

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

JESSE MCHENRY,

Plaintiff,

v.

Case No. 3:25-cv-744

BARRON COUNTY AND DYLAN FOSS,

Defendants.

COMPLAINT

Plaintiff Jesse McHenry, 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 Jesse McHenry's constitutional right to be free from unreasonable search and seizure in violation of the Fourth Amendment of the United States Constitution.

2. On August 24, 2025, Barron County Sheriff's Deputy Dylan Foss entered Plaintiff Jesse McHenry's home and arrested McHenry inside his home without a warrant, and without any other permissible lawful reason to do so.

JURISDICTION AND VENUE

3. This Court has jurisdiction over federal claims pursuant to 28 U.S.C. § 1331 and the state law claims for indemnification pursuant to 28 U.S.C. § 1367.

4. Venue is proper under 28 U.S.C. § 1391(b). Defendant Barron 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 this judicial district.

PARTIES

5. Plaintiff Jesse McHenry is a resident of the State of Wisconsin.

6. Defendant Barron County is a political subdivision of the state of Wisconsin and is or was the employer of the individual Defendant Dylan Foss and is required to pay any tort judgment for damages for which its employees are liable for acts within the scope of their employment.

7. Barron County is sued as an indemnitor.

8. Defendant Dylan Foss was, at the time of this occurrence, employed as a deputy for the Barron County Sheriff's Department.

9. At all times that Defendant Foss interacted with Plaintiff on August 24, 2025, he was on duty and acting under the color of state and local law.

10. At all times that Defendant Foss interacted with Plaintiff on August 24, 2025, he was acting within the scope of their employment with Barron County.

FACTS

11. On the evening of August 23, 2025 or early morning of August 24, 2025, Barron County Sheriff's Deputy Dylan Foss arrived at Jesse McHenry's home, and spoke with McHenry while Foss was standing outside the house and McHenry was standing inside the house.

12. Foss asked McHenry if he could come into McHenry's house.
13. McHenry told Foss that he could not come into his house.
14. Foss pushed his way into McHenry's house.
15. Foss handcuffed McHenry with his hands behind his back while inside the house.
16. Foss then secured McHenry in the back of his squad car for an extended period of time.
17. Foss then reentered McHenry's house while McHenry was sitting in handcuffs in the back of Foss's squad car.
18. Defendant Foss did not have a warrant authorizing them to enter McHenry's house.
19. Defendant Foss did not obtain consent to enter McHenry's house.
20. There were no exceptions to the warrant requirement permitting Defendant Foss to enter McHenry's house at the time he did so.
21. As a direct and proximate result of the acts of Defendant, as detailed above, Plaintiff suffered, *inter alia*, mental distress, humiliation, loss of liberty, and has incurred expenses.

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

22. Plaintiff realleges the above paragraphs.
23. The actions of Defendant Foss in entering Plaintiff's house and searching it without a warrant, and without any other permissible lawful reason to do so, violated

Plaintiff's Fourth Amendment right to be free from unreasonable search and seizure and thus violated 42 U.S.C. § 1983.

24. The aforementioned actions of Defendant Foss were the direct and proximate cause of the constitutional violations set forth above and of Plaintiff's injuries and damages set forth above.

WHEREFORE, pursuant to 42 U.S.C. §§ 1983 & 1988, Plaintiff demands actual or compensatory damages against Defendant Foss and because he acted in reckless disregard for Plaintiff's rights, punitive damages; 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 and Arrest

25. Plaintiff realleges the above paragraphs.

26. The actions of Defendant Foss in seizing and arresting Plaintiff in his house without a warrant or other permissible legal justification, violated Plaintiff's Fourth Amendment right to be free from unreasonable search and seizure and thus violated 42 U.S.C. § 1983.

27. The aforementioned actions of Defendant Foss were the direct and proximate cause of the constitutional violations set forth above and of Plaintiff's injuries and damages set forth above.

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

**COUNT 3:
Indemnification Claim Against Barron County**

28. Plaintiff realleges the above paragraphs.

29. 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.

30. At all times relevant to this action, Defendant Foss engaged in the conduct complained of while they were on duty and in the course and scope of their employment with Barron County.

WHEREFORE, Plaintiff asks this Court to find that Barron County is liable to defend this action against Defendant Foss and to satisfy any judgment entered against him, 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: 3 September 2025,

STRANG BRADLEY, LLC
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