

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**MICHAEL PETRICK,**  
*Plaintiff,*

v.

**CITY OF AUSTIN,**  
*Defendant.*

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**Civil Action No. 1:26-cv-2082**

**COMPLAINT**

**INTRODUCTION**

This civil rights lawsuit challenges an arbitrary restriction on the use of private property without compensation.

When Michael Petrick purchased his home in the City of Austin (“the City”) he, his wife, and their parents immediately began preparing the home for the birth of their first child. To that end, they had a local tree-trimming company trim two trees in his yard that had become overgrown and top heavy and presented a fall risk.

Trimming the trees did not harm anyone. To the contrary, the trimming reduced risks to both neighbors and power lines.

Nor did the trimming meaningfully harm the trees. They remain standing with leafy green canopies to this day.

Nevertheless, the City now demands that Mr. Petrick pay thousands of dollars or plant dozens of “replacement” trees under a local ordinance that requires pre-set “mitigation” for every inch of tree that a property owner “removes” from their own yard, regardless of the actual effects of “removal.”

This demand is unconstitutional. Mr. Petrick—not the City—owns the trees in his yard. And while local permitting regimes can require mitigation when the use of private property might harm one’s neighbors, courts have repeatedly held that such

demands must be based on an individualized, quantifiable determination that there is harm to mitigate for, not pre-set formulas with no connection to reality.

The City cannot lawfully demand that Mr. Petrick pay thousands of dollars or plant a miniature forest in his yard simply because he engaged in ordinary, harmless, yard maintenance. Mr. Petrick therefore seeks relief in this Court.

### **JURISDICTION AND VENUE**

1. Mr. Petrick brings this civil-rights lawsuit pursuant to 42 U.S.C. § 1983, 28 U.S.C. § 1331, and the Declaratory Judgments Act, 28 U.S.C. § 2201, for violations of rights, privileges, or immunities secured by the Fifth and Fourteenth Amendments of the Constitution of the United States.

2. Mr. Petrick seeks injunctive and declaratory relief against Defendant City of Austin because the Ordinance, both facially and as applied to Mr. Petrick, violates Mr. Petrick's rights under the United States Constitution. Accordingly, this Court has jurisdiction over Mr. Petrick's claims under 28 U.S.C. § 1331 (federal-question jurisdiction) and § 1343 (civil rights jurisdiction).

3. Venue is appropriate in this Court under 28 U.S.C. § 1391(b)(1) and (2). The Defendant is a city in Travis County, Texas, which is located in the Western District of Texas, Austin Division. *See* 28 U.S.C. § 124(d)(1). The Property is situated, and the actions set forth herein occurred, within the territorial jurisdiction of this Court.

### **PARTIES**

#### **A. PLAINTIFF**

4. Plaintiff Michael Petrick owns the property located at 4206 Farhills Drive, Austin, Texas 78731 ("the Property").

5. The legal description of the Property is Lot 11, Block O, Northwesthills Section Seven, a subdivision in Travis County, Texas, according to the Map or Plat recorded in Volume 26, Page 32, Plat Records of Travis County, Texas.

**B. DEFENDANT**

6. The City is the political entity that enacted and enforces Austin Land Development Code § 25-8-601 et seq., and all accompanying rules, including the Environmental Criteria Manual (collectively, “the Ordinance”).

**STATEMENT OF FACTS**

7. Mr. Petrick purchased the Property in August 2025 in anticipation of the birth of his first child.

8. The Property is 0.28 acres in area.

9. The Property is not within a certified affordable development.

10. When Mr. Petrick purchased the property, there were three overgrown trees on the Property.

11. One of the trees was splitting and posed a risk of falling onto the house.

12. The other two trees were vastly overgrown.

13. One of the two trees had long, untended branches extending out over the road, posing a fall risk to cars and pedestrians.

14. The limbs of the other tree were entangled in power lines.

15. These hazards caused Mr. Petrick and his family to be concerned about limb structure, clearance of power lines, and potential for falling limbs.

16. As a safety precaution, Mr. Petrick’s father hired a tree-trimming company to trim the overgrown trees and remove the splitting tree.

17. On February 23, 2026, the City sent Mr. Petrick a notice of violation for removing the splitting tree without a permit, in violation of the Ordinance.

18. The Ordinance provides that “a person may not remove a protected tree unless the Planning and Development Review Department has issued a permit for the removal under this division.” Austin, Tex., Land Development Code § 25-8-621.

19. Under the Ordinance, to “remove” means “an act that causes or may be reasonably expected to cause a tree to die, including ... excessive pruning.” Austin, Tex., Land Development Code § 25-8-602(4).

20. Mitigation is a required condition of approval for any tree removal permit. Austin, Tex., Land Development Code § 25-8-624(D).

21. According to the Environmental Criteria Manual, mitigation is expressed in terms of “caliper inches” (that is, inches in diameter) of required replacement trees.

22. Mitigation is calculated by multiplying the diameter of the removed tree by a preset percentage to determine the number of caliper inches of required replacement trees.

23. The percentage is based solely on the species and size of the removed tree. See Austin, Tex., Environmental Criteria Manual § 3.5.4(A)(1).

24. For trees over 19 inches in diameter, the required mitigation is 100% of the removed tree.

25. For example, if a protected tree with a diameter of 20 inches is removed, the required mitigation is 20 caliper inches of replacement trees.

26. If the trunks of the replacement trees are one inch in diameter each, 20 trees are required to replace the removed tree.

27. Replacement trees must be selected from a list of designated species.

28. If more than 20 inches of replacement trees are required, they must be at least two different species.

29. When a site is too small to accommodate the necessary number of replacement trees, “payment to the Urban Forest Replenishment Fund [(“the tree fund”)] shall be made.” Austin, Tex., Environmental Criteria Manual § 3.5.4(B)(3).

30. Mitigation payments to the tree fund must be made at \$200 per inch of required mitigation or, for certified affordable developments, \$75 per inch.

31. The variation in mitigation amounts between “certified affordable developments” and other properties is not based on any quantifiable determination of impact caused by the removal of trees, but rather on the City’s determination that some areas should be less expensive to develop.

32. Mitigation payments are not based on a determination of harm to the surrounding properties.

33. Rather, mitigation payments are calculated based solely on the size and species of the removed tree.

34. Payments to the tree fund may be used for off-site tree planting and maintenance, promoting tree care and preservation, and urban forest conservation.

35. Payments to the tree fund may also be used for enforcement of City tree protection and mitigation regulations.

36. There is no requirement that payments to the tree fund be used to mitigate harms created by the removal of the trees in question.

37. Nor is there any requirement that tree funds be used in the same area where the removal occurred.

38. If a landowner removes a tree without a permit, the landowner can apply for an after-the-fact permit, which is subject to the same terms and mitigation requirements as an ordinary permit.

39. Upon learning that he was supposed to obtain a permit to remove the splitting tree in his yard, Mr. Petrick immediately applied for an after-the-fact permit to remove the tree.

40. The City investigated the removal of the splitting tree and determined that it was too small to require mitigation.

41. However, while investigating the removal of the splitting tree, the City learned that Mr. Petrick had trimmed two of his other trees.

42. On March 9, 2026, the City's arborist, Daniel Priest, emailed Mr. Petrick, stating that the other two trees appeared to have had more than 25% of their crowns trimmed, and were thus "removed" under the Ordinance.

43. Mr. Petrick responded to Mr. Priest and explained the safety concerns regarding the trimmed limbs.

44. Mr. Petrick also explained that the trees were still standing and healthy.

45. Mr. Priest visited the property on March 13, 2026.

46. After briefly observing the trees from the ground, Mr. Priest told Mr. Petrick that the trimmed trees had been over-pruned and were therefore "removed" under the ordinance.

47. Mr. Priest did not engage in any other empirical measurements to determine impact to the area.

48. Mr. Priest stated that he would approve an after the fact permit for the "removal"—i.e., trimming—of the trees, but that mitigation would be required under the Ordinance.

49. On June 2, 2026, the City issued an after the fact permit to Mr. Petrick.

50. The permit was for the "removal by impact (over pruning)" of the two trees.

51. The permit stated: "This permit is issued pursuant to Enterprise Code Violation 2026-020660 for the removal of the 23.5 and 20.5 inch cedar elms."

52. The permit further stated: "44 inches of mitigation is required."

53. The permit further stated: "Mitigation must comply with the requirements of Environmental Criteria Manual 3.5.4."

54. Under those criteria, Mr. Petrick must plant 44 caliper-inches of trees on his 0.28-acre lot or pay \$8,800 in mitigation fees.

55. According to the Texas Chapter of the International Society of Arboriculture, the largest diameter of commonly available transplantable trees is 3 caliper inches.

56. The average height of a 3-caliper inch tree is 12-16 feet.

57. If Mr. Petrick opted to plant replacement trees in the form of standard 3-caliper-inch trees, he would have to plant 15 trees, each 13-15 feet tall, on his 0.28-acre property.

58. Under the Ordinance, the mitigation demanded in the permit marks the City's definitive position on the application of the Ordinance to Mr. Petrick's property.

59. Failure to comply with the mitigation demands in the permit can result in penalties.

60. To date, Mr. Petrick has not planted replacement trees or paid the fee in lieu of planting replacement trees.

## **CLAIMS FOR RELIEF**

### **Count I**

#### **Unconstitutional condition of the use of private property in violation of the Fifth and Fourteenth Amendments to the United States Constitution**

61. Mr. Petrick re-alleges and incorporates by reference each and every allegation set forth in the preceding paragraphs as though fully set forth herein.

62. In *Dolan v. City of Tigard*, 512 U.S. 374 (1994), the Supreme Court held that conditions attached to a land-use permit must be roughly proportional to the government interest protected.

63. Proportionality must be determined by an individualized and quantifiable assessment of the externalities created by the proposed use.

64. Both on its face and as applied in this case, the Ordinance allows the City to charge thousands of dollars for permission to remove a single tree.

65. That mitigation does not turn on an individualized quantifiable assessment of impact.

66. Instead, mitigation is determined by a pre-set formula which turns solely on species and trunk size, regardless of impact.

67. Here, the combined trunk size of the trimmed trees was 44 inches.

68. As a result, the City demanded that Mr. Petrick plant 44 caliper inches of replacement trees or pay \$8,800 into the tree fund.

69. Such a condition imposed by the Ordinance is not “roughly proportional” to any interest the government has in keeping the trees in place on the Property.

70. There is no evidence that trimming the trees has negatively affected Mr. Petrick’s neighbors, or the health, safety, or environment of the City or its residents.

71. In fact, the trimming of the trees has benefited neighbors by reducing the risk of falling limbs or interference with power lines.

72. The conditions imposed by the Ordinance are therefore not roughly proportional to any public harm caused by Mr. Petrick’s removal of the trees from the Property and are therefore unconstitutional as applied.

73. Because this disproportionality is built into the Ordinance—i.e., the Ordinance requires excessive compensation for the removal of trees, regardless of impact—the Ordinance is also unconstitutional on its face.

74. Additionally, in *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987), the Supreme Court held that the conditions attached to a land-use permit must share an essential nexus with the alleged harms caused by the proposed land-use.

75. In this case, the conditions required by the Ordinance include either replanting small trees anywhere on the property or paying into a fund for the City’s use.

76. The fund is used for planting and maintaining trees at random throughout the City, not necessarily on or near Mr. Petrick's property.

77. The fund is also used for enforcing the code against other citizens of Austin.

78. There is no nexus between planting small trees at random on the Property and mitigating alleged harms caused by trimming trees on the Property.

79. There is no nexus between paying into a fund for planting and maintenance of trees elsewhere in the City and mitigating alleged harms caused by trimming trees on the Property.

80. And there is no nexus between paying into a fund for the enforcement of city ordinances against other citizens and mitigating alleged harms caused by trimming trees on the Property.

81. Therefore, the conditions imposed by the Ordinance are unconstitutional.

## **Count II**

### **Unconstitutional taking in violation of the Fifth and Fourteenth Amendments to the United States Constitution**

#### ***Government Seizure of Control and Use of an Interest in Property***

82. Mr. Petrick re-alleges and incorporates by reference each and every allegation set forth in the preceding paragraphs as though fully set forth herein.

83. Both facially and as applied, the Ordinance effectively grants the City a controlling interest in the trees on Mr. Petrick's Property.

84. So complete is the City's claim of ownership under the Ordinance that it will not grant a permit to remove or engage in certain activities in connection with a tree on the Property unless Mr. Petrick agrees to compensate the City monetarily or by replacing the tree.

85. Moreover, if a tree is “removed,” including by pruning, without a permit, the City requires compensation for the removed tree.

86. By claiming a right to control the use and disposition of the trees on the Property, the City has made a claim of constructive ownership of the trees.

87. The City has not offered any compensation to Mr. Petrick and the Ordinance does not provide any mechanism by which Mr. Petrick may be compensated for the City’s taking such an interest.

88. Accordingly, the Ordinance, both on its face and as applied in this case, is an uncompensated taking of Mr. Petrick’s trees in violation of the Fifth and Fourteenth Amendments.

### **Count III**

#### **Unconstitutional taking in violation of the Fifth and Fourteenth Amendments to the United States Constitution *Government Mandated Occupation of Private Property by an Unwanted Object***

89. Mr. Petrick re-alleges and incorporates by reference each and every allegation set forth in the preceding paragraphs as though fully set forth herein.

90. To the extent the City insists that trimming trees counts as removal, the trees removed by Mr. Petrick were objects that physically occupied a portion of Mr. Petrick’s real property.

91. The Ordinance, both on its face and as applied, required that Mr. Petrick allow those objects to remain on his property at the sole discretion of the City.

92. This government-mandated occupation of Mr. Petrick’s property by the trees is a per se taking under *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982).

### **INJUNCTIVE RELIEF ALLEGATIONS**

93. Mr. Petrick hereby re-alleges and incorporates by reference each and every allegation set forth in the preceding paragraphs as though fully set forth herein.

94. Mr. Petrick alleges that, both facially and as applied, the Ordinance violates his constitutional rights.

95. If an injunction does not issue enjoining Defendant from enforcing the Ordinance, Mr. Petrick will be irreparably harmed.

96. Mr. Petrick has no plain, speedy, and adequate remedy at law to prevent the Defendant from enforcing the Ordinance.

97. If not enjoined by this Court, Defendant will continue to enforce the Ordinance in derogation of Mr. Petrick's rights.

98. Accordingly, injunctive relief is appropriate.

#### **DECLARATORY RELIEF ALLEGATIONS**

99. Mr. Petrick hereby re-alleges and incorporates by reference each and every allegation set forth in the preceding paragraphs as though fully set forth herein.

100. An actual and substantial controversy exists between Mr. Petrick and Defendant as to his legal rights and duties with respect to whether the Ordinance violates the United States Constitution facially and as applied.

101. This case is presently justiciable because the Ordinance applies to Mr. Petrick and has been applied against Mr. Petrick because the City has issued a permit that requires Mr. Petrick to mitigate the removal of the trees.

102. Declaratory relief is therefore appropriate to resolve this controversy.

#### **PRAYER & CONCLUSION**

As remedies for the constitutional violations set forth herein, Mr. Petrick respectfully requests the following relief:

A. Entry of judgment declaring the Ordinance unconstitutional, both facially and as applied to Mr. Petrick, in violation of the Fifth and Fourteenth Amendments to the United States Constitution;

B. An injunction preventing further enforcement of the Ordinance against Mr. Petrick for the removal of the aforementioned trees;

C. An award of attorneys' fees, costs, and expenses in this action pursuant to the Civil Rights Attorneys' Fees Award Act, 42 U.S.C. § 1988; and

D. Such further legal and equitable relief as the Court may deem just and proper.

Respectfully submitted,

/s/Laura Elizabeth King Latimer

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## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

MICHAEL PETRICK

(b) County of Residence of First Listed Plaintiff Travis  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Texas Public Policy Foundation, 901 Congress Ave.,  
Austin, TX 78701; (512) 472-2700

**DEFENDANTS**

CITY OF AUSTIN

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |                                         | PTF                        | DEF                        |                                                               | PTF                        | DEF                        |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation                                                | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

| CONTRACT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | TORTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | FORFEITURE/PENALTY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | BANKRUPTCY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | OTHER STATUTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><input type="checkbox"/> 362 Personal Injury - Medical Malpractice<br><b>PERSONAL INJURY</b><br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 690 Other<br><b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Management Relations<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 751 Family and Medical Leave Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Employee Retirement Income Security Act<br><b>IMMIGRATION</b><br><input type="checkbox"/> 462 Naturalization Application<br><input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>INTELLECTUAL PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 835 Patent - Abbreviated New Drug Application<br><input type="checkbox"/> 840 Trademark<br><input type="checkbox"/> 880 Defend Trade Secrets Act of 2016<br><b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395ff)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act<br><input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))<br><input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)<br><input type="checkbox"/> 485 Telephone Consumer Protection Act<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 896 Arbitration<br><input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| <b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property                                                                                                                                                                                                                                                                                                                                                      | <b>CIVIL RIGHTS</b><br><input checked="" type="checkbox"/> 440 Other Civil Rights<br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 448 Education<br><b>PRISONER PETITIONS</b><br><b>Habeas Corpus:</b><br><input type="checkbox"/> 463 Alien Detainee<br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><b>Other:</b><br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition<br><input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C. § 1983

Brief description of cause:  
Plaintiff challenges the constitutionality of a city ordinance

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE

7/27/2026

SIGNATURE OF ATTORNEY OF RECORD

/s/Laura Elizabeth King Latimer

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_