

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT,
IN AND FOR ESCAMBIA COUNTY, FLORIDA**

Case No.: **2024 CA 000223**

Division: **N**

**Re: A Citizen's Complaint Against the City of Pensacola
JONATHAN G. GREEN (pro se)
Plaintiff,**

and

**D.C. REEVES (MAYOR OF THE CITY OF PENSACOLA, FL) & THE PENSACOLA CITY
COUNCIL, AND PENSACOLA CITY COUNCIL ALSO ACTING AS COMMUNITY
REDEVELOPMENT AGENCY (CRA)**

Defendants.

**EMERGENCY PETITION FOR JUDICIAL RELIEF FOR VIOLATION
OF U.S.C. 42 § 1983 BY CITY OFFICIALS**

I. 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. This suit is against local officials, under a § 1983 claim.

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. The First Amendment, Fifteenth, and Fourteenth Amendments were violated by the City of Pensacola Mayor, Pensacola City Council, and the Community Redevelopment Agency – represented by the Pensacola City Council (the local officials) because of abridging federal constitutional rights, which were violated by the local official when the Pensacola City Charter (the Charter) violates the First and Fifteenth Amendments.

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. Local officials unjustly acted under the color of their official duties and authority to disregard the Plaintiff’s desire to form the Petitioner’s committee because of their demolition of the Malcolm Yonge Community Center, despite the process of Injunctive Relief being ongoing. Further, local officials unjustly acted under the color of their official duties and authority because of obtaining public legal opinion from the City Attorney stating local official actions were constitutional. Also, the City Attorney’ opinion encouraged local officials to act unjustly to violate Plaintiff’s constitutional rights because the Petitioners’ Committee was properly certified by the City Clerk to begin the gathering petitions according to the Charter (see: Pensacola Charter, Filing # 193162518, e-filed on 04-Mar-2024). Through previous responsive pleadings, defendants waive service of process.

II. STATEMENT OF CLAIM

The local officials in the City of Pensacola Florida violated the First and Fifteenth Amendments, by application to the State of Florida and its municipalities through the Fourteenth Amendment – Equal Protection Clause with the Pensacola Mayor stating publicly “certain residence do [lack Fourteenth Amendment – Privileges and Immunities because of] not living in a walking distance of the public property at issue for referendum ballot by certified petitioners’ committee, allowed by the Charter. The referendum process is allowed by the Charter and is used as a pathway for city electors to redress grievances of the government, by process of petition and vote.

Plaintiff filed an Emergency Temporary Restraining Order, which Respondent knew or should have known judicial court order gave 14 days for procedural matters to be corrected, prior to the local officials causing the demolition of public property. Within the 14-day corrective

period, Respondent demolished public property in violation of Plaintiff's First Amendment Rights, in addition to Plaintiff using First Amendment Right to Protest to cast an individual ballot in the referendum process to exercise his Fifteenth Amendment Right to Vote. The Right to Vote, in order to protest the demolition through petition process and ballot vote, was abridged because the properly formed ten (10) city electors, petitioners' committee. Further, Plaintiff is a member of the Petitioners' Committee, was certified by the City Clerk to begin the petition process to garner 10% of wet signatures of city electors, within 60 days of the local official vote to demolish the public property. The action's of the local officials give no right to redress grievances nor an ability to vote in the manner provided by the Charter.

Additionally, Plaintiff was retaliated against with from City of Pensacola (the City) employment for whistleblower action because he engaged in the public speaking forum of the City Council meeting regarding community centers turning into event centers. Also, because of highlighting subjective and discriminatory rental policies in these centers. Plaintiff's acting in the common fashion of his supervisors and co-workers caused him to be fired on or around February 20, 2024 because of utilizing public space at Corrine Jones-Sanders Beach Community Center in a similar fashion as other employees, of the City, on February 18, 2024. Plaintiff was employed for less than one (1) month prior to being fired.

III. INJURIES

The local officials of the City of Pensacola have abridged Plaintiff's individual rights as an elector of the City, qualified to use the charter in a manner consistent with the Charter. The local officials demolished the public property and are creating more limited numbers of public spaces for the community in regards recreational centers available to the public without charge.

The local officials discriminate upon which residents or persons are allowed to have the community centers for free versus paying high rental charges for the same public spaces, at subjective decision-making of local officials or their employees. This is further evidenced because of Plaintiff's firing from city employment for free use of unoccupied public space, while other employees/supervisors utilized the space for private means without rental fees associated (see Sanders Beach Work Schedule). This is further proved because on the Sanders Beach Work Schedule (the Schedule), The CNAPP (Community Neighborhood Association of Presidents) utilized meeting room space at no costs on February 5, 2024; as a community group, similarly to Plaintiff's using an unoccupied public room for a small community group meeting. Further, the Schedule indicates a Super Bowl Party in February 2024 for the Community, which supervisor/city employee privatized the "community" event for employees, family, and friends only allowing employees to work the event. Plaintiff remained in the dedicated work area for events during the majority of the Super Bowl event, and was retaliated against for using an unoccupied room.

IV. RELIEF

WHEREFORE, Plaintiff prays, from this Court, for injunctive relief to allow a referendum ballot measure to allow the community to allow how to dispose of the property because of the local officials constitutional violations. Also, Plaintiff prays for money damages and punitive damages, which the court finds appropriate for the acts alleged.

Respectfully Submitted,

Filer's Signature 

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to the below named via e-mail service on this 9th day of April, 2024.

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