

HAYES v. MAYER
1:08-cv-0006-LJM-DML

DRAFT PRELIMINARY INSTRUCTION

Plaintiff, Phillip Hayes, has brought this law suit alleging that defendants, Officers Christopher Maher, Frank Vanek, and Craig Anderson, violated his constitutional right to be free from unreasonable seizure. Mr. Hayes has brought his claim under a federal statute, 42 U.S.C. § 1983, which provides that any individual may seek redress in this Court, by way of money damages, against any person who, under color of state law, deprives that individual of any of his constitutional rights.

Mr. Hayes' federal civil rights claim is based upon the principle that the United States Constitution guarantees that every person shall be free from unreasonable seizures. The Fourth Amendment to the United States Constitution provides, in pertinent part:

The right of the people to be secure in their persons . . . against unreasonable . . . seizures, shall not be violated,

Plaintiff, Mr. Hayes, claims that the Defendants violated his Fourth Amendment rights by using unreasonable force against Mr. Hayes during Mr. Hayes' arrest.

The Defendants, Officers Christopher Maher, Frank Vanek, and Craig Anderson, deny that they used unreasonable force against Mr. Hayes during Mr. Hayes' arrest.