

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

FATIMA ANTOINETTE RHYNES,)
)
As Administrator of the)
Estate of Jarvis Omar Hayes.)
)
 PLAINTIFFS,)
)
VS.)
)
THE CITY OF MYRTLE BEACH,)
A BODY POLITIC, DREW FOX)
and JUSTIN LIEBERT,)
)
 DEFENDANTS.)
_____)

CASE NO: _____

JURY TRIAL: (x) YES

**COMPLAINT FOR VIOLATION
OF CIVIL RIGHTS**

Title 42 § 1983 United States Code

TO: THE DEFENDANTS ABOVE NAMED:

The Plaintiff herein is the duly appointed Administrator of the Estate of Jarvis Omar Hayes (deceased) shall provide the information below for each defendant named in the Complaint, whether the defendant is an individual, a government agency, an organization, or a corporation.

Defendant 1, The City of Myrtle Beach, a body Politic under the Laws of the Sovereign State of South Carolina. In the County of Horry.

Defendant 2. Drew Fox, Police Officer for the City of Myrtle Beach, County of Horry, State of South Carolina.

Defendant 3. Justin Hiebert, Police Officer for the City of Myrtle Beach, County of Horry, State of South Carolina.

II.

This suit is brought against State and Local Officials for the use of excessive force which denied to Plaintiffs deceased due process of law. Section 1983 allows claims for any alleged Legal Violations and all times the individual defendants were acting under color of the Law as agents, Servants and Employees of the City of Myrtle Beach. And the individual defendants acting under the color of the Law and that the defendants used excessive force by firing gunshots to subdue Plaintiff's deceased when same was not necessary and causing the deceased to die.

III.

These events occurred in the City of Myrtle Beach in Horry County, State of South Carolina on or about September 3, 2017 when the individual defendants attempted to arrest Plaintiffs deceased for alleged violations of state statues and city ordinances and named individuals used excessive force because the City did not properly train them and the individual Defendants acted in a willful and wanton manner.

IV.

The Plaintiffs deceased was killed and suffered loss of life and pain and suffering by being shot and killed.

V.

That Plaintiff seeks damages in an amount to be determined by this Honorable Court.

Under Federal Law Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this Complaint: 1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; 2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; 3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and 4) the Complaint otherwise complies with the requirements of Rule 11.

Respectfully submitted,

/s/ Walter S. Ameika, Jr.

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North Charleston, South Carolina