


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

BILLY RAY SULLINS, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 L. CPL. TROY EDENFIELD, *et al.*, )  
 )  
 Defendants. )

Case No. CV415-10

FILED  
 U.S. DISTRICT COURT  
 SAVANNAH DIV.  
 AUG 13 2015  
 CLERK  
 SO. DIST. OF GA.  


**ORDER**

Proceeding *pro se*, non-inmate plaintiff Billy Ray Sullins<sup>1</sup> moved for leave to file *in forma pauperis* (“IFP”) his presumed (he does not say) 42 U.S.C. § 1983 lawsuit against the Garden City, Georgia Police Department and four of its officers. Docs 1 (Complaint) & 2 (IFP motion). Finding him indigent, the Court granted his IFP motion but directed him to file an amended complaint. Doc. 3. He has done so, and he now elaborates on his Fourth Amendment claim: that named police

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<sup>1</sup> The Court’s last Order referenced “attached” Chatham County, Georgia court records reflecting criminal prosecutions against him. They were erroneously omitted. They are attached to this Order, and they show that over the 2013-2014 period he has pled guilty to “Forgery/Fraud,” “Robbery” and “Switching License Tags to Misrepresent.” The event he complains of here happened, he alleges, on November, 11, 2013. Doc. 4-2 at 3.

officers entered his home “with no search warrant or exigent circumstances,” used excessive force to subdue him, and took him into custody. Doc. 4-2 at 3-4. He seeks “pain and suffering” compensation, plus damages for “loss of property due to negligence,” plus “reprimand for all officers involved, possibly [sic] punished by law if court sees fit.” *Id.* at 6.

Under the liberal pleading standards accorded to *pro se* plaintiffs, see *Erickson v. Pardus*, 551 U.S. 89, 94 (2007), Sullins has pled the basic core of a § 1983 claim for violations of the Fourth-Amendment.<sup>2</sup> See *Wilkerson v. Georgia*, 2015 WL 4279334 at \* 1 (11th Cir. July 16, 2015) (“In short, Wilkerson's complaint facially alleged that two state employees used excessive force against her, either to detain her or while she was already detained. Such a claim is cognizable under 42 U.S.C. § 1983.”); *Mitchell v. Stewart*, 2015 WL 1568244 at \* (11th Cir. Apr. 9, 2015) (fact issues remained in § 1983 action by arrestees action against county police officers, alleging under § 1983 that the officers violated

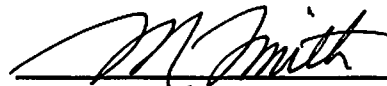
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<sup>2</sup> He also has dropped as a defendant the Garden City Police Department (the Court previously explained that it cannot be sued), and the Clerk has amended the docket caption accordingly.

their Fourth Amendment rights by, *inter alia*, entering and searching their residence without warrant).<sup>3</sup>

The Court therefore greenlights this case against the five police officers for whom Sullins has now supplied full names, addresses, and badge numbers. Doc. 4-2 at 2-3. As plaintiff has been authorized to proceed IFP, the United States Marshal is **DIRECTED** to serve process upon the individual police officer defendants. See Fed. R. Civ. P. 4(c)(3).

**SO ORDERED**, this 13<sup>th</sup> day of August, 2015.



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UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA

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<sup>3</sup> See also *Morris v. Town of Lexington, Ala.*, 748 F.3d 1316, 1323-24 (11th Cir. 2014) (police officers failed to establish that they were entitled to qualified immunity in homeowner's § 1983 action against them for unreasonably entering his home to effect *Terry* stop, in violation of the Fourth Amendment, where officers failed to establish that they had reasonable suspicion of criminal activity based on the vague assertions of a highly intoxicated woman who had been abandoned on homeowner's property and stated that she was in danger, but who did not make accusations against homeowner, and who merely asserted that someone had been beating homeowner's horses).



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#### Case Information

**Court:** Superior  
**Case Number:** CR140056  
**Case Type:** FORGERY/FRAUD  
**Judge:** HONORABLE JAMES BASS  
**Assistant District Attorney:** SARAH MOORHEAD  
**Date Filed:** 1/8/2014  
**Status:** CLOSED - GUILTY PLEA(N)  
**Disposition Date:** 11/18/2014  
**Disposition:** GUILTY PLEA(N)

#### Defendant Information

**Name:** SULLINS, BILLY RAY  
**DIN:** P1311179  
**Gender:** MALE  
**Race:** WHITE  
**Height:** 71  
**Weight:** 245  
**Eyes:** BROWN  
**Hair:** BROWN

#### Attorney Information

WILLIAM S LEWIS  
 222 W OGLETHORPE AVE  
 SAVANNAH, GA  
 31401

#### Bondsman Information

N/A

#### Case Events

Date	Time	Code	Judge	Action
4/28/2015 11:42:01 AM	11:42AM	TRANSCRIPT RECEIVED		
12/1/2014	10:30AM	JURY TRIAL	JAMES BASS	CANCELLED EVENT - CL
11/18/2014	10:30AM	DRUG COURT PLEA	JAMES BASS	
10/20/2014	10:00AM	JURY TRIAL	JAMES BASS	RESCHEDULE EVENT
9/8/2014	10:30AM	JURY TRIAL	JAMES BASS	RESCHEDULE EVENT
7/14/2014	10:30AM	JURY TRIAL	JAMES BASS	RESCHEDULE EVENT
6/9/2014	10:30AM	JURY TRIAL	JAMES BASS	RESCHEDULE EVENT
4/10/2014	09:30AM	ARRAIGNMENT/PLEA HEARING	JAMES BASS	
3/18/2014	11:00AM	ARRAIGNMENT/CALENDAR CALL	JAMES BASS	

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#### Charges

Charge	Description	Counts	Severity	Charge Date	Disposition
16-9-1(d)	Third Degree Forgery	1	FELONY	11/15/2013	Guilty Plea Negotiated 11/18/2014
Sentencing Details:		Description	Fine	Duration	
	DAT		\$0.00	5 Years-PROBATION	
			\$400	\$400.00-ATTORNEY FEE	
	CRIME LAB FEE		\$50	\$50.00-FINE	
			\$0.00	80 Hours-COMMUNITY SERVICE	
			\$0.00	-WAIVED FOURTH ADMENDMENT RIGHTS	
	NO CONTACT OF ANY KIND WITH SACHINKUMAR PATEL		\$0.00	-OTHER	

BANNED FROM PRITAM ENTERPRISES DURING DURATION OF SENTENCE	\$0.00	-OTHER
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4/28/2015 11:42:01 AM	11:42AM	TRANSCRIPT RECEIVED			04-10-14 PLEA OFFER & ARRAIGNMENT, JUDGE BASS PRESIDING
12/30/2014		ACCOUNTABILITY COURT SANCTION ORDER			
12/30/2014		ACCOUNTABILITY COURT SANCTION ORDER			
12/1/2014	10:30AM	JURY TRIAL	CANCELLED EVENT - CL	JAMES BASS	
11/18/2014		RELEASE ORDER			
11/18/2014		SENTENCE ORDER/PETITION NEG PLEA/VOL TRN/ACCUSATION			
11/18/2014		CASE DISPOSED	GUILTY PLEA NEGOTIATED	JAMES BASS	CASE DISPOSED GN
11/18/2014	10:30AM	DRUG COURT PLEA		JAMES BASS	
11/12/2014		LIST OF WITNESSES			JTR 120114/
10/20/2014	10:00AM	JURY TRIAL	RESCHEDULE EVENT	JAMES BASS	
10/7/2014		LIST OF WITNESSES			
9/8/2014	10:30AM	JURY TRIAL	RESCHEDULE EVENT	JAMES BASS	
7/21/2014		NOTICE OF SUBSTITUTION OF COUNSEL			W. LEWIS/
7/14/2014	10:30AM	JURY TRIAL	RESCHEDULE EVENT	JAMES BASS	
6/9/2014	10:30AM	JURY TRIAL	RESCHEDULE EVENT	JAMES BASS	
5/21/2014		MOTION - FOR CONTINUANCE	GRANTED		DEFENDANT'S
5/21/2014		ORDER FOR CONTINUANCE			DEFENDANTS MOTION GRANTED/
5/19/2014		DEFENDANTS RECIPROCAL DISCOVERY DISCLOSURE			
4/25/2014		STATE'S DEMAND FOR DISCOVERY			AND STATES DISCOVERY/
4/10/2014	09:30AM	ARRAIGNMENT/PLEA HEARING		JAMES BASS	
3/18/2014	11:00AM	ARRAIGNMENT/CALENDAR CALL		JAMES BASS	
2/26/2014		BOND ORDER			BOND DENIED/
2/20/2014		PETITION FOR BOND/NISI			HEARING 2-26-14 @ 8:45AM ATTY AKPOLO/
2/12/2014		CONSOLIDATED MOTIONS PACKAGE			
2/12/2014		ENTRY OF APPEARANCE			ATTY NATHAN AKPOLO/
1/9/2014 3:31:57 PM		SCN			INITIAL CASE SCREENING / SCANNING
1/8/2014		ACCUSATION FILED - ENTERED			

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Case Information		Defendant Information	
Court:	Superior	Name:	SULLINS, BILLY RAY
Case Number:	CR140370	DIN:	P1311179
Case Type:	ROBBERY	Gender:	MALE
Judge:	HONORABLE JAMES BASS	Race:	WHITE
Assistant District Attorney:	SARAH MOORHEAD	Height:	71
Date Filed:	2/26/2014	Weight:	245
Status:	CLOSED - GUILTY PLEA(N)	Eyes:	BROWN
Disposition Date:	11/18/2014	Hair:	BROWN
Disposition:	GUILTY PLEA(N)		

**Attorney Information**  
 WILLIAM S LEWIS  
 222 W OGLETHORPE AVE  
 SAVANNAH, GA  
 31401

**Bondsman Information**  
 N/A

**Case Events**

Date	Time	Code	Judge	Action
4/28/2015 11:34:43 AM	11:34AM	TRANSCRIPT RECEIVED		
12/1/2014	10:30AM	JURY TRIAL	JAMES BASS	CANCELLED EVENT - CL
11/18/2014	10:30AM	DRUG COURT PLEA	JAMES BASS	
10/20/2014	10:00AM	JURY TRIAL	JAMES BASS	RESCHEDULE EVENT
9/8/2014	10:30AM	JURY TRIAL	JAMES BASS	RESCHEDULE EVENT
7/14/2014	10:30AM	JURY TRIAL	JAMES BASS	RESCHEDULE EVENT
6/9/2014	10:30AM	JURY TRIAL	JAMES BASS	RESCHEDULE EVENT
4/28/2014	11:30AM	ARRAIGNMENT/CALENDAR CALL	JAMES BASS	
4/10/2014	09:30AM	ARRAIGNMENT/PLEA HEARING	JAMES BASS	

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**Charges**

Charge	Description	Counts	Severity	Charge Date	Disposition
16-10-24	OBSTRUCTION	1	MISDEMEANOR	11/11/2013 4:03:45 AM	Guilty Plea Negotiated 11/18/2014
<b>Sentencing Details:</b>		<b>Description</b>		<b>Fine</b>	<b>Duration</b>
				\$0.00	12 Months-PROBATION
16-8-16	THEFT BY EXTORTION	1	FELONY	11/21/2014	Guilty Plea Negotiated 11/18/2014
<b>Sentencing Details:</b>		<b>Description</b>		<b>Fine</b>	<b>Duration</b>
		CONCURRENT TO CR14-0056/DAT		\$0.00	10 Years-PROBATION
				\$1,500	\$1500.00-FINE
		CRIME LAB FEE		\$50	\$50.00-FINE
				\$400	\$400.00-ATTORNEY FEE

LAIGHTON THOMAS	\$60	\$60.00-RESTITUTION
	\$0.00	100 Hours-COMMUNITY SERVICE
NO CONTACT OF ANY KIND WITH LAIGHTON THOMAS	\$0.00	-OTHER
BANNED FROM 35 MAIN STREET 17 GARDEN CITY GA DURING DURATION OF SENTENCE	\$0.00	-OTHER
	\$0.00	-WAIVED FOURTH ADMENDMENT RIGHTS

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4/28/2015 11:34:43 AM	11:34AM	TRANSCRIPT RECEIVED			04-10-14 PLEA OFFER & ARRAIGNMENT, JUDGE BASS PRESIDING
12/1/2014		UNINDICTED DISMISSED WARRANT/CHARGE			BURGLARY 1ST DEGREE/
12/1/2014	10:30AM	JURY TRIAL	CANCELLED EVENT - CL	JAMES BASS	
11/18/2014		RELEASE ORDER			
11/18/2014		SENTENCE ORDER/PETITION NEG PLEA/VOL TRN/ACCUSATION			
11/18/2014		CASE DISPOSED	GUILTY PLEA NEGOTIATED	JAMES BASS	CASE DISPOSED GN
11/18/2014	10:30AM	DRUG COURT PLEA		JAMES BASS	
11/12/2014		LIST OF WITNESSES			JTR 120114/
10/20/2014	10:00AM	JURY TRIAL	RESCHEDULE EVENT	JAMES BASS	
10/7/2014		LIST OF WITNESSES			
9/8/2014	10:30AM	JURY TRIAL	RESCHEDULE EVENT	JAMES BASS	
8/26/2014		ACCUSATION FILED - ENTERED			AMENDED/
7/14/2014	10:30AM	JURY TRIAL	RESCHEDULE EVENT	JAMES BASS	
6/9/2014	10:30AM	JURY TRIAL	RESCHEDULE EVENT	JAMES BASS	
5/21/2014		ORDER FOR CONTINUANCE			DEFENDANTS MOTION GRANTED/
5/21/2014		MOTION - FOR CONTINUANCE	GRANTED		DEFENDANTS/
4/28/2014	11:30AM	ARRAIGNMENT/CALENDAR CALL		JAMES BASS	
4/25/2014		STATE'S DEMAND FOR DISCOVERY			AND STATES DISCOVERY/
4/10/2014	09:30AM	ARRAIGNMENT/PLEA HEARING		JAMES BASS	
4/8/2014		WARRANT DISMISSAL			SPECIAL PRESENTMENT/
4/8/2014		CONSOLIDATED MOTIONS PACKAGE			CERT OF SERV/
3/25/2014		WARRANTS			
2/27/2014 1:55:55 PM		SCN			INITIAL CASE SCREENING / SCANNING
2/26/2014		BOND ORDER			BOND GRANTED 35,000.00/
2/26/2014		INDICTMENT			

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Case Information		Defendant Information	
<b>Court:</b>	State	<b>Name:</b>	SULLINS, BILLY RAY
<b>Case Number:</b>	R131783	<b>DIN:</b>	P1311179
<b>Case Type:</b>	TRAFFIC - STATE COURT	<b>Gender:</b>	MALE
<b>Judge:</b>	HONORABLE H. GREGORY FOWLER	<b>Race:</b>	WHITE
<b>Assistant District Attorney:</b>	MITCHELL MOBLEY	<b>Height:</b>	71
<b>Date Filed:</b>	5/10/2013	<b>Weight:</b>	245
<b>Status:</b>	CLOSED - GUILTY PLEA(N)	<b>Eyes:</b>	BROWN
<b>Disposition Date:</b>	8/22/2013	<b>Hair:</b>	BROWN
<b>Disposition:</b>	GUILTY PLEA(N)		

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Attorney Information
N/A

Bondsman Information
N/A

Case Events				
Date	Time	Code	Judge	Action
8/22/2013	1:30PM	PLEA HEARING	GREGORY FOWLER	CANCELLED EVENT - CL
6/24/2013	09:00AM	ARRAIGNMENT	GREGORY FOWLER	PLEA HEARING SCHEDULED

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Charges					
Charge	Description	Counts	Severity	Charge Date	Disposition
40-2-7	SWITCHING LICENSE TAGS TO MISREPRESENT	1	MISDEMEANOR	7/24/2012	Nolle Pros
40-5-20	NO PERMIT	1	MISDEMEANOR	7/24/2012	Nolo Contendre
Sentencing Details:		Description	Fine	Duration	
		Fine	\$500	\$500.00-FINE	
		Prison	\$0.00	2 Days-PRISON	
		Prison Suspended	\$0.00	2 Days-PRS	

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Proceedings					
4/3/2014		DEFENDANT ID NUMBER CHANGE			DIN TO BE KEPT: P1311179/DIN TO BE REMOVED: X1305027
8/22/2013		CASE DISPOSED			PLEA, NEG PLEA, AND DISPOSITION
8/22/2013	1:30PM	PLEA HEARING	CANCELLED EVENT - CL	GREGORY FOWLER	
6/27/2013		SUBPOENA			
6/24/2013	09:00AM	ARRAIGNMENT	PLEA HEARING SCHEDULED	GREGORY FOWLER	



5/13/2013		SCANNED INITIAL CASE FILING (SCA)			
5/10/2013 10:16:22 AM		SCREENING		GREGORY FOWLER	INITIAL CASE SCREENING
4/25/2013		COMMITMENT DATE			TO STATE COURT
7/24/2012		INCIDENT DATE			

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