

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LANARD MILLER,

Plaintiff,

v.

Case No: 2:25-cv-1531

CITY OF FOND DU LAC AND JACK MALLOY,

Defendants.

COMPLAINT

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

2. On January 31, 2023, City of Fond du Lac Police Officer Jack Malloy conducted a traffic stop of Miller without reasonable suspicion.

JURISDICTION AND VENUE

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

4. Venue is proper under 28 U.S.C. § 1391(b)(2). Defendant City of Fond du Lac 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

5. Plaintiff Lanard Miller is an adult resident of Illinois.

6. Defendant City of Fond du Lac is a political subdivision of the state of Wisconsin and is or was the employer of the individual Defendant 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. Defendant Jack Malloy was, at the time of this occurrence, employed as a police officer for the City of Fond du Lac Police Department.

8. At all times Defendant Malloy interacted with Plaintiff on January 31, 2023, Malloy was on duty, acting under color of state law, ordinance, and regulation.

9. At all times Defendant Malloy interacted with Plaintiff on January 31, 2023, Malloy acted within the scope of his employment with the City of Fond du Lac.

FACTS

10. On January 31, 2023, Officer Malloy was conducting surveillance on a residence at 574 Grove St. in Fond du Lac for potential drug activity.

11. According to Malloy's report, Malloy observed a man, later determined to be Miller, back into the driveway of 574 Grove St., open and quickly close the hood of his vehicle, and walk into the residence.

12. Approximately a minute later, Malloy observed Miller leave the residence.

13. Although the residence was under surveillance for potential drug activity, there was nothing to indicate at this time that Miller was involved in such activity.

14. Malloy observed Miller drive away from the residence. Prior to reaching the next intersection, Miller stopped the car and again opened and closed the hood of the vehicle.

15. Malloy indicated that Miller's vehicle hesitated at an intersection, and subsequently Malloy began to follow Miller's vehicle.

16. Miller moved to pull his car over to the side of the road as if to park.

17. After Miller had moved as if to park, Malloy activated his emergency lights to stop Miller's vehicle.

18. At the time Malloy stopped Miller's vehicle, Malloy did not have reasonable suspicion that Miller had committed any crime.

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

19. Plaintiff realleges the above paragraphs.

20. The actions of Defendant Malloy in seizing Plaintiff by conducting a traffic stop of Plaintiff without reasonable suspicion or any other permissible legal justification violated Plaintiff's Fourth Amendment right to be free from unreasonable seizures and thus violated 42. U.S.C. § 1983.

21. As a direct and proximate result of Defendant Malloy's unlawful actions, Miller suffered damages including loss of liberty, mental distress, and humiliation.

WHEREFORE, pursuant to 42 U.S.C. §§ 1983 & 1988, Plaintiff demands actual or compensatory damages against Malloy and, because he 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:
Indemnification Claim Against City of Fond du Lac**

22. Plaintiff realleges the above paragraphs.

23. 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.

24. At all times relevant to this action, Defendant Malloy engaged in the conduct complained of while he was on duty and in the course and scope of his employment with the City of Fond du Lac.

WHEREFORE, Plaintiff asks this Court to find that the City of Fond du Lac is liable to defend this action against Defendant Malloy 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: 6 October 2025,

STRANG BRADLEY, LLC
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