

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BRIAN HOLBROOK SR.,

Plaintiff,

v.

Case No: 2:25-cv-970

CITY OF MILWAUKEE, OMAR CONTRERAS, AND
RAFAEL PEREZ,

Defendants.

COMPLAINT

Plaintiff Brian Holbrook, by his attorneys, Strang Bradley, LLC, for his complaint against Defendants, states:

INTRODUCTION

1. This is a civil rights lawsuit brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Brian Holbrook, Sr.'s constitutional right to be free from unreasonable search and seizure in violation of the Fourth Amendment of the United States Constitution.

2. At about 8:30 P.M., on February 12, 2024, City of Milwaukee Police Officers Omar Contreras and Rafael Perez entered Holbrook Sr.'s home, tased him, and arrested him without a warrant and without consent.

3. While in the home, Holbrook Sr. asked the officers whether they had a warrant, and they falsely claimed that they did.

JURISDICTION AND VENUE

4. This Court has jurisdiction over federal claims pursuant to 28 U.S.C. § 1331.

5. Venue is proper under 28 U.S.C. § 1391(b)(2). Defendant City of Milwaukee is a political subdivision of the state of Wisconsin located within this judicial district. Additionally, the events giving rise to the claims asserted herein occurred within the judicial district.

PARTIES

6. Plaintiff Brian Holbrook Sr. is a resident of the State of Wisconsin and Milwaukee County.

7. Defendant City of Milwaukee is a political subdivision of the state of Wisconsin and is or was the employer of the individual Defendants and is required to pay any tort judgment for damages for which its employees are liable for acts within the scope of their employment.

8. Defendant Omar Contreras was, at the time of this occurrence, employed as a police officer for the City of Milwaukee Police Department.

9. At all times Defendant Contreras interacted with Plaintiff on February 12, 2024, Contreras was on duty, acting under color of state law, ordinance, and regulation.

10. At all times Defendant Contreras interacted with Plaintiff on February 12, 2024, Contreras acted within the scope of his employment with the City of Madison.

11. Defendant Rafael Perez was, at the time of this occurrence, employed as a police officer for the City of Milwaukee Police Department.

12. At all times Defendant Perez interacted with Plaintiff on February 12, 2024, Perez was on duty, acting under color of state law, ordinance, and regulation.

13. At all times Defendant Perez interacted with Plaintiff on February 12, 2024, Perez acted within the scope of his employment with the City of Milwaukee.

FACTS

14. On February 12, 2024, Brian Holbrook Sr. was sleeping in his home in Milwaukee, Wisconsin. His son was also home.

15. Earlier in the evening, Holbrook Sr.'s girlfriend alleged that the two had been in a domestic dispute.

16. His girlfriend was not at his home; she had been at the police station.

17. A jury would eventually acquit Holbrook Sr. of those allegations.

18. Milwaukee Police Officers Contreras and Perez drove to Holbrook Sr.'s home to arrest him.

19. They did not seek or obtain a warrant.

20. Contreras and Perez walked onto Holbrook Sr.'s porch and knocked on the door.

21. Holbrook Sr.'s son answered the door and stepped onto the porch.

22. The officers said they were looking for Holbrook Sr., and his son went back in the house.

23. A few minutes later, his son remerged on the porch.

24. The son explained that his father was home but did not want to get out of bed.

25. The son went back in to ask Holbrook Sr. again if he would come outside.
26. While the son was inside, the officers pushed the door all the way open and announced to Holbrook Sr. that they were police and said, "Brian, we know you're in there."
27. Holbrook Sr. then came to the door, and Contreras asked him if he would step outside.
28. Holbrook Sr. asked why, and the officer said he would tell him if he stepped outside.
29. Holbrook Sr. responded, "No."
30. Contreras then told him he was going to be under arrest and put his hand on the door to prevent Holbrook Sr. from closing it.
31. Contreras then stepped over the threshold of the door and reached for Holbrook Sr.
32. Holbrook Sr. pulled his arm away and took a step back into his home.
33. Holbrook Sr. then told him, "You can't step in here."
34. Holbrook Sr. again told the officers they weren't allowed inside.
35. Holbrook Sr.'s son then stepped in between the officers and Holbrook Sr. and asked the officers to see the arrest warrant.
36. Contreras took out his handcuffs, and he and Perez stepped further into the home.
37. Holbrook Sr. repeated several more times that the officers didn't have his permission to be in his home.

38. The officers did not answer the son's question about a warrant.
39. Instead, Contreras pulled out his taser and ordered Holbrook Sr. to put his hands behind his back while he and Perez advanced further into the home.
40. Holbrook Sr. then retreated into his basement.
41. Through the door, Holbrook Sr. and his son argued about what to do.
42. The officers spoke to Holbrook Sr. through the door and asked him to come out.
43. Holbrook Sr. again repeated that they didn't have permission to be in the house.
44. Holbrook Sr. asked, "Why are you in my house?"
45. Contreras responded, "There's a warrant out for your arrest."
46. In his police report, Contreras would later omit any discussion about warrants.
47. Contreras would later submit a sworn probable cause statement to the Milwaukee County Circuit Court.
48. In the probable cause statement, Contreras swore that Holbrook Sr. was arrested without a warrant.
49. In the probable cause statement, Contreras instead said he responded to a "subject wanted complaint."
50. In the probable cause statement, Contreras omitted the fact that he and Perez entered Holbrook Sr.'s home.

51. Holbrook Sr. asked Contreras what the warrant was for, but Contreras declined to explain.

52. Holbrook Sr. then told Contreras that he knew Contreras was lying about the warrant.

53. Holbrook Sr. again told the officers to leave his house.

54. Contreras again told Holbrook Sr. he had an arrest warrant.

55. Holbrook Sr. again asked what the warrant was for.

56. Contreras again refused to say.

57. Perez then said that they were refusing to leave.

58. Holbrook Sr. again told the officers he knew they didn't have a warrant.

59. Contreras again said they had an arrest warrant.

60. Holbrook Sr. again asked for what.

61. Contreras responded that it was for a "domestic violence situation."

62. Contreras again said he has an arrest warrant.

63. Holbrook Sr.'s son asked the officers, "Is there actually a warrant for his arrest?"

64. Contreras responded that there is a warrant.

65. Holbrook Sr. came through the door.

66. Contreras radioed for backup, and two more officers arrived.

67. Contreras and Perez took Holbrook Sr. to the ground and tased him.

68. Contreras handcuffed Holbrook Sr. on the ground.

69. Contreras then took Holbrook Sr. outside and placed him in a squad car.

- 70. Perez went back into the house to speak with Holbrook Sr.'s son.
- 71. The other two backup officers were still there.
- 72. They asked Perez what happened.
- 73. The officers turned off their body-worn cameras.

COUNT 1:
42 U.S.C. § 1983 Claim for Unlawful Home Entry

- 74. Plaintiff realleges the above paragraphs.
- 75. The actions, taken under color of law, of Defendants Contreras and Perez in entering Plaintiff's home without consent, a warrant, or an exception to the warrant requirement, were unreasonable in violation of the Fourth Amendment. Contreras and Perez are thus liable under 42 U.S.C. § 1983.

76. As a direct and proximate result of Defendants Contreras and Perez's unlawful actions, Holbrook Sr. suffered damages including loss of liberty, emotional distress, invasion of privacy, and physical pain and suffering.

WHEREFORE, pursuant to 42 U.S.C. §§ 1983 & 1988, Plaintiff demands actual or compensatory damages against Contreras and Perez and, because they acted in reckless disregard for Plaintiff's rights, punitive damages, plus the costs of this action, attorneys' fees, and such other relief that the Court deems just and equitable.

COUNT 2:
42 U.S.C. § 1983 Claim for Unlawful Seizure Inside Home

- 77. Plaintiff realleges the above paragraphs.
- 78. Defendants Contreras and Perez, under color of law, arrested Plaintiff in his home without consent, without a warrant, and without an exception to the warrant

requirement in violation of the Fourth Amendment. Contreras and Perez are thus liable under 42 U.S.C. § 1983.

79. As a direct and proximate result of Defendants Contreras and Perez's unlawful actions, Holbrook Sr. suffered damages including loss of liberty, emotional distress, invasion of privacy, and physical pain and suffering.

WHEREFORE, pursuant to 42 U.S.C. §§ 1983 & 1988, Plaintiff demands actual or compensatory damages against Contreras and Perez and, because they acted in reckless disregard for Plaintiff's rights, punitive damages, plus the costs of this action, attorneys' fees, and such other relief that the Court deems just and equitable.

**COUNT 3:
Indemnification Claim Against City of Milwaukee**

80. Plaintiff realleges the above paragraphs.

81. Wisconsin law, WIS. STAT. § 895.46, requires public entities to pay any tort judgment for damages for which employees are liable, for acts within the scope of their employment.

82. At all times relevant to this action, Defendants Contreras and Perez engaged in the conduct complained of while they were on duty and in the course and scope of their employment with the City of Milwaukee.

WHEREFORE, Plaintiff asks this Court to find that the City of Milwaukee is liable to defend this action against Defendants Contreras and Perez and to satisfy any judgment entered against them, by virtue of WIS. STAT. § 895.46.

JURY DEMAND

Plaintiff hereby demands a trial by jury, pursuant to FED. R. CIV. PRO. 38(b), on all issues so triable.

Respectfully submitted,

Dated: 8 July 2025,

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