

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

SAADIQ LONG,

Plaintiff,

v.

CHIEF WADE GOURLEY, Chief,
Oklahoma City Police Department, in
his official capacity only;

OFFICER BRADLEY (first name
unknown), Oklahoma City Police
Department, in his individual capacity;

OFFICER DUSTIN FULTON,
Oklahoma City Police Department, in
his individual capacity;

OFFICER MULLINS (first name
unknown), Oklahoma City Police
Department, in his individual capacity;

and

UNKNOWN OFFICERS 1-14,
Oklahoma City Police Department, in
their individual capacities;

Defendants.

Case No. CIV-23-80-JD

Hon.:

Magistrate

COMPLAINT AND JURY DEMAND

Complaint

Plaintiff **SAADIQ LONG**, by and through his attorneys, CAIR Oklahoma and CAIR Legal Defense Fund (“CAIR”), brings this action against Defendants **CHIEF WADE GOURLEY**, Oklahoma City Police Department, **OFFICER BRADLEY**,

OFFICER DUSTIN FULTON, OFFICER MULLINS, and UNKNOWN OFFICERS 1-14 for violations of the Fourth Amendment to the United States Constitution pursuant to 28 U.S.C. § 1331, and states as follows:

Introduction

1. As Saadiq Long drives the roads of his city, the Oklahoma City Police Department has been watching, aiming its vast network of cameras and computers at him repeatedly.

2. But watching is not the only thing the Oklahoma City Police Department has been doing. Using a secret, racist list¹ of Muslims that the FBI illegally maintains, officers have repeatedly pulled Saadiq Long over, sometimes at gunpoint, unlawfully arresting him twice in the last two months.

3. The stops, arrests, and the searches have been justified on one basis only: Saadiq Long's name appearing on the FBI's secret, racist list. But our Constitution requires more than checking an FBI blacklist before Chief Wade Gourley and his officers may deprive Oklahomans like Saadiq Long of their constitutional rights.

Jurisdiction and Venue

4. This Court has federal question jurisdiction over Mr. Long's claims of violation of the Fourth Amendment to the United States Constitution pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1343, and 42 U.S.C. § 1983.

¹ Paulina Okunyte, *More than 1.5 m people on FBI's 'no-fly list' of suspects, hacker reveals*, cybernews (January 24, 2023), <https://cybernews.com/news/hacker-reveals-no-fly-list/>.

5. This Court has personal jurisdiction over Defendants because Defendants reside and conduct business in the State of Oklahoma.

6. Mr. Long's claims for declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201 and 2202, 28 U.S.C. § 1343, Federal Rules of Civil Procedure 57 and 65, and by the general, legal, and equitable powers of this Court.

7. Mr. Long's claims for damages are authorized by 28 U.S.C. § 1343.

8. Venue is proper under 28 U.S.C. § 1391 as to all Defendants because Defendants reside within the geographical boundaries of the State of Oklahoma, and the substantial part of the acts described herein occurred within this District.

Plaintiff

9. Plaintiff Saadiq Long is a resident of Oklahoma City, Oklahoma.

Defendant Sued in Official Capacity Only

10. Defendant Wade Gourley is the city official that leads the Oklahoma City Police Department ("the Department"), a municipal corporation, duly organized, and carrying on governmental functions in Oklahoma City. Defendant Gourley is responsible for establishing policies, practices, and customs for the Oklahoma City Police Department, including policies regarding the use of automatic license plate readers. Defendant Gourley's principal office is located at 700 Colcord Drive, Oklahoma City, Oklahoma 73102. Defendant Gourley is being sued in his official capacity only.

Defendants Sued in Individual Capacities Only

11. Officer Bradley, Officer Dustin Fulton, Officer Mullins, and Unknown Officers 1-14 are police officers at the Oklahoma City Police Department. They are being sued in their individual capacities.

Nature of This Action

12. This is an action for declaratory relief, injunctive relief, and damages arising under the Fourth Amendment to the United States Constitution and 42 U.S.C. § 1983. Mr. Long seeks costs and attorneys' fees under 42 U.S.C. § 1988.

13. Chief Gourley willfully violated Mr. Long's rights under the Fourth Amendment to the United States Constitution by establishing and maintaining an unlawful policy, custom, and practice of instructing officers to initiate and extend traffic stops and investigatory detentions based only on a driver's placement on the federal terrorist watchlist.

14. Officer Bradley willfully violated Mr. Long's rights under the Fourth Amendment by initiating a traffic stop based only on Mr. Long's placement on the federal terrorist watchlist. Officer Bradley also willfully violated Mr. Long's rights under the Fourth Amendment by arresting him based only on his placement on the federal terrorist watchlist.

15. Officer Fulton willfully violated Mr. Long's rights under the Fourth Amendment by initiating a traffic stop based only on Mr. Long's placement on the federal terrorist watchlist. Officer Fulton also willfully violated Mr. Long's rights

under the Fourth Amendment by arresting him based only on his placement on the federal terrorist watchlist.

16. Officer Mullins willfully violated Mr. Long's rights under the Fourth Amendment by initiating a traffic stop based only on Mr. Long's placement on the federal terrorist watchlist.

17. Unknown Officer 1 willfully violated Mr. Long's rights under the Fourth Amendment by unreasonably extending an investigatory stop based on his placement on the federal terrorist watchlist.

18. Unknown Officer 2 and Unknown Officers 4-14 willfully violated Mr. Long's rights under the Fourth Amendment by initiating a traffic stop based only on Mr. Long's placement on the federal terrorist watchlist.

19. Unknown Officer 3 willfully violated Mr. Long's rights under the Fourth Amendment by arresting him based only on his placement on the federal terrorist watchlist.

20. Unknown Officers 4-14 also willfully violated Mr. Long's rights under the Fourth Amendment by arresting him based only on his placement on the federal terrorist watchlist.

21. Unknown Officers 4-8 willfully violated Mr. Long's rights under the Fourth Amendment by conducting a search of his vehicle based only on Mr. Long's placement on the federal terrorist watchlist.

Factual Background

The Federal Government's Expansive TSDS Inclusion Standards Capture Broad Categories of Innocent Travelers

22. The FBI develops and maintains the federal government's consolidated Terrorism Screening Dataset ("TSDS" or "the FBI's list"). Various government entities responsible for "nominating" individuals for inclusion to the FBI's list submit those nominations to the Terrorism Screening Center, a department of the FBI, which makes the final decision on whether a nominated individual meets the minimum requirements for inclusion into the watchlist as a known or suspected terrorist.

23. The FBI accepts almost every single "nomination" to its list submitted by anyone. This is because the FBI uses a standard so low that, based on a string of speculative inferences, any person can be made to qualify.

24. The federal government publicly states that to be included in the TSDS, an individual must be reasonably suspected of being a known or suspected terrorist. More specifically, a government nominator "must rely upon articulable intelligence or information which, based on the totality of the circumstances and, taken together with rational inferences from those facts, creates a reasonable suspicion that the individual is engaged, has been engaged, or intends to engage, in conduct constituting preparation for, in aid or furtherance of, or related to, terrorism and/or terrorist activities."

25. That definition is illogical on its face. By its own description, the federal government places American citizens on the federal terrorist watchlist based upon a "reasonable suspicion" that they are "reasonably suspected" of nefarious activities.

That standard falls far below the typical “reasonable suspicion” and “probable cause” standards required for criminal investigation.

26. The “totality of the circumstances” analysis for TSDS inclusion may include assessment of an individual’s race, ethnicity, country of origin, religion, religious practices, languages spoken, family, associations, travel history, social media history, and other activities protected by the First Amendment, Fifth Amendment, Fourteenth Amendment, and other parts of the United States Constitution.

27. A review of the leaked copies of the TSDS reveal it to be comprised almost entirely of Muslims, reflecting the FBI’s practice of taking into account the religious beliefs and practices of the people on their list.

28. An individual may be added to the TSDS for the sole reason that they are the immediate relative of a listed person.

29. Individuals may be added to the TSDS for being a known associate—like a friend, colleague, or fellow community member—of a TSDS listed individual.

30. Even if someone is acquitted of terrorism charges or those charges are otherwise dismissed, they can be and routinely are added to the watchlist.

31. People can be and are routinely added to the watchlist even if they are not the subject of a federal investigation.

32. Individuals can be added to the federal terrorist watchlist without any information regarding whether or not an intended target exists, and without any information about whether an individual is engaged in or plans to engage in criminal acts.

33. Individuals can be added to the federal terrorist watchlist without ever having been charged or convicted of any crime.

34. Over 1.1 million new names have been added to the watchlist since fiscal year 2009. More than 98% of the names nominated to the TSDS are accepted. In 2013, TSC accepted 98.96% of all nominations made. A 2007 GAO report found that TSC rejects only approximately one percent of all nominations made to the watchlist.

**The Federal Government Has Removed Mr. Long
From the No Fly List But Left Him on the Federal Terror Watchlist**

35. In or before 2012, the federal government placed Mr. Long on the No Fly List, a subset of the TSDS that bars listees from boarding flights that fly into, out of, or through United States airspace.

36. Mr. Long sued the federal government, arguing that his unexplained placement on the No Fly List and broader federal terrorist watchlist violated his constitutional and statutory rights. *See* Complaint, *Long v. Lynch*, 1:15-cv-01642-LO-MSN (E.D. Va.). In response, the federal government removed Mr. Long from the No Fly List, thereby mooted his No Fly List-related claims. *See Long v. Pekoske*, 38 F.4th 417 (4th Cir. 2022).

37. While he is no longer on the No Fly List subset of the TSDS, Mr. Long remains on the federal terrorist watchlist.

38. Mr. Long is a law-abiding United States citizen. He has never been arrested, indicted, tried, or convicted of a violent offense. He has no idea why he was placed on the No Fly List and the terrorist watchlist and the federal government has never provided him with any explanation for its actions.

The Federal Government Disseminates the Terrorist Watchlist to State and Local Law Enforcement Agencies

39. The FBI disseminates its list to tens of thousands of public and private entities all over the world, including to the Oklahoma City Police Department.

40. The FBI shares Mr. Long's records from the TSDS to the National Crime Information Center (NCIC) Database.

41. The federal government instructs law enforcement officials that they should not extend encounters or initiate detentions or arrests as a result of an individual's TSDS placement.

42. When TSC disseminated Mr. Long's records from the TSDS to the NCIC Database, it did not include the underlying derogatory information on which the federal government relied it placed Mr. Long on the terror watchlist. As such, law enforcement agencies with access to the NCIC Database can see that Mr. Long is on the FBI's list, but none of the underlying derogatory information for that placement.

Automated License Plate Readers & FBI's Watchlist

43. Automated license plate readers ("ALPRs" or "cameras") are high-speed, computer-controlled camera systems. Some ALPRs are mounted in stationary locations, like on street poles, streetlights, or highway overpasses. Other ALPRs may be attached to police cars. ALPRs automatically capture all license plate numbers that come into view, along with the location, date, and time that the license plate passed in front of the ALPR. That data is then uploaded to a central server.²

² Electronic Frontier Foundation, Street-Level Surveillance, *Automated License Plate Readers (ALPRs)*, <https://www.eff.org/pages/automated-license-plate-readers-alpr>.

44. The Oklahoma City Police Department purchased 17 ALPRs in 2016.³ As a matter of official policy and practice, the Department continues to use ALPRs in their day-to-day law enforcement activities.

45. The Department's cameras track certain categories of license plate numbers, including license plate numbers associated with individuals, like Saadiq Long, on the TSDS.

46. Upon information and belief, as a matter of policy and practice, the Department considers an individual's inclusion in the federal terrorist watchlist to provide reasonable suspicion sufficient under the Fourth Amendment to justify the initiation or extension of an investigatory traffic stop.

47. Although federal government instructs otherwise, the Department directs its officers to initiate or extend investigatory traffic stops and detentions whenever a vehicle is flagged as being associated with an individual on the TSDS.

48. Upon information and belief, whenever Mr. Long drives past an ALPR, the system informs police officers that he is on the federal terrorist watchlist and that there is reasonable suspicion to subject him to a traffic stop.

49. As a result, Mr. Long has been subjected to a cascade of traffic stops. In only two months, he has been repeatedly pulled over and interrogated, handcuffed twice, and arrested at gunpoint. These encounters—occurring on the sides of busy

³ *Automated license plate readers an option for stopping uninsured drivers*, Oklahoma's News 4 (updated Apr. 18, 2016), <https://kfor.com/news/automated-license-plate-readers-an-option-for-stopping-uninsured-drivers/>.

roads and at the hands of armed police officers—are dangerous. They are also unlawful.

November 23, 2022 Traffic Stop

50. Upon information and belief, at approximately 6:15pm on November 23, 2022, Mr. Long drove past a camera on his way home from work. That camera informed police officers in the area that Mr. Long's license plate number is associated with an individual on the watchlist.

51. Mr. Long noticed cars following him. After approximately a mile, Unknown Officer 1 turned on her lights and pulled Mr. Long over on the side of the road.

52. Unknown Officer One informed Mr. Long that he had exceeded the speed limit by driving 46 miles per hour in a 40 mile per hour zone. She asked for his driver's license and insurance information and, after he handed them to her, asked Mr. Long to wait in his car.

53. Mr. Long waited for Unknown Officer 1 for approximately 45 minutes until she returned with his driver's license and insurance information. Upon information and belief, during this period, Unknown Officer 1 contacted the FBI about the traffic stop.

54. When she returned, Unknown Officer 1 asked Mr. Long for his telephone number and his place of employment. Mr. Long provided her with one or both of those pieces of information. She then issued him a speeding ticket and told him that he was free to go.

December 19, 2022 Traffic Stop

55. Upon information and belief, at approximately 5:20pm on December 19, 2022, Mr. Long drove past a camera on his way home from work. That camera informed police officers in the area that Mr. Long's license plate number is associated with an individual on the watchlist.

56. A police car followed Mr. Long for approximately two miles. After Mr. Long took a left turn, the officer pulled him over.

57. The officer informed Mr. Long that he had taken his left turn too wide, crossing into the right lane without signaling. Like Unknown Officer 1 during the November 23 traffic stop, this officer asked Mr. Long for his telephone number and employer. Mr. Long provided the officer with one of those pieces of information, though he cannot recall which one.

58. The officer let Mr. Long off with a warning, reminding him to drive safely.

December 30, 2022 Traffic Stop

59. Upon information and belief, at approximately 12:30am on December 30, 2022, Mr. Long drove past a camera on his way to work. That camera informed police officers in the area that Mr. Long's license plate number is associated with an individual on the watchlist.

60. Before turning onto a highway going southbound, Mr. Long stopped at a traffic light. There, he noticed two police officers—Officer Mullins and Unknown Officer 2—waiting to turn onto the northbound portion of the highway. But when Mr.

Long pulled up next to them at the light, the officers changed course and began to follow him.

61. When the light turned green and Mr. Long drove onto the onramp for the highway, Officer Mullins and Unknown Officer 2 pulled him over.

62. Officer Mullins approached Mr. Long's car and asked for Mr. Long's driver's license and registration. He told Mr. Long that he pulled him over because Mr. Long's car was listed under the name of a gang member.

63. Mr. Long waited in his car for approximately twenty minutes before Officer Mullins returned and approached his passenger side window. Officer Mullins asked Mr. Long to confirm his home address, which Mr. Long did, and then asked Mr. Long for his telephone number. Mr. Long declined to provide his phone number.

64. Mr. Long mentioned to Officer Mullins that he had been pulled over several times in only a few weeks. In response, Officer Mullins informed Mr. Long of the real reason behind the stop: that "the vehicle has been listed in the NCIC" and "it's giving us a hit on the car itself," so whenever Mr. Long's license plate is run "it automatically alerts us that this vehicle is under suspicion for a terrorist watchlist." That alert, Officer Mullins said, "is the reason for this stop tonight."

65. Officer Mullins, like his colleagues before him, asked for Mr. Long's phone number. Mr. Long declined, informing Officer Mullins that he had previously provided his telephone number during a recent traffic stop. Officer Mullins then returned Mr. Long's documents and told him that he was free to go.

January 4, 2023 Traffic Stop and Arrest

66. Upon information and belief, at approximately 12:30am on January 4, 2023, Mr. Long drove past a camera on his way to work. That camera informed police officers in the area that Mr. Long's license plate number is associated with an individual on the watchlist.

67. Mr. Long noticed a police car following him as he stopped at a stop light and, once the light turned green, entered the highway. After a few minutes, Officer Bradley pulled him over. A second police car, with Unknown Officer 3, arrived soon thereafter.

68. Officer Bradley approached Mr. Long's driver's side window and asked for his driver's license and insurance. He informed Mr. Long that the reason for the traffic stop was that, at a stoplight, Mr. Long stopped "past that stop bar, which is considered blocking an intersection."

69. Upon information and belief, that is untrue. Mr. Long stopped before the stop bar. In any event, because Officer Bradley's police car was behind Mr. Long's car at the stoplight in question, it would have been impossible for Officer Bradley to see whether Mr. Long stopped past the stop bar.

70. Upon information and belief, like his colleague Officer Mullins, Officer Bradley pulled Mr. Long over because he received an alert about Mr. Long's vehicle being associated with an individual on the watchlist.

71. Mr. Long retrieved his driver's license and insurance information and handed them to Officer Bradley. Officer Bradley, like his colleagues before him, asked

Mr. Long for his telephone number. Mr. Long told Officer Bradley that, because he had already given that information to an officer during a previous traffic stop, he declined to provide it again. He also mentioned that he had experienced several traffic stops in the last month.

72. Officer Bradley replied “really?” and asked Mr. Long to step out of his vehicle so he could “fully identify who you are.” Mr. Long got out of the car.

73. Officer Bradley and Unknown Officer 3 handcuffed and searched Mr. Long on the side of the road. They then took him to the back of Officer Bradley’s patrol car, where he sat, still handcuffed, for approximately 20 minutes.

74. Upon information and belief, during this period, Officer Bradley contacted the FBI about the traffic stop.

75. After approximately 20 minutes, Officer Bradley released Mr. Long from the handcuffs and allowed him to return to his car. Mr. Long then waited in his car for approximately 15 more minutes before Officer Bradley finally returned his license and registration, issued him a ticket for blocking an intersection, and allowed him to leave.

January 12, 2023 Traffic Stop, Arrest, and Search

76. Upon information and belief, at approximately 1:00pm on January 12, 2023, Mr. Long drove past an ALPR on his way to his mother’s house. That ALPR informed police officers in the area that Mr. Long’s license plate number is associated with an individual on the watchlist.

77. At least eight police cars converged to follow Mr. Long. After following him on the highway for approximately ten miles, Officer Fulton and Unknown Officers 4-14 pulled Mr. Long over on the side of the highway.

78. As Mr. Long pulled onto the highway shoulder, Officer Fulton used a bullhorn to project his instructions to Mr. Long: “Driver, open your window, put your hands up.” Officer Fulton and Unknown Officers 4-14 stood approximately thirty yards behind Mr. Long’s car with their guns drawn and aimed at him.

79. Mr. Long then spent several terrifying minutes navigating—at gunpoint—contradictory commands shouted at him by different officers. When an officer told him to step out of his car, Mr. Long reached to release his seatbelt, while calmly informing officers that he was reaching for his seatbelt. In response, an officer screamed “keep your hands where we can see them!”

80. After releasing his seatbelt, Mr. Long stepped out of the car with his hands raised and, in accordance with one officer’s instructions, began to walk backwards. Another officer intervened to tell him to walk in a different direction. Mr. Long, frightened for his life amidst the confusion, stopped moving altogether until Officer Fulton directed Mr. Long to walk backwards.

81. When Mr. Long approached the police officers, still walking backwards with his hands in the air, Officer Fulton instructed him to kneel down and place his hands behind his back. Officer Fulton handcuffed Mr. Long and placed him in the back of a patrol car.

82. Officer Fulton informed Mr. Long that he had been pulled over because he was driving a car that had been reported stolen. Mr. Long informed Officer Fulton that such a report was impossible—he was driving his own car, which he certainly had not reported stolen.

83. Upon information and belief, Officer Fulton's explanation is untrue. There was no report that Mr. Long's car had been stolen. Rather, Officer Fulton and Unknown Officers 4-14 pulled Mr. Long over and arrested him because his vehicle was associated with an individual in the TSDS.

84. While Mr. Long was in the patrol car, Unknown Officers 4-8 approach Mr. Long's car with their guns drawn and look inside the open driver's side door. They then open the car's passenger door and back doors, look inside the car, close the doors, and walk away.

85. After a few minutes, Officer Fulton released Mr. Long from the handcuffs and let him out of the patrol car. The two men stood on the side of the road discussing what had just unfolded. Officer Fulton then told Mr. Long that he was free to go.

Mr. Long Plans to Continue Driving in the Oklahoma City Area

86. Mr. Long plans to continue driving to work, to visit family and friends, and otherwise to conduct his daily life.

Count I

**VIOLATION OF THE FOURTH AMENDMENT
TO THE UNITED STATES CONSTITUTION
(Jurisdiction under 42 U.S.C. § 1983)
(Against Defendant Gourley in his official capacity only)**

87. Plaintiff repeats and re-alleges the foregoing paragraphs, as though fully set forth herein.

88. 42 U.S.C. § 1983 provides a cause of action against every person who, under color of law, deprives a person of their rights secured by the Constitution or federal law.

89. Under the Fourth Amendment, Mr. Long has the right to be free of unreasonable searches and seizures. It is unreasonable to subject someone to an investigatory traffic stop without a particularized and objective basis for suspecting that person of being engaged in ongoing criminal activity.

90. The TSDS includes more than one million names, almost all of them Muslim names, and is based on broad profiles that cast suspicion on entire categories of people without any reasonable suspicion of the particular person to be stopped.

91. Individuals may be added to the TSDS for a stunning array of reasons that fall far short of establishing reasonable suspicion of criminal activity. For example, individuals may be added to the TSDS for being an immediate relative, a friend, a colleague, or a fellow community member of a TSDS listed individual. Individuals can be added to the TSDS without any information regarding whether or not an intended target exists, without any information about whether an individual is engaged

in or plans to engage in criminal activity, and without ever having been charged or convicted of a crime.

92. Watchlist status does not create reasonable suspicion of ongoing criminal activity because placement on the watchlist does not require reasonable suspicion of any crime.

93. Upon information and belief, when the federal government submits TSDS information to the NCIC Database, it does not include the underlying derogatory information giving rise to an individual's placement on the TSDS.

94. The Department has an official policy, practice, and custom that an individual's placement in the TSDS is sufficient to establish reasonable suspicion for an investigatory traffic stop. Under that policy, practice, and custom, officers are permitted to pull a driver over whenever they are informed—by an ALPR or otherwise—that the driver is on the FBI's list.

95. The Department maintains that policy, practice, and custom with deliberate indifference to the Fourth Amendment violations that inevitably result from it. The Department knows that Mr. Long is a resident of Oklahoma City. The Department knows that Mr. Long is listed on the federal terrorist watchlist. And the Department knows that ALPRs analyze every license plate that pass them. The Department, therefore, is aware that any time Mr. Long drives past an ALPR, the system will alert police officers that he is listed on the federal terrorist watchlist and provide authorization to the officers to initiate an investigatory stop.

96. Despite the federal government instructing that TSDS placement, without more, is an inadequate legal basis for law enforcement action, the Department maintains a policy, practice, and custom that inevitably results in Mr. Long being pulled over and detained solely on the basis of his watchlist status, extends those encounters on the basis of his watchlist status, and has arrested Mr. Long twice as the result of his watchlist status.

97. The Department's policy, practice, and custom deprived Mr. Long of his right to be free from unreasonable searches and seizures. As a direct and proximate result of the Department's violation of 42 U.S.C. § 1983, Mr. Long has sustained damages, and has suffered and continues to suffer mental anguish, physical and emotional distress, humiliation, and embarrassment.

98. Mr. Long respectfully requests this Court to enter a judgment in his favor, and against the Department, for damages in whatever amount Mr. Long is found to be entitled; preliminary injunctive relief followed by a permanent injunction; declaratory judgment; costs and attorneys' fees wrongfully incurred to bring this action; and any other damages, including punitive damages, as provided by applicable law.

Count II
**VIOLATION OF THE FOURTH AMENDMENT
TO THE UNITED STATES CONSTITUTION
(Jurisdiction under 42 U.S.C. § 1983)
(Arising out of the November 23, 2022 encounter)
(Against Unknown Officer 1 in her individual capacity)**

99. Plaintiff repeats and re-alleges the foregoing paragraphs, as though fully set forth herein.

100. 42 U.S.C. § 1983 provides a cause of action against every person who, under color of law, deprives a person of their rights secured by the Constitution or federal law.

101. Under the Fourth Amendment, Mr. Long has the right to be free of unreasonable searches and seizures. It is unreasonable to extend an initially-reasonable investigatory stop beyond the time necessary to effectuate the purpose of the stop.

102. The TSDS includes more than one million names, almost all of them Muslim names, and is based on broad profiles that cast suspicion on entire categories of people without any reasonable suspicion of the particular person to be stopped.

103. Individuals may be added to the TSDS for a stunning array of reasons that fall far short of establishing reasonable suspicion of criminal activity. For example, individuals may be added to the TSDS for being an immediate relative, a friend, a colleague, or a fellow community member of a TSDS listed individual. Individuals can be added to the TSDS without any information regarding whether or not an intended target exists, without any information about whether an individual is engaged in or plans to engage in criminal activity, and without ever having been charged or convicted of a crime.

104. Watchlist status does not create reasonable suspicion of ongoing criminal activity because placement on the watchlist does not require reasonable suspicion of any crime.

105. Upon information and belief, when the federal government submits TSDS information to the NCIC Database, it does not include the underlying derogatory information giving rise to an individual's placement on the TSDS.

106. Upon information and belief, solely on the basis of Mr. Long's placement on the federal terrorist watchlist and without objectively reasonable and articulable suspicion that Mr. Long was engaged in ongoing illegal activity, Unknown Officer 1 extended the traffic stop and forced Mr. Long to wait in his vehicle for approximately 30-45 minutes. That delay was much longer than necessary to issue Mr. Long a speeding ticket for driving 46 miles per hour in a 40 mile per hour zone. And the delay served no investigative purpose and served no safety concern, as Mr. Long was stopped on the side of the road—no longer exceeding the speed limit.

107. Unknown Officer 1 deprived Mr. Long of his right to be free from unreasonable searches and seizures. As a direct and proximate result of her violation of 42 U.S.C. § 1983, Mr. Long has sustained damages, and has suffered and continues to suffer mental anguish, physical and emotional distress, humiliation, and embarrassment.

108. Mr. Long respectfully requests this Court to enter a judgment in his favor, and against Unknown Officer 1, for damages in whatever amount Mr. Long is found

to be entitled; costs and attorneys' fees wrongfully incurred to bring this action; and any other damages, including punitive damages, as provided by applicable law.

Count III

**VIOLATION OF THE FOURTH AMENDMENT
TO THE UNITED STATES CONSTITUTION
(Jurisdiction under 42 U.S.C. § 1983)
(Arising out of the December 30, 2022 encounter)
(Against Officer Mullins and Unknown Officer 2 in their individual capacities)**

109. Plaintiff repeats and re-alleges the foregoing paragraphs, as though fully set forth herein.

110. 42 U.S.C. § 1983 provides a cause of action against every person who, under color of law, deprives a person of their rights secured by the Constitution or federal law.

111. Under the Fourth Amendment, Mr. Long has the right to be free of unreasonable searches and seizures. It is unreasonable to subject an individual to an investigatory stop or an investigatory detention without a particularized and objective basis for suspecting that person of being engaged in ongoing criminal activity.

112. The TSDS includes more than one million names, almost all of them Muslim names, and is based on broad profiles that cast suspicion on entire categories of people without any reasonable suspicion of the particular person to be stopped.

113. Individuals may be added to the TSDS for a stunning array of reasons that fall far short of establishing reasonable suspicion of criminal activity. For example, individuals may be added to the TSDS for being an immediate relative, a friend, a colleague, or a fellow community member of a TSDS listed individual. Individuals

can be added to the TSDS without any information regarding whether or not an intended target exists, without any information about whether an individual is engaged in or plans to engage in criminal activity, and without ever having been charged or convicted of a crime.

114. Watchlist status does not create reasonable suspicion of ongoing criminal activity because placement on the watchlist does not requires reasonable suspicion of terrorism-related of any crime.

115. Upon information and belief, when the federal government submits TSDS information to the NCIC Database, it does not include the underlying derogatory information giving rise to an individual's placement on the TSDS.

116. As Officer Mullins himself admitted, solely on the basis of Mr. Long's placement on the federal terrorist watchlist and without objectively reasonable and articulable suspicion that Mr. Long was engaged in ongoing illegal activity, Officer Mullins and Unknown Officer 2 initiated a traffic stop.

117. Officer Mullins' and Unknown Officer 2's decision to stop Mr. Long violated the successive stop doctrine. Mr. Long had been pulled over by Department officers twice in the preceding month: once for speeding by Unknown Officer 1 on November 23, and once for taking a turn too wide on December 19. During both previous stops, officers questioned Mr. Long about his telephone number and place of work—questions that Officer Mullins repeated, despite Mr. Long having given that information to Officer Mullins' colleagues mere weeks before. There was simply no

further information for Officer Mullins and Unknown Officer 2 to glean from the investigatory stop, rendering it unreasonable.

118. Officer Mullins and Unknown Officer 2 deprived Mr. Long of his right to be free from unreasonable searches and seizures. As a direct and proximate result of their violations of 42 U.S.C. § 1983, Mr. Long has sustained damages, and has suffered and continues to suffer mental anguish, physical and emotional distress, humiliation, and embarrassment.

119. Mr. Long respectfully requests this Court to enter a judgment in his favor, and against Officer Mullins and Unknown Officer 2, for damages in whatever amount Mr. Long is found to be entitled; costs and attorneys' fees wrongfully incurred to bring this action; and any other damages, including punitive damages, as provided by applicable law.

Count IV

**VIOLATION OF THE FOURTH AMENDMENT
TO THE UNITED STATES CONSTITUTION
(Jurisdiction under 42 U.S.C. § 1983)
(Arising out of the January 4, 2023 encounter)
(Against Officer Bradley and Unknown Officer 3 in their individual capacities)**

120. Plaintiff repeats and re-alleges the foregoing paragraphs, as though fully set forth herein.

121. 42 U.S.C. § 1983 provides a cause of action against every person who, under color of law, deprives a person of their rights secured by the Constitution or federal law.

122. Under the Fourth Amendment, Mr. Long has the right to be free of unreasonable searches and seizures. It is unreasonable to subject an individual to an investigatory stop or an investigatory detention without a particularized and objective basis for suspecting that particular person of ongoing criminal activity. It is unreasonable to extend an investigatory stop beyond the time necessary to effectuate the purpose of the stop. It is also unreasonable to arrest an individual without probable cause to believe that the individual committed a crime.

123. The TSDS includes more than one million names, almost all of them Muslim names, and is based on broad profiles that cast suspicion on entire categories of people without any reasonable suspicion of the particular person to be stopped.

124. Individuals may be added to the TSDS for a stunning array of reasons that fall far short of establishing reasonable suspicion of ongoing criminal activity. For example, individuals may be added to the TSDS for being an immediate relative, a friend, a colleague, or a fellow community member of a TSDS listed individual. Individuals can be added to the TSDS without any information regarding whether or not an intended target exists, without any information about whether an individual is engaged in or plans to engage in criminal activity, and without ever having been charged or convicted of a crime.

125. Watchlist status does not create reasonable suspicion of ongoing criminal activity because placement on the watchlist does not requires reasonable suspicion of any crime.

126. Upon information and belief, when the federal government submits TSDS information to the NCIC Database, it does not include the underlying derogatory information giving rise to an individual's placement on the TSDS.

127. On information and belief, solely on the basis of Mr. Long's placement on the federal terrorist watchlist and without objectively reasonable and articulable suspicion that Mr. Long was engaged in ongoing illegal activity, Officer Bradley initiated a traffic stop.

128. In an attempt to manufacture reasonable suspicion for the traffic stop, Officer Bradley claimed that Mr. Long failed to stop before the "stop bar" at a stoplight. Upon information and belief, that is a lie. Mr. Long stopped before the stop bar. And, in any event, because his patrol car was behind Mr. Long at the stoplight, it would have been impossible for Officer Bradley to see whether Mr. Long's vehicle had crossed the stop bar.

129. Even if the stop was initially reasonable because Mr. Long had stopped past the stop bar, solely on the basis of Mr. Long's placement on the federal terrorist watchlist, Officer Bradley extended the traffic stop and forced Mr. Long to wait handcuffed in the back of Officer Bradley's patrol car for approximately 20 minutes, and then for 15 more minutes in Mr. Long's own vehicle. That delay was much longer than necessary to issue Mr. Long a ticket for blocking an intersection. And the delay served no investigative purpose and served no safety concern, as Mr. Long was stopped on the side of the road—no longer violating any traffic laws.

130. Officer Bradley's decision to stop Mr. Long violated the successive stop doctrine. At the time Officer Bradley stopped him, Mr. Long had been pulled over by Department officers thrice in the preceding six weeks. There was simply no further information for Officer Bradley to glean from the investigatory stop, rendering it unreasonable.

131. On information and belief, solely on the basis of Mr. Long's placement on the federal terrorist watchlist and without probable cause or objectively reasonable and articulable suspicion that Mr. Long was engaged in ongoing illegal activity, Officer Bradley and Unknown Officer 3 arrested Mr. Long.

132. Officer Bradley and Unknown Officer 3 deprived Mr. Long of his right to be free from unreasonable searches and seizures. As a direct and proximate result of their violation of 42 U.S.C. § 1983, Mr. Long has sustained damages, and has suffered and continues to suffer mental anguish, physical and emotional distress, humiliation, and embarrassment.

133. Mr. Long respectfully requests this Court to enter a judgment in his favor, and against Officer Bradley and Unknown Officer 3, for damages in whatever amount Mr. Long is found to be entitled; costs and attorneys' fees wrongfully incurred to bring this action; and any other damages, including punitive damages, as provided by applicable law.

Count V

**VIOLATION OF THE FOURTH AMENDMENT
TO THE UNITED STATES CONSTITUTION
(Jurisdiction under 42 U.S.C. § 1983)
(Arising out of the January 12, 2023 encounter)
(Against Officer Fulton and
Unknown Officers 4-14 in their individual capacities)**

134. Plaintiff repeats and re-alleges the foregoing paragraphs, as though fully set forth herein.

135. 42 U.S.C. § 1983 provides a cause of action against every person who, under color of law, deprives a person of their rights secured by the Constitution or federal law.

136. Under the Fourth Amendment, Mr. Long has the right to be free of unreasonable searches and seizures. It is unreasonable to subject an individual to an investigatory stop or an investigatory detention without a particularized and objective basis for suspecting that particular person of ongoing criminal activity. It is also unreasonable to arrest an individual without probable cause to believe that the individual committed a crime. And it is unreasonable for officers to conduct a search of a vehicle without probable cause to believe that the vehicle contains contraband or other evidence of criminality.

137. The TSDS includes more than one million names, almost all of them Muslim names, and is based on broad profiles that cast suspicion on entire categories of people without any reasonable suspicion of the particular person to be stopped.

138. Individuals may be added to the TSDS for a stunning array of reasons that fall far short of establishing reasonable suspicion of criminal activity. For example,

individuals may be added to the TSDS for being an immediate relative, a friend, a colleague, or a fellow community member of a TSDS listed individual. Individuals can be added to the TSDS without any information regarding whether or not an intended target exists, without any information about whether an individual is engaged in or plans to engage in criminal activity, and without ever having been charged or convicted of a crime.

139. Watchlist status does not create reasonable suspicion of ongoing criminal activity because placement on the watchlist does not requires reasonable suspicion of any crime.

140. Watchlist status does not create probable cause to believe that an individual has committed a crime because placement on the watchlist requires neither probable cause of terrorism-related activity nor probable cause of any crime.

141. Upon information and belief, when the federal government submits TSDS information to the NCIC Database, it does not include the underlying derogatory information giving rise to an individual's placement on the TSDS.

142. On information and belief, solely on the basis of Mr. Long's placement on the federal terrorist watchlist and without objectively reasonable and articulable suspicion that Mr. Long was engaged in ongoing illegal activity, Officer Fulton and Unknown Officers 4-14 initiated a traffic stop.

143. In an attempt to manufacture reasonable suspicion for the traffic stop, Officer Fulton claimed that Mr. Long's vehicle had been reported stolen. Upon

information and belief, that is a lie. Mr. Long did not report his own car stolen. Nor did anyone else report his car stolen.

144. Even if watchlist status may create reasonable suspicion for an investigatory stop under some circumstances, at the time Officer Fulton and Unknown Officers 4-14 stopped him, Mr. Long had been pulled over by Department officers four times in the preceding two months. There was simply no further information for to glean from the investigatory stop, rendering it unreasonable.

145. On information and belief, solely on the basis of Mr. Long's placement on the federal terrorist watchlist and without probable cause or objectively reasonable and articulable suspicion that Mr. Long was engaged in ongoing illegal activity, Officer Fulton and Unknown Officers 4-14 arrested Mr. Long.

146. On information and belief, solely on the basis of Mr. Long's placement on the federal terrorist watchlist and without probable cause that the vehicle contained contraband or other evidence of criminality, Unknown Officers 4-8 searched Mr. Long's vehicle.

147. Officer Fulton and Unknown Officers 4-14 deprived Mr. Long of his right to be free from unreasonable searches and seizures. As a direct and proximate result of her violation of 42 U.S.C. § 1983, Mr. Long has sustained damages, and has suffered and continues to suffer mental anguish, physical and emotional distress, humiliation, and embarrassment.

148. Mr. Long respectfully requests this Court to enter a judgment in his favor, and against Officer Fulton and Unknown Officers 4-14, for damages in whatever

amount Mr. Long is found to be entitled; costs and attorneys' fees wrongfully incurred to bring this action; and any other damages, including punitive damages, as provided by applicable law.

Prayer for Relief

149. WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff and against Defendants, on each and every count in this Complaint, and enter an Order awarding the following relief:

- a. An injunction ordering the Oklahoma City Police Department to prohibit Defendants from initiating traffic stops, making arrests, or conducting searches that require reasonable suspicion or more on the basis of an individual's inclusion in the federal terrorist watchlist;
- b. Judgment in Plaintiff's favor on all causes of action alleged herein pursuant to 42 U.S.C. § 1983 and the Fourth Amendment to the United States Constitution;
- c. An award of compensatory and punitive damages under 42 U.S.C. § 1983;
- d. An award of attorneys' fees, costs, and expenses predicated upon 42 U.S.C. § 1988, which authorizes the award of attorneys' fees and costs to prevailing parties, pursuant to 42 U.S.C. § 1983; and
- e. Any further relief to which Plaintiff is entitled or that this Court deems just and proper.

Jury Demand

NOW COMES Plaintiff, by and through his undersigned counsel, and hereby demands a trial by jury of the above-referenced causes of action.

Dated: January 25, 2023

Respectfully submitted,

s/ Veronica Laizure
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**Admission to the bar of this Court forthcoming.*

+Mr. Abbas is licensed in Virginia, not D.C. Practice limited to federal matters.