

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JASON FORCIA,

Plaintiff,

v.

Case No: 3:25-cv-198

ASHLAND COUNTY AND JUSTIN CEGLAR,

Defendants.

COMPLAINT

Plaintiff Jason Forcia, by his attorneys, Strang Bradley, LLC, for his complaint against Defendant Ashland County and Justin Ceglar, 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 Jason Forcia's constitutional right to be free from unreasonable search in violation of the Fourth Amendment of the United States Constitution.

2. On November 28, 2023, Jason Forcia was driving his vehicle in snowy conditions and slid off the road and into the ditch.

3. When Ashland County Deputy Justin Ceglar responded to the scene he told Forcia that he was going to conduct a pat down search of Forcia so that he could sit in the back of his squad car.

4. Forcia told Ceglar that he did not want to sit in the back of Ceglar's squad car.

5. Ceglar proceeded to frisk Forcia.

6. Ceglar proceeded to reach into Forcia's pockets.

7. This action is brought now to redress the deprivation of Plaintiff Forcia's civil rights and to seek a change in Defendant Ceglar's behavior and other officers who may be tempted to act similarly by seeking punitive damages.

JURISDICTION AND VENUE

8. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the United States Constitution.

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

10. Venue is proper under 28 U.S.C. § 1391(b)(2). Defendant Ashland County 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

11. Plaintiff Forcia was a resident of the State of Wisconsin.

12. Defendant Ashland County is a political subdivision of the state of Wisconsin and was the employer of Defendant Ceglar and is required to pay any tort judgment for damages for which its employees are liable for acts within the scope of their employment.

13. Defendant Justin Ceglar was, at the time of this occurrence, employed as a deputy in the Ashland County Sheriff's Office. Defendant Ceglar engaged in the conduct complained of while he was on duty, acting under color of state law, ordinance, and/or regulation, and in the course and scope of his employment with Ashland County. He is sued in his individual capacity.

FACTS

14. On November 28, 2023, Jason Forcia was driving his vehicle in snowy conditions and slid off the road and into the ditch.

15. There was no damage to property other than to Forcia's vehicle.

16. Forcia was the only person in the vehicle, and he was not injured.

17. Ashland County Deputy Justin Ceglar responded to the scene and made contact with Forcia while Forcia was still in his vehicle.

18. Forcia was polite, cooperative, and friendly with Ceglar.

19. There was nothing about Forcia's appearance or behavior that would have led anyone to believe he was armed or dangerous.

20. Forcia explained to Ceglar that he slid off the road into the ditch and that he was waiting for someone he had called to help tow his vehicle out of the ditch.

21. Ceglar told Forcia that he was going to conduct a pat down search of Forcia so that he could sit in the back of his squad car.

22. Forcia told Ceglar that he did not want to sit in the back to Ceglar's squad car.

23. Despite Forcia telling Ceglar that he did not want to sit in the back of Ceglar's squad car, Ceglar proceeded to conduct an illegal pat-down search of Forcia and then reached into Forcia's pockets.

24. Before conducting the search of Forcia, Ceglar did not suspect any impaired driving or that Forcia had engaged in any other criminal activity.

25. Before conducting the search of Forcia, Ceglar did not have a warrant and was not placing Forcia under arrest.

26. The search revealed a handgun.

27. Forcia did not have a concealed carry permit.

28. After the illegal search of Forcia, he was criminally charged in Ashland County Circuit Court, case number 2024CM000002. Forcia filed a motion to suppress based on the illegal search and to dismiss the case. After an evidentiary hearing on the motion, Ashland County Circuit Court Judge Anthony J. Stella, Jr., granted the motion and dismissed the case, concluding that Ceglar had violated Forcia's Fourth Amendment right to be free from unreasonable searches.

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

29. Plaintiff realleges the above paragraphs.

30. Defendant Ceglar searched Forcia by frisking Forcia and putting his hands in Forcia's pockets. The search was unlawful because Forcia did not consent, Ceglar did not obtain a warrant, and there was no reason to believe Forcia was involved in a crime, dangerous, or armed.

31. The intentional actions of Defendant Ceglar in searching Forcia without a warrant, consent, reasonable suspicion, or probable cause violated his Fourth Amendment right to be free from unreasonable searches.

32. Defendant Ceglar acted recklessly and with callous indifference to the federally protected rights of Plaintiff.

33. As a direct and proximate result of Defendant Ceglar's unlawful actions, Forcia suffered damages from loss of liberty, humiliation, and invasion of privacy.

34. WHEREFORE, pursuant to 42 U.S.C. § 1983, Plaintiff demands actual or compensatory damages against Ceglar and because he acted maliciously, wantonly, or oppressively, punitive damages, plus the costs of this action, attorneys' fees, and such other and further relief that the Court deems just and equitable. Additionally, Plaintiff asks this Court to find that the Ashland County is liable to defend this action against Defendant Ceglar and is required to satisfy any judgment against their employee 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: 14 March 2025,

/s/ John H. Bradley
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