

FILED

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

MAR 13 2025

UNITED STATES DISTRICT COURT

for the

Western District of Texas

Austin Division

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY

Dukhan Durand Flowers

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-

Amanda Caitlin Yesiolowski

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.)

Case No.

1:25 CV 00378 DAE

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

Jury Trial: (check one)

Yes

No

RECEIVED

MAR 13 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY CLERK

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	Dukhan Flowers		
Address	3181 Grand Ave.		
	Omaha	Ne	68111
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Douglas		
Telephone Number	712-227-2835		
E-Mail Address	Flowers234@mail.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	Amanda Caitlin Yesiolowski		
Job or Title (if known)	Police Officer for the Austin City Police Department		
Address	715 East 8th Street		
	Austin	Tx	78701
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	Travis		
Telephone Number	(512) 974-5030		
E-Mail Address (if known)	Unknown		
	<input checked="" type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity		

Defendant No. 2

Name	_____		
Job or Title (if known)	_____		
Address	_____		
	_____	_____	_____
	<i>City</i>	<i>State</i>	<i>Zip Code</i>
County	_____		
Telephone Number	_____		
E-Mail Address (if known)	_____		
	<input type="checkbox"/> Individual capacity <input type="checkbox"/> Official capacity		

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

Defendant No. 3

Name _____

Job or Title (if known) _____

Address _____

_____ City

_____ State

_____ Zip Code

County _____

Telephone Number _____

E-Mail Address (if known) _____

Individual capacity Official capacity

Defendant No. 4

Name _____

Job or Title (if known) _____

Address _____

_____ City

_____ State

_____ Zip Code

County _____

Telephone Number _____

E-Mail Address (if known) _____

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? The Eighth Amendment cruel and unusual punishment.

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?

-
- 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.
Amanda Caitlin Yesiolowski badge #10238 is a police officer for the Austin City Texas police department.
-

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?

Near the corner of Kings Hwy & St Albans Blvd, Austin, TX 78745

- B. What date and approximate time did the events giving rise to your claim(s) occur?

December 18th 2024 at approx. 11:41 PM

- 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?*)

1. Austin City police officer Amanda Caitlin Yesiolowski (Officer Yesiolowski) badge #10238, while arresting Dukhan Flowers (Flowers) knowingly and intentionally caused bodily injuries by excessively applying and over tightening hand cuffs on both of Flowers wrist, and then leaving them on of both risk for appoximately one hour, while she completed her police report in her patrol vehicle, and then transferring Dukhan Flowers to the Travis County Jail located at 500 W 10th St, Austin, TX 78701. 2. Flowers made several request to Officer Yesiolowski to adjust the cuffs, but officer Yesiolowski deliberately ignored all request. 3. Officers Saenz #9259 and Sisson #9441, where both on the scene to witness officer Yesiolowski apply and leave the hand cuffs on Flowers wrist. 4. Officer Glasson #9936 arrived on the scene and refused a request from Flowers to adjust the cuffs, even though Flowers offered to put his hands out of the window to prevent from having to be removed from the vehicle.

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.

5. The hand cuffs caused cuts and bleeding on both of Dukhan Flowers wrist.
 6. The hand cuffs cut off blood circulation to both of Dukhan Flowers wrist causing his hands to turn blue.
 7. The cut off of blood circulation caused numbness in Flowers left hand, for approximately two and a half months after the incident occurred.
 8. Flowers reported and showed his injuries to Travis County jail staff, his bond setting temporary attorney, his court appointed attorney, and took photos with his jail assigned tablet during the tablets log in.
 9. These actions by Officer Amanda Caitlin Yesiolowski violated Dukhan Flowers civil right to be free from cruel and unusual punishment.
 10. Due to the violent acts committed by Amanda Caitlin Yesiolowski, it has caused Dukhan Flowers physical pain and injuries, emotional distress, and scars left on Flowers's right wrist.
-

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.

11. Flowers is requesting monetary damages in the amount of \$11 million dollars.
-

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: 03/07/2025

Signature of Plaintiff 
Printed Name of Plaintiff Dukhan Flowers

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 _____

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MAR 13 2025

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERK

FILED

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

MAR 13 2025

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

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY

Dukhan Durand Flowers §
____ §
V. §
Amanda Caitlin Yesiolowski §
____ §

Case No. 1:25 CV 00378 DAE

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

I, Dukhan Durand Flowers
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:

Poverty

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

Applicant's Name: Dukhan Durand Flowers

Applicant's Home Address: 3181 Grand Ave., Omaha, Ne 68111

Questions Regarding Ability to Pay

Employment:

Are you now employed? Yes No Am Self Employed

If yes, how much do you earn per month? \$ N/A

If no, give month and year of last employment: N/A

How much did you earn per month? \$ N/A

Name and Address of current or prior employer: N/A

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

Is your Spouse employed? Yes No

If working, how much does your spouse earn? \$ N/A

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

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>
\$ <u>\$290.00</u>	<u>EBT</u>
\$ <u>\$0.00</u>	<u>N/A</u>
\$ <u>\$0.00</u>	<u>N/A</u>
\$ <u>\$0.00</u>	<u>N/A</u>

Cash:

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

If yes, state total amount: \$ N/A

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

Food with EBT

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>N/A</u>	<u>N/A</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: N/A

How much do your dependent(s) earn monthly? \$ N/A

List persons you actually support, your relationship to them:

N/A

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

If yes, list how much and describe:

N/A

Monthly Debts of Applicant and/or Dependents

<u>Type of Debt</u>	<u>Name of Creditor</u>	<u>Total Debt</u>	<u>Payment</u>
N/A			N/A
		\$ N/A	
N/A		\$ N/A	
			N/A
		\$ N/A	
N/A		\$ N/A	
			N/A
		\$ N/A	
N/A		\$ N/A	
			N/A
		\$ N/A	
		\$ N/A	

Monthly Expenses of Applicant and/or Dependents

Rent or House Payment: \$ N/A

Electric & Water Bills: \$ N/A

Gas: \$ N/A

Phone: \$ N/A

Insurance: \$ N/A

For what purpose: N/A

Prescriptions: \$ N/A
For what purpose: N/A

Transportation/Car Payments: \$ N/A
For what purpose: N/A

Medical Bills: \$ N/A
For what purpose: N/A

Legal Bills: \$ N/A
For what purpose: N/A

Loans: \$ N/A
For what purpose: N/A

Miscellaneous: \$ N/A
For what purpose: N/A

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

no

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: Dukhan Flowers

Date: 03/07/2025

February 06, 2025

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

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

BY: Alicia Davis
DEPUTY

IN 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:

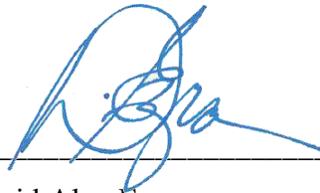
- (1) All cases brought pursuant to 28 U.S.C. §§ 2241, 2254 (excluding cases in which a sentence of death was imposed), and 2255 (excluding cases in which a sentence of death was imposed), cases brought by federal prisoners and detainees challenging conditions of confinement, cases brought by prisoners 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**

DUKHAN DURAND FLOWERS,	§	
Plaintiff,	§	
v.	§	
	§	A-25-CV-378-DAE-ML
AMANDA CAITLIN YESIOLOWSKI,	§	
Defendant.	§	

ORDER ON *IN FORMA PAUPERIS* STATUS

Before the court is Plaintiff’s Application to Proceed in District Court Without Prepaying Fees or Costs (Dkt. 2).¹ The undersigned has reviewed Plaintiff’s financial affidavit and determined that Plaintiff is indigent and should be granted leave to proceed *in forma pauperis*, without prepayment of fees.

Accordingly, the undersigned hereby **GRANTS** Plaintiff’s request. The Clerk of the Court shall file Plaintiff’s complaint without prepayment 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 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). Plaintiff is further advised, 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. *See Moore v. McDonald*, 30 F.3d 616, 621 (5th Cir. 1994).

The undersigned notes that Plaintiff alleged a violation of the Eighth Amendment in his 42

¹ “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.” Dkt. 3 (Judge Ezra Standing Order, February 6, 2025).

U.S.C. § 1983 claim. The Eighth Amendment only applies to convicted prisoners, not to pretrial detainees or arrestees. *See Rogge v. City of Richmond, Tex.*, 995 F. Supp. 2d 657, 666 (S.D. Tex. 2014) (citing *Jacobs v. W. Feliciana Sheriff's Dep't*, 228 F.3d 388, 393 (5th Cir.2000)). However, *pro se* complaints are liberally construed in favor of the plaintiff. *Haines v. Kerner*, 404 U.S. 519, 20–21 (1972). *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). Based on the factual allegations in the complaint, the undersigned construes Plaintiff's claim as arising under the Fourth Amendment's right against excessive force, as incorporated against the states by the Fourteenth Amendment, and found that Plaintiff stated a claim that was not meritless or frivolous. *See Young v. Bragg*, 2010 WL 11545568, at *1, n.4 (W.D. Tex. Apr. 23, 2010) (citing *Franklin v. Rose*, 765 F.2d 82, 85 (6th Cir. 1985) (explaining liberal construction allows active interpretation of a *pro se* pleading to encompass any allegation which may raise a claim for federal relief)).

The undersigned **FURTHER ORDERS** the Clerk of the Court shall issue summons and the United States Marshal is ordered to commence service of process, including service of Plaintiff's Complaint upon named defendants under Rules 4 and 5 of the Federal Rules of Civil Procedure.

The referral of this case to the undersigned should now be **CANCELED**.

SIGNED April 1, 2025.



MARK LANE
UNITED STATES MAGISTRATE JUDGE

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

UNITED STATES DISTRICT COURT

for the

Western District of Texas (Austi

Dukhan Durand Flowers

Plaintiff(s)

v.

Amanda Caitlin Yesiolowski

Defendant(s)

Civil Action No. 1:25-cv-00378 DAE

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Amanda Caitlin Yesiolowski
Police Officer for the City of Austin Police Department
715 East 8th Street
Austin TX 78701

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Dukhan Durand Flowers
3181 Grand Ave
Omaha, NE 68111

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: 08/14/2025

Signature of Philip J. Devlin



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

Civil Action No. 1:25-cv-00378 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)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DUKHAN DURAND FLOWERS,
Plaintiff,

v.

AMANDA CAITLIN YESIOLOWSKI
Defendant.

§
§
§
§
§
§
§

CIVIL ACTION NO. 1:25-CV-00378

**DEFENDANT AMANDA CAITLIN YESIOLOWSKI'S ANSWER AND
AFFIRMATIVE DEFENSES TO PLAINTIFF'S ORIGINAL COMPLAINT**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendant Amanda Caitlin Yesiolowski files this Answer and Affirmative Defenses to Plaintiff's Complaint for Violation of Civil Rights [Doc. No. 1]. Pursuant to Rules 8 and 12 of the Federal Rules of Civil Procedure, the Defendant respectfully shows the Court the following:

ORIGINAL ANSWER

Pursuant to Federal Rule of Civil Procedure 8(b), Defendant responds to each of the specific averments in Plaintiff's Complaint for Violation of Civil Rights [Doc No. 1] as set forth below. To the extent that Defendant does not address a specific averment made by Plaintiffs, Defendant expressly denies that averment.¹

I. PARTIES TO THIS COMPLAINT

A. Admit that the Plaintiff filing the lawsuit is Dukhan Flowers. Plaintiff lacks sufficient information to admit or deny the remaining information in this paragraph.

B. Admit Amanda Yesiolowski is an officer employed with the Austin Police Department which is located at the listed address. Defendant denies the listed phone number is accurate.

¹ Paragraph numbers in Defendant's Answer correspond to the paragraphs in Plaintiff's Complaint for Violation of Civil Rights.

II. BASIS FOR JURISDICTION

- A. Defendant admits that Plaintiff alleges a claim under 42 U.S.C. § 1983.
- B. Paragraph II B contains no allegation of fact and requires no response. Otherwise, Defendant denies the allegations of the paragraph.
- C. Paragraph II C is blank and therefore Defendant is not required to respond. To the extent that a response is required: denied.
- D. Defendant admits to the identity, occupation, employer, and badge number of Officer Amanda Yesiolowski. To the extent this section makes any other allegations, Defendant denies same.

III. STATEMENT OF CLAIM

- A. Admit
- B. Defendant admits to the date of the incident. At this time, Defendant is without sufficient knowledge to admit the exact time and therefore denies same.
- C.
 - 1. Defendant admits to having arrested Plaintiff, being a police officer, and having badge number 10238. Defendant denies all other allegations.
 - 2. Denied
 - 3. Defendant admits that Officers Saenz #9259 and Sisson #9441 were present during the incident and that Defendant handcuffed Plaintiff. Defendant denies all other allegations.
 - 4. Defendant admits that Officer Glasson #9936 was present during the incident. Defendant is without sufficient knowledge or information to form a belief of the truth of the remaining allegations and therefore deny same.

IV. INJURIES

- 5. Defendant is without sufficient knowledge or information to form a belief of the truth of the remaining allegations and therefore deny same.
- 6. Defendant is without sufficient knowledge or information to form a belief of the truth of the remaining allegations and therefore deny same.

7. Defendant is without sufficient knowledge or information to form a belief of the truth of the remaining allegations and therefore deny same.

8. Defendant is without sufficient knowledge or information to form a belief of the truth of the remaining allegations and therefore deny same.

9. Denied

10. Denied

V. RELIEF

11. Defendant admits Plaintiff seeks the requested relief. Otherwise, Defendant denies liability for the relief requested in this paragraph and denies that Plaintiff is entitled to any relief whatsoever from this Defendant.

AFFIRMATIVE DEFENSES

1. Defendant denies any deprivation under color of statute, ordinance, custom, or abuses of any rights, privileges, or immunities secured to the plaintiff by the United State Constitution, state law, or 42 U.S.C. § 1983, *et seq.*

2. Defendant asserts the affirmative defense of qualified/official immunity for actions taken in the course and scope of her employment.

3. Defendant asserts the affirmative defense that Plaintiff failed to mitigate damages, if any, and assert this failure to mitigate both as an affirmative defense and as a reduction in the damage amount, if any, due Plaintiff.

4. Defendant asserts 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.

5. Defendant affirmatively pleads 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.

6. Defendant pleads that she had a legal justification for each and every action taken by her relating to this incident based on the information available to her at the time.

7. Defendant asserts additional affirmative defenses throughout the development of this case, as may become applicable, including Statute of Limitations.

8. Defendant reserves the right to assert additional affirmative defenses throughout the development of this case.

DEFENDANT’S PRAYER

Defendant Amanda Caitlin Yesiolowski prays that all relief requested by Plaintiff be denied, that the Court dismiss this case with prejudice, and that the Court award Defendant costs and attorney’s fees, and any additional relief to which it is entitled under law or equity.

RESPECTFULLY SUBMITTED,

DEBORAH THOMAS, CITY ATTORNEY
SARA SCHAEFER, ACTING LITIGATION CHIEF

/s/ Nicholas Heflin

NICHOLAS HEFLIN

State Bar No. 24144453

nicholas.heflin@austintexas.gov

City of Austin-Law Department

Post Office Box 1546

Austin, Texas 78767-1546

Telephone: (512) 974-6425

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify that on the 15th day of September 2025, I served a copy of *Defendant Amanda Caitlin Yesiolowski's Answer and Affirmative Defenses to Plaintiff's Original Complaint* on all parties, by and through their attorney of record, in compliance with the Federal Rules of Civil Procedure.

Via CM/ECF and Via US Mail:

Dukhan Flowers

Flowers234@mail.com

3181 Grand Ave

Omaha, Nebraska 68111

Telephone: (712) 227-2835

PRO SE PLAINTIFF

/s/ Nicholas Heflin

NICHOLAS HEFLIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Dukhan Flowers §
§
vs. § NO: AU:25-CV-00378-DAE
§
Amanda Caitlin Yesiolowski §

**ORDER FOR SCHEDULING RECOMMENDATIONS
AND ADVISORY CONCERNING MAGISTRATE JUDGE ASSIGNMENT**

At the request of the Bar, the District Judges have implemented a procedure whereby a Magistrate Judge is assigned to each civil case at the time it is filed. The assignments are made randomly and are evenly divided among the Magistrate Judges. If a pretrial matter is referred by the District Judge, it will be handled by the Magistrate Judge to whom the case was assigned. Similarly, if the parties consent to Magistrate Judge jurisdiction, the case will be placed on the docket of the assigned Magistrate Judge for all future proceedings, including entry of judgment. **The United States Magistrate Judge assigned to this case is the Honorable Lane.**

In an effort to assist the parties in resolving this dispute as expeditiously and efficiently as possible, and in accordance with Rule CV-16(c) of the Local Court Rules of the Western District of Texas,

IT IS HEREBY ORDERED that the parties shall submit a proposed scheduling order to the Court within thirty (30) days from the date of this order. The parties shall first confer as required by Fed R. Civ. P. 26(f). The content of the proposed scheduling order shall include proposals for all deadlines set out in the form for scheduling order attached hereto and contained in Appendix "B" to

the Local Rules. The parties shall endeavor to agree concerning the contents of the proposed order, but in the event they are unable to do so, each party's position and the reasons for the disagreement shall be included in the proposed schedule submitted to the court. In the event the plaintiff has not yet obtained service on all defendants, the plaintiff shall include an explanation of why all parties have not been served. **The scheduling proposals of the parties shall be considered by the trial court, but the setting of all dates is within the discretion of the Court.** The parties shall indicate in the proposed order that they have in fact conferred as required by the federal rules of procedure.

The proposed scheduling order shall contain suggestions for the following deadlines:

1. The parties must mediate this case and file a report in accordance with Rule 88 after the mediation is completed.
2. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties (the standard period being 90 days after the first defendant's appearance), and each opposing party shall respond, in writing (the standard period being 104 days after the first defendant's appearance).
3. The parties shall file all motions to amend or supplement pleadings or to join additional parties by (the standard period being 120 days after the first defendant's appearance).
4. All parties asserting claims for relief shall file their designation of potential witnesses, testifying experts, and proposed exhibits, and shall **SERVE ON ALL PARTIES, BUT NOT FILE the materials required by Fed. R. Civ. P. 26(a)(2)(B)** by (the standard period being 90 days before the discovery deadline). Parties resisting claims for relief shall file their designation of potential witnesses, testifying experts, and proposed exhibits, and shall **SERVE ON ALL**

PARTIES, BUT NOT FILE the materials required by Fed. R. Civ. P. 26(a)(2)(B) by (the standard period being 45 days before the close of discovery). All designations of rebuttal experts shall be filed within 14 days of receipt of the report of the opposing expert.

5. An 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, within (the standard period being 30 days) days of receipt of the written report of the expert's proposed testimony, or within (the standard period being 30 days) days of the expert's deposition, if a deposition is taken, whichever is later.

6. The parties shall complete discovery (the standard period being six months after the first defendant's appearance). Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed (the standard period being 30 days after the discovery deadline). Dispositive motions as defined in Local Rule CV-7(c) and responses to dispositive motions shall be limited to (the standard page limit for this Court is 20) pages in length. The court will set a hearing on such motions for a date after the deadline for responses and replies.

8. This case will not be set for trial until after dispositive motions, if any, have been ruled on. **If parties elect not to file dispositive motions, they must contact the courtroom deputy, Priscilla Springs at (210) 472-6550 ext. 5016, or by email Priscilla_Springs@txwd.uscourts.gov, in order to set a trial date.** The Court will set the case for trial by separate order. The order will establish trial type deadlines to include pretrial matters pursuant to Local Rule CV-16(e)-(g).

IT IS SO ORDERED.

DATED: Austin, Texas, September 16, 2025.



DAVID ALAN EZRA
SENIOR U.S. DISTRICT JUDGE

potential witnesses, testifying experts, and proposed exhibits, and shall serve on all parties, but not file the materials required by Fed. R. Civ. P. 26(a)(2)(B) by _____. All designations of rebuttal experts shall be designated within 14 days of receipt of the report of the opposing expert.

5. An 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, within _____ days of receipt of the written report of the expert's proposed testimony, or within _____ days of the expert's deposition, if a deposition is taken, whichever is later.

6. The parties shall complete all discovery on or before _____. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed no later than _____. Dispositive motions as defined in Local Rule CV-7(c) and responses to dispositive motions shall be limited to twenty (20) pages in length. Replies, if any, shall be limited to ten (10) pages in length in accordance with Local Rule CV-7(e). **If the parties elect not to file dispositive motions, they must contact the courtroom deputy on or before this deadline in order to set a trial date.**

8. If required, a hearing on dispositive motions will be set by the Court after all responses and replies have been filed.

9. The Court will set the case for trial by separate order. The order will establish trial type deadlines to include pretrial matters pursuant to Local Rule CV-16(e)-(g).

10. All of the parties who have appeared in the action conferred concerning the contents of the proposed scheduling order on _____, and the parties have (*agreed/disagreed*) as to its contents. The following positions and reasons are given by the parties for the disagreement as to the contents of the proposed scheduling order _____. Plaintiff offers the following explanation of why all parties have not been served _____.

(Signature)

(Print or type name)

ATTORNEY FOR

(Print or type name)

CERTIFICATE OF SERVICE

U.S. Department of Justice
United States Marshals Service

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

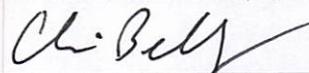
PLAINTIFF Dukhan Durand Flowers	COURT CASE NUMBER 1:25-cv-00378-DAE
DEFENDANT Amanda Caitlin Yesiolowski, Police Officer for the City of Austin Police Department	TYPE OF PROCESS CIVIL COMPLAINT
SERVE AT {	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN Amanda Caitlin Yesiolowski, Police Officer for the City of Austin Police Department
	715 East 8th Street, Austin, TX 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 1
	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 SEP 17 PM 1:50
 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 08/14/25
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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 <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 8/18/25
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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 8/22/25	Time 8:06	<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 6224 27

RECEIVED
 U.S. MARSHALS SERVICE
 2025 AUG 18 AM 11:58
 WESTERN DISTRICT OF TEXAS
 AUSTIN DIVISION

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

Civil Action No. 1:25-cv-00378 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)* Amenda Caitlin Yesiolowski
was received by me on *(date)* 8/18/25

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 6224 27

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: 8/22/25

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:

[Remove X](#)

9589071052702145622427

[Copy](#)

[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

Latest Update

Your item has been delivered and is available at a PO Box at 8:06 am on August 22, 2025 in AUSTIN, TX 78701.

Get More Out of USPS Tracking:

[USPS Tracking Plus®](#)

Delivered

Delivered, PO Box

AUSTIN, TX 78701

August 22, 2025, 8:06 am

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[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)

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Feedback

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