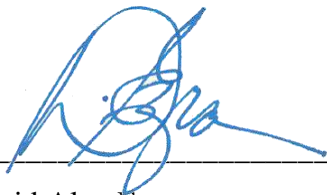
(1) All cases brought pursuant to 28 U.S.C. §§ 2241, 2254 (excluding cases in which a sentence of death was imposed), and 2255 (excluding cases in which a sentence of death was imposed), cases brought by federal prisoners and detainees challenging conditions of confinement, cases brought by prisoners pursuant to 42 U.S.C. § 1983, and cases seeking judicial review of social security decisions shall be assigned to a United States Magistrate

Judge for the Austin Division for disposition of all non-dispositive pretrial matters as provided in 28 U.S.C. § 636(b)(1)(A), and for finding; and recommendations on all case dispositive motions as provided in 28 U.S.C. § 636(6)(1)(B).

(2) Any case in which application to proceed in forma pauperis has been made, other than a case described in paragraph (1) above, shall be referred to a United States Magistrate Judge for the Austin Division for disposition of the application to proceed in forma pauperis, disposition of any motion for appointment of counsel, and for a prompt recommendation as to whether the case should be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e). Upon completion of the above tasks, the Magistrate Judge shall return the case to the district court for further proceedings.

IT IS SO ORDERED.

SIGNED: February 6, 2025.



David Alan Ezra
Senior United States District Judge

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

JAMES MICHAEL SAILORS,
Plaintiff

v.

KYLE JENNING, ET AL.,
Defendants

§
§
§
§
§
§
§

No. 1:26-CV-00165-DAE-SH

ORDER

Before the Court are Plaintiff’s Application to Proceed in District Court Without Prepaying Fees or Costs (Dkt. 2) and Motion for Permission to File Electronically (Dkt. 3), both filed January 22, 2026.¹

I. Application to Proceed *In Forma Pauperis*

Plaintiff asks to proceed *in forma pauperis* under 28 U.S.C. § 1915(a)(1). Under § 1915(a)(1), a district court may permit a plaintiff to file an action in federal court “without prepayment of fees or security therefor” if the plaintiff shows by affidavit that he cannot pay such fees. The district court’s decision whether a party may proceed *in forma pauperis* “must be based solely upon economic criteria.” *Gibbs v. Jackson*, 92 F.4th 566, 569 (5th Cir. 2024). The movant need not be “absolutely destitute to enjoy the benefit of the statute.” *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948). Instead, the question is whether the movant can afford the costs without undue hardship or deprivation of “the necessities of life.” *Id.*

¹ The District Court referred this case to this Magistrate Judge for disposition of the application to proceed *in forma pauperis* and a recommendation as to whether the case should be dismissed as frivolous pursuant to Rule 1 of Appendix C of the Local Rules of the United States District Court for the Western District of Texas and Senior United States District Judge David A. Ezra’s Standing Order Referring Cases to the U.S. Magistrate Judge in the Austin Division. Dkt. 4.

After reviewing Plaintiff's application, the Court finds that he cannot pay the filing fee without experiencing undue financial hardship and **GRANTS** his application to proceed *in forma pauperis*. Plaintiff is advised that *in forma pauperis* status is granted subject to a later determination that this 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). Plaintiff also is advised that although he has been granted leave to proceed *in forma pauperis*, the Court may 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 Under Section 1915(e)(2)(B)

Because Plaintiff has been granted leave to proceed *in forma pauperis*, the Court is required by standing order to review his complaint under 28 U.S.C. § 1915(e)(2)(B). A court may summarily dismiss or partly dismiss a complaint filed *in forma pauperis* if it concludes the action is (1) frivolous or malicious, (2) fails to state a claim on which relief may be granted, or (3) seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B).

In deciding whether a complaint states a claim, the Court's task is "to determine whether the plaintiff has stated a legally cognizable claim that is plausible, not to evaluate the plaintiff's likelihood of success." *Lone Star Fund V (U.S.), L.P. v. Barclays Bank PLC*, 594 F.3d 383, 387 (5th Cir. 2010). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). A complaint fails to state a claim under § 1915(e)(2)(B) "when it lacks sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Carmouche v. Hooper*, 77 F.4th 362, 366 (5th Cir. 2023) (quoting *Iqbal*, 556 U.S. at 678).

Plaintiff brings this civil rights suit under 42 U.S.C. § 1983 against Defendants Austin Police Department Officers Kyle Jennings, Alexander Lomovstev, Julian Ogle, Vincent Nguyen, Joe Aguilar, Johnathon Bynum, and Travis County Assistant District Attorney Willia Cockshut in their individual capacities. Plaintiff alleges that Defendants seized his property without a warrant, in violation of his Fourth and Fourteenth Amendment rights.

Plaintiff's allegations are sufficient at this stage to avoid dismissal for frivolousness. Accordingly, this Magistrate Judge does not recommend that the District Court dismiss this case under 28 U.S.C. § 1915(e)(2)(B).

III. Application for Permission to File Electronically

Finally, Plaintiff asks the Court to approve his request to become an electronic filing user. Because he states that he has regular access to all the technical requirements necessary to e-file, the Court **GRANTS** Plaintiff's Application for Permission to File Electronically (Dkt. 3).

IV. Conclusion

The Court:

1. **GRANTS** Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Dkt. 2) and **ORDERS** Plaintiff's Complaint to be filed without prepayment of fees or costs or giving security therefor, pursuant to 28 U.S.C. § 1915(a)(1);
2. **ORDERS** the Clerk to issue summons;
3. **ORDERS** the United States Marshals Service to attempt service in this case without pre-payment of a service fee; and
4. **GRANTS** Plaintiff's Moton for Permission to File Electronically (Dkt. 3).

The Court **FURTHER ORDERS** the Clerk to remove this case from this Magistrate Judge's docket and return it to the docket of the Honorable David A. Ezra.

SIGNED on March 4, 2026.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT

for the
Western District of Texas

JAMES MICHAEL SAILORS,

Plaintiff(s)

v.

KYLE JENNING, ET AL.,

Defendant(s)

Civil Action No. 1:26-CV-00165-DAE

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Kyle Jennings
Ofc. #7076
Austin Police Department - Auto Theft Unit
715 E. 8th Street
Austin, Texas 78701

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: James Michael Sailors (pro se)
1300 W 24th St., B109
Austin, TX 78705

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

CLERK OF COURT, PHILIP J. DEVLIN

Date: 03/12/2026



Deanna Massie
Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT

for the
Western District of Texas

JAMES MICHAEL SAILORS,

Plaintiff(s)

V.

KYLE JENNING, ET AL.,

Defendant(s)

Civil Action No. 1:26-CV-00165-DAE

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Vincent Nguyen
Ofc. #9583
Austin Police Department - Auto Theft Unit
715 E. 8th Street
Austin, Texas 78701

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: James Michael Sailors (pro se)
1300 W 24th St., B109
Austin, TX 78705

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

CLERK OF COURT, PHILIP J. DEVLIN

Date: 03/12/2026

Deanna Massie

Signature of Clerk or Deputy Clerk



UNITED STATES DISTRICT COURT

for the
Western District of Texas

JAMES MICHAEL SAILORS,

Plaintiff(s)

v.

KYLE JENNING, ET AL.,

Defendant(s)

Civil Action No. 1:26-CV-00165-DAE

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Julian Ogle
Ofc. #7787
Austin Police Department - Auto Theft Unit
715 E. 8th Street
Austin, Texas 78701

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: James Michael Sailors (pro se)
1300 W 24th St., B109
Austin, TX 78705

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

CLERK OF COURT, PHILIP J. DEVLIN

Date: 03/12/2026



Deanna Massie
Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT

for the

Western District of Texas

JAMES MICHAEL SAILORS,

Plaintiff(s)

V.

KYLE JENNING, ET AL.,

Defendant(s)

Civil Action No. 1:26-CV-00165-DAE

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Joe Aguilar
Ofc. #8267
Austin Police Department
715 E. 8th Street
Austin, Texas 78701

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: James Michael Sailors (pro se)
1300 W 24th St., B109
Austin, TX 78705

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

CLERK OF COURT, PHILIP J. DEVLIN

Date: 03/12/2026

Deanna Massie

Signature of Clerk or Deputy Clerk



UNITED STATES DISTRICT COURT

for the

Western District of Texas

JAMES MICHAEL SAILORS,

Plaintiff(s)

v.

KYLE JENNING, ET AL.,

Defendant(s)

Civil Action No. 1:26-CV-00165-DAE

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Jonathon Bynum
Ofc. #5611
Austin Police Department
715 E. 8th Street
Austin, Texas 78701

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: James Michael Sailors (pro se)
1300 W 24th St., B109
Austin, TX 78705

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

CLERK OF COURT, PHILIP J. DEVLIN

Date: 03/12/2026



Deanna Massie

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT

for the

Western District of Texas

JAMES MICHAEL SAILORS,

Plaintiff(s)

v.

KYLE JENNING, ET AL.,

Defendant(s)

Civil Action No. 1:26-CV-00165-DAE

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Alexander Lomovstev
Ofc. #6317
Austin Police Department - Auto Theft Unit
715 E. 8th Street
Austin, Texas 78701

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: James Michael Sailors (pro se)
1300 W 24th St., B109
Austin, TX 78705

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

CLERK OF COURT, PHILIP J. DEVLIN

Date: 03/12/2026

Deanna Massie
Signature of Clerk or Deputy Clerk



U.S. Department of Justice
United States Marshals Service

2026 MAY 11 AM 10:42

PROCESS RECEIPT AND RETURN

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

PLAINTIFF JAMES MICHAEL SAILORS		COURT CASE NUMBER 1:26-CV-00165-DAE
DEFENDANT KYLE JENNING, ET AL.,		TYPE OF PROCESS Civil
SERVE AT	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Vincent Nguyen Ofc. #9583, Austin Police Department - Auto Theft Unit	
	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 715 E. 8th Street, Austin, Texas 78701	
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW James Michael Sailors (pro se) 1300 W 24th St., B109 Austin, TX 78705		Number of process to be served with this Form 285 1 Number of parties to be served in this case 7 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):		

Signature of Attorney other Originator requesting service on behalf of: <i>Deanna Massie</i>	☒ PLAINTIFF ☐ DEFENDANT	TELEPHONE NUMBER 512-391-87152	DATE 3/12/2026
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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. (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 <i>Chi Bell</i>	Date <u>3/16/26</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) <i>Cindy Crosby - Deputy City Attorney</i>				Date <u>5/18/26</u>	Time <u>1332</u> ☐ am ☒ pm
Address (complete only different than shown above) <u>301 W. 2nd St, Austin, TX</u>				Signature of U.S. Marshal or Deputy <i>A. Rene</i> <u>3/18/26</u>	

Costs shown on attached USMS Cost Sheet >>

REMARKS

Served City of Austin legal counsel designated to accept employee process.

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

Civil Action No. 1:26-CV-00165-DAE

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) Vincent Nguyen
 was received by me on (date) 5/8/26.

☐ 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) Cindy Crosby, who is
 designated by law to accept service of process on behalf of (name of organization) City of Austin
Police Department on (date) 5/8/26; or

☐ I returned the summons unexecuted because _____; or

☐ Other (specify): _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

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

Date: 5/8/26



 Aaron Renz Deputy U.S. Marshal
 Printed name and title

501 W. 5th St Austin, TX

 Server's address

Additional information regarding attempted service, etc:

Print

Save As...

Reset

FILED

U.S. Department of Justice
United States Marshals Service

2026 MAY 11 AM 10:42

PROCESS RECEIPT AND RETURN

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

PLAINTIFF JAMES MICHAEL SAILORS	DEPT. OF JUSTICE WESTERN DISTRICT OF TEXAS BY <u>CR</u>	COURT CASE NUMBER 1:26-CV-00165-DAE
DEFENDANT KYLE JENNING, ET AL.,		TYPE OF PROCESS Civil
SERVE AT { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Kyle Jennings, Ofc. #7076, Austin Police Department - Auto Theft Unit ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 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
James Michael Sailors (pro se) 1300 W 24th St., B109 Austin, TX 78705		Number of parties to be served in this case 7
		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):		

Signature of Attorney other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

DATE

512-391-87152

3/12/2026

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 <u>Ch Bell</u>	Date <u>3/16/26</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) <u>Cindy Crosby - Deputy City Attorney</u>				Date <u>5/8/26</u>	Time <u>1332</u> ☐ am ☒ pm
Address (complete only different than shown above) <u>301 W. 2nd St, Austin, TX</u>				Signature of U.S. Marshal or Deputy <u>A. Perez 31594</u>	

Costs shown on attached USMS Cost Sheet >>

REMARKS

Served City of Austin legal counsel designated to accept employer process.

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

Civil Action No. 1:26-CV-00165-DAE

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) Kyle Jennings
 was received by me on (date) 5/8/26.

☐ 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) Kindy Crosby, who is
 designated by law to accept service of process on behalf of (name of organization) City of Austin
Police Department (ofc Kyle Jennings) on (date) 5/8/26; or

☐ I returned the summons unexecuted because _____; or

☐ Other (specify): _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

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

Date: 5/8/26


 Server's signature
Aaron Renz Deputy U.S. Marshal
 Printed name and title

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

Additional information regarding attempted service, etc:

Print

Save As...

Reset

U.S. Department of Justice
United States Marshals Service

2026 MAY 11 AM 10:42

PROCESS RECEIPT AND RETURN

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

PLAINTIFF JAMES MICHAEL SAILORS	COURT CASE NUMBER 1:26-CV-00165-DAE
DEFENDANT KYLE JENNING, ET AL.,	TYPE OF PROCESS Civil

SERVE
AT

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
Julian Ogle Ofc. #7787 Austin Police Department - Auto Theft Unit
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
715 E. 8th Street, Austin, Texas 78701

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW

James Michael Sailors (pro se)
1300 W 24th St., B109
Austin, TX 78705

Number of process to be served with this Form 285 1

Number of parties to be served in this case 7

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):

Signature of Attorney other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

DATE

512-391-87152

3/12/2026

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 1	District of Origin No. 80	District to Serve No. 80	Signature of Authorized USMS Deputy or Clerk Ch. Bell	Date 3/16/26
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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)

Cindy Crosby - Deputy City Attorney

Date

3/8/26

Time

1352

☐ am

☒ pm

Address (complete only different than shown above)

301 W. 2nd St, Austin, TX

Signature of U.S. Marshal or Deputy

A. R. R. 3/8/26

Costs shown on attached USMS Cost Sheet >>

REMARKS

Served city of Austin legal counsel designated to accept employee process.

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

Civil Action No. 1:26-CV-00165-DAE

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) Julian Ogle
 was received by me on (date) 5/8/26.

☐ 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) Cindy Crosby, who is
 designated by law to accept service of process on behalf of (name of organization) City of Austin
Police Department on (date) 5/8/26; or

☐ I returned the summons unexecuted because _____; or

☐ Other (specify): _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

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

Date: 5/8/26


 Server's signature
Aaron Reaz Deputy U.S. Marshal
 Printed name and title

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

Additional information regarding attempted service, etc:

Print

Save As...

Reset

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

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

PLAINTIFF JAMES MICHAEL SAILORS	COURT CASE NUMBER 1:26-CV-00165-DAE
DEFENDANT KYLE JENNING, ET AL.,	TYPE OF PROCESS Civil

SERVE AT { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
Alexander Lomovstev Ofc. #6317, Austin Police Department - Auto Theft Unit
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
715 E. 8th Street, Austin, Texas 78701

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW James Michael Sailors (pro se) 1300 W 24th St., B109 Austin, TX 78705	Number of process to be served with this Form 285 1 Number of parties to be served in this case 7 Check for service on U.S.A.
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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):

Signature of Attorney other Originator requesting service on behalf of: <i>Deanna Mussi</i>	☒ PLAINTIFF ☐ DEFENDANT	TELEPHONE NUMBER 512-391-87152	DATE 3/12/2026
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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. (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 <i>Ch Bell</i>	Date <u>3/16/26</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) <i>Cindy Crosby - Deputy City Attorney</i>	Date <u>5/8/26</u>	Time <u>1332</u> ☐ am ☒ pm
Address (complete only different than shown above) <i>301 W. 2nd St, Austin, TX</i>	Signature of U.S. Marshal or Deputy <i>A. Bunc</i> <u>3/8/26</u>	

Costs shown on attached USMS Cost Sheet >>

REMARKS

Scout City of Austin legal counsel designated to receive employee process.

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

Civil Action No. 1:26-CV-00165-DAE

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) Alexander Comovster
 was received by me on (date) 5/8/26.

☐ 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) Cindy Crosby, who is
 designated by law to accept service of process on behalf of (name of organization) City of Austin
Police Department on (date) 5/8/26; or

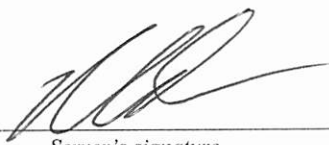
☐ I returned the summons unexecuted because _____; or

☐ Other (specify): _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

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

Date: 5/8/26


 Server's signature
Aaron Runc Deputy U.S. Marshal
 Printed name and title

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

Additional information regarding attempted service, etc:

Print

Save As...

Reset

U.S. Department of Justice
United States Marshals Service

FILED

PROCESS RECEIPT AND RETURN

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

PLAINTIFF JAMES MICHAEL SAILORS	CLEAR, US DISTRICT COURT WESTERN DISTRICT OF TEXAS	COURT CASE NUMBER 1:26-CV-00165-DAE
DEFENDANT KYLE JENNING, ET AL.,	BY <u>CR</u> DEPUTY	TYPE OF PROCESS Civil
SERVE AT { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Joe Aguilar Ofc. #8267, Austin Police Department ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 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
James Michael Sailors (pro se) 1300 W 24th St., B109 Austin, TX 78705		Number of parties to be served in this case 7
		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):

Signature of Attorney other Originator requesting service on behalf of: <u>Dianne Mussen</u>	☒ PLAINTIFF ☐ DEFENDANT	TELEPHONE NUMBER 512-391-87152	DATE 3/12/2026
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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. (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 <u>Ch. Bell</u>	Date <u>3/16/26</u>
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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) <u>Cindy Crosby - Deputy City Attorney</u>	Date <u>5/8/26</u>	Time <u>1:32</u> ☐ am ☒ pm
Address (complete only different than shown above) <u>301 W 2nd St, Austin, TX</u>	Signature of U.S. Marshal or Deputy <u>A. Perez 3/8/26</u>	

Costs shown on attached USMS Cost Sheet >>

REMARKS

Served city of Austin legal counsel designated to receive employee process,

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

Civil Action No. 1:26-CV-00165-DAE

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
 on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____, a person of suitable age and discretion who resides there,
 on *(date)* _____, and mailed a copy to the individual's last known address; or

☒ I served the summons on *(name of individual)* Cindy Crosby, who is
 designated by law to accept service of process on behalf of *(name of organization)* City of Austin
Police Department on *(date)* 5/8/26; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

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

Date: 5/8/26

 Server's signature
Aaron Reaz Deputy, US Marshal
 Printed name and title

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

Additional information regarding attempted service, etc:

Print

Save As...

Reset

U.S. Department of Justice
United States Marshals Service

FILED

2026 MAY 11 AM 10:11

PROCESS RECEIPT AND RETURN

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

PLAINTIFF JAMES MICHAEL SAILORS	COURT CASE NUMBER 1:26-CV-00165-DAE
DEFENDANT KYLE JENNING, ET AL.,	TYPE OF PROCESS Civil
NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Jonathon Bynum Ofc. #5611, Austin Police Department	
ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 715 E. 8th Street, Austin, Texas 78701	
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW James Michael Sailors (pro se) 1300 W 24th St., B109 Austin, TX 78705	Number of process to be served with this Form 285 1 Number of parties to be served in this case 7 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):

Signature of Attorney other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

512-391-87152

DATE

3/12/2026

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 1	District of Origin No. 80	District to Serve No. 80	Signature of Authorized USMS Deputy or Clerk Ch. Bell	Date 3/16/26
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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)

Cindy Crosby - Deputy City Attorney

Date

5/8/26

Time

1332

☐ am

☒ pm

Address (complete only different than shown above)

301 W 2nd St, Austin, TX

Signature of U.S. Marshal or Deputy

McRenz 3/8/26

Costs shown on attached USMS Cost Sheet >>

REMARKS

Served City of Austin legal counsel designated to accept employee process.

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

Civil Action No. 1:26-CV-00165-DAE

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) Jonathon Bynum
 was received by me on (date) 5/8/26.

☐ 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) Cindy Crosby, who is
 designated by law to accept service of process on behalf of (name of organization) City of Austin
Police Department on (date) _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other (specify): _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

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

Date: 5/8/26


 Server's signature
Aaron Rene Deputy U.S. Marshal
 Printed name and title

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

Additional information regarding attempted service, etc:

Print

Save As...

Reset

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

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

PLAINTIFF JAMES MICHAEL SAILORS	COURT CASE NUMBER 1:26-CV-00165-DAE
DEFENDANT KYLE JENNING, ET AL.,	TYPE OF PROCESS Civil
SERVE AT { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN ADA Willia Cockshut, Travis County District Attorney's Office ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 416 W. 11th Street, Austin, Texas 78701	
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW James Michael Sailors (pro se) 1300 W 24th St., B109 Austin, TX 78705	Number of process to be served with this Form 285 1 Number of parties to be served in this case 7 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):

Signature of Attorney other Originator requesting service on behalf of: <i>Daanna Mussie</i>	☒ PLAINTIFF ☐ DEFENDANT	TELEPHONE NUMBER 512-391-87152	DATE 3/12/2026
---	---	-----------------------------------	-------------------

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 <i>Ch. Bell</i>	Date <u>3/16/26</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 <u>5-12-26</u>	Time <u>12:45</u> ☐ am ☒ pm
Address (complete only different than shown above)				Signature of U.S. Marshal or Deputy <i>[Signature]</i>	

Costs shown on attached USMS Cost Sheet >>

REMARKS

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

FILED

Civil Action No. 1:26-CV-00165-DAE

2026 MAY 12 PM 4:06

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (d)).

This summons for (name of individual and title, if any) Willia Cockshut BY JP
 was received by me on (date) 5-12-2026.

☒ I personally served the summons on the individual at (place) 416 W 11th St.
Austin, Tx 78701 on (date) 5-12-2026; or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____
 _____, a person of suitable age and discretion who resides there,
 on (date) _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) _____, who is
 designated by law to accept service of process on behalf of (name of organization) _____
 on (date) _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other (specify): _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

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

Date: 5-12-2026

[Signature]
 Server's signature

John Blake, DUSM
 Printed name and title

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

Additional information regarding attempted service, etc:

Print

Save As...

Reset

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

JAMES MICHAEL SAILORS,
Plaintiff,

V.

**OFC. KYLE JENNINGS #7076,
SGT. ALEXANDER LOMOVSTEV
#6371,
OFC. VINCENT NGUYEN #9583,
OFC. JOE AGUILAR #5611,
DET. JULIAN OGLE #7787,
OFC. JONATHON BYNUM #5611,
ADA WILLA COCKSHUTT,
Each in their Individual Capacity,
*Defendant.***



CIVIL ACTION NO. 1:26-CV-00165

**DEFENDANTS' OPPOSED MOTION FOR AN EXTENSION OF TIME TO FILE
RESPONSIVE PLEADINGS**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendants Kyle Jennings, Alexander Lomovstev, Julian Ogle, Vincent Nguyen, Joe Aguilar, and Jonathon Bynum (“the Officers”) file this Opposed Motion for an Extension of Time to File Responsive Pleadings to Plaintiff’s Original Complaint [Doc. No. 1]. Pursuant to Local Rule CV-7 and Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure, the Officers respectfully show the Court the following:

I. MOTION TO EXTEND TIME

Plaintiff filed and served his Original Complaint on the Officers in the above-referenced matter. The deadline for the Officers to respond to the pleading is May 29, 2026. Although not clear, Plaintiff's Complaint attempts to plead constitutional violations, including unreasonable seizure pursuant to the Fourth Amendment, procedural due process violations pursuant to the Fourteenth Amendment, and civil conspiracy and failure to intervene pursuant to 42 U.S.C. § 1983.

Plaintiff also reserves the right to amend his complaint to add a *Monell* claim asserting municipal liability.

The Officers respectfully request a thirty-day extension of the deadline to respond to the Original Complaint. The motion is not made for the purposes of delay and will not prejudice any party but is needed to give the undersigned an opportunity to review a variety of materials from multiple agencies and departments related to Plaintiff's claims, including: documents regarding forfeiture proceedings, identity theft, calls to the Austin Police Department regarding fraudulent wire transfer and stolen property, as well as individual officer reports, and reports from the Auto Theft Interdiction Program and Department of Public Safety.

Counsel has reached out to Plaintiff (who is proceeding pro se) via email. Plaintiff advised that he opposes the requested 30-day extension.

WHEREFORE PREMISES CONSIDERED, the Officers respectfully requests that the Court grant this Opposed Motion for an Extension of Time to File Responsive Pleadings to Plaintiff's Original Complaint and enter an order extending the deadline for the Officers to file responsive pleadings to June 29, 2026.

RESPECTFULLY SUBMITTED,

DEBORAH THOMAS, CITY ATTORNEY
VASU BEHARA, LITIGATION DIVISION CHIEF

/s/ Luke McHenry
Luke McHenry
State Bar No. 24057993
Luke.McHenry@austintexas.gov
Assistant City Attorney
City of Austin
P. O. Box 1546
Austin, Texas 78767-1546
Telephone (512) 974-2401
Facsimile (512) 974-1311

**ATTORNEYS FOR DEFENDANTS KYLE
JENNINGS, ALEXANDER LOMOVSTEV, JULIAN
OGLE, VINCENT NGUYEN, JOE AGUILAR, AND
JONATHON BYNUM**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Defendant Kyle Jennings, Alexander Lomovstev, Julien Ogle, Vincent Nguyen, Joe Aguilar, and Jonathon Bynum's Motion for Extension of Time to File Responsive Pleadings** has been provided to the following, in accordance with the Federal Rules of Civil Procedure, on May 21, 2026. I understand the CM/ECF system will send a Notice of Electronic Filing to the following counsel of record.

James Michael Sailors
1300 W 24th St B 109
Austin, Texas 78705
Telephone: (512) 200-1215
James.sailors22@gmail.com

PLAINTIFF (pro-se)

/s/ Luke McHenry
Luke McHenry