

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

MARCUS RUSHING, )

Plaintiff, )

v. )

WEST ST. PAUL POLICE )  
DEPARTMENT, )  
OFFICERS ISABELLE LALOR, BADGE )  
#24R45, and other TBD officers )  
Individually and in official capacity, )

Defendants )

Case No. Case 26-CV-1846

AMENDED COMPLAINT: Trial by Jury

**AMENDED COMPLAINT FOR VIOLATION OF CIVIL RIGHTS UNDER 42 U.S.C.  
§§ 1983, FALSE ARREST, MALICIOUS PROSECUTION, AND  
CONVERSION/PROPERTY DEPRIVATION, SAFE-AT-HOME COMPROMISE**

**I. Nature of Action**

1. This is a civil rights action under 42 U.S.C. § 1983 arising from Defendants' unlawful arrest, prosecution, retaliation, and subsequent efforts to conceal misconduct and interfere with Plaintiff's access to the courts.
  2. Defendants:
    - Arrested Plaintiff without probable cause;
    - Seized and retained property without due process;
    - Interfered with Plaintiff's access to counsel;
    - Destroyed and/or altered material evidence, including body camera footage and CAD records;
    - Initiated additional criminal process in retaliation for Plaintiff exercising his constitutional rights.
  3. Plaintiff seeks compensatory damages, punitive damages, injunctive relief, and attorney's fees under 42 U.S.C. § 1988.
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## II. Jurisdiction and Venue

4. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343.
  5. Supplemental jurisdiction exists under 28 U.S.C. § 1367.
  6. Venue is proper in this District.
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## III. Parties

7. Plaintiff Marcus Rushing is a Minnesota resident and participant in the Safe At Home program.
  8. Defendant Officer Isabelle Lalor acted under color of state law.
  9. Defendant officers currently unknown will be identified through discovery.
  10. Defendant municipality is liable for policies, customs, and failures to train and supervise.
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## IV. Factual Allegations

11. On **January 2, 2026**, law enforcement responded to a domestic disturbance call at Plaintiff's marital residence.
12. Available video evidence did not support probable cause for domestic assault.
13. Despite the lack of probable cause, Officer Lalor encouraged and facilitated the initiation of a **restraining order proceeding**. The restraining order was initiated after Plaintiff discovered text messages in the caller's phone suggestive of infidelity.
14. Plaintiff was later arrested without a valid warrant being presented at the time of arrest.
15. At the time of the arrest on a later civil assist:
  - **No warrant was provided or presented**; documentation only appeared after Plaintiff had been booked;
  - Plaintiff was **not Mirandized prior to questioning**;
  - Plaintiff's personal property was **seized without due process**, including electronics, identification, and legal documents;
  - Access to counsel and family was **impeded**, including provision of incorrect phone numbers.
16. Officer Lalor and other officers contacted Plaintiff's emergency contact to solicit **money via CashApp** for purported bail or house arrest, although no judicial authorization existed.
17. Officer Lalor communicated **false conditions of release** to third parties.

18. Plaintiff's participation in the **Safe-At-Home program** was compromised, exposing him to risk and **depriving him of program confidentiality protections**.

19. At the time of the incidents, Plaintiff's **Safe-At-Home enrollment existed due to threats from a defendant in ongoing federal litigation**, and **evidence relevant to that federal case was present in the marital home**. Defendants' actions—including the restraining order, arrest, and property seizure—**interfered with Plaintiff's access to that evidence and disrupted program protections**.

20. All actions were undertaken by Defendants **under color of law**, with knowledge or reckless disregard of Plaintiff's constitutional rights.

## **V. POST-FILING MISCONDUCT AND COVER-UP**

21. After Plaintiff pursued legal action, Defendants engaged in retaliatory and obstructive conduct.

22. Material evidence, including body camera footage, was destroyed, deleted, or withheld.

23. CAD and dispatch records were altered, falsified, or inconsistently maintained.

24. Defendants initiated additional warrants and legal actions lacking probable cause.

25. These actions were taken to:

- Justify the initial unlawful arrest;
- Conceal misconduct;
- Retaliate against Plaintiff for filing legal claims.

26. Defendants' conduct impaired Plaintiff's ability to pursue his claims and access evidence.

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## **VI. Claims for Relief**

### **Count I – False Arrest / Malicious Prosecution (42 U.S.C. §1983)**

27. Plaintiff incorporates all preceding allegations.

28. Defendants, acting under color of law, **arrested and detained Plaintiff without probable cause**, violating the Fourth and Fourteenth Amendments.

29. The arrest and detention were **malicious and unreasonable**, causing emotional, reputational, and financial harm.

## **Count II – Malicious Prosecution (§1983)**

30. Plaintiff incorporates all preceding allegations.

31. Defendants initiated and continued legal proceedings without probable cause and with malice.

## **Count III – Conversion/ Deprivation of Property Without Due Process (§1983)**

32. Plaintiff incorporates all preceding allegations.

33. Defendants unlawfully seized and retained Plaintiff's property.

34. During the arrest and detention, Defendants **seized Plaintiff's personal property**, including electronics, cash, other non-electronic items, and funds sent via Cash App. While some electronics were later returned, **cash, non-electronic items, and the Cash App funds remain withheld**, and were **never used or authorized for bail or any judicially-sanctioned purpose**.

35. Defendants' actions **deprived Plaintiff of lawful possession and use of his property**, causing financial harm, inconvenience, and emotional distress, in violation of the Fourteenth Amendment.

## **Count IV – Interference with Access to Counsel (42 U.S.C. §1983)**

36. Plaintiff incorporates all preceding allegations.

37. Defendants **intentionally impeded Plaintiff's access to legal counsel**, providing false contact information and limiting communication opportunities during arrest and detention.

## **Count V – Denial of Access to Courts (§1983)**

38. Plaintiff incorporates all preceding allegations.

39. Defendants destroyed, altered, or withheld critical evidence.

40. This conduct impaired Plaintiff's ability to pursue legal remedies.

## **Count VI – Fabrication of Evidence (§1983)**

41. Plaintiff incorporates all preceding allegations.

42. Defendants falsified or altered official records, including CAD logs and reports.

43. Fabricated evidence was used to justify arrest and further legal action.

**Count VII – First Amendment Retaliation (§1983)**

44. Plaintiff incorporates all preceding allegations.

45. Defendants retaliated by initiating additional warrants and proceedings.

**Count VIII – Civil Rights Conspiracy (§1983)**

46. Plaintiff incorporates all preceding allegations.

47. Defendants reached an understanding to violate Plaintiff's constitutional rights.

48. Overt acts included evidence destruction, record alteration, and retaliatory prosecution.

**Count IX – Abuse of Process (Minnesota Law)**

49. Plaintiff incorporates all preceding allegations.

50. Defendants used legal processes for improper purposes, including retaliation and concealment.

**Count X – Municipal Liability (Monell Claim)**

51. Plaintiff incorporates all preceding allegations.

52. The municipality maintained policies or customs that caused the violations.

53. These include failures to:

- Preserve body camera evidence;
- Maintain accurate records;
- Supervise and discipline officers.

**Count XI – Municipal Liability (42 U.S.C. §1983)**

54. Plaintiff incorporates all preceding allegations.

55. Defendant municipality **failed to train and supervise officers properly**, leading to the constitutional violations described herein.

56. Defendant municipality **failed to train and supervise officers properly**, leading to the constitutional violations described herein.

**Count XII– Safe-At-Home / Abuse of Authority (42 U.S.C. §1983)**

57. Plaintiff incorporates all preceding allegations.

58. Defendants' conduct **compromised Plaintiff's Safe-At-Home protections**, exposing Plaintiff to risk and interfering with evidence access for ongoing federal litigation, constituting abuse of authority and due process violations.

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## VI. Damages

As a direct result of Defendants' actions, Plaintiff suffered:

- **Unlawful detention;**
- **Emotional distress;**
- **Reputational harm;**
- **Financial damages**, including loss of property and costs associated with responding to false legal claims.

Plaintiff seeks **compensatory and punitive damages**, attorney's fees under **42 U.S.C. §1988**, and any further relief the Court deems just and proper.

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## VII. Prayer for Relief

Plaintiff respectfully requests that the Court grant:

1. Declaratory relief that Defendants' actions violated Plaintiff's constitutional rights;
  2. Injunctive relief ordering the **return of all seized property**;
  3. Compensatory damages for loss of liberty, property, and emotional distress;
  4. Punitive damages as allowed by law;
  5. Reasonable attorney's fees and costs under **42 U.S.C. §1988**;
  6. Any other relief the Court deems just and proper;
  7. Trial by jury on all claims so triable.
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## VIII. Jury Demand

Plaintiff hereby demands a **trial by jury** on all claims so triable.

Marcus Rushing  
/s/Marcus Rushing

