

SEP 29 2009

DAVID CREWS, CLERK
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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

CLEVE GALE

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 2:09CV169-M-S

TOWN OF COMO, MISSISSIPPI

DEFENDANT

JURY TRIAL DEMANDED

COMPLAINT

This is an action to recover actual damages for race discrimination in violation of the First and Fourteenth Amendments. The following facts support this action:

1.

The Plaintiff, CLEVE GALE, is an adult resident of 317 Railroad Street, Como, Mississippi 38619.

2.

The Defendant, TOWN OF COMO, MISSISSIPPI, is a political subdivision in the State of Mississippi. It may be served with process upon its City Clerk for the Town of Como, Mississippi, Scott Rhines at 206 Main Street, Como, Mississippi.

3.

The Court has civil rights jurisdiction under 28 U.S.C. § 1343 and federal question jurisdiction under 28 U.S.C. § 1331 for a cause of action arising under the First and Fourteenth Amendments of the United States Constitution and 42 U.S.C. § 1981.

4.

Plaintiff is a retired constable. He was also hired as Chief of Police for the Town of

Como, Mississippi in approximately July, 2005.

5.

During the latter part of Plaintiff's employment as police chief, he experienced extreme hostility because of the racial attitudes of the Mayor and the majority white Board of Alderman. Additionally, the Mayor, and her supporters among the Board of Alderman, entertained animosity against Plaintiff for exercise of First Amendment rights by campaigning for opponents of the current Mayor.

6.

Owing to racial animosity between certain black citizens and certain white citizens in the city, the Mayor, and the majority white Board of Alderman, brought in a security firm to provide police services to the Town of Como, Mississippi. This security firm was intended to undermine Plaintiff's role as a chief of police. This security firm, which acted without pay, harassed black citizens.

7.

In September, 2008, following a severe argument between Plaintiff and the head of the security firm, the Mayor recommended that Plaintiff be fired and the three (3) white Alderman agreed with this request, agreeing to fire Plaintiff.

8.

Plaintiff was discharged from his employment because of:

1. His race in violation of the Fourteenth Amendment;
2. The fact that he had consistently campaigned against the Mayor in violation of the First Amendment; and

3. His disagreeing with the security firm on no need for such in violation of the First Amendment.

9.

Plaintiff's firing was the result of official policy decisions of the Town of Como, Mississippi.

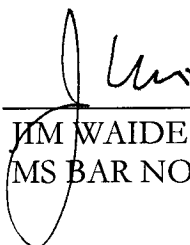
10.

Plaintiff has suffered lost income and mental anxiety and stress as a result of the Defendant's actions

PRAYER

Plaintiff prays for actual damages in an amount to be determined by a jury and for reasonable attorneys' fees.

Respectfully submitted,

BY: 

JIM WAIDE
MS BAR NO.: 6857

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